

SHORT COMMUNICATION

Mu'men Hadidi · Anahid Kulwicki · Hani Jahshan

A review of 16 cases of honour killings in Jordan in 1995

Received: 26 January 1998 / Accepted: 3 May 2000

Abstract The purpose of the study was to determine the causes of death as reported in court files of the female victims of honour crimes, the Jordanian penal codes regarding crimes of honour, the evidence used in the sentencing of the defendants, the types of weapons used, the characteristics of the physical assaults on the victims and the sentencing of the offenders. A retrospective study of crimes of honour in Jordan was conducted, and the 16 homicide cases considered to be crimes of honour were reviewed. The autopsy reports of the victims provided information on the physical condition of the victims, including the type and severity of injuries. In over 60% of the honour crime cases, multiple gunshot wounds were the direct cause of death. In cases where the victim was a single pregnant female, the offender was acquitted of murder or received a reduced sentence. The majority of murders were committed by the brother of the victim and the length of sentence received by the offender varied from no sentence to life with hard labour. Offenders who received the harshest punishment were those whose victims married without the family consent.

Keywords Honour crimes · Female homicide · Arab country

Introduction

Jordan, a small country with a population of 4 million, has one of the world's lowest rates of female homicide. However, despite the low reported rate of female homicide, crimes of honour appear to be a significant percentage of

total female homicides. For the purpose of this paper, a crime of honour is defined as a violent assault on a woman by a male family member because of her alleged sexual misconduct. Crimes of honour are among the most common crimes committed against women in certain areas of the world (e.g. Asia, Africa, Brazil, Melanesia, East Africa, India, Pakistan and the Middle East).

In some Middle East countries, criminal law often provides for leniency in the punishment of individuals convicted of honour crimes. In Lebanon, the perpetrator of a crime of honour will be judged guilty, but may not be imprisoned. In Israel, a murderer of a woman who engages in unlawful sexual relations may be released after 10–12 years in prison (Ginat 1987).

Laws concerning honour crimes differ in Middle Eastern countries. Islamic law or Sharia considers extra-marital intercourse a crime, but the punishment for such acts is vague and subject to many interpretations. Punishment may vary from 100 lashes if the offenders are not Muhsan (free men or women) to stoning to death if the offenders are free men and women who are in a position to enjoy lawful marriage.

Not all Arab countries follow the Sharia as it applies to extra-marital sexual acts. Some countries, such as Jordan, Lebanon, Syria and Egypt, apply elements of Ottoman, French or Italian law in the definition and prosecution of individuals committing crimes of honour (Abu Aude unpublished dissertation). The Jordanian Penal Code no. 340 (1991) under the section "Excuse in Murder" states: "1. He who catches his wife, or one of his (female) relatives committing adultery with another, and kills, wounds, or injures one or both of them, is exempt from penalty. 2. He who catches his wife, or one of his (female) ascendants or descendants or sisters with another in an unlawful bed, and kills or wounds or injures one or both of them, benefits from reduction of penalty."

Article 98, often applied as a complementary article to Article 340, provides for psychological or mental grounds by which a defendant may be acquitted of murder. Article 98 of the Jordanian law (1991) states: "He who commits a crime in a fit of fury caused by an unrightful and danger-

M. Hadidi (✉) · H. Jahshan
National Institute of Forensic Medicine, P.O.Box, 510727,
Amman, Jordan
Fax: +962-1-4785192

A. Kulwicki
Oakland University, School of Nursing, Rochester,
Michigan 48309, USA

ous act on the part of the victim benefits from reduction of penalty.” While Article 340 incorporates the concept of *in flagrante delicto*, Article 98 is not specific about the passage of time between the offender’s first knowledge of the victim’s unrightful act and the killing of the victim. Therefore, the defendant may be excused from premeditated murder if there has not been a sufficient period of time for him “to regain his sensibilities and calm down” (Article 98).

Evidence that further supports a claim of unlawful intercourse includes actual witnessing of an unlawful sexual act, the virginity status or pregnancy of the victim, and evidence of recent intercourse.

Materials and methods

The study was conducted using the court files of all victims of homicide in Jordan during 1995 obtained with the permission of the Jordanian Higher Court of Justice. Court files along with the autopsy reports were reviewed and a determination of the cause of death, the type of weapon used, the location of the wounds sustained by the victims, the characteristics of the wounds and the sentencing of the offender were examined. Demographic information such as age and marital status of the victims were also recorded.

Results

There were 89 homicide victims in Jordan during 1995, of whom 38 were female; 23 of these females were victims of honour crimes. Of the 23 court files of the female victims of honour crimes, 16 were available for review. Nine of these 16 honour crime victims were married, 5 were single and 2 were divorced. The age distribution is shown in Table 1.

The court records indicate that 5 of the 16 victims were murdered because of pregnancy out of wedlock, 2 because of premarital sexual relations, 2 for alleged adultery, 2 (sisters) because the defendant witnessed a male stranger in their residence, 2 because they married men against their families’ wishes, 1 because of questionable reputation, 1 because the father heard that his daughter had had sex with her step-brother and 1 for prostitution.

Of the offenders, nine were the brother of the victim, three were the father of the victim, two were the ex-husband of the victim and one was the nephew of the victim.

Gunshot wounds were the most frequent cause of death, accounting for 10 of the 16 deaths. Stab wounds and blows caused by a heavy object accounted for two deaths

each, and strangulation and severing of the neck accounted for one death each. In those cases where the murder weapon was a gun, multiple gunshot wounds were reported, with injuries to the head present in all but one death. A kitchen knife was used in both stabbing cases. In one case the victim was stabbed in the chest and the other in the abdominal area. Both victims who died from a blow with a heavy object were struck on the skull. Of the remaining two victims, one was strangled with her own scarf, while the other was struck in the neck and abdominal area with an axe.

Autopsy reports of the female victims also included evidence on the status of their virginity (as evidenced by vaginal tears), pregnancy or evidence of semen on the body of the victim. In five cases, pregnancy was determined by the presence of a fetus. Of these, two of the pregnant victims were not married (one victim was pregnant due to rape), two were married to the men who had impregnated them. Of the single, unmarried victims, all had intact hymens. Of the married or divorced victims, no physical evidence of recent intercourse or semen was reported.

An extensive review of the court files was also conducted to identify the sentences received by the defendants. The reports indicated that 2 defendants were set free, 5 were sentenced to between 1 week and 6 months of imprisonment, 3 were sentenced to 1 year, 1 defendant was sentenced to 5 years, another to 7 1/2 years of hard labour, another was sentenced to 10 years of hard labour, and one received a life sentence. One defendant was a fugitive and his sentence was pending. The initial charge against all the defendants reported in the court files was according to article 340, however, only three were sentenced on the basis of article 340. The remaining 11 were sentenced on the grounds of committing a crime in a fit of fury as described in article 98. Article 340 was applied to defendants in the two cases where the victims were married after being impregnated by their sexual partners and in the case of the 60-year-old victim who had been married to her husband for 40 years, despite objections from her parents. In these three cases, Article 98 was not used in the defence of the perpetrator.

Discussion

The results of the study show that a significant proportion of female homicides in Jordan are considered to be crimes of honour. This study indicates that about 26% of the homicides in Jordan in 1995 were honour crimes and that the Jordanian legal system gives provisions to defendants to reduce or waive sentencing for honour crimes by invoking Article 98. Defendants whose victims were single and pregnant received reduced punishment. Punishment for these cases varied from none at all to a maximum of 6 months imprisonment. Data from this research also indicates that in most cases of honour crimes, the judge used both Articles 98 and 340 in sentencing the defendants. These articles included the elements of passion (*in flagrante delicto*) and of honour as a basis for the sentencing of the defendants. According to the court files, in all cases, the defen-

Table 1 The age distribution of the female victims of honour crimes

Age (years)	No. of victims
17–20	6
21–25	3
26–30	2
31–35	3
36–40	1
60	1

dants had prior knowledge of the actual or alleged nature of the sexual relationships of their victims.

The harshest punishment (the sentence for premeditated murder is 15 years to life with or without hard labour) was given to the two defendants who killed their victims because they married against family approval. The sentences were 10 years and life with labour, respectively.

In conclusion, honour crimes still exist in Jordan and represent a significant proportion of female homicides. The articles of the Penal Code most frequently used in sen-

tencing the defendants of crimes of honour are Articles 98 and 340 which include elements of passion and honour in the sentencing of the defendants.

References

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