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## **Sex-starved Afghans can deny food to wives**

PTI (16.08.2009) / HRWF Int. (17.08.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> – Afghanistan has enacted a new legislation empowering men of Shia sect of Islam to deny their wives food and sustenance if they refuse to obey their husbands' sexual demands, a media report said on Saturday.

The new final draft of the legislation also grants guardianship of children exclusively to their fathers and grandfathers, and requires women to get permission from their husbands to work, The Guardian reported.

"It also effectively allows a rapist to avoid prosecution by paying 'blood money' to a girl who was injured when he raped her," the report said quoting US charity Human Rights Watch.

In early April, US President Barack Obama and British Prime Minister Gordon Brown joined an international chorus of condemnation when the earlier version of the law legalised rape within marriage.

Although Afghan President Hamid Karzai appeared to back down, activists said the revised law still contained repressive measures and contradicted Afghanistan's constitution and international treaties it is signed up to.

According to the report, the new law has been backed by the hardline Shia cleric Ayatollah Mohseni, who is thought to have influence over the voting intentions of some Shias, who make up around 20 per cent of the population.

Karzai has assiduously courted such minority leaders in the run up to next Thursday's election, which is likely to be close, a poll indicated.

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## **Probe call in Afghan 'convert' row**

Aljazeera.net (06.05.2009) / HRWF Int. (07.05.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> – Former Afghan prime minister has called for an inquiry after Al Jazeera broadcast footage showing Christian US soldiers appearing to be preparing to try and convert Muslims in Afghanistan.

Ahmed Shah Ahmedzai said there must be a "serious investigation" after military chaplains stationed in the US air base at Bagram were filmed discussing how to distribute copies of the Bible printed in the country's main Pashto and Dari languages.

In one recorded sermon, Lieutenant-Colonel Gary Hensley, the chief of the US military chaplains in Afghanistan, tells soldiers that, as followers of Jesus Christ, they all have a responsibility "to be witnesses for him".

"The special forces guys - they hunt men basically. We do the same things as Christians, we hunt people for Jesus. We do, we hunt them down," he says.

"Get the hound of heaven after them, so we get them into the kingdom. That's what we do, that's our business."

Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff, the highest ranking officer in the US military, told Al Jazeera he was not aware of the details of the footage but that the US army was not involved in promoting religion.

"From the United States' military's perspective, it is not our position to push any specific kind of religion," he said at a Pentagon briefing in Washington on Monday.

### **'Very damaging'**

Under the US military code of conduct, armed forces on active duty are prohibited from trying to convert a person's faith.

Ahmed Shah Ahmedzai told Al Jazeera from Kabul on Monday: "This is a complete deviation from what they [the US military] are supposed to be doing.

"I don't think even the US constitution would allow what they are doing ... it is completely against all regulations.

"This is very damaging for diplomatic relations between the two countries ... everyone knows people are very conservative here, very faithful to Islam. They will never accept any other religion.

"Someone who leaves Islam is sentenced very severely - the death penalty [is imposed]. "There must be a serious investigation now that it has come out into the public and [into the] press," he said.

Sayed Aalam Uddin Asser, of the Islamic Front for Peace and Understanding in Kabul, told Al Jazeera: "It's a national security issue ... our constitution says nothing can take place in Afghanistan against Islam.

"If people come and propaganda other religions which have no followers in Afghanistan [then] it creates problems for the people, for peace, for stability.

### **Local language bibles**

The footage, shot about a year ago by Brian Hughes, a documentary maker and former member of the US military who spent several days in Bagram near Kabul, was obtained by Al Jazeera's James Bays, who has covered Afghanistan extensively.

In other footage captured at Bagram, Sergeant Jon Watt, a soldier set to become a military chaplain, said during a Bible study class: "I also want to praise God because my church collected some money to get bibles for Afghanistan. They came and sent the money out."

It is not clear that the Bibles were distributed to Afghans, but Hughes said that none of the people he recorded in a series of sermons and Bible study classes appeared to able to speak Pashto or Dari.

Hughes said: "The only reason they would have these documents there was to distribute them to the Afghan people and I knew it was wrong, and I knew that filming it ... documenting it would be important."

### **Guidelines**

It is not clear if the presence of the bibles and practice of calling on soldiers to be "witnesses" for Jesus continues, but they were filmed a year ago despite regulations by the US military's Central Command that expressly forbid "proselytising of any religion, faith or practice".

But in another piece of footage, the chaplains appear to understand their actions were in breach of a regulation known as General Order Number One.

"Do we know what it means to proselytise?" Captain Emmit Furner, a military chaplain, says to the gathering.

"It is General Order Number One," an unidentified soldier replies.

But Watt says "you can't proselytise, but you can give gifts".

The footage also suggests US soldiers gave out bibles in Iraq.

In an address at Bagram, Watt is recorded as saying: "I bought a carpet and then I gave the guy a Bible after I conducted my business.

"... the expressions that I got from the people in Iraq [were] just phenomenal, they were hungry for the word."

Questioned about the footage, Greg Julian, a US colonel in Afghanistan, told Al Jazeera: "Most of this is taken out of context ... this is irresponsible and inappropriate journalism. "This footage was taken a year ago ... the bibles were taken into custody and not distributed.

"There is no effort to go out and proselytise to Afghans."

The footage has surfaced as Barack Obama, the US president, prepares to host Hamid Karzai, Afghanistan's president, at a summit on Tuesday and Wednesday focusing on how to tackle al-Qaeda and Taliban attacks along the Pakistan-Afghanistan border.

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## **U.S. military destroys soldier's Bibles**

By Fred Jackson

OneNewNow.com (05.05.2009) / HRWF Int. (07.05.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> – The U.S. military is confirming that it has destroyed some Bibles belonging to an American soldier serving in Afghanistan.

Reuters News says the Bibles were confiscated and destroyed after Qatar-based Al Jazeera television showed soldiers at a Bible class on a base with a stack of Bibles translated into the local Pashto and Dari languages. The U.S. military forbids its members on active duty -- including those based in places like Afghanistan -- from trying to convert people to another religion.

Reuters quotes Maj. Jennifer Willis at the Bagram Air Base, north of Kabul, who said "I can now confirm that the Bibles shown on Al Jazeera's clip were, in fact, collected by the chaplains and later destroyed. They were never distributed."

According to the military officials, the Bibles were sent through private mail to an evangelical Christian soldier by his church back home. Reuters says the soldier brought them to the Bible study class where they were filmed.

The Chairman of the U.S. Joint Chiefs of Staff, Admiral Mike Mullen, told a Pentagon briefing Monday that the military's position is that it will never "push any specific religion."

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## **Taleban-style law for women in Afghanistan is dropped after outcry**

The Times (07.04.2009) / HRWF Int. (08.04.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> – A controversial law condoning marital rape and reintroducing Taleban-era rules for Afghan women has been shelved after an outcry in the West

The Afghan Foreign Ministry said that the law had not been enacted, while Justice Ministry officials said that its contents might be reconsidered. The legislation was put on hold pending a review.

"The Justice Ministry is reviewing the law to make sure it is in line with the Afghan Government's commitment to human rights and women rights conventions," Sultan Ahmad Baheen, a spokesman for the ministry in Kabul, said.

The British Government expressed alarm at the law, which applies to the 15 per cent of the Afghan population that is Shia Muslim. President Obama called the law "abhorrent" at the Nato summit in Strasbourg last week.

The Afghan Government is a signatory to the Universal Declaration of Human Rights, which enshrines equality in dignity and rights regardless of religion or sex. Article 22 of the Afghan Constitution also explicitly reiterates the equality of men and women before the law.

Human rights activists cited a large number of provisions in the law that appeared to disregard those commitments in a draft leaked to The Times.

One of the most controversial articles stipulates that the wife "is bound to preen for her husband as and when he desires".

Later the law explicitly sanctions marital rape. "As long as the husband is not travelling, he has the right to have sexual intercourse with his wife every fourth night," Article 132 says. "Unless the wife is ill or has any kind of illness that intercourse could aggravate, the wife is bound to give a positive response to the sexual desires of her husband."

Article 133 reintroduces the Taliban restrictions on women's movements outside their homes, stating: "A wife cannot leave the house without the permission of the husband" unless in a medical or other emergency.

Article 27 endorses child marriage with girls legally able to marry once they begin to menstruate.

The law also withholds from the woman the right to inherit her husband's wealth.

Some opposition figures accused President Karzai of attempting to curry favour with conservative Shia party leaders before presidential elections in August. The Shia community has represented one of the best-organised voting blocs since 2001 and is being courted by several candidates.

His Government said on Saturday that criticism of the law was misplaced. "We understand the concerns of our allies in the international community," President Karzai said during a televised press conference in Kabul.

"Those concerns may be out of inappropriate or not-so-good translation of the law or a misinterpretation of it."

Some Afghan MPs suggested that the leaked draft of the law did not contain important amendments that were added to the final version. The law was passed by parliament last month and several women MPs whom The Times contacted said that it did so without debate after conservative religious leaders claimed that this was unnecessary.

Reaction to the law among Shia women was largely supportive, Ruqiya Nayel, a Shia woman MP from Ghor province, said.

"This law clearly violates our rights," she told The Times. "Unfortunately most of the women I represent welcome this law because 98 per cent of women are uneducated and do not know their rights. A very few educated women are very sad about it."

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## **Student's long blasphemy term upheld in Afghanistan**

By Abdul Waheed Wafa and Carlotta Gall

The Institute on Religion and Public Policy (12.03.2009) / HRWF Int. (13.03.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> -The Supreme Court in Afghanistan has upheld a 20-year prison sentence for an Afghan university student journalist accused of blasphemy. The case has alarmed news media and rights organizations in the country and abroad.

The student's family and lawyers said Wednesday that they had learned only recently about the court decision, which was made in secret on Feb. 12, and they called the procedure illegal.

The student, Parwiz Kambakhsh, 24, from northern Afghanistan, was arrested in 2007 and sentenced to death for blasphemy after accusations that he had written and distributed an article about the role of women in Islam. Kambakhsh has denied having written the article and said he had downloaded it from the Internet. His family and lawyers say he has been denied a fair trial.

In 2008, an appeals court in Kabul commuted the death sentence to 20 years' imprisonment, a decision that was upheld by a tribunal of the Supreme Court last month. "Unfortunately, the Supreme Court has confirmed the 20-year prison sentence for my brother," said Yaqoub Ibrahim, who is Kambakhsh's brother. "We did not expect it at all."

The decision came to light only when the attorney general's office issued orders to the northern province of Balkh to enforce the decision, Afzal Nooristani, a defense lawyer for Kambakhsh, said by telephone.

"I was not allowed to talk with the judges and officials, which is a complete violation of law," he said.

Judges at the Supreme Court were reluctant to comment on the case, except to say that Ghulam Nabi Nawaie, the lead judge of the tribunal that made the decision, was in India for medical treatment.

Enayatullah Kamal, the deputy attorney general, confirmed that his office had been notified of the decision, but he said Kambakhsh still had the right to appeal the tribunal's decision.

The case has been watched closely by the independent Afghan news media, which have felt growing pressure from government, political and religious circles. Journalists and news organizations flourished in the early post-Taliban years under President Hamid Karzai but have increasingly suffered from threats and attacks from the Taliban and pressure from the government and religious conservatives.

An Afghan journalist, Javed Ahmad, 23, who worked for the Canadian broadcaster CTV, was shot and killed Tuesday evening in the center of the southern city of Kandahar, the second killing of an Afghan journalist in southern Afghanistan in nine months. Abdul Samad Rohani, a journalist in Helmand Province, was shot and killed last year, in an attack thought to be connected to his investigation of police involvement in the drug trade.

Three other well-established journalists have left Kandahar in recent months after receiving threats from Taliban insurgents over their coverage of events.

Another journalist, Ghows Zalmai, has been sentenced to 20 years in prison for blasphemy after publishing a Dari translation of the Koran that hard-line clerics disputed, said Human Rights Watch, based in New York.

Western diplomats and human rights organizations have expressed concern that despite Karzai's assurances of press freedom and freedom of speech, journalists and civilians are under increasing threat from both insurgents and conservative religious clerics allied with the government. Karzai, his critics say, is reluctant to move against the clerics in an election year.

Kambakhsh's brother and the lawyer, Nooristani, said they were dismayed because they had seen the Supreme Court as their last resort.

Kambakhsh was originally sentenced after a trial lasting only minutes in which he was not allowed to defend himself. In the appeals court, an important student witness against him retracted his statement but was ignored.

"This is the tragic level of justice in Afghanistan today," Ibrahimi, the brother, said in a statement. "It is just a make-believe system of justice and humanitarianism. The reality is that the Afghan government and judiciary, although supported by the U.S., the UN, the EU and other democracies worldwide, is morally bankrupt."

Human Rights Watch urged the Afghan president to pardon Kambakhsh.

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## **Despite opposition, Afghan Christians worship in secret**

By Danna Harman

The Christian Science Monitor (27.02.2009) / HRWF Int. (05.03.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - The worshippers close their eyes, bow heads, hold hands, and speak their hopes and prayers out loud.

"I praise God for reconciling between my father-in-law and his stepdaughters.... Prayer works!" rejoices one. "I pray for ... the sanctity of marriage," says another.

"I give thanks for not being hit in the explosion today, and for suicide bombers staying away," a third intones, the sound of a chopper almost drowning him out.

"Amen," they sing, a group of men and women in neat camouflage fatigues, pistols strapped on their legs and chests and Bibles open in their hands.

And then there is Ahmed. With his acid-wash jeans, white shirt, and ID badge reading "escort required," he stands among them – mumbling the prayers, tapping his shiny brown loafers as the guitarist strikes up a catchy hymn. He's included, and apart, at the same time.

A recent convert to Christianity, Ahmed, who asked that his real name not be used out of fear for his security, has begun to join the hour-long church services at the Kabul Afghanistan International Airport (KAIA) base most Thursday evenings.

Even without consorting with Westerners, Afghan Christians face consequences for practicing their faith.

Months ago, Ahmed's parents, having discovered he had become a Christian, threw him out of the house, tossing his clothes into the street behind him. Later, they forced him into marriage with a relative from Kunduz, hoping this might return him to the ways of Islam.

His young bride, he admits, has no idea of the truth. She thinks he is at work. He leaves home, walking down the potholed Kabul road, boarding one bus, then another – always looking over his shoulder.

Converting to Christianity, punishable by death under Taliban rule, is no longer a criminal offense, but remains a highly risky choice in this conservative Muslim country. Just two years ago, the new Constitution notwithstanding, an Afghan man was sentenced to death for converting – and was only reprieved, on grounds of insanity, after a massive international campaign. He later went into exile.

Christian groups estimate the number of Afghan Christians here ranges between 500 and 8,000 – in a country of over 30 million Muslims. Official churches don't exist, and congregants often gather in secret, using coded messages to direct them to the underground churches that move weekly. A few, like Ahmed, quietly join groups on coalition bases.

Christian expatriates can gather freely to pray or study in Afghanistan – but are not immune from the deep-seated animosity toward the religion either. The small number of Christian aid organizations with offices in the country keep a low profile and clearly state they are focused on humanitarian, and not religious work.

But last year, a group of 23 South Korean church volunteers were kidnapped in southern Afghanistan and two were killed before the others were released.

More recently, in October, Gayle Williams, a young woman working for Serve Afghanistan, a Britain-based Christian charity, was killed as she walked to work through a busy intersection in Kabul. The Taliban claimed responsibility, saying she was killed because she was proselytizing – a claim Serve Afghanistan has refuted, insisting the aid worker was running a project for disabled children.

Fear of being accused of proselytizing worries Capt. Scott Jensen, who leads the KAIA services, but he refuses to close the doors of his little wooden church to anyone.

"There are people turning to me saying the Islamic faith is not filling the hole within them. They want to explore Christianity," he says. "We don't do missionizing work, but we are defined by our love and we reach out in love."

Ahmed, who works on the base as a day laborer, was first introduced to Christianity a year ago, when a teacher at his English school in Kabul gave him an English-Dari Bible, he says.

He would stay up at night reading, and hide the book under his mattress when he went out. It was there that his mother found it, informing his father – who beat him before throwing him into the street.

Captain Jensen, an ordained Lutheran pastor from San Antonio who has logged 23 years in the military, is not in Afghanistan as an official chaplain, but rather as a communications director, in charge of keeping the KAIA network working, and training Afghan counterparts. He was to conduct his last service Thursday.

But, with no one else to hold regular non-Catholic services for the 2,200 troops on base, he volunteered to help. Jensen spends some 15 hours a week, he says, preparing services, writing a bulletin, and counseling those in need.

One day, he recounts, he got a phone call from someone who said he had some questions. "A man called and told me he had been reading the Bible in secret. He said, 'I want to talk to you about it.' "

That man was Ahmed, and it was the beginning of the journey that brought him here.

In time, a handful of other Afghans began contact with Jensen as well, all reaching out to him through trusted personal connections. All are welcome at services and care is taken to secretly ease their way onto the base, protect their identities, and make them feel at home.

"I don't get into the politics of it," says Sr. Master Sgt. Cedric Pinnock, an aircraft mechanic and regular at services. "I'm just glad we could provide them with community."

Back at the prayer circle, the hymn has ended and Jensen starts his benediction.

"Let us pray for those killed in the bombing today and give their families strength," he says, in reference to a suicide attack that left six dead downtown earlier that afternoon. "And let's pray for those who perpetuated this crime."

"Let us pray for the Christians in the underground church and for a day to come in which there is freedom of religion in Afghanistan – and each and every person can practice what they believe," he ends.

Bowed heads are lifted, and the congregants shake one another's hands. "May peace be with you," they say. "May peace be with you," Ahmed responds.

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## Afghan court upholds sentences in Quran trial

By Rahim Faiez and Heidi Vogt

AP (15.02.2009) / HRWF Int. (19.02.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - An appeals court in Afghanistan upheld 20-year prison sentences for two men who published a translation of the Quran that drove religious leaders to call for their execution.

The panel ruled Sunday that the men were guilty of modifying the Quran – a crime punishable by death. However, the three-judge panel reiterated a lower court ruling giving the men 20 years each.

The controversial text is a translation of Islam's holy book into an Afghan language without the original Arabic verses alongside. Muslims regard the Arabic Quran as words given directly by God. A translation is not considered a Quran itself, and it is believed that a mistranslation could warp God's word.

A host of Muslim clerics in this conservative Islamic state have condemned the translation – which was published in 2007 and handed out for free – as blasphemous and accused its publishers of setting themselves up as false prophets.

Critics have said the trial illustrates the undue influence of hard-line clerics in Afghanistan's fledgling legal system.

The prosecutor had asked for the death penalty for the two men – Ahmad Ghaws Zalmai, a former spokesman for the attorney general, and Mushtaq Ahmad, a Muslim cleric who signed a letter endorsing the translation.

Chief judge Abdul Salam Qazizada invoked Islamic Shariah law when reading out the sentence, saying death would not have been an extreme punishment.

"He who commits such an act is an infidel and should be killed" according to some interpretations of Shariah law, Qazizada said.

Qazizada did not explain why they didn't issue a harsher verdict.

Zalmai's lawyer, Abdul Qawi Afzeli, said both men plan to appeal again, pushing the case to the Supreme Court.

The appeals court reduced the sentence of the owner of the print shop that published the book to 15 months, which he has already served, from five years. Three other men charged with trying to help Zalmai flee the country were sentenced to just over seven months, also time already served.

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## **Two Afghans face death over translation of Quran**

By Heidi Vogt

AP (06.02.2009) / HRWF Int. (07.02.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - No one knows who brought the book to the mosque, or at least no one dares say. The pocket-size translation of the Quran has already landed six men in prison in Afghanistan and left two of them begging judges to spare their lives. They're accused of modifying the Quran and their fate could be decided Sunday in court.

The trial illustrates what critics call the undue influence of hardline clerics in Afghanistan, a major hurdle as the country tries to establish a lawful society amid war and militant violence.

The book appeared among gifts left for the cleric at a major Kabul mosque after Friday prayers in September 2007. It was a translation of the Quran into one of Afghanistan's languages, with a note giving permission to reprint the text as long as it was distributed for free.

Some of the men of the mosque said the book would be useful to Afghans who didn't know Arabic, so they took up a collection for printing. The mosque's cleric asked Ahmad Ghaws Zalmai, a longtime friend, to get the books printed.

But as some of the 1,000 copies made their way to conservative Muslim clerics in Kabul, whispers began, then an outcry.

Many clerics rejected the book because it did not include the original Arabic verses alongside the translation. It's a particularly sensitive detail for Muslims, who regard the Arabic Quran as words given directly by God. A translation is not considered a Quran itself, and a mistranslation could warp God's word.

The clerics said Zalmai, a stocky 54-year-old spokesman for the attorney general, was trying to anoint himself as a prophet. They said his book was trying to replace the Quran, not offer a simple translation. Translated editions of the Quran abound in Kabul markets, but they include Arabic verses.

The country's powerful Islamic council issued an edict condemning the book.

"In all the mosques in Afghanistan, all the mullahs said, 'Zalmai is an infidel. He should be killed,'" Zalmai recounted as he sat outside the chief judge's chambers waiting for a recent hearing.

Zalmai lost friends quickly. He was condemned by colleagues and even by others involved in the book's printing. A mob stoned his house one night, said his brother, Mahmood Ghaws.

Police arrested Zalmai as he was fleeing to Pakistan, along with three other men the government says were trying to help him escape. The publisher and the mosque's cleric, who signed a letter endorsing the book, were also jailed.

There is no law in Afghanistan prohibiting the translation of the Quran. But Zalmai is accused of violating Islamic Shariah law by modifying the Quran. The courts in Afghanistan, an Islamic state, are empowered to apply Shariah law when there are no applicable existing statutes.

And Afghanistan's court system appears to be stacked against those accused of religious crimes. Judges don't want to seem soft on potential heretics and lawyers don't want to be seen defending them, said Afzal Shurmach Nooristani, whose Afghan Legal Aid group is defending Zalmai.

The prosecutor wants the death penalty for Zalmai and the cleric, who have now spent more than a year in prison.

Sentences on religious infractions can be harsh. In January 2008, a court sentenced a journalism student to death for blasphemy for asking questions about women's rights under Islam. An appeals court reduced the sentence to 20 years in prison. His lawyers appealed again and the case is pending.

In 2006, an Afghan man was sentenced to death for converting to Christianity. He was later ruled insane and was given asylum in Italy. Islamic leaders and the parliament accused President Hamid Karzai of being a puppet for the West for letting him live.

Nooristani, who is also defending the journalism student, said he and his colleagues have received death threats.

"The mullahs in the mosques have said whoever defends an infidel is an infidel," Nooristani said.

The legal aid organization, which usually represents impoverished defendants, is defending Zalmai because no one else would take the case.

"We went to all the lawyers and they said, 'We can't help you because all the mullahs are against you. If we defend you, the mullahs will say that we should be killed.' We went six months without a lawyer," Zalmai said outside the judge's chambers.

The publisher was originally sentenced to five years in prison. Zalmai and the cleric were sentenced to 20, and now the prosecutor is demanding the death penalty for the two as a judge hears appeals.

Nearly everyone in court claims ignorance now.

The mosque's mullah says he never read the book and that he was duped into signing the letter. The print shop owner says neither he nor any of his employees read the book, noting that it's illegal for them to read materials they publish.

Zalmai pleaded for forgiveness before a January hearing, saying he had assumed a stand-alone translation wasn't a problem.

"You can find these types of translations in Turkey, in Russia, in France, in Italy," he said.

When the chief judge later banged his gavel to silence shouting lawyers and nodded at Zalmai to explain himself, the defendant stood and chanted Quranic verses as proof that he was a devout Muslim who should be forgiven.

Shariah law is applied differently in Islamic states. Saudi Arabia claims the Quran as its constitution, while Malaysia has separate religious and secular courts.

But since there is no ultimate arbiter of religious questions in Afghanistan, judges must strike a balance between the country's laws and proclamations by clerics or the Islamic council, called the Ulema council.

Judges are "so nervous about annoying the Ulema council and being criticized that they tend to push the Islamic cases aside and just defer to what others say," said John Dempsey, a legal expert with the U.S. Institute of Peace in Kabul.

Deferring to the council means that edicts issued by the group of clerics can influence rulings more than laws on the books or a judge's own interpretation of Shariah law, he said.

Judges have to be careful about whom they might anger with their rulings. In September, gunmen killed a top judge with Afghanistan's counter-narcotics court. Other judges have been gunned down as well.

Mahmood Ghaws said that even if his brother is found innocent, their family will never be treated the same.

"When I go out in the street, people don't say hello to me in the way they used to," he said. "They don't ask after my family."

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## Afghan editor arrested for alleged blasphemy

AFP (16.01.2009) / HRWF Int. (21.01.2009) – Email: [info@hrwf.net](mailto:info@hrwf.net) – Website: <http://www.hrwf.net> - An Afghan news editor has been arrested for publishing a newspaper article rejecting that religions, including Islam, were passed to humans through divine revelations, an official said Wednesday.

The news editor of a small Kabul newspaper, Payman Daily, was picked up Tuesday, days after the allegedly blasphemous article was printed, the deputy attorney general, Fazel Ahmad Faqiryar, told AFP.

"He was arrested for publishing an article in which he has rejected revelation. This is an insult to Islam and the rest of the religions," Faqiryar said.

The journalist, whom Faqiryar would not name, was being investigated. If found guilty under Afghanistan's law, which is based on Islamic Sharia law, he could face a sentence ranging from a reprimand to the death penalty, the official said.

The journalist was arrested after a council of Islamic clerics and a government media disciplinary commission found that the article was "an insult to Islam," the official said.

The paper had earlier apologised for publishing the article.

Razaq Mamoon, a former editor-in-chief, told AFP that the article had been taken from an Afghan website and was not written by the newspaper's staff.

After the hardline Islamic Taliban regime was ousted in 2001, Afghanistan installed a Western-style democratic system that provides for freedom of speech.

However, there have been several cases in which journalists have been arrested for alleged blasphemy.

Last year, a young Afghan journalism student and reporter was sentenced to death for distributing an article, downloaded from the Internet, that questioned aspects of Islam and other behaviour said to insult the religion.

The sentence was later reduced to 20 years in jail.

In September, an ex-journalist and a mullah were sentenced to 20 years in jail for producing a translation of the Koran, Islam's holy book, that allegedly contained errors.

Meanwhile, the media commission has decided to summon the owner of a privately run television station, named Imroz (Today), for broadcasting programmes in which women were not fully covered. The programmes were shown during the Ashura religious holiday, which ended recently.

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