

June 20, 2008: Afghanistan: Commission calls on U.S. Government to Insist that Spurious Blasphemy Charges Be Dropped

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WASHINGTON—The United States Commission on International Religious Freedom calls on the U.S. government and its allies to seize every opportunity to press the government of Afghanistan to swiftly overturn the death sentence against Sayed Parwez Kambakhsh, a 23-year-old Afghan student and journalist accused of blasphemy for his alleged connection to the procurement and dissemination of writings that comment critically on Islam and its treatment of women. Kambakhsh is appealing the sentence and denying any involvement in the writings, which allegedly were downloaded from the Internet and distributed to students at the university he attends in Mazar-e-Sharif, Afghanistan.

“This case, based on spurious charges, should never have gotten as far as it has and it should not be forgotten,” said Commission Chair Michael Cromartie. “A young man’s life hangs in the balance because of the deteriorating conditions for the freedom of thought, conscience, and religion or belief and other human rights in Afghanistan. That freedom includes the fundamental right to debate and question the meaning or requirements of one’s faith, as well as to dissent from state-imposed orthodoxy.”

Mr. Kambakhsh was arrested in October 2007. The article that allegedly implicated him 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. He reportedly said he initially had confessed to the charges under physical coercion while in the custody of the National Security Directorate. 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 the desire of some officials to punish his brother, an IWPR contributor.

The case against Mr. Kambakhsh is the latest alarming signal that the strict enforcement of religious orthodoxy, including in official circles, is a growing threat in Afghanistan. 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, and the enforced requirements of Islam are not subject to individual conscience. Mr. Kambakhsh's trial has been adjourned with no decision for the fourth time in a month, according to IWPR.

"Because of its ongoing assistance to the Afghan government, the U.S. government has a special responsibility to act in this outrageous case against Mr. Kambakhsh. It is unacceptable that he has been in jail as long as he has on charges that should never have been leveled in the first place," Cromartie said. "The U.S. government should therefore immediately make clear to the Afghan government in the strongest possible terms that Mr. Kambakhsh must be freed immediately and the unfounded case against him ended."