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Palestinian court forcibly divorces 'apostates'

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AP (20.01.2011) / HRWF (24.01.2011) – <http://www.hrwf.net> - For more than a year, a Palestinian couple belonging to an Islamic sect rejected by many mainstream Muslims endured insults from some of their neighbors and even death threats while struggling to maintain a quiet existence in this West Bank town.

As word spread about them, things got worse. A local Islamic court branded them apostates and dissolved their marriage. The couple, Mohammed and Samah Alawneh, now live in legal limbo.

Their plight demonstrates the tensions between a still largely conservative Palestinian society and a Western-backed government expected by the international community to ensure democratic freedoms.

The government of Palestinian President Mahmoud Abbas is dominated by secular elites and frequently cracks down on hard-line Muslims connected to its militant Islamic rival, Hamas. The seat of Abbas' government, the vibrant West Bank city of Ramallah, is dotted with bars, liquor stores and night clubs frequented by secular Muslims, although consuming alcohol is strictly forbidden in Islam.

At the same time, the Palestinian Authority - trying to build toward a state that would include the West Bank, east Jerusalem and the Hamas-ruled Gaza Strip - has shown there are limits to its religious tolerance.

Late last year, Palestinian police arrested a self-proclaimed atheist blogger for insulting Islam in his posts, and the man is still in custody. The Alawnehs are members of the Ahmadi sect, an Islamic offshoot whose members are often branded traitors and face persecution in the Muslim world. Another couple - the husband is Ahmadi, the wife is not - is facing the same proceedings.

"It's like we are still living in the Middle Ages," said Mohammed Alawneh, 35. "They are deciding whether you are a believer or not. Whether you'll go to heaven or hell - and whether you are an apostate."

Followers of the Islamic Ahmadi Community are shunned by many mainstream Muslims because they recognize a 19th-century cleric as their prophet. A central tenet of Islam is that the Muhammad was the last prophet sent by God.

There are believed to be more than 4 million Ahmadis worldwide, most of them in South Asia but also with large communities in Africa and Europe. They frequently face isolation and persecution, particularly in Pakistan, where last year two of their mosques were bombed and 97 people were killed.

A few dozen Ahmadi converts live in the West Bank, whose 2.5 million-strong Palestinian population is overwhelmingly Sunni Muslim, said the local Ahmadi leader, Sheik Mohammed Sharif.

Cases involving Ahmadis, who have lived in the West Bank in small numbers for decades, have rarely been pursued - until now, lawyers said.

The Alawnehs converted to the Ahmadi sect separately six years ago, marrying in 2009. Both faced insults and death threats from Muslim preachers when news of their conversions filtered out, they said. Mohammed's family renounced them. Some of Samah's colleagues at the university where she works shun her, though others do not.

Then last year, a prosecutor in the local Islamic court, which regulates Muslim marriages, filed a complaint against them, accusing them of apostasy. They were found guilty in August, according to documents the couple showed The Associated Press.

The court forcibly divorced the couple by canceling their marriage registration, because they were no longer considered Muslims.

The Alawnehs say the complaint against them was initiated by Mohammed Alawneh's first wife, who was upset by his decision to take another wife. Islamic law permits a man to have up to four wives.

The Palestinian Authority does not authorize civil marriage. All marriages must be registered with the government-funded Islamic courts or a Christian church.

That means that the couple have no chance of ever legalizing their marriage in the West Bank, said their lawyer, Gandi Rabai. The couple may go abroad to marry, but so far, they have chosen to try to battle the issue in Palestinian courts, believing it is their right to marry freely in the West Bank, Rabai said.

Expecting their first child later this year, they will not be able to register the baby with the Palestinian Interior Ministry - meaning the child cannot go to public school or qualify for medical care. The child will be scorned as illegitimate if they remain unmarried.

The Islamic courts are also pursuing a case against Maher Salahat, a 34-year-old married father of five who belongs to the Ahmadi sect. They accuse him of apostasy and seek to divorce him from his wife, who is a Sunni Muslim. The case is still being investigated, Salahat said.

Reem Shanti, the prosecutor who pressed charges against the Alawnehs, and other Islamic courts officials refused to comment.

Mahmoud Habbash, the Palestinian Authority's Religious Affairs Minister, who oversees the courts, said he could not interfere in judicial affairs. Habbash said he had no solution to the couple's legal dead-end over registering their marriage in the West Bank.

An appeals court canceled the initial decision on procedural grounds and sent it back to the lower Islamic court for a retrial that is to start later this month, said Sumud Damir, the chief prosecutor in the West Bank.

Palestinian government spokesman Ghassan Khatib said the Palestinian basic law, a forerunner to a constitution, guarantees freedom of expression and religious belief, but that the Islamic courts rule over civil issues such as marriage and divorce. There is no criminal punishment for being declared an apostate, he said.

In neighboring Israel, personal status issues like marriage and divorce also remain largely under the control of religious authorities.

The Alawneh's lawyer, Rabai, said he has observed increasing Islamic conservatism among lower-tier civil servants. He said senior officials appear reluctant to openly challenge their decisions.

The Alawnehs said they would take their case all the way to the Palestinian Supreme Court. They said they feared a dangerous precedent has been set that could engulf not only people with unconventional religious views, but also the many non-practicing Muslims in the West Bank.

"If they open the door to declaring people apostates, anybody could accuse anybody," said the young woman, her hair covered with a Muslim headscarf, her eyes widening in fear. "But I believe I follow the real Islam. They can't break open my heart to see if I believe or not."
