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The New York Times

Rape cases poses challenge for Afghan government

06/28/2012

The policeman insisted that he could not have raped the teenage daughter of a local sheepherder because a mullah had married them just before intercourse.

"Once the marriage contract is done, any sexual intercourse is not considered rape," said Khodaidad, 42, who until he was detained in the case had worked for the U.S.-trained Afghan Local Police.

Neither Khodaidad nor his brother, Ghulam Sakhi, also accused in the abduction, has been formally charged. Both deny the abduction and rape allegations.

"In Pashtun culture, the girls do not have the right to say who they marry and who they don't want to marry," said Ghulam Sakhi. "Whomever their parents choose for them, they should marry."

But prosecutors, family members and human rights advocates say there is little doubt that Lal Bibi was abducted and raped. Forced marriage is illegal under Afghan law, said Gen. Mohammed Sharif Safi, the military prosecutor in Kunduz.

There is more at stake than the future of Lal Bibi, 18. Her plight illuminates the persistence of tribal custom, the fragility of newly legislated protections for women and the power of armed men.

The case galvanized President Hamid Karzai, who ordered the culprits brought to justice and the police unit disarmed.

However, some members of Afghanistan's National Security Council argued that pursuing the allegations could tarnish the image of the Afghan Local Police, a network of militias they view as essential to maintaining security and keeping the Taliban at bay.

Two more suspects were detained last weekend, including Cmdr. Muhammad Ishaq Nezaami, who led the local police unit and is accused of ordering Lal Bibi's abduction. The Kunduz police chief and others said that Nezaami and the other suspect were apprehended.

In the meantime, Gen. Samiullah Qatra, the Kunduz provincial police chief, and Col. Mohammed Shutor, the head of the local police program in Kunduz, have brought in a new unit. It is led by the brother of Nezaami, a move that has angered some residents who view it as a deliberate taunt.

"Nezaami's brother was driving Nezaami's truck, so people think he is back and that scares them," said Hajji Balkhi, an elder from Lal Bibi's village. "It is an insult, not just to Hajji Rustam but to all of us."