

IN THE CONSTITUTIONAL COURT

Case No CCT 40/03

In the matter between

JULEIGA DANIELS

Applicant

and

ROBIN GRIEVE CAMPBELL N.O.

First Respondent

MELISSA FOURIE N.O.

Second Respondent

SORAYA DANIELS

Third Respondent

ADELAH JAKOET

Fourth Respondent

SHAHIEDA MANUEL

Fifth Respondent

MOGAMAT SHARIEF MANUEL

Sixth Respondent

SARAH DANIELS

Seventh Respondent

MINISTER OF JUSTICE

Eighth Respondent

REGISTRAR OF DEEDS

Ninth Respondent

MASTER OF THE HIGH COURT

Tenth Respondent

A F F I D A V I T

I, the undersigned,

JASSIEM HARRIS,

Do hereby make oath and state:

1. I am an adult male currently employed as the Director of the Department of Halaal Foods in the Muslim Judicial Council, Western Cape. I am presently resident at 10 Minor Street, Vanguard Estate, Athlone, Cape Town.
2. The facts contained herein are within my personal knowledge and belief unless the contrary appears from the text, and are true and correct.
3. I have been a member of the Muslim Judicial Council (“MJC”) for 40 years. The MJC is a body of religious Islamic theologians and jurists which was formed in 1945 and represents approximately seventy percent of the Muslim community in South Africa.
4. I was the Secretary-General of the MJC from 1982 to 1990.
5. At present I am the Director of the Department of Halaal Foods in the MJC, Western Cape.
6. I have also been the resident Imam of the Sulaimaniyah Mosque in Woodstock for the last 40 years.
7. It is the practice in the South African muslim community for Imam’s to solemnise muslim marriages.

8. I respectfully submit that by virtue of my involvement in the Muslim Community of the Western Cape, I am well placed to comment on the prevalence in the Western Cape over the past 40 years of Imam's registered as Marriage Officers under the Marriage Act 25 of 1961.

9. To the best of my knowledge:

9.1 There have at no time in the last 40 years been any Imams based in the Western Cape who have been registered as marriage officers under the Marriage Act.

9.2 In particular when the applicant in the present case married Amien Daniels in 1977 there were no Imam's based in the Western Cape who are marriage officers under the Marriages Act.

9.3 Nationally, I am aware of only one Imam who has been registered as a marriage officer under the Marriage Act. This is Imam Isgak Jarodien who is based in Kimberley and has been registered as a marriage officer for approximately 40 years.

JASSIEM HARRIS

I certify that:

1. The Deponent acknowledges to me that:

1.1 he knows and understands the contents of this declaration;

1.2 he has no objection to taking the prescribed oath;

- 1.3 he considers the prescribed oath to be binding on his conscience.
2. The Deponent thereafter uttered the words: "I swear that the contents of this declaration are true, so help me God".
3. The Deponent signed this declaration in my presence at **CAPE TOWN** on this the day of NOVEMBER 2003.

COMMISSIONER OF OATHS