



**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 it, and agreed to level the part of the earth lying to the eastern side of the Masjid, which was used previously as a graveyard. When they were bulldozing this area, they found human bones and remains, so they reburied them. Some were reburied in the western section of the Masjid inside its courtyard. Is it permissible to establish congregational prayers and Jumu'ah (Friday) Congregational Prayer in this Masjid?**

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**If not, is it possible to solve this issue by building a partition or a separating wall inside the western section of this Masjid where the remains are buried (to separate this section from the rest of the Masjid), as is the case in Al-Masjid Al-Nabawy (the Prophet's Mosque in Madinah) in Al-Madinah Al-Munawwarah, Saudi Arabia? If the answer to this is no, can this issue be solved by building a second floor to perform the obligatory prayers there and leave the first floor open for other purposes than praying? Is it permissible to continue performing the Five Obligatory Daily Prayers in this Masjid until we find another suitable site for building a new Masjid?**

**A:** If the current Masjid was not built on a land containing graves, the graves which were placed in its western section should be dug up and the remains should be transferred to the graveyards. If they were the remains of dead Muslims, 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 a separate hole and be leveled like the rest of the graves, to protect them from desecration. If it is impossible to transfer the remains from the western section, then there is no harm in separating this section with a wall from the rest of the Masjid. If the Masjid was built on a land that originally contained graves, you are obliged to search for another land, free from graves, to build a new one and keep the land of this Masjid a graveyard, as it was in the first place. As to Al-Masjid Al-Nabawy, it was not built on graves.

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The graves of the Prophet (peace be upon him) and his two Companions, Abu Bakr and 'Umar (may Allah be pleased with them), were outside the Masjid. These graves were in the house of 'Aishah (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.

**The Permanent Committee for Scholarly Research and Ifta'**

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