

## January 25, 2008: Afghanistan: Blasphemy Case Requires Urgent U.S. Action

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WASHINGTON-The United States Commission on International Religious Freedom has sent a letter to Secretary of State Condoleezza Rice urging U.S. action to intervene in the case of Sayed Parwez Kambakhsh, a 23 year old Afghan student and journalist sentenced to death for his alleged connection to the procurement and dissemination of writings that comment on Islam and women. "The Commission strongly urges the U.S. government to insist that the rule of law be respected by Afghan officials, in order to ensure that such severe human rights violations are not carried out in the name of so-called justice," Commission Chair Michael Cromartie wrote in the letter. The Commission has previously pressed the need for U.S. officials to urge Afghanistan's government to protect freedom of expression against charges that may be used to stifle debate, such as blasphemy or apostasy. Particularly given the resurgent presence of the Taliban in Afghanistan, vigorous support for the right of every individual to freedom of thought, conscience, and religion or belief is necessary to ensure the full protection of fundamental human rights. The text of the letter follows. January 24, 2008

The Honorable Condoleezza Rice

Secretary of State

Department of State

2201 C St, NW

Washington, D.C. 20520

Dear Secretary Rice: The United States Commission on International Religious Freedom requests urgent U.S. action to intervene with the government of Afghanistan in the case of Sayed Parwez Kambakhsh, a 23-year-old Afghan student and journalist who was sentenced to death on Tuesday for allegedly distributing literature deemed to violate the tenets of Islam. Mr. Kambakhsh's conviction and sentencing on a spurious allegation of blasphemy is a clear violation of Afghanistan's commitments under international human rights laws and an alarming signal of deteriorating conditions for the freedom of thought, conscience, and religion or belief and other human rights in the country. The rights to debate and to question the meaning or requirements of one's faith, as well as to dissent from state-imposed orthodoxy, are vital aspects of this fundamental freedom. Mr. Kambakhsh was arrested in Mazar-e-Sharif in October 2007 in connection with an article that was downloaded from the Internet and sent to other students at his university. The article allegedly commented on Koranic verses about women. According to press reports, Mr. Kambakhsh was sentenced in a closed trial in which he had no lawyer to represent him, a clear violation of the internationally-guaranteed right to due process. Most significantly, his case was heard by the Shura-ye-Ulema, or Council of Religious Scholars, rather than by the country's media commission, as the law requires; only the media commission has the authority to determine whether the case should be heard before the courts. The Institute for War and Peace Reporting (IWPR), a non-governmental organization that promotes independent journalism, alleges that the case against Mr. Kambakhsh was motivated by some officials' desire to punish his brother, an IWPR contributor. The Commission has previously voiced grave concern over the absence of adequate guarantees of freedom of religion and expression in the Afghan constitution, which can lead to unjust criminal accusations of apostasy and blasphemy. The Commission has called on the U.S. government to urge the government of Afghanistan to ensure the protection of all Afghan citizens from unfounded accusations of blasphemy, and to allow the peaceful discussion of the appropriate role of Islam in Afghan law and society. The U.S. government should also express serious concern over declining press freedom in Afghanistan, including increased official intimidation and harassment of journalists who are critical of the government. Mr. Kambakhsh's case is sadly reminiscent of the 2006 threat of execution against Abdul Rahman, who had been sentenced to death for changing his religion, and the conviction of journalist and Islamic scholar Ali Mohaqiq Nasab in 2005 on charges of blasphemy and "insulting Islam" after he questioned discrimination against women and the use of amputation, public stoning, and other harsh punishments under traditional Islamic law. It is significant and highly troublesome that although both of those cases have been resolved, neither was settled in a manner demonstrating that human rights are adequately protected in Afghanistan; rather, Mr. Rahman was forced to flee the country and Mr. Nasab was required to issue an "apology" for his purported crime. All three cases illustrate the increasingly problematic conditions for freedom of religion or belief in Afghanistan in recent years. These developments make clear that religious extremism-even in official circles-is an increasingly viable threat in Afghanistan, a threat heightened also by the return of the Taliban. The threat is exacerbated by the fact that the 2004 Afghan Constitution lacks clear protections for the right to freedom of religion or belief for individual Afghan citizens. The judicial system is empowered to enforce the so-called "repugnancy clause," which states that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam." But interpretation of prevailing "beliefs and provisions of the sacred religion of Islam" is guided by particular views and jurisprudential schools within Islam, without regard to other strands of Islamic jurisprudence and without allowing room for debate and dissent within Islam. Madame Secretary, the Commission has always believed that Afghanistan's unique circumstances present the United States with a special responsibility to act in the face of such travesties of justice as has occurred in the case of Mr. Kambakhsh. The U.S. government should therefore immediately contact President Hamid Karzai and other leading Afghan officials to communicate in the strongest possible terms that Mr. Kambakhsh must be freed immediately and the dubious case against him closed. It should reiterate that the United States vigorously supports respect for the right of every individual to freedom of thought, conscience, and religion or belief, and that the Afghan government must protect this and other constitutionally-guaranteed freedoms against charges that are clearly being used

to stifle debate, including such as charges as blasphemy, "offending Islam," apostasy, or similar offenses. The Commission strongly urges the U.S. government to insist that the rule of law be respected by Afghan officials, in order to ensure that such severe human rights violations are not carried out in the name of so-called justice. Sincerely,

Michael Cromartie

Chaircc: The Honorable John D. Negroponte, Deputy Secretary of State

The Honorable Richard A. Boucher, Assistant Secretary of State for South and Central Asian Affairs

The Honorable John V. Hanford, III, Ambassador-at-Large for International Religious Freedom

The Honorable Stephen J. Hadley, National Security Advisor

The Honorable William Wood, U.S. Ambassador to Afghanistan      Michael Cromartie, Chair &bull; Preeti D. Bansal, Vice Chair &bull; Richard D. Land, Vice Chair &bull; Don Argue &bull; Imam Talal Y. Eid &bull; Felice D. Gaer &bull; Leonard A. Leo &bull; Elizabeth H. Prodromou &bull; Nina Shea &bull; Ambassador John V. Hanford III, Ex-Officio