

**FEDERAL COURT**

BETWEEN:

HIS HIGHNESS PRINCE KARIM AGA KHAN

Plaintiff

and

NAGIB TAJDIN, ALNAZ JIWA, JOHN DOE and DOE CO. and all other persons or  
entities unknown to the plaintiff who are reproducing, publishing, promoting and/or  
authorizing the reproduction and promotion of the Infringing Materials

Defendants

**AFFIDAVIT OF MOHAMED TAJDIN**

I, Mohamed Tajdin, of the City of Nairobi, Kenya, MAKE OATH AS FOLLOWS:

1. I am the brother of the defendant Nagib Tajdin (hereinafter "Nagib"), and have personal knowledge of the matters and facts herein deposed to by me except where the same are stated to be based upon information and belief, and where so stated I verily believe the same to be true.
2. I am currently residing in Nairobi, Kenya, and by profession, I am a Professional Engineer graduated in Belgium, and obtained my Masters in Project Management from Concordia University in Montreal.
3. During the Golden Jubilee celebrations of His Highness Prince Karim Aga Khan, I offered one year of my time and knowledge as a *Nazrana* (absolute and unconditional gift out of love and devotion) to His Highness the Aga Khan, who is our Imam and Spiritual Father (hereinafter "Imam").
4. The administrators of the Time and Knowledge *Nazrana* after reviewing my resume, requested if I could offer two years of my time and knowledge as opposed to one year offered by me as my *Nazrana* to the Imam, as the duties they wished me to embark upon required a much longer commitment.

5. I agreed to give my *Nazrana* of two years of my professional time and knowledge without any remuneration to the Imam's projects in Nairobi, Kenya. Currently, I am the Project Manager at the Aga Khan University in Nairobi, Kenya, for the design and construction of the new Faculty of Health Science in Nairobi.
6. My wife, who is a physician, has also given two years of her time and knowledge to the Imam as *her Nazarana*, and is currently working, without any remuneration, at the Aga Khan Hospital in Nairobi, Kenya, as a "Consultant for the Operations of the Outreach Medical Centres".
7. My family is deeply involved in serving the Imam in various capacities over time. My late father's service to the Imam was continuous, often holding multiple voluntary positions mostly appointed by the Imam Himself. In fact, on many occasions my late father was specifically chosen by the Imam and appointed as His Mukhi, a very special and cherished service indeed.
8. The Imam has often sent personal letters directly to my family conveying His Blessings to my family. My family would never disobey our Imam or undertake any activity that our Imam would disapprove, let alone deliberately disobey the Imam.
9. In addition to giving voluntary service to the Imam and His Jamats, our family also participates in donations of material resources to the various projects established by the Imam in various parts of the world.
10. During the last 30 years, I have been heavily involved in various capacities in my Imam's various projects and institutions. From 1980 to 1985, I worked as Project Planning/Engineer for the construction of the Aga Khan University Hospital, In Karachi, Pakistan, which was a very large undertaking at the time.
11. From 1990 to 1993, I was Chairman of the Aga Khan Economic Planning Board for Quebec and Maritime Provinces, as well as a member of the Aga Khan Council for Quebec and Maritime Provinces.
12. In 1993, I was appointed by the Imam as a member for legal matters in the Aga

Khan Council for Quebec and Maritime Provinces for a period of 3 years ending in 1996. All of these positions were performed on a voluntary, non remunerated basis due to the love and affection we have for our Imam.


13. During the year of 1998, I was the Chairman of the Focus Canada Fund Raising Campaign (hereinafter "Focus") for Quebec and the Maritime Provinces, and as Chairman, I organized a major fundraising event for Focus, in November of 1998, consisting of a grand entertainment program, where Mr. Shafik Sachedina (hereinafter "Sachedina") and Mr. Aziz Bhaloo (hereinafter "Bhaloo") were our invited guests.
14. I also organized a dinner at my house where, along with Sachedina and Bhaloo, the Quebec Ismaili leadership was invited, as well as members of the Tajdin family. The dinner at my house was held at around 5:30 p.m. and the fund raising/entertainment program was held around 9:00 p.m. in a downtown auditorium.
15. Prior to the dinner at my house, Sachedina, Bhaloo, Nagib and I met at a hotel in downtown Montreal. The first comments made by Sachedina upon our meeting were that he had been asked by the Imam to convey to the Tajdin family a message from the Imam, that the Imam was extremely happy with the work done by the members of the Tajdin family for the Imam and for the Jamat [Ismaili Community].
16. Bhaloo then reminded us that during the August 15, 1992, *Mehmani* ceremony, the Imam after placing His hand on the Farman Book, gave Blessings for the continuation of the work, and said that in future there might be something that could be undertaken jointly. Bhaloo then referred to the Guidance given by the Imam during the *Mehmani* and said that he and Sachedina wanted to discuss with Nagib what work could be undertaken by Nagib jointly with the institutions as desired by the Imam. Nagib then proposed several options on what could be undertaken "together", and among the proposals proposed by Nagib was the publishing the next Farman book, assisting the Institute of Ismaili Studies (hereinafter "IIS") in the development of their website or in compilation of manuscripts, etc.

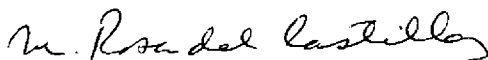
17. I vividly remember that during the meeting, Sachedina and Nagib debated the issue of editing Farmans made by the Imam, whether the Farmans could be edited/modified. Sachedina's response was that the Imam thinks in French and delivers the Farmans in English, therefore, the Farmans contained errors that should be corrected, while Nagib emphatically emphasised that the Farmans should be published as delivered by the Imam, reminding them that the Imam Himself had stated that the Farmans were Guidance by the Imam coming directly from the "Noor /Light" of the Imam, and as such Farmans could not be edited.
18. Nagib also informed them that it was each Murid's duty to disseminate Farmans to as many Ismailis as possible, and to seek that all do their best to understand the Farmans and to abide by them, and that publishing the Farman book jointly would enable the book to be distributed widely to the Ismailis.
19. We interrupted our discussions for dinner at my home. At the dinner, Sachedina conveyed to members of Tajdin family the message of the Imam, that the Imam was extremely happy with Tajdin family's service rendered to the Imam and His Jamat. Our family feels honoured and fortunate to be able to offer our time, knowledge, efforts, and sacrifices for our Imam and His Jamats. Accordingly, my whole family was very happy to hear the message the Imam sent through Sachedina of Him being happy with our services.
20. The dinner at my house was followed by the fundraising / entertainment program I had organized with my team, and at which Bhaloo and Sachedina were present. Attached hereto as Exhibit "A are some photographs of the day in question. The entertainment program was coached and managed by Nagib's wife, Franny Tajdin.
21. After the program we met again to continue our discussions. At the end of the discussions, Sachedina asked Nagib to provide him with a copy of the Farmans compiled by Nagib for publishing the Farman book jointly with the institutions in accordance with the Imam's Guidance of 1992.

22. I can categorically state that the discussions at the November 1998 meeting with Sachedina and Bhaloo were concerning the publication of the next Farman book by Nagib jointly with the institutions and other matters, and that neither Bhaloo nor Sachedina mentioned at any time that the Imam had asked them to tell Nagib to stop distributing the Farman books.
23. As a Murid of the Imam, it is my personal knowledge and experience that the Imams have historically given special mandates to a specific Murid to carry out some special work for the Imam outside the direct involvement of the official leadership or institutions. The Blessing and the mandate given by the Imam during the 1992 *Mehmani* ceremony regarding the successful continuation of the publication of Imam's Farmans fall in this category, and this is how the Imam's Guidance was interpreted and understood by me as a member of the then leadership. I was pleased (but not surprised) that Bhaloo and Sachedina acknowledged the Guidance given by the Imam during that *Mehmani*.
24. The *Mehmani* ceremony is very significant event in a Murid's life when the Imam pays special individual attention to the Murid and his/or her offerings, and this is an opportunity for the Imam to give His personal Blessings, advice and/or instructions to the Murid, who pays very careful attention to the Imam's words and actions. The *Mehmani* event is cherished by the Murid for a lifetime.
25. During *Mehmani* Murids may seek Guidance and Blessings from the Imam for issues: for health concerns; for business concerns; for family issues; etc., and the Imam lovingly accepts such Murid's offering and give Guidance to the Murid. Often the Imam on His own initiative offers Guidance to a Murid and/or his family during a *Mehmani*. The Imam and the Jamats are well aware of this special custom which has been an intimate part of our Ismaili tradition from the time of our Beloved Prophet and, therefore, his words and actions during the *Mehmani* are always very precise and deliberate, and are relied upon by His followers with love and devotion.

26. The specific part of the offering on the Mehmani tray upon which the Imam places His hand is considered as having been accepted and returned to the Murid for sharing with his or her family and fellow Ismailis. For example, in the case of food offering blessed during *Mehmani*, the Murid will then customarily prepare a big batch of food (normally dried fruits, nuts and candy) and incorporate the blessed items so that symbolically Blessings of the *Mehmani* is then shared with family and other fellow Ismailis.
27. I am making this affidavit in support of the motion brought by the defendants for the dismissal of the claim, and in opposition of the Plaintiff's motion for Judgment and for no other purpose

SWORN at the City of Montreal  
in the Province of Quebec  
this 7 day of July 2010

  
\_\_\_\_\_  
)Mohamed Tajdin

  
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This is Exhibit .."A".... attached to the

Affidavit of Mohamed Tajdin

sworn on July 7 , 2010

*M. Rosa del Castillo*



