

Malaysia's 'Moderate' Islam Means Racism and Oppression

Once Inside Islam, No One Gets Out

Wednesday 1 December 2010, by [Correspondent\(s\)](#) (Date first published: 15 November 2010).

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Malaysia's population of 27 million is, according to the UK government, 55% Muslim. The U.S. State Department maintains that 60% of the population is Muslim. Ethnic Malays are automatically classed as Muslim on their identity cards (MyKad) which are issued to everyone at age 12. Any changes to religious status, as defined on the MyKad, must be approved by the National Registration Department (NRD).

The NRD will not accept anyone's conversion out of Islam unless this has been approved by a Syariah (Islamic) court. So far, no Syariah court has ever allowed a living person to convert out of Islam. Individuals are denied the right to appeal in the civil courts against any decision made by an Islamic court. In practice, anyone who wishes to officially leave Islam is denied that right.

The most famous Malaysian apostate from Islam is a woman called Lina Joy, who became a Christian in 1981. In 1998, she was allowed by the NRD to have her birth name - Azlina Jailani - changed to her current "Christian" name. All attempts to have herself declared a Christian on her MyKad have failed. She has taken her case to numerous courts, but the civil courts refused to hear her case, referring her back to the Islamic courts. In August 2006 she took her case to the Federal Court, the highest court in the nation. A judicial decision on her case was repeatedly delayed until May 30, 2007.

By a decision of two against one, a panel of judges ruled that Lina Joy could not officially change her faith without approval from the Islamic courts. Ahmad Fairuz Sheikh Abdul Halim, one of the two judges who ruled against her, said: ""Civil courts cannot interfere. In short, she cannot, at her own whim, simply enter or leave her religion... She must follow rules. The appeal has been rejected with cause." The judge who supported her appeal, Richard Malanjum, said the demands of the NRD for her to apply to an Islamic court to declare her apostasy were "discriminatory and unconstitutional." Islamic courts can jail apostates. Malanjum said that the NRD's decision for her to return to an Islamic court would cause Lina Joy to "self-incriminate" herself. Outside the court, a crowd of at least 200 Muslim fanatics welcomed the decision, shouting out "Allahu Ackbar" (God is Great).

Lina Joy is not allowed to marry her Christian boyfriend, as it is illegal in Islam for a "Muslim" woman to marry outside of her "faith." She has received death threats, and did not appear at the Federal Court to hear the ruling, as she feared for her safety.

A woman who abandoned Islam to join the colorful Sky Kingdom Sect, which was founded by Ayah

Pin. This sect welcomed members of all faiths, and had erected in its compound fiberglass and concrete statues of a giant teapot and other items. The compound was raided on August 1, 2005, its statues demolished, and the sect's charismatic leader was forced to flee the country. Kamariah Ali maintained her faith in Ayah Pin's inclusive religion. In 1999, Kamariah Ali told an Islamic court in Kota Baru that she had renounced Islam. She was jailed in 2005 by a Syariah Court in Terengganu state for "insulting Islam."

Kamariah Ali's husband Mohammed Ya, also a member of the Sky Kingdom Sect, had been jailed at the same time. The strain was too much for him and he died shortly after being released. Though Islamic courts had refused to allow him the right to leave Islam, Mohammed Ya's body was forbidden from being buried in a Muslim graveyard. He was buried in the compound of the Sky Kingdom Sect in Terengganu state, shortly before the site was bulldozed.

Kamariah Ali was put on trial by the Terengganu state Syariah High Court, accused of only declaring her apostasy from Islam as a means to avoid punishment. After being arrested with other members of the Sky Kingdom Sect, she was taken to Besut Lower Syariah Court, accused of non-compliance with a fatwa issued against the Sky Kingdom Sect by the Mufti of Terengganu. This fatwa declared that Ayah Pin was a deviant and any association with him or his sect was prohibited. Kamariah Ali had declared that she was no longer a Muslim, and thus beyond any Syariah court's jurisdiction. In 2006 at the Syariah High Court, prosecutor Mustafar Hamzah said: "The onus is on her to bear the burden of proof (of apostasy)."

Kamariah Ali's case has been prolonged and still has not reached any conclusion. The last time it featured in Malaysian news sources was in September, 2007. At that time, Islamic high court judge Muhammad Abdullah ruled that all parties should present their written submissions before October 21st. As a result of her apostasy, Kamariah is shunned by others, and has found it impossible to gain employment. If convicted, she could receive either a fine of 5,000 ringgit (\$1,545) or a three year jail sentence, or both.

A similar case involved an ethnic Chinese woman from Nibong Tebal, Penang state, who was originally called Tan Ean Huang. She had married an Iranian man called Ferdoun Ashanian in 1999. Before she married him, she converted to Islam in July 1998, and her MyKad was changed by the NRD to acknowledge her conversion. She became known as Siti Fatimah. Only a few months after the marriage Ashanian deserted her, and his whereabouts are now unknown. In May 2006, she applied to Penang's Islamic Affairs Council to declare that she is not a Muslim. Siti Fatimah wanted her MyKad religious status to be officially changed to Buddhist.

She claimed that her conversion to Islam was only a means to get married, and after the failure of her marriage she had gone back to her Buddhist beliefs. She maintained reverence for Buddhist deities such as Kuan Yin and others. On August 11, 2007, Judge Othman Ibrahim Othman ruled at Penang's Syariah High Court that a decision would not be made until December 3rd. He ruled in the meantime that she should undergo Islamic counseling. As in other such cases, a decision has still not been made.

The case of Revathi Massosai of Malacca state would probably have gone unnoticed, but for the Democratic Action Party, the main opposition party, bringing it to media attention. Her parents were Muslim converts, but she was raised as a Hindu. In 2004, she married a Hindu and they had a daughter. In January 2007 she applied to court to have herself registered as a Hindu, as her MyKad stated she was a Muslim. Revathi was sent to an "Islamic rehabilitation center" by the court. She was forced to wear a Muslim headscarf and to say Muslim prayers. She endured six months of captivity, with a further six month term imposed on her. She says she was also forced to eat beef, which is forbidden for Hindus. She and her daughter were placed in the custody of her Muslim

parents, forcibly separated from her husband.

On April 2, 2007 a Hindu rubber tapper was told by Islamic officials in Selangor state that his Hindu wife, to whom he had been married for 21 years, was technically a Muslim. The rubber tapper was told that unless he converted to Islam, he would be prosecuted for "Khalwat" the sin of being close to a woman to whom one was not related or married. Marimuthu, the rubber tapper, was forced to leave his wife and their six children. The woman and children were placed in an "Islamic rehabilitation center," even though all had been raised as Hindus.

In December 2007, a Hindu woman lost her fight to prevent her husband from divorcing her in an Islamic court. Subashini Rajasingam's husband had converted to Islam in 2006. He wanted to divorce her in a Syariah court, so that the court would rule on custody of the couple's two young sons. Fearing that she would lose custody of her son, she applied to a federal court to prevent the Islamic divorce hearing. She also failed to have a ruling made to prevent her husband from converting her four-year-old son to Islam.

Islam, politics and the constitution

Malaysia gained independence (Merdeka) from Britain on August 31, 1957. Formerly known as "Malaya," its constitution was written up with the assistance of the British authorities. This constitution is the source of most of the problems described above. The definition of all ethnic Malays as "Muslim" stems from Article 160, section 2. This states: "'Malay' means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and (a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or is on that day domiciled in the Federation or in Singapore; or (b) is the issue of such a person."

Despite this automatic assumption that all people of Malay origin are Muslim, the constitution originally had some superficial semblance of religious freedom. Article 3, clause one, states: "Islam is the religion of the Federation; but other religions may be practiced in peace and harmony in any part of the Federation."

Article 11, clause 1 states "Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it." Article 11, clause 4 reads: "State law and in respect of the Federal Territories of Kuala Lumpur and Lubuan, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam."

Clause 4 of this article has been used to prevent anyone trying to lead a Muslim into another faith. Several states had adopted the Control and Restriction Bill. This gives a fine of 10,000 ringit (\$3,090) or imprisonment for up to one year for "persuading, influencing a Muslim to leave Islam for another religion." In August 2006, a week before the 49th Merdeka celebrations, Mohamed Nazri Aziz, minister in the prime minister's office, who is responsible for parliamentary affairs, made a statement.

Aziz said that four out of Malaysia's thirteen federal states had not adopted the Control and Restriction Bill. He claimed the Bill was entirely constitutional, and urged these four states to implement it. He said: "Why (do we have) to interpret (the constitution) when it is clearly said that (non-Muslims) are not allowed to spread religions other than Islam to the Muslims?"

None of the individuals mentioned at the start of this article had been coerced by others into leaving Islam. What is preventing them from appealing to the civil courts is an amendment to the

constitution – Article 121 (1A) – which was made in 1988. This states that civil courts have no jurisdiction over “any matter” which can be dealt with by the Syariah (Sharia) courts.

When Malaysia was celebrating its 50th Merdeka, alarming statements were made by the Chief Justice, Ahmad Fairuz. He told an Islamic conference in Kuala Lumpur, the capital, that half a century of independence had not freed the nation from the “clutches of colonialism.” He added that common law should be replaced by Sharia law.

UMNO (United Malays National Organization) party has been stoking the fires of racial tension in the nation. Since 1971, the UMNO party has espoused a policy called “ketuanan Melayu.” This maintains that the Malays are the earliest migrants to Malaysia, and thus should have special privileges. As a result, Malays are given preferential treatment in areas of employment, loans, housing and government contracts. The discriminatory ketuanan Melayu policies have added to racial tension.

UMNO-led coalition has governed Malaysia since independence. This includes two ethnic parties, the MCA or Malaysian Chinese Association and the MIC or Malaysia Indian Congress. Recently, however, Badawi appears to have alienated himself from the concerns of the Indian community. As they only comprise 8% of the electorate, it seems he feels he does not need their votes in the upcoming election.

Thousands of Indian-origin Malaysians took part in rallies. On November 25th, 20,000 Indian protesters gathered at Batu Caves, eight miles north of Kuala Lumpur. The caves, as well as being a tourist attraction, are also considered sacred by Hindus. Anger was expressed about their second-class role in Malaysian society. The protesters were met with water cannon and tear gas.

This rally was attended by up to 20,000 people, and was organized to protest discrimination, and also the widespread destruction of Hindu temples. 66 members of Hindraf were arrested and later indicted on charges including “unlawful assembly” and “displaying a show of criminal force to instill fear in police.” 25 of these individuals were also accused of criminal damage.

In December 2007, five leading members of the Hindu rights group Hindraf (Hindu Rights Action Force) were arrested for organizing the November 25th demonstration. Their group had been founded in January, 2006 to combat the discrimination experienced under Malaysia’s racist regime. What had triggered their anxieties had been the burial of a national hero, an ethnic Hindu, as a Muslim on December 28, 2005. Lance Corporal M. Moorthy had been paralyzed in an army training exercise, and was confined to a wheelchair. When he fell from his wheelchair and was in a coma, the Islamic authorities claimed that he had secretly converted to Islam. After his death they ruled that he should be buried as a Muslim. His widow Kalamandal had tried to appeal the case in the High Court, but the judge ruled that because of Article 121 (1A) he was powerless to intervene.

The five Hindraf leaders were detained under the Internal Security Act (ISA), an act which has been on Malaysia’s statute books since the time when Malaya was a British colony. This law allows for detention without trial for an indefinite period. Prime Minister Badawi ordered their detention under this law.

The five leaders of Hindraf, M. Manoharan, P. Uthayakumar, V. Ganabatirau, R. Kengadharan, and K. Vasantha Kumar, had challenged their detention under the ISA rules, but on January 26, 2008 the Attorney General Abdul Gani Patail ruled that their incarceration was lawful. The International Federation for Human Rights has called for the Internal Security Act to be abolished.

Islamization of The Body-Snatchers

Many individuals within Malaysia have expressed concern at the manner in which Malaysia has been influenced by creeping Islamization. A. Vaithilinga, a Hindu community leader, said: "We can't depend on the judiciary. Every case where a Muslim is involved in a dispute, the outcome isn't favorable for us." Bridget Welsh of Johns Hopkins University stated: "What you're seeing is a serious deterioration of race relations."

Jawhar Hassan, head of the Institute of Strategic and International Studies in Kuala Lumpur said: "There used to be more mixing among the races but increased urbanization has brought more competition for jobs and ethnic identities have become more important as a result."

Christians have also been singled out to have their churches destroyed. It is virtually impossible for any Christian community to get planning permission to construct a church building. Despite UMNO's claims, the Malays are not the original people of Malaysia. The original habitants are known as the Orang Asli or "original population." These tend to have animist/shamanistic faiths, but many are also Christian. They are the smallest minority in Malaysia, with their 18 tribes comprising less than 1% of the population.

In Kelantan state, which is governed by the Islamist PAS party (Parti Islam Se-Malaysia), the Orang Asli have been targeted for conversion to Islam. The bribes and inducements for the tribal peoples to become Muslim are paid from state funds.

In June 2007, members of a Christian Orang Asli tribe known as the Temiar tribe were shocked when Kelantan state authorities tore down their church. This was constructed on their ancestral land shortly before its demolition. Kelantan state maintained that there was no planning permission given, an excuse used throughout Malaysia to destroy Hindu temples and Christian churches. The Temiar tribe sued Kelantan state. Their case had been scheduled to be heard on Tuesday January 15, 2008. Like many cases that challenge the Islamist status quo, the hearing was adjourned. Parties must now send written submissions for a hearing in May.

The PAS party desires to see all of Malaysia governed by Sharia law. It also wants apostates from Islam to be punished with the death penalty. Kota Baru, Kelantan's main city, has been governed by PAS since 1996. Here queues in supermarkets are strictly gender-segregated, lest opposite sexes mingle and commit the Islamic "crime" of khalwat. Women are also subjected to strict Islamist dress codes.

The process of enforcing Islamization may have started in the 1980s during Mahathir's era, but it seems to have been accelerating since 2005. It is possible that Malaysia is keen to impress the OIC with its Islamic credentials, and the push for Islamization may be encouraged by OIC nations.

The OIC or Organization of Islamic Conference, which now has 57 member nations, was originally formed in 1969. In 1990, Malaysia was among the OIC member nations to sign the Cairo Declaration on Human Rights in Islam. This declaration maintains that Sharia should be the basis of all Muslim countries' laws. In 2005 it was agreed that the OIC's World Islamic Economic Forum would have its permanent secretariat based in Kuala Lumpur.

As the UMNO-led government has moved towards a position of preparing the nation for elections, it has made no effort to make the non-Muslim communities feel like valued members of the electorate. Before Christmas 2007, the government announced that a Christian newspaper could not use the term "Allah" when referring to God.

The government warned the Kuala Lumpur-based Herald – the Catholic Weekly that if it continued to use the name Allah, it would not be allowed to keep its publishing permit. On December 30, 2007 it was announced that the government had reversed the decision. Father Andrew Lawrence, the paper's editor was sent a fax. This stated that the 2008 publishing permit would be renewed, with no conditions attached. Father Andrew's delight was short-lived.

Less than a week after sending its fax, the government reversed its decision. The Herald – the Catholic Weekly was once again forbidden from using the term "Allah." Abdullah Mohamad Zin, a religious affairs minister, claimed that Father Andrew Lawrence had misinterpreted the fax message.

After imposing restrictions on Christians hijacking the name of the Islamic deity, the government then decided it had proprietary rights over the "Islamic" prophets depicted in Christian schoolbooks. In January last month, in Johor Bahru, Senawang and Ipoh, Christian books for children containing illustrations of the prophets Abraham and Moses were seized by the Publications and Koran Texts Control Department. This department is a division of the Internal Security Ministry, which is under the purview of Prime Minister Abdullah Badawi.

The government appears to either be appealing to the hardline Islamists in the UMNO party or trying to persuade potential PAS voters that it has strong Islamist credentials. In January last month, the Publications and Koran Texts Control Department of the Internal Security Ministry decided to ban eleven books on Islam. The department claimed that these books distorted Islam. Most of the books are produced in the United States. Eight of these are English language books.

These include The Two Faces of Islam: Saudi Fundamentalism and its Role in Terrorism by Stephen Schwartz, who has written for Family Security Matters. Another banned book is Secrets of the Koran: Revealing Insights into Islam's Holy Book by Don Richardson. This is published by Gospel Light, a Christian company. Another banned book is entitled Women in Islam.

In December 2005, when the body of Hindu mountaineering hero Maniam Moorthy was snatched from his widow by Islamic authorities and buried with Muslim ceremonies in a Muslim graveyard, a grim precedent was set.

The undignified spectacle of Islamic officials snatching bodies away from relatives, despite their protestations, continued. 71-year-old Rayappan Anthony, a Christian, died in Kuala Lumpur Hospital on November 29, 2006. Selangor state's Islamic Religious Department refused to let his family bury him. From 1990 until 1998, he had been a Muslim. The Islamic authorities claimed that he had not been given permission to return to Christianity.

A. Sivenesan, lawyer for Anthony's family said of Selangor Islamic Religious Department's actions: "It's known as corpse-snatching. You don't bother about the man when he is alive. When he dies you come and snatch the body." The family was successful in its battle with the Syariah Court when they threatened to sue the government. The Attorney General was clearly embarrassed, saying he could only give advice. On December 8, 2006, the Islamic officials dropped their claim, and Mr. Anthony was buried according to Christian custom the following day.

A year later, Islamic officials embroiled themselves in another body-snatching case. Wong Sau Lan was a Chinese Christian woman who died on December 30, 2007 in Kuala Lumpur, aged 53. The Federal Territory Islamic Council claimed that six days before her death, Ms. Lan had converted to Islam, and wanted to bury her as a Muslim. Her husband successfully sought an injunction from Kuala Lumpur High Court to prevent the Islamic authorities taking control of her body. He said she was a Christian at death, and there were no legal documents to state otherwise. A ruling was not

made until Friday January 18, 2008, when the Kuala Lumpur High Court gave permission for Wong Sau Lan to be buried as a Christian.

A week after Wong Sau Lan's interment, it was revealed by Associated Press and AFP that another Malaysian had been buried as a Muslim, against the wishes of relatives. 74-year-old Chinese Buddhist Mr. Gan Eng Gor died on January 18, 2008. His eldest son, a convert to Islam, claimed that Mr. Gor had converted to Islam in July 2007, a claim denied by the other members of his family.

Mr Gor had suffered a stroke, and was unable to talk for two years before his death. One of Mr. Gor's eight children said: "We have been practising Buddhists all our lives. How is it that none of us, including my mother who has been looking after my sick father for the past two years, has no knowledge of this?"

A Syariah High Court in Negeri Sembilan state insisted that Mr. Gor had converted to Islam on July 3, 2007. As the other members of the family did not attend the Islamic court, judge Mohamad Nadzri Abdul Rahman ruled in favor of the eldest son. Mr. Gor was buried as a Muslim.

Muslims make up no more than 60% of the population of Malaysia. The "ketuanan Melayu" policies of UMNO are divisive and discriminatory. In December 2007, the United States Commission on International Religious Freedom (USCIRF) finally voiced concerns about the treatment of non-Muslims in Malaysia, particularly the poor treatment of Hindus.

40% of the nation is not Muslim, yet these have diminished rights. Malaysia prides itself on being a moderate Muslim country. It upholds a principle known as "civilizational Islam" or "Islam Hadhari". Racial and religious discrimination is openly practiced by this "moderate" country. It is small wonder that of the eleven countries on USCIRF's list of countries that are of serious concern, seven of these are Muslim countries that make little claim to be "moderate."

P.S.

* Source:

<http://malaysianindian1.blogspot.com/2010/07/malaysias-moderate-islam-means-racism.html>

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