

UNIVERSAL PERIODIC REVIEW 2009

AFGHANISTAN

NGO: European Centre for Law and Justice

RELIGIOUS FREEDOM IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

SECTION 1: *Legal Framework*

I. Afghanistan Constitutional Provisions

Instituted in January 2004, the Afghan Constitution contains several key provisions that protect religious freedom. As a foundational principle, the constitution expressly incorporates the provisions of the Universal Declaration of Human Rights (“UDHR”).¹ In both the Preamble and Article 7, the constitution states that Afghanistan “shall observe” the UDHR.² As such, the Islamic republic is constitutionally bound to observe Article 18 of the UDHR, which states that “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”³ The constitution also states that “[f]ollowers of other [non-Islamic] faiths shall be free within the bounds of law in the exercise and performance of their religious rituals.”⁴ It provides that “[f]reedom of expression shall be inviolable” and that “[e]very Afghan shall have the right to express thoughts through speech, writing, illustrations as well as other means in accordance with provisions of this constitution.”⁵ Finally, the constitution creates an “Independent Human Rights Commission of Afghanistan,” which is empowered to “monitor human rights . . . as well as foster and protect [them].”⁶ If individuals complain to the commission that they have suffered a human rights violation, the commission shall refer such allegations “to legal authorities” and will “assist [such individuals] in defense of their rights.”⁷

Notwithstanding these provisions in favor of religious freedom,⁸ the Afghan Constitution makes Islam the official religion of the state⁹ and prohibits any law that contravenes the tenets of Islam.¹⁰ Additionally, the constitution requires courts to apply “Hanafi jurisprudence,” a school of Shari’ah law, when neither the constitution nor laws provide a rule for the case.¹¹ The constitution also requires the President to be Muslim¹² and to take an oath to “obey and protect the Holy religion of Islam[.]”¹³ Cabinet Ministers and members of the Supreme Court must take

¹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, pmbl, ch. 1, art. 7, available at <http://www.president.gov.af/english/constitution.msp>.

² CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, pmbl, ch. 1, art. 7.

³ Universal Declaration of Human Rights, G.A. Res. 217A, at art. 18, U.N. GAOR, 3d Sess., 1st plen. Mtg., U.N. Doc. A/810 (Dec. 12, 1948).

⁴ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 1, art. 2.

⁵ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 34.

⁶ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 58.

⁷ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 58.

⁸ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, pmbl, ch. 1, arts. 2, 7, ch. 2, arts. 34, 58.

⁹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 1, art. 2.

¹⁰ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 1, art. 3.

¹¹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 130.

¹² CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 3, art. 62.

¹³ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 3, art. 63.

similar oaths. Ministers must swear to “protect” the religion of Islam,¹⁴ and members of the Supreme Court must swear to “attain justice and righteousness in accordance with [the] tenets of the Holy religion of Islam.”¹⁵

As stated, Article 3 of the constitution states that “[n]o law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.”¹⁶ This is particularly significant as conversion from Islam to any other religion “is understood by many citizens to contravene the tenets of Islam and Sharia[h].”¹⁷ Moreover, the constitution provides that no amendment to the constitution shall contravene the “principles of adherence to the tenets of the Holy religion of Islam[.]”¹⁸ Individuals are constitutionally permitted to form associations “to attain moral and material goals,” but this freedom is limited by the requirement that no “manifesto and charter” of such association “shall [] contravene the Holy religion of Islam[.]”¹⁹ Importantly, the constitution recognizes that the family is “the fundamental pillar of the society.”²⁰ Consequently, the state is required to “adopt necessary measures” to support the health of the family, including measures aimed at “the elimination of related traditions contrary to the principles of the sacred religion of Islam.”²¹

II. Legislation

In the wake of forming its new government, Afghanistan continues to update its civil and penal codes.²² The Penal Code of 1796 contains a chapter addressing “Crimes Against Religions,” but it does not specifically address blasphemy.²³ As mentioned above, in Afghanistan, Shari’ah law provides the law in situations where both the constitution and penal code are silent. The United States Department of State (“State Department”) reports that “[t]here is nothing in the Penal Code related to the spoken or written utterance of insults or profanity against God, religion, or sacred symbols or books.”²⁴ The State Department notes, however, that “some interpretations of [Shari’ah law] conflict with the mandate to abide by the Universal Declaration of Human Rights.”²⁵ For example, converting from Islam to another religion is apostasy under Shari’ah law and punishable by death according to some interpretations.²⁶ Additionally, the General Directorate of Fatwas and Accounts, which works under the Supreme Court to provide guidance on ambiguous religious issues, declared in 2007 that the Baha’i faith

¹⁴ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 4, art. 74.

¹⁵ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 119.

¹⁶ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 1, art. 3.

¹⁷ U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2008 Afghanistan* [hereinafter, *2008 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2008/108497.htm>.

¹⁸ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 10, art. 149.

¹⁹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 35

²⁰ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 54.

²¹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 2, art. 54.

²² *2008 Religious Freedom Report*, *supra* note 17.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* According to the report:

A citizen who converted from Islam (if a male over age 18 or a female over age 16, who is of sound mind) has 3 days to recant his or her conversion or could otherwise be subject to death by hanging. Individuals can also be stripped of all their property and possessions and have their marriage declared invalid. In recent years, the death sentence has not been carried out.

is not Islamic and constitutes a form of blasphemy.²⁷ As such, converting from Islam to Baha'ism is considered apostasy and thus renders the convert an infidel.²⁸

III. Judicial System

The Afghan judiciary is comprised of the Supreme Court, the Courts of Appeals and Primary Courts.²⁹ As previously mentioned, the constitution states that “[n]o law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan.”³⁰ This is significant because the constitution empowers the Supreme Court to “review the laws, legislative decrees, international treaties as well as international covenants for their compliance with the Constitution and their interpretation in accordance with the law.”³¹ Thus, the highest court in Afghanistan has jurisdiction to invalidate laws, treaties and international covenants for their inconsistency with Islam. The constitution also requires members of the Supreme Court to have completed higher education in legal studies “or Islamic jurisprudence,”³² and to apply “Hanafi jurisprudence” where “there is no provision in the Constitution or other laws” that apply to a case.³³ Moreover, in personal disputes between followers of the “Shia sect,” Afghan courts must apply “Shia jurisprudence.”³⁴ For disputes involving a party who is not a member of the Shia sect, however, Afghan courts must apply Shia jurisprudence unless the constitution or some other law provides a rule for the case.³⁵

SECTION 2: *Incidents of Religious Persecution and Discrimination*

The following examples describe recent incidents of religious persecution or discrimination in Afghanistan. Most incidents referenced herein are found in various official reports on international religious freedom. A corresponding news article for most of these referenced incidents may be found in the appendix.

Selected Recent Incidents of Persecution or Discrimination

A. Apostasy

1. March 2006 – Abdul Rahman, was detained for converting from Islam to Christianity. He was sentenced to death but was eventually released based on findings of mental instability. He was granted asylum in Italy.³⁶
2. 2006 – “[A] Muslim convert to Christianity was killed by his wife’s father.” The investigation was closed without any arrest.³⁷

²⁷ *Id.*

²⁸ *Id.*

²⁹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 116.

³⁰ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 1, art. 3.

³¹ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 121.

³² CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 118.

³³ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 130. Hanafi is “one of four schools of Islamic law, founded by Abu Hanifa.” WEBSTER’S NEW UNIVERSAL UNABRIDGED DICTIONARY 865 (1996) Thus, Hanafi is a form of shari’ah, which is “law, seen as deriving from the Koran[.]” *Id.* at 1759.

³⁴ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 131.

³⁵ CONST. OF THE ISLAMIC REPUBLIC OF AFGHANISTAN, ch. 7, art. 131.

³⁶ 2008 *Religious Freedom Report*, *supra* note 17.

³⁷ *Id.*

B. Freedom of Speech and Blasphemy

1. November 2007 – Ghaus Zalmai, a journalist, was “arrested for publishing an unofficial translation of the Qur'an in Dari. Religious scholars alleged the translation was un-Islamic for misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not providing a parallel text in Arabic for comparison.” Protest demonstrations called for the death penalty for Zalmai.³⁸
2. October 2007 – Sayed Perwiz Kambakhsh, a journalist, was arrested for allegedly downloading and distributing information from the Internet regarding the role of women in Islamic societies.³⁹ He was sentenced to death by a local court.⁴⁰ However, an Afghanistan appeals court converted the death sentence to twenty years in prison.⁴¹
3. 2007 – Through the year, several journalists were arrested and detained for publishing “unacceptable” materials as well as for undisclosed charges.⁴² Five journalists were killed during this year.⁴³
4. February 2006 – Afghan government imposed a fine on Afghan television (a private station) for broadcasting “un-Islamic materials.”⁴⁴
5. January 2006 – “A cable television was shut down in Balkh province for broadcasting films and music that were against Islam and Afghan culture.”⁴⁵
6. October 2005 – Ali Mohaqiq Nasab, a journalist, was sentenced to two years in prison for blasphemy by reprinting and commenting on two articles that questioned the Islamic punishment for women accused of adultery and theft. He also advocated that conversion from Islam should not be considered a crime. On appeal, his sentence was reduced to six months.⁴⁶
7. May 2005 – “[T]wo students were suspended from Herat University for commenting on Islam during a religious debate in ways that classmates and a teacher found blasphemous.”⁴⁷ However, later the charges were suspended and the students were released from the prison but had to go in hiding for security purposes.⁴⁸
8. June 2003 - Two journalists were arrested under blasphemy charges for publishing an article criticizing a number of crimes committed in the name of Islam. President Hamid Karzai ordered their release after pressure from the international community.⁴⁹ However,

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Laura King, *Afghan student gets 20 years instead of death for blasphemy*, L.A. TIMES, October 22, 2008, available at <http://www.latimes.com/news/print/edition/asection/la-fg-afghanistan22-2008oct22,0,3625278.story>.

⁴² U.S. Comm'n on Int'l Religious Freedom, *USCIRF Annual report 2008 – Afghanistan*, (1 May 2008) [hereinafter, *2008 USCIRF Report*], available at http://www.uscirf.gov/images/AR2008/afghanistanar2008_full%20color.pdf.

⁴³ <http://www.sajaforum.org/2008/01/press-25-south.html>.

⁴⁴ *Id.*

⁴⁵ *Id.* (internal quotation marks omitted).

⁴⁶ U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, *Int'l Religious Freedom Report 2007 Afghanistan* (Sept. 14, 2007) [hereinafter, *2007 Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2007/90225.htm>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Rahimullah Samander, “Blasphemy” *Journalists Released*, AFGHAN RECOVERY REPORT 65 (Inst. for War & Peace Reporting, Washington D.C.), 28 June 2003, available at http://www.iwpr.net/?p=arr&s=f&o=153754&apc_state=henfarr153758.

they were still expected to be tried.⁵⁰ In August 2003, the fatwa department of the supreme court of Afghanistan recommended that the journalists be put to death.⁵¹

9. 2003 – Mariya Sazawar, a journalist, was accused of writing an article derogatory to Islam. She wrote about the Islamic rules that were oppressive to women. “The court acquitted Sazawar . . . after finding that technical errors in the printing of the article had misrepresented Sazawar’s views.”⁵²
10. January 2003 – Afghanistan’s chief justice banned cable television, “saying it was against Islam,” because it was broadcasting foreign news, movies, sports and entertainment channels in Afghanistan.⁵³

C. Religious Freedom

1. April 2007 – The police arrested a person from the Baha’i faith after his wife exposed his religious beliefs to the authorities. He spent thirty-one days in prison without any charges.⁵⁴
2. May 2007 – “[T]he General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha’i faith, declaring it to be distinct from Islam and a form of blasphemy.”⁵⁵
3. August 2006 – South Korean Christian members of an aid group were expelled from Afghanistan after they were not permitted to hold a 3-day peace festival. Many were held in their guesthouses and later expelled. Some were refused entry visas.⁵⁶ According to some reports, the reason for their expulsion was that they preached Christianity despite warnings from the government.

D. Sectarian Violence

1. February 2006 – “Six people were killed during a Shi’a Ashura procession in Herat.”⁵⁷

E. Terrorism

1. July 2007 – “23 South Korean assistance workers connected to a church-based organization were held hostage” by Taliban. Two of them were killed and 21 hostages were released.⁵⁸
2. 2007 – Terrorist organizations killed at least five Islamic religious leaders due to their links to the government.⁵⁹

⁵⁰ *Id.*

⁵¹ Rahimullah Samander, *Fatwa for “Blasphemy” Journalists*, AFGHAN RECOVERY REPORT 70 (Inst. for War & Peace Reporting, Washington D.C.), August 7, 2003, available at http://www.iwpr.net/?p=arr&s=f&o=153449&apc_state=heniarr2003.

⁵² U.S. Dep’t of State, Bureau of Democracy, Human Rights and Labor, *Int’l Religious Freedom Report 2003 Afghanistan* (Dec. 18, 2003), available at <http://www.state.gov/g/drl/rls/irf/2003/24467.htm>.

⁵³ Rory McCarthy, *Afghan judge outlaws ‘immoral and smutty’ cable television*, THE GUARDIAN, January 22, 2003, available at <http://www.guardian.co.uk/world/2003/jan/22/afghanistan.islam>.

⁵⁴ 2008 *Religious Freedom Report*, *supra* note 17.

⁵⁵ *Id.*

⁵⁶ 2007 *Religious Freedom Report*, *supra* note 46.

⁵⁷ 2008 *USCIRF Report*, *supra* note 42.

⁵⁸ 2008 *Religious Freedom Report*, *supra* note 17.

⁵⁹ *Id.*

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APPENDIX

SECTION 2

A. Apostasy

1. Afghan Christian Convert Flees to Italy

March 29, 2006

<http://www.foxnews.com/story/0,2933,189440,00.html>

ROME — The Afghan man who faced the death penalty for converting from Islam to Christianity received asylum in Italy Wednesday, despite requests by lawmakers in Afghanistan that he be barred from fleeing the conservative Muslim country.

Abdul Rahman arrived in Rome days after he was freed from a high-security prison on the outskirts of Kabul after a court dropped charges of apostasy against him for lack of evidence and suspected mental illness.

The case has attracted wide attention in the West and led to calls by the U.S. and other governments for the Afghan government to protect the 41-year-old convert.

It also inspired an appeal by Pope Benedict XVI to Afghanistan President Hamid Karzai and efforts by the United Nations to find a country to take him in after Muslim clerics in Afghanistan threatened his life, saying his conversion was a "betrayal to Islam."

Rahman was in the care of Italy's Interior Ministry, Premier Silvio Berlusconi said Wednesday evening. "He is already in Italy," he said. "I think he arrived overnight."

The premier declined to release more details. The Interior Ministry said Rahman was "under protection."

Conversion is a crime under Afghanistan's Islamic law. Rahman was arrested last month after police discovered him with a Bible. He was brought to trial last week and faced the death penalty for converting 16 years ago while working as a medical aid worker for an international Christian group helping Afghan refugees in Pakistan.

Under heavy international pressure by the United States and other nations that helped oust the hard-line Taliban regime and provide aid and military support for Karzai, Rahman was released from prison Monday.

President Bush and others had insisted Afghanistan protect personal beliefs. Secretary of State Condoleezza Rice called Karzai last week and appealed for a "favorable resolution" of the case.

Afghanistan's new parliament debated Rahman's case Wednesday and demanded he be barred from leaving the country. But no formal vote was taken on the issue.

Some 500 Afghans, including Muslim leaders and students, also gathered at a mosque in the southern town of Qalat, in Zabul province, to demand the convert be forced to return to Islam or be killed.

"This is a terrible thing and a major shame for Afghanistan," Zabul's top cleric Abdulrahman Jan said.

Germany, where Rahman once lived, praised the Italian move.

"This is a humanitarian signal and we welcome it," German government spokesman Thomas Steg said.

Italian Interior Minister Giuseppe Pisanu said Tuesday that granting asylum would bring "all the forms of protection and assistance" related to recognizing refugee status.

Italy has close ties with Afghanistan, whose former king, Mohammed Zaher Shah, was allowed to live with his family in exile in Rome for 30 years. The former royals returned to Kabul after the fall of the Taliban regime.

Italian troops were sent into Afghanistan after the U.S.-led invasion of the country in 2001 to help with reconstruction and Italy still has 1,775 troops there.

Rahman's ordeal began as a custody dispute over his two daughters, now 13 and 14. The girls had lived with their grandparents their whole lives but Rahman sought custody when he returned to Afghanistan in 2002 after living in Germany for nine years. A custody battle ensued and the matter was taken to police.

During questioning, it emerged that Rahman was a Christian and was carrying a Bible. He was immediately arrested and charged.

B. Blasphemy and Freedom of Speech

1. Afghan student gets 20 years instead of death for blasphemy

October 22, 2008

<http://www.latimes.com/news/printedition/asection/la-fg-afghanistan22-2008oct22,0,3625278.story>

Reported from Kabul, Afghanistan -- In a case that has illustrated Afghanistan's drift toward a more radically conservative brand of Islam as well as the fragility of its legal system, an appeals court Tuesday overturned a death sentence for a student convicted of blasphemy but sentenced him to 20 years in prison.

The student, Parwez Kambakhsh, 24, ran afoul of Afghan authorities last year when he circulated an article about women's rights under Islam after downloading it from the Internet. He was studying at the time in the northern city of Mazar-i-Sharif, where he also worked as a part-time journalist for local newspapers.

Arrested by security police and initially held without charges, he was eventually tried on blasphemy charges, convicted and sentenced to death.

Tuesday's ruling by a three-judge appeals court panel was a blow to human rights groups and advocates of press freedom who have championed Kambakhsh's cause.

International organizations, including New York-based Human Rights Watch, said the case pointed to a troubling lack of respect for freedom of speech and individual liberties in Afghanistan, nearly seven years after a U.S.-led invasion toppled the Taliban fundamentalist Islamic movement.

Brad Adams, the Asia director for Human Rights Watch, called the sentencing "ridiculous" and said it was in some ways a more serious setback than a judicial reaffirmation of the death penalty, on which Afghan President Hamid Karzai would have had to sign off.

"In a way, this is arguably worse for him," Adams said in a phone interview from New York. "This was an opportunity to undo kangaroo-court justice. . . . It shows Afghanistan is not making progress on anything to do with the judiciary."

Religious conservatives had welcomed the earlier sentence against Kambakhsh. After the death penalty was handed down at his January trial, public demonstrations were held in support of the decision, and some prominent clerics declared he deserved to be executed for violating the teachings of Islam.

Kambakhsh can still appeal to the Supreme Court, but that will be his final recourse. He has insisted on his innocence.

"I don't accept the court's decision," he told the Associated Press as he left the courtroom after Tuesday's ruling. "It is an unfair decision."

Kambakhsh's supporters have said the case should be thrown out because the previous trial was held in secret and he was denied legal representation, not uncommon occurrences in Afghan

courts. Reformers say the case exemplifies the continuing failure of the Afghan government to establish a free and independent judiciary.

Family members have said Kambakhsh was beaten and threatened with death until he signed a confession and that local journalists who expressed support for him were warned they would be arrested if they persisted.

Kambakhsh's journalist brother, Yaqoub Ibrahimi, has said he believes the blasphemy charges were a pretext and that Ibrahimi was the authorities' real target because of articles he wrote about abuses by local warlords and militias.

2. Koran Translation Provokes Controversy

December 6, 2007

http://www.iwpr.net/?p=arr&s=f&o=341229&apc_state=heniarr2007

Demonstrators call for the death of those behind a new, unorthodox translation of the Koran.

When Ghaus Zalmi, a well-known journalist who was working as spokesperson for the attorney general's office, lent his name and reputation to a new version of the Koran, he may have thought he was performing a service for his fellow Afghan Muslims.

Instead, the book, "A Fluent Translation of the Holy Koran", has unleashed a storm of public rage that has landed its publisher Zalmi in jail, sent the editor into hiding, and led a council of angry clerics to denounce the book as the work of an international Zionist conspiracy.

The prosecutor says Zalmi now regrets his action. This could not be confirmed by IWPR, since the journalist has been held incommunicado on unspecified charges for over a month.

The book is by no means the first translation of the Koran into Dari. But normally the Arabic text would be included, with a strict line-by-line equivalent as a parallel text.

The "Fluent Translation", on the other hand, purported to be an attempt to relate Islam's sacred book in the vernacular.

Critics say that in the process, serious errors were made in rendering the letter and the spirit of the Koran, and are calling for everyone involved in its production to be brought to trial. Angry demonstrators in Kabul, Jalalabad, and other parts of the country have even demanded death for Zalmi and his "collaborators".

The book, translated by United States resident Qudratullah Bakhtiarinejad and edited by Mullah Qari Mushtaq Ahmad, was printed in 6,000 copies and was about to be distributed. But almost as soon as it was published, it was condemned by the Ministry for the Hajj and Religious Affairs as well as both houses of parliament. They demanded that the government confiscate all of the copies.

The attorney general - Zalmi's boss - issued an arrest warrant. Zalmi was arrested, reportedly while trying to escape across the border to Pakistan.

Mullah Mushtaq has fled, and is being sought by the police.

The president's office has set up a commission to assess the book, according to Maulavi Mohammad Siddiq Muslim, the head of the Supreme Court's fatwa department, which issues rulings on religious matters.

He added that as the commission's findings have not yet been submitted to the Supreme Court, he could not offer any opinion about the outcome.

But one obvious problem with the book, he said, was the absence of the Arabic text.

"Any copy of the Koran which is published without the Arabic text cannot be called the Koran," he said.

Maulavi Muslim would not speculate about the possible sentence that might be handed down on the accused, suggesting that it would depend on how important the errors were found to be. "The punishment will depend on the mistakes that have been made and the importance of the chapters," he said.

In addition, tempers were running high against the book and its authors, so the sentence would also have to take public sentiment into account.

"The accused must be punished in such a way that it becomes a lesson for others," he added.

But the cleric stopped short of calling for severe punishment for Zalmi.

"Islam is a religion of peace, brotherhood, security, justice and mercy," he said. "One example of this mercy is that if 99 per cent of what a person says is un-Islamic but one per cent is in line with Islam, he should be judged by that one per cent."

General Abdul Fatah, director of the prosecutor's office of the National Directorate of Security, could not specify what criminal charge was being brought against Zalmi.

"The case is still under investigation," said Fatah. "We cannot say anything until the case is submitted to the court."

Fatah did say that the accused "regretted his actions".

The Minister for the Hajj and Religious Affairs, Niamatullah Shahrani, insists that the book was part of a broader plot against Islam.

"This is no accident," Shahrani told a gathering of angry religious scholars from all over

Afghanistan in early November. “The hands of the enemies of Islam lay behind it. This book... is a conspiracy by international Zionism and other groups which is designed to eliminate Islam.”

Shahrani said the book was an insult to all Muslims, particularly Afghans, and appealed to the assembled mullahs not to ignore the conspiracy.

“We demand that the government punish those who were involved in this book,” he said.

On November 25, Afghanistan’s Academy of Sciences began a conference called “Scientific Investigation into the Causes and Facets of the Conspiracy to Alter the Koran”. There were many speakers who offered a range of opinions on various topics, but they all agreed on one thing - the book was a product of the enemies of Islam in the West, and Muslims should pay heed.

Dr Sher Ali Zarifi, a member of the Academy of Sciences told IWPR he had distributed chapters of the book to members of the official commission of investigation – which he chairs - for them to study.

“In addition to many mistakes in the literal translation, there were also numerous errors introduced into the meaning of the Holy Koran,” he said.

“First of all, without the Arabic text, no translation can be called the ‘Koran’. The Koran cannot be written in any language but Arabic.”

Arabic is the language that Muslims use in their prayers as well, he pointed out.

“Whoever knowingly says his prayers in any language other than Arabic is ‘zendiq’” he said, using an Arabic term that translates roughly as “heterodox”. “If he prays unconsciously in another language, he is just ‘jahel’ [ignorant].”

Zarifi, too, believes that the roots of the offence lie outside Afghanistan.

“The contents of this book show that its writers and editors are members of a religious pluralism movement in the West,” he said.

He pointed to numerous errors of fact, such as one chapter which appears to enjoin Muslims to read both their own holy books and those of other faiths.

“Muslims are forbidden to read the books of other religions,” he said.

Another problem was the role of the prophets, who in Zarifi’s view do not receive the respect due to them in the translated text.

The book also allows Muslims to question certain verses of the Koran, he said, which is strictly prohibited.

“A Muslim is supposed to accept every verse of the Koran,” said Zarifi. “If he doubts any verse, he becomes an infidel.”

Also, he added, the translation does not mention the penalties for certain types of sins, such as stoning as a punishment for adultery. “This [omission] is clearly wrong,” he said.

But Mohammad Hassan Tawhidi, a member of the department of religious jurisprudence and law at the Academy of Sciences, does not entirely agree with Zarifi’s criticisms.

“Some of his arguments are correct but others are very, very weak,” he told IWPR. “It is not a great sin if you make some mistakes in a literal translation of the Koran. It is impossible, I think, to translate the Holy Book the way it is supposed to be, since there is no substitute for the language used in the Koran.”

Tawhidi insisted that the stoning of adulterers is not prescribed in the Koran, but is instead derived from the Hadiths, the various written collections of oral traditions relating to the life of the Prophet Mohammad.

Tawhidi also disputed Zarifi’s remarks about disrespecting the prophets.

“Even those scholars who call themselves experts on religious affairs do not accord the proper respect to all the prophets when they speak on television,” he said. “Why aren’t they arrested as well?”

One researcher on religious affairs who did not want to be named told IWPR that the book was not in fact a new translation at all.

“In 1985 an organisation was established in Jordan, with some hired Farsi- speakers,” he said. “They have a website called efarsi.org which publishes anti-Islamic materials. Ghaws Zalmai and his colleagues just copied the book from this website.”

Dari is very close to the Farsi or Persian language.

This version of events is widely believed in some circles, although it has not been proven.

The researcher said that he did not understand why a good Muslim and well-known journalist like Zalmai became involved in such an affair.

“I think maybe Zalmai wanted to do a good service to the Dari language by publishing this book, but he did not understand its contents,” he said. “Maybe he did it to make a name for himself, or for money. In any case, it is difficult to judge.”

But many people, even those who do not usually follow current events, are doing just that.

Razia, a university student in Kabul, does not look as if she is a close follower of Islamic principles. Her heavy make-up, shirt and jeans are at odds with the strict Muslim dress code

observed in Afghanistan. Nevertheless, she is indignant about the translation and its perpetrators.

“I can’t think of anything better for Ghaus Zalmai than that he should be hanged in the public square. It would be a lesson to others like him,” she said.

But a friend of Zalmai who would not disclose his name said he has known the journalist since childhood and cannot believe he was ill-intentioned.

“I swear to God that Ghaus Zalmai is a pious Muslim and believes in Islam, and I think he has become unwittingly involved in this game,” he said.

“Zalmai was unaware of the contents of the book – he’s a journalist, not an Arabic scholar or a specialist in Islamic matters. I appeal to the government to give this man real justice.”

Hafizullah Gardesh is IWPR’s local editor in Kabul.

3. “Un-Islamic” TV Channel in Trouble

February 4, 2006

http://www.iwpr.net/?p=arr&s=f&o=259357&apc_state=heniarr2006

Government cracks down on a private television station it claims is violating traditional values. In its first move against a private television station, the government has imposed a 1,000 US dollars fine on Afghan TV for broadcasting “un-Islamic” materials.

The fine was levied by a special media commission, composed of six members from various government organs, and headed by the minister of information, culture and tourism.

The commission, which has been in place for about a year, is responsible for enforcing the country’s media law and reviewing the public’s complaints against newspapers and broadcasters.

Afghanistan’s media law prohibits the publication or broadcast of any material that is considered counter to Islamic law.

Deputy Minister of Information and Culture Sayed Aqa Hussain Sancharaki, who was present when the decision to fine Afghan TV was taken, said that the media commission had previously met with the heads of all five of Kabul’s television stations, both public and private, and urged them to cut materials that violated the Koran and Afghan culture.

But despite the warning, said Sancharaki, Afghan TV, a private station, continued to air movies and music videos that broke the media law.

“We are protectors of press freedom, but we have a responsibility to society as well, not to let our young people be misled by violence and sensuality,” he told IWPR.

Ahmad Shah Afghanzai, the owner of Afghan TV, said he is angry and bewildered by the fine. “I

still do not know why [we have] been fined, nor do I know to whom I am supposed to give the money,” he told IWPR.

A statement issued by the broadcaster said, “Afghan TV is upset by this decision, which was made in its absence. We consider it unfair. Afghan TV has always designed its broadcasts based on the constitution and the media law.”

Sancharaki disputed the station’s version of events, “The commission called Afghanzai in twice and outlined to him the complaints against him. We showed him clips which had been broadcast by his station, and he admitted that they were against our society’s values and promised it would not happen again.”

Afghan TV is one of four private stations in Kabul, and has been broadcasting since late 2004. It has a limited reach – it cannot be seen outside the capital, and does not reach every neighbourhood even in Kabul.

Afghan TV devotes the bulk of its 24-hour programming to music and films, with no news and a few analytical programmes.

At first glance, Afghan TV would not seem to be the most daring of the private stations. Tolo TV, one that is widely considered the most popular television channel in the country, has been at the centre of many controversies since it went on air in October 2004.

Ariana, another private outlet that began broadcasting at the end of 2005, has also shown movies and music videos that some have called obscene. The difference, said Sancharaki, is that Tolo and Ariana have agreed to what amounts to self-censorship.

“They [Tolo and Ariana] established offices in their stations to censor and control their broadcasts,” said Sancharaki.

But the head of the news section at the Ariana Television Network, Ali Yawar Salimi, said that Ariana’s censorship section was established independently of the government to ensure that Ariana’s broadcasts did not put it in conflict with Islamic culture.

“We have always had a section for controlling our broadcasts,” he said. “This was not due to pressure from the government.”

Tolo TV declined to comment on the issue. However, it has recently begun obscuring the screen during particularly risqué music videos and movies.

Rahimullah Samander, head of the Afghan Independent Journalists Association, AIJA, and a member of the media commission, defended the decision to fine Afghan TV. According to Samander, Article 33 of the media law provides for penalties against private media outlets if they go against the law.

“I am not happy that Afghan TV was fined, but I have to say it was fair,” he told IWPR. “Media in Afghanistan are only now becoming familiar with their new freedoms. If a media organisation is closed down, it would be a major blow, so levying a fine is the best option. This happens all over the world.”

Under the Taleban, music and film were forbidden; even photography was banned. When the restrictions were lifted, some media outlets sought to test the limits of what is considered acceptable.

Even today, material that would seem fairly tame by international standards – such as women dancing “suggestively” or with bare midriffs, and movies depicting couples kissing – is considered taboo.

Some Kabul residents applaud the commission’s decision, hoping this will be a lesson to other media to respect Afghan tradition.

“These private television stations are trying to replace Afghan culture with foreign culture,” said Sayed Atta Mohammad, 36. “I want the ministry of information and culture to shut these stations down.”

Others, however, fear that the ruling signals a crackdown on press freedom.

According to 29-year-old Habibullah, “By taking this decision, the ministry of information and culture once again showed the world that there is no freedom of the press in Afghanistan, and that the culture of the Taleban is still dominant.”

4. Magazine Editor Apologizes to Court to Avoid Possible Death Penalty

December 23, 2005

<http://www.washingtonpost.com/wp-dyn/content/article/2005/12/22/AR2005122201932.html>

KABUL, Afghanistan, Dec. 22 -- An Afghan journalist who was recently sentenced to two years in prison for publishing controversial magazine articles about Islam, women's rights and the Afghan justice system will be released from jail later this week, officials said.

Before gaining his freedom, however, Ali Mohaqeq Nasab had to confront an agonizing choice: formally apologize for what he had published or risk being sent to the gallows.

After refusing for three months to retract his comments, Nasab told an appeals court this week that he was sorry for printing stories that asserted women should be given status equal to men in court, questioned the use of physical punishments for crimes and suggested converts from Islam should not face execution.

A panel of three judges responded Wednesday by shortening his punishment to a six-month suspended sentence, allowing him to walk free.

The case has aroused concern among international human rights groups and stirred contradictory passions in Afghanistan. Religious hard-liners here had called for Nasab's death; free speech advocates, women's rights backers and fellow ethnic Hazaras had asked that he be shown mercy.

As postwar Afghanistan tries to chart a path between religious traditions and modern democracy, Nasab's fate is being seen as an indicator of how much -- and how little -- the country has changed since the ouster of Taliban rule in 2001.

"Nasab's release is an encouraging sign," said Nader Nadery, who heads Afghanistan's Independent Human Rights Commission. "But the case sets a bad precedent in the area of freedom of expression. It discourages journalists and promotes self-censorship."

Nadery said other Afghan journalists had already told him that they "have to be very, very careful in the way that they talk."

Afghan news media have proliferated rapidly in the past four years, with newspapers, radio and television stations sprouting after more than two decades of conflict. According to the new constitution, the media have broad freedom to publish and broadcast without fear of reprisal. But local leaders have physically intimidated reporters, and conservative judges have occasionally tried to punish journalists who broach controversial topics.

Nasab returned to Afghanistan last year following a long exile in Iran and began publishing a magazine called Women's Rights. Articles in the May issue attracted the attention of a Muslim cleric, who denounced Nasab as an infidel during Friday sermons.

When Nasab complained to officials in the justice system in September, he was detained on charges of blasphemy. Prosecutors said Nasab's articles -- including one that claimed God, not the courts, should punish those who leave Islam -- proved he had abandoned his religion. They pushed for the death penalty, but a lower court gave him a two-year sentence.

That decision provoked an outcry among religious conservatives. A council of 200 religious leaders in the southern city of Kandahar issued a *fatwa*, or religious edict, calling for Nasab to be hanged unless he repented. A division of the Supreme Court took a similar step.

Meanwhile, international human rights groups lobbied on Nasab's behalf, and Western embassies here indicated to the government that they were watching the case closely. President Hamid Karzai carefully straddled the line, expressing support for a free press but insisting he could not interfere in the decisions of an independent judiciary.

One of the appeals judges, Abdul Muqem Atarud, said Thursday that he had heard from many people on both sides of the issue.

"We told them that if he did not repent, he would be executed. It's the only way," Atarud said. "It says in *sharia* that if someone repents" for leaving Islam, "he should be forgiven. So that is what happened." Sharia is the Islamic system of justice.

Nasab was still in prison Thursday pending completion of paperwork for his release. In a jailhouse interview last month, he vowed not to apologize and said the charges were trumped up by opponents who dislike him because he is from the ethnic Hazara minority.

Daoud Makaram, one of Nasab's attorneys, said Nasab told the court, "If my magazine caused any misunderstanding among the people, I apologize for that."

Prosecutors still have the right to appeal Nasab's release to Afghanistan's highest court, but several observers said they doubted the outcome would change.

"We are satisfied with what the appeals judges have decided," said Maulavi Ghulam Mohammed Gharib, leader of the Kandahar religious council.

5. Two Afghan students expelled on blasphemy charge

May 2, 2005

<http://www.afghanistannewscenter.com/news/2005/may/may32005.html>

HERAT, Afghanistan (Reuters) - Two Afghan university students have been expelled after they were accused of "humiliating" Islam, an education official said on Monday.

The two, Atif Jawed and Tariq Walipur, were dismissed by the chairman of Herat University following complaints from classmates and a teacher about comments they made about Islam during a religious debate, the official said.

"They have both been expelled," said Mohammad Dawood Munir, dean of the Languages Department of Herat University.

Munir did not elaborate on what led to the accusation of blasphemy.

Afghanistan is a deeply conservative Islamic country but since the ouster of the hardline Taliban in late 2001 there has been debate between conservatives and liberals about the role of religion in public life.

A new constitution does not stipulate a punishment for blasphemy.

Munir said the university in the western city had referred the case to the prosecutor's office, which could make a decision about the pair, who were in their fourth year of a journalism course and in their early 20s.

One of the accused, Walipur protested against the expulsion and denied making any blasphemous statement.

"We raised some questions in the class which were misinterpreted by the teacher and classmates. The expulsion decision is an oppression," he told Reuters.

In 2003 authorities detained two journalists on similar charges but they managed to flee from detention in Kabul and were later given asylum in Canada.

6. Fatwa for "Blasphemy" Journalists

August 7, 2003

http://www.iwpr.net/?p=arr&s=f&o=153449&apc_state=heniarr2003

The supreme court proposes the death penalty for two journalists who criticised Islamic practice.

The fatwa department of Afghanistan's supreme court has recommended that two journalists from a weekly newspaper that published articles some people consider blasphemous be put to death.

After protests by religious students in Kabul targeting the Aftab paper, the highest court in the land ordered its fatwa department - which employs Shariat law and deals with important religious issues - to look into the case.

Its members overwhelmingly backed the proposed death penalty for Aftab chief editor Merhossin Mahdawi and his colleague Ali Raza Payam. The 10-page recommendation to the judiciary, seen by IWPR, gives detailed citations from the Koran and hadiths to support its ruling, and quotes from portions of the two articles that criticised Islamic practice.

The decision also cites a cartoon illustration to one of the articles, which shows a monkey evolving into a man slumped over a computer, accompanied by the words, "Government plus religion equals cruelty." Showing humans as evolving from apes is against the Koran, the ruling said.

The proposal ends with the declaration, "The Islamic Transitional Government of Afghanistan is obliged to give the death penalty to the people who have abused or made fun of Islam, and also to the ones who cause public disruption."

The Bonn Agreement requires the government to adhere to the essentially secular 1964 constitution - at the time viewed as the most advanced for a Muslim country - but it is debating a new one, which is to be approved by the Loya Jirga in October. This constitution must resolve the difficult issue of whether Islamic or secular law will have precedence.

The fatwa department's ruling appears to be its attempt to draw a clear line in the sand on that issue. The head of the department, Mawlawi Abdul Qadir Waris, told IWPR that their decisions don't need to abide by the secular law of the land "but are made through the Islamic Shariat, which overrules all the laws in Islamic countries. Fatwa means strength, that is why it is the strongest decision."

The decision - signed by all members of the fatwa department with the approval of the head of supreme court, Chief Justice Fazil Hadi Shinwari, a noted conservative - was issued on July 17

with little fanfare. A copy has been sent to Kabul city court, which is considering framing charges against Mahdawi and Raza Payam.

When the two were arrested, President Karzai ordered the case to be reviewed by a commission on journalists' rights within the ministry of information and culture, and said that the two should not be sentenced until it gives its report. After the supreme court began to work on the case, Karzai said it should first go through the lower courts. Since the latter have yet to try the two journalists, the fatwa department's ruling appears to be an attempt to override Karzai.

When the protests over the articles first erupted, Mahdawi and Payam were arrested, then released, but have been ordered to appear before the court.

It is not, however, known if the men are still in Afghanistan, with rumours that they have fled to Pakistan. Their relatives, reached by IWPR, said they didn't know anything about their whereabouts.

Ahmad Asim, the head of Kabul city court, says that they make their decisions according to the law of the land but the Shariat will be taken into account.

Asim added that there is nothing about punishment for blasphemy in criminal law of Afghanistan, but directed IWPR's attention to the 39th article of the media law, which says that if there is a press-related crime, and there is no punishment specified in law, the decision is to be made according to the Shariat.

However, a member of the Independent Human Rights Commission for Afghanistan, Ahmad Nadir Nadiri, insists there are no provisions for the fatwa department to wield such power. He said the 102nd article of the 1964 constitution states only the courts can mete out justice.

Belquis Ahmadi, coordinator for the International Human Rights Law Group, fears that powerful conservative forces are behind the latest legal moves, seeking any way they can to persecute Mahdawi who has previously written stories critical of Islam.

Karzai has the power to appoint the members of fatwa department upon the recommendation of the chief justice and he also has the authority to remove them. However, the president does not want to defy Shinwari, as top-level appointments in the current administration reflect a delicate balance between various political and ethnic factions. Getting rid of one of the few Pashtuns and one so strongly pro-Islamic could create serious problems.

Ahmadi argues that a truly independent judicial system is vital for Afghanistan, "Not like this, with the fatwa department sending its decisions to the courts for them to implement."

7. Female journalist arrested for insulting Islam

<http://www.state.gov/g/drl/rls/irf/2003/24467.htm>

In the spring of 2003, Mariya Sazawar, a journalist in Mazar-e Sharif, was accused of having insulted Islam in an article she had written about the formation of Afghanistan's next constitution. Sazawar was accused of writing that Islamic rules were oppressive to women. The accusation was levied in a local newspaper affiliated with the Jamiat-i-Islami Party. Ulema (religious scholars) in Mazar-e Sharif supported the allegation and recommended that she be sentenced to death. With assistance from the Human Rights Commission, Sazawar's case was referred to a local court. The court acquitted Sazawar in March after finding that technical errors in the printing of the article had misrepresented Sazawar's views.

8. Afghan judge outlaws 'immoral and smutty' cable television

January 22 2003

<http://www.guardian.co.uk/world/2003/jan/22/afghanistan.islam>

Afghanistan's most senior judge outlawed cable television yesterday, saying it was against Islam, a decision reminiscent of the Taliban regime.

Fazl Hadi Shinwari, a cleric and the new government's chief justice, said cable television, which now provides foreign news, movies, sports and entertainment channels in Afghanistan, was filled with "prostitution" and "nudity".

"I don't want such TV in this country," he said yesterday in Kabul. Some of the programmes shown were "clearly contrary to Islam and against morality", he said.

The chief justice also wants to outlaw coeducation. "I want education for women, but we want men and women not to sit together," Mr Shinwari said yesterday.

In Herat, western Afghanistan, men have been banned from teaching female students. The move has been strongly opposed by aid agencies and human rights groups who say that many girls will miss out on classes because of the shortage of women teachers.

Cable operators were told to shut down their service on Sunday, although direct satellite transmissions, which the Kabul government cannot control, continue unhindered.

Mr Shinwari comes from the same Pashtun ethnic group as the Taliban and he taught for many years in a madrassah, or religious school, in a conservative area of Pakistan.

Yesterday he said he was unhappy with the "smut" shown on foreign television channels. Television programmes showing women and men together were acceptable only if they were informative and entertaining, he said.

Afghanistan's information and culture minister, Makhdum Raheen, said none of the cable operators had broadcast anything objectionable. He said he hoped the judge's decision would be reversed at a cabinet meeting next week.

"The freedom of cable is a part of the freedom of our press," he said.

The extremist religious students who made up the Taliban regime banned music and television in Kabul shortly after seizing the capital in 1996, but both resurfaced once the Taliban regime crumbled under the weight of a US military onslaught in November 2001.

Televisions, most of them smuggled from Pakistan, immediately appeared in the bazaars and entrepreneurs began producing makeshift satellite dishes made from old tin cans. Five cable television networks were then licensed by the government and provided a series of channels.

Mr Shinwari's decision is an indication of how difficult it is to liberalise Afghanistan's deeply conservative cultural and religious beliefs.

Although sections of the capital, Kabul, have had a reputation for open-mindedness, much of the countryside remains firmly attached to its traditions. As a result many Taliban laws have survived into the new regime. Legal punishments still include stoning for adulterers.

9. Death Threats for Woman Who Allegedly Criticized Islam

June 30, 2002

<http://www.feminist.com/news/news61.html>

Sima Samar, minister for women's affairs under the interim government, was scared into resigning her post this month after she was threatened with death and harassed for questioning Islam during an interview in Canada with a Persian-language newspaper. During the loya jirga, conservatives took out an ad in a local newspaper calling Samar the Salman Rushdie of Afghanistan, equating her with the Indian-born author who was threatened with death for blasphemy.

Samar denies making any statements against Islam but concedes that she supports a limited role of religion in government. President Hamid Karzai is expected to replace her with an Islamist woman to appease the religious establishment. Samar has accepted a less powerful post as a member of the country's human rights commission.

"I don't want to leave," Samar told The Associated Press. "That's the easiest way."

Women Islamists, who do not want the iron rule of the Taliban but a moderate interpretation of Islam, condemned the harassment against Samar even though they do not support all of her views. Women, they say, should wear modest clothing and Sharia, the law of Islam based upon the Koran, should be implemented in civil cases involving issues such as divorce and property disputes. They believe that any radical or secular measures to improve the lives of Afghan women, whose basic rights to education and work were denied for six years under the Taliban, will backfire.

"I don't wear this for men," Jami told Gross, pointing to taupe cotton fabric on her head. "I wear this because I have faith in my religion. Islam is democratic and the best way for women to achieve their rights."

Jami is a mother of seven children and teacher who spent the 23 years of war in northwestern Afghanistan. But Gross has written two books on Afghan women and represents the urban, educated Kabully who fled the capital for the West when the Soviets invaded Afghanistan. Gross argues that Islam is part of Afghan values and daily life. Therefore, she says, it doesn't need to be reinforced in government.

"What we need to accept is pluralism of social groups," the 56-year-old Gross said. "There's not one model of Afghan woman. None of what I'm wearing is from the West. I dressed like this 37 years ago."

Gross, married to an American and traveled to Afghanistan specifically for the loya jirga, is a member of Negar, a Paris-based Afghan women's group involved in securing human rights in Afghanistan. Her group succeeded in convincing Karzai to sign an equal rights law; implementation of the law will be the group's next challenge.

The ultimate impact of women's strong lobbying at the loya jirga has yet to be seen. The delegates--both secular and Islamists--returned to their homes hopeful that they had improved Afghan women's lives.

"The fact that most of the men supported my candidacy and I could stand there and be a presidential candidate should show how far we've gotten in the last six months," said Massouda Jalal, who unsuccessfully challenged Karzai as head of state. "I think that we're only going to move forward."

C. Freedom of Religion

1. Roundup on status Baha'is in Muslim-majority countries

September 22, 2008

<http://www.bahairights.org/2008/09/22/roundup-on-status-bahais-in-muslim-majority-countries/>

Afghanistan – There are more than 400 Baha'is in Afghanistan, 300 of whom reside in Kabul. In 2007, the General Directorate of Fatwas and Accounts declared that the Baha'i Faith is distinct from Islam, and a blasphemy. Followers of the faith were declared infidels, and Muslims who convert to the Faith apostates.

The ruling raised questions on how second-generation Baha'is would be treated, as was exemplified by the arrest on 9 April 2007 of a Baha'i citizen, after his religious beliefs were exposed to authorities by his wife. The man spent 31 days in prison, and was released after concerns were raised by the international community.

Afghanistan is listed as a Watch List country.

2. Baha'i arrested by Afghan police

<http://www.state.gov/g/drl/rls/irf/2008/108497.htm>

On April 9, 2007, police arrested a citizen who was born a member of the Baha'i faith, after his religious beliefs were exposed to authorities by his wife. After inquiries from the international community, authorities released the man on May 11, 2007. He spent 31 days in jail without any charges. According to the Penal Code, authorities can jail a person for only up to 15 without charges. Should authorities need more time to investigate a case, the courts may grant an extension of up to 15 days more. In this particular case, however, authorities requested no such extension. This is not unusual due to an underfunded and understaffed judicial system in which many prisoners face lengthy pretrial detention. Upon his release from jail, the man fled to another country along with other family members, one of whom feared police would try to detain him for his role in helping to seek the man's release from jail. The man's wife, who is Muslim, is seeking a divorce based on grounds that marriage to a non-Muslim man is not legal.

3. Afghanistan: Kabul Cancels Christian Group's Event, Expels Organizers

August 6, 2006

<http://www.eurasianet.org/departments/civilsociety/articles/pp0806.shtml>

Members of a South Korean Christian aid group that tried to organize a three-day "peace festival" in Afghanistan have been expelled after Islamic clerics accused them of trying to convert Muslims to Christianity. The event, scheduled to start on August 5, was to include a medical conference and two soccer games at Kabul's Olympic Stadium between Korean players and Afghanistan's national team. It was being organized by the Institute of Asian Culture and Development (IACD) -- a Seoul-based Christian humanitarian-aid group that has run medical clinics in Afghanistan since January 2002.

Ali Askar Laly, an adviser for the Afghan Football Federation, told RFE/RL that complaints from Muslim clerics about proselytizing by the aid group's members turned the "peace festival" into a contentious political issue for the Afghan government.

Charges of Proselytizing

"According to the information we have received, they wanted to do propaganda for Christianity here," he said.

"Members of the South Korean nongovernmental organization that was bringing the [Korean soccer] team here were expelled from Afghanistan [August 2]. For that reason, it was not possible for [the Korean players] to come [and play]."

Officials in Kabul say hundreds of South Korean Christians who arrived for the peace festival were warned not to "preach religion." But the officials say some group members ignored the warnings and were seen trying to convert Muslims -- a serious crime in the Islamic republic.

Kang Sung Han is Central Asia director for the Institute of Asian Culture and Development. He tells RFE/RL that the allegations about evangelistic activities by his group are untrue.

"No," he said. "Not at all. That is wrong information. We have no programs on religious activity nor any Christian rally. No. Not at all. All programs are for medical education and sports. No religious activities. Not at all. That is all wrong rumors. The IACD is shocked by these rumors. So we are very sad. And we regret these rumors."

Kang says the Institute of Asian Culture is aware of Afghanistan's religious sensitivities and Islamic traditions because the group has been running a medical clinic in the northern Afghan town of Sherbergan since January 2002.

A Peaceful Festival?

He told RFE/RL that the idea for the festival was to give ordinary Koreans and Afghans a chance to interact with each other peacefully.

"We have been working in Afghanistan for the past five years," he said. "The IACD has known well about Afghanis and Islamic culture. We [just wanted to] make a sports project, a medical project, and a medical conference. We were to have our own meeting in a gymnasium on contributions to a brighter future for Afghanistan -- because we were bringing a list of 400 men from the United States and from Korea. They want to be involved in the reconstruction of Afghanistan."

Afghan officials say some 1,500 group members have entered Afghanistan on tourist visas in recent weeks. They arrived despite warnings from South Korea's Foreign Ministry and Seoul's embassy in Kabul that their presence could be seen as a provocation by conservative Islamists.

Scores of group members who have arrived at Kabul Airport since August 2 have been refused entry visas and turned back by customs officials. Afghan authorities say all group members will be expelled from Afghanistan "as soon as possible" because their safety cannot be guaranteed. The Afghan Foreign Ministry has confirmed that it gave tourist visas to several hundred South Koreans who said they wanted to spread peace and help with reconstruction.

Foreign Ministry adviser Daud Muradian says group leaders had promised not to preach religion or try to convert anyone.

Clerics Complain

But on August 2, Muslim clerics in the northern Afghan city of Mazar-e Sharif demonstrated in the streets to call for the expulsions. Among them was cleric Said Hashemi. He explains to RFE/RL the allegations against the Seoul-based group.

"Some Korean students who are Christians came as tourists to Afghanistan," he said. "Some came to Mazar-e Sharif -- and in addition to their tourist activities, they've been spreading Christian propaganda both secretly and overtly."

Some time ago, in the presence of the religious adviser of the Afghan president, there were discussions in which provincial officials presented evidence about Christians spreading propaganda through documents and compact discs. They were seen doing this in one of the districts [of Balkh Province]."

But Sher Jan Durani, a spokesman for the chief of the Afghan National Police in Balkh Province, tells RFE/RL that authorities in the northern province have no evidence that IACD members have tried to convert Muslims to Christianity.

"There has been nothing in Mazar-e Sharif like [what the clerics] have described," he said. "If [Christian preaching and attempts at converting Muslims] is going on, for sure, the police of Mazar-e Sharif will arrest them and put them in jail according to the law."

Religion is a sensitive matter in Afghanistan's strictly Islamic society. In February, thousands of Afghan demonstrators took to the streets to demand the death penalty for an Afghan man who had converted to Christianity. The man, Abdur Rahman, was released from prison and sent to Italy under international pressure.

D. Sectarian Violence

1. Sectarian Strife Kills 31 in Pakistan and 6 in Afghanistan

February 10, 2006

<http://www.nytimes.com/2006/02/10/international/asia/10stan.html>

LASHKAR GAH, Afghanistan, Feb. 9 — Violence exploded in Pakistan and Afghanistan on Thursday during processions by Shiite Muslim worshipers observing the holy day of Ashura. A suicide bombing in northwestern Pakistan killed 23 people and wounded dozens more.

After the bombing, in the town of Hangu, angry Shiites rampaged through the streets, setting fire to stores, government buildings and vehicles. By the end of the day the death toll had grown to 31, local officials said.

In western Afghanistan, fighting broke out between Shiite and Sunni Muslims during a procession of Shiite worshipers in Herat, the country's third-largest city. The fighting killed 6 people and wounded 120 others, said a senior military official, who spoke on the condition of anonymity because he was not authorized to discuss the matter.

Sectarian attacks, including suicide attacks on mosques, have occurred in Pakistan, but such a clash was unexpected in the traditionally tolerant Afghan city of Herat. The violence there was another blow in a country that has been struggling with increasing terrorist attacks, local insurgencies and angry demonstrations in recent days over the publication of satirical cartoons of the Prophet Muhammad.

Pakistani troops moved into Hangu, which is 125 miles southwest of the capital, Islamabad, after the bombing and the rampage.

"There was panic everywhere," The Associated Press quoted a witness, Muhammad Jamil, 25, as saying. "Some people rushed to the injured and dead bodies. Others went to houses and took out weapons and knives and kerosene oil and started setting fire to shops, destroying everything."

There were unconfirmed reports that angry Shiites had fired on a vehicle, killing four people. News accounts reported a thick layer of smoke hanging above the town as the violence intensified.

Leading Shiite and Sunni religious leaders condemned the attack as an attempt to create chaos in Pakistan. No one had claimed responsibility for the attack by Thursday evening, but Sheik Rashid Ahmed, the information minister, confirmed in a telephone interview that a suicide bomber had carried out the attack.

"This was a blast," he said. "It was a suicide bomber." He would not say who he thought was behind the attack. "Such things take time," he said of the investigation.

Riffat Pasha, the police chief of North-West Frontier Province, told local news organizations: "This is an act of terrorism. There were elaborate security arrangements, but it is difficult to prevent such suicide attacks."

Pakistan has been troubled by tensions between the Shiite minority and the Deobandi sect, a puritanical branch of Sunni Islam to which some of the country's jihadist political factions belong. Violence between the two groups has killed more than 1,200 people in the last 15 years. Sunnis make up 77 percent of the country's population of 150 million, and Shiites 20 percent.

In Afghanistan the procession of hundreds of Shiites in Herat commemorating the martyrdom of Imam Hussein, the grandson of the Prophet Muhammad, turned violent, with Sunnis and Shiites fighting with sticks, stones and knives, and then guns and grenades. Dr. Abdul Jalil, who was on duty at the city's main civilian hospital, said the staff had treated wounds from shootings, stabbing and beatings.

By the end of the afternoon the main Shiite mosque in the northern part of the city and nearby shops were on fire, said Muhammad Rafiq Shahir, leader of a group of socially minded professionals called the Experts Council. He said he had seen a Shiite throw a grenade into a crowd, wounding about 15 people.

Mr. Shahir, a Sunni, blamed the government for setting the stage for violence by appointing a Shiite last year as governor of Herat Province, which has a Sunni majority. Tensions remain between ethnic groups in Afghanistan from years of factional fighting.

The governor, who is known to have close ties to Iran, had aggravated the latent tensions, Mr. Shahir contended, in part by allowing a larger procession for Ashura this year than usual. Mr. Shahir also accused Shiites of provocations, saying some of them entered the main Sunni mosque wearing shoes last year, and he accused Shiites of a knife attack against the son of a Sunni cleric on Wednesday.

Afghan soldiers and police officers were deployed, and by evening the city was calm, said Gen. Zaher Azimi, the Defense Ministry spokesman. The Afghan government sent a delegation from

the capital, Kabul, to negotiate, headed by a former governor of Herat, the powerful Tajik commander Ismail Khan, who was ousted from office in 2004.

E. Terrorism

1. South Korean hostages head back home from Afghanistan

August 31, 2007

<http://www.ihf.com/articles/2007/08/31/asia/hostages.php>

KABUL: Nineteen newly freed South Korean hostages headed home Friday after a six-week kidnapping ordeal in Afghanistan and after a deal with Taliban insurgents that critics fear could spur more abductions.

The South Korean Christian volunteers, part of a group of 23 missionaries kidnapped in southeast Afghanistan in mid-July, arrived in Dubai on a chartered United Nations plane from Kabul, airport and security officials in Dubai said. They were expected to spend the night in the Gulf city before leaving Saturday for Seoul.

The Taliban killed two male hostages, while two women released earlier as a good-will gesture have flown home. The insurgents, however, have vowed to abduct more foreigners.

Some of the released hostages told the South Korean media in Kabul on Friday that they had lived in constant fear for their lives and had been split into small groups and shuttled around the Afghan countryside to avoid detection.

One Taliban member would tend to a farm by day and then grab a rifle and stand guard over hostages at night.

"At the beginning I had writing supplies so I kept a diary, but the Taliban kept searching us and took them away," one former captive, Seo Myung Hwa, was quoted by South Korea's Yonhap news agency as saying.

She then showed reporters a pair of white pants she had worn during captivity, on the inside of which she had written detailed records about when the kidnapers moved her, the time they had meals, the kinds of Korean food she longed to eat and other details.

Another freed hostage apologized to South Korea's government and people for causing trouble.

Foreign media were barred from talking to the hostages in line with South Korean government policy.

The last batch of hostages released to the Red Cross outside Ghazni town late Thursday looked pale, the women covering their faces with scarves. Afghan officials said they were in good health.

The kidnapping was the largest in the resurgent Taliban campaign against foreign forces since U.S.-led troops ousted the Islamists from power in 2001.

The Taliban decided to free the hostages after Seoul agreed to pull all its nationals out of the central Asian country.

Some Afghan officials say South Korea also agreed to pay a ransom during negotiations with the Taliban, which one foreign diplomat said started out as a demand for \$20 million, an allegation the Korean government has denied.

Critics say negotiating with the Taliban sets a dangerous precedent and could spur more abductions.

In Washington, the United States welcomed the release of the hostages but strongly condemned the Taliban for taking them in the first place.

"We hope that this firmly brings to a conclusion this incident and that there will not be similar ones that occur in the future," said a State Department spokesman, Tom Casey.

In New York overnight, UN Secretary General Ban Ki Moon was "deeply concerned for the safety and welfare of the other nationals who are being held against their will in Afghanistan," including a German and four Afghans, a spokeswoman said.

2. Assassination of Muslim Religious Leaders

<http://www.state.gov/g/drl/rls/irf/2008/108497.htm>

According to the Afghanistan Independent Human Rights Commission (AIHRC), in 2007 there were at least four cases of religious leaders assassinated by insurgents due to their links to the Government. On July 20, 2007, a terrorist organization killed Balkh Ulema Council Head Maulawi Mohammad Aslam in Balkh province for stating that activities conducted by terrorist organizations were against the tenets of Islam. On July 19, 2007, the Taliban killed Maulawi Abdul Sattar, the Lashkar Gah city mosque mullah. On February 14, 2007, the Taliban killed Maulawi Sayed Mahmood Agha, a Sangin district mosque mullah, in his home. On February 5, 2007, the Kandahar Ulema Council Deputy was killed in the center of the Kandahar bazaar.

In December 2007 unidentified gunmen shot and killed Mullah Hussain in his house in the Karkh district. On October 12, suspected Taliban militants kidnapped Maulawi Saleh Mohammad, an imam from the Arghandab district of Zabul Province. The following day Pajhwak Afghan News reported he was beheaded, with a Taliban commander justifying the killing because he believed Mohammad to be a government informant. On October 9, the Afghan Interior Ministry reported the kidnapping and killing of a mullah in neighboring Logar Province on his way home from Friday prayers. Also on October 9, suspected Taliban militants reportedly opened fire with machine guns on a mosque in the Syed Abad district of Wardak Province during Friday prayers. Two persons were reportedly killed and ten others injured.