ONE IN CHRIST

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Statement of SCC on Jill Ireland

The Sabah Council of Churches ("SCC") welcomes the government's decision to withdraw its appeal against the decision of the High Court of Malaya at Kuala Lumpur in the case of Jill Ireland Lawrence Bill v. Menteri Bagi Kementerian Dalam Negeri Malaysia & Anor, ("Jill Ireland's case"). Reciprocally and as an expression of our commitment to build a harmonious society, the Church has also withdrawn her case against the government in the case of Jerry W. A. Dusing@Jerry W. Patel & 1 lagi v Menteri Keselamatan Dalam Negeri & 1 Lagi (WA-25-108-11/2016). We believe these are positive steps toward strengthening the unity of our beloved multiracial, multireligious nation. In the wake of the government's decision above, the Honourable Prime Minister of Malaysia, Yang Amat Berhormat Datuk Seri Anwar Ibrahim has made the following statements:

1.As reported in the press, the Honourable Prime Minister says the decision in the Jill Ireland's case, where the Court held that it is lawful for Christians (Jill Ireland) who practice their religion in Bahasa Malaysia to use the word "Allah", applies only in Sarawak;

2.In a written press statement dated 17 May 2023, the Honourable Prime Minister says that with the consent of the KDYMM Seri Paduka Baginda Yang Di-Pertuan Agong, the Cabinet will make proposals to the Majlis Raja Raja on the use of the word "Allah".

The Sabah Council of Churches wishes to respond as follows:

1.The learned Judge in the Jill Ireland's case clearly made a declaration rendering the Directive issued by the Publication Control Division of the Ministry of Home Affairs ie, Circular: S. 59/3/9/A dated 5 December 1986 ("1986 Circular"), prohibiting inter alia, the use of the word "Allah", was unlawful and unconstitutional. It is obvious that the above impugned Directive applied to the whole of Malaysia, not just Sarawak. Therefore, the High Court's declaration of it being unlawful and unconstitutional likewise applies to the whole nation, including Sabah and not just Sarawak. To hold any view otherwise would render an absurd result: i.e. a Sarawakian or Sabahan Christian carrying publications with the word "Allah" in them, travels from East Malaysia to Semenanjung Malaysia would immediately be considered in possession of prohibited publications on arrival!

2.Article 11(1) of the Federal Constitution states:

"Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it."

It is clear that the practice and profession of one's faith in whatever language, including Bahasa Malaysia, is assured and indeed authorized unless such is an act contrary to any general law relating to public order, public health or morality. . The Jill Ireland Case has held that the Printing Presses and Publications Act 1984 under which the 1986 Circular was issued was not such a general law.

The High Court granted a declaration that pursuant to Article 11, Jill Ireland had the constitutional right to import the publications which had been seized. Another declaration granted is that she was guaranteed equality before the law and is protected from discrimination on the ground of religion in the administration of the Printing Preses and Publications Act 1984.

The personal liberty to practice one's religion within the Federation of Malaysia must therefore include the possession and use of any publications to that effect. The Jill Ireland's case should never have needed to find its way to the court in the first place if the provisions in the Federal Constitution are upheld in both the letter and spirit of the law. So too had the assurances and undertakings given to the peoples of Sabah and Sarawak leading to the Malaysia Agreement 1963 (MA63) that their religious freedom would be honoured. The word Allah as a referent to God had always been perfectly legitimate and it cannot be that 60 years after Malaysia, the right to use it is still being contested.

3.The Church has contributed to the nation building of Malaysia since the formation of the Federation of Malaya and now Malaysia. It has always sought the good and welfare of the society even before Merdeka) and we are committed to live in peace and harmony with Malaysians of other religions. We welcome the efforts of the Cabinet to make proposals to the Majlis Raja – Raja on the use of the word "Allah". We want to propose that input from Christian ministers from Sabah and Sarawak as well as the representative councils and associations of churches, both at the Federal and Wilayah level, to be taken into account by including them into the discussion and process. We believe this issue should be resolved amicably without depriving any person the rights to profess and practice his religion freely as guaranteed by the Federal Constitution.



The Most Reverent Datuk Melter Jiki Tais
President of Sabah Council of Churches