

## U. S. Commission on International Religious Freedom Reports on Trip to Kabul, August 10-13, 2003

During the crucial period when Afghan experts are preparing a draft constitution, a delegation of the U.S. Commission on International Religious Freedom visited Kabul.

The Commission has repeatedly voiced its concern that serious human rights abuses were continuing under the U.S.-supported Transitional Administration. Moreover, troubling signs appear that the reconstructed legal system and the new constitution might be used by extremists to deny universal human rights, including freedom of religion and belief.

Afghan leaders explained they have tried to stay on the timetable set by the December 2001 Bonn Agreement for establishing a representative government, but gains for human rights achieved by victory over the Taliban may be in peril.

Security remains precarious. Terrorists attacked before and after the delegation's visit. Taliban and al-Qaida remnants have been joined by others hostile to the Transitional Administration led by President Karzai. Regional warlords and local military commanders operate independently of the central government and abuse human rights with impunity.

The Commissioners encountered numerous Muslim moderates, who recognize the compatibility of Islam with internationally recognized human rights. Yet these moderates face grave fear for their physical security in the face of increasingly vocal, well-armed and confident extremists. Even within the Transitional Administration, some displayed open hostility to freedom of religion and belief, freedom of expression, and women's rights.

Afghanistan's Chief Justice Shinwari, for instance, told the Commission that he accepts all the international standards protected by the Universal Declaration on Human Rights with three exceptions: freedom of expression, freedom of religion, and equal rights for men and women. When asked about the draft constitution, Shinwari told the Commission that "this is the only law," pointing to the Koran prominently displayed on his desk.

The Commission emphasized to its Afghan interlocutors that American support cannot be expected if the country's new constitution does not protect freedom of belief, freedom to manifest one's beliefs, and freedom from coercion, as fundamental rights for every individual, whether Muslim or non-Muslim.

The Commission found that Afghanistan is at a juncture from which it can either move forward to secure greater protections for the rights of its people or fall back into Taliban-like practices. The latter will leave Afghanistan more unstable exacerbating threats to U.S. security.

Freedom of expression is in peril. Even in Kabul, journalists face prosecution for allegedly "offending Islam" when their

AFGHANISTAN  
Major Peoples & Cities



speech is political. Outside Kabul, warlords intimidate those who contradict their views. Reformers must be protected from accusations of blasphemy or similar charges for daring to raise questions about the role of Islam in the political and legal systems or for criticizing specific political figures and parties.

Security must be improved outside Kabul. Without it, the warlords will unduly influence constitutional delegate selection. Delegates will not be able to speak their consciences or for their constituencies if they fear for their safety when they return home.

Moderates and reformers who respect human rights are currently on the defensive—even threatened. They need U.S. support. Otherwise the constitution-making process may well entrench the power of the warlords and those with an Islamist or extremist agenda.

The United States should facilitate visits to Afghanistan of Islamic legal experts who will promote the compatibility of Islam and human rights.

The U.S. government should bring Afghan leaders to America to show how Islam and other faiths may be practiced in a free society.

The U.S. government should support the reconstruction of a judicial sector operating under the rule of law and upholding international standards of human rights. U.S. assistance should work to ensure that all judges and prosecutors are trained in civil law and international human rights standards, that women are recruited into the judiciary at all levels, and all Afghans have equal access to the courts. Afghanistan must not become a judicial theocracy in which activist judges abridge the human rights of reformers, religious minorities, and women.