



Fatwa No. 11086

Q: Our Masjid (mosque) in Bayang, in the province of Lanao del Sur, was rebuilt after a destructive earthquake that hit the region in 1955. Its foundations and walls were destroyed, so the officials decided to rebuild and agreed to flatten the eastern part of the Masjid, which was used previously as a graveyard. When they were bulldozing this area, they found human remains so they reburied them. Some were reburied in the western section of the Masjid inside its courtyard. Is it permissible to establish Jumu`ah (Friday) Prayer and congregational Salah in this Masjid? If not, is it permissible to

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build a wall in the western section of the Masjid to separate it from the graves as in the case of Al-Masjid Al-Nabawy (the Prophet's Mosque) in Madinah, Saudi Arabia? Is it permissible to build a second floor to perform the obligatory prayers and leave the first floor for other purposes? Is it permissible to continue performing the daily obligatory prayers in this Masjid until we find another place suitable for building a new one?

A: If the Masjid was not built on graves, the graves which were built in the western section should be dug up and the remains should be transferred to the graveyards. If they were Muslim remains, they should be buried in Muslim graves otherwise they should be buried in the graveyards of the disbelievers. The remains of each should be put in one grave and be leveled like the rest of the graves. If it is impossible to transfer them from the west section, then there is no harm in separating them with a wall from the rest of the Masjid. If the Masjid was built originally on graves, you are obliged to search for another place to build a new one and keep the land of this Masjid as a graveyard. Al-Masjid Al-Nabawy was not built on graves. The graves of

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the Prophet (peace be upon him) and his two Companions (Abu Bakr and `Umar) were outside the Masjid. These graves were in the house of `Aisha (may Allah be pleased with her). When Al-Walid ibn `Abdul-Malik expanded the Masjid, he attached the house and separated it from the Masjid by a wall that surrounds it from all sides.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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