



MAPPING STONING IN MUSLIM CONTEXTS

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INTRODUCTION

Sexual relationships outside of marriage, along with same-sex relations regardless of marital status, are criminalized in most codified interpretations of Islamic law, or *Shari'a*. Any sexual relationship outside a legal marriage is considered a crime punishable according to the individual's relationship status: 100 lashes if unmarried and death by stoning if married. Over the past few decades, human rights and women's rights activists have worked hard to challenge this perspective and bring an end to such cruel and brutal punishments.

Execution by stoning¹ is still carried out in various parts of the Muslim world (either by state or non-state actors) as a punishment for *zina* (adultery and fornication), even though there is no direct reference to this form of punishment in the Quran.² According to the Shafii, Hanbali, Hanafi and Shia schools of Islamic jurisprudence, the proof required to convict an adulterer is so stringent³ that the smallest doubt or lack of evidence should prevent a stoning sentence from taking effect. Although several countries have codified laws on stoning, the punishment remains a point of disagreement between Islamic scholars.

Laws that rendered stoning as a legal punishment emerged with the revival of political Islam during the late 20th and early 21st centuries. However, stoning also occurs in contexts where there is no legal precedent for the practice. For example, in Iran, *zina* "crimes" and punishments are outlined in the Penal Code; in Afghanistan, on the other hand, stoning occurs extra-judicially – it is more of a "cultural" or "traditional" punishment that members of the community implement themselves. Although there are few documented instances of stoning, this form of punishment is still a serious threat to both women and men living in Muslim contexts.

This report identifies the countries where stoning is still in practice – either through judicial (codified as law) or extrajudicial (outside the law) methods – and describes some of the specific cases that have been publicized over the past decade. Each country study begins with a short introduction and at least one reference to an act of stoning (initial or final court verdict, practice or general consensus) where applicable. The cases will be presented in reverse chronological order, starting from the most recent and ending with the earliest. All the cases presented here were reported by human rights organizations and/or accredited news outlets. This report is part of a study on stoning commissioned by Justice for Iran in collaboration with the Violence is Not Our Culture⁴ Campaign.

¹ Stoning or lapidating refers to a method of execution in which a group of people throw stones or rocks at the condemned person until death. This sort of punishment also existed in Greek and Jewish traditions. For more information, see: Alasti, Sanaz. (2007).

² The Qur'an only prescribes flogging and exile as punishments for *zina*; the punishment of stoning is only based on the Sunna. Please see for a more detailed explanation: Mir-Hosseini (2010)

³ To prove adultery, four witnesses "must have seen the act in its most intimate details, i.e. the penetration (like 'a stick disappearing in a kohl container', as the *fiqh* books specify)". Bearman, P.J., Th. Bianquis, C.E. Bosworth, et. al. (1954-2005).

⁴ <http://www.stop-stoning.org>; <http://violenceisnotourculture.org>

INTRODUCTION

Gathering accounts of stoning in the Muslim world was a difficult process; and the pervasiveness of such accounts was beyond the author's expectations. According to the findings of this research, stoning still exists as a form of punishment in at least 14 countries. It has spread in either theory or practice, or both, in countries as diverse as Afghanistan, Indonesia (Aceh), Iran, Iraq, Malaysia, Mauritania, Nigeria (12 northern states), Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, the United Arab Emirates, and Yemen. Each of these countries is addressed here. It is hoped that this report will help support a call for global action against this severe human rights violation.

AFGHANISTAN

LEGAL BACKGROUND

Stoning is not included in Afghanistan's Penal Code. However, both before and while Afghanistan was under the control of the Taliban, stonings were carried out by non-state agents. Before the rule of Taliban (pre-1996), tribal elders and religious leaders controlled the main provinces of Afghanistan, were the main interpreters of *Shari'a*, and some treated adultery as a crime punishable by death, often in the form of death by stoning. It is important to note that, at this time (during the Afghan Civil War), no official penal code existed in Afghanistan⁵; thereby, stoning as a form of punishment was not state-sanctioned.⁶

After 1996, the Taliban officially recognized and practiced stoning as a form of punishment for specific crimes, such as adultery. After the U.S-led occupation of Afghanistan, stoning was abolished from the Taliban-introduced, *Shari'a*-based Penal Code. However, even after the overthrow of the Taliban in 2001, stoning still occasionally occurs in some of Afghanistan's rural provinces.⁷

Reports made available by Human Rights Watch in 2010 clearly show that there are still areas in Afghanistan where the Taliban continue to enforce a parallel judicial system.⁸ In these areas, sentences such as beatings, beheading, hanging, stoning and cutting off fingers/hands are still implemented.⁹

CASES

According to the US State Department's 2010 Human Rights Report on Afghanistan: "On August 15, the Taliban ordered a public execution by stoning in Kunduz Province, killing a young man and woman who had eloped."¹⁰ This was said to be the first Taliban execution by stoning since the fall of the group in 2001.¹¹ Afghan officials condemned this execution carried out by Taliban agents, and argued "there was ample provision in Afghan law for prosecuting someone if they were accused of adultery or other social crimes."¹² According to the Kunduz governor's spokesman, this verdict was issued based on the harsh and inhuman decisions made by Taliban forces, which is not in accordance with the national Constitution of Afghanistan.¹³

⁵ Afghanistan Legal Education Project (ALEP) (2009)

⁶ There was a penal code written in 1976 by President Daoud after his successful coup against the monarchy. However, these laws were not recognized throughout the Soviet era (1978-1989) and the successive Afghan Civil War (1989-1996). It was only in 2002 when the Bonn Agreement restored this Penal Code as the governing law of Afghanistan. For more information, please see: ALEP (2009)

⁷ Amnesty International (2011a)

⁸ Human Rights Watch (2010b)

⁹ Bureau of Democracy, Human Rights and Labor (2011)

¹⁰ p. 3. This execution took place in the local bazaar in Mullah Quli village, in Archi district, a remote corner of Kunduz Province close to Tajikistan.

¹¹ Amnesty International (2010)

¹² Norland, Rob (2010)

¹³ Ibid.

AFGHANISTAN

In April 2005, a 29 year-old woman named Amina was stoned to death for committing adultery in Uргу, a district of the north-eastern Badakhshan province. The man accused in this case was lashed approximately 80 times and then freed.¹⁴ The local courts are presided over by armed groups and hand down death sentences on very little evidence. The central judicial system has been unable to stop these local courts from making such decisions. The Taliban's harsh views and interpretation of *Shari'a* in the past decade still remain a serious threat.

In the Taliban controlled areas, there have also been cases of rape in which, due to lack of sufficient evidence for a rape conviction, the women plaintiffs were instead accused of adultery and sentenced to death.¹⁵ On 9 August 2010, a Taliban court found a woman guilty of having an "illicit affair" that left her pregnant.¹⁶ After having been kept in captivity for three days in a remote area of the north-western Badghis province, she was flogged 200 times and then shot in the head three times.

¹⁴ Amnesty International (2005)

¹⁵ "On February 27, Kunduz police arrested a man in connection with the alleged rape of two women in the northern district of Imam Saheb. The women alleged that they were raped in December 2009 by five members of a local militia. Although the women reported the case to the police five days later, police in Imam Saheb did not conduct a thorough investigation. After the case received national attention, the Ministry of Interior sent a team to Kunduz to investigate. Kunduz police then reopened the case and arrested a suspect, with warrants outstanding for others". Bureau of Democracy, Human Rights and Labor (2011), p. 38

¹⁶ Bureau of Democracy, Human Rights and Labor (2011), p. 2-3

LEGAL BACKGROUND

In the Aceh Province of Indonesia, stoning is a sanctioned form of punishment. In 2009, a law passed unanimously by lawmakers in the conservative province stipulated that adulterers should be stoned to death. Despite strong objections from both human rights activists and the province's deputy governor, this new controversial bill was passed into law.

Aceh had a history of Islamic insurgency, which ended in 2005. *Shari'a* law was partially introduced in this province in 2001 "as part of a government offer to pacify separatist rebels".¹⁷ However, it was not until 2009, with the passing of the new Qanun Jinayat (Muslim Criminal Code), that the punishment of stoning for adultery entered the law books. "The stoning law is the most recent, and most draconian law to be introduced since 2001, when Jakarta allowed Aceh to replace Indonesia's criminal code with Sharia, partly to appease hardliners in the province", the Sunday Times reported.¹⁸

At the time of adopting the new Qanun Jinayat, Aceh's Vice Governor, Muhamad Nazar, maintained that even though his office opposed the clause on stoning, he had no legal power to block it. "Whatever law is passed we have to enforce it," he said.¹⁹ Supporters of the stoning law in Aceh – such as Muslim Ibrahim, the head of Aceh's Ulema Council – have said that although it is unlikely that this law will ever be applied, it is necessary to deter people from violating their marriage vows.²⁰

In defence of this law, Moharriadi Syfari, one of the bill's key sponsors and also a member of Prosperous Justice Party stated:

I don't expect people in the West to understand this. This is the character of Acehnese people and also what we believe in Islam. We also do not understand why in America there is death by injection and in China execution by shooting. This is our belief. That when we implement our religion we will get blessings and our security will be guaranteed.²¹

Human rights activists and advocates were eventually successful in blocking the enforcement of this law. "(D)espite the political pressure, the (non-partisan) governor of Aceh firmly refused to sign the bill, thereby leaving it in a legal limbo where it still dwells, until it is either fully repealed or passed."²² Although there has been ongoing controversy since this law was adopted, no public execution has been carried out so far.²³

¹⁷ *BBC News* (2009b)

¹⁸ Barrowclough (2009)

¹⁹ *Kartini Asia* (2009)

²⁰ Hamann (2009b)

²¹ Hamann (2009a)

²² Mir Hosseini and Hamzić (2010), p. 67

²³ For more information on the condition of stoning law in Aceh, see: Mir Hosseini and Hamzić (2010)

LEGAL BACKGROUND

Stoning is a sanctioned form of punishment in Iran's Penal Code, and Iran has the highest rate of execution by this method in the world. The first documented case of execution by stoning for adultery in Iran is from 1980: two women were stoned to death in the city of Kerman. In July 1980, Azam Taleghani, a woman Member of Parliament, protested against the stonings; she published a statement in which she raised concerns about the emergence of this practice and its contravention to Islamic justice.²⁴ However, after over three decades, stoning is still prescribed and practiced as a legal punishment in Iran.

According to Article 102 of the Islamic Penal Code, "men shall be buried up to their waists and women up to their breasts for the execution".²⁵ Article 104 outlines the kind of stones to be used: "the stones used should not be large enough to kill the person by one or two strikes; nor should they be so small that they could not be defined as stones (pebbles)."²⁶ It is meant to be a slow and painful death; one of the harshest penalties a person could endure. Shockingly, however, this sentence is often issued not on the basis of testimony or confession, but instead on the judges "knowledge" or "intuition".²⁷ As proving adultery is very difficult, "(a)rticle 105 of the Islamic Penal Code allows a judge to exert discretion as it pertains to adultery, meaning that a judge can act on his own 'knowledge' (or 'gut feeling') instead of the evidence presented."²⁸

In December 2002, the Head of Iran's Judiciary, Ayatollah Shahroudi, succumbed to the pressure from human rights activists – who were in the midst of negotiations with the European Union – and imposed a moratorium on stoning. However, the law still remains in the country's Penal Code, and at least three cases of execution by stoning have been reported since then: Alireza Jamshidi, the Judiciary spokesman, confirmed that three men had been stoned to death in Mashhad in January 2009.²⁹

A non-governmental commission – the Fact Finding Commission on Stoning (FFCSI) – was formed in Iran in 2006 to investigate reported stoning cases.³⁰ Furthermore, in early February 2012, a new amendment to the Penal Code was approved by lawyers and clerics in charge of overseeing Parliamentary activity, and passed by the Majles (Iranian Parliament). This new Penal Code, it has been claimed, excludes the sentence of stoning from the law. However, this is not entirely accurate. As Shadi Sadr, Iranian human rights activist and lawyer has explained:

The details about the size of stones to be used in the implementation, i.e. wrapping the convicted person in a white shroud (*kafan*) and putting the male adulterer in the soil up his waist and a female up to her shoulders, are all gone. However, the word 'Stoning' (*Rajm*) has

²⁴ Taleghani (1980)

²⁵ Terman (2007), p.4

²⁶ Amnesty International (2007a)

²⁷ Sadr (2006)

²⁸ Greiff (2010), p.20

²⁹ The Stop Stoning Forever Campaign also claimed, at this time, that there were a further 10 people in prison awaiting execution by stoning. *Radio Zamaneh* (2009)

³⁰ To read more on this commission, see: <http://www.stopstoning.net/spip.php?article33>

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been mentioned at least twice in this new penal code, both amongst the procedural rules. According to article 172, denial after confession will not be accepted except for those crimes, which have brought either execution or stoning sentence. Article 198 is also about the numbers of witness statements (which have to be at least three males plus two females), which have to be obtained to issue the stoning sentence.

As long as adultery is a crime, judges have to sentence the defendants who are accused of committing adultery. As the punishment of adultery won't be found in the written laws, Article 221 of the new penal code obliges judges to ask the Supreme Leader to issue a religious order (*fatwa*). This in effect means that Ayatollah Khamenei, the Islamic Republic's Supreme Leader who has never issued a fatwa, neither about the punishment for adultery nor about any other criminal matters, is supposedly about to decide. ...

... (S)ince the Islamic Republic and its Supreme Leader are both unpredictable, we should not underestimate the Supreme Leader who can simply re-issue the same stoning *fatwa* and put everything back to the point zero.³¹

CASES

The most recent case of a stoning sentence garnering international attention is the 2010 case of Sakineh Ashtiani, who was found guilty of murdering her husband and having an illicit relationship with her accomplice. Sakineh had spent four years in Tabriz Prison prior to 2010, as a result of the original court verdict from September 2006 for taking part in her husband's murder. In 2006, she had recanted her confession to adultery in court, but the judicial authorities refused her claims. Iran's Supreme Court confirmed Sakineh's death sentence in May 2007; her appeal was denied.³²

Following continued attempts to commute her sentence, Ashtiani's lawyer, Mohammad Mostaefei, was himself harassed and prosecuted for defending his client. He was forced to flee the country – to Turkey and then Norway – as a result of pursuing this case. In August 2010, Sakineh's death by stoning sentence was converted to death by hanging. This change in verdict caused worldwide protest, as the method had been altered but the death sentence remained. On 8 September 2010, a spokesman for Iran's foreign ministry announced a stay of execution for Sakineh pending further investigation into her husband's murder. At the time of writing (August 2011), Sakineh remains in prison in Tabriz; however, according to human rights organizations and activists, she is still in grave danger and could be hanged at any moment or even stoned so long as the sentence has not been removed.³³

On 5 July 2007, Jafar Kiani was stoned to death in Agche-Kand, a small village near Takistan in Ghazvin. Kiani and his partner Mokarrameh Ebrahimi, with whom he had a child, had both been in prison for 11 years on charges of adultery. Despite the moratorium on stoning, the judge who sentenced Kiani "believed that the couple's marriage had not been legitimate

³¹ Sadr (2012)

³² Human Rights Watch (2010a)

³³ Amnesty International (2011b)

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based on his own gut-instinct of the case instead of hard evidence or confession.”³⁴ Mokarrameh Ebrahimi, however, who was also initially sentenced to death by stoning, was released – as a result of widespread campaigning by the Stop Stoning Forever Campaign – after a *fatwa* was issued by the Head of the Judiciary in March 2008.³⁵

In March 2007, reports surfaced of the attempts of Iranian human rights activists to stop the stoning of a thirty-five year-old woman called Shamameh (Malek) Ghorbani from Naghadeh, a province of West Azerbaijan in Iran. According to her lawyer, Mohammad Mostafaei, she was an “uneducated and simple woman who never intended to have a sexual affair with anyone. However, she confessed to her relationship with the victim, Morad, in order to save her husband and brother from a death sentence.”³⁶

In a letter to the court submitted by her lawyer during the first trial, Shamameh Ghorbani is quoted as saying:

Since I am a rural, illiterate woman and I didn’t know the law, I thought that if I confessed to a relationship with the dead man, I could clear my brothers and husband of intentional murder. I said these untrue words in court and then understood I had done myself an injury.³⁷

Shamameh’s verdict was changed to 100 lashes after being found guilty of adultery in a retrial in August 2008. According to Amnesty International’s report on Shamameh’s case, she was released from prison in Oroumiye, western Iran, where she had been held since 2005, but her sentence may still be implemented.³⁸

On 7 May 2006, Mahboubeh M. and Abbas H were stoned to death after being found guilty of adultery and the murder Mahboubeh’s husband. The couple was stoned in the central cemetery of Mashhad, *Behesht-e Reza*; local media were banned from covering the event. An Iranian journalist later published an account and, as a result, the Stop Stoning Forever Campaign was formed; its aim was to prevent further cases of stoning and, ultimately, to get stoning removed from the Iranian Penal Code. The Campaign included a number of women’s rights activists and members of the Network of Volunteer Lawyers.³⁹

In April 2002 a woman called Ashraf Kalhori was sentenced to stoning for having an affair with her neighbor; she was also sentenced to 15 years of imprisonment for allegedly taking part in the murder of her husband.⁴⁰ Her stoning sentence was overturned by direct order of the Head of Judiciary at the time. However, in August 2006, the sentence was reinstated by court verdict and she was told that she would be stoned within 15 days. Mrs. Kalhori’s lawyer, Shadi Sadr, maintained that “(w)hile the law remains unchanged, cases of stoning can

³⁴ Violence is Not Our Culture (2007a)

³⁵ Violence is Not Our Culture (2008c)

³⁶ *Iran Emrooz* (2007)

³⁷ Quoted in Amnesty International (2008b)

³⁸ *Ibid.*

³⁹ Terman (2007)

⁴⁰ Amnesty International (2006a)

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happen anywhere in the country despite Shahroudi's order because the head of the judiciary is not above the law.”⁴¹

In 2000, Hajieh Esmalivand was sentenced to death by stoning on a conviction of adultery. She spent nearly seven years in prison awaiting her execution. However, her death sentence was successfully overturned thanks to the unrelenting efforts of the Network of Volunteer Lawyers and the Stop Stoning Forever Campaign; her case was widely publicized after the 2002 moratorium.⁴²

⁴¹ McDowall (2006)

⁴² Meydaan (2006)

IRAQ

LEGAL BACKGROUND

Stoning as a form of capital punishment does not exist in Iraq's Penal Code. However, "(u)nder the Kurdish and Iraqi governments, power is ultimately ceded to the tribes, whose culture of honor killing is implicitly condoned. ... few perpetrators are punished either for murder or for aiding and abetting murder..."⁴³ According to the Iranian and Kurdish Women Organisation (IKWRO), in Iraq "dozens of girls and women are killed every month because the Kurdish government and politicians in power do not care about the lives and deaths of girls, perpetuating the culture of 'honour killings'."⁴⁴

Tribal Kurdish culture is shown by the reliance of many Kurds on komelayati, a structure run by elderly, religious, political and tribal representatives who hear disputes to achieve reconciliation (solih). As their structure suggests, they are deeply patriarchal and although they often resolve issues by financial solutions, they may also order women and minor girls into forced marriage and call for 'honour' killings to be carried out.⁴⁵

CASES

On 17 May 2008, Kurdistan Aziz, 16, was stoned to death in Sulaymaniya because she had escaped her family to marry a man they did not approve. As she was well aware of the potential consequences for her actions, Kurdistan had gone to both the police and the Kurdish Democratic Party (KDP) for help; her case had been handed over to the department in charge of ending domestic violence. Instead of protecting her, the department, after accepting a bribe from Kurdistan's father, handed her back to the family. Her relatives, who considered Kurdistan's actions to have brought shame upon them, stoned her to death.⁴⁶

Before her death, a local women's organization⁴⁷ had alerted the authorities in the Governate of Sulaymaniya, which was controlled by the Patriotic Union of Kurdistan (PUK). The PUK refused to intervene in, what they called, a 'tribal issue'. Instead of stepping in, the PUK put the onus on the women's organization to, risking their own safety, provide a photograph of Kurdistan. She was stoned on 17 May, her death the result of a corrupt system and her family's so-called "honor".⁴⁸

In April 2007, the news of a stoning case in Iraqi Kurdistan came under intense international scrutiny when the horrific images of Du'a Khalil Aswad's death were published in the media. The seventeen-year old Du'a, a member of the Yazidi minority, was stoned to death by a group of men – some of whom were her relatives – who believed that she was involved in a relationship with a Sunni man. Hundreds of people from her community witnessed Du'a's execution; reportedly, security officers were also present in the area but failed to intervene.⁴⁹ The crowd finally killed her by dropping a block on her face.

⁴³ Lasson (2008)

⁴⁴ (2008b)

⁴⁵ Iranian and Kurdish Women's Rights Organisation (2008a)

⁴⁶ Violence is Not Our Culture (2008a)

⁴⁷ Iranian and Kurdish Women's Rights Organisation (2008b)

⁴⁸ Ibid.

⁴⁹ Amnesty International (2006b)

LEGAL BACKGROUND

Stoning as a form of capital punishment is codified in the laws of some Malaysian states. In 2002, the state government of Terengganu approved a bill that brought Islamic criminal laws into the Terengganu legal system, which included death by stoning for adultery.⁵⁰ The bill was passed by the Parti Islam se-Malasia (PAS), which had 28 members in the assembly at the time. Prior to this, Kelantan – another state in Malaysia under the control of the PAS – had passed a similar bill in 1993. Adultery merits stoning to death under section 11 (1) of the Kelantan Shari'a Criminal Code (II) Enactment.⁵¹ However, these laws were never enforced due to the opposition of the federal government, which claimed they were unconstitutional.⁵²

It is pertinent to mention here that the *hudud* enactments are in contrast with the Federal Constitution, which is considered the supreme law of the federation.

(T)he Terengganu [and Kelantan] legislation to introduce *hudud* law is *state-level* legislation; in order for it to become effective law, it must be approved by the *federal* government. The federal government vehemently opposes PAS's version of *hudud* for all sorts of reasons; hence the situation is stalemated...⁵³

Although stoning is included in the *Shari'a* Criminal Codes of these two Malaysian states, due to the opposition of the federal government, the enactments could not be given effect as laws. Consequently, there have been no sentences of stoning delivered to anyone in Malaysia.

⁵⁰ Hefner (2005)

⁵¹ Yusoff (2001)

⁵² Hefner (2005)

⁵³ *ibid*: 255

MAURITANIA

LEGAL BACKGROUND

Mauritania's Penal Code prescribes public death by stoning for two 'offences': Article 308 states that "any adult Muslim man who commits an impudent act against nature with an individual of his sex will face the penalty of death by public stoning"⁵⁴; Article 307 stipulates death by stoning for the married adulterer of either sex.⁵⁵ *Shari'a* law became the basis for Mauritania's Penal Code in 1983, when these set of laws were codified. However, although stoning is laid out in the law, there have been no reports of any stoning taking place in this country.

⁵⁴ Quoted in United Nations General Assembly (2010), p. 3

⁵⁵ *Journal Officiel de la République Islamique de Mauritanie* (1984)

NIGERIA

LEGAL BACKGROUND

Between 1999 and 2001, twelve northern Nigerian states passed *Shari'a* Penal Codes in their Houses of Assembly, and execution by stoning was prescribed as a punishment for *zina*. Although stoning had never before been codified in Nigerian law, Nigeria's tripartite legal system – composed of civil law, Muslim law, and customary law – had been in existence since long before independence in 1960. After independence, Nigeria formally recognized the three systems of legal rights; of these, two (customary and Muslim laws) were restricted mainly to family issues and personal status matters.

In 1999, the Executive Governor of the northern state of Zamfara signed a bill that expanded Muslim laws, as recognized in Zamfara, to include criminal and penal aspects of *Shari'a*. Of the 36 states in Nigeria, eleven – Kano, Katsina, Niger, Bauchi, Borno, Kaduna, Gombe, Sokoto, Jigawa, Yobe, and Kebbi – followed the example of Zamfara and adopted *Shari'a* Penal Codes.⁵⁶ Stoning is the prescribed in all these states as the punishment for a married person who has an “illicit sexual affair”.

CASES

According to available research, there have been at least six cases (five women and one man, in different states) of stoning being the sentence for adultery convictions since the implementation of *Shari'a* law. However, “so far, every case has been won on appeal and the defendants acquitted in the state *Shari'a* Courts of Appeal. Therefore no sentences of stoning have been upheld or carried out.”⁵⁷ So, while stoning has been included in the penal codes of 12 states, it has never been practiced.

In January 2002, a case of stoning in Nigeria received worldwide attention: Amina Lawal, from Katsina state, was convicted of adultery and sentenced to death by stoning. The evidence for her conviction was confession, pregnancy and a child born out of wedlock. The alleged father swore in court that he had never had a sexual relationship with her and was acquitted. However, in March 2003, after several failed attempts, she successfully won her appeal thanks to a coalition of Nigerian women's and human rights organizations and her lawyers.

Amina was acquitted on the grounds that the “evidence” for her conviction was hopelessly flawed: she had retracted her confession, which is allowed by law, so it was inadmissible; and her pregnancy and child were not proof *zina* since Amina was a divorcee, so the doctrine of the ‘sleeping embryo’ applied.⁵⁸ As BAOBAB for Women's Human Rights, one organization heavily involved in Amina's case wrote:

Women who ought not to even have been charged, have been convicted of *zina* and sentenced to death, by ignoring the well- established Maliki doctrine of the “sleeping

⁵⁶ Terman and Fijabi (2010)

⁵⁷ Imam (2007)

⁵⁸ BAOBAB (2003)

NIGERIA

embryo" (*kwantacen ciki* in Hausa), whereby a child born to a woman within a set period after the end of her marriage (in some areas up to seven years), is assumed to be the child of that marriage.⁵⁹

Since Lawal's case was won in 2003, there have been no new prosecutions for *zina* in Nigeria. However, the *Shari'a* Penal Codes remain in force in all 12 states.

In 2001, Safiya Hussaini Tungar Tudu was sentenced to death by stoning in Sokoto state for bearing a child out of wedlock. She testified that she had been repeatedly raped by her neighbor, a married man, but she was still found guilty of adultery; he, however, was acquitted by the court due to the lack of evidence. With the help and support of human rights organizations in Nigeria and her lawyer, Hauwa Ibrahim, Safiya appealed her conviction on the grounds that the alleged act of adultery had taken place before the implementation of *Shari'a* law in Sokoto state. The *Shari'a* Penal Code was passed in Sokoto in June 2000, a month after her baby was conceived. After widespread international protests against her verdict, Safiya won her appeal on 25 March 2002 and the case was dismissed.⁶⁰

⁵⁹ *ibid.*, p.8

⁶⁰ Hussaini and Masto (2004)

PAKISTAN

LEGAL BACKGROUND

Shari'a law in Pakistan was implemented shortly after Genral Zia ul-Haq came into power in 1979 (Ordinance No. VII of 1979) and began to Islamize the legal system. Through this legal conversion, *hudood* offences were included in the law, which prescribed *hadd* sentences for certain offences. *Zina* was among these *hudood* crimes. Under these laws, for a married Muslim (*Muhsan*) the punishment of death by stoning was introduced for cases of *zina* and rape.⁶¹ Under national and international pressure from human and women's rights activists, the Pakistani government was forced to amend this ordinance.

In 2006, the Pakistani parliament passed the Protection of Women (Criminal Laws Amendment) Act⁶², which amended the Zina Ordinance of 1979 and removed rape from its ambit. One can only be charged with *zina* if four adult male Muslims witness the act and testify this before the court. The punishment of stoning for a married Muslim offender has been retained in law; however, to date, no such punishment has been carried out within the legal system.

CASES

Although stoning has never been carried out within the legal system, it has been practiced extra-judiciously in some of the tribal areas of Pakistan.⁶³ The most recent case of a stoning verdict in Pakistan was issued in 2010. In the north-west region, a tribal court convicted a couple of having an extramarital affair and sentenced them to death by stoning. The accused man escaped while the woman was kept in custody; the tribal leaders decided to carry out the verdicts once the man was found. As part of their tradition, the man's house was burned down.⁶⁴

In 2008, in a case that took the attention of human rights organizations and the media, a couple was stoned to death in the tribal areas of northern Pakistan. Militants in the Khwexai-Baezai region stoned Shano and Saulat Khan Malikdeenkhe to death after a Qazi court found them guilty of adultery.⁶⁵ This was the first case of stoning in the Federally Administrated Tribal Areas (FATA) in Pakistan. The couple was initially identified and captured in Nowshera by a militant group connected to the Taliban.⁶⁶

Another stoning incident happened in 2007 in the Shahbaz Garhi neighborhood in Pakistan's North-West Frontier Province. Believing she had engaged in an extramarital affair, the victim's father, brother and husband murdered her.⁶⁷

⁶¹ Knudsen (2004)

⁶² For a complete copy of the Protection of Women (Criminal Laws) Act 2006, see: <http://www.pakistani.org/pakistan/legislation/2006/wpb.html>

⁶³ Knudsen (2004)

⁶⁴ Shah (2010)

⁶⁵ Violence is Not Our Culture (2008b)

⁶⁶ Ibid.

⁶⁷ Violence is Not Our Culture (2007b)

QATAR

LEGAL BACKGROUND

According to the initial periodical report that Qatar submitted to the Committee Against Torture in May 2006, under the sub-section “corporal punishment and the death penalty”, most of the committee members raised concerns regarding the status of stoning in Qatar’s Penal Code.⁶⁸ Similar to the stipulation of corporal punishment for alcohol consumption, stoning and amputation are legal under this Code. However, to date, no stoning sentences have been pursued in this country.

Moreover, according to the 2005 report of The Global Initiative to End All Corporal Punishment of Children (GIEACPC), Qatar considers that

...corporal punishment is lawful as a sentence for crime and that under the Juveniles Act, flogging is prohibited for juveniles aged 15 years (article 19) but young persons aged 16 and 17 years are treated as adults and can be sentenced to flogging, stoning and amputation under the Criminal Code.⁶⁹

Based on GIEACPC’s report in 2006, the Committee against Torture recommended the removal of flogging and stoning from the Criminal Code. However, Qatar rejected these recommendations; both flogging and stoning remain legal punishments in the sultanate.⁷⁰

⁶⁸ Committee Against Torture (2006)

⁶⁹ Child Rights Information Network (2010)

⁷⁰ Brown (2010)

SAUDI ARABIA

LEGAL BACKGROUND

Saudi Arabia does not have a penal code; an appointed Shura council makes judicial decisions based on their interpretation of *Shari'a* law.

Saudi law divides punishments for criminal acts into three broad categories: (1) offenses against God carrying inalterable punishments prescribed by the Quran (*hadd*); (2) private rights to retribution connected with a criminal act (*qisas*); and (3) discretionary punishments (*ta'zir*) for all other criminal offenses.⁷¹

Adultery is considered an offence against God (*hudud*), and is included in Saudi Arabia's legislation. According to the Saudi interpretation of *Shari'a*, *hudud* is invoked in at least three instances: "for adulterers where the sentence is carried out by stoning, for apostasy, and for highway robbery when the offence results in loss of life, according to the majority of Islamic jurists."⁷²

According to Amnesty International, Saudi legislation includes at least two vaguely worded laws: "one relating to drug offences based on *Fatwa* (a religious edict) No. 138 issued by the Council of Senior Ulama and approved by the government in March 1987, and the other on sabotage and "corruption on earth" based on *Fatwa* No. 148 issued in August 1988."⁷³ As the latter law can be widely applied, a range of death penalties can be issued based on this edict:

Anyone proved to have carried out acts of sabotage and corruption on earth which undermines security by aggression against persons and private or public property such as the destruction of homes, mosques, schools, hospitals, factories, bridges, ammunition dumps, water storage tanks, resources of the treasury such as oil pipelines, the hijacking and blowing up of air planes, and so on...⁷⁴

The vague usage of the term sabotage, or "corruption on earth", allows for a broad range of interpretations, which may lead to the issuance of the death penalty without enough evidence to prove the offence.

In the 2001 Concluding Remarks on Saudi Arabia of the Committee on the Rights of the Child, concerns were raised about corporal punishments issued for people under 18-years-old and their condition during detention. This report maintained that corporal punishment could include "a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities."⁷⁵

The legal process in Saudi Arabia takes place behind closed doors, often without the presence of lawyers or any legal representatives. Amnesty International noted:

⁷¹ Human Rights Watch (2008), p.16

⁷² Amnesty International (2001), p. 2

⁷³ Ibid.

⁷⁴ Quoted in *ibid.*, p. 3

⁷⁵ Point 33

SAUDI ARABIA

The questioning focuses on the content of the confession, which is obtained by the police and then ratified by a judge prior to the trial. This may even be the same judge who hears the subsequent trial. The hearings can last between a matter of minutes and two hours, and verdicts can be delivered in one or two sessions. Those sentenced to death are not informed of their sentence, and the dossier of their case proceeds automatically to the Court of Cassation for review, and then to the Supreme Judicial Council for approval.⁷⁶

The King appoints the members of the Supreme Judicial Council; they have the right to interpret *Shari'a* and review all death penalty verdicts. In this system, defendants rarely benefit from the right of appeal. “(T)he convicted persons play no role in the process once they are sentenced, and they may not even know when the review process takes place, or in what form. Similarly, those sentenced to death may not be informed of their sentence until the very day of their execution.”⁷⁷

Beheading is a common method of execution in Saudi Arabia, even for those who incur a death sentence for an adultery conviction. However, despite the fact that stoning is not practiced in Saudi Arabia, it still remains in the legislation and could legally be issued as a punishment.

CASES

Although there are no accounts of public stoning over the past ten years, due in part to the alternative method of beheading, the prosecution of women for sexual “crimes” is still very common in Saudi Arabia, as are honor killings.⁷⁸

There are some recent accounts of stoning verdicts being issued by Saudi courts, which were overturned on appeal. In 2010, a married Filipino worker, Nena, was sentenced to stoning for committing adultery. She confessed before the court that she had an extramarital affair during her stay in Saudi; her husband still lived in the Philippines. However, the Ambassador-designate, Ezzedin Tago, was able to persuade the judge to reconsider his decision, and Nena was subsequently sentenced to three years imprisonment on appeal.⁷⁹

In 2009, two Sri Lankans (a woman and man) were sentenced to death by stoning after being found guilty of adultery. Jeddah Judiciary informed Sri Lanka’s Consul Office that the two would be stoned to death due to breaking the laws of the country. Their sentence was later reduced to 700 lashings and six years in prison.⁸⁰

⁷⁶ Amnesty International (2001), p. 6

⁷⁷ Ibid., p. 7

⁷⁸ Women are the main suspects in sexual cases in the Saudi judicial system, even if they are themselves victims. For instance, in 2007, a woman from Qatif was sentenced to 200 lashes and six months in prison after being gang-raped. In another account, in 2009, two girls, identified as Reem, 21, and Nouf, 19, were shot by their brother for “mixing with men” after they left a shelter on July 5.

⁷⁹ *InterAksyon* (2011)

⁸⁰ Silva (2009)

SAUDI ARABIA

In October 2009, a Saudi princess was granted asylum in Britain after claiming that she would face the death penalty in her home country due an extra marital affair, and the resulting child, with a British man. According to news agencies, after she gave birth to her child in Britain “she persuaded the court that if she returned to the Gulf state she and her child would be subject to capital punishment under Sharia law – specifically flogging and stoning to death. She was also worried about the possibility of an honour killing.”⁸¹

⁸¹ Verkaik (2009)

SOMALIA

LEGAL BACKGROUND

Somalia's central government was established in 1991, and the application of a national Penal Code began after this year. However, the enforcement of the Penal Code varies from one region to another. For instance, the northern area of Somalia, which declared its independence, does not apply the *Shari'a*-based Penal Code; in the southern areas, the judiciary is based on *Shari'a* law. In this region, homosexual relationships are considered a crime punishable by either the death penalty (including death stoning) or flogging.

Interestingly, homosexual relationships seem to carry more weight than adultery in many instances. The Somali Penal Code of 1964, Article 409, criminalizes homosexuality; it states that "(w)hoever has carnal intercourse with a person of the same sex shall be punished, where the act does not constitute a more serious crime, with imprisonment from three months to three years."⁸²

According to the death penalty database, in Somalia different methods of execution are in use – including beheading and stoning. However, this report states: "these sorts of verdicts have been extrajudicial executions by militias."⁸³ It is worth mentioning that, according to research conducted in 1997, harsh methods of execution – such as stoning – are supported not only by law but also by the general public. People believe that such consequences for these so-called crimes "brings safety to the streets."⁸⁴

CASES

Stoning happens more regularly in Somalia than in most other Muslim countries, primarily in the areas under the control of Islamist groups such as Al-Shabab and Hizbul Islam. In 2010, Hussein Ibrahim Mohammed, 48, was found guilty of incest with his niece Khadija Abukar. He was stoned to death in Afgoye, located about 20 miles from the capital Mogadishu, by the Hizbul Islam group.⁸⁵

In November 2009, a young woman, 20, was stoned to death in front 200 people. According to the judge, who was a member of the Al-Shabab, this woman (a divorcee) was guilty of having an affair with an unmarried 29-year-old man. The stoning occurred in a small village near the town of Wajid, north-west of Mogadishu. She was buried up to her waist and stoned to death in public.⁸⁶ In an earlier, unrelated incident, Abas Hussein Abdirahman, 33, was stoned to death in front of a crowd of some 300 people in the port town of Merka.⁸⁷

In October 2008, Aisha Ibrahim Duhulow, 13, was murdered in Kismayu after being found guilty of adultery. She was executed by a group of 50 men in a stadium; around 1000

⁸² Quoted in Nilsson, Annika, NIDS/MSL and RFSL (2011), p.1

⁸³ *Death Penalty Worldwide* (n.d.)

⁸⁴ Luling (1997)

⁸⁵ Hussein (2010)

⁸⁶ *BBC News* (2009a)

⁸⁷ *ibid.*

SOMALIA

spectators witnessed the act. Amnesty International reported that Aisha had been raped by three men, and had been accused of adultery when she tried to report the rape to the Al-Shabab militia, who were in control of the port-city. None of the accused were detained or punished.⁸⁸ The reports of her death were horrific.

Inside the stadium, militia members opened fire when some of the witnesses to the killing attempted to save her life, and shot dead a boy who was a bystander. ... At one point during the stoning, Amnesty International has been told by numerous eyewitnesses that nurses were instructed to check whether Aisha Ibrahim Duhulow was still alive when buried in the ground. They removed her from the ground, declared that she was, and she was replaced in the hole where she had been buried for the stoning to continue.⁸⁹

In February 2001, two women were sentenced to death by stoning for “exercising unnatural behavior” – i.e. engaging in a homosexual relationship. This sentence was issued by a court in the city of Bosaaso in Puntland, located in the north-east of Somalia. The story was initially published in the local newspaper *Qaran*, based in Mogadishu, which mentioned that the court “accused them of cultural perversion.”⁹⁰ Agence-France Presse later confirmed the report after collecting information from local contacts in Boosaaso. The names of the women were published as “Ishmahaan Awil” and “Farhia (last name unknown)”.⁹¹ This news was denied by the authorities in Somalia and called “false assertions”. However, the report of The International Gay and Lesbian Human Rights Commission (IGLHRC), stated that the “controversy surrounding this story may be an extension of that antagonism” and urged the immediate release of the two women.⁹²

⁸⁸ Amnesty International (2008a)

⁸⁹ Ibid.

⁹⁰ International Gay & Lesbian Human Rights Commission (2001)

⁹¹ Ibid.

⁹² Ibid.

SUDAN

LEGAL BACKGROUND

Stoning is included in the Sudanese Penal Code (1991) as a form of capital punishment for married men and women who are found guilty of engaging in sexual relationships outside marriage. Adulterers are charged under Article 146(a), which states that:

(W)hoever commits the offence of adultery shall be punished with: a) execution when the offender is married (*muhsen*); b) one hundred lashes when the offender is not married (non-*muhsen*); c) The male non-married offender may be punished, in addition to whipping, with expatriation for one year.⁹³

In Sudan, the president must approve death sentences before they are executed.

Shari'a law was imposed on a national level in Sudan after the military coup of 1989, which harkened in the rule of Omar al-Bashir, a member of National Islamic Congress Party (NCP). On 1 August 2010, the National Assembly called for the punishment of stoning to be introduced into Sudan's public order legislation.⁹⁴ As the Child Rights Information Network outlined:

(T)he Sudanese Parliament, on August 2010, called for the punishment of Zina including the stoning to death of adulterers or those accused of having extra-marital affairs, and the promotion of early marriages and polygamy. ... (F)logging and Zina punishments [are] in violations of Article 7 of the ICCPR, and that the encouragement of early marriages could amount to a violation of Sudan's obligations arising from the CRC.⁹⁵

CASES

In 2007, Amnesty International issued an alert on Sadia Idriss Fadul (22) and Amouna Abdallah Daldoum (23), two Sudanese women who were sentenced to death by stoning on 13 February and 6 March respectively. Both women hailed from the Darfur province and were members of ethnic minorities: Sadia from the Fur ethnic group and Amouna from the Tama tribe. Neither was able to lodge a proper defense, as they were denied access to both legal representation and interpreters⁹⁶ during their trials. Tim Hancock, Amnesty International's UK director, stated at the time:

Sadia and Amouna were subjected to most unfair trial proceedings where they were given no appropriate defence and as a result could face a tragic and cruel death. Such a penalty totally contravenes Sudan's obligations under the International Covenant on Civil and Political Rights and is unacceptable. ... The death penalty is the ultimate violation of the right to life and should be abolished in all circumstances. But it is particularly disturbing when we realise that these two women did not have a chance to adequately defend themselves.⁹⁷

⁹³ "Sudan: The Criminal Act 1991" (1994), p. 68

⁹⁴ Child Rights Information Network (2011)

⁹⁵ Ibid.

⁹⁶ Arabic, the official language of the court, was neither Fadul nor Amouna's first language

⁹⁷ Amnesty International (2007b)

SUDAN

Both women were charged under article 146(a) of Sudan's Penal Code. The injustice of this case is laid bare by the fact that Ms. Fadul's supposed accomplice was released after questioning due to lack of evidence against him.⁹⁸

In response to Amnesty's alert, the president of the Sudanese Bar Association, Fathi Khaleel, lashed out: "The law is very clear. There is no punishment of stoning here. This is a politically motivated step from Amnesty International. There is no sentence of stoning here in Sudan, at all. They know that. This is politically motivated."⁹⁹ He also stated that there is a lengthy appeals process that must be undergone before a death sentence is carried out.

In an earlier case in December 2001, Abok Alfa Akok (18) – a Christian from the Dinka tribe in Southern Darfur – was convicted of adultery and sentence to death by stoning by a local court in Nyala City.¹⁰⁰ Abok claimed that she had been coerced, but the court refused her claim; the man implicated in this case was released due to lack of evidence. Amnesty stated in their alert:

Abok Alfa Akok is a member of the largest ethnic group in Southern Sudan, the Dinka, whose religious beliefs are Christian or animist, and who speak Dinka or English. She is a non-Muslim Sudanese and therefore should not be subjected to penalties based on Islamic law, and that she had difficulty understanding the Arabic language used during her trial.¹⁰¹

⁹⁸ World Organisation Against Torture (2007)

⁹⁹ *Voice of America* (2007)

¹⁰⁰ Amnesty International (2002)

¹⁰¹ *ibid.*

LEGAL BACKGROUND

Article 1 of the Federal Penal Code of the United Arab Emirates (enacted 1987) states: “In crimes of doctrinal Punishment (*Hudud*), Retaliation (*Qisas*), and blood money (*Diyak*), the provisions of Islamic *Shari'a* shall be applied”.¹⁰² Although this penalty has not been carried out, adultery is still punishable by stoning as a *hadd* crime under Book 1, Article 1 of this Code.¹⁰³ Furthermore, Article 354 of the FPC, which is ambiguously phrased, also calls for the death penalty for sodomy: "Whoever commits rape on a female or sodomy with a male shall be punished by death".¹⁰⁴

CASES

Emirati courts rarely issue stoning sentences, but it has happened on a few occasions. In 2007, the Federal Supreme court upheld the stoning sentence handed down in Ajman to Abdul Aziz, who was convicted of having sexual relations with his four stepdaughters. The girls were sentenced to 80 lashes each, even though they had been forced by him to engage in these relationships.¹⁰⁵ It is not known whether Aziz’s sentence was ever carried out or whether he remains in prison.

In 2005, Abdul Rahman (a Bangladeshi national) was sentenced to death by stoning after being convicted of adultery by a *Shari'a* court in Fujairah. Asma Bikhram Bijam, Rahman’s accomplice, was sentenced to 100 lashes and one year in prison; her sentence was upheld on appeal. Rahman successfully appealed the court’s decision in 2006, and was instead sentenced one year in prison and deportation to his home country.¹⁰⁶

In 2000, a 29-year-old Indonesian woman, Kartini bint Karim, was convicted of adultery and sentenced to death sentence by stoning. Kartini was a domestic worker in the Emirates, and had claimed in court that she had been raped.¹⁰⁷ She appealed this sentence on the grounds that she did not have good command of the Arabic language and was originally put to trial without a lawyer. After the case was pursued by the Indonesian embassy, she won her appeal in the court and her sentence was reduced to one year in prison followed by deportation.¹⁰⁸

¹⁰² Al-Muhairi (1997), p. 1

¹⁰³ see Al-Muhairi (1997) for more information

¹⁰⁴ United Arab Emirates Ministry of Justice (1987)

¹⁰⁵ Al Jandaly (2007)

¹⁰⁶ Amnesty International (2006c)

¹⁰⁷ Mantilla (2000).

¹⁰⁸ Amnesty International (2000)

LEGAL BACKGROUND

Stoning is the prescribed punishment for adultery and homosexuality under Articles 263 and 264 of Yemen's Penal Code (enacted 1994). As Amnesty International outlined: "Currently, the PC [Penal Code] prescribes the death penalty under *Shari'a* law (Islamic Law) for murder (*Qisas*) and *Hudud* (divinely prescribed fixed offences and punishments), including for apostasy and adultery (where the punishment is death by stoning)"¹⁰⁹ Furthermore, Article 264 states: "Homosexuality between men is defined as penetration into the anus. Unmarried men shall be punished with 100 lashes of the whip or a maximum of one year of imprisonment, married men with death by stoning".¹¹⁰

CASES

In 2001, Layla Radman A'esh was sentenced to death by stoning after being found guilty of adultery with an unmarried man; he received 100 lashes. Both of these sentences were upheld on appeal in September 2001. However, Layla was released in May 2004 after being pardoned by the Supreme Court.¹¹¹

Further reports of stoning verdicts were very difficult to come by; however, Elham Manea claims that:

Several cases arose in 2006 and 2007 in which women of poor economic means were convicted of adultery and sentenced to death by stoning. Although these cases have since been successfully appealed, they suggest that such punishments are more than theoretical, particularly when it comes to impoverished women.¹¹²

Although no executions have been carried out, stoning is still a legitimate punishment under the Yemeni Penal Code, and impoverished women are the most likely victims.

¹⁰⁹ Amnesty International (2008c)

¹¹⁰ Quoted in Bruce-Jones and Itaborahy (2011), p. 45

¹¹¹ Amnesty International (2004)

¹¹² Manea (2010), p.11

CONCLUDING REMARKS

The main aim of this research was to outline that stoning is still in the laws and/or in practice in at least 14 countries. In those countries where stoning is the legal punishment for adultery, more action must be taken to remove the articles that call for this punishment. In countries where non-state actors practice stoning, more must be done to challenge arguments that declare this punishment as “culturally authentic”.

Adultery is very difficult to be proved based on the conditions stipulated in the *Shari'a*. However, these conditions are rarely enforced; most of the cases outlined here have shown that there is usually very little evidence to support adultery convictions (either in courts of law or in extra-judicial arenas). Furthermore, in judicial settings, the role of the judge is also essential. He has the ultimate power to enforce or reject a stoning sentence.

Over the past decade, human rights activists around the world have made numerous attempts to stop the implementation of stoning sentences. However, it continues to be a major concern in the realms of both law and practice. Immediate actions should be taken on both legal and practical levels. Attempts to ban stoning as a form of capital punishment in all of the 14 countries listed here could be a first step. This could be realized only after drafting a detailed, concrete proposal for each case on the basis of their cultural and regional differences and interests.

Furthermore, localized efforts alone are not enough, and do not exist in a vacuum; activists must also learn from the achievements of transnational human rights activists, who have brought prohibitions on honor crimes and female genital mutilation to the fore of international law. Stoning, like these other violations, is a severe form of violence against women (and men to a lesser extent), and must be recognized as such legally in the international arena.

BIBLIOGRAPHY

- Afghanistan Legal Education Project (ALEP). 2009. *An Introduction to the Criminal Law of Afghanistan*. Stanford Law School. <<http://alep.stanford.edu/wp-content/uploads/2011/02/ALEP-CRIMINAL-1ST-EDITION.pdf>>
- Alasti, Sanaz. 2007. "Comparative Study of Stoning Punishments in the Religions of Islam and Judaism". *Justice Policy Journal*. Vol. 4, No. 1, Spring.
- Amnesty International. 2010a. "Afghan couple stoned to death by Taleban". 16 August 2010 [online]. <<http://www.amnesty.org/en/news-and-updates/afghan-couple-stoned-death-taleban-2010-08-16>>
- . 2011. *Afghanistan ten years on: Slow progress and failed promises*. AI Index: ASA 11/006/2011. <<http://www.amnesty.org/en/library/asset/ASA11/006/2011/en/76e1959a-b38f-45d8-8a8b-5cfbd9af2b9a/asa110062011en.pdf>>.
- . 2005. *Afghanistan: Women still under Attack – A systematic failure to protect*. AI Index: ASA 11/007/2005. <<http://www.amnesty.org/en/library/asset/ASA11/007/2005/en/21078ed1-d4e7-11dd-8a23-d58a49c0d652/asa110072005en.pdf>>.
- . 2008a. "Child of 13 stoned to death in Somalia". 31 October 2008 [online]. <<http://www.amnesty.org/en/news-and-updates/news/child-of+-13-stoned-to-death-in-somalia-20081031>>
- . 2008b. "Document – Iran. Craintes de Flagellation. Shamaeh Ghorbani (F)". AI Index: MDE 13/113/2008. 12 August 2008 [online]. <<http://www.amnesty.org/fr/library/asset/MDE13/113/2008/fr/d3591c8a-69e6-11dd-8e5e-43ea85d15a69/mde131132008eng.html>>
- . 2007a. "Iran: Amnesty International Appeals Against Planned Executions by Stoning." 20 June 2007 [online]. <<http://www.amnesty.ie/content/iran-amnesty-international-appeals-against-planned-executions-stoning>>
- . 2006a. "Iran: Moth of four Ashraf Kalhori facing execution by stoning for adultery". 18 August 2006 [online]. <http://www.amnesty.org.uk/actions_details.asp?ActionID=153>
- . 2011b. "Iran: The life of Sakineh Mohammadi Ashtiani remains in the balance". 11 July 2011 [online]. <http://www.amnesty.org.uk/news_details.asp?NewsID=19570>
- . 2001. *Saudi Arabia: Defying world trends – Saudi Arabia's extensive use of capital punishment*. AI Index: MDE 23/015/2001. 1 November 2001 [online]. <<http://www.amnesty.org/en/library/asset/MDE23/015/2001/en/382926c0-f83c-11dd-a0a9-2bd73ca4d38a/mde230152001en.pdf>>
- . 2006b. "Stop 'honour killings' in Iraq". AI Index: MDE 14/031/2007. 6 June 2007 [online]. <<http://www.amnesty.org/en/library/asset/MDE14/031/2007/en/39587b56-ef2d-4e59-acc2-cbd052703e18/mde140312007en.pdf>>

BIBLIOGRAPHY

- . 2002. "Sudan: Imminent Executions/Cruel, Inhuman and Degrading Punishment". AI Index: AFR 54/001/2002. 8 January 2002 [online].
<<http://www.amnesty.org/en/library/asset/AFR54/001/2002/en/9e3e4eb5-fb03-11dd-9fca-0d1f97c98a21/afr540012002en.pdf>>
- . 2007b. "Sudan: Two women at risk of stoning after being convicted of adultery". 20 March 2007 [online]. <http://www.amnesty.org.uk/news_details.asp?NewsID=17304>
- . 2006c. "UAE: Further Information on Death by Stoning/Flogging". AI Index: MDE 25/006/2006. 3 July 2006 [online].
<<http://www.amnesty.org/en/library/asset/MDE25/006/2006/en/d868358f-d416-11dd-8743-d305bea2b2c7/mde250062006en.html>>
- . 2000. "United Arab Emirates: Further Information on Death Penalty by Stoning: Karteen Karikender". AI Index: MDE 25/003/2000. 24 April 2000 [online].
<<http://www.amnesty.org/en/library/info/MDE25/003/2000/en>>
- . 2008c. "Yemen: Amnesty International Submission to the UN Universal Periodic Review: Fifth Session of the UPR Working Group of the Human Rights Council, May 2009". 10 November 2008 [online].
<<http://www.amnesty.org/en/library/asset/MDE31/012/2008/en/28b002a7-b259-11dd-8634-af6d09acdcad/mde310122008en.html>>
- . 2004. "Yemen: Further Information on: Death by Stoning and Flogging". AI Index: MDE 31/004/2004. 6 September 2004 [online].
<<http://www.amnesty.org/en/library/asset/MDE31/004/2004/en/84d085c5-faac-11dd-b6c4-73b1aa157d32/mde310042004en.pdf>>
- Barrowclough, Anne. 2009. "Indonesian adulterers to be stoned to death". *Timesonline.co.uk*, 15 September 2009.
<<http://www.timesonline.co.uk/tol/news/world/asia/article6834658.ece>>
- BBC News*. 2009a. "Somali woman stoned for adultery". 18 November 2009 [online].
<<http://news.bbc.co.uk/1/hi/8366197.stm>>
- . 2009b. "Aceh passes adultery stoning law". 14 September 2009 [online].
<<http://news.bbc.co.uk/1/hi/8254631.stm>>
- Bearman, P.J., Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs et al (eds.). 1954-2005. *Encyclopædia of Islam*, 2nd Edition. Leiden: E. J. Brill.
- Brown, Roy. 2010. "Qatar rejects appeals to respect Human Rights". *International Humanist and Ethical Union*. 11 February 2010 [online]. <<http://www.iheu.org/qatar-rejects-appeals-respect-human-rights>>
- Bruce-Jones, Eddie and Itaborahy, Lucas Paoli. 2011. *State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults*. The International Lesbian, Gay, Bisexual, Trans and Intersex Association. 5 May 2011

BIBLIOGRAPHY

- [online].
<http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf>
- Bureau of Democracy, Human Rights and Labor. 2011. *2010 Human Rights Report: Afghanistan*. U.S. Department of State.
<<http://www.state.gov/documents/organization/160445.pdf>>.
- Committee Against Torture. 2006. "Qatar (Initial periodic report)". 1-16 May 2006 [online].
<http://olddoc.ishr.ch/hrm/tmb/treaty/cat/reports/cat_36/Qatar_CAT_36.pdf>
- Committee on the Rights of the Child. 2001. *Concluding observations of the Committee on the Rights of the Child: Saudi Arabia*. CRC/C/15/Add. 148. 22 February 2001 [online].
<<http://www.unhchr.ch/tbs/doc.nsf/0/83d5295595532530c12569ed00585df4?Opendocument>>
- Child Rights Information Network. 2010. "Qatar: Children's Rights References in the Universal Periodic Review". 8 February 2010 [online].
<<http://www.crin.org/resources/infodetail.asp?ID=21939>>
- . 2011. "Sudan: Child rights references in the Universal Periodic Review". 21 July 2011 [online]. <<http://www.crin.org/resources/infodetail.asp?id=25529>>
- Death Penalty Worldwide*. N.d. "Somalia". Information current as of 2010 [online].
<<http://www.deathpenaltyworldwide.org/countrySearchPost.cfm?country=Somalia>>
- Greiff, Shaina. 2010. *No Justice in Justifications: Violence against Women in the Name of Culture, Religion and Tradition*. London: Violence is Not Our Culture Campaign & Women Living Under Muslim Laws.
- Hamann, Katie. 2009a. "Fear and Confusion As Acehese Contemplate New Stoning Law". *Asia Calling*, 18 September 2009 [online].
<<http://www.asiacalling.org/bn/news/indonesia/1016-fear-and-confusion-as-acehese-comtemplate-new-stoning-law>>
- . 2009b. "Aceh's Sharia Law Still Controversial in Indonesia". *Voice of America*, 29 December 2009 [online]. <<http://www.voanews.com/english/news/Acehs-Sharia-Law-Still-Controversial-in-Indonesia-80257482.html>>
- Hefner, Robert. 2005. *Remaking Muslim politics: pluralism, contestation, democratization*. Princeton: Princeton University Press.
- Human Rights Watch. 2010a. "Iran: Prevent Woman's Execution for Adultery". July 7, 2010 [online]. <<http://www.hrw.org/en/news/2010/07/07/iran-prevent-woman-s-execution-adultery>>
- . 2008. *Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia*.
<http://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf>

BIBLIOGRAPHY

- . 2010b. *The “Ten-Dollar Talib” and Women’s Rights: Afghan Women and the Risks of Reintegration and Reconciliation*.
<<http://www.hrw.org/sites/default/files/reports/afghanistan0710webwcover.pdf>>.
- Hussaini, Safiya and Masto, Raffaele. 2004. *I, Safiya*. London: Macmillan.
- Hussein, Mohammed Omar. “Somalia: A man found in incest case stoned to death in Somalia”. *Somaliweyn.org*. 18 January 2010 [online].
<http://www.somaliweyn.org/pages/news/Jan_10/18Jan18.html>
- Imam, Ayesha. 2007. “Stopping Stoning Women in Nigeria: Half Way There?”. Launch of the Global Stop Killing and Stoning Women Campaign. Istanbul, 26 November 2007.
<http://www.wemc.com.hk/web/Dec_07/3_Ayesha%20Imam.ppt>
- InterAksyon*. 2011. “Filipina narrowly avoids death by stoning in Saudi”. *Interaksyon.com*. 13 June 2011 [online]. <<http://www.interaksyon.com/article/5605/filipino-adulteress-narrowly-avoids-death-by-stoning>>
- International Gay & Lesbian Human Rights Commission. 2001. “Somalia: Two Women Reportedly Sentenced to Death”. 4 March 2001 [online]. <<http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/700.html>>
- Iran Emrooz*. 2007. “Hope to Save Shamameh from Stoning: Mohammad Mostafai, Shamameh’s lawyer, Interviewed by Soheila Vahdati”. Translated by Negah. 22 May 2008 [online]. <<http://www.stopstoning.net/spip.php?article26>>
- Iranian and Kurdish Women’s Rights Organisation. 2008a. “Du’a Khalil: The price of her blood”. 14 July 2008 [online]. <<http://ikwro.org.uk/2008/07/14/dua-khalil-the-price-of-her-blood/>>
- . 2008b. “Kudistan Aziz: Another Victim of Stoning”. 6 June 2008 [online].
<http://www.ikwro.org.uk/index.php?option=com_content&task=view&id=298&Itemid=26>
- Al Jandaly, Bassma. 2007. “Court upholds stoning penalty against man”. *Gulfnews.com*. 13 April 2007 [online]. <<http://gulfnews.com/news/gulf/uae/crime/court-upholds-stoning-penalty-against-man-1.172231>>
- Journal Officiel de la République Islamique de Mauritanie*. 1984. “Ordonnance 83-162 du 09 juillet 1983 portant institution d’un Code Pénal”. Ordonnance n° 83.162, p.112-149. 29 February 1984 [online]. <<http://www.droit-afrique.com/images/textes/Mauritanie/Mauritanie%20-%20Code%20penal.pdf>>
- Kartini Asia. 2009. “Indonesia’s Aceh Passes Law on Stoning to Death”. 14 September 2009 [online]. <<http://www.kartinasia.org/news/37/indonesia-s-aceh-passes-law-on-stoning-to-death/>>

BIBLIOGRAPHY

- Knudsen, Are. 2004. "License to Kill: Honour killings in Pakistan". *CMI Working paper Series*, WP 2004: 1. Chr. Michelsen Institute. <<http://www.cmi.no/publications/2004/wp/wp2004-1.pdf>>
- Lasson, Kenneth. 2008. "Bloodstains on a "Code of Honor"". ExpressO. <http://works.bepress.com/kenneth_lasson/2>
- Lau, Martin. 2007. "Twenty-Five Years of Hudood Ordinances – A Review". *Washington and Lee Law Review*, vol. 64, iss. 4: 1291-1314.
- Luling, Virginia. 1997. "Come Back Somalia? Questioning a Collapsed". *Third World Quarterly*, Vol. 18, No. 2 (June 1997), pp. 287-302.
- Manea, Elham. *Women's Rights in the Middle East and North Africa 2010 – Yemen*. New York: Freedom House.
- Mantilla, Karla. 2000. "United Arab Emirates: Raped woman sentenced to death by stoning". *Off Our Backs*, vol. 30, iss. 5: 4.
- McDowall, Angus. 2006. "Iranian woman awaits stoning decision". *Independent.co.uk*, 3 August 2006 [online]. <<http://www.independent.co.uk/news/world/middle-east/iranian-woman-awaits-stoning-decision-410341.html>>
- Meydaan*. 2006. "Hajieh to be the First Saved from Stoning: Interview with Bahareh Davaloo (Hajieh's lawyer)". 18 November 2006 [online]. <<http://www.meydaan.net/english/ShowArticle.aspx?arid=88>>
- Mir-Hosseini, Ziba. 2010. *Criminalizing Sexuality: Zina Laws as Violence Against Women in Muslim Contexts*. London: Violence is Not Our Culture & Women Living Under Muslim Laws.
- and Vanja Hamzić. 2010. *Control and Sexuality: The Revival of Zina Laws in Muslim Contexts*. London: Women Living Under Muslim Laws.
- Al-Muhairi, Butti Sultan Butti Ali. 1997. "The Incompatibility of the Penal Code With Shari'a". *Arab Law Quarterly*, vol. 12, no. 3: 307-329.
- Nilsson, Annika, NIDS/MSC and RFSL. 2011. *HRBA and the Rights of LGBT Persons in Somalia*. SIDA. <www.msc.st/docs/HRBA-LGBT-Somalia-revised-2011-01-30.doc>
- Norland, Rob. 2010. "In Bold Display, Taliban Order Stoning Deaths". *Nytimes.com*, 16 August 2010 [online]. <<http://www.nytimes.com/2010/08/17/world/asia/17stoning.html>>
- Radio Zamaneh*. 2009. "Iran Confirms the News of the Stoning of Three Men". 19 January 2009 [online]. <http://zamaaneh.com/news/2009/01/post_7645.html>
- Sadr, Shadi. 2006. "The Revival of the Abandoned Law of Stoning". *Zanan*, Issue 134, August 2006.

BIBLIOGRAPHY

- . 2012. "Withdraw the Stoning, Islamic Republic Style". Justice for Iran (forthcoming).
- Shah, Saeed. "Pakistani couple face death by stoning threat after conviction for adultery". *Guardian.co.uk*, 18 July 2010 [online].
<<http://www.guardian.co.uk/world/2010/jul/18/couple-sentenced-pakistan>>
- Silva, Dianne. 2009. "Lashing instead of stoning for Lankan couple in Saudi". *Newslinka*, iss. 910. 14 May 2009.
<http://www.newslinka.net/design%20comp/images/Issues/Archive/Issue_910.pdf>
- "Sudan: The Criminal Act 1991". 1994. *Arab Law Quarterly*, vol. 9, no. 1: 32-80.
- Taleghani, Azam. 1980. "Eteraze Shadide Azam Taleghani be Sangsar Zanan dar Kerman". *Kayhan*, 19 July 1980.
- Terman, Rochelle and Fijabi, Mufuliat. 2010. *Stoning is Not Our Culture: A comparative Analysis of Human Rights and Religious Discourses in Iran and Nigeria*. London: Violence is Not Our Culture & Women Living Under Muslim Laws.
<http://www.wluml.org/sites/wluml.org/files/SKSW%20Policy%20Briefing%20Series%201_Stoning%20is%20not%20our%20Culture_Terman%20&%20Fijabi.pdf>
- Terman, Rochelle. 2007. *The Stop Stoning Forever Campaign: A Report*. London: Women Living Under Muslim Laws. <<http://www.wluml.org/node/7317>>
- United Arab Emirates Ministry of Justice. 1987. *Federal Penal Code*. n.d. [online].
<<http://www.elaws.gov.ae/EnLegislations.aspx>>
- United Nations General Assembly. 2010. *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1: Mauritania*. Human Rights Council Working Group on the Universal Periodic Review, Ninth Session. 10 August 2010.
<http://lib.ohchr.org/HRBodies/UPR/Documents/session9/MR/A_HRC_WG.6_9_MRT_3_E.pdf>
- Verkaik, Robert. 2009. "Saudi Arabia: 'Floggings and Stonings'". *Stonegate Institute*. 23 July 2009 [online]. <<http://www.stonegateinstitute.org/688/saudi-arabia-floggings-and-stonings>>
- Violence is Not Our Culture. 2007a. "Jafar Kiani". 5 July 2007 [online].
<<http://violenceisnotourculture.org/node/241/>>
- . 2008a. "Kurdistan Aziz". N.d. [online].
<<http://www.violenceisnotourculture.org/node/238>>
- . 2007b. "Name Unknown". 9 June 2007 [online].
<<http://violenceisnotourculture.org/node/244>>
- . 2008b. "Shano and Daulat Khan Malikdeenkhe". 2 April 2008 [online].
<<http://www.violenceisnotourculture.org/node/315>>

BIBLIOGRAPHY

- . 2008c. "UPDATE: Mokarrameh Ebrahimi released from prison!!". N.d. [online]. <<http://www.violenceisnotourculture.org/content/update-mokarrameh-ebrahimi-released-prison>>
- Voice of America*. 2007. "Rights Group Protests Stoning of Women in Sudan". 22 March 2007 [online]. <<http://www.voanews.com/english/news/a-13-2007-03-22-voa16.html>>
- World Organisation Against Torture. 2007. "Sudan: Sentencing to death by stoning of two women on adultery charges". 9 March 2007 [online]. <<http://www.omct.org/violence-against-women/urgent-interventions/sudan/2007/04/d18523/>>
- Yusoff, Mohammad Agus. 2001. "The Politics of Malaysian Federalism: The Case of Kelantan". *Jebat* 28: 1-24.