

Banning of the word Allah in Herald a pre-emptive strike to avert public disorder, court told

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The Home Minister banned the use of the word Allah in the Catholic Church's weekly publication on grounds of national security and public order.

Putrajaya's lawyer Suzana Atan told a three-man Court of Appeal bench in Putrajaya today that the prohibition was ordered as it touched on Islamic religious sensitivity.

"In this country, Allah is a sensitive word," she said when submitting to reverse a 2009 High Court order which allowed the church to use the word in the Bahasa Malaysia section of the Herald.

Muslims make up nearly 60% of the Malaysian population and the country is a secular state but Islam is the official religion.

Suzana went on to demonstrate what happened after the High Court ruling where several arson attempts on churches and an incident in which vandals tossed a pig's head into a mosque.

The government filed two affidavits, both obtained from journalists, as fresh evidence to support its appeal,

"The ban was actually a pre-emptive measure by the Minister," she said. Suzana said the word caused a lot of confusion among Muslims and Christians as it had a different meaning to both religious groups.

"The Christians believe in the Holy Trinity while for Muslims, Allah is the only God," she said.

Suzana said the minister also has the absolute discretion under the Printing, Presses and Publication Act (PPPA) 1984 to impose conditions when approving permits for publications.

"He can do so to maintain public order and morality," she said adding the PPPA provided him the discretion in imposing conditions.

She said the High Court was wrong as it had ruled that there must be actual public strife and civil disturbance.

Suzana said the minister did not act like a robot but used his powers judiciously.

The Allah row erupted in early 2009 when the Home Ministry threatened to revoke the Herald's newspaper permit for using the word when referring to God.

This action prompted the Catholic Church to sue the government for violating its constitutional rights.

On December 31, 2009, in a landmark ruling, the High Court allowed the church's judicial review application and lifted the home minister's ban on the use of the word in the Herald.

Among other things, judge Lau Bee Lan said that the church had a constitutional right to use the word Allah in its newspaper on grounds that religions other than Islam can be practised in peace and harmony.

The Terengganu, the Federal Territory of Kuala Lumpur, Melaka, Johor, Kedah and Selangor religious councils, and the Malaysian Chinese Muslim Association are also parties in the appeal.

Lawyer Mubashir Mansor, who represented the Terengganu council, said Herald had gone online and the use of Allah was within the reach of Muslims.

However, he said there was an enactment in Terengganu which prohibited the use of the word among non-Muslims.

"The enactment is constitutional as it aims to stop non-Muslims from propagating their religions among Muslims," he said.

Mubashir said non-Muslims must obtain permission from the Ruler of that state if they wanted to use the word.

"The use of the word Allah also comes within the absolute discretion of the Ruler," he said.

Tan Sri Abdul Aziz Abdul Rahman, who appeared for the Selangor council, said Islam enjoyed a special position in the Federal Constitution.

Islam came under the purview of the states while Putrajaya takes care of the religion in the federal territories.

"We can legislate laws to govern Islam," he said, adding non-Muslims would be committing an offence for using the word.

He said Allah was a Muslim god and he gave them the Quran.

"Now, if any non-Muslim utters the word Allah, he is half-Muslim and he is full-Muslim if he accepts Mohamad as his prophet," he said.

Abdul Aziz, who is a former Malaysia Airlines chairman, said the original Bible was in Hebrew and later in the Greek language and Allah was never part of the Christian faith.

"In this country, the English Bible was a translated version and the word Allah was not there," he added.

Lawyers for the church will submit their case, after the break for lunch, before the panel led by Datuk Seri Mohamad Apandi Ali. – September 10, 2013.

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