

My name is Andrew Khoo. I am a lawyer practising in Kuala Lumpur, Malaysia. My practice focuses mainly on human rights and constitutional law issues in Malaysia, and in particular on freedom of religion or belief. I Co-Chair the Malaysian Bar Council's Constitutional Law Committee, and also act as a consultant and advisor to several non-governmental organisations. However I speak here today in my individual capacity.

On 11 January 2024, Turkish academic Dr. Ahmet T. Kuru, who is a professor of political science and Director of the Center for Islamic and Arabic Studies at San Diego State University, claimed that he was approached by police officers, interviewed, and threatened with arrest as a terrorist as he waited to board a plane from Kuala Lumpur, Malaysia to Lahore, Pakistan. Dr. Kuru had been in Malaysia at the invitation of a non-governmental organisation called Islamic Renaissance Front ("IRF") to launch a Malay language translation of his 2019 book "Islam, Authoritarianism, and Underdevelopment: A Global and Historical Comparison", which had been translated and published by IRF. He spoke at several events, and was scheduled to launch his book at an Islamic institute associated with a leading local public university. This however was cancelled by the institute at the last minute. A substitute launch had to be put together at a private university. For the record, the Malaysian police have denied that Dr. Kuru was under any investigation and refute his allegation that he was approached by police officers.

(See <https://www.freemalaysiatoday.com/category/nation/2024/01/11/us-scholar-claims-he-feared-arrest-at-klia/>)

On 17 January 2024, a Malaysian film producer Tan Meng Kheng and a Malaysian film director Khairi Anwar Jailani, were charged in separate courts for "hurting religious feelings" in contravention of Section 298 of the Malaysian Penal Code. Both men were released on bail and were made subject to a "gag" order not to make any comments about the case. They were charged for having produced, written and directed a movie entitled 'Mentega Terbang' (literally 'Butter Fly'), which revolved around a Muslim female teenager seeking to understand what other religions believed about death and whether there was life thereafter, as she faced the impending death of her mother from cancer. The movie had been released in 2021 and had earned several awards at international film festivals without incident. However, when in February 2023 a local blogger drew attention to the existence of the movie, the director and several of the actors became the subject of investigations by either or both secular and Islamic religious authorities. The director and one of the actors received death threats, and that actor had acid thrown at his car. The perpetrators have not been identified.

(See <https://www.thestar.com.my/news/nation/2024/01/17/039mentega-terbang039-director-producer-claim-trial-to-charge-of-hurting-religious-feelings>)

On 8 January 2024 it was reported by several local online news portals that a popular Muslim religious teacher in Malaysia by the name of Azhar Idrus had pronounced that it was prohibited by the teachings of the religion of Islam, or 'haram', for post-pubescent persons to go to bed with teddy bears or other such stuffed toys.

(See <https://www.nst.com.my/amp/news/nation/2024/01/998756/it-haram-sleep-teddy-bears-dolls-says-ustaz-azhar-idrus->)

I mention these three incidents as they represent, in my opinion, the state of religious freedom in Malaysia, and are also reflective of the infiltration of certain negative international authoritarian trends into the Malaysian religious freedom landscape.

The first is an institutionalised intolerance of views that run contrary to the accepted religious and/or ideological position of the state, in countries where the state is neither secular nor agnostic. The views may not necessarily be heretical, nor need they be unorthodox. However they directly or impliedly cast existing religious or non-secular, or ideological, regimes in these countries as somehow compromised and corrupted by the desire of political elites to hold on to political power by the control of what can and cannot be accepted. Malaysia has in the past, for example, deported/refouled émigré Uyghurs back to China, liberal Muslims back to Saudi Arabia, and alleged Gulenists back to Turkey. We have also had four domestic instances of the enforced disappearance of three Christian pastors and one Shia-Muslim religious activist.

The second is the increasing resort to the criminalisation of religious free speech and expression in the guise of preventing anticipated or actual breaches of the peace, disruptions in public order, or direct threats to national security. Freedom of religion or belief is not acceptable when the status quo is deemed to be threatened. This is assisted in certain circumstances by a less than independent judiciary that has all too easily surrendered its role as a protector of the fundamental liberties under a constitution and legitimised such arbitrary detentions in the name of safeguarding and preserving the peace, often overlooking the loss of any due process rights in the course of detention, investigation and prosecution. Again, we do not have to look too far in our region for examples of where this kind of state action has been conducted.

The third is the reluctance or failure by governments and others in authority to prevent and counter extremism before it becomes violent. Extreme conservative interpretations of religious texts are seldom challenged in public. Wild and unfounded allegations against minority religions by those who claim to speak on behalf of the majority religion go unchallenged and unstoppable. Whereas even mild comments touching on the majority religion result in accusations of “hurting religious feelings” or “stepping on religious sensitivities” and invite the heavy-handed invocation of the entire machinery of government to enforce the law which prohibits the same. Such an asynchronistic application of the law breeds a sense of impunity and immunity amongst those who claim to speak on behalf of the majoritarian religion or ideology, and creates a climate of fear and self-censorship amongst those who do not share the majoritarian view.

The net result of all of the above is a rapidly narrowing safe space for honest conversations and public dialogues about religions, and the closing of the minds of people towards inter-religious acceptance. Diversity is not so much accepted as tolerated, but only so long as the peace and harmony of the adherents of the majority religion or ideology is not disturbed or overly-fragile sensitivities not hurt.

State secular and religious authorities may benefit from greater exposure, via people-to-people contact between the United States and Malaysia, to multi-religious communities that can peacefully co-exist and practise respect for and acceptance of religious diversity, and inter-faith activities that demonstrably exhibit shared values.