

PJCIS – Submission

Additional Supplementary Material

AhluSunnahWalJama'ah
perspective on effectiveness and
implications of the laws

Basic understanding of Islam (slide 1)

Islamic Terms or Definitions:

- Allah (Arabic term for God) is singular in meaning and is asexual whereas the word God can be plural or have sexual references eg. Gods, Goddesses etc.
- Early Christians used the term Allah to denote God and comes from the Semitic word “ il “
 - synonym for old testament word for God “Yahweh”
- Muslim translated means – A Believer in the oneness of Allah
- Islam translated means – Religion of the Believers
- Mosque, Musallah, Markaz and/or Masjid – denotation for house of Muslim worship.
- Universal greetings of Muslims is “Peace be upon you” or As-Salamu Alaykum.
- Muslims believe:
 - Adam was created from mud and Eve was created from his rib.
 - In respect for all the Prophets incl. Moses, Abraham, Jesus etc.
 - Jesus was a Prophet, NOT the son of God and
Mohammed (pbuh) is the last and the seal of the Prophets around 1400 years ago
 - Quran is the written word of Allah & Hadith are the interpretations of how the Prophet (pbuh) actioned the wording of the Quran
 - eg. Pray at the appointed times is mentioned in the Quran and the Hadith explains the detail of times and ways of praying.
 - Original Quran
 - Recorded at the times of the revelations (approx 1400 years ago)
 - Available on leather parchments in Istanbul, Turkey.

Basic understanding of Islam (Cont' slide 2)

Islamic Terms or Definitions:

- Ummah - Concept of a Nation, which is based on religious beliefs rather than land/sea locked areas or boundaries.
- A person becomes a Muslims through Sha-Ha-Dah – pronouncing belief in the oneness of Allah and belief in his messengers.
- Nationality in Islam is through the Sha-Ha-Dah V's Western ideology of the status of belonging to a particular nation by birth or naturalization.
- Constitution of Australia, for God and Country, is a part of a Muslim beliefs, not indifferent to the hopes and aspirations of all Australians.
- 5 pillars of Islam (Sha-Ha-Dah, Salah, Zakat, Siam, Hajj).
- Sha-Ha-Dah – as above
- Salah – Prayer Muslims must do before their Creator, 5 appointed times throughout the day.
- Siam – Fasting [no food or drink or sexual relations] between sunrise and sunset during the 9th month (Ramadan) of the Muslim calendar, which is based on the lunar rotation of the moon.
- Hajj – Pilgrimage to the holy Qabah (1st house of worship built by the prophet Abraham and his son, Ishmael) in Mecca, Saudi Arabia.
- Zakat – Compulsory poor tax, due by all Muslims annually. An amount of 2.5% poor tax must be given to the poor in society, in accordance with Islamic law.

Basic understanding of Islam (Cont' slide 3)

Islamic Terms or Definitions:

- Zakat Explained. A Muslims belief is that:
 - Concealing one's zakat is better than paying it openly in front of people, written in the Quran [al-Tawbah 9:34-35]
 - “If you disclose your Sadaqaat (almsgiving), it is well; but if you conceal them and give them to the poor, that is better for you. (Allah) will expiate you some of your sins. And Allah is Well-Acquainted with what you do [al-Baqarah 2:271]
 - Narrated in a Hadith by Abu Huraira: The Prophet (pbuh) said, one of the "Seven people will be shaded by Allah under His shade on the day when there will be no shade except His". Is a person who practices charity so secretly that his left hand does not know what his right hand has given (i.e. nobody knows how much he has given in charity).
- The new anti-terror laws come into direct conflict with this fundamental tenet of belief.

Issue 1: Financial Relationships (past present and future)

- Concept of “informal memberships” and supporting organisation implicated under the new laws is a great cause for concern due to:
 - Guilt by Association
 - Unknown financial relationship (esp. not knowing where monies may end-up).
- A practicing Muslim’s religious requirements are:
 - To pray 5 times a day at any Mosque or join their prayers with others when possible eg. workplace. They may not know anything about the place of prayer, the person they are standing next to, their name, position or otherwise.
 - To pay Zakat (poor tax) annually.
 - Use the mosque as a central part of their life.
- Muslim perceptions are:
 - Religious requirement/obligation may see them fall foul of the new laws
 - New laws limits donation to invaluable community services
 - Limits Volunteering for unpaid work
 - Implications for past, present and future usage of donated money, time or effort.
- Practically infeasible, illogical and unreasonable to require a practicing Muslim to check a government register before attending, supporting or using a Mosques facilities in the act of worshipping their Creator.

Issue 3: Power imbalances

- Perception that individuals are denied their rights to “natural justice” for terrorism related cases.
 - Govt and agencies using severe financial punishment/penalties to suffocate legitimate debate surrounding individual cases.
 - “They” (govt & agencies) can abuse their powers to skew cases against defendants using a variety of tools at their disposal eg. Section 34VAA of the ASIO act.
 - Selective leaking of sensitive and/or frequent release of inaccurate info to media outlets whether deliberate or unintentional, leading to:
 - trial by media and
 - presumption of guilt in the court of public opinion
 - limits the rights to receive a fair and balanced trial without preconceived biases
 - Muslims and/or defendants lose credibility as they can/do NOT vigorously pursue redress due to:
 - Lack of financial ability
 - Lack of Official support eg. Legal aid
 - Want to escape the relentless media attention of them and their families
 - Are not aware of other avenues of redress ie. To simply say the accusations are untrue/unfounded to stand up for themselves.

Issue 3: Power imbalances

- New laws
 - Do not provide:
 - Sufficient protection for the accused and their families
 - Additional funding required to seek redress and/or prove their innocence in what can be described as “thought control” ie. To be thinking of committing “an act, rather than the normal reasonableness tests.
 - Moreover without access to a legal advisor may inadvertently relinquish whatever limited safeguards/rights they may have been afforded under these laws.
 - Example of invasive journalists indiscriminately hounding accused / families for info may see them fall foul of the law, whilst they believe they are only defending themselves or loved ones.

Issue 4 – Limitation of freedoms – Speech, Expression & Religious belief

- New laws and State anti-vilification laws combined have the effects of:
 - Allowing the media to further sensationalize any issue involving Muslims. Eg Community divisions caused between Muslims and non-Muslims (eg. Cronulla riots), ridicule Muslim beliefs or to exacerbate the existing climate of fear.
 - Create hype on any issue regarding Terrorism and/or Muslims that leads to complaints by certain members of the community (for political and other reasons) to the relevant authorities in an attempt to discredit Muslim organisations.
 - All of which results in:
 - Waste of limited time, money and effort from Muslim organisations (often operate on shoestring budgets or solely from volunteer donations)
 - Unnecessary attention, causing diversion of efforts from much needed community programs towards defence of their organisation's right to exist.
 - Freedom of speech and religious expression are held in check in order to avoid the unwanted attention ie. restricting ones ability to think, speak, believe and practice their religion freely, even wearing of clothing has become a political statement for Muslims.
- A recent example the “Books of Hate” campaign, championed by the media.
 - Levelled against Muslim bookshops who were accused of inciting hatred by selling particular texts albeit these same texts were available in public libraries, at Universities and other bookshops around Australia.
 - The media frenzy together with the involvement of a number of high profile politicians lead to a number of complaints made against Muslim bookshops.
 - Even valuable time at the COAG meeting last week (prior 31/7/2006) spent to continue discussion with the ongoing censorship issue.
 - NSW police reviewed it after it was cleared with the Commonwealth Director of Public Prosecutions and Australian Federal Police.
 - Moreover in Victoria “ complaints had to be heard and the case of vilification discussed at the expense of “other community activities” for ASWJ.

Recommendations

- Education of children about Islam and Muslims.
- Educating Muslims about their rights in matters concerning the new laws:
 - Schools, mosques
- Tougher penalties and establishment of special task forces to investigate the leaking of sensitive information when someone is accused of a terrorist related crime,
- Possible improvement to existing laws covering incitement of hatred covering talk-back radio and tabloid media. Consider also to widen of Commonwealth and State Ombudsman powers to investigate and deal with such matters.
- Methods to expedite terrorist cases to trial,
- Operational frameworks for gathering information about ‘thought-crimes’, thereby limiting time spent incarcerated whilst a case is developed and/or limiting the maximum amount of time the accused is held in detention before trial,
- Creation of a new class of detention whilst the accused is held awaiting trial, which takes into considerations a crime may not have been committed and the rights of family and friends to visit the detained.
- Additional funding for legal council, proportionate to the severity of the alleged crime,
- Transparency of process in the aftermath of the accused once innocence has been proven with reasonable compensation payments,
- Open public debate with a wider level of expert opinion & legal council together with politicians and Muslims.
- The above list is in no way exhaustive, much more discussion and debate is still required.

THE END