



Disclaimer

The content on this Will template is intended to be and should be used as a guide, and it is not intended to be comprehensive. It should not constitute legal advice or be used as a substitute for taking legal advice in any specific situation. The Australian National Imams Council (ANIC) advises that you should seek legal or other professional advice before relying on any of the content of this Will template, particularly where properties, assets, debts and other investments, including superannuation, are part of the inheritance.

LAST ISLAMIC WILL (*Wasiyah*) & TESTAMENT

Of:.....

Date:...../...../20.....

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, The Most Beneficent, The Most Merciful

THIS IS THE LAST ISLAMIC WILL AND TESTAMENT of me,

....., date of birth...../...../.....

I HEREBY REVOKE all previous wills and testamentary dispositions I made and **DECLARE** this to be my Last Islamic Will and Testament. I write this in obedience to the commands of Allah the Almighty and in following the Sunnah of His noble Messenger Mohammad (peace and blessings be upon him).

1. DECLARATION OF FAITH AND ADVICE

- 1.1. I bear witness that no deity is worthy of worship but Allah alone, and Mohammad (peace be upon him) is His servant and Messenger.
- 1.2. I believe in Allah as He described Himself and as His Messenger described Him, without misinterpretation, comparison, or denial. I believe in the Angels, the Books, the Messengers, the Day of Judgment, Paradise and Hell, and in divine decree, its good and evil.
- 1.3. I advise my family and fellow Muslims to fear Allah, adhere firmly to the Qur'an and authentic Sunnah, uphold prayer at its fixed times, fulfil all other religious obligations, maintain family ties, avoid disputes, and be merciful with one another.
- 1.4. **At the time of my death, I ask for the following:**
 - 1.4.1. That a group of righteous people be present during my final moments, reminding me to have good thoughts of my Lord and to hope for His mercy and forgiveness.
 - 1.4.2. That I be gently prompted to say the testimony of faith "The Shahadah" (لَا إِلَهَ إِلَّا اللَّهُ، مُحَمَّدٌ رَسُولُ اللَّهِ)
(La Elaha Ella Allah, Mohammad'un Rasul-u-Allah) periodically.



2. AFTER MY DEATH

- 2.1. Close my eyes and mouth, soften my joints.
- 2.2. Make the following supplication:

”إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ، اللَّهُمَّ أَجِرْنِي فِي مَصِيبَتِي وَاخْلُفْ لِي خَيْرًا مِنْهَا”

"Indeed, we belong to Allah, and to Him is our return. O Allah, grant me reward for my affliction and grant me something better in its place."

- 2.3. Cover my body fully (unless I die in Ihram; then, do not cover my face or head).
- 2.4. Rush to repay any debts (as listed at the end of this will).
- 2.5. Prepare my body for burial and bury me without delay.
- 2.6. Bury me in the country where I pass away, in a Muslim cemetery or the Muslim section of a non-denominational cemetery; do not repatriate my body.
- 2.7. Inform people of my death by asking for their Dua'a and forgiveness.
- 2.8. I disassociate myself from any acts against the teaching of Islam (such as wailing, tearing clothes, hitting faces).
- 2.9. Only my wife should mourn for four months and ten days (iddah); others should not mourn more than three days.
- 2.10. I strongly object to any invasive post-mortem examination (autopsy) that involves cutting, removal of organs, or embalming of my body. I request that my Executor or next of kin formally object to any such procedures.

3. GHUSL (WASHING THE BODY)

- 3.1. Let [name/s.....]
.....]
(minimum number of people required to wash only), wash me in accordance with the Sunnah of the Prophet Mohammad (PBUH). If unavailable, any trustworthy Muslim (man for a man, woman for a woman).
- 3.2. Maintain my dignity: avoid exposing the 'awrah; use gloves when touching private areas.



3.3. Clean thoroughly:

- 3.3.1. Intend to wash for purification.
- 3.3.2. Perform Wudu' as for prayer.
- 3.3.3. Use a cloth to clean my mouth and nose.
- 3.3.4. Wash the body thoroughly with soap or sidr, followed by clean water.
- 3.3.5. Wash the right side first, then the left, from top to bottom.
- 3.3.6. Wash odd number of times (at least once).
- 3.3.7. Perform a final wash using camphor or another natural scent. By applying a pleasant fragrance to the shroud, preferably three times, ensuring that no alcohol-based perfumes or substances are used.
- 3.3.8. For females: undo, wash, and plait the hair into three braids.

4. KAFAN (SHROUDING)

- 4.1. Use clean, white, simple clothes (3 pieces for a man, 5 for a woman).
- 4.2. Avoid silk or excessive cost.
- 4.3. If in ihram, use the two ihram garments.
- 4.4. Apply a pleasant fragrance to the shroud, preferably three times, avoiding alcohol-based perfumes or substances.
- 4.5. Wrap me respectfully, covering my entire body.

5. FUNERAL PRAYER (SALAT AL-JANAZAH)

- 5.1. Let [name.....] lead the prayer, or a righteous person of correct belief and practice.
- 5.2. Do not perform the prayer between graves.
- 5.3. Call as many Muslims as possible. Line up in multiple rows, at least three rows.
- 5.4. The Imam to stand at the head (for men) or middle (for women).



6. TRANSPORTATION TO THE GRAVE

- 6.1. Carry my body with dignity, with no loud noise, music, images, or incense.
- 6.2. Carry me on the shoulders. If not possible, use a simple car.
- 6.3. Maintain silence and reflection.
- 6.4. Men should carry the body, walk near it at a moderate pace.

7. BURIAL

- 7.1. Bury me in a recognised Islamic and Muslim cemetery, or a Muslim section within a non-denominational cemetery, where the graves face the Qiblah, in accordance with the Sunnah. If one is not available in the area of my death, then transport me to the nearest location where such a cemetery exists.
- 7.2. Let [name.....] lower me; if unavailable, a trustworthy male relative or mahram (for females).
- 7.3. Use a Lahd-style grave (side-pit grave) if possible; otherwise, a Shuq (trench grave).
- 7.4. Avoid forbidden burial times (sunrise, zenith, sunset).
- 7.5. Deepen and widen my grave adequately.
- 7.6. Avoid any cushions or mats inside the grave.
- 7.7. Say: **"Bismillah, Wa 'ala Sunnati Rasoolillah"** when placing me in the grave.
- 7.8. Pour soil over me (three handfuls), starting at my head.
- 7.9. Keep the grave mound modest, not higher than a hand span.
- 7.10. Mark the grave with a stone, only name, no writing unless needed.
- 7.11. Do not cement or build structures over my grave.
- 7.12. Remain and make Dua'a for forgiveness and firmness.
- 7.13. Do not place flowers or decorative items.
- 7.14. Offer condolences respectfully, no smoking or wasteful gatherings.
- 7.15. Look after my children, teach them Qur'an and Sunnah.
- 7.16. Make Dua'a for me regularly.
- 7.17. My grave may be visited without travel; do not face the grave during Dua'a.

7.18. Say, upon visiting me:

*"السلام عليكم أهل الديار من المؤمنين والمسلمين، وإنا إن شاء الله بكم لاحقون، نسأل الله لنا ولكم العافية،
يرحم الله المستقدمين منا والمستأخرين"*

"Peace be upon the people of these abodes (graves), from believers and Muslims, may Allah show mercy to those who have passed away from us and those who are to pass away later. If we shall surely, Allah-Willing, join you."

8. OUTSTANDING RELIGIOUS DUTIES

- 8.1. If I die before Hajj, my children or guardian must perform it on my behalf (or assign someone who has done their own Hajj).
 - 8.2. I owe fasting for [...] days. Let my children or guardian fast for me, or feed one poor person per missed day.
 - 8.3. Feed one poor person per day for fasts missed due to illness.
 - 8.4. I owe a fulfilled oath of [...]. Please discharge it by feeding/clothing ten people or fasting three days.
 - 8.5. If I have any unpaid Zakat, please calculate it and pay it from my estate before the estate is distributed.
 - 8.6. Any outstanding kaffarah, qurbani or undischarged vows should be fulfilled from the estate within the one-third discretionary portion.
 - 8.7. This list is not exhaustive; I instruct my executor to consult a scholar to identify any other unfulfilled duties.
-

9. FINAL TESTAMENT

I place this as a trust with my children, spouse, and family. Fulfil it as you will be questioned before Allah. Allah says: *"Then whoever changes the bequest after hearing it, the sin shall be on those who make the change. Truly, Allah is All Hearer, All Knower."* (Surah Al-Baqarah, 2:181)

"All praise is due to Allah, Lord of the Worlds and peace be upon his prophet, Mohammad"



10. ARBITRATION CLAUSE

In the event of any dispute regarding my burial, funeral rites, or Islamic procedures mentioned in this will, I direct that the matter be referred to the Australian National Imams Council (ANIC) or its nominated Islamic body for arbitration. All parties involved shall consider their decision binding, and I request my family and executors to fully comply with their ruling in accordance with Islamic law and guidance.



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In The Name of Allah, The Most Beneficent, The Most Merciful

The Will Related to the Inheritance and the Heirs

*All praise is due to Allah, and may blessings and peace of Allah be upon my Prophet
Mohammad, peace and blessings be upon him.*

EXECUTOR AND TRUSTEE

1. I hereby **APPOINT** [name of the person.....]
of [address of the person.....]
In the State of] to be the **Executor and
Trustee of this my Will.**
2. In the event that [name of the person.....]
Does not survive me or is unavailable, then **I APPOINT** [name of the
person.....] of [address of the
person.....] in the State of
.....] to be the **Executor and Trustee** of this my Will.
3. **I direct my Executor to:**
 - a. First, pay off all my debts as per clauses 4 and 5 below; and then,
 - b. pay for my funeral expenses, and then,
 - c. deliver all my donations as per clause six below; and then finally,
 - d. Distribute the inheritance as per clause seven below.
4. I owe [name of the person/s or entity.....]
.....]
Residing at:..... Telephone no.....
an amount of: \$.....



which should be paid back by:.....

5. Whoever claims that I owe them a debt should prove it by showing a document with my signature on it.
6. I assign an amount of \$.....as a donation (*sadaqah*) and a continued trust to be given, (*provided it does not exceed one-third of the total value of the inheritance*), to [name of the person/s or entity
.....
.....].

This bequest is only to non-heirs. If any part of this donation would exceed one-third of my net estate after the payment of debts and funeral expenses, the amount shall be proportionately reduced to remain within the one-third discretionary portion. If a bequest is made to an heir, it will only be valid with the consent of all other heirs.

7. I direct my Executor to make the adjustments to the proportionate distributions in accordance with the system of the Islamic Shariah Law, whereby I request that my Executor seek counsel from the **Australian National Imams Council**, currently located in Chullora NSW, Tel: 1300 765 964. I request that any Court which has the jurisdiction to admit this will to Probate to take into account the set and determinable distributions issued by the **Australian National Imams Council**.

SEPARABILITY

I direct and ordain that if any part of this **Last Islamic Will and Testament** is determined invalid by a court of competent jurisdiction, the other parts shall remain valid and enforceable.

EXECUTION

In witness whereof, I have hereunto set my hand and seal this day of of the year 20.....



TESTATOR:..... Signed
by the Testator as and for [his/her] last Islamic Will and Testament in the presence of us
both being present at the same time who at [his/her] request in [his/her] presence and
in the presence of each other have hereunto subscribed our names as witnesses,
believing the said Testator, at the time of the signing, to be of sound mind and memory.

**Witnesses must not be beneficiaries under this Will. No beneficiary or their
spouse may witness this Will.**

SIGNED:

.....

Signature of 1st Witness

.....

Signature of 2nd Witness

.....

Name of 1st Witness

.....

Name of 2nd Witness

.....

.....

Address of 1st Witness

.....

Address of 2nd Witness

Date:/...../.....

Date:/...../.....

