

AMSS 35th Annual Conference

**Cosponsored by
Hartford Seminary, Hartford, CT
October 27 – 29, 2006**

**“Afghanistan and the Apostate:
Legal Implications from the Case of Abdul Rahman”**

**By: Carrie Newton Lyons
(D C Court of Appeals, Washington, DC)**

In March 2006, Afghan police arrested Abdul Rahman for converting to Christianity and rejecting Islam, and intended to try him in Kabul for the charge of apostasy – which carries the death penalty under Islamic law (*Shari'ah*). The case garnered much attention worldwide, with both Muslims and Christians interested in the resolution of the dispute. Ultimately, the court declared Rahman mentally unfit and dismissed the case against him, preventing a trial that would have been politically uncomfortable for the Afghan government and particularly President Hamid Karzai, who receives significant support from the United States. The case, however, was important not solely for its political implications, but additionally for its legal implications, especially with regard to the Afghan constitution. The constitution purports to guarantee all Afghans freedom from discrimination, protection of human rights, and most importantly, freedom of religion. The constitution additionally declares that the state shall conform to international law, including the Universal Declaration of Human Rights, which guarantees freedom of worship. These protections, however, are circumscribed by other constitutional provisions which support Islamic law and Islamic jurisprudence. These various constitutional provisions are in conflict, and although the case was dismissed and the conflicts were temporarily avoided, the contradictions remain and another similar case will likely appear again. It is critical, therefore, to examine these inconsistencies and contradictions within Afghan law to determine if they can be remedied, and if not, what other options Afghan courts may utilize to uphold the constitution without undermining Islamic law.