

The sad thing about the following is that it is “traditional”, that is, the moral way to deal with adultery. Such, of course, was the same way of dealing with adultery as Christ faced during his years on earth by the Orthodox Jewish religious’ peoples of His time. (*Luke*: 7:36-50; *John*: 7:1-11)

Of course, Christ Himself is adamant that adultery is prohibited precisely because marriage is indissoluble (*Matt.*: 19:1-12; *Mark*: 10:1-12), another issue on which He and the Pharisees disagree vehemently.

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A Killing Commanded by Tradition

Afghan Adultery Case Reflects Challenge of Extending Modern Law to Tribal Lands

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GAZON, Afghanistan -- Begum Nessa recalled waking up with a start. Someone was



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banging on the wooden door of the house.

She sat up in the darkness as her husband, Mohammed Aslam, rushed outside. "Where's your oldest daughter?" she heard a voice demand. It was the senior elder of their village.

"She's inside, sleeping with the rest of my family," answered Aslam, a short man with gentle eyes and a bushy black beard. He owns livestock and several wheat fields and is a respected figure in this tiny, mud-brick hamlet at the bottom of a remote valley in northern Afghanistan.

But the elder's voice took on a mocking tone: "Oh, is that so? Go and fetch her then." Nessa recalled feeling suddenly dizzy. She reached for the propane lamp in the bedroom where all nine members of her family slept each night on the floor. She turned it on just as Aslam burst inside. They gasped in unison at the sight of Amina's empty mattress.

Within an hour, the entire village would learn that the 25-year-old married woman had been discovered in a darkened nearby hut with her lover. Within two days, Amina was dead -- killed by her fellow villagers April 20 after the men of the community ruled that she had violated Islamic law by having an affair with a neighbor.

Amina's fate highlights the magnitude of the challenge faced by Afghanistan's central government as it attempts to extend the rule of modern law and democratic processes beyond the nation's capital, more than three years after the defeat of the repressive and fundamentalist Islamic Taliban government.

But the attention that Amina's killing has attracted in a forgotten corner of Badakhshan province also tells the story of a region in flux -- caught between centuries of tradition and the hopes of a nascent modern state.

Discovery

The day began when a party of messengers hiked into Gazon on the long, rocky footpath from the provincial capital, Faizabad, bearing momentous news. Amina's husband, Sharafatullah, had finally returned from Iran after a four-year absence and would soon reach Gazon. In this picturesque valley where tillable land is scarce and many families eat only rice for dinner, it is common for men to seek work abroad. But Sharafatullah had sent no word, let alone money, since leaving home.

"How long am I supposed to live like this?" Amina's father said she had often complained to him. Still, Sharafatullah's departure two years after their arranged marriage had also allowed Amina unusual liberties. Instead of having to live with -- and wait on -- her in-laws in the next village, she had returned to her parents' two-room hut in Gazon. There, with plenty of siblings but no children of her own to care for, she had time to sew herself colorful dresses or to go for walks along the wild river that rushes past the village, her parents said.

That morning, when told of her husband's impending return, Amina betrayed no emotion, relatives recalled. But after nightfall, she crept out of her parents' home and made her way to a nearby hut. The owner, Ashur Mohammad, discovered her there, padlocked the door behind him and rushed to sound the alarm. Soon Amina's father, the elders and a crowd of villagers had gathered outside. Mohammad unlocked the chain and flung open his front door. At the back of the room sat his son, Karim, on a floor cushion.

Next to him sat Amina. Her expression was once again blank, Aslam said. It threw Aslam into a rage. "I shouted, 'What is she doing here? Give her to me! I will kill her!' " he recounted last week. "I was so shocked, and my Islamic dignity was so offended." But the other villagers restrained him, Aslam and other witnesses said.

"We told him, 'No, no! This should be handled by *sharia* now,' " his brother Hashem recalled, referring to the Islamic legal code. "Fine, I will give her over to sharia then,"

Aslam said he responded. "Whatever sharia says, I will do it." Amina was crying softly when the village elder and several other men brought her to her great-uncle Mohammad Assan's house, just a few steps from her parents' hut.

" 'Keep a close watch on her,' " Assan recalled the village elder telling him. Assan ushered Amina into a large, empty storeroom. Even by the standards of Gazon, it was grim -- no carpeting to cover the mud floor, no sheet tacked up to hide the mud ceiling, no window except a slit high up in one wall. Assan said he brought in a carpet and unrolled it for Amina to sit on.

"Did you do this? Is it true?" he asked her. Amina turned away from him without a word, Assan recalled. "Well, try to get some sleep then," he remembered saying.

Judgment

Gazon's mosque is a rectangular, mud-brick building that sits on the river bank and is surrounded by a large, rock-strewn courtyard. By mid-morning on the day after Amina was discovered with Karim, it was filled to bursting with hundreds of men, not only from Gazon but from five neighboring villages. Word of the suspected adultery had sped through the valley as though carried by the wind.

The men squatted in the courtyard or perched on the low stone wall around it, fingering worry beads and trying to chat over the roar of the river while they awaited the arrival of their community's most important member. In mid-afternoon, Maulvi Yousaf arrived.

Yousaf, a stooped man in his mid-fifties, wears a blue-gray turban and has puffy cheeks and a snowy beard that give him the look of a kindly grandfather. But when he speaks about topics that anger him, such as the central government's neglect of Badakhshan, his voice becomes loud and harsh. At such moments, it is possible to picture him as the militia leader he once was, commanding hundreds of soldiers first against Soviet troops and later against the Taliban forces, which never managed to take the valley.

After the Taliban's defeat in 2001, Yousaf said he disarmed his men, handed over their weapons and retired to his villa in Faizabad, devoting himself to the work of a maulvi, or Islamic scholar. Yet when a messenger arrived from Gazon to tell him of the scandal that had erupted in the village the previous night, Yousaf did not alert the provincial police chief, the district court or any other government authority. Instead, he made for Gazon as quickly as possible, as if still personally responsible for its governance.

"I was worried that Sharafatullah might go to the village and fight Amina's parents, causing a whole community dispute," Yousaf explained. "I was trying to prevent tribal warfare in which thousands of people could be killed." As it happened, Sharafatullah went to his own village nearby and was "wise enough" to remain there as events unfolded, Yousaf said. Shortly after reaching Gazon, Yousaf and several other village leaders went to Assan's house to interview Amina in private, he and other witnesses said.

Under sharia, the punishment for adultery is death by stoning. But the code requires that there be undeniable proof of the crime -- for instance, multiple witnesses to the sex act, a confession, or other signs such as an inexplicable pregnancy. Yousaf said his hope was to exonerate Amina, not to extract a confession from her.

"When I went into the room I was smiling," he said. "I told her, 'Look, I know nothing happened. This is just an allegation. People won't hurt you if nothing happened.' " Yousaf also said he only questioned Amina about the previous night. But instead of taking the hint, he said, she volunteered that she had been having an affair with Karim for two years. She said she wanted to divorce her husband and marry Karim. "She seemed relaxed," Yousaf said. "Like she thought her plan would work."

Karim, who was being held in another hut, told him a similar story, Yousaf said, except Karim said the affair had lasted only a year. According to Yousaf and several other witnesses, Yousaf then returned to the mosque and advised the crowd not to take justice into their own hands.

"I told them, 'Yes, this is the case and it is wrong. But the time of jihad when we had field trials is over. We have a government and the rule of law now,'" he said.

People in the crowd countered that they had always handled their disputes through village councils, or shuras, and expressed concern that the provincial court was too inefficient or corrupt to punish Amina, Yousaf said. Some were even aware that Afghanistan's new constitution provides that no law should contradict sharia, and they suggested that by implementing it in this case, they would be operating within the system. Yousaf said he did not press his point.

For the rest of the day, and much of the next morning, the villagers discussed the fate of Amina and Karim. Accounts vary of what exactly the final decision was and how it was reached. Some say a small group, including Yousaf and the few other literate members of the community, met inside the mosque, then came out with a written order for the crowd to approve and for Amina's father to sign with his thumbprint.

Others say all 400 or so members of the shura made the decision by consensus, but that their opinion was merely meant as a recommendation to give Aslam on handing Amina back to him. They said he was free to do as he wished with her.

But no one involved disputes that the villagers were unanimous in their view that according to the dictates of Islam, the proper resolution of the case would be for Karim, as an unmarried man, to be lashed and Amina, as a married woman, to be stoned to death.

Early that afternoon, one of the mullahs went to fetch a stick with which to whip Karim as Yousaf took his leave of the villagers. Then they watched Yousaf's turban slowly vanish over a mountain path and, along with it, Amina's last hope.

Punishment

There are two, conflicting accounts of Amina's death. According to her great-uncle Assan, after the shura reached its verdict, a group of villagers came to the dark storage room and took her away to be stoned. "She knew what was going to happen to her," Assan said softly. "She was screaming and sobbing."

Amina's paternal uncle, Mohammad Azim, said he watched as the villagers forced Amina down a muddy path toward a patch of soft earth along a riverbank surrounded by stones, a few yards from the edge of the village. It was a beautiful spot, shaded by an enormous tree and offering a charming view of the village clinging to the mountainside. It was also an ideal place for a stoning. "They dug a hole in the ground right here," Azim said, pointing to a spot in the clearing six days later. "Then they buried Amina up to her waist, with her arms pinned by her side."

Azim said Amina's hair was covered in a head scarf, and that she was crying in terror as nearly a hundred men gathered in a circle around her and began throwing small rocks at her head. "I couldn't watch for more than a few minutes," Azim said. Instead, he said, he walked up to Amina's parents' house and waited with them in silence during the two hours it took to kill her.

Several villagers and Amina's mother said that they, too, believe she was stoned. And a few said they had seen the bloody hole after she was removed from it. But no one else would admit to witnessing the actual stoning, much less participating in it. And the ground where Amina was allegedly buried to her waist showed little sign of disturbance six days after her death -- possibly because, as Azim and other villagers contend, they had refilled the hole and then the river had flooded over it, or possibly because the stoning never happened.

Several other villagers, including Amina's uncle, Hashem, tell a very different story. Hashem said the villagers handed Amina over to her uncles, including himself and Azim. Their original intention was to hang her, Hashem said. But as they were leading her away, they became increasingly angry and started to beat her with their fists. "It was dark," he said. "All of us were striking her, and then she fainted and we saw that she was on the ground and not breathing. Maybe she had a heart attack."

Whatever the means of her death, Amina's parents said her bruised corpse was returned to them sometime between afternoon and evening prayers that day. Amina's mother, Nessa, said she did not grieve. "My daughter was a criminal and a sinner who brought dishonor on my name," Nessa said hotly several days later. "And I should be blamed for her death, not anyone else, because I told my tribe they could kill her. I forgave them for spilling her blood."

At about 40, Nessa has weathered skin, but the same striking raven hair and high cheekbones as Amina. If Amina had been allowed to live, Nessa added, the shame of it

would have forced Nessa to leave the only home she had ever known and a valley in which her family had lived for generations. "But now I can walk everywhere in the village with my head high. . . . I'm happy. Extremely, extremely happy," she shouted. The tone in her voice betrayed no joy. Then Nessa covered her face with her hands.

Early on the morning after Amina's death, her family and fellow villagers buried her in Gazon's cemetery. But they could not bury what they had done to her.

Sorrow Replaces Rage

Anis Akhgar, the representative from the Afghan Ministry of Women's Affairs in Faizabad, rose from her desk to greet Badakhshan's provincial police chief.

"So," Akhgar said as the chief settled into an armchair. "From the media reports it sounds like this case out in [Gazon] is very serious. But it's been five days and we've heard nothing from the government. What are you doing about it?"

Gen. Shah Jahan Noori shifted slightly in his seat. A reporter was sitting in an adjacent chair.

"I have sent officers there today to bring back the family members for questioning," he answered quickly. "We will know more very soon."

Badakhshan is among the most unreachable corners of Afghanistan. Large swaths of it are routinely cut off by snow during the winter. In Gazon, villagers estimated that about eight women each year die in childbirth because they cannot make it over the footpath to the nearest doctor in Faizabad. And even Faizabad is connected to the rest of Afghanistan by only a narrow, unpaved road.

Yet the exchange between Akhgar and Noori offered a hint of how much is changing, even here.

In addition to Akhgar, there is a local representative of the Afghan Independent Human Rights Commission in Faizabad as well as various Afghan journalists -- all of whom quickly spread the word when the first rumors of Amina's killing surfaced. Within days, the London office of Amnesty International had issued a press release urging the Afghan government to investigate.

Badakhshan's police chief had been transferred to his post from a different province; with no local roots, he was more susceptible to outside pressure to intervene. Despite Noori's initially slow response to reports of Amina's killing, within a week after it happened he

had arrested several of her relatives and sent officers to Gazon to detain several more.

Amina's father Aslam, however, was released from police custody in Faizabad after a night of questioning, on grounds that he was not directly responsible.

Just before embarking on the long walk back to Gazon, he sat on a metal chair in a room in the police station, reflecting on all that had happened in the last several days.

Unlike the feelings of his wife Nessa, Aslam's anger at Amina had by now given way to sorrow.

"I feel so sad for her. She was so young," he said, as his eyes grew glassy with tears. "I really miss her now. . . . I will miss her voice, and our conversations in the evenings."

There was much he wished he could go back and change. "If only she had told me that she did not want to go back to her husband," he said. "I would have done something about it. I would have counseled her."

But he said he harbored no doubt that she deserved to die after she admitted to committing adultery.

"There was no option. This is what Islam commands us."

His only regret was having given Amina over to the village rather than killing her himself.

"Then only I would be burned," he said. "But now all my relatives are suffering."