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August 24th, 1999

CONFIDENTIAL

Subject: Report on Islamic thought and culture with emphasis on Pakistan. A comparative study relevant to the upcoming trial of Aduan Syed.

“Salafa: That which is past” .

“In the religious teaching of Islam there is a notion of death as the ultimate goal of life” - Cultural Psychologist Marlene Eid, Cofounder of Gaza Mental Health Program. Ms Eid teaches psychology and women’s studies at Portland State University.

ISLAM - A religion divided into two main groups, *The Sunni* who form about 90% majority of the Muslim world and *The Shia* who form 10%.

The early history of Islam from *The Sunni*, with their more pragmatic standpoint holds that the first four caliphs, or rulers, after the prophet Mohammed were ‘rightly guided’ but *The Shi’ites* being the partisans of Ali’ believe that the Prophet’s son-in-law should have succeeded him directly. The struggles between the two factions was comparable to the division of Gnostic and early Christians two centuries after the crucifixion.

Both groups use the Koran as the holy text and believe Muhammad was the last Prophet. Shi’ites have their own interpretation of Islamic Law and theology with great emphasis on mysticism as well as the injustice of the world. They also believe in a chain of leaders, *Imams*, who came after Muhammad with a code of spiritual authority defined by *Mullahs* and a religious establishment.

Iran has the largest *Shi’ite* populous as was demonstrated in 1979 with the triumphant rule of the fundamentalist Ayatollah Khomeini

Most Islamic countries vary in degree of fundamentalism and they take great pains to stress their differences. The nations of Pakistan and Afghanistan are the most severe in their interpretation of Islam toward women.

Existing ethnic groups: Punjabi, Sindhi, Pashtun, Baloch, Myhajir (who are immigrants from India and descendants including 1.76m. Aghan refugees).

Pakistan's legal system is based on English Common Law with provisions to accommodate Pakistan's status as an Islamic State. The judicial branch consists of Judicial Chiefs and the Federal Islamic Court (Shari'at). Islamic Legal code was declared the Superior law of Pakistan in 1986, although traditional severe punishments were not imposed. The Sharia Court has eight Muslim judges including the Chief Justice.

Political structure: Military remains most important political force, clergy, landowners, industrialists and small merchants.

Suffrage: Voting rights at 21.

Diplomatic Representation in the continental United States, Ambassador Riaz Khokar, Chancery, 2315 Mass. Avenue, Washington, D.C.

Population: 129.9m. Male/Female ratio 52.5: 47.5
Density: 161-230 persons per square kilometer
Birthrate: 39 per 1,000 (1996)

Life expectancy: 51 years female/52 years male.

Religion: 97% Muslim with majority Sunni. And minority Shia. Remaining balance Hindus, Christians, Quadianis and some Zoroastrians.

Agriculture: Afghanistan and Pakistan, respectively, remain the second and fourth largest producers of opium in the world.

Racism and Xenophobia: Pakistan is a predominately Muslim country with small Christian minorities that constitute less than 3% of the population. Discrimination exists between Christians, Hindus and members of Islamic sects which differ from the Sunni majority

The political parties responsible for much of the internal strife within the Muslim culture in Pakistan are Sipah-e-Sahaba which adheres to a Sunni sub-sect, and the Shia-based Tehreek-e-Jafaria which has pro-Iran leanings. While the majority of Pakistanis are Sunnis in the broad sense, some 25% are Shia. The Sipah-e-Sahaba fanatics look to the

Taliban of Afghanistan as their model.. (Afghan women have no rights under the Taliban Militia)

AN OVERVIEW OF PAKISTANI MUSLIM THOUGHT AND CULTURE

A large number of Pakistani women die in childbirth, six for every 1,000 live births. Contraception is not banned by orthodox Islam but the Islamic Ideology Council of Pakistan declares family-planning to be un-Islamic. It is viewed by traditional religious leaders as being a western conspiracy to emasculate Islam. Pakistan is at the bottom of world statistics for female attendance in primary schools.

Baby girls are abandoned at birth frequently put in trashcans and gutters. In Karachi last year 500 children were abandoned in the city streets and 99% were girls.

The Human Rights Commission in Pakistan said in its annual report that one woman is raped every three hours in Pakistan and one in every two victims of rape is a juvenile. According to Women's Action Forum, a women's rights group, 72% of all women in police custody are physically and sexually abused. The *Zina* and *Hudud Ordinances* call for the Islamic punishments of amputation of the hands for stealing and stoning for married people found guilty of illicit sex.. The term "*Zina*" included adultery, fornication, rape and prostitution.

Fornication is punished with a maximum of one hundred lashes administered in a public place and ten years imprisonment. A woman who has been raped finds herself charged with the crime of adultery or fornication. To prove "*Zina*" four Muslim adult males of good standing must be present to testify that sexual penetration has taken place. Islamic legal practice values the testimony of males over females. It is therefore almost impossible for a woman to bring a successful charge of rape against a man, instead she will be charged with adultery or illicit sexual intercourse. When rape results in pregnancy, it is taken as an admission of consent rather than the result of an act of violence.

The term "*Islam*" translates to "Surrender to the will of God" The most important concept in Islam is the "*Shari'a*" or "*path which embraces the total way of life ordained by God.*" All people who follow the way of Islam are expected to conduct their lives by the traditional values set by Mohammed, the Prophet of God. (570 AD to 632 AD) There are four main sources of the *Shari'a*: The *Koran*, which is compiled of thousands of religious verses revealed by God through his Prophet, Mohammed; the *Sunna* which are the traditions the Prophet disclosed but did not record in the *Koran*. The *Ijima* which are the interpretations of perceptions of the religious scholars, and the *Qiyas*, which are the legal principals. Crimes are classified into *Hudud*, *Tazir*, and *Qisas*

Crimes of Hadud: theft, alcohol consumption, defamation of Islam, and adultery. *The punishment for fornication is flogging. Men would be flogged standing, and women are*

flogged while sitting. Faces, heads and vital organs of the guilty are protected. The usual number is forty lashes but can vary according to the crime. Adultery is the most serious of crimes. If the guilty party is married, he or she will be sentenced to death by stoning, beheading, or shooting. Stoning is the usual punishment.

Crimes of Tazir: Similar to misdemeanors with no set punishments and are dealt with individually.

Crimes of Qisas: If a person is found guilty of crimes against a victim or his family, the aggrieved has the right to retaliate. The sentence is carried out in private by the family and the actual punishment is carried out in private. *Judeo-Christian interpretation would be a literal application based on "eye for eye and tooth for tooth". If the victim is a woman the punishment would be somewhat less.*

Several basic components exist within the Islamic culture, regardless of where the ethnic Pakistani Islamic actually resides. "Islam stresses the idea of a public morality which is to be enforced collectively. Many Pakistani's believe that it is the Government's job to enforce this morality. Islam has acquired a political nature. In Pakistani culture women are subordinate to men. A man's honor lives in the actions of the women of his family. This is usual prevalent in all orthodox Muslim societies. Women are the keepers of the family and social honor. To ensure that they do not dishonor their menfolk or their family as a whole their mobility is limited. Restrictions are placed on their behavior, and overall activities. There is little or limited contact with the opposite sex. Outside the home social activities revolve around men.

For their protection and respectability women live under the restrictions of "*pardah*" (*Purdah* means Curtain in Iran) as evidenced by the use of *veiling*. It would be considered shameless for a woman to be unrestricted and free to travel unaccompanied by a male family member. *Purdah* is based on family tradition, region, class, and rural or urban residence. In Pakistan Men and Women do not mix freely. Women never leave their homes except when they marry and almost never meet unrelated men. Pakistani society is strictly patrilineal. In poorer areas these rules are sometimes relaxed. Because women are responsible for transplanting rice seedlings, weeding crops, raising chickens, stuffing wool or cotton into comforters (*razais*) and taking goods to market for sale. They are afforded greater freedom when it serves the good of the community or the family.

In urban communities women generally wear either a fitted body veil (*burqua*) or a loosely fit cotton cloth which is draped either as a body veil or head covering (*chador*). These garments must be worn in public. It is usually announced that a woman is unveiled if a male is heard to approach. Work and/or professions continues to be the domain of men, as does public life. Rural women can and do frequently work for consumption or subsistence, it is also not unheard of women to work within the home, doing sewing or other crafts for low pay. The earnings would be credited to their

menfolk. In the past decade only little over 10% of the female population were reported in the labor force.

Urban and rural existence is less important than family tradition. In some areas the practice of "eye purdah" is followed ie: Women tend not to mix with men but if this is unavoidable they avert their eyes during any interaction. Wealthier shopping areas (*bazaars*) of Punjabi cities have a greater percentage of unveiled women but in cities throughout the north-western section shopping areas and markets are almost devoid of women. When a women does leave her home she must be veiled and accompanied.

Television and films, when at all available, usually depict women in subservient roles. Popular television does show many controversial dramas in which women who break with tradition by career, divorce, or who are politically inclined are usually portrayed as being appropriately alienated by their peers.

Exerpts from the Koran on women

The Koran, being the holy book of Islam, is composed of 114 Suras or Chapters. This book sets out acceptable conduct for people of the muslim faith. Muslims believe that the Angel Gabriel revealed the word of God to the Prophet Mohammed. Mohammed's visions came to him while in the cities of Mecca (Makkah) and Modina (Madinah) which are located in modern Saudi Arabia. Makkah was the birthplace of Mohammed and Madinah holds the tomb of the Prophet. These places are the holiest places for Muslims. Infidels or non-believers are not allowed within the city limits. The Muslim faith is unshakable to those who practice it. In most Islamic countries there is little if any division between religion and state. Religion is absolute. The translations of these verses are from the Arabic, but Islamic scholars believe that the Koran as a thought form is untranslatable.

Subject: Specific instructions are given on what to do with women who break the law against sex crimes.

Sura IV, 15

*If any of your women are guilty of lewdness,
Take the evidence of four witnesses from amongst you, Against them
and if they testify, Confine them
to houses until Death do claim them*

Subject: Veiling. The purpose of the veil is to protect the woman from harm and to protect the man from losing his control. The female takes the veil after her first menses. Veiling is symbolic of womanhood.

Sura XXIV, 31

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except when they must ordinarily appear.

Therefore they should draw their veils over their bosoms and not display their beauty Except to their husbands, their father's their husband's fathers, their sons, their husband's sons, their brothers or their brother's sons, or their sister's sons, or their women, or the slaves they possess, or male servants who are free of their physical needs, or small children who have no sense of shame of sex.

Subject: Marriage of Muslims to nonbelievers. While the Koran states the same set of rules apply to both men and women; the law is upheld only against women. Many Muslim men marry non-muslims, but muslim women are generally strictly forbidden from marrying non-muslim men.

Sura II, 221

*Do not marry women who do not believe,
Until they believe.*

*A slave woman who believes
is better than one who does not believe.*

*Do not marry your daughters
to unbelievers until they believe.*

A man slave who believes is better than a non-believer.

SEXUAL ATTITUDES

Sexual attitudes are not permitted outside of marriage with Muslim women. But for men any action is forgiven. It would not be permissible in Pakistani society to have a sexual relationship with an Asian women, unless she was a slave ,or prostitute. It would be a dishonor for the family. If such a young man were to marry an infidel she could adopt the Islamic faith in some segments of society. A pre-marital relationship with an non-Muslim is unthinkable, would bring grave dishonor to the family. The options in strict Muslim family would be similar to arranging her demise.

This is a society where brothers are permitted to kill their own sisters if the females are suspected of breaking any moral code.

A recent landmark case in No. Virginia involved an Afghan law professor who murdered his wife after suspecting her affair with another man. He was sentenced to three years in jail due to her family coming to his defense. The dead women's sons allegedly testified on behalf of her husband. It was, they said, an "honor" killing and sanctioned within their faith. They were Sunni Muslims.

SUMMARY AS IT RELATES TO MR. SYED

Given the social impact of growing up within the confines and rigid structure of Pakistani-Islamic society based in the United States, attending a public school in Baltimore County where all students are entitled to an education, freedom of speech and co-ed activities must have presented major divisions in cultural and sociological allegiances.

Clearly Mr. Syed faced almost insurmountable odds to meet with this "infidel or devil" in secret. Ownership is not outside of his cultural belief system. After giving her a veil, literally covering her so that only he could have her, he set her apart from all others and for him alone. For all intents and purpose he marked his territory by giving her a gift of great value within his culture, and in doing so he sealed her fate with his. By receiving it, perhaps unwittingly, Hae Min Lee accepted his standard of decorum. To have later been let down by her relationship with another man would certainly been an obvious violation of his culture, and a reason to destroy her. For her to have another man dishonored both Adnan Syed and his belief structure. It is acceptable for a Muslim man to control the actions of a woman by completely eliminating her and still remains possible under this system to find peace and forgiveness with God at the same time. Within this harsh culture, he has not violated any code, he has defended his honor. Hae Min Lee's womanhood diminished both her worth and the act of violence resulting in her death. Under Islamic law her murder was sanctioned. For many "ethnic" Pakistanis incidents like this are common-place and in Pakistan this would not have been a crime but probably a matter of honor.

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Annapolis, Maryland. By arrangement with The Enehey Group

Researched and compiled by [REDACTED] Director, The Enehey Group

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