

To: The Cabinet Secretary for Interior and Coordination of National Government

To: The Cabinet Secretary for Health

To: All Respected Imams, Muslim opinion leaders and the Muslim Community

RE: REQUEST TO REOPEN MOSQUES

As the Novel Coronavirus Pandemic continues to ravage the country and the world at large, the Government issued a directive of shutting down all Mosques in the country hence all Congregational and Friday prayers have been suspended for approximately two months up until now. This directive which was issued in March 2020 when the first early cases of Covid-19 were reported in the country is still in effect along with the dusk to dawn curfew which has now been further extended until 6th June 2020.

As we acknowledge the effect of the Novel Coronavirus Pandemic in the country and the world at large, we maintain the need to observe all measures to prevent the infection of this deadly disease as this is part of the noble teachings of Islam as revealed to and practiced by our noble Messenger (saw) more than 14 centuries ago.

We are also certain this pandemic is a serious challenge and test from the Almighty Creator to test His servants which requires us to turn sincerely to Him in repentance and obedience to His Revelation. In light of this the closing of mosques is an audacity against the Deen of Allah and His servants whose hearts are burning in pain for being prevented their Friday and regular congregational prayers. This severe pain has been magnified manifold during this auspicious Month of Ramadhan. Sadly, even before the state directive, a section of Muslim leaders decided to close mosques instead of taking the necessary precautionary measures to keep them safe while ensuring the continuation of congregational prayers! More painful, they went out of their way to twist the Islamic evidences to justify their dangerous move!

We wish to raise our concerns regarding the closure of Mosques by stating the following:

First: The suspension of the Jumua Prayers and Congregational prayers is decisively contradictory to the noble teaching of our Deen. In the wake of spread of pandemic disease, the noble Shari'ah of Islam has taught us that what is required is not to stop congregational prayers generally but rather that the infected persons should be isolated and barred from entering the mosque. Measures such as sterilization, wearing of masks, mass testing and washing hands should be also taken to prevent the infection and spread of the disease. The evidence of this is what is narrated in Al Mustadrak on the authority of Tariq Bin Shihab on the authority of Abi Musa from the Prophet (may the peace of blessings of Allah be upon him) who said:

«الْجُمُعَةُ حَقٌّ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ فِي جَمَاعَةٍ إِلَّا أَرْبَعَةً: عَبْدٌ مَمْلُوكٌ، أَوْ امْرَأَةٌ، أَوْ صَبِيٌّ، أَوْ مَرِيضٌ»

“The Friday prayer in congregation is a necessary duty for every Muslim with four exceptions: A slave, a woman, a boy and a sick person.”

With regard to congregational prayer, the Shari'ah has decisively stated that it is an obligation of sufficiency (Fardh ul-Kifayah) which means it must be performed continuously by at least some persons to avoid sin falling upon the entire community.

Abu Dawud narrated from Abu Darda (may Allah be pleased with him) who narrated that the Prophet (may the peace of blessings of Allah be upon him) said:

«مَا مِنْ ثَلَاثَةٍ فِي قَرْيَةٍ وَلَا بَدْوٍ لَا تُقَامُ فِيهِمُ الصَّلَاةُ إِلَّا قَدْ اسْتَحْوَذَ عَلَيْهِمُ الشَّيْطَانُ، عَلَيْكَ بِالْجَمَاعَةِ فَإِنَّمَا يَأْخُذُ الذَّنْبُ مِنَ النِّعَمِ الْقَاصِيَةَ»

“If there are three men in a village or in the desert among whom prayer is not offered in congregation, the devil has got the mastery over them. So observe (Prayer) in congregation for the wolf eats only the straggling animal.”

From the above perspective, we reiterate that the closure of the Mosques was not an appropriate step as it plunged the entire community in peril of grave sin for failure to continually observe the daily congregational and weekly Friday prayers. We therefore urge the government to open the Mosques immediately. It is really disturbing for sincere Muslims to note that recently the State has allowed restaurants to operate in the name of taking steps to resume economic life while at the same time it continues to shut down the houses of worship where the name of the Almighty Creator is uttered with devotion!

Second: The Government should put up measures such as sterilization, wearing of masks, mass testing and washing hands to prevent the infection of the disease for the worshippers. Any worshipper detected to have developed the symptoms of the Covid-19 should be barred from entering the mosque while others continue with their prayers. It is the fundamental duty of the government to assist in providing such facilities for its citizens where they are unable to provide themselves especially keeping in mind the massive influx of grants, funds and support both local and external received by the government which is public knowledge. However we are confident that mosques can as there are many sincere believers yearning to return to the mosques and ready to help provide the necessary facilities.

Third: The auspicious month of Ramadhan is nearing its completion and it will be a grave disaster if the Muslim community will be unable to perform any congregational prayer in this entire month, not to mention the prayer of Eid ul-Fitr after the end of Ramadhan which we yearn to pray in congregation as obliged by Islam. We therefore urge that this matter be given urgent attention and consideration. Surely the Muslim community has been patient but it is time to return to the mosques with due precautions.

Fourth: We remind the Imams, Muslim opinion leaders and Muslims in general that it is their duty to advocate and call for the reopening of the mosques. We also advise them that their silence on the current painful situation is an affront to the Deen and its people and disdain against them for which they will surely be held to account on the Day of Judgement. Please stand up and speak the truth so that you raise your status before Almighty Allah who commands the speaking of the truth without fear or favour and seek the rank of the noble companions (may Allah be pleased with them) who spoke the truth in the most difficult of circumstances and attained the highest ranks after the Prophets and Messengers sent to Humankind.

O Allah, bear witness that we have delivered your Message!

24 Ramadhan 1441 AH

17/05/2020 CE

Hizb ut Tahrir

Kenya