

Congress of the United States

Washington, DC 20515

March 31, 2006

The Honorable Condoleezza Rice
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520-0099

Dear Secretary Rice:

As we know you are aware, the case of Mr. Abdul Rahman, in Kabul, Afghanistan has garnered international attention. Political and religious leaders from around the world, including Pope Benedict XVI, have expressed their concern about this situation. We appreciate your comments regarding your phone call to President Karzai, as reported in the news. We are also heartened by President Bush's expressions of concern. We appreciate these efforts but remain concerned about possible future cases and ask that you reiterate to the Afghan government that we view their constitution as guaranteeing the right to religious freedom, including conversion from Islam. We note that The Washington-based Council on American-Islamic Relations (CAIR) issued a press release on March 22 in which they call for Mr. Rahman's release. The press release states that "before issuing its statement, CAIR consulted with members of the Fiqh Council of North America, an association of Islamic legal scholars that interprets Muslim religious law."

Relevant portions of the Afghanistan constitution are as follows:

Article 2 [Religions]

(1) The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam.

(2) Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.

Article 3 [Law and Religion]

In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.

Article 7 [International Law]

(1) The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.

(2) The state prevents all types of terrorist activities, production and consumption of intoxicants (muskirat), production and smuggling of narcotics." It is unclear, however, whether the judge, courts, and the President of Afghanistan view this article as binding on their internal affairs with reference to Islam.

Article 149 [Islam, Fundamental Rights]

(1) The provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.

Although the apostasy charges against Mr. Rahman have been dropped (with the explanation that he was "mentally unfit for trial"), the basic issue of religious freedom remains – there is a conflict between Afghanistan's commitment to international human rights, and the desire of some in Afghanistan to apply their understanding of Sharia law in accordance with the 1976 Afghanistan penal code. This inconsistency must be resolved so that other innocent individuals are not imprisoned for conversion from Islam to Christianity or to other religions.

In the case of Mr. Rahman, we are pleased to hear that he has been released. If he has not secured asylum by the time you receive this letter, we ask that you assist him in terms of his asylum request, his safety while in Afghanistan, and with medical care if needed.

Again, thank you for your work on this matter. We look forward to a timely response from you.

Sincerely,

Robert B Adelman

Theodore McCaffery

Jan Dai

Mike Ryan (c)

John Rozman

Jim W. Brown

Jim Ryan

Barry Smith

Bart Gordon

Mr. Finley

Robert E. And

Jerry Moran

K. F. Brady

Phil English

Mark Kennedy

Steve King

John

Marsha Blackburn

Donald A. Manzullo

Orin Pear

Joe R. Woy

Mike Ferguson

Alvan Pearce

Sam Tan

Signers of the Afghanistan letter (as they appear on the signature pages)

Robert Aderholt	Thaddeus McCotter
JoAnn Davis	Mike Rogers (AL)
John Boozman	James McGovern
Jim Ryun	Bob Inglis
Bart Gordon	Tom Feeney
Robert E. Andrews	Jerry Moran
Kevin Brady	Phil English
Mark Kennedy	Steve King
John Sullivan	Marsha Blackburn
Donald Manzullo	Mike Pence
Frank Wolf	Mike Ferguson
Stevan Pearce	Sam Farr