

Kassim Ahmad seeks PM's aid to drop Islam insult charges

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KUALA LUMPUR, June 17 — Accused of insulting Islam, Muslim intellectual Kassim Ahmad is now pleading with Prime Minister Datuk Seri Najib Razak to step in and persuade religious authorities to drop the criminal charges against him.

In a letter that was also sent to Kedah Chief Minister Datuk Seri Mukhriz Mahathir and Minister in the Prime Minister's Department Datuk Seri Jamil Khir Baharom, Kassim's lawyer sought the help of the trio to intervene and clear the air over "conflict of laws" between state Islamic laws and the Federal Constitution.

Kassim's lawyer also pointed out that the three had power and control over the Federal Territory Islamic Religious Department (Jawi), which had allegedly went beyond its powers when arresting the Kedah resident in his Kedah home and charging him in Putrajaya.

"As a patriot, the accused hopes for the wisdom of YAB-YAB and YB to find a solution, through the existing legal channels, to this case by advising the Syarie Chief Prosecutor and Jawi to retract this case to prevent the dignity of Muslims and the good name of Malaysia from being a laughing matter not just within the country, but internationally," his lawyer Rosli Dahlan wrote in a letter dated June 13 seen by *The Malay Mail Online*.

Kassim's lawyer had previously written a similar letter to the Federal Territories Syarie Chief Prosecutor in an attempt to peacefully resolve the controversy.

In the June 6 letter also sighted by *The Malay Mail Online*, Kassim told the Syarie chief prosecutor that he was ready to drop his judicial review application in the civil courts against Jawi's actions in exchange for the withdrawal of criminal charges against him in the Shariah court.

The Malay Mail Online understands that Kassim has since withdrawn his legal challenge in the civil courts as promised.

In the June 13 letter, Kassim expressed fears that the Syarie Chief Prosecutor would ignore the offer to peacefully resolve the matter, citing past experience where the latter allegedly refused to provide him with the necessary documents that would allow him to defend himself against the charges.

The lawyer for the scholar also told Najib, Mukhriz and Jamil Khir that the proposed offer should not be misunderstood as "interference" with the Shariah courts or be seen as threatening its "authority", pointing out that it was also typical for the Attorney-General's Chambers to retract criminal charges in the civil courts based on written representations from the accused.

Kassim's lawyer pressed the trio for a favourable reply before June 23, as he would be "forced to file a fresh judicial review application" by then if the bid to settle the matter peacefully fails.

Kassim's lawyer also explained that he was addressing the letter to Jamil Khir as Jawi is an agency and public authority under his control as the minister in charge of Islamic affairs.

The case has also cast a spotlight on the "conflict of laws" between the differing Shariah laws for different states, as well as between the civil courts and Islamic courts.

Referring to his statement in the Shariah courts, Kassim who is a Kedah resident sought Mukhriz's intervention as the state laws were allegedly "violated" by Jawi when it took him across the borders to be charged in Putrajaya.

In the June 13 letter, Kassim's lawyer recounted how Jawi had allegedly arrived in 13 trucks and hauled the writer from his Kedah home before forcibly putting him on a flight from Penang to Kuala Lumpur, as well as allegedly detained the 81-year-old for over 24 hours before he was charged.

Kassim's lawyer argued that Jawi officers had overstepped their legal powers as the Kedah resident should only be subjected to Kedah's Shariah laws, insisting that Putrajaya's courts and the laws of the federal territory has no jurisdiction over him.

In Malaysia, the Islamic laws differ for each states and "only bind Muslims residents" in the respective states, the lawyer argued.

In March, Kassim was charged at the Shariah High Court in Putrajaya with insulting Islam and defying religious authorities at a seminar in February that was officiated by former prime minister Tun Dr Mahathir Mohamad.

Kassim had pleaded not guilty to both charges under Section 7(b) and Section 9 of the Shariah Criminal Offences (Federal Territories) Act 1997 that carry a maximum fine of RM3,000 or imprisonment up to two years, or both.

At the seminar in Putrajaya on February 15 and February 16, Kassim allegedly questioned the use of "*hadith*" (a collection of sayings and deeds attributed to Prophet Muhammad) to interpret the Quran, as well as the headscarf commonly worn by Muslim women, as he allegedly said hair was not part of the "*aurat*" that must be covered up.

The 81-year-old scholar and author, who had written a controversial book in 1986 titled *Hadith: A Re-Evaluation* that got banned, was also accused of questioning the beatification of Prophet Muhammad.

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