

## **Najib must show political leadership in inter-faith issue, say lawyers' group**

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**By V. Anbalagan, Assistant News Editor**

Prime Minister Datuk Seri Najib Razak must show political leadership by amending laws to disallow the unilateral conversion of children, an issue that has cropped up in Malaysia over the years, a lawyers group said today.

Lawyers For Liberty (LFL) executive director Eric Paulsen called the prime minister's suggestion that inter-faith disputes be resolved by the Federal Court as senseless and impractical, as parties would need to go through the Court of Appeal, adding to the litigation cost.

"It is clear from past experiences in cases, such as R. Subashini and Syamala, going all the way to the Federal Court may not resolve such disputes as there is a lack of confidence in the administration of justice," he said.

Paulsen made special mention of two cases where the courts offered no protection to the mothers, whose young children had been converted to Islam by their Muslim-convert ex-husbands.

In November 2010, a five-man bench led by then chief justice Tun Zaki Azmi had unanimously dismissed Syamala's bid to raise her two young children in the religion they grew up in after being converted to Islam by her estranged Hindu-turned-Muslim husband.

And in the case of Subashini, the Federal Court ruled in 2007 that her husband had the right to convert their children to his new faith without her consent.

Paulsen also hit out at those hiding behind the perverse interpretation of "conflicting jurisdiction" with the Shariah Court.

He said that the law was clear that since the marriages were registered under civil law, all matters relating to the union should be resolved under civil law as well.

"The PM must not shy away from making hard decisions, he should instruct the AG and police to comply with the proper interpretation of the law rather

than let the situation fester and hope that in time, the problems will go away," he added.

Najib had urged parents to use the legal process in cases where civil court verdicts differed from those of the Shariah court, when commenting on custody battles involving S. Deepa in Seremban and M. Indira Gandhi in Ipoh, recently.

"They can appeal to the Federal Court. Since this matter has attracted the attention of the public, the government believes the court will give priority to these cases," Najib had said.

However, on June 5, Bernama reported Minister in the Prime Minister's Department Nancy Shukri as saying that police should take the necessary steps to ensure that Deepa's son is returned as the mother has rightful custody of the child.

Deepa's Muslim-convert ex-husband forcibly took away their son after the Seremban High Court ruled custody in the mother's favour.

"To me, based on information from the media, the kid was taken away with no legal consent of the mother who has custody of the child.

The police should take the child away from the father and return the child to the mother. I think the court has been very fair in its decision," Nancy had said.

On May 27, the Court of Appeal rejected an application by N. Viran, whose Muslim name is Izwan Abdullah, to stay the Seremban High Court order on April 7 which had given custody of the two children to their mother, Deepa.

This means that Izwan had to return his six-year-old son, whom he had forcibly taken away from the mother, two days after the court ruling on April 9.

In Indira's case, the Ipoh High Court has issued a specific order directing police to ensure the return of the youngest child to the Hindu mother.

Kindergarten teacher Indira obtained the order on Wednesday in light of Inspector-General of Police Tan Sri Khalid Abu Bakar's statement that minors in inter-faith child custody cases should be placed in childcare centres without enforcing orders from both the Shariah and civil courts, in order to be fair to both parents. – June 13, 2014.

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