

# THE RELIGIOUS RIGHTS AND DUTIES OF MUSLIM INMATES IN PRISONS

A GUIDE FOR CRIMINAL JUSTICE PERSONNEL

## The Islamic Republic of Afghanistan

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The Prophet Muhammad (peace be upon him) said,  
“Prevent punishment in case of doubt,  
release the accused if possible,  
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This booklet is the result of a collaborative effort from a variety of sources. Following are some of the major players who participated in the preparation of the information in this Manual.

The General Directorate of prisons and detention centers of Afghanistan.

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The material in this Manual was reviewed to insure it conformed to the Constitution and laws of the Islamic Republic of Afghanistan and to insure that it was consistent with the sacred religion of Islam by the following legal and Shari experts:

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\*This is not a complete listing and we apologize to those whose names are not included



## BACKGROUND

During a series of seminars and training sessions conducted by the International Scientific and Professional Advisory Council of the United Nations (ISPAC), it was found that administrative and security personnel in many prisons throughout the world do not understand the religious rights and duties of the Muslim inmates they hold. Good correctional practice is built upon a recognition of, and respect for, fundamental human values such as respect for the rights and duties of all individuals. This includes the need to respect the social, cultural and religious differences of individual offenders. Thus the following was prepared from information provided by the Arab Security Studies and Training Center (ASSTC), an Arab Regional Center in Riyadh, Kingdom of Saudi Arabia. The ASSTC carefully reviewed and approved all the material pertaining to Religious Rights and Duties. The material was further refined by adding suggestions to help justice personnel find ways to permit observant Muslim inmates to practice as many of their religious duties as good prison practice allows.

### RELIGIOUS DUTIES OF EVERY MUSLIM

#### 1. It is forbidden to Muslims to eat ham or pork as meat, soup or gravy.

*Explanation:* Muslims can eat all other types of meat, fish, vegetables and fruit unless they are cooked in pork fat or contain pork in the gravy or has any pork products mixed with it during the cooking or serving. It is further forbidden to Muslims to eat meat which is not slaughtered according to Islamic Law.

*Implementation suggestions:* If the main menu contains ham or pork in any form or has used pork fat in the cooking process, a separate menu or alternative food source should be provided for Muslim inmates. Those alternative meals can be either cooked separately in the prison kitchen or can be obtained from outside prison sources (such as pre-packaged food found in the normal grocery stores) or can be composed of bread, cheese, alternative luncheon meat, peanut butter or other normal staples found in the prison kitchen. It is also possible that all of the regular meal being served to the general inmate population, except the course containing the pork or pork products, also be given to the Muslim inmates and that only the offending part of the meal be substituted with an alternative, such as those mentioned above. A local Muslim leader should be consulted to find an appropriate source for meat which has been slaughtered according to Islamic Law. If no local Muslim leader can be found, the embassy of Saudi Arabia or other Muslim nation should be contacted to find an appropriate source or to help answer any questions.



## 2. It is forbidden to Muslims to drink alcohol or eat food cooked in alcohol

*Explanation:* No alcoholic beverages are used in any Muslim personal, social or religious life. Its use is a sin. No alcohol is used by Muslims in cooking and eating food cooked with alcohol as one of the ingredients is considered the same as drinking the alcohol.

*Implementation suggestions:* This is self explanatory and generally not a problem in a correctional setting. However, some cultures use alcoholic beverages (such as wine or rum) in cooking or in religious or cultural settings. Care must be taken, where some form of alcoholic beverages are permitted, to inform cooks, visitors who bring food for inmates, and staff about this prohibition and to have alternate foods available for Muslim prisoners and detainees.

## 3. Every Muslim is required to pray five times each day

*Explanation:* This applies to both male and female Muslims. The prayers come at prescribed times:

- 1 Just after dawn and before sunrise
2. At mid-day
3. About three and one-half hours after the midday prayer and before a reasonable time from sunset
4. Just after sunset
5. About one and one-half hours after the sunset prayer and before dawn

Though not mandatory, many Muslims also pray at other times, especially at night.

In prayers, Muslims face the Kaaba (a small cube-shaped structure in the courtyard of alHaram- the "inviolable place" - the great mosque of Mecca). A single unit of prayer consists of standing posture, then a genuflection followed by two prostrations, and finally a sitting posture. In each of these postures prescribed prayers and portions of the Koran are recited. All five prayers in Islam are congregational and are to be offered in a mosque, but they may be offered individually if, for some reason, a person cannot be present with a congregation.

Muslim prisoners should be able to assemble for group prayer in the morning (20 minutes after sunrise) of the first day of the feast of Ramadan and the first day of the Grand Bairam (Haj) which occurs about 2 months and 10 days after Ramadan.

Each Friday, at noon prayer, Muslim prisoners should be allowed to listen to a Muslim religious preacher's speech and have a group prayer.

In prayers, Female Muslims are completely dressed except for face and hands, Female and Male Muslims wear clean dresses.

*Implementation suggestions:* An alarm clock or other method of indicating the time should be provided to the inmate. In some cases, the officer on watch in the course



of performing his or her normal duties can notify the inmate of the approach of prayer time. The officials of the institution, either by consulting a community Muslim source or a proper map, should insure that all Muslim prisoners know the direction of Mecca from within whatever room they are likely to be confined during prayer times. Because of the genuflection, prostration and sitting on the floor or ground the inmate should be allowed to have a small "prayer rug" or a suitable floor covering should be provided. Wherever the facilities and security permit, group or congregational prayer should be facilitated. Men and women must have separate facilities or should be able to be located separate from each other in the group prayer room. It is not appropriate for Muslim men and women to pray together. If a Muslim religious preacher is not available, tapes or copies of speeches may be obtained from an Islamic Center within the nation or by contacting the Saudi Arabia embassy or the embassy of other Muslim nations.

#### **4. Every Muslim (male and female) should have access to the Holy Koran**

*Explanation:* Study and even memorization of the Koran and reading Islamic books is an important part of the religion. Muslims should be allowed visits from religious preachers and leaders.

*Implementation suggestions:* Inmates should be allowed to purchase their own Koran or have one provided to them by others. Prison libraries should contain copies of the Koran and other Islamic religious books. Local or national Islamic centers or mosques can help provide such material. Because the original language of the Koran is Arabic, where educational material is available, Muslim inmates who desire should be permitted to learn Arabic using either, if necessary, volunteer instructors and/or self-study material. Muslim prisoners should also be allowed to meet with Islamic religious leaders to facilitate their study of the religion. Contact with competent Islamic authorities in the local area or from the closest mosque should help verify the credentials of individuals purporting to be a qualified Islamic leader or teacher.

#### **5. Every Muslim (male and female) has to fast the month of Ramadan every year.**

*Explanation:* Because the Islamic calendar is lunar, Islamic festivals are not confined to any one season. Even during hot summers, most Muslims meticulously observe fasting. During the fasting month, a Muslim must refrain from eating, drinking, smoking and sexual intercourse from dawn until sunset. The Muslim, during this time, eats two meals - one after sunset and the other any time before dawn. Two additional fasts are recommended for Muslims, they are:

- 1.) Starting three days after the termination of the month of Ramadan for six days.
- 2.) The 9<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> of Zilhigga (roughly 2 months and 10 days after Ramadan).
- 3.) Muslims may also fast on Monday and Thursday of every week and at any other time - this is not mandatory for all, but a personal choice.

*Implementation suggestions:* The date of Ramadan is generally well known and indicated on national and international news. However, contact with any Muslim



mosque or organization can provide the exact dates. Muslim inmates can be allowed to have a late feeding time if the normal feeding time is prior to sunset or they should be allowed to have food in their housing area that they can eat after sunset. Additional food (juice, fruit, bread, etc.) can be kept by the inmate for consumption prior to dawn of the next day. No special food is required.

**6. Every Muslim (male and female) is required to wash his or her limbs (hands, face, head, ears, arms and feet) before every prayer and before handling the Holy Koran.**

*Explanation:* In addition, every Muslim has to clean the rest of his or her body at least once a week.

*Implementation suggestions:* The provision of soap and water at a place convenient to where the inmate will pray or handle the Koran should present no additional problems in a prison environment where water for washing is normally available to the prisoners at all times. In prisons where the inmate is locked in an area away from washing facilities, arrangements must be made to allow them to use the wash facilities prior to the times prescribed for prayer. A container of water, soap, a basin and towel can also be left with the prisoner to use prior to prayer or handling the Koran if moving them to a washing facility is not possible due to normal prison regime or physical layout.

**7. Female Muslim prisoners must be completely dressed, except for face and hands, in front of other males or females. Male Muslim prisoners are not to be naked in front of others (male or female)**

*Explanation:* A partially uncovered woman or a naked man is an insult to the dignity of a Muslim.

*Implementation suggestions:* Dressing, bathing and toilet facilities should be provided with a door or curtain for both male and female Muslim inmates. If a security search is deemed necessary it should be done out of the sight of other inmates and staff and only the amount of clothes absolutely necessary to conduct the search should be removed. Use of professional clothed body searching techniques should be employed and carefully conducted to avoid, as much as possible, the need for clothing removal. Metal and drug detectors, dogs capable of sniffing drugs and/or intensified observation of those suspected of carrying contraband should be employed before a body search requiring removal of clothing is conducted. In no case should female staff search male Muslim inmates nor should male staff search female inmates.

**8. Muslims have the right to be alone with their wife or husband in a private room**

*Explanation:* It is a strong Muslim tradition (and practiced in prisons in Saudi Arabia, for example) to be able to marry and to visit their husband or wife for the purpose of sexual relations at least once a month. If security does not permit a furlough for an inmate to meet with his or her spouse in their home, then a private facility within the prison should be considered. It is normal, in many parts of the world, for prisons to



have special rooms, decorated tastefully, and away from potential harassment of staff and inmates, where spouses can meet privately.

Also, common in many prisons housing females around the world, and especially important for Muslim women, is the ability for those with small children, who desire to do so, to be able to keep those children with them until the child reaches an age of two.

