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## **Jordanian widow at peace after winning custody fight**

### ***Muslim guardian has apparently given up on court battle***

by Barbara G. Baker

Compass (15.09.2005) / HRWF Int. (20.09.2005) Website <http://www.hrwf.org> - Email [info@hrwf.net](mailto:info@hrwf.net) - Three months after winning a final court victory for custody of her two children, Jordanian Christian widow Siham Qandah has enjoyed her first anxiety-free summer in seven years.

"We are in such a better situation now than for many years," Qandah told Compass by telephone last week from her home in Husn, a town in northern Jordan. "I am not going back and forth to the courts or to the lawyers anymore. So we have been living very peacefully this summer."

Although by law her children's Muslim guardian had 30 days to submit a petition against the June 13 decision revoking his guardianship, his lawyers took no legal action. "We have heard nothing back from the court since we won the case," Qandah said.

"I think he has finally given up on it," Qandah's pastor at Husn Baptist Church commented.

Since 1998 Qandah had been enmeshed in a judicial wrangle with her estranged brother, a convert to Islam who tried to gain physical custody of her children to raise them as Muslims.

After being widowed 11 years ago, Qandah's challenges as a single mother were compounded by an unsigned "conversion" certificate filed in an Islamic court claiming that her soldier husband had secretly become a Muslim three years before he died.

Under Islamic law, she could not contest the document, which automatically changed her minor children's identity to Muslim. Nor as a Christian could she handle their financial affairs, even to draw their monthly orphan benefits guaranteed by the Jordanian army.

For this reason she located her long-estranged brother, who had become a Muslim as a teenager, asking him to serve as the children's legal guardian. But after Abdullah al-Muhtadi agreed, he began to pocket the benefits himself. Then he tricked influential judges in the Islamic courts into signing large cash withdrawal slips for him from the children's U.N. trust funds, claiming they were to pay his legal expenses. (See *Compass Direct*, "Jordanian Widow Wins Final Court Battle," June 20.)

In the end, the Muslim guardian embezzled nearly \$17,000 from the U.N. trust funds Qandah's daughter and son were to have inherited at age 18. But for Qandah, the right to raise her children as Christians far outweighed the economic factors.

### ***Looking for a living***

Now 17, Qandah's daughter Rawan begins her final year of high school this fall, with her brother Fadi, 15, a year behind her.

“My only problem now is how to provide financially for my children,” Qandah said. At her lawyer’s advice, she has not asked for a new Muslim guardian to be named for her children. Consequently, there is no channel through the Islamic courts to collect their military orphan benefits, totaling about \$120 per month.

“We are just leaving that,” said Qandah, admitting she preferred to avoid any possible custody disputes until her children reach 18, when under Jordanian law they can declare their religious identity.

Last month the only job Qandah could find in the nearby city of Irbid would have required her to work from 9 in the morning until 6 or 7 at night. And she would have only earned a pittance salary of 70 Jordanian *dinars*, the equivalent of \$100 per month.

Although Qandah owns the simple, whitewashed cottage where she and her children live in Husn, such a low income would not cover their monthly living costs. So over the past few weeks, she has started exploring ways of developing a small business in her hometown, perhaps a shop selling kitchen and household goods for local women, she said.

After the plight of Qandah and her children attracted international press coverage, King Abdullah II and other members of the Jordanian royal family monitored judicial handling of the case, pledging that she would not lose her children.

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## **Jordan custody verdict postponed for one week**

### ***Muslim guardian discounts Christian mother’s testimony***

by Barbara G. Baker

Compass Direct (16.03.2005) / HRWF Int. (22.03.2005) Website <http://www.hrwf.org> - Email [info@hrwf.net](mailto:info@hrwf.net) - The Muslim guardian trying to wrest custody of two Christian children away from their widowed mother demanded yesterday that an Islamic court in Jordan discount the mother’s testimony because she is a Christian.

But Abdullah al-Muhtadi’s attempt to play the “religion card” against his own sister may represent the last card in his hand, one of the widow’s friends told Compass today.

Under Islamic law statutes, the testimony of a Christian or any other non-Muslim carries only half the legal weight of a Muslim witness in a sharia court. So al-Muhtadi insisted that the judge must count his testimony as a Muslim to be stronger evidence than anything testified by his Christian sister.

“He asked for another week’s delay, saying he wants to bring papers to prove that he’s innocent,” the source said. “He’s been promising this for the past two months or so, but he has not brought anything yet.”

The defendant was ordered on February 6 and again on February 20 to produce before the court documented evidence to disprove accusations that he had embezzled large sums of money from his wards’ trust funds.

Despite al-Muhtadi’s failure to do so, Judge Mahmud Zghl again postponed his case, setting March 22 for him to reappear before Amman’s Al-Abdali Sharia Court for the final verdict in the case.

After yesterday’s hearing, the judge reportedly told the children’s mother that he would not delay the case any longer, saying, “Next week I will announce my decision.”

For the past seven months, al-Muhtadi has managed to delay lower court proceedings ordered by Jordan's Supreme Islamic Court to investigate whether he is a trustworthy guardian to handle either the finances or custody of the minor children of his sister, Siham Qandah.

After a November 9 hearing, the guardian created a disturbance outside the courtroom, claiming that Qandah was trying to kill him. Under this pretext, he sent word to the judge that he refused to come to the next hearing on November 23 because he "feared for his life."

As Qandah's estranged brother who converted to Islam as a teenager, al-Muhtadi launched legal proceedings in 1998 to gain personal custody of her daughter Rawan and son Fadi, ostensibly to raise them as Muslims. The children are now 16 and 15, respectively.

But in the current appeals case, Qandah testified that after her brother was certified as the children's legal guardian in 1994, he failed to forward their monthly orphan benefits regularly. She also charged that several years later, he misappropriated nearly \$17,000 from the children's U.N.-allocated trust funds, allegedly for lawyers' fees and a refrigerator he claimed to have bought for her and the children.

To cover his tracks, al-Muhtadi had obtained signed approvals for most of the withdrawals from highly placed Islamic court judges. He eventually produced receipts as evidence that he had paid his attorneys the designated amounts, although the charges represent 20 times the going rate in Jordan for a child custody case.

Qandah's appeals trial is her last lawsuit in a three-year battle since the Supreme Islamic Court ruled against her in February 2002, awarding full legal custody of her children to al-Muhtadi.

Since that time, she has gone into hiding several times to avoid arrest and the loss of her children, who are blacklisted from leaving Jordan.

Qandah was forced to find a Muslim guardian for her children after her husband died in 1994, while he was serving as a soldier in the U.N. Peacekeeping Forces in Kosovo. Local courts had produced an unsigned "conversion" certificate, claiming her husband had secretly converted to Islam three years before his death. Although her children were baptized Christians, Islamic law decreed that the document automatically made the "convert" father's children Muslims as well.

Non-Muslims are not allowed under Islamic law to control the financial affairs of Muslims, so Qandah had asked her brother to take on this court-appointed responsibility to receive and pass on their orphan benefits, never dreaming that he would turn against her and try to take custody of the children himself.

It was only after Qandah confirmed in the spring of 2003 that her brother had withdrawn nearly half of her children's U.N. trust funds that she came to believe that his motives were more mercenary than religious.

Despite assurances from King Abdullah II and other members of the Jordanian royal family who have pledged the children will not be taken away from their mother, the custody wrangle has yet to be resolved.

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