

Hearing for Application of Leave at High Court No R! Justice Lau
Bee Lan, Level 3 Right Wing Jalan Duta Court Complex Kuala
Lumpur
Lawyer Lim Heng Seng
Pr Jerry Dusing HP contact 012 8282844
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Sabah church sues minister and government.

The Sabah SIB Church is suing the Internal Security Minister and the government for not allowing it to import Christian literature for their children containing the word "Allah".

The suit is filed by Pastor Jerry Dusing, president of the Sabah Sidang Injil Borneo (SIB), or the evangelical church of Borneo, on 10 Dec, 2007 at the High Court of Malaya in Kuala Lumpur.

The church, which is the largest Christian denomination in the state, is asking the court to quash the minister's decision not to allow the church to import four titles in Bahasa Indonesia as well as withholding delivery another two titles under the Printing Presses And Publications Act 1984.

"These publications are meant for the religious education of our children," Pastor Dusing said in his statement in support of his suit.

It is also asking the court to compel the minister to return the consignment of materials which it claimed was "unlawfully detained" on 15 Aug 2007 at the Low Cost Carrier airport in Sepang while on transit from Indonesia to Sabah.

Pastor Dusing contends that from the earliest days of the SIB, its Bahasa Malaysia congregation comprising mainly native bumiputras from various tribal groups of Sabah has been using Bahasa Malaysia in their worship and religious instruction and education. They have been freely using the Alkitab, the Bahasa Malaysia/Indonesia translation of the Holy Bible where the word "Allah" appears for "God".

"The Christian usage of "Allah" predates Islam. "Allah" is the name of God in the old Arabic Bible as well as in the modern Arabic Bible. Christians in Egypt, Lebanon, Iraq, Indonesia, Malaysia, Brunei and other places in Asia, Africa and elsewhere where the languages are in contact with Arabic have been using the word "Allah" to refer to God," he said.

"In Bahasa Malaysia, the word 'Allah' has been used continuously in the printed edition of the Matthew's Gospel in Malay in 1629, in the first complete Malay Bible in 1733 until today in the AlkKitab."

Pastor Dusing said on 15 Aug 2007 the church's supervisor of children education, Kinambo Binti Gaduan, was bringing back three boxes of educational materials for Christian children from Surabaya, Indonesia to Kota Kinabalu, Sabah with a transit stop at the Low Cost Carrier Terminal (LCCT) at Sepang where they were unlawfully detained by a custom officer.

"The following day I wrote to the Director General of Customs for the return of the Publications but did not get a reply. I was later told that the books have been handed over to the Ministry of Internal Security and that I ought to communicate with them," Pastor Dusing said.

"I then wrote another letter on 24 August for the return of the books and about three weeks later on 10 Sept the Ministry of Internal Security replied saying importation of the publications has been denied because, among other things, Christian publications which contain the four prohibited words - "Allah", "Baitullah", "Solat" and "Kaabah" - are not permitted to be distributed in this country".

The Ministry also said such publications could raise confusion and controversy in Malaysian society.

He then asked church secretary, Pastor Danny Leinsin Limpakan to appeal to the Minister of Internal Security, that among other things, the word "Allah" used in the publications has been previously allowed by the Prime Minister and that the prohibition is contrary to religious freedom enshrined in Article 11 of the Federal Constitution.

More than a month, Kinambo Binti Gaduan, who had not written to the authorities at all, received an unsigned letter dated 5 Nov from the Ministry of Internal Security which said that the books were withheld under the Printing Presses And Publications Act 1984 and that a decision has been made regarding the seized materials under Section 9(1) of the Act.

Three weeks later, the church received a letter from Yaacob Bin Samat of the Bahagian Kawalan Penerbitan & Teks Al-Quran of the Internal Security Ministry dated 24 Nov stating that all publications whether imported or published locally which contains any one of the 4 words "Allah", "Baitullah", "Solat" and "Kaabah" are prohibited from distribution in Malaysia.

Among the reasons stated were that the government had gazetted the prohibition of the Alkitab in Malaysia under the Internal Security Act 1960 and that there were problems of enforcement among religious officers in the various states over prohibited words and phrases deemed exclusive to Islam which led the government to decide that the Ministry of Internal

Security under the Printing Presses and Publications Act 1984 is to deal with the issue..

The letter also said there was uneasiness within the community and that the issue has become sensitive and has been classified as a security issue.

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The SIB church is also asking the court for several declarations, among which is that, it is the constitutional right and the legitimate expectation of the church and its members to use the term "Allah" as a translation of the word "God" in the Bahasa Malaysia or Bahasa Indonesia Bible and other Christian publications. It also wants the court to declare its right to import such publications.

SIB is also seeking a declaration that SIB and its members are guaranteed equality of all persons before the law and are protected from discrimination against citizens, in particular in the exercise of powers under the Printing Presses And Publications Act 1984;

The church is seeking a declaration that subsidiary legislation made by order published in the Gazette under Section 22 of the Internal Security Act 1960 pertaining to the prohibition of the Al Kitab (the Bahasa Bible) be declared "unconstitutional. Constitution."

Additionally, SIB wants a declaration that under Article 11 and Article 12 of the Federal Constitution, it is the constitutional right of the church to import such publications to instruct their children in their religion in the exercise of their religious freedom..

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