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## *Stoning*

*in*

*Iran, Somalia, Mali, Nigeria, Pakistan, Afghanistan & Sudan*

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# Stoning in Iran, Somalia, Mali, Nigeria, Pakistan, Afghanistan & Sudan

## Religious Roots

The practice of stoning is closely associated with religious laws and observances. In ancient societies, where religion established social and legal standards, stoning was seen as a divine punishment for crimes against not only mankind but against God. Stoning was also used to protect the religious, ethnic, and cultural identity and purity of the community and it is the reason why it was carried out by the entire community. Stoning appears to have been used as a method by which the group could collectively punish those who violated communal norms and threatened the established hierarchy.

As a legal punishment, stoning has been present in the Middle East since ancient times. It was a common form of tribal justice and was used in ancient Mesopotamian kingdoms. As early as 2500 BCE, Urukagina of Sumeria used stoning to punish polyandrous women.<sup>1</sup> Other legal codes, including the Law of Hammurabi, permitted stoning for theft and proscribed death for sexual offences.<sup>2</sup>

Two major religions, in particular Judaism and Islam, discuss this practice in their religious laws and texts.

### Stoning in Judaism

Anciently, the Law of Moses, as found in Jewish Scripture, sanctioned stoning as a means of execution.<sup>3</sup> It is specifically mentioned as punishment for eight different crimes: violation of Sabbath observance,<sup>4</sup> worshipping “strange” gods,<sup>5</sup> blasphemy,<sup>6</sup> sorcery or witchcraft,<sup>7</sup> sacrificing one’s own children to the god Molech,<sup>8</sup> being a stubborn or rebellious son,<sup>9</sup> a new bride lying about her virginity,<sup>10</sup> and fornicating with a betrothed woman.<sup>11</sup> It is recorded in the

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<sup>1</sup> Young, Walter. “Stoning and Hand-Amputation: the pre-Islamic origins of the *hadd* penalties for *zina* and *sariqa*.” Institute of Islamic Studies. McGill University, Montreal: September 2005, p. 121.

<sup>2</sup> *Ibid.*, 127, 128

<sup>3</sup> The Torah, or Pentateuch.

<sup>4</sup> Num. 15:32-36

<sup>5</sup> Deut. 17:2-7

<sup>6</sup> 1 Kings 21:1-16; Lev. 24:10-16, 23

<sup>7</sup> Lev. 20:27

<sup>8</sup> Lev. 20:2

<sup>9</sup> Deut. 21:18-21

<sup>10</sup> Deut. 22:13-21

<sup>11</sup> Deut. 22:23-27

New Testament that Jewish leaders tried on several occasions to stone Jesus Christ for blasphemy, and that at least one of his followers, Stephen, was indeed killed in this way.<sup>12</sup>

Stoning is often connected to periods of unrest. It was used by the masses to express anger and dissatisfaction. In these cases stoning is punishment for crimes or wrongs not enumerated by Moses in the law. In Exodus 17:4 Moses claims that the Israelites were ready to stone him for leading them into the desert. In Numbers 14, the Israelites want to stone two scouts who favor invading Canaan instead of returning to Egypt. Stoning also occurred during rebellions and times of excitement.<sup>13</sup>

With the exception of those cases found in the New Testament, stoning seems to have fallen into disuse by the time of Christ. Rabbinic law, developed between the 6<sup>th</sup> century BCE and the 5<sup>th</sup> century CE, had by that time established stricter criteria for stoning, to the point that it was almost impossible to carry it out. Additionally, it is widely held that the occupying Romans stripped the Jews of their powers to execute criminals. Those guilty of capital crimes under Judaic law were handed over to Roman authorities for further trial and were executed under Roman law.

Rabbinic law, codified somewhat in the Talmud, restricted the use of capital punishment, but it continued to allow stoning as a punishment for eighteen different crimes. The Talmud defines in more exact terms what crimes are punishable by stoning. Specific methods of execution were assigned to capital crimes. Many forms of adultery and fornication (but not all) were also punishable by stoning.

Rabbinic law discouraged capital punishment by making the law more precise. For example, the rabbis specified what acts constituted blasphemy or Sabbath violation and required more precise evidence in order to convict. In addition, the Talmud outlines the trial procedures, the requirements for valid judges, juries, witnesses, and admissible evidence. Conviction under Talmudic law is made more difficult while acquittal is made easier. Furthermore, the Talmud sets forth the procedure of execution, intended to make the execution as quick and painless as possible.

## **Stoning in Islam**

Historically, in Islam, stoning is the capital punishment for adultery and fornication, whether committed by a man or a woman. Though it is not mentioned by name in the Quran, it is most

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<sup>12</sup> Acts 7:56-59

<sup>13</sup> See 2 Chron. 10:16-18, Luke 20:6, and Acts 5:25-28.

often referenced in the *hadith*<sup>14</sup>, which are documents that contain the traditional acts and words of early Islam's leaders. While *hadith* do not have the same authority as the Quran, they are used by Islamists to establish legal precedence and to prove that Islam's founder, Mohammed, endorsed the practice. There is some debate as to whether he instituted stoning in his teachings or whether he was only upholding pre-Islamic practices.

When compared to its predecessors and contemporaries, it appears that Islamic law is not unique. It is suggested that, like Moses, the prophet Mohammed simply codified existing local practices and traditions.

## Stoning Today

### Iran

Iran has been a Muslim country since the middle of the 7<sup>th</sup> century. Shia Islam became the prevalent branch, with Sunni and other minorities existing in small enclaves. Modern Iran began in 1925 with the overthrow of the Qajar dynasty and the installation of Reza Shah Pahlavi as shah, or king. In 1978 a revolution backed by Islamic traditionalists overthrew the Shah and installed Ayatollah Khomeini as the leader of the Islamic Republic of Iran. The conservative Mahmoud Ahmadinejad was elected president in 2005 and again in 2009 amidst controversy.

Since 1983 stoning has been part of the Iranian penal code as punishment for adultery (*see Fig. 1 in annex*).<sup>15</sup> In 2002 a moratorium on stoning was put into place. However, this gesture was merely seen as symbolic. In 2009 the US State Department and Amnesty International reported that the moratorium “had no legal weight and could be ignored.”<sup>16</sup>

A new penal code drafted in 2007 contained a provision allowing for the suspension of the stoning punishment in individual cases, but this new draft was never signed into law. Iran contends that stoning is an effective deterrent to adultery, protecting Iranian families and society. Additionally, stoning is viewed by the authorities as method of punishment rather than execution, since the Penal Code grants clemency to those who manage to escape or survive the

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<sup>14</sup> A few examples include Sahim Bukhari, Vol. 7, Bk. 63, No. 195; Sunan Abu Dahud, Bk, 38, no. 4426; Sahim Bukari Vol. 4, Bk. 56, No. 829.

<sup>15</sup> Amnesty International has documented 77 stonings since 1979, but estimates the actual total to be much higher. See Amnesty International. “Iran: Executions by Stoning.” Dec 2010. p. 2.  
<http://www.amnesty.org/en/library/asset/MDE13/095/2010/en/968814e1-f48e-43ea-bee3-462d153fb5af/mde130952010en.pdf>

<sup>16</sup> United States. Department of State. *2009 Human Rights Report : Iran*  
<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136068.htm>; “Iran: Executions by Stoning,” p. 2.

stoning. One Iranian official claimed that 50% of stoning victims survive.<sup>17</sup>

Today, Iran continues to be one of the leading nations in executions. Amnesty International reports that in 2010 more than 250 people were officially executed, while indicating that an additional 300 “unacknowledged” executions may have taken place.<sup>18</sup> While none of the official executions were attributed to stoning, 15 people were on death row under stoning sentences.<sup>19</sup>

### *Current cases in Iran*

One particular case attracted much international media attention. In May 2006 Sakineh Mohammadi Ashtiani was convicted of adultery and conspiracy to murder. Ashtiani was sentenced to death by stoning for adultery and to death by hanging for her role in the murder of her husband; however, the hanging was commuted to a 5-year jail sentence. As of 2011, Ashtiani was still sitting on death row.

Ashtiani’s case highlights a controversial aspect of Iran’s judicial process, that of “the knowledge of the judge.” This provision allows judges to make decisions based on personal opinion rather than evidence. In her initial trial three of the five judges condemned Ashtiani based on “the knowledge of the judge.”<sup>20</sup>

Sakineh Mohammadi Ashtiani was only one of several known people who is currently facing execution by stoning. A list of the names of many others accused of adultery who face death by stoning is published by Amnesty International and the website [Iranian.com](http://Iranian.com).<sup>21,22</sup> Due to the difficulty of obtaining such information, very little is known about the accused. In some cases, only a name is revealed.

#### *Kobra Babayi,*

Babayi is the mother of a 13 year old daughter. Her husband was executed in 2009 for adultery.

#### *Azar Bagheri (19 years old).*

Bagheri was tried at the age of 15 following complaints from her husband.

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<sup>17</sup> Report of the Secretary-General. *The Situation of Human Rights in the Islamic Republic of Iran*. UN General Assembly. 15 Sept. 2011. P. 8

<sup>18</sup> “Iran: Executions by Stoning.” P. 2

<sup>19</sup> Amnesty International. “Annual Report 2011: Iran.” 2011. <http://www.amnesty.org/en/region/iran/report-2011#section-64-13>

<sup>20</sup> “Iran: Executions by Stoning.” P. 4

<sup>21</sup> “Iran: Executions by Stoning.”

<sup>22</sup> Vahdati, Soheila. “Crushed under stones: Long list of those awaiting execution by stoning.” Iranian.com. 17 Jul 2010. <http://www.iranian.com/main/2010/jul/crushed-under-stones>

*Maryam Ghorbanzadeh* (25 years old)

Tried in September 2009 for adultery, Ghorbanzadeh was sentenced to death by stoning a year later, but in the same ruling this sentence was commuted to death by hanging.

*Sarymeh Ebadi* (31 years old)

Ebadi's stoning sentence was upheld in August 2010 by the Appeals Court in West Azerbaijan. As of 2011, the case was still under review by West Azerbaijan's Provincial Criminal Court.<sup>23</sup>

*Iran Eskandari* (31 years old)

After being married by force to her cousin, Eskandari started a relationship with a neighbour via mail and phone chats. One day, her husband caught them talking and beat her severely. Her neighbour came back to help her and killed the husband with a knife. She was first sentenced in March 2005 to five year's imprisonment for being an accomplice to murder and to death by stoning for adultery. The Iranian Supreme Court upheld this ruling, but to date the execution has not been carried out. If she avoids government execution it is possible, due to traditional Iranian culture, that she may be killed by relatives.

*Kheyriyeh Valania* (42 years old)

A victim of domestic abuse, Valania was engaged in an extramarital affair and confessed four times to adultery. Valania's lover killed her husband and was convicted as an accomplice to murder. She was sentenced to death by stoning for adultery in April 2002.

*Ashraf Kalhori* (41 years old)

Sentenced to death by stoning, Kalhori's sentence has been stayed indefinitely. She says she was forced by police to confess to adultery, a confession which she later retracted.

*M. Kh.*

Convicted in 2008.

*Hasheminasab*

No information other than her name is available.

*BouAli Janfeshani* (33 years old)

Janfeshani has been charged to death by stoning for committing adultery with Sarymeh Ebadi. His stoning sentence was upheld in August 2010 in the West Azerbaijan Appeals

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<sup>23</sup> *Situation of Human Rights in the Islamic Republic of Iran*. P. 8

Court and is currently under review by the Provincial Criminal Court.<sup>24</sup>

*Mohammad-Ali Navid-Khamamy*

Navid-Khamamy was sentenced to death in 2008.

*Seyyed-Naqi Ahmadi*

Ahmadi was accused of adultery with a woman named Puran. She was acquitted of the adultery charge because her husband was “not accessible” at the time of the affair. In Iran, adultery can be pardoned if a spouse is absent frequently or for long periods of time.

It is likely that many unreported cases have taken place. In addition to the cruel and unusual punishment of stoning, many of the Iranians convicted suffered other legal abuses such as lack of representation and forced confessions.

## **Somalia**

Somalia is a large country situated on the eastern coast of the Horn of Africa, bordered by Ethiopia to the west, Kenya to the south, Djibouti to the north, and the Gulf of Aden and the Arabian Peninsula on the east.

Islam was introduced to Somalia by Arabian traders in the 7<sup>th</sup> century and was strengthened by Muslims immigrants fleeing unrest in Arabia. Muslim kingdoms in this area of Africa remained in power until the conquests of European colonizers.

Italy colonized the central and southern regions in the late 19<sup>th</sup> Century while the northern region fell under British rule after World War II. The regions united in 1960 but succumbed to civil war beginning in 1991. The former British Somaliland of the north seceded, followed by the northeastern Puntland region in 1998. Both regions are currently autonomous and enjoy relative peace and security.

The central and southern regions, however, including the capital of Mogadishu, have been struggling against Islamist militias since 2006. These militias have gained control of large portions of the country where they have assumed governing and judicial authority. The major militias – *al-Shabaab*, *Hizbul Islam*, and *Ahlu sunna Waljam'a*<sup>25</sup> – follow a strict interpretation of Islam and impose sharia law on the areas they control. Human Rights Watch stated that *al-Shabaab* rules the region with a “draconian interpretation which goes well beyond its traditional application in Somalia. Many of the measures used by the *al-Shabaab* and justified in the name

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<sup>24</sup> *The Situation of Human Rights in the Islamic Republic of Iran*. P. 8.

<sup>25</sup> Arabic for “The Youth,” “Islamic Party,” and “The Majority,” respectively.

of sharia contravene regional and international human rights standards.”<sup>26</sup> The militias punish adultery with stoning and have carried out several sentences.

### *Cases of stoning in Somalia*

In Somalia, stoning as a capital punishment was first documented by Amnesty International in a report published in 1995 stating that an “informal” sharia court executed five women by stoning for adultery in 1993 in the northern region of Somaliland.<sup>27</sup> Stoning surfaced again in 2008 in the southern part of the country that is controlled by the radical Islamist groups *al-Shabaab* and *Hizbul Islam*. Amnesty International reported that *al-Shabaab* courts seem to be “quasi-judicial bodies charged with dispensing ‘justice’ in *al-Shabaab* controlled areas.”<sup>28</sup>

Since 2008 there have been few reported cases of stoning, though it is likely that others have taken place unreported. Stoning and other capital punishments, such as the beheading of Christian converts,<sup>29</sup> as well as corporal punishments such as amputations, lashings, and floggings coincide with the heavy presence and control by extremist Islamist groups.

There have been at least five documented cases of stoning in Somalia in the past decade, including:

#### *Asha Ibrahim Duhulow (13 years old)*

In October 2008 members of *al-Shabaab* in Kismayo stoned to death 13-year-old girl Asha Ibrahim Duhulow, claiming that she was in her twenties and had committed “adultery.”<sup>30</sup> The girl reported to the local police station that she had been raped by three men. The men were arrested but Asha was called to the police station and accused of adultery. BBC News reported that “numerous eye-witnesses say she was forced into a hole, buried up to her chest, then pelted with stones until she died in front of more than 1,000 people.”<sup>31</sup>

#### *Abbas Hussein Abdirahman*

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<sup>26</sup> “Harsh War, Harsh Peace.” Human Rights Watch. 19 Apr. 2010. P. 7

<http://www.hrw.org/en/node/89644/section/7>

<sup>27</sup> “Somalia: Building human rights in the disintegrated state.” Amnesty International. Nov. 1995. P. 8

<http://www.amnesty.org/en/library/asset/AFR52/003/1995/en/acfd9b27-eb2d-11dd-92ac-295bdf97101f/afr520031995en.pdf>

<sup>28</sup> “Somalia: Unlawful killings and torture demonstrate Al Shabaab’s contempt for the lives of civilians.” Amnesty International. Public statement 24 November 2009 p. 1

<http://www.amnesty.org/en/library/asset/AFR52/009/2009/en/86fedf74-9191-4c74-97ca-e9a5cb204404/afr520092009en.pdf>

<sup>29</sup> Houreld, Katherine. “Somali Islamist Insurgents Behead 7 People.” Huffington Post. 10 Jul. 2009.

[http://www.huffingtonpost.com/2009/07/10/somali-islamist-insurgent\\_n\\_229279.html](http://www.huffingtonpost.com/2009/07/10/somali-islamist-insurgent_n_229279.html)

<sup>30</sup> “Somalia: Unlawful killing and torture demonstrate Al Shabaab’s contempt for the lives of civilians.” pp. 1-2

<sup>31</sup> “Stoning victim ‘begged for mercy.’” BBC News. 4 November 2008. <http://news.bbc.co.uk/2/hi/7708169.stm>

Abbas was accused of having an affair with an unmarried woman while he still was married.<sup>32</sup> He was stoned to death in the town of Merka, just south of Mogadishu by *al-Shabaab* in November 2009. His girlfriend, who was pregnant, was sentenced to stoning as well, despite not being married. Her execution was postponed until after she had delivered and nursed the baby.<sup>33</sup> The woman's current status and name are unknown.

*Halima Ibrahim Abdirahman* (29 years old)

Halima was stoned to death in November 2009 by *al-Shabaab* after confessing to adultery with an unmarried man in the village of El Bon.<sup>34</sup>

*Mohammed Abukar Ibrahim*

Mohammed was found guilty of adultery and stoned to death in Afgoye, near Mogadishu, by the radical *Hizbul Islam* in December 2009.<sup>35</sup>

*Hussein Ibrahim Mohammed* – January 2010, carried out by *al-Shabaab*

Hussein, 26 years old, was accused of sexual offence by his niece and victim, Khadija Abukar in Barawa, south of Mogadishu.<sup>36</sup> The incident was reported to the local *al-Shabaab* leadership by the victim Khadija after she realized that she was pregnant. He was stoned to death in January 2010. The whereabouts of Khadija are currently unknown.

## **Mali**

An unwed couple who allegedly had sex outside marriage have been stoned to death by Islamists in July 2012 in the town of Aguelhok in northern Mali.<sup>37</sup>

The man and woman were buried up to their necks, then pelted with stones until they died. The woman fainted after the first few blows. The man shouted out once and then fell silent.

They were stoned to death in front of about 200 people.

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<sup>32</sup> "Somali adulterer stoned to death." BBC News. 6 Nov. 2009. <http://news.bbc.co.uk/2/hi/africa/8347216.stm>

<sup>33</sup> Ibid

<sup>34</sup> Stone, Michael J. "Al-Shabab stoning men, women, children in Somalia." Portland Examiner. 21 Nov. 2009. [http://docs.newsbank.com.adam2.byui.edu/openurl?ctx\\_ver=z39.88-2004&rft\\_id=info:sid/iw.newsbank.com:AWNB:PEOR&rft\\_val\\_format=info:ofi/fmt:kev:mtx:ctx&rft\\_dat=134237892CBC6480&svc\\_dat=InfoWeb:aggregated5&req\\_dat=0D8783B6C31C79B5](http://docs.newsbank.com.adam2.byui.edu/openurl?ctx_ver=z39.88-2004&rft_id=info:sid/iw.newsbank.com:AWNB:PEOR&rft_val_format=info:ofi/fmt:kev:mtx:ctx&rft_dat=134237892CBC6480&svc_dat=InfoWeb:aggregated5&req_dat=0D8783B6C31C79B5)

<sup>35</sup> "Somalia – Another Death By Stoning." ABigMessage.com 19 Dec. 2009. <http://www.abigmessage.com/somalia-another-death-by-stoning.html>

<sup>36</sup> Hussein, Mohammed Omar. "Somalia: A man found in incest case stoned to death in Somalia." Somaliweyn Media Center. 18 Jan. 2010. [http://www.somaliweyn.org/pages/news/Jan\\_10/18Jan18.html](http://www.somaliweyn.org/pages/news/Jan_10/18Jan18.html) and Abokar, Shafi'i Mohyiddin. "Man Stoned To Death For Adultery in Somalia." News Blaze. 17 Jan. 2010. <http://newsblaze.com/story/20100117235526shaf.nb/topstory.html>

<sup>37</sup> BBC 30 July 2012. See <http://www.bbc.co.uk/news/world-africa-19053442>

A Tuareg rebellion in northern Mali triggered a military coup in March 2012 and in the ensuing chaos Islamist groups seized control of several towns in the north. The northern half of Mali has been overrun by rebels - Tuareg and Islamist - following a coup in Mali's capital.

## **Nigeria**

Islam arrived in what is now Nigeria in 1493 when it was conquered by Muslim invaders led by Askia Muhammead Ture. The following centuries saw the rise and fall of numerous Muslim states in the area.

European powers and Christian missionaries gained influence in Nigeria and in 1861 Britain created its first colony there. By 1905 most of Nigeria, including the Muslim population in the north, was under British control.<sup>38</sup> The northern region was ruled indirectly and allowed to practice both Islam and sharia law; however, stoning was not permitted under British rule.<sup>39</sup> In the ensuing decades religious tension sparked conflict and undermined Nigerian nationalism.

Since 2000, 12 of Nigeria's 37 states have been governed on the basis of sharia law and accordingly all of these states have the power to pass sentences, including stoning.<sup>40</sup> In these states, death by stoning is a likely sentence in cases of adultery or other sexual offences, such as homosexuality. Sentences of stoning are usually appealed and many accused persons win their appeals.<sup>41</sup>

### ***Recent Cases Concerning Stoning***

#### *Amina Lawal*

Accused of adultery in 2002, Lawal was acquitted amidst intense international coverage.<sup>42</sup>

#### *Famal Umar Tori (45 years old)*

Tori was convicted of adultery and incest with his step-daughter in 2004 and sentenced to death by stoning.<sup>43</sup>

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<sup>38</sup> Falola, Toyin. *History of Nigeria*. Greenwood Press: Westport, CT, USA, 09/1999. P. 54

<sup>39</sup> Kenny, Joseph. "Sharia and Christianity in Nigeria: Islam and a 'Secular' State." *Journal of Religion in Africa*, Vol. 26, Fasc. 4. Nov. 1996, pp. 340-342. <http://www.jstor.org/stable/1581837>

<sup>40</sup> The 12 states are all located in the northern part of the nation and have Muslim majorities. The states are: Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara.

<sup>41</sup> Bach D., *Application et implication de la charia : fin de partie au Nigeria*, Le Seuil, *Pouvoirs*, 2003

<sup>42</sup> For an extensive report of this trial, see Terman, Rochelle and Mufuliati Fijabi, "Stoning is Not Our Culture: A Comparative Analysis of Human Rights and Religious Discourse in Iran and Nigeria," March 2010: *Women Living Under Muslim Laws*, pp. 31-33.

<sup>43</sup> "Nigerian man faces stoning death." BBC News 7 January 2004. <http://news.bbc.co.uk/2/hi/africa/3373131.stm>

*Ade Debo* (24 years old)

Debo was sentenced to death by stoning in 2007 for rape.<sup>44</sup>

Though stoning is currently permitted in the states governed by sharia it is rarely carried out legally. From 2000-2007, over a dozen people have been sentenced to stoning but none have been legally executed in this manner. According to the 2010 US State Department Human Rights Report, the lengthy appeals process is the leading cause for overturned sentences. It states that though stoning has not been deemed unconstitutional, “courts consistently overturned stoning...sentences on procedural or evidentiary grounds.”<sup>45</sup>

## **Pakistan**

Under British rule, sharia and stoning were banned. However, after Pakistan was created as an Islamic republic in 1956, sharia and the death penalty were reintroduced. Hanging is the usual form of execution. There have been a few cases in which women have been sentenced to be stoned to death but none has been carried out. However, there have been cases of extrajudicial stoning, most commonly in areas under Taliban influence or rule on the border of Afghanistan. Stoning incidents include:

*Zafran Bibi*

Charged with adultery in 2000, Bibi had her sentence of stoning suspended in 2002.<sup>46</sup>

*Unnamed Couple*

A couple, accused of adultery, were hunted and stoned to death by the Taliban in 2008.<sup>47</sup>

*Unnamed Woman*

An unidentified woman was stoned to death in the Orakzai region in July 2010.<sup>48</sup>

*Unnamed Woman*

A woman was stoned and shot as part of an “honor” killing by her husband and local villagers in the Buner district in June 2011.<sup>49</sup>

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<sup>44</sup> “Sharia stoning for Nigerian Man.” BBC News 17 May 2007. <http://news.bbc.co.uk/2/hi/africa/6666673.stm>

<sup>45</sup> United States. Department of State. *2010 Human Rights Report: Nigeria* p. 12-13.

<sup>46</sup> “Pakistan defers stoning sentence.” BBC News 6 May 2002. [http://news.bbc.co.uk/2/hi/south\\_asia/1971273.stm](http://news.bbc.co.uk/2/hi/south_asia/1971273.stm)

<sup>47</sup> “Taliban ‘stoned couple to death.’” BBC News 2 Apr. 2008. [http://news.bbc.co.uk/2/hi/south\\_asia/7327248.stm](http://news.bbc.co.uk/2/hi/south_asia/7327248.stm)

<sup>48</sup> Wilkins, Charlotte. “Disturbing pictures show Taliban militants allegedly stoning woman to death in Pakistan.” Mail Online. 27 Sept. 2010. <http://www.dailymail.co.uk/news/article-1315408/Taliban-militants-allegedly-stoning-woman-death-Pakistan.html>

<sup>49</sup> “Woman stoned, shot dead in the name of ‘honour.’” Dawn.com. 22 Jun. 2011. <http://www.dawn.com/2011/06/22/woman-stoned-shot-dead.html>

## **Afghanistan**

Under the Taliban regime from 1996 to 2001, though stoning was not common it did occasionally occur as a punishment for adultery. The legal basis was sharia law. The US-led occupation of 2001 ended stoning as a legal and official court ruling but it still occurs extra judicially in areas under Taliban influence.

Some documented cases are:

*Turyalai* (38 years old) and *Nurbibi* (40 years old)

This adulterous couple was stoned in Kandahar under the direction of Taliban in August 1996.<sup>50</sup>

*Unnamed Woman*

A young woman stoned for adultery in Laghman province on 30 March 1997.<sup>51</sup>

*Unnamed Woman*

A mother of seven was stoned for adultery in Mazar-e-Sharif on 2 May 2000.<sup>52</sup>

*Amina* (29 years old)

Amina was stoned for adultery in remote Badakhshan province by her husband and village.<sup>53</sup>

In August 2010, a stoning sentence garnered international attention. A young couple was stoned to death for eloping in Kunduz province.<sup>54</sup> Abdul Qayuum (28) and an unnamed woman (23) were publicly executed by hundreds of men. According to witnesses, the Taliban force locals to witness and participate in public stonings. A BBC News report gives the testimony of one of the witnesses to the event:

“The Taliban asked the villagers to attend the stoning through an announcement on loudspeakers in the mosque[.]

‘There was a big crowd of people... [t]he Taliban made the women wear black clothes and the men were made to stand. The Taliban started throwing stones. We were also

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<sup>50</sup> Burns, John F. “Stoning of Afghan Adulterers: Some Go to Take Part, Others Just to Watch.” *New York Times*. 3 Nov 1996. Pp 1.18

<sup>51</sup> “Woman in Afghanistan Is Stoned to Death.” *New York Times*. 30 Mar 1997. P. 1.4

<sup>52</sup> “Afghan Death by Stoning.” *New York Times*. 2 May 2002. P. A4

<sup>53</sup> “Wife ‘stoned.’” *The Herald Sun*. Melbourne, Australia. 25 Apr 2005.

<sup>54</sup> United States. Department of State. *2010 Human Rights Report: Afghanistan*. p. 3

asked to throw stones. After a while, the Taliban left. The woman was dead but the man was still alive.

‘Some Taliban then came and shot him three times. The Taliban warned villagers if anyone does anything un-Islamic, this will be their fate.’<sup>55</sup>

According to the 2010 US Human Rights report, stonings take place in Afghanistan’s rural areas where authorities lack legal expertise or are outside of government control. These areas resort to a judge’s understanding of sharia law and local custom.<sup>56</sup>

## Sudan

Sharia law has been practiced in Sudan since 1989. Article 146 of the 1991 Penal Code provides capital punishment by stoning for married men and women who are found guilty of engaging in sexual relationships outside marriage.<sup>57</sup> The president must approve all death sentences before they are carried out.

In 2002 the Sudan Supreme Court overturned a stoning sentence for a woman convicted of adultery.<sup>58</sup> In 2007 two women were appealing their stoning sentences.<sup>59</sup>

On 1 August 2010, the Sudanese Parliament called for the punishment of stoning to death to adulterers or those accused of having extra-marital affairs<sup>60</sup>. However, the Sudanese delegation during the Universal Period Review (UPR) of Sudan by the UN Human Rights Council in 2011 stated that the death penalty was practiced in the most restricted manner and imposed for the most serious crimes and it is associated with the right to practice religion as guaranteed by international human rights treaties. They also claimed that there are strict legal safeguards in trials of cases punishable by the death penalty<sup>61</sup>.

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<sup>55</sup> “Taliban ‘kill adulterous Afghan couple.’” BBC News. 16 Aug. 2010. <http://www.bbc.co.uk/news/world-south-asia-10983494>

<sup>56</sup> *2010 Human Rights Report: Afghanistan*, p 13.

<sup>57</sup> Article 149 of the 1991 Criminal Code defined rape with reference to adultery, noting that this created confusion over evidentiary requirements for a prosecution, and that women are put at risk of facing prosecution for adultery where rape cannot not be proved.

<sup>58</sup> “Sudan: Woman sentenced to death by stoning.” Women Living Under Muslim Laws. 17 Jan 2002. <http://www.wluml.org/node/690>

<sup>59</sup> “Sudan: Two women sentenced to death by stoning on charges of adultery.” Women Living Under Muslim Laws. 3 Sept. 2007. <http://www.wluml.org/node/3514>

<sup>60</sup> Summary prepared by the Office of the High Commissioner for Human Rights: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/113/93/PDF/G1111393.pdf?OpenElement>.

<sup>61</sup> <sup>131</sup> See Report of the Sudan Human Rights Council Working Group on the Universal Periodic Review, A/HRC/18/16: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/146/04/PDF/G1114604.pdf?OpenElement>.

### ***The case of Intisar Sharif Abdallah (2012)***

On 22 April 2012, Intisar Sharif Abdallah was sentenced by Judge Sami Ibrahim Shabo at Ombada criminal court in Omdurman on charges of adultery, under article 146A of Sudan's criminal code.

Intisar was accused of having a relationship and becoming pregnant by a man who was not her husband. She was found guilty after an admission of guilt following torture and brutal beatings by her brother who instigated the case. According to reports, Intisar did not have access to a lawyer during her trial, and her accused lover remains un-convicted and walks free.

Intisar, who has three children, is being detained with her newborn baby. She is suffering from psychological distress and does not fully understand the nature of her sentence. In addition, she has a limited knowledge of Arabic and was denied a translator in court, an Amnesty International report stated. It was first reported that she is a minor but latest reports from civil society groups in Sudan confirmed her age as 20.

Sudanese women's groups view the sentencing of Intisar as a demonstration of the scale of discrimination against women and girls in the country: It is incredulous that the man with whom she has been accused is able to walk free showing explicitly the strong anti-woman sentiment and harsh management of family disputes that exists within both the Sudanese judicial system and in society.

### ***The case of Ms L.I.E.***

On 10 July 2012, Judge Imad Shamoun sitting at Al Nasir Criminal Court in Khartoum sentenced a 23 year old woman to death by stoning for adultery (Zina) under Article 146 of the Sudanese Penal Code 1991.

Ms. L.I.E (case number 1222), who resides in Alizba area of Khartoum Bahri and is from the Misseriya tribe, pleaded guilty to the charges of adultery. She did not have any legal representation during the trial, in violation of Sudanese law.

Under Article 135(3) of the Sudanese Criminal Procedure Code 1991, a defendant is entitled to legal representation in any criminal case that carries a punishment of 10 years or more imprisonment, amputation or death. Ms. L.I.E, who has reportedly been living apart from her husband for one and a half years, was sentenced under Article 146(1) (a) of the Sudanese Penal Code, which carries a punishment of execution by stoning for a defendant who is “muhsan”, meaning having a valid and persisting marriage at the time of the commission of adultery.

## **Other countries**

In several nations, stoning is still a culturally or legally permitted punishment. The following is a brief review of countries commonly associated with the practice of stoning.

In **Indonesia**, the legislature of Aceh province passed a law in 2009 punishing adultery with stoning. The law was vetoed by the provincial governor.<sup>62</sup>

**Saudi Arabia**, among the world's top executioners, uses sharia law as a penal code. Though stoning is legal, the majority of executions are hangings or beheadings. In the last 35 years, two stoning cases gained international attention, both involving members of the Saudi royal family. In 1977, a 19-year old princess was executed for committing adultery, and in 2009 another princess was awarded asylum in the UK when she feared death by stoning for adultery if she were to return to Saudi Arabia.<sup>63</sup>

In **Mauritania**, the sharia applies and according to the penal code from 1983 (Part II, chapter 1, section 4, Article 308), any adult Muslim caught engaging in an "unnatural act" with a member of the same sex is punishable with the death sentence by public stoning. In the past 15 years there has been no case of execution reported in the international media.

## ***Human Rights Without Frontiers recommends***

**to the governments of Iran, Somalia, Nigeria, Pakistan, Saudi Arabia, Sudan and Mauritania**

- to abolish stoning in law and in practice;
- to prosecute those who are responsible for extrajudicial stoning;
- to abolish the death penalty.

**To the government of Afghanistan**

- to prosecute those who are responsible for extrajudicial stoning;
- to abolish the death penalty.

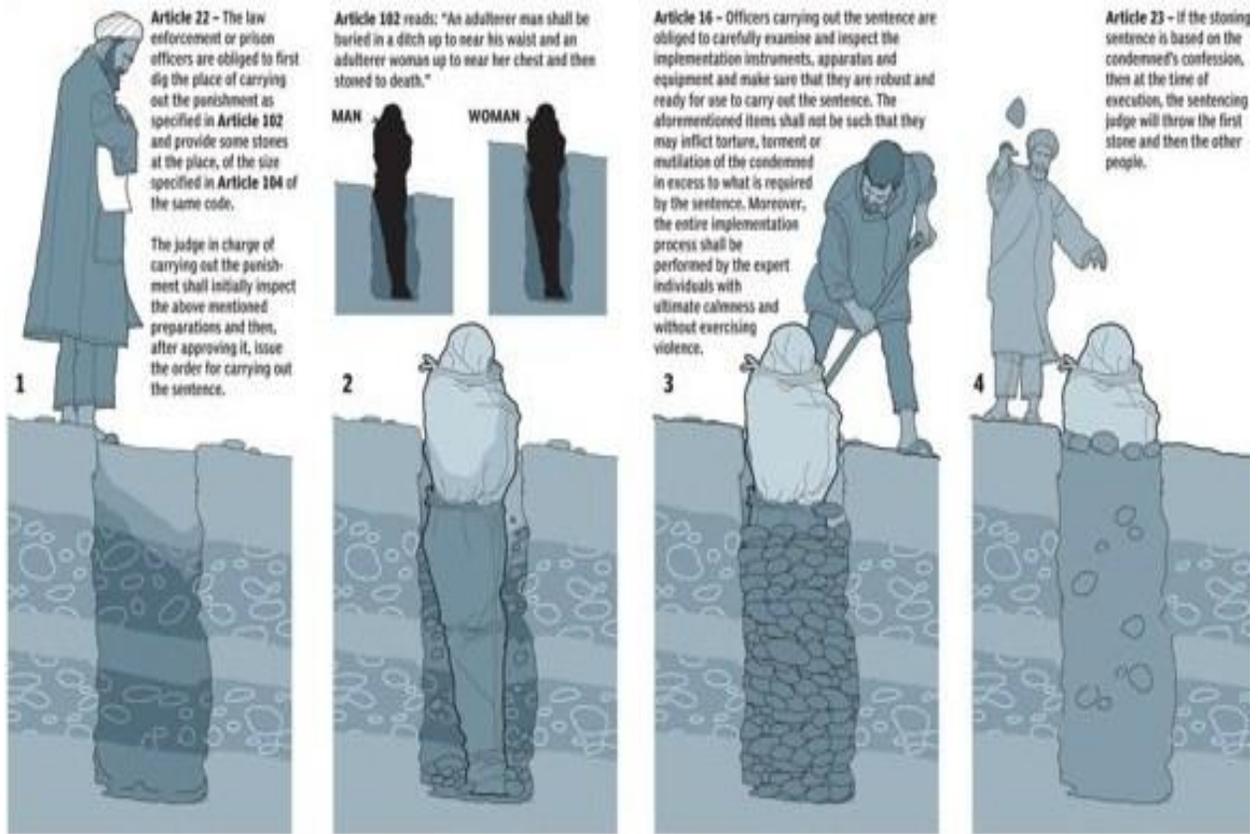
**to the international community**

- to urge the governments of these countries to put an end to this inhuman form of execution and to abolish the death penalty.

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<sup>62</sup> Simanjuntak, Hotli. "Aceh govt refuses to sign stoning bylaw." The Jakarta Post. 18 Sept. 2009. <http://www.thejakartapost.com/news/2009/09/18/aceh-govt-refuses-sign-stoning-bylaw.html>

<sup>63</sup> "Saudi princess 'given UK asylum.'" BBC News. 20 Jul 2009. [http://news.bbc.co.uk/2/hi/uk\\_news/8158576.stm](http://news.bbc.co.uk/2/hi/uk_news/8158576.stm)



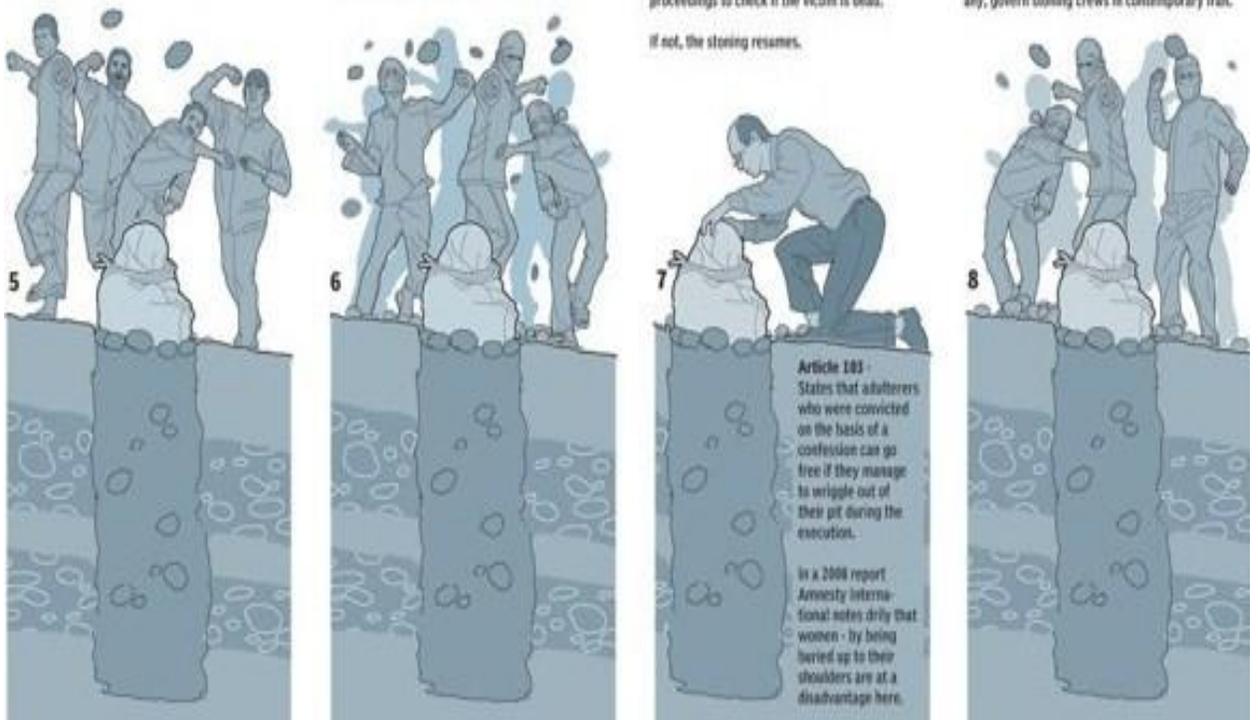
**THE DAY OF THE STONING**

**Article 23** - if the condemnation is based on the testimonies of witnesses, then first the witnesses will throw stones, then the judge and then other people.

Iranian law originally intended for stoning to be conducted out in the open, with community participation - the law even mandates that the proceedings be recorded and then shared via newspapers and other media outlets.

Stonings can reportedly take anywhere from 20 minutes to two hours. According to the international Committee Against Stoning, the doctor recruited to oversee the execution (often against his will) will periodically stop proceedings to check if the victim is dead.

Observers believe that since 2006, stone-throwers have tended to be recruited from volunteer paramilitary groups. Human rights activists assume adult men comprise the bulk of stone-throwers, but it is not known what age or gender restrictions, if any, govern stoning crews in contemporary Iran.



**Figure 1-** This drawing shows the stoning procedure as dictated in the Iranian Penal Code.