

SIDANG INJIL BORNEO (SIB) SABAH

BORNEO EVANGELICAL CHURCH

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Sidang Injil Borneo Sabah : Pastoral Communiqué to leaders and members

Greetings in the name of our Lord and Saviour Christ Jesus.

Brothers and sisters in Christ, let us not be misled by the assurance uttered by certain quarters that we can use the word 'Allah' to refer to God in Sabah and Sarawak. It is more than just about a word; it is about the fundamental right to worship God in the way we have been doing for generations without hindrance. The decision of the Court of Appeal against the Herald puts new restrictions on our human and constitutional right to freedom of religion. Nevertheless, we urge you to continue your friendship with your Muslim brothers and sisters and to extend love to them as you have always done. We want to assure them that our court action is not against them or Islam but against the wrongful conduct of the Federal government and its officials. We have never for one instance undermined the position of Islam as the religion of the federation. By the same token, we expect our constitutional right to profess, practice and propagate our faith to be respected by the courts and the Federal government.

We must remember that SIB is older than Malaysia itself and we never had any problem with the usage of the word 'Allah' and the practice of our faith. In the formation of Malaysia, our forefathers in Sabah and Sarawak sought assurance that our right to religious freedom is eternally guaranteed. The 20-point and 18-point agreement (for Sabah and Sarawak respectively) leading to the formation of Malaysia guarantee the freedom of religion; and the "Batu Sumpah" mounted in Keningau in 1964 is the visible evidence to remind us of the sanctity of freedom of religion for Sabahans and Sarawakians.

In our earlier communiqué to you on 8 April 2008 we explained why the SIB Sabah filed a case against the Federal government. This is what we explained to you then and our decision remains today.

Q: Why did SIB Sabah bring the matter to court instead of finding other avenues?

A: It is the policy of SIB to resolve any dispute with any party amicably through reasoned persuasion and amicable means. But, in this instance, all other means have been exhausted without any resolution. Further, this case affects the fundamental right and freedom of the practice and expression of our faith and ministering of our fundamental sacraments of our religion as well as our liturgy, worship and teaching of our Scriptures. Therefore, SIB is seeking a redress from the court.

Q: But the Court of Appeal has ruled in favour of the Federal government, does this mean our case has been weakened?

A: No, because the facts and circumstances of the SIB case are different from that of the Herald.

Q: What are the facts of the case?

A: On 15 August 2007, three boxes of children Christian educational publications from Indonesia to Sabah were unlawfully detained on transit at the Low Cost Carrier Terminal (LCCT) at Sepang. Subsequently, the matter was taken over by the Internal Security Ministry (under its Publications and Qur'anic Text Division) which claimed the grounds for its action was because the publications contained the word "Allah." The ministry relied on a circular issued on 5 December 1986 ref:KKDN S.59/3/9/A.Klt.2 which, among other things, said: "*Perkataan yang tidak boleh dipakai atau digunakan dalam semua penerbitan di Negara ini ialah: Allah, Kaabah, Baitullah, Solat.*" It should be noted the detained publications were to be for the sole purpose of religious education of the children of SIB members in **LOCAL CHURCHES** and not for the **PUBLIC**.

SIB was given 14 days to return the publications to its point of origin in Indonesia, failing which the detained



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"Jadilah Saksi Kristus"

publications would be destroyed by them. Several appeals were made to the relevant authorities but without any success. Leaving SIB with no other recourse but seek relief from the court.

Q: What is SIB seeking from the court?

SIB is asking the court:

- 1) 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;
- 2) for the return of the consignment of publications; and
- 3) for several declaratory reliefs on the right of the church to use to word "Allah".

Q: Is this court application supported by other churches?

A: The action is filed by SIB Sabah because it has the locus standi. However, the Council of Churches of Sabah, the umbrella body in the state is fully supportive of our action. SIB is also a member organization of NECF and by that association is also a member of CFM, the umbrella Christian body in the country. SIB action is supported by NECF and hence, CFM. By the same token we are supportive of the stand taken by ACS, SCC and CFM on the position of the use of the word "Allah" by Christians.

Q: How has the word "Allah" come to be associated with SIB Sabah?

A: SIB is the second largest Christian denomination in Sabah and its members are mainly Bumiputra Christians of various ethnic groups using the Alkitab - the Bahasa Bible - as its Holy Scripture. The portions of the Alkitab which were translated into "Bahasa Melayu" as early as 1612 where the word for God is translated as "Allah" and the word for LORD is "TUHAN." This word is of theological import has long been associated with our liturgy, prayer, worship, sermons and religious education of our members and their children. Therefore, the word "Allah" could not be simplistically dismissed as non-integral without consideration of its theological, liturgical and historical significance to the Bumiputra Christians of various ethnic groups residing in Malaysia. In short, it is our cultural heritage as Sabah Christian Bumiputeras. This fact is recognised by the 20-point declaration leading to the Malaysia Agreement in 1963.

Q: What is the Cabinet's view on this?

A: Following the Court of Appeal in the Herald case on 14 Oct 2013, Prime Minister Datuk Najib Tun Razak has declared that Christians in Sabah and Sarawak can continue to use the word 'Allah' and the Alkitab. While we welcome this assurance, we must stress that any decision must be based on and Constitutional guarantees of our religions freedom. We reject any 1Malaysia - two Alkitab policy that only serves to divide the nation and will not serve our members who are residing in Semenanjung Malaysia.

Q: Is there an out-of-court resolution to this dispute?

A: Yes; but in part. In our application we are asking the court for three orders. Two of them have been overtaken by events as the ministry has since returned our consignment of publications. This leaves only our third area of reliefs by way of declarations. This need not have to proceed if a mutual agreement can be reached.

Q: How?

A: The former Attorney General of Malaysia Tan Sri Abu Talib Osman has plainly set out the way forward. The Government should take steps to withdraw KDN Circular: S.59/3/9/A Klt. 2 - (17) issued subsequently by the then Secretary General of the Home Affairs Ministry dated 5 Dec 1986 addressed simply to: "Semua Penerbitan Agama Kristian" (to all Christian publishers). This will pave the way to unambiguity in giving full effect to the meaningful implementation of the "10 Points Solution" attached in a Letter by Prime Minister to the Chairman of CFM dated 11.4.2011.

When the circular first came out, various church groups immediately sought clarification but none was given, other than verbal assurances that this circular would not be enforced. This explanation was taken in good faith by the churches then. But now the worst that we had feared has happened with the Court of Appeal decision which is seriously flawed. Our lawyers will touch on this matter at the right forum and at the right time.

The case which we have commenced in the High Court arising from the seizure of our Sunday School materials



affords an excellent opportunity for the Government to put the record straight. Several Cabinet Ministers have made contradictory and confusing statements on the implications of the Court of Appeal decision in the Herald case. To show good faith in upholding the religious rights and freedoms of Bahasa Malaysia speaking Bumiputra and Orang Asli Christians whether in Sabah or Sarawak or in Semenanjung Malaysia a suitable formulation of the declaratory reliefs can be arrived at and recorded. I reiterate that the Church is always prepared to work towards a fair and just resolution based on our twin pillars of the Rukun Negara: Supremacy of the Constitution and the Rule of Law, both interpreted by established norm of construction and with integrity.

Our suggestion is:

- 1) withdraw the circular letter dated 5 December 1986 by a new gazette order; or
- 2) amend the 5 Dec 1986 letter by another letter to the parties above to read:

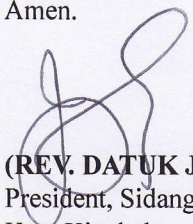
*"Perkataan yang tidak boleh dipakai atau digunakan dalam semua penerbitan Kristian di Negara ini ialah:
1) Kaabah, 2) Baitullah, 3) Solat";*

- 3) give full effect to the 10 Point Solution by reviewing other administrative and legislative action which offends the meaning and intent of the document; and
- 4) work towards a fair and just resolution of the pending case in the High Court which will provide a clear formulation of the constitutional rights of Christians to use the word "Allah".

We regret that the SIB case which was filed in 2007 even before the Herald case has been subject to long and unnecessary delays while the Herald case is now expected to enter its final stage before the Federal court. SIB's case has now been scheduled for mention before the Deputy Registrar at the High court on the 30th Oct 2013.

Brothers and sisters in Christ, we want to conclude by urging you not to give up hope but to continue with your worship of our Almighty God the Father in spirit and in truth for the Bible says: *"For the LORD your God is the one who goes with you to fight for you against your enemies to give you victory. (Deut. 20:4, NIV)"*

Amen.


(REV. DATUK JERRY W.A DUSING)
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