

CAMPAIGN UPDATE

PEN Canada Honorary Member Sayed Parwez Kambakhsh

October 24, 2008

On October 21, 2008, a Court of Appeal in Kabul, after a four-month delay in proceedings, commuted the sentence of Sayed Parwez Kambakhsh for blasphemy from execution to 20 years in prison. Kambakhsh's lawyer is filing an appeal against his conviction expected to be heard by the Supreme Court on Sunday October 26, 2008.

"We were shocked and are greatly distressed that Mr. Kambakhsh was not released, but instead given a 20-year sentence by the Court of Appeal," said Nelofer Pazira, president of PEN Canada, currently in Kabul where she has met with Canadian officials. "Mr. Kambakhsh has declared his innocence, and this was confirmed by a witness at the hearing. We very much hope that this sentence will be swiftly revoked, through the judicial process of appeal to the Supreme Court currently underway."

At the brief hearing on October 21st, one witness admitted that he had been forced to make a statement condemning Kambakhsh. According to an Institute for War and Peace Reporting (IWPR) report, a witness known as Hamed, a fellow student, retracted his original statement: "I was forced," he maintained, telling the court that a professor of literature had taken him to the university director's office the previous October and there, two strangers, whom he supposed to be from the National Security Directorate, instructed him to write a statement against Kambakhsh. "I wrote what they told me," he said. "I was scared. They threatened my mother, my father."

Since January, there have repeatedly been calls on President Karzai by the international community to pardon Kambakhsh, but he has not done so thus far, citing the principle of the independence of the judicial process—a process most observers consider to be deeply compromised. Mr. Karzai is also facing an election in Afghanistan next year so there may be pressure from opposition politicians and conservative elements. In spite of this, there have been brave, sporadic demonstrations, in some twenty provinces of Afghanistan, protesting the sentencing to death of Kambakhsh. Freedom of expression is guaranteed by the constitution of Afghanistan.

BACKGROUND: On October 27, 2007, Sayed Parwez Kambakhsh, a 24-year-old journalism student, was arrested in the northern Afghanistan city of Mazar-e-Sharif for allegedly downloading and distributing an article from the Internet critical of Islam's treatment of women. Kambakhsh claims to have signed a confession under torture while in detention. On January 22, 2008, he was sentenced to death by execution in closed

proceedings, during which he was given no access to legal counsel, and not permitted to defend himself. His family then used their own resources to have the case moved to Kabul for appeal.

In May, 2008, the case opened at the Court of Appeal in Kabul, but was adjourned in June after four sessions, until October 21st. Kambakhsh's lawyer, Mohammad Afzal Nooristani, stated that this lengthy adjournment violates all time limits deemed legal by the penal code, and that Kambakhsh should be released "on these grounds alone." (Nooristani received death threats when he took on the case earlier this year.)

On January 30, 2008, PEN Canada President Nelofer Pazira wrote to Prime Minister Stephen Harper expressing PEN Canada's concerns and urging the Canadian government to take action; in June 2008, at PEN Canada's AGM, Kambakhsh was adopted as an Honorary Member and the meeting passed a unanimous resolution condemning the death sentence. Since then PEN Canada has been in regular contact with Canadian officials concerning the case.

For a report on the hearing on October 21st, 2008:

<http://www.iwpr.net>

For more information about Sayed Parwez Kambakhsh:

<http://www.pencanada.ca/media/hon-Kambakhsh.pdf>

For PEN Canada January 30, 2008 letter:

http://www.pencanada.ca/media/Harper_letter-reKambakhsh.pdf