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## Silenced Again In Kabul

By Preeta D. Bansal and Felice D. Gaer

WASHINGTON — American efforts to build a democratic, tolerant Afghanistan are facing a serious challenge: the draft of the Afghan constitution, which may be made public as early as this week, does not yet provide for crucial human rights protections, including freedom of thought, conscience and religion. The United States and the international community should insist that the draft presented by the constitutional commission explicitly protect these core human rights for all Afghans.

Despite reports to the contrary, the current draft versions of the constitution enshrine particular schools of Islamic law, or Shariah, that criminalize dissent and criticism of Islam through blasphemy laws.

If this draft is ratified in December by the loya jirga, or grand council, the freedoms of Afghan citizens would continue to be in the hands of judges educated in Islamic law, rather than in civil law. Official charges of blasphemy, apostasy or other religious crimes could still be used to suppress debate, just as they were under the Taliban.

Making changes in the draft is all the more important because, as Afghanistan's Human Rights Commission and the United Nations' Assistance Mission in Afghanistan

have reported, Afghan reformers seeking to express their views on their new constitution have been hindered by threats, harassment and even imprisonment. In one case, an editor and a reporter have been charged with blasphemy for publishing an article questioning the role of Islam in the state.

On our recent trip to Kabul as members of the bipartisan United States Commission on International Religious Freedom, we met many Muslims who recognize the compatibility of Islam with human rights. Yet these Muslims are being intimidated into silence by vocal and well-armed extremists.

Freedom-loving Afghans won't be able to rely on conscientious judges to protect religious freedom without an explicit reference to it in the constitution. Afghanistan's chief justice, Fazl Hadi Shinwari, for example, has shown little regard for those who disagree with his hard-line interpretation of Islam. He told us that he accepted the international

### Will a draft constitution be too quiet on rights?

standards protected by the Universal Declaration on Human Rights -- with three exceptions: freedom of expression, freedom of religion and equality of the sexes. "This is the only law," the chief justice told us, pointing to the Koran on his desk.

Even in a self-proclaimed Islamic republic, however, all citizens, Muslims as well as non-Muslims, must be free to debate the role of religion and to question prevailing orthodoxies without fear of being subjected to trials, prison or death. At a minimum, Afghan leaders should amend the draft constitution



Drawing by Studio Rojo

to specifically ensure the human rights guarantees that Afghanistan has already accepted and ratified in six international treaties. Afterward, the United States must ensure the

safety of reformers who want to speak out at the loya jirga to ensure that the constitution of Afghanistan makes possible a free and just society based on the rule of law.

While respecting that Afghans should determine their own future, United States officials must not let a "hands off" policy lead to political conditions that will embolden repression and enable a few to hijack the future from the many Afghans who hope to embrace freedom.

After all, it is not just Afghanistan's future that is at stake. Iraqis are

watching to see what minimum standards of individual rights will be acceptable to the United States. Unfortunately, the message that the Afghan draft constitution is giving Iraq is the wrong one. We should instead send our own message to President Hamid Karzai, to Afghan officials and to the Afghan people: Americans will only support a state with a constitution that clearly and unequivocally enshrines human rights and religious freedom.

**Preeta D. Bansal, former solicitor general of New York State, and Felice D. Gaer, director of the Jacob Blaustein Institute for Human Rights, are members of the United States Commission on International Religious Freedom.**

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## Al Qaeda and Saudi Arabia

By **KHALED ABOU EL FADL**

The religious extremists who form al Qaeda and similar terrorist groups are a threat not only to the U.S., but also other parts of the world—including Saudi Arabia. Since Sept. 11, there have been numerous reports that funding coming from Saudi Arabia has been used to finance religious schools and other activities that are alleged to support the kind of intolerance practiced by Islamic militants world-wide. The Saudis have denied these allegations, and the U.S. has praised the Saudi government for its cooperation in the war on terror. Yet a recent Time magazine cover story rightly questioned whether the Saudi brand of Islam is compatible with that war. Saturday's attacks in Riyadh only make that question more urgent, and piquant.

The Saudis fund mosques, university chairs, Islamic study centers, and religious schools known as madrassas, all over the world, from New York to Nigeria. During the Afghan war against the Soviets, madrassas emerged in Pakistan that were concerned less with scholarship than with war on infidels. They provided ideological training for those who went to fight in Kashmir, Chechnya, and Afghanistan—and many still do. The peaceful propagation of religious beliefs, including Islam, is a human right. But the concern is that the Saudi government may be propagating an

Islam that promotes violence against non-Muslims and disfavored Muslims. The line separating the brand of Islam allegedly preached by the Saudis from the violence of radicals is a fine one. Just how one moves across this line warrants investigation.

After Sept. 11, Saudi leaders admitted that up to 10% of their curriculum contained objectionable material, including hatred of other religious groups, and vowed to address the issue. Yet there has been no examination of the extent to which these materials are found in Saudi-funded religious schools and mosques outside the Kingdom—including Islamic religious literature available in U.S. prisons and the U.S. armed forces.

In an effort to provide answers, the Commission on International Religious Freedom, a bipartisan, independent federal agency, has recommended that Congress fund a study to determine whether and how—and the extent to which—the Saudi government, members of the royal family, or Saudi-funded individuals or institutions, are propagating globally, including in America, a religious ideology that explicitly promotes hate and violence toward members of other religious groups. What we seek are facts—whether they vindicate or implicate Saudi Arabia. In undertaking such a study, the U.S. should first request that the Saudis provide an account of the religious institutions

they fund in America. The study should then commission experts to survey literature found in Saudi-funded religious schools; speak to Muslims who frequent Saudi-funded mosques; analyze Saudi-funded pamphlets, newsletters, radio, and TV; interview officials in countries where intolerant materials have been identified; and call on Saudi officials to account for the religious materials it exports. Findings should be reported to Congress.

The Saudi foreign minister has acknowledged that it is possible individual Saudis have funded Wahhabi schools abroad, and has said that he would welcome information about this funding, now considered a crime in Saudi Arabia. The study we have proposed would not only help fulfill his request, but would also reveal whether or not his government is involved. In the age of global terrorism, the U.S. should be concerned when there are credible allegations that Saudi Arabia is propagating globally a brand of Islam that is not only incompatible with the war against terrorism, but may well be promoting it.

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