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PRIME NEWS

Transgender case hearing on Jan 27

CONTROVERSIAL:
Negri govt, four others appeal in case involving Muslim bridal make-up artists

PUTRAJAYA

THE Federal Court has set Jan 27 for the hearing of an application by the Negri Sembilan government and four others to seek leave to appeal against the appellate court's decision which declared invalid, the state Syariah enactment which criminalises Muslim transgenders for cross-dressing.

Negri Sembilan legal adviser Iskandar Ali Dewa said the Negri Sembilan, Selangor and Federal

Territory Islamic Religious Councils would apply to intervene in the matter.

He said Federal Court deputy registrar Khairul Aleeza Ismail, who fixed the hearing date in chambers yesterday, had directed the councils to file their applications in a week's time.

Lawyer Fakrul Azman Abu Hassan, who represented the Negri Sembilan and Selangor Islamic religious councils, said the councils had an interest in the matter as their duty was to advise the sultans and protect the integrity of the Syariah laws in their states.

Iskandar confirmed that senior lawyer Tan Sri Muhammad Shafee Abdullah would be the lead counsel representing the Negri Sembilan government in the matter before the Federal Court.

Fakrul said he and lawyer Datuk Sulaiman Abdullah would appear for the councils.

On Nov 7, last year, the Court of Appeal allowed an appeal brought by three Muslim bridal make-up

artists — Muhamad Juzaili Mohamad Khamis, 26, Syukor Jani, 28, and, Wan Fairol Wan Ismail, 30.

The court declared that section 66 of the Negri Sembilan Syariah Criminal (Negri Sembilan) Enactment 1992 as invalid and unconstitutional.

A three-member panel chaired by Justice Datuk Mohd Hishamudin Mohd Yunus held that the provision discriminated against Muslim men suffering from a medical condition called gender identity disorder (GID).

Hishamudin said section 66, which penalised Muslim men who dressed or posed as women in public places, did not provide an exception for GID sufferers but had simply ignored them and had unfairly subjected them to enforcement of the law.

The Court of Appeal overturned the High Court's dismissal of the three's judicial review application and rejected their request to declare unconstitutional, section 66.

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