

December 5, 2007: Malaysia: USCIRF Concerned Over Destruction of Hindu Temples and Need for Protection of Freedoms

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WASHINGTON—The United States Commission on International Religious Freedom is concerned by recent actions taken by the Malaysian government, directed against the Hindu minority, curtailing their human rights including the freedom of thought, conscience, and religion, and several other religious freedom concerns. Two weeks ago, police used tear gas and water cannons against peaceful demonstrations by an estimated 10,000 members of the ethnic Indian Hindu minority. Authorities sought to prevent the protests, locking down roads and parks in Kuala Lumpur and arresting suspected organizers. Over 700 protesters were gassed, beaten, and detained after taking refuge in the Batu Cave Temple in Kuala Lumpur. Police used similar violent tactics last month against demonstrators for electoral reform, including using tear gas against those seeking refuge at Kuala Lumpur's Jamek mosque. The demonstrations last week were organized to bring attention to the economic, social, and religious discrimination against the Indian minority in Malaysia, including the demolition and destruction of Hindu temples and shrines. Attempts by lawyers and activists to stop the destruction of temples have met with little success. In late October, authorities demolished the 100-year-old Maha Mariamman Hindu Temple and reportedly assaulted its Chief Priest. Just this week, the Sri Periyachi Amman Temple in Tambak Paya Village, Malacca was demolished by local authorities, despite having received a "stay order" from state officials. "Continued discrimination against members of the ethnic Indian Hindu minority, including the destruction of sacred places and images, only fuels religious unrest and intolerance," said Commission Chair Michael Cromartie. "The Commission urges the U.S. government to raise the destruction of Hindu temples with Malaysian authorities and insist that immediate measures be taken to protect sacred sites and prevent further destruction." Police arrested three of the demonstration organizers: P. Waytha Moorthy, his brother and another associate. The three men were later charged in court with allegedly making seditious comments, which carries a maximum penalty of three years in prison. A local court judge dismissed the charges against them on a technicality, but new charges may be filed at any time. In addition, Malaysian Prime Minister Abdullah Ahmad Badawi threatened to employ the Internal Security Act (ISA) to prevent future demonstrations by Indian Hindus, a law that allows detention without trial for an extended period. "We urge the U.S. government to raise the cases of the demonstration's organizers and seek promises that no charges will be filed against them, including detentions under the ISA," said Cromartie. "Malaysia should ensure that internationally protected rights to peaceful assembly, expression, and freedom of thought, conscience, and religion are protected." Demolitions of Hindu temples and shrines have increased markedly over the past several years, spurred by religious and political competition in the countryside and battles over eminent domain in the cities. Most demolitions have purportedly occurred due to the extension of expressways and other development projects in and around Kuala Lumpur. Mosques and some Christian churches either have received compensation or successfully diverted these projects, but Muslim politicians have ordered the destruction of Hindu statues and shrines on private property in the countryside, including the shrines erected by former migrant workers on land now owned by Muslims and by Hindus whose statues were visible from a busy highway. Temple destructions are only one of the issues facing Malaysia's religious minorities that the Commission is concerned about. With the support of many politicians, Malaysia's sharia courts have expanded their jurisdiction in recent years, threatening secular Malaysia's civil courts and the country's commitment to religious pluralism. Because the Federal Constitution deems that all Malays are Muslim, the sharia courts have weighed in on a number of high-profile cases involving conversion, marriage, divorce, child custody, and burial rights of non-Muslims. In one prominent case from earlier this year, Malaysian authorities ordered a woman who was born to Indian Muslim parents but raised as a Hindu by her grandparents to spend 180 days in a "rehabilitation center" for the purpose of "re-embracing" her Islamic faith. Because she married a Hindu man, her child was also seized and custody given to her Muslim parents. In another prominent case, a Christian convert from Islam, Lina Joy, sought to change the religious status on her identification card in order to marry her Roman Catholic fiancé. After a nine year legal battle, her case reached Malaysia's Supreme Court last June. The Court denied Lina Joy's request, deciding that Malays cannot convert from Islam, at least not until the Federal Constitution is changed. "Article 11 of Malaysia's Federal Constitution protects every person's right to profess, practice and propagate his religion, and should be applied to everyone," said Cromartie. "Malaysia's government should be encouraged to protect fully the rights and freedoms of all its religious minorities. The rights of one religious group should not trump the most basic of all individual human rights, the right to follow one's own conscience." Malaysia is a multi-ethnic and multi-religious society. An estimated 58% of the population are Muslim, 22.9 percent are Buddhist, 11.1 percent are Christian, 6.3 percent are Hindu and 2.6 percent practice Confucianism, Taoism, and other traditional Chinese religions. Michael Cromartie, Chair • Preeta D. Bansal, Vice Chair • F. D. Land, Vice Chair • Don Argue • Imam Talal Y. Eid • Felice D. Gaer • Leonard A. Leo • Elizabeth H. Prodromou • Nina Shea • Ambassador John V. Hanford III, Ex-Officio