CABBIE SAYS COURT CASE IS LIFE OR DEATH

JUDGE MAY ORDER HIM BACK TO AFGHANISTAN

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Body

KANSAS CITY, Mo. -- For those with faith, the moment of acceptance often is clear and simple.

Years after his conversion to Christianity, Ahmad Ahmadshah, a 43-year-old Minneapolis cabdriver, explained that moment to a U.S. immigration ***judge***. Ahmadshah described how he had received a Bible from friends in Pakistan and read it in secret at his home near Kabul, ***Afghanistan***, in 1988.

"I read a book, and my heart accepted," Ahmadshah ***said***. "I believe that this is the book that ***says*** the truth."

Today, Ahmadshah is convinced that his faith could cost him his ***life***.

He has lived in the United States since 1996, but U.S. immigration authorities are trying to deport him for visa violations -- despite evidence that his sister was killed for her Christian faith in 1993 by religious soldiers answering to a warlord still active in ***Afghanistan***.

This month the 8th U.S. Circuit ***Court*** of Appeals made Ahmadshah's deportation less certain. A three-***judge*** panel threw out an ***order*** from the U.S. Board of Immigration Appeals, which had rejected his application for asylum.

The ***judges*** ***ordered*** immigration ***judges*** to reconsider his ***case***, taking into account how apostates -- Muslims who reject Islam -- are treated in ***Afghanistan***.

"The murder of Ahmadshah's sister points to a pattern of violence perpetrated against Christian converts and was coupled with a threat directed at Ahmadshah himself," the appeals ***court*** wrote.

Experts ***say*** that despite the reforms of President Hamid Karzai, ***Afghanistan*** remains a conservative country, committed to an interpretation of Islamic law that makes apostasy a capital crime.

As immigration ***judges*** struggle to keep up with an increasing tide of deportations following the terror attacks of Sept. 11, 2001, the fine distinctions of how culture and religion can clash are sometimes lost, ***said*** one immigration lawyer.

"Not all immigration ***judges*** are going to understand the nuances of asylum ***cases*** for every country and every religion," ***said*** David Leopold, an Ohio lawyer on the board of the American Immigration Lawyers Association.

Speaking through a translator from his lawyer's office in Minneapolis, Ahmadshah ***said*** his rejection of Islam means he simply cannot return to Kabul.

"It is 99 percent Muslim," Ahmadshah ***said***. "People would harm you. … It's very hard."

Ahmadshah weeps when he speaks about his younger sister Lala. They hid their interest in Christianity from everyone, even their parents, he ***said***.

"I started to talk to her about the Bible," Ahmadshah ***said***. "She began reading and accepted it too."

According to ***court*** records, an errant rocket struck their home in April 1993, killing their parents while he and Lala were away. Two days later, armed men sorted through the rubble and found Ahmadshah's Bible, with his and his sister's names written inside.

The armed men reported to Gulbuddin Hekmatyar, an Afghan warlord wanted by the Karzai government for war crimes.

Ahmadshah ***said*** they beat and pistol-whipped him, ***saying*** if they ever saw him with a Bible, they would kill him. Ahmadshah immediately went into hiding. He soon learned from a cousin that the men had killed his sister because of her conversion to Christianity.

While U.S. government lawyers conceded that Ahmadshah's account is "credible," they argued that his belief that Lala was killed for her religion is "speculative."

They also contended he was not entitled to stay in the United States, because the ***death*** of his sister and the beating did not rise to the level of persecution, and conditions in ***Afghanistan*** had improved.

A Justice Department spokesman declined to discuss Ahmadshah's ***case*** because it is in litigation.

After his sister's ***death***, Ahmadshah moved to Pakistan and then to St. Petersburg, Russia, where he worked for three years as a clothing merchant. He entered the United States in 1993.

According to ***court*** records, he has worked steadily since then, paying his taxes, maintaining a spotless arrest record and joining a church in Minneapolis. He was baptized in January 2001, attends church weekly and has documented about $500 in donations to the congregation.

But because he did not marry an Afghan woman whose name appeared on his entry visa, he does not qualify for permanent residency status. Federal officials moved to deport him.

After being questioned at an asylum hearing about the finer points of Christian doctrine, an immigration ***judge*** concluded that Ahmadshah had not demonstrated adequate commitment to the faith.

That procedure troubled the appeals ***court judges***.

"Even if Ahmadshah did not have a clear understanding of Christian doctrine, this is not relevant to his fear of persecution," they wrote earlier this month.

"Under (Islamic) law, it is apostasy -- the rejection of Islam -- and not conversion that is punishable. If Ahmadshah has shown that Afghans would believe that he was an apostate, that is sufficient basis for fear of persecution under the law."

M. Ashraf Haidari, a spokesman for the Afghan Embassy in Washington, ***said*** recently that should Ahmadshah return, he had nothing to fear from the government, which is encouraging the return of expatriate Afghans of all ethnic backgrounds and religious beliefs.

Haidari acknowledged, however, that Ahmadshah might face discrimination from individuals.

"There might be instances of targeting people who do not believe in Islam," Haidari ***said***.

Abdalla Idris Ali, an Islamic scholar and director of the Center for Islamic Education in Kansas City, ***said*** the legal issue of apostasy is a complex and controversial one with which governments throughout the Muslim world struggle.

Reactions of individual communities would vary widely, Ali ***said***.

"The local community might consider it an offense, and that's where I would be concerned."

In an e-mail interview, the director of an American charity working in Kabul ***said*** Ahmadshah might face serious problems should he return to ***Afghanistan***. The charity director asked that he not be identified by name or organization, to protect him and his workers.

"In today's ***Afghanistan***, I am sure that the Karzai government would not support a ***death*** penalty for apostasy," he wrote. "But there are some very conservative elements in the country who might feel it their obligation to take things into their own hands."

John Sifton, a researcher on ***Afghanistan*** at Human Rights Watch, also ***said*** Ahmadshah might face persecution.

Even the U.S. government, which is seeking to deport Ahmadshah, has questioned how apostates are treated in ***Afghanistan***.

In ***May*** 2003 a federal commission that advises the president and Congress on how best to promote religious liberty expressed grave reservations about how the Afghan judiciary would treat the crime of apostasy.

"Afghan jurists have stated that apostasy from Islam would be considered a capital offense, but have intimated that ways would be found to avoid the ***death*** penalty," wrote members of the U.S. Commission on International Religious Freedom.

In a follow-up study last year, commissioners found that progressive religious elements in the country were losing ground, even under a new, more liberal constitution.

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