

5 January 2001

AI Index ASA 13/001/2001 - News Service Nr. 3

Bangladesh: Landmark High Court ruling against *fatwas*

Amnesty International today welcomed this week's landmark Bangladesh High Court ruling that *fatwas* -- religious edicts issued by the Muslim clergy -- are illegal. The court also ruled that such edicts, most of which are issued against women, must be made punishable by an act of parliament.

"This is a significant and most welcome development which sends a clear message that discriminatory practices against women, particularly in rural areas, are unacceptable and must stop," Amnesty International said. "The division bench of the High Court which made the ruling, and the Bangladeshi women's rights activists who presented the court with evidence against the practice of *fatwa*, are to be congratulated."

Dozens of *fatwas* are issued each year by the rural clergy at village gatherings after receipt of complaints, usually against women who assert themselves in village family life. They impose flogging and stoning, and other humiliating punishments such as shaving of heads, insults and beatings. They are also often involved in their execution.

In many cases, there appears to be a financial motive involved. *Fatwas* can be a source of income for the local clergy, known as *Fatwabaz* (in *fatwa* business), who justify their deeds in the name of religion.

In October 2000, the UN Special Rapporteur on Religious Intolerance reported that 26 *fatwas* issued in the previous year were an attempt "to stifle any efforts to emancipate women."

In 1993 a fatwa was issued against 21-year-old Noorjahan Begum and her second husband on grounds that their marriage was un-Islamic. Noorjahan had married for a second time after she had taken action, which she thought was in line with accepted practice, to end her first traumatic marriage. She was buried in the ground up to her chest, and stoned to death by villagers. Her husband survived the stoning.

Last July, Rashida, a housewife from Sylhet District, was reportedly flogged 20 times in public. A local clergyman issued a fatwa on her for allowing a man who had called to see her husband to wait in her house until the husband arrived. With her husband chronically ill, Rashida had assumed the position of the head of the family.

The landmark judgement was delivered by two renowned justices of the High Court, Mohammad Gholam Rabbani and Nazmun Ara Sultana -- the first woman judge in the country. Amnesty International is concerned they may be targetted by Islamist groups and is calling on the government to ensure their safety.

"This judgement highlights the failure of the government to provide protection to women against the practice of fatwa. It must now follow the example of the judges and take action to bring to justice any person who issues a fatwa and to ensure that such unlawful edicts are punishable by law."

\ENDS

public document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>