

Casting Stones

Time

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The Koran says nothing about stoning. Why is this mother facing death?

When Amina Lawal gave birth to a big-eyed baby girl late last year, she hoped her life was getting better. After leaving her second husband, she had started dating Yahaya Mohammed, a good-looking neighbor with a steady job. When she became pregnant, Mohammed said at first that he didn't want children. But a chief in the couple's mudwalled village of Kurami ruled that Mohammed must take responsibility for his child, and the reluctant father gave Lawal money to buy firewood to boil water during the delivery. Lawal says Mohammed also agreed to marry her. "I thought that this would end up as a happy thing," she says. But eight days after she gave birth, police arrested Lawal, 30, for adultery, a capital crime under the Islamic law, or shari'a, in effect in her home state of Katsina in northern Nigeria. A courtroom crowd cried, "Allahu akbar (God is Great)!" as a shari'a court last week rejected an appeal of her sentence. As soon as she weans nine-month-old Wasila, Lawal is scheduled to be buried in the ground up to her chest and stoned to death.

The Taliban, who used public stonings as a penalty for illicit sex, is out of power in Afghanistan, but the centuries-old punishment is still alive in other parts of the Islamic world. It has spread most recently to sub-Saharan Africa, a region once known for its moderate brand of Islam. Stoning is not actually mentioned in the Koran, but the harsh treatment the holy book prescribes for sex outside of marriage has been invoked to justify what Amnesty International calls "the ultimate form of torture."

Typically, it is only the female member of an accused couple who is sentenced to stoning. Lawal's boyfriend was also arrested, but because shari'a requires stiff standards of proof for adultery- four reliable witnesses must testify to having seen the sexual act- the case against him was dropped. A hard-line Islamic judge ruled that baby Wasila was proof enough of Lawal's guilt. "We see this as selective application of shari'a against women," says Ugochukwi Okezie, campaign director for Nigeria's Civil Liberties Organization.

Lawal may yet prevail. She has the support of the national government of Nigeria, which did not back the decision of the country's 12 predominantly Muslim northern states to adopt shari'a in criminal cases two years ago. The government of President Olusegun Obasanjo, a born-again Christian, has promised to back Lawal in another appeal. The case may end up in the country's supreme court. In March, Safiya Hussein, the first Nigerian woman sentenced to stoning for adultery, had her sentence dismissed by an Islamic appeals court in another state, in part because she was accused of an act of adultery- she had said it was rape- that preceded the institution of extreme shari'a there. In Lawal's case the law was passed before she had the affair.

According to the Koran, adulterous men and women should be flogged, while women found guilty of fornication should be put under house arrest until

death or until “God ordains for them another way.” It is this last phrase, along with anecdotal records of its use during the Prophet Muhammad’s time, that radicals use to justify stoning. No one’s interpretation of shari’a was more extreme than the Taliban’s. Crowds of Afghans were forced to witness the stoning of couples convicted of adultery. Customarily, the woman was first buried up to her neck, the man tied against a wall behind her.

Among the few Muslim countries that still condones stoning, Iran uses it most often. Although Ayatollah Ruhollah Khomeini is said to have discouraged the practice because of the brutal image it gave Islam, conservative judges have inflicted the punishment recently, most likely to embarrass and undermine reformist President Mohammed Khatami. Iran’s penal code specifies, “The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.” Court-appointed officials or ordinary citizens then pelt the accused with stones large enough to cause pain but not large enough to kill immediately. Last year Iranian newspapers reported that Maryam Ayoubi, 30, was stoned to death in Tehran for murdering her husband and having an affair with a younger man. Another woman was stoned to death for appearing in a pornographic video.

Although Saudi Arabia keeps stoning on its books, human-rights groups are not certain whether it is still carried out there. Yemen brought back the practice in 2000 for the brutal case of Mohammed Thabit al Su’mi, who raped and murdered his 12 year old daughter. Witnesses reported that al Su’mi took four hours to die.

Pakistan adopted stoning when military dictator Zia ul-Haq introduced shari’a in 1979. While there are no confirmed cases of the punishment’s being carried out, Pakistani women complain that rape victims are routinely charged with adultery, sentenced to death and then left to languish in jail. The penalty is newest in sub-Saharan Africa, where it has been introduced in Sudan and Somalia over the past decade, though in practice it is rarely used. In Nigeria, the introduction of shari’a is as much about politics as ideology. Worried that power was slipping to southern Christians, the northern Muslim elite has embraced shari’a. “Part of it is an attempt to embarrass Obasanjo,” says Paul Marshall of the Center for Religious Freedom, based in Washington. “They are daring him to move against it and possibly lose Muslim votes.”

The ruling last week jolted Obasanjo’s government to react. “We are totally opposed to [stoning],” Justice Minister Kanu Agabi told reporters. He has an ally in Muslim human-rights lawyer Aliyu Musa Yauri, who argues that harsh sentences are giving Nigerian Muslims a bad name: “Unless the Muslims of the world stand up and reinterpret these laws, we will find that the other religions will be laughing at us.” And crying foul.

- Reported by Gilbert da Costa/Abuja, Stephan Faris/Funtua, Mitch Frank/New York and Azadeh Moaveni/Cairo