

Christian Pastors taken to court to silence criticism of Islam

Country/Region: AUSTRALIA

Two Christian pastors have been taken to court by the Islamic Council of Victoria and three Australian Muslims after making critical statements about the Islamic faith on a website and at a seminar for Christians held in March last year.

A complaint of religious vilification was made against the two Christian pastors, Danny Nalliah and Daniel Scot. The complaint deals with many issues, such as the nature of jihad, aspirations of Muslims in the west, and the connection between the laws of jihad and the treatment of non-Muslims under Islam.

The Victorian Racial and Religious Vilification Act was passed in 2001 and has yet to be fully put to the test. It was established in order to promote intercultural and interfaith harmony in Victoria, in support of democratic ideals, in itself a worthy aim. Victoria has established an Equal Opportunity Commission which is empowered to develop programs under this legislation. One of their programs, called "Stand up to Racism", promotes positive regard for Islam's stand on universal human rights.

The complaint against the two pastors has had to be mediated through this same Victorian Equal Opportunity Commission, but attempts at achieving conciliation failed. Following this the Islamic Council of Victoria brought the case before the Victorian Civil and Administrative Tribunal, a legal court which has the power to impose a significant fine against the two pastors, if they are found guilty. The case is due to be heard at the Tribunal in mid-October 2003.

To pursue their complaint, the well-funded Islamic Council of Victoria has retained the services of the prestigious Australian law firm, Allens Arthur Robinson, which has offices in seven countries throughout the Asia-Pacific Region.

The case is one of the first to be brought under the new legislation and its result will set an important precedent which will have influence and ramifications not only in Victoria, but also in other parts of Australia. Many evangelical Christians in the state fear that the Islamic Council of Victoria is using the case to stifle all criticism of Islam or Muslims, in effect bringing in a pseudo-blasphemy law to protect Islam. Similar legislation against religious 'hate speech' is currently before parliament in both New Zealand and the UK and is prompting serious concern from libertarians and supporters of free speech who fear the similar misuse of such laws.

DANIEL SCOT

The fact that one of the defendants is Pastor Daniel Scot is bitterly ironic. Scot, a Pakistani Christian, became one of the first victims of Pakistan's notorious blasphemy laws when in 1986 he was charged with insulting the Islamic prophet Muhammad, which under Section 295-C of the Pakistan Penal Code carries a death sentence. The blasphemy laws have attracted widespread condemnation from human rights groups and the international community for their harsh punishments and the way they have been misused to target vulnerable religious minorities. Scot had been threatened by the council of the college in Okara, Pakistan, where he worked, that a charge would be brought against him unless he converted to Islam. The charge was brought after he refused to do so and explained his belief that his spiritual salvation could come only from Jesus Christ, and not Muhammad. Political pressure meant that Daniel was never prosecuted. However, he was forced to flee to Australia with his family to escape the threat of Islamic extremists who have since murdered four Christians accused of blasphemy in Pakistan.

Now seventeen years later, having fled religious discrimination in Pakistan, Scot again finds himself accused of a similar crime in Australia, the country in which he originally found refuge. This is an indication of the growing trend to place Islamic teaching and Muslim actions beyond the bounds of criticism, not only in the Islamic world, but also, as a result of misguided ideas of political correctness, in the West as well. It is a bitter twist that Scot, an Asian Christian, should face this accusation from three white Australian converts to Islam who unannounced attended the March 2002 seminar (intended for the religious instruction of Christians only – and as such should fall outside the remit of the Act) and took offence resulting in the complaint. In a painfully ironic reversal a law designed to prevent racial and religious abuse under which the Equal Opportunity Commission operates is being used by three white men to attack an Asian.

FREEDOM OF SPEECH

It is clear from the charges brought against Danny Nalliah and Daniel Scot, that both may well have been unwise in their choice of words, and over-the-top in some of their criticisms of Islamic teaching. However it would be a travesty of justice should their statements be found illegal in a country which claims to be a strong advocate of freedom of speech and expression. One of the grounds of the complaint is that Pastor Daniel Scot mentioned in a seminar that Muslim fundamentalists have the responsibility to "kill" apostates from Islam. This was cited in the complaint as unlawful vilification of Muslim believers.

This is despite the fact that the death penalty for apostates from Islam is an extremely well documented part of Islamic law (shari'a) and is well attested by Muslim sources both historically and today (Application Consequences). Furthermore it is not merely a matter of language or legal niceties but a very real problem for thousands of converts around the world today which has resulted in many deaths attested to by numerous creditable human rights organizations. Nevertheless it seems that merely drawing attention to this problem may be considered a vilification of Islam; in future converts may have to suffer in silence and those who seek to draw attention to their plight may face prosecution for offending Muslim sensibilities.

However Muslims in Victoria may, in the future, find this law being used against them. For if drawing attention to the more unpalatable teachings of one particular religion is to be regarded as religious vilification, surely the actual expounding of those teachings will certainly attract prosecution under this law. The next time Qur'anic verses such as the famous sword verse, "But when the forbidden months are past, then fight them and slay the Pagans wherever ye find them, and seize them and beleaguer them, and lie in wait for them in every stratagem (of war)" (9:5 A. Yusuf Ali, The Holy Qur'an: Text, Translation and Commentary and Meaning) are quoted in a mosque, there may be anonymous pagans in the audience who take offence and bring a case against them for 'unlawful vilification'. Could the unpalatable verses of the Qur'an (together with those of the scriptures of other religions) be effectively banned in Victoria?

The two Australian pastors are seeking the support of international experts in Islam to assist in their defense. Inquiries about the case can be sent to Mark Durie (markd@shack.org.au).

Please Pray:

1. Pray that a just decision would be reached that does not set a precedent restricting freedom of speech.
2. Pray that similar legislation in the UK and New Zealand will have suitable safeguards ensuring the protection of free speech.