

# UNIVERSAL PERIODIC REVIEW 2009

## MALAYSIA

NGO: European Centre for Law and Justice  
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### RELIGIOUS FREEDOM IN MALAYSIA

#### SECTION 1: *Legal Framework*

##### **I. Malaysian Constitutional Provisions**

The Malaysian Constitution provides that “Islam is the religion of the Federation”<sup>1</sup> and “limits the ‘propagation’ of other faiths.”<sup>2</sup> The Constitution also states, however, that “other religions may be practi[c]ed in peace and harmony in any part of the Federation”<sup>3</sup> and “formally proclaims the state to be secular.”<sup>4</sup> The Government “impos[es] Islamic religious law on Muslims in some cultural and social matters,”<sup>5</sup> while non-Muslims are “free to practice their religious beliefs with few restrictions,”<sup>6</sup> and are generally immune to government interference with such practices.<sup>7</sup>

The language of the Constitution provides every religious group with “the right to manage its own religious affairs, to establish and maintain institutions for religious or charitable purposes, and to acquire and own property and hold and administer it in accordance with law.”<sup>8</sup> The Constitution also prohibits discrimination on the grounds of religion “in the administration of any educational institution . . . and, in particular, the admission of pupils or students or the payment of fees, or . . . the maintenance or education of pupils or students in any educational institution.”<sup>9</sup> Though it is lawful for both the Malaysian Federation and individual states to establish Islamic institutions and to provide instruction in the religion of Islam,<sup>10</sup> “[e]very religious group has the right to establish and maintain institutions for the education of children in its own religion” without discrimination.<sup>11</sup> Furthermore, “No person shall be required to receive

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<sup>1</sup> CONST. OF MALAYSIA part I, art. 3(1).

<sup>2</sup> U.S. Comm’n on Int’l Religious Freedom, *2008 Annual Report of U.S. Comm’n on Int’l Religious Freedom* (2008) [hereinafter *Annual Report*], available at <http://www.uscirf.gov/images/AR2008/malaysia.pdf>. See also Const. of Malaysia part II, art. 11(4).

<sup>3</sup> CONST. OF MALAYSIA part I, art. 3(1).

<sup>4</sup> *Annual Report*, *supra* note 2. See also Const. of Malaysia part II, art. 11(4).

<sup>5</sup> U.S. Dep’t. of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2007 Malaysia* (Sept. 14, 2007) [hereinafter *Religious Freedom Report*], available at <http://www.state.gov/drl/rls/irf/2007/90143.htm>. See also Human Rights Watch, *World Report 2008* (Jan. 31, 2008) [hereinafter *World Report*], available at <http://hrw.org/wr2k8/pdfs/malaysia.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> CONST. OF MALAYSIA part II, art. 11(3).

<sup>9</sup> CONST. OF MALAYSIA part II, art. 12(1)(a)-(b).

<sup>10</sup> CONST. OF MALAYSIA part II, art. 12(2).

<sup>11</sup> *Id.*

instruction in or take part in any ceremony or act of worship of a religion other than his own.”<sup>12</sup>

Despite the constitutional provisions that guarantee the right of every person “to profess and practice his religion”<sup>13</sup> and “no discrimination against citizens on the ground of religion,”<sup>14</sup> many non-Muslims express “concern about the Muslim majority’s commitment to religious freedom.”<sup>15</sup> Concerns stem from incidents such as in July 2007, when Deputy Prime Minister Jajib Abdul Razak publicly declared Malaysia to be an Islamic state,<sup>16</sup> and in May 2007, when the Supreme Court ruled that it would not recognize a woman’s conversion from Islam to Christianity in May 2007.<sup>17</sup>

## **II. Legislation**

### **A. *Conversion***

Under Malaysian law, Muslims are generally prohibited from converting to other religions.<sup>18</sup> Additionally, any Muslim who falsely makes himself “an apostate in order to annul his or her marriage commits an offence and shall be punished with imprisonment not exceeding one year.”<sup>19</sup> The government stated in 1998, however, that apostates, without deceptive motives, do “not face government punishment as long as they [do] not defame Islam after their conversion.”<sup>20</sup> Importantly, Muslims who convert to Christianity are almost always unable to change the religion on their state identification cards, following a monumental 2007 Supreme Court ruling.<sup>21</sup> (See, *infra*, Section III.B.) This bears special significance in relation to the 1976 Law Reform Act, which “prohibits a Muslim from solemnizing a marriage under civil law with a non-Muslim.”<sup>22</sup>

### **B. *Anti-proselytizing and censorship***

The Malaysian government strictly forbids the proselytizing of Muslims by non-Muslims, although proselytizing of non-Muslims is permitted.<sup>23</sup> The government also “restricts distribution of Malay-language Christian materials in Peninsular Malaysia and forbids the proselytizing of Muslims by non-Muslims.”<sup>24</sup> The restriction includes “Malay-language translations of the Bible, Christian tapes, and other printed materials,”<sup>25</sup> in addition to “movies, Web sites, and music it alleges might incite racial or religious

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<sup>12</sup> CONST. OF MALAYSIA part II, art. 12(3).

<sup>13</sup> CONST. OF MALAYSIA part II, art. 11(1).

<sup>14</sup> CONST. OF MALAYSIA part II, art. 8(2).

<sup>15</sup> *Annual Report*, *supra* note 2.

<sup>16</sup> *World Report*, *supra* note 3.

<sup>17</sup> Thomas Fuller, *Malaysia’s Top Court Refuses to Honor a Muslim’s Conversion*, N.Y. Times, May 31, 2007, at A7; Eileer Ng, *Malaysia: Christian Can’t Convert from Islam*, CBN News, May 30, 2007, available at <http://www.cbn.com/CBNnews/167099.aspx>; The Voice of the Martyrs, *Persecution News*, High Court Rules that Lina Joy Cannot Change Religions, <http://persecution.net/news/malaysia8.html>.

<sup>18</sup> *Religious Freedom Report*, *supra* note 3.

<sup>19</sup> MALAYSIA ACT 303.130, Islamic Family Law Act of 27 June 1984 (Malaysia).

<sup>20</sup> *Annual Report*, *supra* note 2.

<sup>21</sup> *Religious Freedom Report*, *supra* note 3.

<sup>22</sup> *Annual Report*, *supra* note 2.

<sup>23</sup> *Religious Freedom Report*, *supra* note 3.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

disharmony.”<sup>26</sup> Furthermore, “[i]n April 2005 the Prime Minister declared that copies of the Malay-language Bible must have the words ‘Not for Muslims’ printed on the front and could be distributed only in churches and Christian bookshops.”<sup>27</sup>

The government occasionally attempts to suppress discussions between Muslims and non-Muslims on controversial religious topics and, in 2006, banned at least 18 books with religious themes.<sup>28</sup> Local governments in Muslim-dominated states “carefully control the building of non-Muslim places of worship, the allocation of land for non-Muslim cemeteries, and the distribution of religious materials.”<sup>29</sup> Some local governments also require approval for building churches and printing religious materials. Such government approvals, however, are “often granted slowly or through corruption.”<sup>30</sup>

### **III. Judicial System and Rulings**

Malaysia has two court systems: a secular court system relating to parliamentary law and a Shari’a court system based on Islamic law.<sup>31</sup> The federal court system consists of two High Courts – in Malaya and Borneo – which serve as appellate-like courts to the states of Malaya, Sabah and Sarawak.<sup>32</sup> Additionally, there is a Supreme Court known as the “Mahkamah Agung,” which has “exclusive jurisdiction to determine appeals from decisions of a High Court.”<sup>33</sup> Shari’a-based laws are “administered by state rather than federal authorities through Islamic courts and bind all Muslims.”<sup>34</sup>

During the past several years, “the country’s civil court system has gradually ceded jurisdictional control to Shari’a courts in limited areas of family law involving disputes between Muslims and non-Muslims.”<sup>35</sup> Even though the Shari’a courts do not have jurisdiction over non-Muslims, the federal courts occasionally defer cases involving Muslim (and new Muslim-converts) divorce and child custody proceedings against non-Muslim spouses to Shari’a courts.<sup>36</sup> The expansion of the Shari’a courts’ power has come to the forefront in recent years as “questions of apostasy, conversion, divorce, child custody, and burial rights – and the interplay between sharia and civil courts – have become major legal and political issues.”<sup>37</sup>

The most notable decision by the Supreme Court regarding religious freedom occurred in May 2007 and involved a decision which stated that the Shari’a courts control whether a Muslim may change the religion on his or her I.D. card.<sup>38</sup> In the case, a Muslim who converted to Christianity in 1999, attempted to remove “Muslim” from her

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<sup>26</sup> *Annual Report*, *supra* note 2.

<sup>27</sup> *Religious Freedom Report*, *supra* note 3.

<sup>28</sup> *Id.*

<sup>29</sup> *Annual Report*, *supra* note 2.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> CONST. OF MALAYSIA part IX, art. 121(1).

<sup>33</sup> CONST. OF MALAYSIA part IX, art. 121(2)(a).

<sup>34</sup> *Religious Freedom Report*, *supra* note 3.

<sup>35</sup> *Id.*

<sup>36</sup> *Annual Report*, *supra* note 6.

<sup>37</sup> *Id.*

<sup>38</sup> *Religious Freedom Report*, *supra* note 3. *See also* Fuller, *supra* note 11; Ng, *supra*, note 11.

I.D. card in order to legally marry a Christian.<sup>39</sup> The court ruled that Muslims wishing to convert to Christianity or another religion must now first obtain approval from the Shari'a courts.<sup>40</sup> Because Shari'a courts have rarely granted requests to convert, however, "[t]he decision effectively precludes the conversion of Muslims."<sup>41</sup>

Shari'a law prohibits renunciation of Islam and conversion to other religions. Such offenses are punishable by criminal sanctions and rehabilitation.<sup>42</sup> The laws also require non-Muslims to convert to Islam upon marrying a Muslim, and some state-level religious authorities have detained and attempted to religiously rehabilitate Muslim spouses who renounced Islam.<sup>43</sup> Shari'a courts occasionally attempted to enforce rehabilitation on some Muslims who married non-Muslims in a church, and children of resulting from such marriages were sometimes taken from their homes until the Muslim parent was rehabilitated.<sup>44</sup>

## **SECTION 2: *Recent Religious Persecution or Discrimination***

### **Selected Recent Incidents of Persecution or Discrimination**

**Note: Each incident detailed here has a web link to the news story. The full text of the news story can be found in the Appendix.**

#### ***A. Anti proselytism***

1. February 2008 – Customs officer confiscated 32 Bibles from Christian returning from Philippines<sup>45</sup>
2. May 2005 – Two men arrested for handing out Christian literature outside a mosque<sup>46</sup>

#### ***B. Anti and forced Conversions***

1. May 2007 – Supreme Court of Malaysia refused to recognize a Muslim's conversion to Christianity<sup>47</sup>

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<sup>39</sup> *Annual Report, supra* note 2. *See also* Fuller, *supra* note 11.

<sup>40</sup> *Religious Freedom Report, supra* note 3., *See* Fuller, *supra* note 11.

<sup>41</sup> *Id.* *See also* Amnesty Int'l, Amnesty Int'l World Report 2008, State of the World's Human Rights, Malaysia, available at <http://thereport.amnesty.org/eng/regions/asia-pacific/Malaysia>; Ng, *supra*, note 11.

<sup>42</sup> *Annual Report, supra* note 2.

<sup>43</sup> *Religious Freedom Report, supra* note 3.

<sup>44</sup> *Id.*

<sup>45</sup> <http://persecution.net/news/malaysia11.html>

<sup>46</sup> <http://mnnonline.org/article/7270>

<sup>47</sup> <http://persecution.net/news/malaysia8.html>; <http://www.cbn.com/CBNnews/167099.aspx>; <http://www.nytimes.com/2007/05/31/world/asia/31malaysia.html>

2. November 2006 – Over 1,000 Muslims gathered to protest at Catholic church due to the rumored baptism of several hundred Muslim children<sup>48</sup>

### ***C. Violence / Discrimination against religious minorities***

1. July 2, 2007 – Malaysian Government demolished Christian church<sup>49</sup>
2. April 28, 2007 – Interfaith couple’s home raided, told their marriage was “void”<sup>50</sup>
3. November 2006 – Authorities detained 107 suspected members of minority Muslim sect<sup>51</sup>
4. August 2006 – Muslim human rights lawyer who had openly criticized the encroachment of the Sharia courts upon the jurisdiction of civil courts received death threat<sup>52</sup>

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<sup>48</sup> <http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

<sup>49</sup> <http://mnnonline.org/article/10080>; <http://persecution.net/news/malaysia9.html>

<sup>50</sup> <http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

<sup>51</sup> <http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

<sup>52</sup> <http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

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#### APPENDIX

#### Section 2

##### *A. Anti proselytism*

##### **1. Bibles Confiscated at Airport**

February 6, 2008

<http://persecution.net/news/malaysia11.html>

On January 28, a customs officer confiscated two boxes containing 32 Bibles from a Christian woman in the Kuala Lumpur airport as she was returning from the Philippines. When the officer asked Juliana Nichols to open the boxes she was carrying and declare their contents, she produced a letter from her parish priest stating that the English Bibles were meant for use in her church. The officer told her that the texts needed to be cleared with the Internal Security Ministry's Control Division of Publications and Al-Quran Texts and seized them. The general secretary of the Council of Churches of Malaysia, Reverend Hermen Shastri, issued a press statement on February 4 that called for the immediate release of the Bibles and asked for an official apology from the Royal Malaysian Customs Department. "The Council of Churches is flabbergasted that such acts are happening in our country with such frequency and impunity," said Shastri. "We want to state categorically that the Bible is Holy Scripture for Christians.... No authority on earth should deny Christians the right to possess, read and travel with their Bibles." The Bibles have since been returned to Nichols, according to reports received this week.

##### **2. Malaysian Police Arrest Two Americans for Promoting Christianity**

May 2, 2005

<http://mnnonline.org/article/7270>

Two Americans remain in custody in Malaysia, without charges, for handing out Christian literature. They were detained on Monday and a local court had ordered them to be held for 14 days to assist in investigations.

Strategic World Impact's Kevin Turner says one of the men, Rick Rupert, was a fellow worker. "He had some Gospels of Luke with him, and he had 'The Passion of the Christ'

film. But, from my understanding, when he was arrested, he had not been distributing any of these. A local imam, from the mosque, had called police, I guess, being upset about his activities."

The arrests took place outside the mosque in Putrajaya, Malaysia's new administrative capital south of Kuala Lumpur.

The Chinese say it's not against the law to proselytize, but Turner says the ethnic Islamic Malay don't share those feelings. In fact, the arrests are a message. "We do not want the Gospel coming to the Malay, here in Malaysia.' What we have here, is a law that absolutely contradicts the Word of God, and they're willing to, obviously, enforce that, by putting a man in prison who actually had not even committed any type of crime."

According to the statistics in 'Operation World', in Malaysia, Sunni Islam is the official and favored religion, and there is continual pressure to make it stay that way.

Over two decades ago, limitations on religious freedom were introduced. However, in 1999, some of those restrictions were relaxed on places of worship and missionary visas.

In spite of this, it is still illegal to proselytize Muslims. Running afoul of this produces a quick crackdown. Turner says the case could go one of two ways: the government could either relent and release them, or the situation could become a 'Tier 5 case,' and go all the way through the Malaysian court system.

## ***B. Anti and forced Conversions***

### **1a. High Court Rules that Lina Joy Cannot Change Religions**

May 30, 2007

<http://persecution.net/news/malaysia8.html>

On May 30, the federal court of Malaysia denied Lina Joy legal recognition of her conversion from Islam to Christianity in 1998. According to a May 30 report from Asia News, it was decided that only the Islamic court may remove the word "Islam" from her documents. Her case has been the subject of internal debate and pressure from Muslim militants. Following the ruling, hundreds of Islamic demonstrators celebrated outside the courthouse.

### **1b. Malaysia: Christian Can't Convert for Islam**

May 30, 2007

<http://www.cbn.com/CBNnews/167099.aspx>

Malaysia's top secular court on Wednesday rejected a woman's appeal to be recognized as a Christian, in a landmark case that tested the limits of religious freedom in this moderate Islamic country.

Lina Joy, who was born Azlina Jailani, had applied for a name change on her government identity card. The National Registration Department obliged but refused to drop Muslim from the religion column.

She appealed the decision to a civil court but was told she must take it to Islamic Shariah courts. But Joy, 42, argued that she should not be bound by Shariah law because she is a Christian.

A three-judge Federal Court panel ruled by a 2-1 majority Wednesday that only the Islamic Shariah Court has the power to allow her to remove the word "Islam" from the religion category on her government identity card.

Judge Richard Malanjum was the only one on the panel who sided with Joy, saying it was "unreasonable" to ask her to turn to the Shariah Court because she could face criminal prosecution there. Apostasy is a crime punishable by fines and jail sentences. Offenders are often sent to prison-like rehabilitation centers.

Joy was not present at Wednesday's hearing.

About 60 percent of Malaysia's 26 million people are Malay Muslims, whose civil, family, marriage and personal rights are decided by Shariah courts. The minorities - the ethnic Chinese, Indians and other smaller communities - are governed by civil courts.

But the constitution does not say who has the final say in cases such as Joy's when Islam confronts Christianity, Hinduism, Buddhism or other religions.

The founding fathers of Malaysia left the constitution deliberately vague, unwilling to upset any of the three ethnic groups dominant at the time of independence from Britain 50 years ago, when building a peaceful multiracial nation was more important.

The situation was muddied further with the constitution describing Malaysia as a secular state but recognizing Islam as the official religion.

Joy, who began going to church in 1990 and was baptized eight years later, has been disowned by her family and has said she was forced to quit her computer sales job after clients threatened to withdraw their business.

She and her ethnic Indian Catholic boyfriend went into hiding in early 2006 amid fears they could be targeted by Muslim zealots, Joy's lawyer has said.

Joy's case sparked angry street protests by Muslim groups and led to e-mail death threats against a Muslim lawyer supporting her.

Her case is the most prominent in a string of recent religious disputes, some involving custody of children born to parents of different faiths, and one involving a deceased Hindu man who converted to Islam without his family's knowledge and whom Islamic authorities ordered to be buried as a Muslim.

### **1c. Malaysia's Highest Court Refuses to Honor a Muslim's Conversion**

May 31, 2007



<http://www.nytimes.com/2007/05/31/world/asia/31malaysia.html>

Malaysia's highest court on Wednesday refused to recognize the conversion of a Muslim-born woman to Christianity, ruling that the matter was beyond the jurisdiction of the country's civil courts and should be handled by religious authorities.

The Federal Court was divided 2 to 1, with the only non-Muslim judge, Richard Malanjum, dissenting forcefully and arguing that the Constitution must remain the supreme law of the land.

Muslims, who make up about 60 percent of Malaysia's population of nearly 25 million, have coexisted with Buddhists, Christians, Hindus and Sikhs for decades in one of the world's most progressive and modern Muslim democracies. But the ruling underlined the increasing separation of Muslims from others and reinforced the notion that Islamic law should have primacy over secular laws in certain aspects of Muslims' lives.

The ruling exhausted the last appeal of Lina Joy, who after being baptized a Roman Catholic in May 1998 wanted to remove the word Islam from her identity card to marry her Catholic fiance. Muslims in Malaysia are already subject to separate laws on inheritance and marriage and must marry within the faith.

Ms. Joy, who lost her job as a saleswoman last year because of the issue and whose family has reportedly been harassed, is seeking political asylum in Australia, said one of her advisers, who spoke on condition of anonymity because he was not authorized to speak for her.

Ms. Joy's lawyer, Benjamin Dawson, was not available after the trial to comment on the verdict or asylum application, and Ms. Joy was not in the courtroom on Wednesday.

Malaysia's chief justice, Ahmad Fairuz Abdul Halim, said in his majority opinion that the agency responsible for identity cards had acted reasonably when it refused to change Ms. Joy's religious status. "She cannot at her own whim simply enter or leave her religion," he said. "She must follow rules."

Malaysia's Constitution is in some ways contradictory, analysts say. It both defends freedom of religion and declares Islam the official religion. The abandonment of Islam, or apostasy, is strongly opposed by many Muslims and in some Malaysian states is punishable by fines and imprisonment. To change her religion officially, Chief Justice Ahmad said, Ms. Joy must offer proof from a special Muslim court that she has abandoned Islam.

Justice Malanjum said in his dissent that Ms. Joy's "fundamental constitutional right of freedom of religion" had been violated.

Outside the courthouse here members of an Islamic youth organization cheered the decision.

But representatives of other religious groups were dismayed.

"People like Lina Joy should not be trapped in a legal cage, not being able to come out to practice their true conscience and religion," said Leonard Teoh Hooi Leong, a lawyer representing the Malaysia Consultative Council of Buddhism, Christianity, Hinduism and Sikhism.

In practice, Mr. Teoh said, Ms. Joy, who was born Azlina Jailani, will have a very difficult time getting Islamic authorities to allow her to leave Islam. No one in recent years has done it in the federal territory of Kuala Lumpur, where Ms. Joy is registered, he said.

Ms. Joy's case reflects the larger debate across the globe about the place of traditional Islamic beliefs in modern, multicultural democracies and highlights differences of opinion on the age-old question of the separation of religion and state.

## **2. U.S. State Department International Religious Freedom Report – Malaysia (2007)**

November 5, 2006

<http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

On November 5, 2006, police reacted quickly and forcefully to protect worshippers at a Catholic church in Ipoh, when more than 1,000 Muslims gathered to protest the rumored baptism of several hundred Muslim children. The rumor was false, and the country's top police officer, the Inspector General Police, subsequently declared that those responsible for initiating the rumor were a threat to public order and national security. The Prime Minister declared that the parties responsible for starting the rumor should be severely punished. On November 20, 2006 police detained a married couple from Ipoh on suspicion of starting the rumor. They subsequently released the couple on bail, and the Government's investigation into the incident continued as of June 30, 2007.

### ***C. Violence / Discrimination against religious minorities***

#### **1a. Church Destroyed in Malaysia**

July 2, 2007

<http://mnnonline.org/article/10080>

The Malaysian Government has apparently demolished a Christian church building in an Orang Asli settlement in Gua Musang in Ulu Kelantan, according to Salem Voice Ministries News Service.

The news service said that just few months ago, the Orang Asli community in Kampung Jias converted to Christianity as a result of the ministries of Pastor Moses Soo. Since they were in need of a church to worship they consulted the Village Development and Security

Committee and the Department of Orang Asli Affairs to erect a church to mark their faith.

It was sanctioned and they proceeded constructing the church with the help of volunteers and certain donations, SVM said.

On April 11, however, the Gua Musang district land office issued a stop work order, stating that the construction was being carried out on state land without permission from the authorities, the news agency reported.

The following day, Rev. Wong Kim Kong, Secretary General of the National Evangelical Christian Fellowship of Malaysia (NECF) sent a letter to the land office, saying the land belonged to the Orang Asli villagers under Section 2 6(1) and 7(1) of the Orang Asli Act of 1954. Rev. Wong sent copies of the letter to the Prime Minister Abdullah Ahmad Badawi, Kelantan Menteri Besar Nik Abdul Aziz Nik Mat, Gua Musang MP Tengku Razaleigh Hamzah and the Attorney-General Abdul Gani Patail.

Construction of the church continued.

Once again the Land Office issued another notice on May 24 informing the village headman Pedik Busu that the "illegal" structure would be demolished.

Despite various efforts to block the demolition, the church was finally torn down by bulldozers on June 4.

Pastor Moses Soo told Rev. Paul Ciniraj, the Director of the Salem Voice Ministries and the SVM News Service that police tortured him several times.

Pastor Soo also said the district land office does not have any right to reduce the church to rubble, because the land belonged to the headman of Kampung Jias but was donated to the Orang Asli community for the purpose of building the church.

After demolishing the church, a report was made on June 6 at the Gua Musang Police Station by the headman Pg. Pedik bin Busu of Kg. Jias, accompanied by the lawyer Mr. Lum C. S.

SVM news service says, "This is the latest in a string of incidents involving the demolition of places of worship of religious minorities in Malaysia. It goes without saying that this is a worrying trend and despite public outcry, there seems to be no indication that this will end anytime soon. Such incidents of discrimination and disregard of legitimate rights are especially prevalent with marginalized communities that are more out of sight, like the rural poor ethnic Indians and the Orang Asli."

## **1b. Church Demolished By Authorities**

June 20, 2007

<http://persecution.net/news/malaysia9.html>

Government authorities demolished a church belonging to the "Orang Asli" tribe of indigenous Christians in Kuala Lumpur, Kelantan State on June 8. The authorities claimed that the church was built without state permission. However, according to a local church leader, the land is owned by the village head and they have the lawful right to use it for their own purposes. Local Christians have rejected the district office's suggestion to rebuild a "community center" at another site and intend on reconstructing the church in its original location.

## **2. U.S. State Department International Religious Freedom Report – Malaysia (2007)**

April 28, 2007

<http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

On April 28, 2007, officers from the Selangor Islamic Affairs Department (JAIS) raided the home of a Muslim woman and Hindu man who were married in July 2006 in a Hindu temple. According to the husband's police report and petition filed in the High Court, JAIS officials told the couple that their Hindu marriage was deemed void. JAIS stated it removed the woman from the couple's home on suspicion that she committed "khalwat" (i.e., being in close physical proximity to a man other than her husband). She remained in detention and was undergoing religious "rehabilitation" at the end of the reporting period. The husband's lawsuit remained pending.

## **3. U.S. State Department International Religious Freedom Report – Malaysia (2007)**

November 14, 2006

<http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

On November 14, 2006, JAIS detained 107 persons, including several children, during a raid in Kuala Lumpur against suspected followers of the banned al Arqam Islamic group. While all detainees were subsequently released, JAIS stated it intended to press charges in a Shari'a court against six of the arrested individuals. The Government banned al Arqam in 1994, labeling it a "deviant" sect. Ashaari Muhammad, the leader of its approximately 10,000 followers, subsequently spent 10 years under house arrest. Ashaari established a holding company, Rufaqa Corporation, to manage his business interests while detained. Rufaqa Corporation came under investigation for allegedly supporting the revival of the al Arqam group. On March 1, 2007 JAIS raided the homes of 28 individuals with links to Rufaqa Corporation to gather further evidence against the company. JAIS also raided several business premises of Rufaqa Corporation on March 2, 2007, tearing down posters and signs bearing the word "Rufaqa" and seizing books and other materials featuring Ashaari.

## **4. U.S. State Department International Religious Freedom Report – Malaysia (2007)**

August 2006

<http://www.state.gov/g/drl/rls/irf/2007/90143.htm>

In August 2006 a leaflet was widely distributed that contained a death threat against a prominent Muslim human rights lawyer who had played a leading role in organizing Article 11 discussions. He had publicly warned against the encroachment of Shari'a courts upon the jurisdiction of the civil court system. Non-Malay political and religious leaders from across the religious spectrum publicly criticized the leaflet. Several NGO leaders and opposition party politicians noted that government criticism of the death threat was muted, as no cabinet-level minister publicly condemned it. As of June 30, 2007, the police continued their investigation of the death threat, although no arrests have been made.