

Allah wasn't covered in 10-point solution, government tells Court of Appeal
Malaysian Insider
Aug 22 , 2013
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The decision on the Catholic Church's application to strike out Putrajaya's appeal on the Allah issue will be delivered at 3pm.

The Court of Appeal's three-man bench, led by Datuk Abu Samah Nordin, said this after hearing submissions from the Archdiocese of Kuala Lumpur, the Federal government and the Terengganu Islamic Religious Council this morning.

Lawyer Porres Royen, who appeared for the church, said it was illogical to ban the Catholic newspaper, the Herald, from using the word "Allah" when the government had allowed shipments of Malay-language bibles containing the word in 2011.

Royen said the Cabinet decision on the 10-point solution in 2011 had implied that the Christian community could use the word "Allah".

"The word can be used in Bahasa Malaysia, Bahasa Indonesia and native languages of Sabahans and Sarawakians," he said.

He pointed out that Prime Minister Datuk Seri Najib Razak had written a letter to the Christian Federation of Malaysia, the umbrella body of the religion, about the Cabinet's stand.

"As such, the decision of the executive, who is a member of the Cabinet, superseded the stand of the home minister.

"Based on the current position of the government and the minister it was no longer necessary for the Court of Appeal to deliberate on the appeal.

"It would be an exercise in futility with no practical benefit to the government and the minister who have taken a decision consistent with the High Court ruling," he said.

Senior Federal Counsel Suzana Atan, however, said there were issues to be deliberated.

"This application as rebutted by the minister (then Home Minister Datuk Seri Hishamuddin Hussein) in his affidavit is frivolous and ought to be dismissed," she said.

She said the home minister had exercised his discretion under the Printing Presses and Publication Act 1984 to prohibit the Herald from using the word Allah in the Malay section of the periodical.

Hishammuddin in his affidavit had said the Cabinet in deciding on the 10-point solution did not make a decision on the use of the word Allah.

"When we made the announcement, the government was aware that there was an appeal pending against the Herald," he said in his affidavit.

Lawyer Mubashir Mansor, who appeared for the Terengganu Islamic Religious Council said the proceedings in the High Court were based on the home minister's decision made in Jan

7, 2009.

"It is a review on an administrative ruling whether the minister was reasonable to ban the use of the word Allah in the Herald," he said.

He said the appeal must be based on facts which existed at that time and not on a Cabinet stand in 2011.

Among other things, the prime minister said in the 10-point solution that Christians were free to bring in and use Malay-language Bibles.

These Bibles contained the word "Allah" and had previously been seized by the authorities, sparking outrage among Christians in Sabah and Sarawak who worship in Bahasa Malaysia and had used the word "Allah" for centuries.

The position taken by the Catholic Church is that given that the 10-point solution allows the import of books where the word "Allah" is used, it is illogical for the government to challenge its use in the Herald.

The controversy began when Hishamuddin's predecessor, Datuk Syed Hamid Albar, signed an order prohibiting the Herald from using the word "Allah" in its publication.

This led to a suit by Archbishop Murphy Pakiam in March 2009 in which he named the home ministry and the government as respondents.

Among other things, the church sought a declaration that Syed Hamid's decision was illegal and that the word "Allah" was not exclusive to Islam.

On Dec 31, 2009, judge Lau Bee Lan allowed the church's judicial review application and lifted the home minister's ban, declaring that the minister's ban was illegal, null and void.

The weekly, published in four languages, has been using the word "Allah" as a translation for God in its Malay-language section, but the government argued that "Allah" should be used exclusively by Muslims.

Though the Catholic Church brought the suit against the government, other Christians and even the Sikh community have made it clear that the word "Allah" should not be exclusively for Muslims, pointing out its long usage in Malaysia and other countries. - August 22, 2013.

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