

Afghan Court Confirms Reduced Sentences in Mob Killing of Farkhunda

By ROD NORDLAND and JAWAD SUKHANYAR
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Muhammad Yaqoub, left, and Zainuddin, two of four men who were sentenced to death for the killing of a woman named Farkhunda, in prison in Kabul, Afghanistan, in October. All four sentences have been reduced to as little as 10 years in prison.

KABUL, Afghanistan — One defendant was the custodian of a holy shrine who trafficked in Viagra, condoms and pagan amulets, and who, when exposed, falsely accused a young woman named [Farkhunda](#) of burning a Quran. Another was an employee from an optician's shop who joined a [growing mob](#) at the shrine and pummeled Farkhunda with a rock the size of a watermelon.

Another was an Afghan intelligence agent who bragged on Facebook that he had the honor of striking the fatal blow against her. Another man drove his car over her, twice.

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RELATED COVERAGE Farkhunda Malikzada, a 27-year-old Muslim woman falsely accused of burning a Quran, was killed by a mob in central Kabul as hundreds watched and filmed. This video contains scenes of graphic violence.

By JOHN WOO, ADAM B. ELLICK and ALISSA J. RUBIN on Publish Date December 26, 2015. Photo by Lynsey Addario for The New York Times. [Watch in Times Video »](#)

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Those men were sentenced to [death last year](#) in what briefly looked like a rare moment of justice for Afghan women, and other convictions seemed imminent. But in the months afterward, as detailed last year in [an investigation by The New York Times](#), failures at every stage of the justice process surfaced. Clear leads did not turn into arrests, and tough sentences were drastically reduced — including for those four men identified at the center of the violence, who had their death

Now, [Afghanistan](#)'s Supreme Court has confirmed the decision to vacate those four death sentences, and nine other defendants also had their sentences reduced. Word of that decision came late Monday in a restrained announcement by the attorney general, and all day Tuesday it became the inescapable backdrop for [International Women's Day](#) observations in Kabul.

The country's first lady, Rula Ghani, making the keynote address for the occasion before a gathering including many women's leaders, acknowledged the disappointment and tried to assure the audience that the Supreme Court decision in "the case of our dear martyred Farkhunda" would be reconsidered. And she drew attention to progress for Afghan women under the government of her husband, President Ashraf Ghani. "The reforms brought in the judiciary system are in favor of women," she said.

Still, there was a growing sense of outrage among the women who had gathered to observe the day.

"Even if all those involved would be executed, it is still not enough," said Maryam, a police colonel

who leads a human rights office in an elite unit, and who uses just one name.

Of 49 men originally arrested in Farkhunda's killing, only 13 have so far been given serious penalties — nearly all of them greatly reduced on appeal. All the death sentences were vacated.

In addition, many activists claim that some of those most responsible — and identified in [cellphone video](#) of the killing — have still not been arrested. “I believe the main perpetrators of this case, those who were behind it, are still not brought to justice,” said a female senator, Anarkali Honaryar.

The mob murder of Farkhunda on March 19 last year was initially greeted with public jubilation here, even among many government officials, until evidence mounted that she had been falsely accused. Rather than burning the Quran, she had been working to defend it: She was an Islamic scholar who was upset by the shady goings-on at the Shah-Do Shamshira Mosque, one of Kabul's most popular shrines. Those included un-Islamic practices like fortunetelling and selling amulets, as well as allegations of pimping and prostitution.

Nineteen of the people arrested in connection with Farkhunda's death were police officers accused of failing to intervene to save her; most of the policemen were given token penalties, such as pay reductions or cancellation of leave time while on duty.

Thirty other cases were prosecuted, but 17 of those were dismissed by an appeals court. In the remaining 13 cases, the appeals court recommended the reduction of sentences, leading

lawyers representing the victim's family to appeal to the Supreme Court.

While the court's decision was made a month ago, according to lawyers for Farkhunda's family, it was kept secret until a brief announcement late on Monday by the attorney general's office.

Yalda Nasimi, one of the family's lawyers, said the family would ask the Supreme Court to reconsider its decision, which was apparently what Mrs. Ghani was referring to. Ms. Nasimi said a petition would be lodged with the court within two months.

The controversy surrounding the case led Farkhunda's family to flee to neighboring Tajikistan, where they remain. "Not only do we oppose the decision of the Supreme Court, but the entire nation is dissatisfied," said Farkhunda's brother, Mujibullah Malikzada, reached by telephone in Dushanbe. "I'm not saying that the perpetrators must be lynched the way they lynched my sister. But all I want is fairness and justice, which has not been done."

Hasina Safi, the director of the Afghan Women's Network, a coalition of advocacy groups, said the court's decision would not lessen the determination of activists to pursue the case. "We are going to begin again tomorrow to organize on social media, and we are trying to take this case up internationally," she said. "Justice for Farkhunda is justice for all of Afghanistan's women."

A coalition of women's groups organized under the [Justice for Farkhunda](#) banner planned to meet late Tuesday to decide how to respond to the Supreme Court decision, according to Nargis Azaryon, an activist with the coalition. "It is

obvious that justice has not been done fairly, and we are not satisfied at all,” she said.

Many women in government were more circumspect, possibly because of the embarrassment the case has brought to the country at a time when its leaders are emphasizing gains in women’s rights. Five officials of the Ministry of Women’s Affairs who were at Mrs. Ghani’s speech Tuesday were contacted and refused to comment on the Supreme Court’s decision.

Of the four men formerly sentenced to death in the case, three had their sentences reduced to 20 years, including the custodian of the shrine, Zainuddin; the intelligence agent, Sharaf Baghlani; and the defendant who drove his car over Farkhunda’s body, Abdul Basheer.

Muhammad Yaqoub, the optician’s employee, had his death sentence reduced to 10 years in prison because the appeals court said he was 17 at the time of the crime. Some activists have disputed that he was underage, however, and the original trial court said his age had been determined from faked documents.

Baseer Azizi, the spokesman for the attorney general’s office, said that while the reduced sentences were confirmed by the Supreme Court’s decision, the court had also ordered a review of the other cases that had been dismissed earlier. Most of those cases — believed to number 17, although accounts vary — involved much lesser penalties.

Ahmad Shakib contributed reporting from Kabul, and Alissa J. Rubin from New York.

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