Honour Killings

URSULA SMARTT*

The Scope and Dimensions of the Problem

The United Nations Population Fund estimates that 5,000 women are killed in the name of honour each year, mainly in the Middle East and Asia. It is impossible to know the exact statistics and how widespread honour crimes are around the world. One of the main reasons is that reportings to the police are rare and sporadic, with widespread family cover up, including those by mothers or women from the community. The few reported cases of honour killings in Europe have been amongst Muslim or migrant Muslim communities. The problem arises particularly amongst women within Asian, Turkish or Kurdish communities living in the West who increasingly face pressure over honour, repeatedly used in forced marriages. The results are cases of abduction where young women simply disappear but are never reported as missing.

What are Honour Killings?

Amnesty International has dealt with this topic for some time, and defines honour killing as usually committed by male family members against a female relative, when they believe she has brought shame on the family.[1] In Muslim traditions, family honour is defined as an entire social behavioural code imposed on women for the purpose of enforcing their inferiority and preserving male supremacy. Although the number of women killed in the name of "honour" remains largely hidden from Western European official statistics, anecdotal and media reports indicate an annual rise in such killings. Honour crimes punish women who have taken on their own decisions in "Western" style when they are supposed to obey their family elders and the male generation. It is the fact that female victims are not only abused by their prospective partners, but are isolated and punished by the whole community, and prohibited from meeting other people and friends. We are therefore not aware of the strategies that these women employ in order to combat family abuse or the steps they have taken to become independent from their abusers. Many go into hiding or adopt new identities.

Crimes of honour comprise complex and brutal reactions within families largely of Asian and Middle Eastern background (eg, Pakistani; Indian; Jordanian, Turkish, etc), resulting in forms of killing or seriously harming women and/or their boyfriends, who have harmed or soiled the girl's *ghairat* (family honour). A woman can be targeted by her family for a variety of reasons including, refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce – even from an abusive husband – or committing adultery. The mere perception that a woman has acted in a manner to bring "dishonour" to the family is sufficient to trigger an attack. Honour killings can also target those who choose as boyfriends, lovers or spouses members of another religious or ethnic group other than the family's own.

This then leads us to the question: are today's Muslim women, living in Western societies regarded as "equal" within their family? As we increasingly learn of honour killings in the media, law enforcement agencies and the criminal courts are forced to address how Muslim women are subjected to customary norms and values at home, and how honour killings are practiced in order to wipe away the shame the woman may have brought on her family by committing adultery or transgressing familial norms and customs. Male control within marriage and sexual relations is crucial and women who wish to challenge such customs are often killed or are even made to pay compensation to the injured party.

Are Honour Crimes a Form of Domestic Violence?

In most domestic violence cases, women experience abuse by husbands or partners; though there are increases in women physically abusing men or elderly relatives. Domestic violence is commonly described as a form of emotional and/or psychological abuse often over many years. There is now largely a community awareness in Western civilizations regarding domestic violence and its consequences. One commonality that links domestic violence with honour crimes is the fact that cultural values coexist within the norms of a new society that the female victims are living in. In male dominated Muslim societies living in the West, there appears to be a common cultural expectation of silent endurance from the woman. Marital conflicts or pre-nuptial relationships are seen as intensely private family matters, where the family perceives that the woman has brought shame and dishonour on the entire family when she adopts "Western" style behaviours and feelings.

Increasingly, victims of domestic violence are encouraged by the police and prosecution agencies all over Europe to come forward and report their abuse. Education and public awareness programmes abound in respect of domestic violence. Not so with honour killings. Such incidences remain under-reported and largely under-investigated. Can we therefore explain or even justify honour crimes as

* JP, MA, MPhil is Magistrate in Ealing, West London. She is a Senior Lecturer at Law and Criminology at Thames Valley University, London.

1. Amnesty International. 1998." Pakistan: No Progress on Women's Rights", September 1998, AI Index: ASA 33/13/98.

merely a religious issue? Not really. Central to the notion of honour killing is the idea that death can expunge a stain, especially if accomplished quickly.

One of the main factors that distinguish honour crimes from customary domestic violence is that female family members or community female elders often play a substantial part in either instigating or covering up such crimes. Herein lies the main difference between honour crimes and "normal" domestic violence: honour killings often involve the collective decision of the whole family, including mothers or senior community females. Mothers or aunts, for instance, condone and even encourage honour crimes; they have reportedly turned a blind eye to honour killings or tortures. Families then give their permission for the use of domestic violence on their daughters, because women are thought of as a collective and not an individual. Honour killings address a deeper issue than domestic violence whereby Muslim families who come to Western countries are unprepared for the changed cultural environment, and young people, especially women, have real problems trying to cope with the clash of two cultures. Marriages within Asian families to cousins are still the norm, and women who go out with or even marry non-Muslim men are viewed with disapproval in the community.

Honour Crimes and the Law

The concept of honour crimes is a complex legal issue. Defendants in Western criminal courts tend to justify their acts in form of customary norms and moral conformity (of the woman). They seek mitigation on the grounds that the murder was committed as a consequence of the need to defend or protect the honour of the family. The doctrine of *habeas corpus* certainly does not exist in Islamist societies; therefore, a woman's right to liberty is not guaranteed. Honour crimes do not specifically feature in criminal legislation of countries that sanction or tolerate such crimes (eg, Pakistan, Jordan or Turkey). Sharia law does not specifically mention honour killing and Islam does not support the death penalty for misconduct related to honour. Yet, Sharia law prescribes severe punishments for *zina* (extramarital sex) where certain cultures (eg, Northern Nigeria) still recommend that premarital sex should be punished by up to 100 lashes, and adultery is penalized with lethal stoning – in itself not considered as "honour killing". Islamic courts tend to deal rather leniently with bail applications.

Pakistani courts, for instance, tend to find "extenuating circumstances" in honour killings, setting the threshold on provocation as very low.[2] Usually, the defence of provocation succeeds, and defendants are acquitted if they can prove that the woman in question brought an "assault on a family member's manhood". In December 2004, Pakistan's Senate approved a Bill which was to strengthen the law against honour killings. The Bill proposed that the death penalty was to be the maximum punishment for crimes in which victims are killed if judged to have brought dishonour on the family. Zobaida Jalal, Pakistan's only woman cabinet minister at the time, stated that the Bill would not go far enough to protect female victims and the defence of provocation would remain where the woman was perceived to blemish her family's tribal honour.

The Jordanian Penal Code specifically accepts that the "purifying" of a wrong to a tribe is necessary.[33] Honour killings rarely reach the courts and if they do, sentences average six months (usually involving the brother or father of the victim). In spite of Jordan's Queen Rania's campaign against honour crimes in her country, the Jordanian Parliament overwhelmingly rejected proposed legislation to outlaw honour killings in October 2004.[44] This was the second time that harsher punishment legislation had been proposed, but conservative Islamists once again opposed the Bill, stating that the proposed new legislation would "encourage vice and destroy social order".

Until June 2005, local Turkish Judges had the power to hand down reduced sentences to a small number of honour killers who were caught. However, since the introduction of a new Turkish Penal Code, designed to conform to EU law, honour killings have been recategorized as murder with a life sentence attached.[5]

The main problem for law enforcement agencies and legislators in Western jurisdictions, where honour killings occur, is that their criminal law requires the punishment of the perpetrator. The offenders on the other hand, seek a defence and mitigation in their cultural tradition. This leaves Western European law enforcement agencies largely ignorant of dealing with the problem occurring on their territories. Whilst Muslim-dominated states condone honour killings, such crimes fall within the criminal codes governing homicide or serious offences against the person (eg, grievous bodily harm with intent under s.18 Offences Against the Person Act 1861).

Honour Killings in the UK

There have been 12 reported honour killings in the UK since 2000, but to date, only a few perpetrators have been prosecuted. In 2003, London's Metropolitan Police set up a specialist task force unit to investigate honour killings. We have learnt that British police forces are now reinvestigating some 109 cases of women who either disappeared or were said to have committed suicide, and estimate that there might be one honour crime per month. The cases mostly concern young British citizens who have been brought up

2. Section 300(1) of the Pakistani Penal Code of 1990 reads: "Culpable homicide is to murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation."

3. Honour killings are permitted under Jordanian Law (Arts. 98; 340); such killings are commonly carried out by a brother or father of the victim.

4. In August 2004, the Upper House, the Jordanian Senate, had upheld both Bills, after they were rejected by the Lower House. In October 2004, both Bills were rejected. Only an intervention by the Jordanian monarch, King Abdullah, would ensure such a law to come into effect now.

5. According to the Turkish Criminal Code, the punishment for first-degree murder is 24 years. If murder is committed by a family member, the punishment may be life imprisonment without parole. Honour crimes are permitted the defence of "extreme provocation"; if successful, the defendant will be acquitted or receive a lenient sentence. Article 453 permits a reduction in any sentence when an illegitimate baby is killed immediately after birth. Article 463 reduces imprisonment by one-eighth when a killing was carried out immediately before, during or immediately after a situation of anticipated adultery or fornication.

as third or fourth generation youngsters in the UK, trapped in a traditional family who originally migrated from Asia or the Middle East.

In May 1999, Nottingham Crown Court sentenced a Pakistani woman, Shakeela Naz, and her son to life imprisonment for murdering the woman's daughter, Rukhsana Naz (19). Rukhsana (a British citizen) was brutally killed and tortured by her entire family in 1998. At the time of her murder, Rukhsana had been seven months pregnant by her English boyfriend; she had defied her family by refusing an abortion. She had been forced to enter an arranged marriage at the age of 15 to a Pakistani man who had remained in Pakistan. She had two children by him, had intended to divorce him in order to marry her English boyfriend.

She was strangled by her brother Shazad Ali for her "dishonour" with a piece of plastic flex, while her mother, Shakeela Naz, held her down and looked on. At the mother and brother's trial, the court learnt more about the whole family involvement in Rukhsana's killing; how Rukhsana's 18-year-old brother, Iftikhar, had tried to stop his brother and mother's torturing, and how their mother had fended off her son Iftikhar, shouting "be strong son!" The court was told, how the family had put Rukhsana's body into a car, had driven it for 100 miles, and how the mother had wept as she watched her son dumping her body. Shakeela Naz and Shazad Ali were sentenced to life imprisonment for the killing.

One of the most publicized cases of honour killings was that of 16-year-old Heshu Yones from a Kurdish family in London. In 2002, Heshu's father Abdullah set about killing his daughter in her bathroom by attacking her with a kitchen knife, stabbing her eleven times with such ferocity that the floor was slippery with her blood. Though Yones attempted suicide after the murder, he eventually stood trial in 2003. At his trial, Abdullah Yones stated in his defence that he felt provoked by Heshu's Western-style dress and Christian boyfriend. Other defence statements included that he was "forced to kill" because Heshu had put her father in an "untenable position" by bringing a "stain" on the family honour. The words spoken by Judge Denison's QC when sentencing Yones to life imprisonment are worth noting:

> "The killing and the manner of it was an appalling act. This is in any view a tragic story arising out of irreconcilable cultural difficulties between traditional Kurdish values and the values of Western society. It's plain that you strongly and genuinely disapproved of the lifestyle in this country of your daughter but it must not be an excuse to kill."[6]

A recent case involved "only" the persecution and assassination of the girl's boyfriend, a 19-year-old Iranian-Muslim engineering student studying at Oxford Brookes University, England, namely Arash Ghorbani-Zarin, who was killed on November 20, 2004. The reasons for the brutal murder were, that Manna Begum (now 19) had been ordered by her father Chomir Ali to enter into an arranged marriage "back home" in Bangladesh. Manna had disobeyed her Muslim family by going out with Arash Ghorbani-Zarin in 2003; she became pregnant in August 2004. We learn from his Oxford Brookes University friends' weblogs that Arash Ghorbani was murdered for "falling in love" and that this Iranian born student was described as a popular "good local Asian lad", celebrating Eid with his girlfriend Manna in December 2003.

Since British police forces had become more aware of honour crimes, Thames Valley Police managed to solve this case fairly speedily, by bringing three members of the girl's family to justice for her boyfriend's brutal killing. At the trial in November 2005 at Oxford Crown Court, the court heard, how Mohammed Mujibar Rahman (18 at the time of the killing) and Mamnor Rahman (15 at the time of the killing) set about carrying out the honour killing of their sister's boyfriend Ghorbani-Zarin by stabbing him 46 times in a car in the Oxfordshire suburb of Rosehill. Their Bangladeshi father Chomir Ali (43 at the time), a local waiter, had ordered his two sons to commit the crime in the name of saving the family's honour. On December 4, 2005, all three men were found guilty for killing Arash Ghorbani-Zarin. On sentencing (December 12, 2005), Mr Justice Gross imposed a life sentence on the father, Chomir Ali (44), whilst his two sons, Mohammed Mujibar Rahman (19) and Mamnor Rahman (16) were sentenced to 16 and 14 years' imprisonment respectively. An interesting decision in that the life sentence was imposed on the father and not the sons.

Gross J reasoned his decision that it was the father who had "brainwashed" his sons by "counselling and procuring" the contract killing of Ghorbani-Zarin, ie, for ordering his two sons to commit this "cold blooded killing". It appears that the sons' mitigation defence had been successful in this respect, that Ghorbani-Zarin had brought "shame and dishonour" on the family to save them from a life sentence for murder.

Conclusion and Recommendations

Whilst honour crimes are increasingly occurring in Western European territories, they are often compounded by state ignorance and indifference by law enforcement agencies or the courts. Though honour killings have been a culturally and legally accepted phenomenon in countries like Turkey, Jordan or Pakistan, it should not mean that such horrendous murders ought to be given the same benign treatment in Western jurisdictions.

The perpetrators who have appeared in British courts have repeatedly tried to justify their actions on religious grounds. Therefore, when dealing with honour crimes courts should regard these as an "aggravating (rather than a mitigating) factor'; under no circumstance should a trial Judge permit a form of "cultural" or "religious" defence. The prosecution should adopt a "zero tolerance" attitude, and a trial Judge should direct a jury as is normal in the case of murder; Religion (ie, Islam) should not be used as a form or judicial excuse in form of a legal defence of provocation in such killings.

Law enforcement agencies should receive respective training over and above domestic violence issues, reflecting an obligation towards women from different ethnic origins where honour killings are prominent. Criminal law

6. *R. v. Abdullah Yones* [2003] (unreported).

enforcement agencies should ensure that honour crimes are effectively and sensitively investigated. The CPS should not accept "honour" in mitigation, or as a justifiable motive of such crimes. Above all, the community at large needs to get involved in order to increase public awareness of violence against women in the name of honour. We should at least acknowledge that the culture surrounding honour crimes is complex and that recognising early warning signs will be the first step towards saving lives. It should not be permitted that the cultural defence becomes an accepted norm in our criminal courts.

Perpetrators who kill in the name of honour must be suitably punished within the given criminal laws of the UK, ie, with a life sentence for murder. Attempts to mitigate honour crimes on the grounds of custom and tradition serve only to perpetuate the crime.