

## **Kambakhsh Freed**

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Student jailed for downloading from the Internet is released.

The long ordeal of Sayed Parwez Kambakhsh is at last at an end. The 25-year-old journalism student who spent almost two years behind bars for downloading materials from the Internet has been released and is now safe and out of Afghanistan.

"He was freed by diplomatic means," said Sayed Yaqub Ibrahim, his brother and a veteran reporter for IWPR. "He is in a European country."

There was muted reaction from the diplomatic community, which at first refused to confirm the release. Once the Afghan justice ministry had told the media that Kambakhsh was out, the United Nations issued a statement:

"We respect the decision made by the Afghan government and are relieved to see the release of Mr Kambakhsh," said Aleem Siddique, spokesman for the United Nations Assistance Mission in Afghanistan, UNAMA.

The case became an international cause celebre involving heads of state, top diplomats, and human rights organisations. Finally, in the wake of Afghanistan's increasingly contentious presidential elections, President Hamed Karzai has made good on the promises he had made to everyone from Condoleezza Rice to Kambakhsh's immediate family, and issued a pardon that according to diplomatic sources was signed months ago.

Kambakhsh was arrested in October 2007 in the northern city of Mazar-e-Sharif. The charges against him involved downloading controversial materials on women's position in Islam from the Internet and distributing them to his classmates at Balkh University.

Kambakhsh denies the allegations, despite a confession he signed during the early days of his incarceration, when he was held incommunicado by the security services. He claims he was subjected to intense interrogation and even torture, although physical abuse could not be substantiated because of the period of time that elapsed between the alleged beatings and medical examination.

Kambakhsh was condemned to death in a closed court session in January, 2008.

The 20 months that followed were agony for Kambakhsh and his family. Ibrahim tried for months to find a qualified lawyer and get the case moved to Kabul, where the family felt they would get a fairer trial.

The case that unfolded in the Kabul Appellate Court during the summer months of 2008 was regarded as a travesty by Kambakhsh's supporters.

The case was adjourned several times, once for medical expertise following Kambakhsh's allegations of torture, once to summon witnesses, other times for no stated reason at all.

In October 2008, the Appellate Court commuted Kambakhsh's sentence to 20 years in prison. The actual criminal charges were unclear: he was accused of heresy, which is not in the penal code, and testimony offered during the trial compounded the heresy indictment with complaints that he told off-colour jokes and asked too many provocative questions in class.

The case has been stalled for nearly a year. The diplomatic community intensified its pressure after Afghanistan's Supreme Court upheld the 20-year sentence in March, but the looming elections put a brake on attempts to free the young man.

Karzai the candidate was thought to be courting the ultra-conservative mullahs, most of whom would have been happy to see Kambakhsh put to death. It was politically risky to let Kambakhsh go, so Karzai contented himself with making promises to the international community while placating his fundamentalists at home by refusing to take action.

Then, just days after the August 20 elections, he issued the pardon that everyone had been waiting for.

The release was kept secret, even from Kambakhsh's close family. Ibrahim said that he was not even allowed to tell his mother. But when the British newspaper *The Independent* broke the story on Monday, 7 September, Ibrahim notified his parents.

Kambakhsh is safe in an undisclosed location. Although Ibrahim revealed that his brother was in Europe,

he declined to be more specific, nor would he be drawn on what the family's plans for the future might be. "We are thinking what to do," he said.

## **Jean MacKenzie is IWPR's Programme Director in Kabul.**

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### **Full coverage of Kambakhsh's case:**

**Kambakhsh Freed** (ARR No. 336, 07-Sep-09)

**Afghan Supreme Court Rejects Blasphemy Appeal** (ARR No. 315, 10-Mar-09)

**Kambakhsh to Fight On** (ARR No. 303, 23-Oct-08)

**Journalists Demand Justice for Kambakhsh** (ARR No. 296, 09-Jul-08)

**Saving Parwez Kambakhsh** (ARR No. 293, 16-Jun-08)

**Hopes Dashed for Afghan Journalist's Release** (ARR No. 291, 02-Jun-08)

**Kabul Marchers Demand Journalist Release** (ARR No. 282, 04-Feb-08)

**Afghan Journalist's Death Sentence "Political"** (ARR No. 281, 28-Jan-08)

**IWPR Condemns Afghan Journalist's Death Sentence** (Press Release, 24-Jan-08)

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