

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	602
Land:	Afghanistan
Kilde:	Institute for War and Peace Reporting
Titel:	Summary Courts Deal Out Brutal Justice in Afghanistan's Ghor Province
Udgivet:	20. november 2015
Optaget på baggrundsmaterialet:	8. januar 2016



Summary Courts Deal Out Brutal Justice in Afghanistan's Ghor Province

Publisher [Institute for War and Peace Reporting](#)

Author Kamal Firozkohi

Publication Date 20 November 2015

Cite as Institute for War and Peace Reporting, *Summary Courts Deal Out Brutal Justice in Afghanistan's Ghor Province*, 20 November 2015, available at: <http://www.refworld.org/docid/565f6aca3965.html> [accessed 6 January 2016]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

The stoning to death of a 19-year-old girl in Ghor province has highlighted the power that summary justice still has in more remote parts of Afghanistan where state institutions struggle to maintain their authority.

Rukhshana, 19, was killed by a group of armed men in the village of Ghalmin, some 40 kilometres from Ghor's main town, Firozkoh, after she was accused of adultery.

The young woman had previously tried to get away to Herat, west of Ghor, when her family tried to marry her off to a much older man. When she returned, she was married off to another man who was also elderly. She ran away again, this time with a 22-year-old man who lived nearby.

When she was caught, Rukhshana was accused of committing adultery. A video later emerged showing the young woman buried in a hole in the ground with just her head showing, while men threw stones at her. She could be heard praying and moaning as she was struck. The young man she ran away with received a more lenient punishment, 100 lashes.

Campaigners say the incident shows how national institutions are incapable of protecting women's rights. In Ghor, a mountain province in west-central Afghanistan, the government's reach does not extend far beyond the provincial centre, and the countryside is controlled by dozens of armed groups. (See our 2014 report, *Lords of Ghor*.)

Although local security forces accused the Taliban of carrying out the killing execution, a leading insurgent in Ghor denied this. Maulavi Abdulmanan Niazi, an aide to local Taliban leader Mullah Mohammad Rasul, said the Taliban were not involved.

"Each type of Sharia ruling can only be carried out when there is total Islamic rule in this country, otherwise it isn't right," he said. Despite his implication that execution was not an appropriate penalty in this case, the Taliban have carried out numerous extrajudicial killings across Afghanistan.

From comments made by local residents and officials, it appears that Rukhshana's fate was decided by community elders rather than a Taliban court.

Masuma Anwari, head of the provincial department of women's affairs, said that this was far from the first instance of summary justice in the area. Another unmarried couple in Ghalmin had recently been flogged by armed men for allegedly having an illicit relationship.

Anwari said state-run courts were also known to order corporal punishment under Islamic law. A young couple accused of adultery were flogged publicly in Ferozkoh after a ruling by an official court.

More generally, Anwari expressed concern at a rising tide of violence against women in Ghor. She said 76 cases of violence were reported to her department in the Afghan year beginning March 2015, compared with 48 in the whole of the preceding year. She noted that this was just a tiny fraction of the likely total, as most cases were never reported.

Anwari listed a number of incidents - six women shot dead by Taleban fighters or other armed assailants in the last solar year, a woman reportedly kidnapped in Ghalmin this year, and similar cases in Daulatyar district and in Firozkoh itself.

Underage and forced marriages were also a major problem in the province, as was "baad", the custom of settling disputes by handing over a girl to the family of the perceived victim of a crime.

"The conditions facing women in this province are worrying," Anwari said. "Violent incidents against women have increased in comparison to last year."

Anwari blamed poverty, weak government and the widespread presence of insurgent groups, as well as a general lack of knowledge of the rights that Islam granted to women.

Provincial governor Sima Joyenda, one of only two women who hold such a post in Afghanistan, also highlighted the grave state of affairs.

"Women face a disastrous situation in Ghor," Joyenda said, adding that only 20 per cent of girls in the province attended school.

Joyenda herself has been criticised for defending harsh punishments for so-called "morality crimes". After the court-ordered flogging of the couple accused of adultery in Firozkoh, she told Afghan media outlets that the punishment was in keeping with Islamic law.

"Afghanistan is an Islamic country, Ghor is one of the provinces of Afghanistan, and we cannot disobey what the law of Islam and our constitution say," she told Ariana TV.

Religious scholars do not all agree that such punishments are appropriate. Maulavi Musa Kalim, deputy head of Ghor's council of Muslim scholars, told IWPR that Rukhshana's sentence contravened Islamic law. There was insufficient proof that the young woman had committed any offence, he explained. She had not confessed, and Islamic law required that adultery was proved by the testimony of four adult male eye-witnesses, in practise making the punishment of stoning virtually unenforceable.

"Rukhshana had been married against her will, which itself is contrary to Sharia law. Forced marriage is not allowed in Islam," Kalim said.

Jawad Alawi, acting head of the Afghan Independent Human Rights Commission in Ghor, agreed that the killing of Rukhshana violated Sharia as well as national law. He added that if government appeared to be indifferent to such abuses, they would only increase in areas outside its control.

"With each passing day, the number of summary courts set up by the Taleban and by other armed groups are increasing," Alawi said. "The failure to punish perpetrators of violence against women,

government weakness and the Taleban's control over of some of the districts around the provincial capital Firozkoh are other factors contributing to violence against women in Ghor."

One key reason for this, he said, was the failure to implement a law on the elimination of violence against. Although passed by presidential decree in 2009, the law was rejected by parliament in May 2013, and has been shelved ever since. Conservative parliamentarians claim that it contradicts Islamic law.

Ghor civil society activist Mohammad Hasan Hakimi agreed that women's rights were routinely violated in the province.

"Summary courts in Ghor are nothing new, and they will persist as long as the government's armed opponents and parallel forms of government continue to exist in the province," he said.

Security officials in Ghor acknowledge that they are failing to protect vulnerable women adequately.

Provincial police chief Ghulam Mustafa Muhseni said that most cases of violence of this kind took place in areas controlled by insurgents. These cases were mostly driven by personal rivalries and tribal politics, he added, blaming the Taleban rather than local armed factions.

"Due to a lack of resources and insufficient manpower to support us, we were unable to save Rukhshana or others like her from the Taleban," Muhseni continued, adding that his department had made many requests to the national interior ministry to provide police with the means to combat the insurgents. It had yet to receive a positive response, he added.

"We have prevented several such incidents in areas controlled by the security forces," Muhseni said.

Others are less convinced that the security forces are doing enough to stop the lawlessness.

Khalida Khursand, a women's rights advocate in Herat, said, "The rise in violence against women in Afghanistan, and especially what happened to Rukhshana, proves that the rule of religious extremists and conservatives - those who believe in ignorance and oppose knowledge - is on the increase."

Copyright notice: © Institute for War & Peace Reporting

Search Refworld

by keyword	Enter a word or phrase
and / or country	All countries ▼
Clear	Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Afghanistan](#)

Topics

- [Forced marriage](#)

- [Security situation](#)
- [Sharia law](#)