

'Appeal in Allah matter not an academic exercise'

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By Hafiz Yatim

The government and its Home Ministry are denying that their appeal against the use of the word 'Allah' by religions other than Islam is an academic exercise, since the substantive issues in the dispute are yet to be heard.

Senior federal counsel Suzana Atan, who submitted for the government and the ministry in Catholic Archbishop Murphy Pakiam's (right) motion to strike out the appeal today, said the 10-point solution Prime Minister Najib Abdul Razak offered the Christian community in 2011 does not cover the use of the term Allah.

"This has been affirmed by former home minister Hishammuddin Hussein in objecting to the application, who stated that the 10-point solution does not cover the Allah issue.

"Hence, the appeal by the ministry and the government is still a live issue and the 10-point solution does not make it academic.

"The 10-point solution is limited to the importation and publication of the Bible in Bahasa Malaysia and Bahasa Indonesia," Suzana argued.

She said 10-point solution does not cover all publications, including the Herald Weekly, which is the respondent in the matter, as it is governed under the Printing Presses and Publications Act 1984.

Therefore, the home minister can impose conditions on publications including newspapers.

Opposition by six state Islamic councils

Six state Islamic councils and the Malaysian Chinese Muslim Association (Macma) are also objecting to the archbishop's strike-out application, saying the appeal proper, scheduled for Sept 10, should be allowed to be heard.

The Islamic councils are from the states of Terengganu, Federal Territory, Johor, Malacca, Kedah and Selangor.

Lawyer Mubashir Mansor, acting for the Terengganu Islamic council, submitted that

being a judicial review application, the matters before the court should be confined to what happened on Jan 9, 2009 and not after that.

"This includes what is brought up in the 10-point solution before the court today," he said.

Hanif Khatri Abdullah, for Macma, in turn said that what is stated in the solution was with regards to the movement of the bibles and not over the Allah matter.

The archbishop's motion is being heard by a three-member panel of the Court of Appeal, headed by Justice Abu Samah Nordin. The others are Justices Abdul Aziz Abdul Rahim and Rohana Yusof.

Word 'Allah' in Bible includes Herald Weekly

Earlier, lawyer Porres Royan, who appeared for Archbishop Murphy, submitted that the 10-point solution Najib offered in April 2011 allows the import and publication of the Bible in Bahasa Malaysia and Bahasa Indonesia, with the word Allah used in publications including the Herald Weekly.

"This, Najib stressed, was a cabinet decision and this presupposes what the respondent (the home minister) said in the affidavit," Royan argued.

He submitted that as the Bible in Bahasa Malaysia and Bahasa Indonesia and those in other indigenous languages have the word Allah in it, other publications, including the Herald Weekly, should be allowed to use the word Allah.

kalimah allah appeal case3Royan also pointed out the Herald Weekly's application for the judicial review centred on the word Allah being used in its publication as the ministry had, on Jan 7, 2009, objected to its usage.

He said the Herald had on its publication stated that it is a limited publication and the material is for Christians only, as well as this was not subject to any disagreement by the parties.

The affidavit affirmed by Archbishop Murphy for the motion to strike out the appeal of the ministry and government states that Najib's solution on the use of the word Allah must hold as it was made to resolve the issue once and for all.

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