

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	416
Land:	Afghanistan
Kilde:	Institute For War & Peace Reporting
Titel:	Alcohol Users Face Lash in Afghan Province
Udgivet:	25. oktober 2011
Optaget på baggrundsmaterialet:	6. december 2011

[EN](#) | [DE](#)**Source:**

IWPR - Institute for War and Peace Reporting

Title:

Alcohol Users Face Lash in Afghan Province

Publication date:

25 October 2011

ecoi.net summary: Nangarhar province: Judges have started sentencing anyone caught drinking alcohol to 80 lashes [ID 204545]**Countries:**

Afghanistan

[Original link](#)**Recommended citation:**

IWPR - Institute for War and Peace Reporting: Alcohol Users Face Lash in Afghan Province, 25 October 2011 (available at ecoi.net)

http://www.ecoi.net/local_link/204545/309622_en.html (accessed 05 December 2011)**INSTITUTE FOR
WAR & PEACE REPORTING**

Alcohol Users Face Lash in Afghan Province

Judges impose Sharia penalties after they were quietly introduced into legislation.

By Hejratullah Ekhtiyar - Afghanistan

ARR Issue 413,

25 Oct 11

Judges in Afghanistan's southeast Nangarhar province have started sentencing anyone caught drinking alcohol to 80 lashes.

When the Taliban movement was in power in Afghanistan between 1996 and 2001, penalties derived from Islamic law were routinely imposed, such as stoning for adultery and amputation for theft. The post-2001 Afghan judiciary abandoned such methods.

It is still illegal for Afghans to consume alcohol, and a bill passed in 2009 includes provision for corporal punishment as well as fines and imprisonment for offenders. When the law was signed by President Hamed Karzai this June, it went largely unnoticed.

In Nangarhar, however, judges promptly started putting it into practice.

Abdul Qayum, the chief prosecutor in the province, said his office had requested the sentence in ten trials since the legislation came into force, and the effect of lashing offenders had been to cut the number of cases coming before the courts.

"If Islamic principles are implemented for other crimes, too, the level of crime and corruption will fall significantly," he said.

Maulavi Abdul Aziz Khairkhwah, the head of religious affairs in the provincial administration, took a similarly hard-line stand.

"I can confidently tell you that security will not be established in Afghanistan unless the Sharia system and regulations are enforced," he said.

Khairkhwah worked as a judge under the Taliban, and claims crime has spiralled under the government he now serves.

"Westerners want to impose their democracy – which includes obscene acts, drinking alcohol and other immoral things – on Afghanistan," he said. "These things are contrary to Islamic law. There are also individuals in the

[administrative] system who grew up in the West and are loyal to it. They are not properly informed about Islamic laws.”

Recalling the old days, he said, “I agree that the Taleban went to extreme lengths, but Islamic regulations were generally enforced.”

Public support for the tough line on alcohol appears widespread.

“It was absolutely necessary to come up with this law,” lawyer Mohezbollah Faruqi, said. “Islam has already prescribed the penalties, and legislators do not dare draft laws that go against Sharia.”

The head of the Independent Human Rights Commission in the eastern region, Rafiullah Bedar, said this form of corporal punishment was appropriate as long as the verdict was impartial and the accused was allowed a defence lawyer.

“The International Declaration of Human Rights is just an international document on ethics, not a binding document,” he said. “It allows national governments to envisage punishments for crimes in accordance with religious, national and cultural principles.”

Nangarhar resident Sharifullah told IWPR how police caught him with a bottle of wine in a park, and he then spent two months in prison before receiving 80 lashes.

“The 80 lashes were easier for me than six months in prison would have been,” he said.

Jalalabad resident Zainullah Rahimi said he doubted that such punishments would work as a deterrent as they were not carried out in public.

“I believe six months imprisonment would be better than 80 lashes, because drinkers would be shamed before their families, friends and wider society,” he said.

Sherzad, a political expert and legal advisor to the Afghanistan Civil Society Association, said the authorities may have introduced Islamic penalties to counter the widespread perception that they are kowtowing to the West.

“The government incorporated Sharia into this [anti-alcohol] legislation so as to weaken this negative perception,” he added. “The government cannot apply Sharia penalties for other offences because the foreign forces are still present here. The government doesn’t dare do so as long as they are here. They have a profound influence on our judicial system.”

Hejratullah Ekhtiyar is an IWPR-trained journalist in Nangarhar province.