

# URGENT ACTION

## RAPIST SENTENCED, GIRL SURVIVOR STILL AT RISK

**Local mullah accused of raping a 10-year-old girl from Kunduz province in Afghanistan has received a 20-year prison sentence on 25 October. Family members who threatened Brishna with an “honour” killing have provided written guarantee they will not harm her. She has been taken out of school by her family and remains at risk from reprisals.**

On 25 October the local mullah accused of raping **Brishna** was sentenced to a 20-year prison sentence for raping a minor, under Article 17 (para 2 and 3) of Afghanistan's Elimination of Violence Against Women Law. He received the maximum prison sentence permitted in the country.

According to Women for Afghan Women - the organization which first took up this case in Afghanistan - Brishna is with her family and is fine. She is being closely monitored by the organization as well as the authorities and other organizations in Afghanistan. Her father and other male family members have provided written guarantees that they would not harm the girl, on a condition of criminal punishment if they broke this guarantee.

Rape victims in Afghanistan are at risk of “honour” killing as they are deemed to have brought “shame” on their family and community by an act of which they are the victims. Brishna's family has decided to take her out of school because of the “shame” the rape has brought on them.

### **Please write immediately in English or your own language:**

- Urging the authorities to ensure that Brishna receives full protection from the state, and that all necessary precautions are taken to prevent an “honour” killing against her;
- Calling on them to ensure Brishna is allowed to continue with her education, without risk to her safety and security;
- Calling on the authorities to ensure “honour” killings are treated as serious criminal offences, and urging repeal of Article 398 of the Afghan Penal Code to abolish reduced sentences for murder on the basis of “honour” as a motivation.

### **PLEASE SEND APPEALS BEFORE 11 DECEMBER 2014 TO:**

#### The President

President Ashraf Ghani Ahmadzai  
Gul Khana Palace, Presidential Palace,  
Kabul, Afghanistan  
Fax: +93 (0) 202 141 135  
Email: [pressoffice.sec@arg.gov.af](mailto:pressoffice.sec@arg.gov.af)  
**Salutation: Your Excellency**

#### Attorney General

Mohammad Ishaq Alako  
Attorney General's Office  
District 10, Qala-i-Fatullah  
Kabul, Afghanistan  
Fax : +93 (0) 202 200 019  
Email: [ago.afg@gmail.com](mailto:ago.afg@gmail.com)  
**Salutation: Dear Sir**

#### **And copies to:**

Minister of Justice  
Habibullah Ghalib  
Ministry of Justice  
Charayee Pashtoonistan, Foroushgah  
Kabul, Afghanistan  
Emails: [complaints@moj.gov.af](mailto:complaints@moj.gov.af)  
[moj\\_complaints@yahoo.com](mailto:moj_complaints@yahoo.com)

### **Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 253/14. Further information:  
<http://www.amnesty.org/en/library/info/ASA11/013/2014/en>

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### ADDITIONAL INFORMATION

Amnesty International considers rape an appalling crime and is campaigning against sexual and other violence against women worldwide. However, the organization also opposes the death penalty in all circumstances and for all crimes, considering it to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The death penalty is a symptom of a culture of violence, and not a solution to it. It has not been shown to have any greater deterrent effect than other punishments, and is known to have been carried out on the innocent.

In Afghanistan, women and girls are seen to be the embodiments of family honour. They are often the first to pay the price if perceived to have offended custom, tradition or so-called honour.

Women who are assumed to have had sexual relations outside marriage (*zina*) are widely perceived to have brought "shame" on their families and are at risk of "honour" killing, either on the initiative of their male family members or the direction of local councils comprised of male elders.

Rape victims, too, are at risk of "honour" killing as they are deemed to have brought "shame" on their family by an act of which they are the victims.

Discrimination against women and the proximity between the formal and informal justice systems is highlighted in the leniency and often lack of penal sanctions in cases of "honour" killings. Evoking honour as offences to custom and tradition is often an accepted defence in cases of killing of women and girls. However, most cases of "honour" killings will not come before the formal judicial system, as families will tend to mete out punishments sanctioned by a community justice mechanism such as the shuras or jirgas (tribal councils).

It is difficult to determine exactly how many women and girls in Afghanistan fall victim to "honour" killings, but according to the Afghan Independent Human Rights Commission (AIHRC), between January 2011 and May 2013, 243 cases of "honour" killings were recorded.

Currently "honour" killings are not criminalized under Afghanistan's Elimination of Violence Against Women (EVAW) law as a form of violence against women and women and girls. Rather, articles 394-397 of the Penal Code address the crime of murder, but the offence is mitigated when it involves an "honour" killing, reducing the sentence to a term "not exceeding two years".

Name: Brishna  
Gender m/f: f

Further information on UA: 253/14 Index: ASA 11/014/2014 Issue Date: 30 October 2014