



**Azza Charara Baydoun**

**Cases of Femicide  
before Lebanese  
Courts**

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Edited by Mona Abu Rayyan



Established in 2005 by a group of multi-disciplinary professionals and human rights activists, Kafa (enough) Violence & Exploitation is a Lebanese non-profit, non-political, non-confessional civil society organization committed to the achievement of gender-equality and non-discrimination, and the advancement of the human rights of women and children.

Kafa's mission is to work towards eradicating all forms of gender-based violence and exploitation of women and children through advocating for legal reform and change of policies and practices, influencing public opinion, and empowering women and children. Our focus areas are those of: 1) Gender-based and Family Violence 2) Child Sexual Abuse 3) Exploitation and Trafficking in Women and 4) Socio-legal Counseling and Empowerment of Victims of Violence.

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## Preface

In 1995, a select group of women survivors of violence embarked on a journey to challenge social traditions, conventions and customs in Lebanon. These brave women stood before a symbolic tribunal in Beirut to give live testimony to the suffering they have had to endure. This symbolic tribunal was convened in order to put to trial the injustices that abound in our societies and legal systems, and to expose the unspoken tragedies whose existence have, up until then, remained absent from the public consciousness of a patriarchal society that condones and remains silent about these crimes. Indeed, this very silence is a form of violence in itself.

Since that time, the chains of social taboos which have shackled the suffering of women in our country have begun to unravel, little by little. Increasing numbers of women are refusing to submit to a value system that is imposed upon them. And, more and more, they are refusing to submit to their pain in silence so that they may “protect” the “sanctity of the family” and its “private affairs”.

The level of awareness around the need to break this barrier of silence that surrounds these crimes committed inside the “sanctity of the home” is also increasing. Indeed, if this silence does not lead to violence escalating to the point of physical death, its psychological and social repercussions converge at a level of a corporal killing of not only battered women but their children as well.

It is from within this context that the issue of violence against women must be transferred from remaining a “private” affair to becoming a matter of the public welfare in Lebanon, and a matter referred to the courts and punishable by law. It is a matter of the state and a responsibility of the state’s judicial system, which have, up until now, failed to prevent, deter or punish gender-based and domestic violence. And, we must work to make this happen in order to halt the escalating pace of this phenomenon that has taken the life of more than a significant number of women and girls.

This study comes from within the context and scope of the collective efforts and activities undertaken by KAFA (enough) Violence & Exploitation, as an organization. Through this study, KAFA aims to shed light on some of the crimes committed against women and girls within the context of the family structure and its relations. It also aims to provide some understanding of the background and circumstances surrounding these crimes and the manner in which these cases are dealt with by the Lebanese judicial system. Maybe we can begin to repay part of a long due debt owed to these women victims, who found no one to defend them and protect them from the clutches of this patriarchal society. In these efforts, maybe we can honour them by seeking the legal instruments that will deter such crimes, which are proof of the failure of our state in providing adequate protection for its citizens, and at the very least, its failure in executing the obligations of international conventions and treaties to which it has committed itself.

Zoya Rouhana  
Director  
KAFA (enough) Violence & Exploitation

## Introduction

### They Kill Women Because They are Women!

#### Introducing the Study and its Objectives

In our part of the world as elsewhere, women are sometimes killed simply because they are women. Had they been men they would not have suffered the same fate. And, the perpetrators in these cases are usually men. What we are saying here may seem biased to some, as if we are shifting the blame for women's misfortune to men. But, to prove our point, we ask you to try a simple exercise.

As you read or hear a news item about the murder of a woman, or review court proceedings of a case in which a woman is killed by her husband or one of her relatives, or hear a story about a woman's murder under the so-called banner of "honour crimes", reverse all the genders. In other words, we are asking the reader or listener, as the case may be, to replace all female references with male ones; and, conversely, replace all male references with female ones. In our opinion, this simple exercise amply proves the point.

An extract from the trial proceedings<sup>1</sup> of an actual case in which a man is accused of killing his wife illustrates our claim:

#### **Case between Joseph and Montaha (a true account taken from court transcripts)**

The accused, Joseph, is a young man in the prime of his life who could not free himself from the great prison he lived in, a prison entirely built upon doubt and mistrust of his wife, the victim. He became hostage to circumstances of his own making. Joseph married Montaha, the victim, almost two months prior to her death on [...]; and lived with her in a building owned by [...] in [...].

During the period in which he was getting to know Montaha (the courting period), he knew that she had had a relationship with her maternal cousin. However, despite the fact that the victim had categorically confirmed to him that the said relationship was over, before the actual marriage took place, the accused was still unable to rid him of the doubts that plagued him about his wife. This situation would become the source of confrontations which took place between them every once in a while. One of these confrontations between them took place on Christmas Eve in the presence of the uncle of the accused.

On the night of [...], the two went into the bedroom after having had dinner, where the accused, once again, broached the subject of her relationship with her cousin. He remained under the illusion that that relationship was still going on, although the victim vehemently denied that. This discussion led to another confrontation between them, which quickly escalated into a fight, then a physical altercation. During the fight, the wife told her husband that he was stupid to believe that her relationship with her cousin was still going on. She eventually became very agitated and, at one point, threw an ashtray on the floor, shattering it. In response, the accused took out a single-barrel hunting rifle he had stashed behind the closet, which was loaded with a 12 mm bullet. He shot her at

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<sup>1</sup> Extract from a Court of Cassation document substituting for a Criminal Court in Mount Lebanon, regarding the case of a man who killed his wife. The verdict was delivered on June 8, 2006: (No. 167/2006-source, 273/2006-ruling). Please note that surnames, dates and location of the crime have been omitted from the extract.

close range, killing her instantly. The accused called his uncle and his father, who went directly to the police to report the incident [...]

For the purpose of our exercise, the following is the same story after introducing the changes suggested above (replacing female references with male ones and vice versa).

### Hypothetical Case between Josephine and Ramzi

The accused, Josephine, is a young woman in the prime of her life who could not free herself from the great prison she lived in, a prison entirely built upon doubt and mistrust of her husband, the victim. She became hostage to circumstances of her own making. Josephine married Ramzi the victim, almost two months prior to his death on [...]; and lived with him in a building owned by [...] in [...].

During the period in which she was getting to know Ramzi (the courting period), she knew that he had had a relationship with his maternal cousin. However, despite the fact that the victim had categorically confirmed to her that the said relationship was over, before the actual marriage took place, the accused was still unable to rid her of the doubts that plagued her about her husband. This situation would become the source of confrontations which took place between them every once in a while. One of these confrontations between them took place on Christmas Eve in the presence of the uncle of the accused.

On the night of [...], the two went into the bedroom after having had dinner, where the accused, once again, broached the subject of his relationship with his cousin. She remained under the illusion that that relationship was still going on, although the victim vehemently denied that. This discussion led to another confrontation between them, which quickly escalated into a fight, then a physical altercation. During the fight, the husband told his wife that she was stupid to believe that his relationship with his cousin was still going on. He eventually became very agitated; and, at one point, threw an ashtray on the floor, shattering it. In response, the accused took out a single-barrel hunting rifle she had stashed behind the closet, which was loaded with a 12 mm bullet. She shot him at close range, killing him instantly. The accused called her uncle and her father, who went directly to the police to report the incident [...]

We selected this particular story because it is less dramatic than other cases of femicide which have taken place here in Lebanon. In this case, the existence of the lover is entirely an illusion. But, the point of the exercise is that, once the roles and genders are reversed, the story becomes both strange and unbelievable.

Would a woman really chastise her husband about a relationship he had before their marriage? What is so strange about a single man having a relationship with a woman? It would have been strange had it been otherwise. Furthermore, the fact is that the Lebanese law is "easier" on a man who cheats on his wife as long as his transgressions take place outside the conjugal home<sup>2</sup>; and in all cases, a single adulterer gets a milder sentence and punishment than a single adulteress.<sup>3</sup> Finally, does it stand to reason that a wife would dare "take the hunting rifle from behind the closet", aim it at her husband and "shoot him at close range", without taking into account the likelihood that he would

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<sup>2</sup> Article 488 of the Penal Code states: "A man is sentenced to between one month and one year in jail if he commits adultery in **the conjugal home**, or **openly** takes a mistress anywhere that may be. His female partner suffers the same fate."

<sup>3</sup> Article 487 of the Penal Code states: "A woman adulterer is sentenced to between three months and two years in jail. Her partner suffers the same fate if he is married; if he is not married, he is sentenced to between one month and one year of jail."



resist, especially as he was a young man “in the prime of life” and is, most probably, physically stronger than she.

#### **Case between Ahmad and Istilah (a true account taken from a court transcript)<sup>4</sup>:**

In early [...], in the town of [...], a romantic relationship developed between Istilah, the victim, and the man [X]. When [X] asked Istilah's parents for her hand in marriage, they refused because [X] was already married and had five children; in addition to the fact that he was poor.

The aforementioned couple disregarded the parents' objections and other family considerations, and got married in a Court of Islamic Law (*Shari'a*) on [...], outside the town of [...].

About seven months later, after some mediation by third parties, the couple were allowed to return to their hometown to the displeasure of Istilah's brother, Ahmad, who bore a grudge against his sister for disobeying her parents' wishes. He decided to seek revenge and be rid of her, biding his time until the right opportunity presented itself. On [...], the brother went to his sister's house, armed with an unlicensed Kalashnikov, with the intention of killing her. When he found his sister sitting outside her house, he asked her to go inside, which she did without the slightest notion that her brother intended to kill her.

Once inside, Ahmad shot her with a single bullet that did not kill her. Although wounded, she managed to jump out of a window and escape to a neighbour's house, who became a witness in the case. Istilah knocked at her neighbour's door, asking to be let in to hide. But, before the witness could open the door the accused fired a hail of bullets at his sister, killing her. The victim fell to the ground on the main road in front of her neighbour's door, covered with blood. And, the accused ran away [...].

Needless to say, during the trial, the accused claimed that he killed his sister in order “to cleanse the family's honour”, which had been tarnished by her marriage that took place despite her parents' wishes.

As with the previous extract, we will recount Ahmad and Istilah's story, this time, reversing the scenario but maintaining the gender of the accused/murderer as is. Some minor alterations to the scenario have also been made with the aim of making the hypothetical scenario more realistic and credible.

#### **Hypothetical Case between Salah and Ahmad**

In early [...], in the town of [...], a romantic relationship developed between Salah, the victim, and [X].-When Salah made it known that he wanted to marry [X], his parents refused because she had already been married and had five children; in addition to the fact that she was poor.

The couple disregarded the parents' objections and other family considerations, and were married in a Court of Islamic Law (*Shari'a*) on [...], outside the town of [...].

About seven months later, in August ..., due to some mediation by third parties, the couple were allowed to return to their hometown to the displeasure of Salah's brother, Ahmad, who bore a grudge against him for disobeying his parent's wishes and marrying [X]. Ahmad decided to seek revenge and get rid of Salah, biding his time until the right opportunity presented itself. On [...], the brother went to Salah's house, armed with an unlicensed Kalashnikov, with the intention of killing him. When Ahmad found Salah sitting outside his house, he asked him to go inside, which he did without the slightest notion that his brother intended to kill him.

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<sup>4</sup> Extract from the Criminal Court in Northern Lebanon (No. 99/67-Basis, 99/102-Ruling), and verdict issued on 29/4/1999.

Once inside, Ahmad shot Salah with a single bullet that did not kill him. Although wounded, Salah managed to jump out of a window and escape to a neighbour's house, who became a witness in the case. Salah knocked at his neighbour's door, asking to be let in to hide. But, before the witness could open the door, the accused fired a hail of bullets at his brother, killing him. The victim fell to the ground on the main road in front of his neighbour's door, covered with blood. And, the accused ran away [...].

In the real case, the man killed his sister to "cleansing the shame that had befallen on her family", despite the fact that she had been legally married according to Islamic law (*Shari'a*). The victim had, therefore, not actually broken any religious laws. And, just like in the first case presented, once genders are reversed, the hypothetical scenario becomes unusual, bizarre and unbelievable. In the stories with reversed roles, it is reasonable to believe that a man's parents may object to his marriage of a poor divorcee with five children; but, to go so far as killing him for doing so would be exceedingly farfetched. Using "cleansing the family of its shame" as a pretext for committing the crime, in the hypothetical case, is another matter altogether. In Lebanese society, this concept does not apply to males. They are the main actors or "those delegated with cleansing" tarnished honour. Indeed, the idea that a man could be the object of an "honour cleansing" by his brother or any other male relative is an unknown phenomenon.

## The Absurd

The two hypothetical stories in which the genders and roles are reversed approach the absurd. They seem absurd due to perceptions entrenched in our society with regard to gender roles and gender stereotypes.<sup>5</sup> Our society is not schematized to inherently accept the motives ascribed to the hypothetical perpetrators. The hypothetical scenarios, and the hypothetical perpetrators in these scenarios, violate models and expectations etched in our collective minds that fit in with our expectations and our experience. We could say the same when we examine the fate of the two hypothetical male victims. We are unable to comprehend the motives behind the hypothetical crime, when the genders and roles are reversed, and cannot conceive that the murders were committed for the reasons presented. Indeed, the probability that the two hypothetical victims would be killed under such circumstances seems irrational and absurd.

Meanwhile, in the real cases, the two women victims were murdered under identical conditions that were presented in the hypothetical cases, where the victims were men. The circumstances surrounding the hypothetical cases are configured in a way to be identical with those surrounding the two real cases, taken from actual transcripts from criminal court trials in Lebanon, except for the reversal of roles and genders of the victims. We are thus able to deduce from this comparative exercise based on the idea of "all things are equal" that, had either of these two women been men, they would never have been murdered. Instead, they would still be alive today despite what these women did, or were accused of doing.

This is what we mean when we say, "Women are killed because they are women".

## What is Femicide?

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<sup>5</sup> These gender stereotypes (ascribed to males and females) are tantamount to micro-"theories", which can provide us with models, norms and expectations that together form a prototype against which the motives, behaviour patterns and tendencies of men and women are measured. They also help us understand "what is happening" with them and pass certain judgments or draw conclusions. Therefore, any behaviour which appears to contradict these so-called micro-"theories" seems, to us, to be irrational or absurd.

Femicide is both an old and new term that has been revived by feminist researchers to refer to the murder of women due to their gender. Simply stated, it is “the killing of females, because they are females, by males.”<sup>6</sup> These types of murders, or cases of femicide, include varied practices that depend on the society and the “needs” of the society in which these femicide crimes take place. The most widespread form of femicide which occurs today is the killing of female embryos by means of elective abortion once the gender of the embryo has been discovered by ultrasound.

In the Far East, for example, United Nations agencies that deal in population issues recount tens of millions “missing” females as a result of elective abortions based on the sex of the embryo. In China, where a one child per family law exists, newborn female infants, if not left by the roadside to die, are often given up for adoption in places such as the United States. Indeed, in the process, these kinds of practices have produced a serious gender imbalance amongst the Chinese population in China. Also, in India, another form of femicide includes the burning alive of young women whose fathers cannot afford to pay their dowry to a groom and his family. And, in other impoverished countries, newborn females are more likely to be denied health care and proper nutrition than male newborns, leading to the death of more female than male infants before the age of five.

In our part of the world, the Middle East, women and girls are killed under the pretext of so-called “honour crimes”.<sup>7</sup> Honour crimes take place in an attempt to “cleanse” the shame that befalls male members of families when their female relatives do not adhere to cultural conventions and “rules” that are supposed to govern a woman’s proper sexual behaviour.<sup>8</sup> This practice most often specifically

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<sup>6</sup> This is the definition most often used in the scarce literature one finds on femicide. This definition was proposed by Diana Russel, the most cited writer on the subject; (Russel and Harnes, 2001)

<sup>7</sup> The so-called term “honour crime” defines the wilful murder usually perpetrated by one or more men (sometimes even by women, though rarely) against one of their female relatives. The killer is usually the brother, father, son or even cousin of the victim, sometimes also her husband, former husband, fiancé or lover. To justify his act, the perpetrator claims that he acted to “cleanse the shame” that befell him, or the victim’s family, as a result of the victim’s actions. In the criminal’s eyes, shame is the result of the victim’s sexual behaviour outside the bonds of marriage as recognized either by the murderer or the victim’s family that instigated the murder. But what is this sexual behaviour, which requires the murder of a woman to “cleanse shame”?

In our society, this could be the mere suspicion of “dishonourable” behaviour when a woman commits what “seems” to the killer as a sexually-related act. For example, a young woman was killed by her brother in an Arab country because she wore tight jeans, an act that led him to suspect that she was having sexual relations with a young man. The father of another young woman heard a rumour, or slanderous remark, regarding a romantic relationship between his daughter and a young man, and killed her without verifying the rumour’s veracity – a rumour that soon after proved to be false. A study published by the “Centre of Women’s Affairs” in Egypt, entitled “Crimes Based on Suspicion”, reveals that the main cause of so-called “honour crimes” is the mere suspicion of improper behaviour; the ratio of such cases accounting for 79% of the murders committed under this pretext. In the more extreme cases, a young woman or a man’s wife could indeed have had a romantic relationship with a man, or the victim could be pregnant outside the recognised bonds of marriage, or as a result of an incestuous act.

5,000 women are killed every year under the pretext of “cleansing shame”, with Egypt coming in second after Jordan (with almost 180 victims per year), followed by Iraq (with 9,000 victims in the past ten years), then Syria and the Arab Gulf States. Lebanon figures at the bottom of this list with one woman killed every month by one or more members of her family.

[This is from an excerpt taken from the Egyptian magazine “Rusul-Yousef” under the title “The Cleansing of Shame by Water Dirtier than Shame Itself” and posted by “Nawafeth”, the cultural annex of the Beirut-based daily newspaper, “al-Mustaqbal” on Sunday August 31<sup>st</sup>, 2008]

<sup>8</sup> “Sexuality involves expression and identity, liberation and subjugation, symbols and representations. With physiological, emotional, psychological, political, social and economic facets, sexuality spans a wide range of issues and serves as point of multidisciplinary intersection. Sexuality is private and public, physical and conceptual, biological and social. The universalities of sexuality transcend national boundaries, but sexuality also functions as a socio-cultural construction. Sexuality is inexorably linked to gender, serving as both a tool of repression and avenue toward liberation. Taboo, joy, shame, embarrassment, desire, stigma... and intimacy are

deals with the loss of a female's virginity outside the legal bonds of marriage; although, it can also be triggered by a mere suspicion on the part of a female's "guardian" that she is having a relationship with a male before or outside her marriage.

One of the most cited writers on this subject in our region, Nadera Shalhoub-Kevorkian, suggests that the definition of "femicide" should be expanded to include the "murder of women's voices". She says, "Women are effectively sentenced to death by murder and live under the continual threat of being murdered... I will, therefore, redefine death as the inability to live. This kind of "murder" takes place through different means of socially sanctioned male domination designed to restrict women's rights, to limit their abilities and prevent them from living safely and securely, and to prevent them from taking charge of their own lives. These forms of abuse, threat and harm are dependent upon humiliating and debasing women; thus, turning them into victims of constant fear, frustration and isolation, and preventing them from taking charge of their personal and intimate lives."<sup>9</sup> Other definitions of femicide include the murder of women in prostitution and women raped and killed by unknown perpetrators, both in times of conflict and of peace. However, and in general, the most common form of femicide in which virtually all the world's populations are implicated is the murder of female partners (wives, fiancées, mistresses, live-in partners and girlfriends, both past and present).

In regular statistical surveys conducted in several countries that monitor certain categories of crimes, including gender-based crimes, the scope of this particular phenomenon becomes apparent.<sup>10</sup> In the United States, for example, four women are killed by their partners every day.<sup>11</sup> In Canada, the number of women murdered by their partners has risen in recent years, despite the progress achieved by women in that country<sup>12</sup>, with the same applying to women in Latin America.<sup>13</sup>

This study specifically addresses cases of femicide in the Lebanese society committed either by a relative from the nuclear or extended family or by a partner. In this study, we rely on analytical reviews of trial documents and transcripts related to cases in which women were murdered – cases, which were tried in criminal courts or in courts of cassation that act as criminal courts in the six Lebanese governorates. We review cross-examinations amongst the parties in these trials, as well as transcripts and court documents which present the case in the words of the accused, the witnesses, the prosecution, the defence and the judges. The testimonies of various relevant experts, including medical examiners, psychiatrists, criminologists and investigators are also included and reviewed. Finally, the voice of the victim, herself, is heard, based on the recollections of those who knew her.

The narratives portrayed in trial documents and the anecdotes related by the actors, both present and absent from the proceedings, exemplify certain aspects of the social processes which, at the same time, are not inconsequential to the repercussions of these social processes themselves. For example, the infiltration of such social processes and the notions inherent in them appear in the words spoken by the judges. The manner in which the judges recount the facts in a case, or present these "facts" in terms of their relevancy to laws related to that case, reflects a general social discourse that, amongst

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intertwined with sexuality, coexisting, competing and defining sexuality for the individual and society." (Foster, 2000)

<sup>9</sup> Shalhoub-Kevorkian, 2002

<sup>10</sup> Numerous websites provide statistics on the prevalence and incidence of violence against women and femicide crimes all over the world.

<sup>11</sup> Worell, 2001

<sup>12</sup> Garner and MacCarthy, 1991

<sup>13</sup> Corea and De Souza, 2006

others, enshrines prevailing social norms which have already defined and predetermined what is “normal” when it comes to a women’s sexuality and sexual conduct, what is the “right” behaviour for a woman to engage in, and what is “deviant” behaviour for a woman. The mere fact that these concepts and social norms have such presence in a court of law emphasizes their importance, their impact and their role in formulating the criteria governing behaviour deemed normative within these social processes.

## Gender, the Law and the Legal System

In the context of this study, we use the Arabized term of the English word “gender” to denote prevailing meanings ascribed to a male or a female, and the provisions and values attributed to them. It is also used to express prescribed and proscribed patterns of behaviour that are implied by the identity of an individual as male or female in our society today. In this study, we seek to identify and assess various gender-related manifestations and vicissitudes that unfold during cases in which killers accused of femicide are tried, as well as their interaction with certain facets of the legal system and with the representatives of this legal system. This analysis is conducted through a close examination of court proceedings relevant to the cases in which persons accused of femicide are tried.

The importance of that which is narrated through these documents lies in the way they singularly reveal the weight that the patriarchal gender order and its arrangements<sup>14</sup> in its “unadulterated” and primal form has on our system. At the same time, these narratives are a testimony, in themselves, to the ongoing interaction and interdependence that exists between these gender-based manifestations and the law – this institution which society has, in the course of its development, elevated to the highest levels of human reason and to the loftiest values of human morality. The law is the institution in whose hands society has entrusted deterrence, punishment and justice for all - justice that has been intentionally blinded to individual “faces” and which is expected to ceaselessly struggle to maintain the balance of the scales through which it passes judgement.<sup>15</sup>

## Why the Legal System?

The Lebanese women’s movement has long realized the importance of the role of the judiciary in activating the rule of law and in the rationalization of human societies. For the women in this movement, the judiciary is the key to determining the level to which society’s members should sublimate elements of their primitive nature and destructive instincts. It is the judiciary that must set the boundaries and limits to which society’s members are bound and obliged to suppress primal or destructive acts which may harm another human being. Indeed, the Lebanese women’s movement has pinned its hopes on

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<sup>14</sup> Gender order is a flexible system of “arrangements” or patterns or molds that help people perform their gender roles in society and carry out their material and ideological responsibilities according to its dictates. Furthermore, relationships of power between men and women draw their significance by abiding by the prescriptions presented by gender arrangements or by contesting them. In any given society, gender order and arrangements form and reform various masculinities and femininities, in their respective codifications and their interrelationships. The term was coined to emphasize the fact that every known society distinguishes between its males and females, but in different ways. This distinction, for example, assumes different forms depending on the system in place: paternal (patriarchal), maternal (matriarchal) or egalitarian. It is also there to indicate that neither masculinity nor femininity is fixed, but rather exists in a permanent state of flux and fluidity, because individuals in a given society are constantly engaged in negotiations and confrontations with the different representations of these arrangements. They do this within the confines of three basic constructs: work, power, and “emotionalism” (that includes sexuality and romantic relationships) that mesh together to reformulate these arrangements or the wider structure of gender order within a certain society, at a certain moment in time.

<sup>15</sup> In all patriarchal societies, and as such, in Lebanon, the judiciary is a male-dominated domain. Nevertheless, the symbol of the Lebanese judiciary is a statue of a blindfolded woman who carries a perfectly balanced scale in her right hand. This symbol adorns the entrances of all judiciary institutions in Lebanon.

the support of the judiciary and the legal practice for its struggle to achieve equality between men and women. Over fifteen years ago, under the umbrella of universal human rights and in alliance and in coordination with other grassroots social movements, the Lebanese women's movement has taken action within both governmental and non-governmental women's organizations. The movement has actively voiced its rejection of the tolerance the law has shown to various manifestations of the patriarchal gender order. In the course of this struggle, the movement has tried to identify where the imbalances in the scales of justice exist. Thus, it has called upon the law – in its institutions, stakeholders and legislators – to address this matter, to purge the legal system of the elements that have led to this imbalance and to restore the integrity of the rule of law.

The women's movement, in partnership with other social movements, launched its activities by breaking the barrier of silence which has surrounded domestic violence. It has created platforms for open discussions, conducted campaigns in the media and held various public awareness activities. It has worked, and continues to work to publicize the different forms and manifestations of this widespread, unspoken phenomenon, and has shifted the focus of this concern from the exclusivity of the private domain to that of the public. Activists in this movement have also exerted their due efforts through varied professional, social and specialized forums to invite and include different segments of the population in an effort to create a culture that confronts all forms of violence against women in Lebanon.<sup>16</sup>

These public awareness activities are viewed as an essential prerequisite to the next step which is to extricate this condition away from the grasp of the private domain and away from the hands of capricious men and women where it has been obscured behind the veil of the sanctity of the "privacy" of family life. These efforts would ensure that the security and well-being of women becomes the responsibility of the state and of society, exclusively. The women's movement addresses society at large and the state in particular, as the state, in its legislative bodies, is the all-encompassing representative of society. The aim of this call is to ensure that in contemporary society the state is exclusively responsible for the smooth functioning of society; and, thus, it is also held accountable for ensuring the security and well-being of its members.

### **The Structure of the Study**

Like much of the research that focuses on gender-based violence, this study strives to set a solid ground for this mission of making family life a societal responsibility. It uses trial documents from cases of femicide before Lebanese courts as a window with an exceptional view into the private context that surrounds these crimes in their interaction with the institution of the law.

A thorough examination of these documents and allowing these documents to "testify" against the atrocities of family violence aim to prove that crimes of femicide within the "sanctity" of the family context is no more than a blatant, outward manifestation of a continuous, low-intensity violence which is simmering in all its destructive impact on all the members of the family – a low-intensity violence which is no less resonant. Femicide is simply a maximization of family violence that has been perceived as

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<sup>16</sup> Activities organized and conducted by these organisations include, amongst many others, media campaigns, awareness raising, advocacy and lobbying, research and cultural activities related to the subject. They cooperate with governmental institutions and international organizations, both Arab and foreign. They work on organizing conferences and meetings and producing publications related to the subject. They disseminate information for emergency hotline services, and train professionals working in domains relevant to women and the family. They help provide legal, social and psychological counselling services for women victims of violence, and have established shelters for women. Finally, they coordinate and network between activists and organizations all working in tandem in this field of work.

“natural” for too long. It is a part of that violence, which turns its victims into persons living under the shadow of an impending death sentence.<sup>17</sup>

Therefore, an approach to family violence that only addresses the outcome of family violence is insufficient. Urgent pre-emptive measures are required to prevent such incidents from taking place and to mitigate their impact, and particularly their fatal impact. This is where the role of the law becomes critical, given its overarching and absolute binding power both in terms of deterrence and of punishment.

Organizations active in combating domestic violence and violence against women, in particular, are not blind to the fact that legislation will not “happen” in a vacuum. Proving the critical need for legislation to protect women against domestic violence requires diligent documentation based on empirical studies, which demonstrate this necessity and this imperative. In addition to stressing on this critical need, the importance of this study lies in the fact that it provides those active in lobbying for this kind of legislation with a more concrete picture of the kind of violence that takes place within the family context. This document is intended to allow legislators and parliamentary committees delegated with such tasks to draft legislative proposals based on solid information, which details the various forms of family violence that take place in the context of Lebanon’s socio-cultural environment.

In this same spirit, organizations devoted to combating gender-based violence recently launched a workshop-in-progress which has targeted civil society organizations with the aim of formulating and passing legislation specific to combating gender-based family violence. These organizations have set forth on this mission with the knowledge that this is a task that can no longer be postponed. We hope that this study and its findings will prove useful to those active in combating domestic gender-based violence in our society; and, that it will provide them with the knowledge and the information required to support their initiatives, their recommendations and their arguments in pursuit of this objective.

## Study Design

The sample researched in this study consists of court proceedings from 66 trials<sup>18</sup> involving family-related cases of femicide which took place between 1978 and 2004.<sup>19</sup> The 66 cases used in the sample were tried before Lebanese criminal courts in the six governorates and/or the Court of Cassation in Beirut, and were concluded between the years 1999 and 2007.<sup>20</sup>

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<sup>17</sup> Nadera Shalhoub-Kevorkian proposes expanding the definition of femicide to include cases where violence against women reaches the point where a woman’s freedom is so curtailed that her life resembles a slow death, or a situation in which she faces imminent death at any moment. [Ibid.]

<sup>18</sup> KAFA (enough) Violence & Exploitation has sponsored the realization of this study. The Arabic version of the study was financially supported by the Global Fund for Women, while the herein English version was produced with the financial support of Heinrich Böll Foundation. KAFA made available to the researcher the sixty-six trial documents and the organization’s lawyers reviewed the pertinence of legal terms and concepts. The statistical component of the study was conducted by the Demographic-Cooperative Society for Development and Cultural Services (DEMOGRAPHIA).

<sup>19</sup> The availability of information from certain state institutions is not as it should be in an age in which access to information is a basic right of citizens and, by extension, of researchers. It is worth mentioning though that a number of Lebanese state institutions, or programs that are conducted under the umbrella of certain ministries, have begun publishing information, mostly by way of their respective websites.

<sup>20</sup> The only court of cassation in Lebanon is located in the capital, Beirut, with every governorate having its own (criminal) courts of law. As the source for most of the trial documents used in this study come from the Beirut Court of Cassation, we will refer to case documents as per their original source, or the governorate where the murder took place and where the case was tried the first time (before the case was appealed to the Beirut Court of Cassation).

The female victims in the vast majority of these cases were either blood relatives or past or present spouses of the men who killed them. In rare cases, some of these female victims had a romantic relationship with their killers.

It is worth noting that the sample used in this study is comprehensive, meaning it includes all the cases which were tried and concluded between 1999 and 2007, and no cases concluded within that timeframe have been excluded. Also important to note is that these 66 cases do not include all of the cases of femicide that took place in Lebanon during the period spanning 1978-2004, as trials concluded before 1999 and those that were not yet concluded by 2007 were not included in the sample used for this study.

#### Distribution of the 66 Trial Proceedings According to Governorate

Governorate	Number of cases	Percentage of total cases
Beirut	10	15.2
Mount Lebanon	23	34.8
North Lebanon	9	13.6
Beqaa Valley	17	25.8
South Lebanon	6	9.1
Nabatiyeh	1	1.5
<b>Total</b>	<b>66</b>	<b>100</b>

The majority of the trial documents used in this study were transcribed by hand by someone who is referred to officially only as "*al-katib*" or "the clerk".<sup>21</sup> The signature of the clerk appears at the bottom of each page of the trial transcripts along with the signatures of those who sit on the judicial panel, which in all cases, includes the head of the tribunal and his two counsellors.<sup>22</sup>

Each trial document is introduced under the heading "In the Name of the Lebanese People", which appears at the top of the first page. The body who is speaking "in the name of the Lebanese People" in these cases are the Court of Cassation or the criminal courts with each court's head of tribunal and the two tribunal counsellors. This phrase introduces a case summary and an introduction that includes, amongst other items, the date the crime took place, the verdict numbers issued by the different judicial bodies, an abridged summary of the crime, and the names of the accused and of the victim.<sup>23</sup>

Three different sections then appear below the introductory case summary. The first section is entitled "Facts (of the Case)". This section begins with a brief profile of the family and social background of the accused and the psychological state which led the accused to commit the crime. It also details the circumstances and events that took place during the crime. Also included are a description of the actions taken by the police, a summary of the police report and of the preliminary investigation, including reports by the forensics and medical examiner and a psychiatrist, if available. A summary of the investigation into all the witness accounts then follows. Finally, any rulings or sentences are listed along with summations made by the prosecution and the defence, in addition to any arguments and

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<sup>21</sup> The documents in question are almost never typed, but rather are hand-written and often quite difficult to read.

<sup>22</sup> None of the 66 trials considered in this sample was presided over by a female judge.

<sup>23</sup> The kind of information necessary for a thorough sociological research is usually missing from these documents. With the exception of a few details, there is no systematic recording of information pertaining to the accused or the victim, such as their level of education, their professions, their sectarian affiliation, etc. For instance, the age of the victim is not documented in 58% of the cases. Some of this type of relevant information was extracted for the purposes of this study from trial documents and case files where this information is documented at random.



requests made. This section is usually concluded with a plea by the accused for “mercy and compassion” from the court and its tribunal.

The second section is entitled “Evidence (in the case)”. In each and every trial document, this part is an almost verbatim repetition of certain elements from the accounts dealing particularly with all the court-related proceedings in the “Facts” section. In the third section, entitled “The Law”, a review of selected elements from the “Facts” section, and the logical arguments that connect them together is presented. This presentation is done in a manner that allows the court to match the “facts” in the case with the relevant legislation, applicable to that given case, and to disregard those that do not. This legal presentation is submitted in conjunction with the judge’s “conscientious conviction” or “given right to decide” prior to announcing the final sentence. The way that the latter is presented and the way certain elements are maintained while others are disregarded in this final “legal” section leads to a certain degree of stereotyping, which gives the impression that the majority of the cases, the legal implications and the circumstances surrounding them are similar.

These court documents vary in length; some are comprised of no more than two pages, while others are over 50 pages in length. The majority of the time, they are hand-written in simple and proper Arabic, with occasional spelling and grammatical errors, and a random use of colloquial words at times.

From amongst these 66 cases, we obtained the complete case files for nine cases where we found the use of the term “honour” repeated more often than in other cases, and where this term was markedly used by the accused, the lawyers and even, at times, the judges. The difference between complete case files (the cases we gave special attention due to their distinct focus on “honour”) and court proceedings used for other cases is that complete case files often contain the full length witness reports, transcribed almost verbatim. These lengthy and detailed witness accounts often dramatically highlight the conflict and intimate dynamics that governed the relationship between the accused and the victim, within the family context, and with more in depth information on some of the social, and sometimes even political, dynamics surrounding the circumstances in which the crime was committed. Also, in complete case files, more detailed reports on the various measures taken by the police and the interrogations that took place between the preliminary investigators and the accused are included. The detailed report by the medical examiner and the psychiatrist, if one was used, are also available in a more comprehensive form.

With that, we have assigned a code consisting of an ordered pair of numbers to every case document used in this study. The first number in the pair indicates the year the relevant court issued its sentence and the second number is an arbitrary number used to differentiate between different cases concluded in the same year.<sup>24</sup> Furthermore, in presenting examples from different cases, the study only uses first names of the accused and the victim, but never their surnames. We also do not disclose the names of locations or the dates crimes were committed. In Annex 1, the real reference numbers (of origin and ruling), as well as the location of the court and the name of the head of the court tribunal are included next to our case codes for researchers or interested individuals who may want to review the original source for cases presented in this study.

Also, amongst the trial and case documents presented in this study, two cases concern individuals who were accused of attempted murder. One of the victims of these attempted murders was permanently maimed, while the other was wounded (see case 2000/3 and case 2008/8 respectively). Two other cases concern the murders of two women who were killed “in substitute”, or in other words, women

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<sup>24</sup> For example, the code 2005/1 issued for a case is used to indicate that the trial was concluded in the year 2005, and that this case happened to be the first out of the set of trial documents concluded in 2005 to come to the researcher’s attention.

killed in lieu of the intended women. In one of these cases, the mother was murdered instead of or “as a substitute” for her daughter (the daughter being the wife of the accused) (see case 2003/7); and, in the other, the sister of the alleged male lover was killed instead of the woman who was having the affair herself (the sister-in-law of the accused) (case 2007/7).

Finally, we would like to point out that the statistical data extracted from these 66 cases describe and refer to the specific cases presented here, and that the conclusions arrived at as a result of our analysis of this specific data should not be used to arrive at blanket conclusions. Instead, these conclusions are indicative of general trends and outcomes upon which one could formulate solid hypotheses concerning the phenomenon under study (as is the case with convenient samples which are not representative or inclusive of the relevant population).

## **This Book**

Following this introduction, this book is comprised of three major chapters. Chapter one deals with the crime of “femicide” in Lebanon and the factors associated with this crime: The circumstances surrounding this type of crime and the manner in which these crimes are carried out; the persons involved, including those accused and the victims; and the relationships and dynamics that bring these various elements together.

Chapter two addresses the judiciary process in which cases of femicide are tried in Lebanon. A general mapping of this process and its various components will be presented, pausing to take a look at the victim’s place within this process and taking note of the manner in which her person is either abandoned or sympathized with. In this chapter, factors and individuals that have been “absented” or dismissed in this process are also highlighted. It then concludes with a detailed examination of how the text of Article 562 of the Lebanese criminal code figures, or is applied, in the judiciary process that deals with these cases.

Chapter three, entitled “Manifestations of Gender and its Vicissitudes”, is used to shed light on the destructive repercussions for both the accused and the female victims which emanate from the violation of the patriarchal “gender order”. We also establish that there are “glimpses” of hope appearing in certain places on the horizon which point to an amelioration, albeit a timid one, in the way prevailing beliefs have progressed with regard to the role of men and women, and the values ascribed to these respective identities.

The study’s conclusion works to complement its introduction as it is another candid expression of the study’s objective which is to put forth additional research, knowledge and information that can be used by activists who are working to combat violence and discrimination against women. The overall aim is once again reiterated through the conclusion, that this study has been conducted in order to assist in all the efforts being made to publicize and advocate the need for legislation aimed at preventing family and gender-based violence in Lebanon. The study concludes with the hope that it has disseminated knowledge about this legislation to society, as a whole, and ends with an appeal to the state and its judiciary system to reclaim the state’s right to safeguard the safety, security and well-being of its female citizens.

# Chapter One

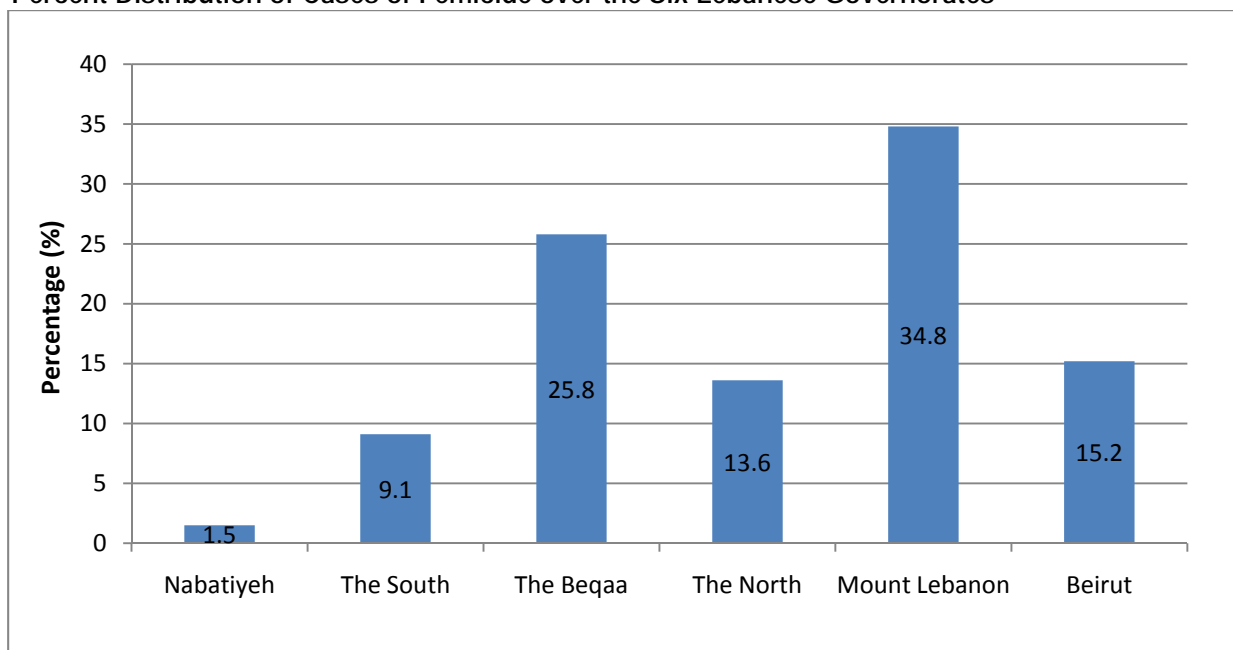
## The Crime and its Constituents

### First: The Map of the Crime

#### Geography

According to the documents reviewed in the study sample, cases of femicide take place in all regions in Lebanon, from the country's center to its periphery. During the period 1978-2004, the geographic distribution of these crimes was as follows<sup>25</sup>:

Percent Distribution of Cases of Femicide over the Six Lebanese Governorates



At first glance, this chart appears to show a high incidence of cases of femicide in Mount Lebanon. However, this phenomenon would assume a more proper dimension and scope if certain ratios were taken into consideration. The first ratio: The number of cases of femicide committed in a given Lebanese governorate versus its population size (i.e. crime rate in that governorate) during that given period. The second ratio: The number of cases of femicide committed in other governorates versus their population size (i.e. crime rates in other governorates) during that same time period.

Unfortunately, we do not have access to the relevant data and statistics to create these specific ratios. Instead, we will compare the percentage of cases of femicide committed according to the geographic distribution found in our sample, to the percentage of the population distribution in the various Lebanese governorates at that time. The percentages of population distributions per governorate are

<sup>25</sup> Please note, again, that the 66 trial and case documents that made up the sample for this study are those of cases of femicide committed between the years 1978 and 2004 which were concluded between the years 1999 and 2007.

presented in this study according to data provided by the Lebanese Family Health Survey, conducted in 2004.<sup>26</sup>

The following table, thus, shows population rates according to their distribution amongst the six governorates and the relative percentage of distribution of cases of femicide between the years 1978 and 2004 as follows:

	Beqaa Valley	North Lebanon	Mount Lebanon	South Lebanon	Nabatiyeh	Beirut
Percentage of Lebanese population per governorate	12.4	20.9	39.1	10.9	6.1	10.6
Percentage of cases of femicide per governorate between 1978-2004	25.4	13.6	34.8	9.1	1.5	15.2
Rate of cases of femicide between 1978-2004 <sup>27</sup>	2.05	0.65	0.89	0.83	0.25	1.4

Comparing crime rates across the different governorates reveals that in the Beqaa Valley the rate of cases of femicide is more than double that of the “expected” crime rate, while in Nabatiyeh it is four times less.

### The Case of the Beqaa Valley Governorate

Based on the findings presented above, we can say that the rate of femicide cases in the Beqaa Valley is likely to be the highest amongst the Lebanese governorates. The opposite is true of Nabatiyeh, where this governorate appears to have the lowest rate of femicide crimes.

At this stage, we would also like to draw the reader’s attention to the obvious fact and, at the same time, well-kept secret that the number of cases of femicide actually reported does not coincide with the number of such crimes actually committed. In other words, there are victims of femicide crimes, who “die” allegedly “of natural causes”... and are buried as victims of “*qadaa’ wa qadar*” (“predestined fate”) – a widely accepted belief, allegedly based on a religious premise that one’s fate and predetermined destiny is written by God. This belief is often used as a pretext to keep the authorities in the dark regarding the real cause of death of these women.<sup>28</sup>

This type of “obscuring of the facts” appears to be more prevalent in the more peripheral and more rural governorates, like the Beqaa Valley, than in regions that are more urban and geographically closer to the capital. The peripheral regions are different from other Lebanese regions in their geography in that they are comprised of scattered villages and towns that are further from the reach of the state and its internal public security services, and consequently are more likely to witness this type of “obscuring of the facts”. In any case, based on the table presented above, the rate of the cases of femicide in the

<sup>26</sup> Issued by The Arab Family Health Project in cooperation with the Ministry of Social Affairs and the Central Administration for Statistics in the Republic of Lebanon

<sup>27</sup> This ratio was arrived at by dividing the percentage of cases of femicide by the percentage of the Lebanese population in that specific governorate.

<sup>28</sup> A worker in one of the health service centers in the Beirut suburbs told the author of this study in an interview that in the mid-1990s the gynaecological exam of an unmarried adolescent girl revealed that the young girl was two months pregnant. When the girl’s family returned to the Beirut suburbs, where they usually spend the winter season after spending the summer in their village, the young girl did not accompany them. Rumour had it that “she had died from severe diarrhoea”.

Beqaa Valley appears to be the highest in the country. If it is indeed true that some cases of femicide are secreted or covered up in this peripheral region, we can assume that the real number of femicide cases is higher than what is actually reported; and, that the Beqaa Valley is most likely the region with the highest femicide crime rate in the country.

### **The Geographic Milieu and the Notion of "Honour"**

In this section, we will attempt to present an interpretation of why the rate of femicide crimes in this geographic region of Lebanon is relatively higher than anywhere else in the country. We will look at the socio-economic factors, which characterize this area and which appear to make it more prone to embracing what is known in cultural anthropological circles as the "honour culture".

This "honour culture" can be seen in the context of the super structure of a socio-economic reality, which has traditionally depended upon a pastoral economy throughout its history. In these societies, livestock and their by-products are the main source of income. Thus, by necessity, the survival of the people in this area of the country has always been predicated upon constantly being prepared to use force to protect their family's or clan's source of livelihood, or livestock. Indeed, free range livestock are easy targets for looters, who easily flee with their looted livestock to areas that are difficult to reach in that rugged terrain. The survival instincts of societies dependent on such economic staples can be compared to more sedentary societies that rely on the relatively fixed agriculture, for example. It is in this context that in order to survive, these pastoral societies develop a parallel set of values and normative practices that place greater value on the use of force – much greater than in agricultural societies, for example.

This propensity to resort to the use of force under the influence of raw emotion and anger, triggered by what is seen as an attack or harm against one or one's family is considered a highly valued character trait. Subsequently, the use of force is considered a legitimate form of defending one's or one's family's "honour". The reverse is also true; patience and self-control under such circumstances are seen as a weakness and a violation of this honour. This propensity also explains the widespread possession of firearms that exists in these societies, and the weakened role of the state and its institutions. The state is not perceived as the exclusive guarantor of people's safety and security, and its institutions are not perceived as the first choice of refuge for protection and for prevention of harm.

In the study sample, some but not all those accused and tried for crimes of femicide in the Beqaa area were shepherds, and some of the murdered women were actually shot or killed in their family's tent, or "temporary" home, erected in the pastures where their livestock grazed. Through our investigation of a number of cases, we found that all the males owned firearms, including a young boy, barely eleven years of age, who helps his father out on the range.

However, can one really say that the prevailing economy in the Beqaa Valley remains that of a "pastoral economy" in view of the modern economic system and so-called "integrated market" in Lebanon, which has existed for several decades? Whatever the case, the "honour culture", as is the case with other such cultural constructs, does not disappear automatically even with the demise of the economic system that helped produce it. Indeed, the fact that there is a "cultural" lag behind changing socio-economic realities and patterns appears to be a universal rule.

Researchers Nisbet and Cohen, who studied different manifestations linked to the "honour culture" in contemporary societies in the Southern United States, have demonstrated this universal paradigm.<sup>29</sup>

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<sup>29</sup> See Nisbet and Cohen, 1996

The societies in the southern states were once pastoral economies early in their development. In general, the populations who immigrated to the Southern United States came from areas in Europe where the economies were pastoral or agricultural, whereas the European origins of immigrants to the Northern United States were mostly urban. In their research, Nisbet and Cohen show that an "honour culture" still prevails in the South, despite the economic, social and demographic changes introduced to that area over the course of the past century.

A pastoral society (or what was once a pastoral society), by virtue of its structure, is a patriarchal society; and, thus, the commitment to and obligations of the male in a culture of "honour" indeed are not limited to protecting material possessions against aggression, but rather all "possessions". In view of this cultural construct, women and children are perceived as part of these "possessions". The fact that the socio-economic reality may have changed somewhat in the past decades does not mean this cultural construct will follow suit at the same speed.

In the field studies conducted by Nisbet and Cohen, the researchers found that the use of violence by males to avenge attacks or aggression against their "women" was most prevalent in societies that espoused the "honour culture". An alleged aggression against one's women is perceived as topping the list of offenses that call for an immediate response, usually entailing an immediate use of force. Furthermore, in the majority of cases, immediate death rather than punishment by the institutions of the state appears to be the fate of perpetrators.

One may wonder why the notion of an "honour culture" is called up at the same time that one is addressing the subject of the murders of women by members of their own families, and in such cases as described above, where the person murdered is usually a male, and a stranger to the family context. What is the similarity between a crime in which one man kills another man because of an alleged aggression against the former's "woman", and a crime in which a man kills one of his own "women" when an alleged violation or aggression takes place?

We will try to answer that question through what may be mere speculation that requires further scrutiny. From the family's perspective, the murder of a kinswoman or a female partner – after she has allegedly committed a sexual violation (or was violated sexually) outside the legal bonds of marriage – carries a price that the family can bear; at least it would be less than that borne when a male or the male involved (in the violation) is killed. Killing a male can carry dire consequences for the family. Killing a male from another family can instigate a vendetta, where a clan or family will seek revenge for the murder of one of its male members. Or, it may lead to monetary compensation for blood shed between one clan and family and another – and money is a dear commodity in societies that lead a hand to mouth existence. Thus, killing a female relative is more economical and the repercussions and costs are limited, from the family's point of view.

Furthermore, killing the female serves the "intended purpose" because, in itself, her murder is seen as an indirect expression of enmity and animosity towards the male accused of violating the sexual code as well. Killing the female becomes a symbolic murder of the male in violation, because the act annuls and negates his desire, which could also be psychoanalytically construed as his emasculation. Sometimes the actual killing of his foetus is considered the same, in the sense that the product of his act or his impregnation is "murdered". Thus, the female victim, in a sense, becomes the scapegoat.<sup>30</sup> Through the real and symbolic killing of the violators of the sexual code, the family can cleanse the "impurity" and "shame" caused by the violation itself; and, this task is accomplished at a cost that can

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<sup>30</sup> In the course of describing people's reactions to criminal/legal verdicts in cases involving so-called "honour crimes" in Palestine, Nadera Shalhoub-Kevorkian wonders whether the death/murder of a female could be considered as a "license to live" for her entire family; Shalhoub-Kevorkian, 2002

be borne by the family. This is particularly the case because these actual and symbolic killings are perceived as acts which are in concurrence with honour-related beliefs and norms – beliefs and norms whose behavioural implications are not all that different from the notion of honour in the “honour cultures” described by Nisbet and Cohen, in general, and the status of women within them, in particular.

### **The Case of the Nabatiyeh Governorate**

In our study sample, the ratio of the cases of femicide in the Nabatiyeh governorate is almost four times lower than its percent population. What may be worthy to note, at this time, is that the Nabatiyeh governorate is contiguous to what has become better known as “the border strip”, which was occupied by Israel from the years 1976 to 2000. Thus, this geographic and political reality imposed a direct state of confrontation between the area’s population and a clearly defined enemy. As a result, the area has harboured an active resistance which has been operating in that area for several decades.

Subsequently, we can make a presumption that the lower numbers in the murders of women relatives and partners in this geographic region could be the result of a displacement of the concept of “honour” from one’s sexual honour or “*al-a’ard*” to the “honour” of defending one’s land or “*al-ard*”.

Is it possible that, due to the region’s proximity to Israel, the population has shifted its focus away from the normative, acceptable sexual behaviour of their female relatives or partners? Has men’s honour been displaced from a preoccupation with the sexuality of “their” womenfolk to bravery in defence of the homeland? Can we assume that this resistance has given honour a new meaning that is unrelated to a woman’s sexuality? This is indeed an assumption that needs further scrutiny and research.

The above is merely a speculation that may help explain the relatively low number of cases of femicide which were accounted for in the governorate of Nabatiyeh in the set of trials under our examination. The result could have been different had we examined a different set of trials; and, another researcher could have interpreted the same phenomenon differently.

### **Scenes of Femicide Crimes in Lebanon**

Approximately 80% of the cases of femicide took place either at the victim’s home or in its immediate proximity, i.e., at the victim’s parent’s or marital home. In rare cases, these crimes took place at the home of relatives of varying degrees of relation to the victim. We will address the significance of this figure later in the study. The rate of women killed inside their homes, or within the vicinity of their homes, or outside their homes did not differ statistically depending on the women’s marital status. It did not make a difference whether these women victims were married, single or divorced – they were likely to be killed inside their homes, or within the vicinity of their homes, or outside it at the same rate.

### **Timeframe under Study: During and After Military Hostilities in Lebanon**

The cases of femicide studied in our sample of 66 trial documents took place over a 27-year period. The period covered means that the crimes under study took place both during the time of military hostilities in Lebanon (between the years 1978 and 1991) and after hostilities ended (between the years 1992 and 2004).<sup>31</sup>

The following table shows the distribution of the number of cases of femicide examined with respect to these different stages that took place within the period under study:

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<sup>31</sup> The Lebanese civil war lasted from mid-1975 until 1991.

Time period in which the crime took place	Number of cases of femicide	Percentage
Between 1978 and 1991 (inclusively)	12	18.2
Between 1992 and 2004 (inclusively)	54	81.8
<b>Total</b>	<b>66</b>	<b>100</b>

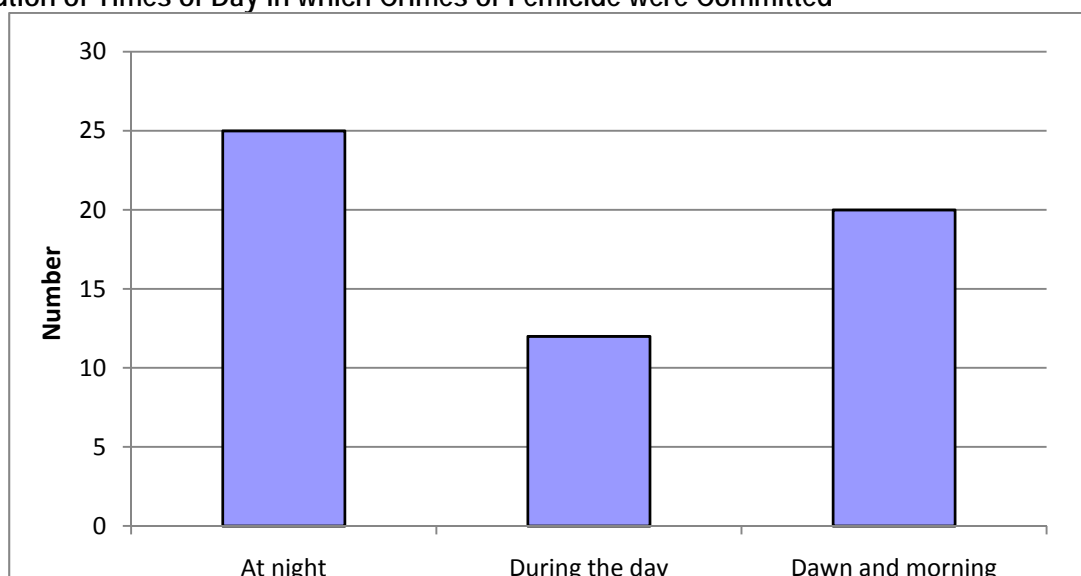
Again, it is worthwhile to remind the reader that the 66 trials covered in this study do not include all the cases of femicide that took place in Lebanon during the stated 27-year period. They do not include any cases that were concluded before 1999 and those not yet concluded by 2007. Some of these trials could still be ongoing (after 2007), or were concluded prior to 1999. Therefore, one should keep in mind that trial cases that fall under either category were not included in our sample.

In any case, the difference between the numbers of trials covered by our study – those committed before 1991 and those committed after 1991 (or the year military hostilities officially ended in Lebanon) – may be due to the heightened level of activity in the criminal courts or the Court of Cassation after 1991. During the period in which hostilities were still ongoing, many cases remained pending despite the passage of many years. The lesser number of cases tried during the 13 years prior to 1991 compared to the number of cases tried during the 12 years after 1991 may also be due to the under-reporting of crimes in general, and cases of femicide in particular during that period in which hostilities were still ongoing. Establishing these discrepancies, at this point – and regardless of the implications that may be inherent in these discrepancies – is to help readers place the trial documents researched in this study within the framework of the time periods in which the cases of femicide actually took place, or were tried.

### Time When Crimes of Femicide are Committed

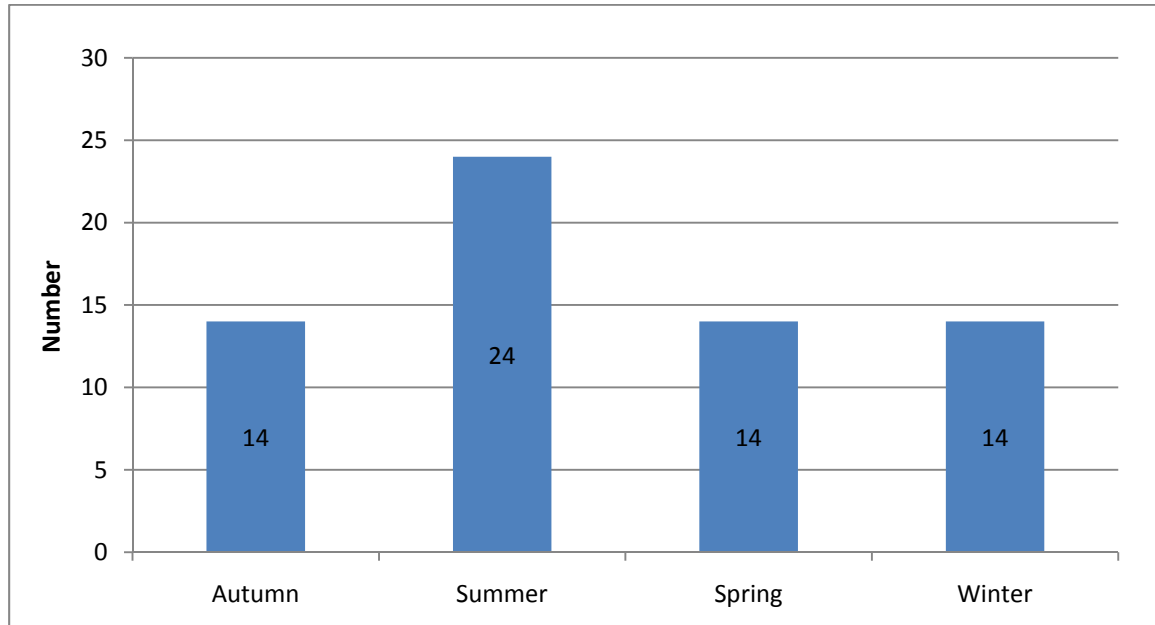
According to the information we gathered from the 66 case files, the times of day and times of the year in which crimes of femicide were committed are distributed in a manner illustrated by the following tables.

#### Distribution of Times of Day in which Crimes of Femicide were Committed





### Distribution of Times of Year in which Crimes of Femicide were Committed



In our attempts to gauge the specific times of year in which cases of femicide take place, we found that, relative to other seasons, summer appears to be the season in which the highest numbers of femicide crimes take place. Surveys that gauge the frequency of crimes in industrialized countries, based on the time of year in which they occur, also reveal the same result. Our sample also shows that daytime appears to be the safest time for women in this part of the world. As the first of the two charts above indicates, the number of femicide crimes actually drops during the day, which makes one wonder whether this has to do with the killers being outside the women's immediate environment during daytime hours.

### Weapons and Methods Used in Committing the Crime

Victims of crimes of femicide in Lebanon are killed with a variety of weapons, including machine guns, military explosives, pistols and hunting rifles. All these weapons can be found in people's homes, although some accused of committing acts of femicide admit to buying the weapon used in the crime specifically for that intended purpose. Victims are also stabbed with sharp objects, such as kitchen knives or cleavers, or beaten to death with a solid object, such as a rock or a pestle. Some of the victims are choked to death by the killer's own hands or with a rope or a wire. Others have had boiling water poured over them, while others have been burned alive, with killers sometimes setting the entire house on fire killing the woman, while her children are in the house. Sometimes, killers poison the women's food or drinks, or force the women to drink a specially prepared potion. Four of those accused, in the cases covered by this study, were not satisfied with just one of the above methods, but rather opted for more than one at the same time. In some cases, the victims' faces were so disfigured that they were no longer recognizable.

The following chart shows the percentage of times in which one of the above murder weapons or methods were used:<sup>32</sup>

### Distribution of Crimes of Femicide Based on Method Used

<sup>32</sup> Methods used in committing the crime were classified by the nature of the confrontation that took place between the accused and his victim as follows: Direct contact (strangulation, stabbing, beating, etc...), by firearm (at close range, etc.) or without direct contact (use of explosives, poison, or burning).



Firearms were used to commit crimes of femicide in half of the 66 cases covered by this study. What is worth noting is that in all the cases in which firearms were used the weapon was unlicensed; and, in each of these cases, the accused was charged either under Article 72<sup>33</sup> or 73<sup>34</sup> (possession of unlicensed or illegal firearms).

No specific region in Lebanon revealed a particular preference in the use of firearms as a means of killing women, more than another.<sup>35</sup> But, in terms of time period, firearms (machine guns, pistols, hunting rifles and in some cases explosives) were used more often before military hostilities ended in Lebanon than after (or after 1991).

The choice of murder weapon based on the two major timeframes set by this study is as follows:

	Use of firearms	Other methods	Number of cases
1978-1991	9	3	12
1992-2004	25	29	54
Total	34	32	66

<sup>33</sup> Article 72 (as amended according to law number 89, dated 07/09/1991), states: "All those in possession, without a license or license to manufacture, military equipment, weapons or munitions, or separate pieces of the first four categories designated in Article 2 of this legislative decree shall be punished by a jail term of six months to three years, and fined one hundred thousand to five hundred thousand Lebanese Pounds, or sentenced to one of the two afore-mentioned punishments. In cases where this equipment, or these weapons and munitions, are used, bought, imported or stolen the accused will serve a jail term of six months to two years [...]. In all cases, the punishment should not be less than a one-month jail term served, and the sentence should, under no circumstance, be suspended if transportable military weapons have been used. The court could, besides the above, forbid those found guilty from carrying a military weapon."

<sup>34</sup> Article 73 (as amended according to law number 89, dated 07/09/1991) states: "If the act committed has to do with non-military equipment, weapons or munitions, designated in category five, those found guilty will be punished with a jail term of no more than six months and a fine of no more than ten thousand Lebanese Pounds, or by one of the afore-mentioned punishments. Except for in cases of possession, the same punishment applies if the act had to do with weapons specified under categories seven and eight."

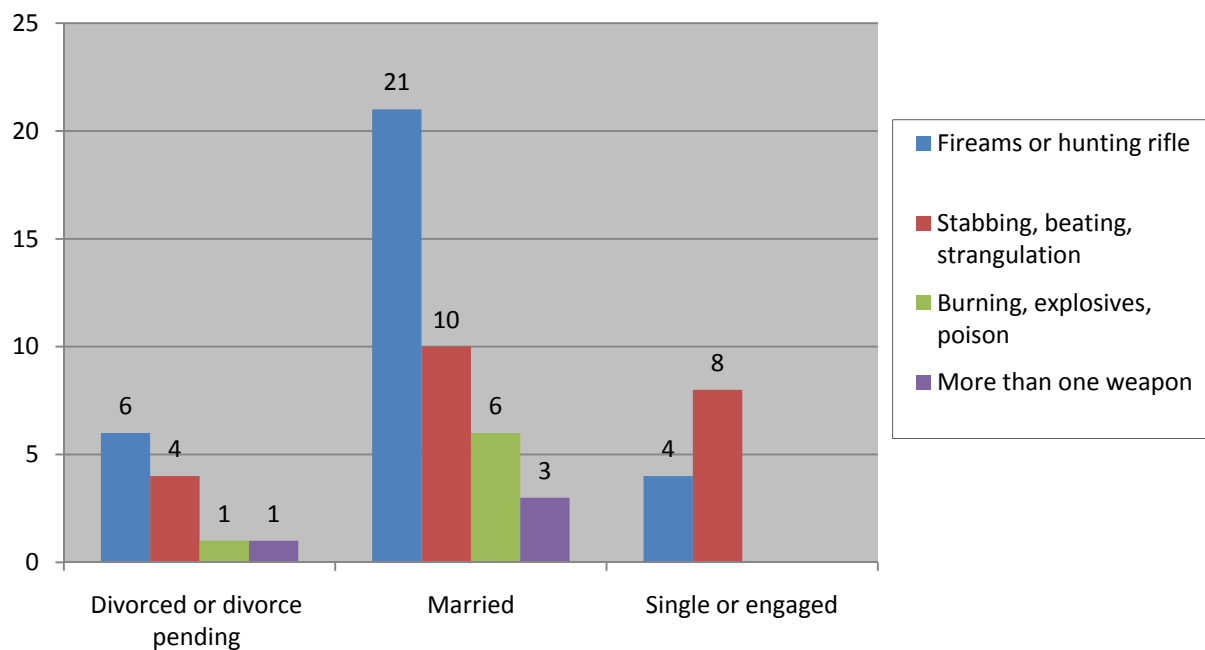
<sup>35</sup> We found no relation of any statistical significance between a crime's locale and the choice of murder weapon used.

From this table, the use of firearms was higher during the “civil war” period than afterwards. Other methods (strangulation, burning, stabbing and beatings) were used more frequently after the cessation of hostilities. Nevertheless, 25 women were killed with firearms after the cessation of hostilities; and, as mentioned above, all the firearms used in cases of femicide covered by this study were unlicensed.

The use of a sharp object (stabbing) immediately follows the use of firearms as the method most often used to commit an act of femicide. The sharp object of most frequent use is a kitchen knife, bought expressly for that purpose. When this method is used, the victim is usually stabbed in more than one part of her body; often, she is stabbed many more times than needed to actually kill her. Sometimes, the victim is shot after she is already dead. In one such incident, the victim was hit by a barrage of 33 bullets fired from an AK-47 (or what is more popularly known as a Kalashnikov) (case 2008/8).

When the cases of femicide studied were categorized based on the physical distance between the perpetrator and the victim when the crime was committed, and when these crimes were categorized according to the victim’s marital status, the results were as follows:

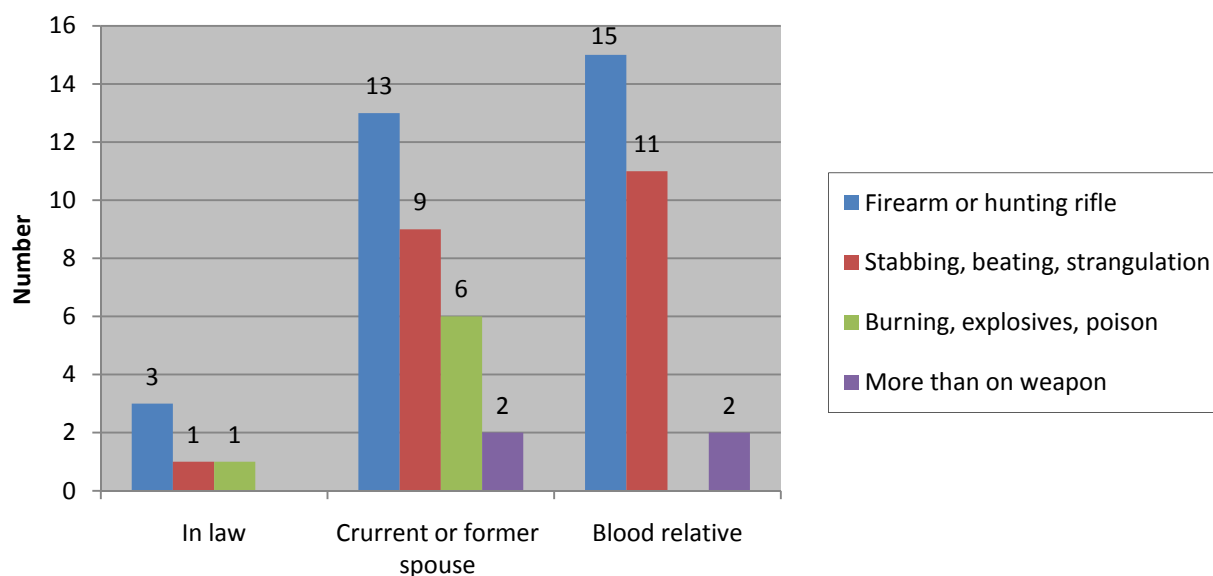
**Distribution of Crimes of Femicide according to the Victim’s Marital Status and the Murder Method Used<sup>36</sup>**



As far as the method used in the murder is concerned, we found no significant correlation between the victims’ marital status and the method used. Whether a woman was married, single or divorced, she could have been killed by any one of the methods mentioned above. Married women are not more likely to be shot (or killed without direct contact) than single or divorced women; and, single women are not stabbed with knives (or killed by a close contact method) more than married women. Thus, there is no correlation between the perpetrator’s choice of weapon and a victim’s marital status.

**Distribution of Crimes of Femicide according to a Victim’s Relationship to the Killer and the Murder Method Used**

<sup>36</sup> In this table, only 64 victims are accounted for because two victims in the cases under study were of unknown marital status.



The same conclusion, which was drawn from the first table, could be made with regard to the correlation between the method used and the type of relationship binding the killer to his victim.<sup>37</sup> The method used in the murder was no different whether the victim was the perpetrator’s sister, mother, daughter or cousin, or if the victim was the wife, ex-wife or mistress. Regardless of their relationship to the killer, women were killed at close range (or by direct contact) as often as they were by firearms (without direct contact).

### A Background on Acts of Femicide Committed in Lebanon: Conflict, Violence and War

Researchers in domestic violence believe that a domestic murder is merely the tip of an iceberg floating on deep, still waters. This metaphor has been used to point to the fact that serious conflicts and disagreements amongst family members often escalate into various forms of violence, pitting one family member against the other, with the stronger family members often victimizing the weaker ones. These disagreements or conflicts are often recorded in the section of the trial proceedings document entitled “The Facts (in the crime)”, mentioned earlier in the introduction to this chapter.

In these case documents we discover, in the words of the clerk who is delegated with recording the facts of the case based on the court’s proceedings, the complete scenario in the case – starting with the plot thickening to its murderous end. In these scenarios, witness accounts claim that some of the victims of femicide crimes expressed fear that these domestic conflicts might eventually cost them their lives. Two such examples are as follows:

Sixty-year old Nayfeh, who no longer satisfied her husband’s sexual needs, openly stated that she could no longer bear her husband’s violence or his accusations. He was constantly asking her to “leave” and to leave all her possessions with him; all of which led her to suspect that, one day, he would try to “get rid of her”. (Case 1999/2)

Adib’s wife feared for her life because he mistreated her, accused her of having extra-marital affairs and threatened to kill her. (Case 2005/1)

Sometimes, the victims had been so afraid that they reported their fears to the police, like in case 2000/1. Witnesses said that in the few days and hours preceding the crime, the victim in this case had

<sup>37</sup> Please note that while compiling this table, we were unable to determine the relationship of three victims to their killers.

tried to escape from her assailant by locking herself in a room, by avoiding being in the same place as he was, and by seeking refuge at a relative or neighbour's house in fear of her assailant's violent temper.

However, in most cases, the victims were unaware of the impending violence and the danger it posed to their lives. This was partially because the verbal, psychological and physical violence that accompanied their disagreements appeared "natural" to the victims. They appeared to be "not out of the ordinary", given the manner in which family members treated one another. Sometimes this lack of awareness was due to the murderer lulling his victim into believing that she could trust him and that she had nothing to fear from him. Also, as we will demonstrate later in the study, this trust was often reinforced by the presence of individuals considered trustworthy by the victim herself.

In the 66 trial documents, we found details of the conflicts that used to take place between the killers and their victims, recounted either by the killer, or by those who were witnesses to these conflicts. These serious conflicts often typically started over trivial matters; and then again, sometimes, more serious issues, all of which confers a unique nature to each of the cases. However, and in general, one could state that these conflicts usually revolved around one of three main issues, or a combination of these three issues therein: sexuality and sexual conduct, money, and authority.

### **Conflicts between Partners**

The issue of sexuality and sexual conduct is the most common cause of conflict between partners. The suspicion of an extramarital affair on the part of the (female) spouse could cloud the life of a marriage and become the main source of violence between partners. However, and although in some cases the infidelity is based on the existence of a "real" man and affair, accusations are often built around no more than an "imagined" figure (Case 2006/1). This imagined man does not always mean a stranger is involved or believed to be involved, but could also be embodied by a blood relative of the female spouse and sometimes even include an incestuous relationship involving a son, a brother or a stepson, amongst others (Case 2006/4).

Sexually-based conflicts take on different forms that range from accusing the victim of failing to satisfy her partner's emotional and sexual needs (Case 1999/2), to the partner taking on a mistress (Case 2000/5), to the partner taking on a second wife when religiously permissible (Case 2006/7), to fear that the man's impotence may be exposed (Case 2005/5), and to even accusing the victim of sexual promiscuity and facilitation of prostitution (Case 2001/2).

Some of the recorded minutes of trial proceedings reveal an abundance of underlying potential for marital problems with most of these potential problems being sexual in nature. In one particular case, the potential problem lays in the fact that the husband is thirty years his wife's senior, in another case the husband is twenty-three years his wife's senior and, in a third case, the young victim was forced to marry her brother-in-law after her sister's death. In our study sample, the presence of a polygamous marriage (usually entailing the presence of two wives) exceeds the national average in Lebanese society. Out of forty cases examined in our study, four families out of the forty, or 7% of the cases under review, included a polygamous marriage. Meanwhile, the national average for polygamy in Lebanon is no more than 0.8%, according to the latest figures issued by the Central Administration for Statistics.

In addition to the issue of polygamy, our sample also included a significant number of men and women who were married for the second or third time, with children from more than one marriage – children they sometimes could not afford to support and, in some cases, with children being sent to special institutions to care for them. Finally, sexual infidelity – one of the most important causes of marital

conflict – is almost always present when the victim is a current or former partner, –even when the woman is beyond the age of being a “sexual object” according to the unwritten normative scripts in Lebanese culture.

The feeling that a man’s wife disobeys him and defies his authority is second to sexuality as a frequent cause for conflict between partners. Manifestations of such behaviour range from the wife leaving the house “without her husband’s prior permission” to issues that touch upon the marriage itself, such as a woman asking the Islamic court of law (the *Shari’a* court) for a divorce or separation without the man’s acquiescence and against his wishes. In between these two extreme cases lies a range of issues including a pregnancy that the husband does not want, or an insistence on living near one of the spouse’s parents, or partners failing to carry out the social role expected of them as men and women (the belief that the way the children are being raised is poor, that a wife is neglecting her duties around the house, or a man is failing to provide financially, and so on). What is worth noting is that the period of separation that often precedes a final divorce, and even a final divorce itself, does not prevent conflict because a husband may see this act as a challenge to his authority – the kind of challenge to which a husband almost always reacts with physical violence and death threats.

Financial problems leading to conflict also take on various forms, including accusing the wife of squandering the husband’s earnings, the husband wanting to get his hands on his wife’s property, or insisting that any money she has be transferred to his account, and so on. Examples of these kinds of cases include the following:

Suspicious surrounded the circumstances around the death of Nadia, who was found strangled at a location she was summoned to following a telephone conversation (according to the testimony of the telephone operator who worked in the hotel she was living in). The husband was the main beneficiary of a very lucrative life insurance policy taken out on Nadia’s life. At the time of the strangulation, the husband was out of the country, and it appears he hired the services of professional killers to murder Nadia. The insurance company sued him, based on these suspicious circumstances, but he was later exonerated (and, in this case, the hired killers were released) for lack of sufficient evidence. (Case 2007/9)

Mustafa tried to burn his wife alive with boiling water. The problems between the two centered on his inability to pay the “*mu’akhar*” (the second instalment of a “dowry”, in Islamic law, which is paid to the woman in the case of a divorce, according to an Islamic marriage contract, or kind of prenuptial agreement, agreed to between the two parties at the time of marriage), amounting to the four kilograms of gold required to legally finalize their divorce. (Case 2004/7)

A witness testified that Nayef killed his wife because she stole one hundred dollars from him to give to her son as a gift for his fiancée. Another witness testified that the fact that Nayef’s wife had saved one hundred and sixty dollars to give to her son as a gift was viewed by Nayef as an act of betrayal. (Case 2004/4)

Sometimes, several problems converge, such as sexually-based disagreements coupled with financial issues. These combinations of problems, in most cases, have been deemed a pretext for the accused to “legitimize” his motive for murder.

### **Conflicts between Relatives**

In conflicts which lead to an act of femicide, based on sexuality and sexual conduct, and in which a female’s relatives or blood relations have been accused of murdering the victim (and amongst the cases under study, in two cases, the murderers were mothers of the victims), two faces of this phenomenon are most common:

The first includes the victim being sexually active outside the legal bonds of marriage. This could mean that the female in question lost her virginity and was found, by the medical examiner, to have a “broken” hymen or found to be pregnant.

What is interesting to note, at this point, is contrary to cases involving married women, we seldom find any detailed explanation regarding the nature of the conflict between the accused and the victim in cases of femicide in which the (unmarried) victim is killed by relatives. Very few case documents reveal the actual cause of the conflict that led to the violence against the victim, or which imposed limits on her freedom, or led to death threats – not to mention attempts to actually execute such threats. The omission of such information on the part of witnesses to the case, who are also usually relatives of the victim, could be seen as tactics to ensure that the element of “surprise” is proven, which mitigates the planning of the crime and downplays any premeditation.

It could also be an inherent presupposition that, in itself, the “loss of virginity” as a result of premarital sex, and the issue of a female actually having had premarital sex, have such profound impact that they render any description of the facts surrounding the crime almost irrelevant. Loss of virginity in a case of premarital sex also renders any detailed understanding of the core conflict and the type of violence prevailing amongst family members almost irrelevant as well. Thus, unlike documents pertaining to trials of married victims of acts of femicide, in cases involving unmarried women there is little if any mention of the nature of these kinds of underlying or background disagreements or conflicts.<sup>38</sup> In a society such as the Lebanese society, often a situation where an unmarried woman loses her virginity or becomes pregnant outside the legal bonds of marriage becomes the pretext or motive for committing what is a so-called “honour crime”. And, in cases of “honour crimes” there is little if any evidence mentioned of prior disagreements or conflicts between the victim and the accused.

The second face of these types of cases of femicide include quite a number of crimes - almost a quarter of the cases we studied in fact - where the victim is married (or, in other words, is religiously, socially and legally recognized as being within the context of a sanctioned marriage) when she is killed by her relatives or blood relations. The married women in question are a sister, daughter, niece, or wife and sometimes even a sister-in-law who got married against her parents' wishes and without their consent in an act often called “*khatifeh*” or elopement in Lebanese vernacular. The act of marrying without the consent of the parents is often seen as a grave disobedience and a flagrant defiance of her parents' authority.

These types of conflicts do not apply to legally and contractually-based partnerships alone, but extend to a handful of cases where the decision to break a marriage contract or to seek a divorce (from a man chosen by the woman's parents) or even the decision not to seek a divorce (when the parents no longer want that husband for their daughter) leads to a crime of femicide. Sometimes, even the act of simply getting a divorce can end in an act of femicide – where a man, related to the woman, feels “shamed” because his relative is a divorced woman, and thus tries to “eliminate” her physically in order to eliminate the source of his shame! Unlike cases in which the victim is a single woman, the conflicts leading up to an act of femicide committed against a married or once married woman are usually recorded in trial proceedings. Perhaps, this record is made due to the fact that the conflict in the former cases draws upon social criteria whose validity is not in dispute.

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<sup>38</sup> In the case of Ne'mat', a single woman killed at her workplace, her co-workers gave information, as witnesses, about the problems that were taking place between her and her family. The conflict revolved around her mother's and her brother's (and also her killer) attempts to marry her off to a man, who unlike her fiancé was well off and belonged to the same religious sect as her family. This case is somewhat unique because the femicide case documents related to this particular trial provided information about the killer, who was a blood relative (her brother), which the other family members tried hard to conceal. (Case 2003/40)

What is also worth noting is that a case of femicide in which the victim is a relative or a blood relative is not always without a financial motive. In several documents, we found a plethora of details about disagreements between men (sometimes even adolescent men) and their older, middle-aged or younger relatives (mothers, grandmothers, sisters, wives, etc.) killed out of greed for their money, their belongings or property, or for having squandered money. The documents also reveal a series of past disagreements involving requests to the victim for money, attempts to put one's hand on her property, death threats and robbery attempts, even murder attempts that were either reported to the police or quickly covered up to keep them confined to the immediate family.

### **Physical Violence between Partners and Relatives**

Regardless of whether the victim's killer is a blood relative or a partner, there is repeated mention, in both the "Facts" and sometimes the "Law" sections of trial documents, of physical violence and complaints with regard to physical violence, which were a prelude to the actual crime. Moreover, complete case files provide, often verbatim, testimonies from witnesses that were elicited and recorded as part of a structured interrogation, or were recorded as information provided freely by the witnesses. These recorded statements provide ample material detailing the physical and emotional violence committed by members of the same family against one another and, in particular, the stronger family members against the weaker ones. Violence, in these cases, is used as a means to control the behaviour of women and young girls, or to scare and to blackmail them in order to draw certain advantages from them.

Examples of such pre-existing violence in cases of femicide are provided below:

The wife was killed; and the husband ran to her defence, only to be killed himself. The killers were the husband's brother and the husband's uncle. Hassan, a son from the first marriage of the murdered man, witnessed the crime. He was "allowed to live", but was warned that he would also be killed if he disclosed any of the real facts surrounding the crime. Hassan was promised a good life if he kept his mouth shut, and if he was willing to go along with a complicated scenario concocted by the killers to explain the two murders (of the father and the stepmother). During the course of the investigation, which lasted for a prolonged period for certain reasons, the investigators heard from a large number of witnesses. It was soon discovered that the murdered man was a markedly violent man. He not only beat his sons, daughters and his first and second wives, but his mother as well. The son, Hassan, who was eleven years old when the crime was committed, and who became an adolescent by the time the long trial was over, also adopted his father's violent role. Hassan began beating his grandmother, sisters and mother, sometimes even tying their feet and suspending them from the ceiling when he did not get his way. He sexually assaulted his eldest sister and forced her to have sex with some of his adolescent friends in return for payments he collected. He also started molesting and assaulting his younger sisters [...] (Case 2006/7)

The wife (and victim) acted violently against her husband (the killer), when she asked for assistance from men who belonged to a powerful and armed political party in their region. These armed men severely beat the husband. The wife wanted a divorce and custody of her children. She threatened him with the fact that she was well-connected with armed men who controlled and "protected" their area. She warned him that she could easily ask that he be killed while she escaped with the two children [...] (Case 2003/6)

The father used to beat his thirty-year old daughter (the victim) and punished her harshly "with the hope that she would change her dishonourable conduct". He locked her up in her room several times. But all this failed to convince her to amend her deviant behaviour. Then he, in his own words, "took the knife, with the intention of only slightly hurting her, in order to teach her a lesson – since all the beatings and harsh punishments had done nothing to deter her. But, the stab was too deep, wounding her in the neck... And she died" [...] (Case 2007/4)



The neighbours testified that the father forbade his daughter (the victim) to stand on the balcony and that he was very jealous. He had beaten her to a pulp and had once tried to force her to drink poison, but the mother intervened. On another occasion he stabbed her several times with a knife, without actually killing her, and proceeded to lock her up at home. The girl finally fled, and sought protection and refuge with a German organization. The girl's aunt testified that, "My brother-in-law treated his wife and children unjustly and was so suspicious of his wife that he could not bear to see her with his own brothers. He forbade his daughter to stand on the balcony and beat her to a pulp, once even stabbing her with a knife..." A neighbour said, "The killer was very unfair; he beat his daughter regularly. She once tried to escape to my house after he stabbed her on the shoulder with a knife; but, I asked her not to do that again for fear of what her father might do to us." [...] (Case 2007/2)

Seventy-year old Lulu was killed by her son, who claimed that she fell from the ladder. However, Lulu's husband had reported to the police that their son had behaved violently towards his mother (tying her up and beating her) because she refused to give him money to spend on going out, and to maintain his addiction [...] (Case 2001/1)

## **War and the Politics of Protection**

In a civil war, violence is used for political purposes. However, war creates a breeding ground for many other forms of violence as well. In war, the woman, as well as the man, loses a major ally in the state and its institutions (and the power and protection inherent in a state and its institutions). In principle, the state is that body to which a woman is supposed to be able to turn to, when all else fails, as a citizen to protect her from harm and violence. While hostilities were ongoing in Lebanon between the years 1975 and 1991, the authority of state significantly regressed. Its ability to deal with violence, or the threat of violence, was no longer its exclusive domain. In fact, the state was forced to share whatever authority it had left and its exclusive privileges with other powers – other organizations and individuals – that could use this vacuum to indulge in and protect all kinds of illegal activities without fear of accountability. The situation made it much easier for criminals to benefit and seek refuge in these new powers; and, the criminal had free reign to frighten and threaten others.

In the sample considered for this study, some of the crimes we covered took place during the time of hostilities that took place between 1975 and 1991. These "military hostilities" were the work of Lebanese groups and Palestinian groups, and warring factions within each one of these groups which were either religious or partisan, and which operated in almost every inch of the Lebanese territory. On the other hand, some of the crimes we covered were committed after this period, or during the time when the Lebanese state, in principle, had regained its authority over all of the Lebanese territory.

During the period in which military hostilities were taking place, some of the accused in the cases we studied claimed that they purchased their weapons in Palestinian refugee camps, or benefitted from the presence of these camps, as well as other areas which operated outside the state's authority, to commit their crime:

Ali, who killed both his wife and her sister, said that he had purchased the murder weapon, a pistol, from Ein el-Helweh (a Palestinian refugee camp) on the same day that he committed the crime. (Case 2004/9)

Fadi claimed he bought the murder weapon from Nahr el-Bared (a Palestinian refugee camp) to use as protection from another family, which harboured a grudge against his family. (Case 2004/8)

Raed, a Palestinian living in Lebanon, killed his grandmother because she refused to give him money to buy a motorcycle. [...] The man had, in his possession, four hand-grenades (which he claimed was for

his own personal use). He also claimed that he was the target of the explosion that killed his grandmother for political reasons. (Case 2002/1)

Ahmad obtained a document from an official in one of the Palestinian factions that claimed he was on a military mission at the time the crime took place, which provided an alibi for Ahmad. (Case 1999/3)

After killing his wife, Ismail fled to the south where he found refuge in areas near the border that were under control of the Israeli-backed South Lebanon Army. (Case 1999/7)

A number of those accused fled to a neighbouring country, or obtained fake travel documents and fled to a third country with the help of certain powerful organizations. (Case 2000/1)

In one case, the accused denied having committed the crime and claimed that a political party, which opposed the party he was affiliated with, had trumped up the charges against him in an act of revenge. He also claimed that his party would seek revenge against any witnesses who dared to testify against him. (Case 2001/3)

## Second: The Accused and the Victims

In our attempt to deconstruct the crime into its various components, we will begin with trying to define particular characteristics that are common to the perpetrators and to the victims or, in other words, the accused – most of whom were actually guilty of murder – and their female victims. 82 murder suspects and others implicated in the crime were involved in the 66 trials covered in the sample used for this study. Also amongst these 66 cases, there was one case of incitement, and another case of seduction. 82 victims were left in the wake of these 66 crimes. The victims of these crimes also included men, women and children who were not the primary target in the crime.<sup>39</sup>

In this study, we will focus only on the victim who was the primary target of the crime, and the main suspect. We define the main suspect in a given case as the individual who received the heaviest sentence by the court.

Trial documents systematically state the suspect or suspect's full name, nationality, date of birth and, if the suspect is Lebanese, the place of birth<sup>40</sup>. The date the crime was committed and, most of the time, the time of day that the crime occurred in is also recorded. It also identifies the scene of the crime and the town it was committed in<sup>41</sup>. The way the murder was committed is stated; the murder weapon is identified, as is the cause of death. In this way, these documents provide us with information through which we can attempt to draw upon the characteristics and general profile of women-killers, as well as the time and place, and the general circumstances and events surrounding these crimes.

### The "Natural" Origins of the Defendants: Male and Female

There are two women amongst the 66 main suspects. Of these two women, the court suspects that one was not telling the truth when she confessed to killing her daughter. The confession was likely to protect her son, the real killer, who happened to disappear after the crime was committed.<sup>42</sup> The other woman

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<sup>39</sup> The 66 trial proceeding documents under study involved eighty-two accused individuals. The accused in these trials were accused of murdering 80 victims and wounding two others, who survived the murder attempts. Thus, some of the trials involved more than one accused, and some involved the death of more than one individual.

<sup>40</sup> If the accused was not of Lebanese nationality, only his country of birth is documented.

<sup>41</sup> Except in a few cases where a suspicion existed that the victim's body was removed from the scene and location of the crime, and where the killer was unidentified.

<sup>42</sup> The court justified its decision to accuse this particular woman of a crime based on the legal precedent that "a confession is the most powerful evidence".

abetted the father and brother in the murder of her daughter. Women who commit crimes of femicide account for 3% of the total number of those accused of femicide crimes. This percentage hardly compares with crime statistics from other countries, which make their statistics public and which categorize these statistics by gender as well. In such statistics, there is regular evidence that a very low percentage of women kill other women. For example, in the United States, the number of women who kill women ranges from between 4% and 8%, according to the few studies which have been conducted on this subject.<sup>43</sup> However, crimes that are documented in these countries usually occur within the context of a so-called "crime of passion". The two women in our sample killed, or allegedly killed, their daughters under totally different circumstances; thus, their cases do not lend themselves to that comparison.

The accused from our sample of 66 cases carry five different Arab nationalities. They are distributed among these nationalities as follows:

Nationality	Accused	Percentage of total
Lebanese	55	83.3
Palestinian	6	9.1
Syrian	3	4.5
Iraqi	1	1.5
Egyptian	1	1.5
<b>Total</b>	<b>66</b>	<b>99.9</b>

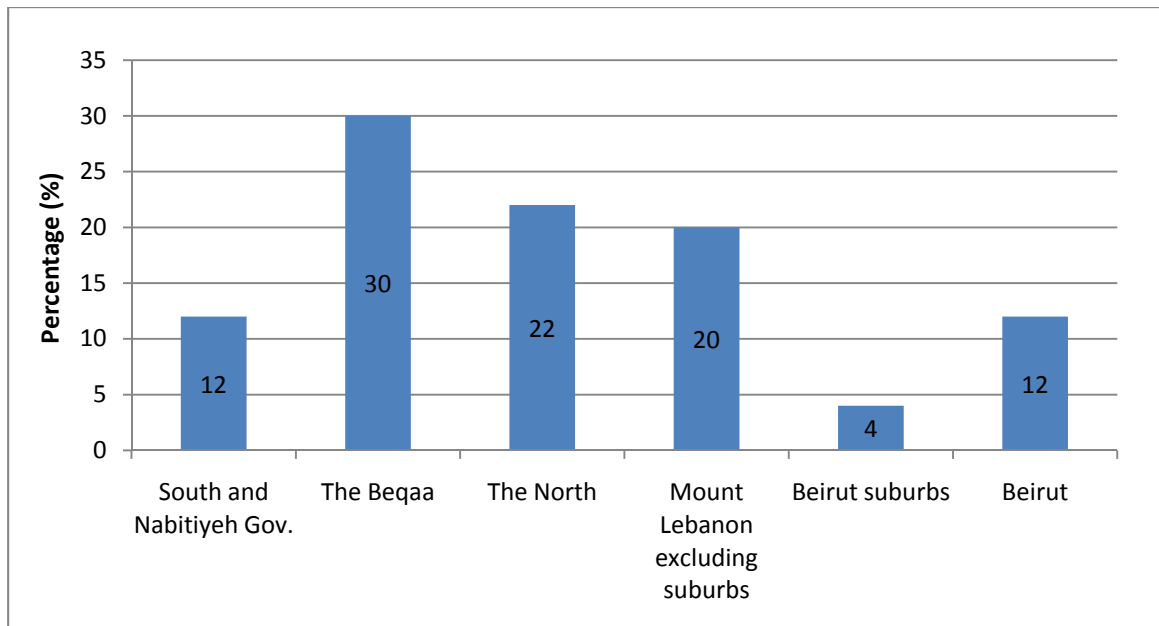
Lebanese nationals account for 83% of the accused in our sampling. We cannot know for sure if the Palestinian suspects are over or under-represented in this sampling, as we do not have precise statistics on the number of Palestinians living in Lebanon. The same can be said about the Syrian nationals involved in these cases.

We know where 50 of the 55 Lebanese nationals were born. The distribution of the accused amongst the different governorates, based on their place of birth as indicated on their identity cards, is as follows:

## Distribution of the Defendants amongst the Governorates

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<sup>43</sup> Russel and Harmes, 2001



The majority, or seventy-two percent, of the defendants committed their crimes in the governorate where they were born. The remaining defendants committed their crimes elsewhere. Does this statistic indicate that the killers expected and anticipated endorsement or protection from their immediate and extended families?

### Religious and Sectarian Affiliations

The factor of religious affiliation, as part of the other variables in certain social studies, can trigger a certain discomfort amongst Lebanese audiences at academic encounters and at lectures, where academics and researchers present the results of their work – and particularly when the results are skewed towards one particular sect and not another.<sup>44</sup> Researchers (the author of this study included) who use sectarian affiliation as one of the variables that can help denote people's "natural" affiliations are often accused of "not focussing enough on more indicative variables that bear on the subject, allowing themselves instead to be driven by unscientific classifications of the subjects under study".

However, clearly, Lebanese society is sectarian in nature, despite the hopes of those who drafted Lebanon's constitution which stipulates the need to work towards abolishing political sectarianism, and despite the vast majority of the cultural elite's rejection of the prevailing sectarian order in the country. Obviously, this sectarianism does not mean that individuals in Lebanon do not also belong to different segmentations of the population, based on accepted and acknowledged variables used in social science studies, such as demography, economic status or education, as well as other social classifications. But, despite the fact that these variables are cross-sectarian, they do not, as such, negate the impact that sectarian affiliation may have on the phenomenon under study. Of course, the opposite is also true. Moreover, if the variable of sectarian affiliation is irrelevant to the phenomenon under study – as opponents to including this variable in psycho-social studies claim – then this irrelevance will also become clear through statistical treatment of the data. For example, if attitudes towards women is independent of sectarian affiliation and is instead a function of levels of education, then those who share higher levels of education would tend to support women's causes in a similar manner, regardless of the sect they belong to and vice versa.

<sup>44</sup> Officially, in Lebanon, there are 18 sectarian communities, belonging broadly to three religions: Islam, Christianity and Judaism.

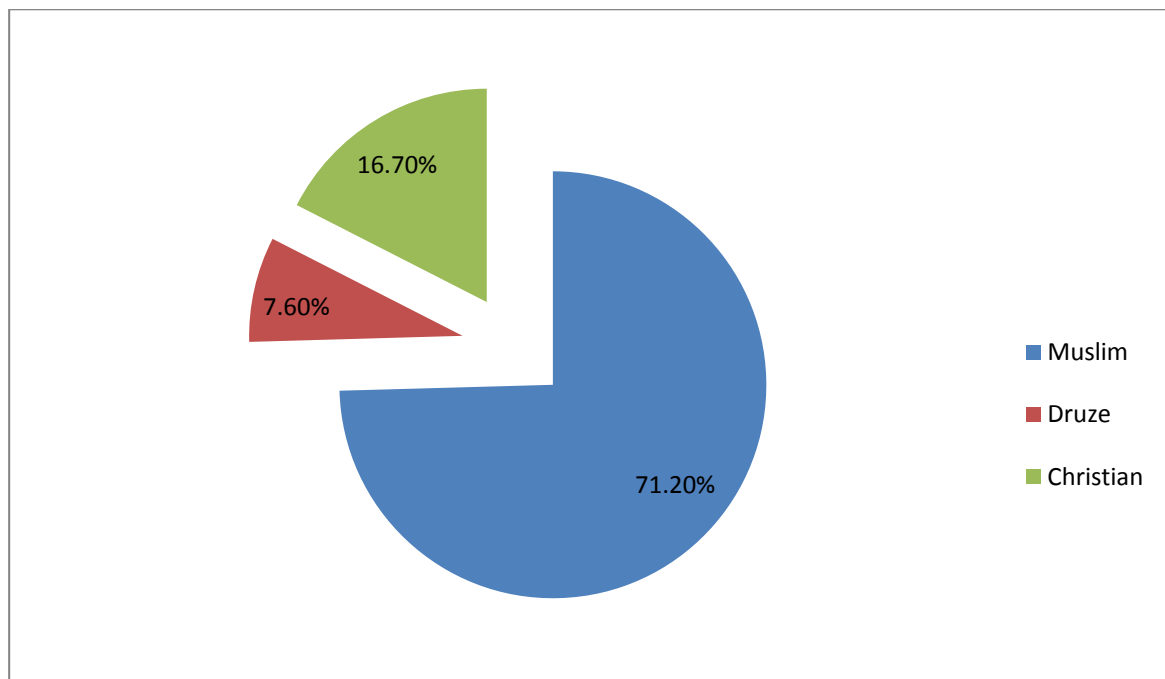
It is our opinion that, in the context of the issue of cases of femicide, a cross-sectarian nature inherent to the majority of the Lebanese people is something that cannot be made as a predisposed assumption. Researchers in social psychology in multi-sectarian and pluralistic societies (whether that plurality is racial, ethnic or religious) must ensure that each and every socio-cultural construct and variable in that society is examined individually and thoroughly. Anything else would lead to a study based on mere ideologies and a flagrant denial of the cultural realities of a society. In Lebanon, the cultural reality includes sectarianism; and, indeed, a sectarianism that is being further entrenched into the social fabric rather than the reverse.

Naturally, when examining the 66 trial documents, we found no official mention of the religious affiliation or sect of the accused or of the victim. However, save in very few cases, the names of the (males) accused indicate their religious denomination and often their sect. It is difficult for a George, Michel or Vartan, named after Christian saints, to be Muslim. Similarly, it is hard to imagine Christian parents naming their sons Mohammad, Ali or Omar (the name of the Muslim prophet, his descendants or his "companions"). Conversely, the reverse holds also true. Moreover, in Lebanon, certain Christian and Muslim names will actually help indicate which sect in Christianity or in Islam the individual is from. In cases where the first name of the accused is religiously "neutral", many times his middle name reveals the religious and/or sectarian affiliation. In the case of the sectarian community of the Druze in Lebanon, names do not indicate a particular sectarian affiliation. However, we were able to deduce the sect of the accused from the circumstances surrounding the case. For example, in one case, one of the victims was killed by her husband on the doorsteps of the Druze tribunal, immediately after their divorce was pronounced; and, in another case, the defendant killed his wife while on their way to finalizing a divorce pending with the Druze tribunal. In the rare cases where none of the above is indicated, we placed the accused or the victim in the category of "unknown" sectarian identity.

The same is not true for women, and especially Muslim women. A generation or more ago, it became fashionable in Lebanon to give Muslim girls western names, a tendency that had, up until then, been unique mostly to Christians in Lebanon. Today, we often find names like Diana, Suzanne, Rita, Katya, Karen and Cynthia amongst Muslim girls of all social classes (as it happens, these are the names of women, who are the sisters of men who still carry names inspired by the Prophet and his "companions" or Shiite and Sunni imams and caliphs). This new trend in nomenclature makes it more difficult to ascertain the victim's sect based on her first name alone. However, court documents will mention the sects of the spouses in the case the two spouses belonged to different sects, or when the difference in sect is key to understanding the crime's circumstances, and in determining the laws that should be applied in that case.

Based on the afore-mentioned methodology in determining the sect of the accused, the distribution of defendants in cases under study according to their major religious affiliation (but not specific sect) is as follows:

## Distribution of Defendants according to their Religious Affiliation



An absolute majority of the accused are Muslim. What is important to note, at this point, is that Muslims accused of committing an act of femicide have not abided by Islam's teachings, as is the case with adherents from the Christian and Druze faiths. By committing murder, all the accused have violated their religious tenets and teachings, at least, from the point of view of their respective religious leaders. Evidence that these cases of femicide violate religious rulings is not only based on a new *"fatwa"* (religious edict or ruling by an acknowledged religious scholar and leader) issued by one of Lebanon's Muslim's religious leaders<sup>45</sup>, but also in an extract taken from one of the trials under study:

Two brothers of a single woman, who became pregnant, consulted a religious leader about the option of killing her. But, the latter warned them not to commit this act, reaffirming the fact that Islam forbids killing under such circumstances. The brothers actually heeded the warning, but their brother-in-law, who had actually raped and impregnated the victim, killed her to conceal the fact that he was responsible for her pregnancy. (Case 2002/2)

What is also interesting to note is the fact that in all 66 trial documents there is a complete absence of any mention of religious motives for the femicide cases under study. In only one case did the killer and his family justify their deed by claiming that the victim's actions had "violated all religious teachings". The girl in question had eloped with her brother-in-law, who had seduced her and convinced her that he intended to marry her as soon as he divorced her sister (Case 2001/5). In another case, a woman pushed her daughter to divorce her husband (then pushed her husband to kill the daughter for disobeying her) because the girl's husband was not religiously observant (he drank alcohol and used drugs) (Case 2002/5). With the exception of the aforementioned two cases, none of the defendants ascribed their actions to any of their respective religious teachings or to their faiths.<sup>46</sup>

<sup>45</sup> In reference to Sayyed Mohammad Hassan Fadlallah, (a well-respected and renowned Shiite Ayatollah), who issued a *fatwa* forbidding the murder of a woman under the pretext of "honour"; (see the *"al-Anwar"* Lebanese daily newspaper; Wednesday, November 28, 2007).

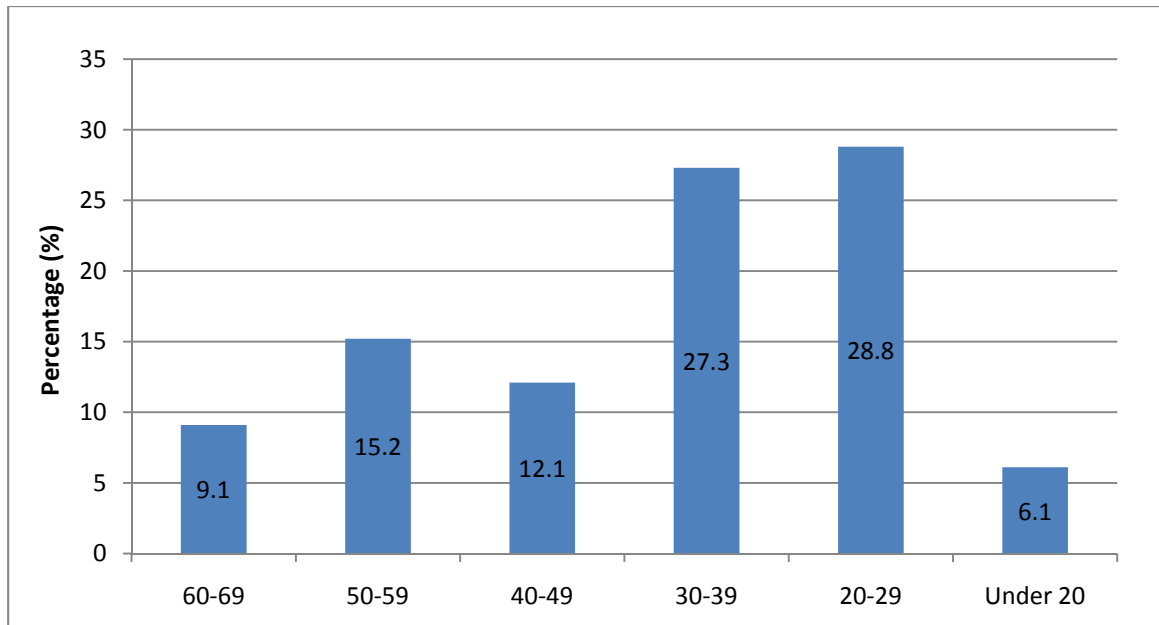
<sup>46</sup> For example, Shalhoub-Kevorkian recounts cases that took place in Palestine where the murderers claim that their motives for killing their female relatives were religious in nature. (Shalhoub-Kevorkian, 2004)

In terms of the variable of religious affiliation, what is also interesting to note is the fact that in the cases of twelve murdered single females the accused were all Muslims. Indeed, in the cases under study, there were no Christians or Druze tried for killing an unmarried (or even engaged) family member.

### Defendant age groups

The distribution of the defendants according to their age groups is as follows:

### Distribution of Defendant Age Groups, Based on the Age of the Defendant at the Time the Crime was Committed



The ages of the defendants range between 13 and 66, with the median age being 34 years old.<sup>47</sup>

Surveys in criminology conducted in industrial countries, for example, point to a propensity towards impulsiveness and irritability amongst violent individuals, as well as an intolerance towards withholding the gratification of their desires, an inability to assess the consequences of their behaviour and giving precedence to their immediate demands over the requirements of other possible future aims. These tendencies are all linked to a younger age group. However, the above-mentioned table reveals that the percentage of killers who are from a younger age group is not more than the percentage of killers who are in an older age group. Instead, the percentage of killers amongst both (the older and younger) age groups is similar. These findings allow one to conclude that those who commit crimes of femicide do not necessarily have the characteristics and features mentioned in the criminological surveys cited above.

What supports this conclusion, and what transpired in more than a few trials, are the charges of "intent to kill" or "premeditation" presented against the accused, either explicitly or implicitly, and which are based on article 549<sup>48</sup>. Killers accused of committing an act of femicide do not necessarily fit the

<sup>47</sup> The ages of femicide killers in the United States, for example, range between 16 and 60 years, with the median age being 34.6 years. In comparison, the average age group of perpetrators in other types of homicides is around 30 years old. (Russel and Harnes, 2001)

<sup>48</sup> Article 549 of the Lebanese Penal Code states that an "Intentional murder is punishable by death if:

1. It is premeditated.
2. It occurs while in preparation for a crime or misdemeanour, or to facilitate and execute a crime, or to facilitate escape or impunity from the crime, or to shield perpetrators from punishment.

characteristics presented in the personal traits, mentioned above, used to describe violent persons or persons of a younger age group. In general, these personal traits fall under the category of “excessive emotionalism”, an inappropriate description of one accused of committing an act of femicide – or one who kills a woman with “premeditation” or “intent to kill”: “Intent to kill” or “premeditation” supposes “organization and planning and killing in cold blood”, and not committing the act under the spell of immediate emotions (which is what killers accused of committing an act of femicide claim). And, with regard to the ages of those accused of committing a crime of femicide, any final conclusion should be based on a comparison between the ages of those accused of committing a crime of femicide in the family context, and between the ages of those who murder others; but this requires access to general statistics that would allow for this comparison to take place.

### **Occupations of Those Accused of Committing an Act of Femicide**

Over and above the information provided on the “personal” characteristics of the accused, a brief profile is available in all of the 66 trial documents, with more detailed accounts available in documents within the nine complete case files reviewed.<sup>49</sup> These profiles sometimes indicate the occupation of the accused, when it is essential to the trial. Often this information appears either in the “Facts” or “Law” sections of the trial proceeding documents.

From these trial documents and case files, we were able to determine the occupations of 53% of those tried for femicide crimes. The occupations of these accused ranged anywhere from being an agricultural worker to being a commercial trader who had “accumulated a large fortune” abroad – with a full range of other occupations falling in between. Some of the accused were also unemployed, while others were former fighters in Lebanese and Palestinian militias.

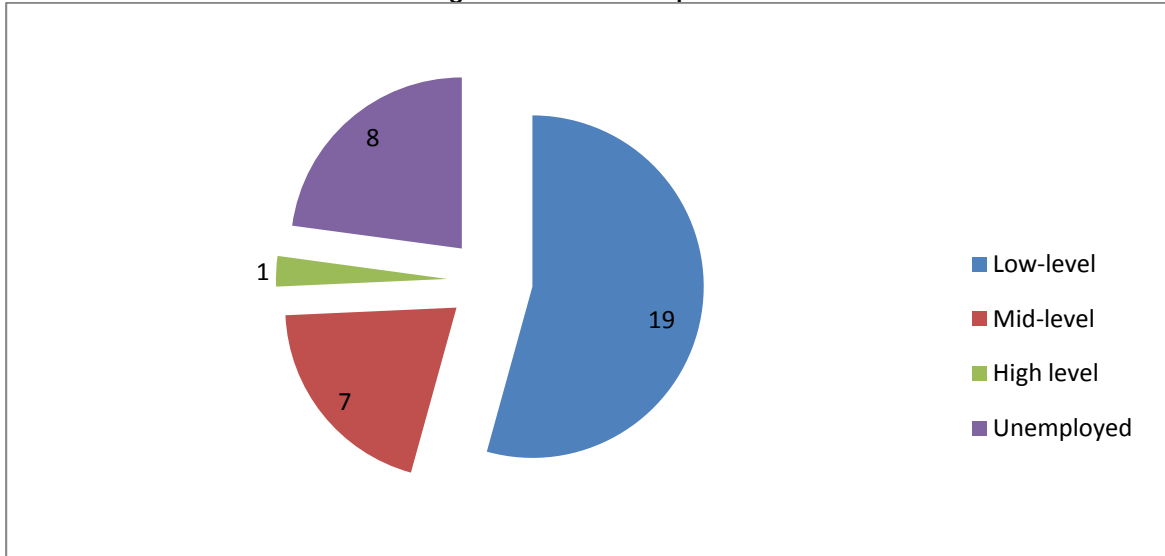
We categorized the occupations according to the official classifications used by the Central Administration for Statistics in the Republic of Lebanon, which are: high-level, mid-level and low-level occupations. The results are as follows:

- 
- 3 It is committed against the criminal’s descendents or relatives.
  4. It occurs under circumstances whereby the perpetrator has used criminal torture or savage acts against others.
  5. The perpetrator is an employee while performing his duty, as part of his duty or because of it.
  6. It is committed against someone for reasons of sectarian or religious affiliation, or in revenge against someone for a crime committed by his relatives or others from that person’s sect.
  7. Explosives were used in the process.
  8. To extricate oneself from a crime or misdemeanour or conceal it.

<sup>49</sup> Please refer back to the study methodology presented in the Introduction



### Distribution of Defendants according to Level of Occupation



Of the accused, whose professions were indicated in trial documents, three quarters worked either in low-level occupations or were unemployed. We can say, in a quick analysis of their socio-economic condition and occupational status, that poverty creates a breeding ground for all forms of violence, and particularly, physical violence. On the other hand, being financially comfortable is not always a deterrent, as eight of the cases reveal that the accused had mid- and high-level occupations, which puts them in the middle and higher socio-economic classes respectively.

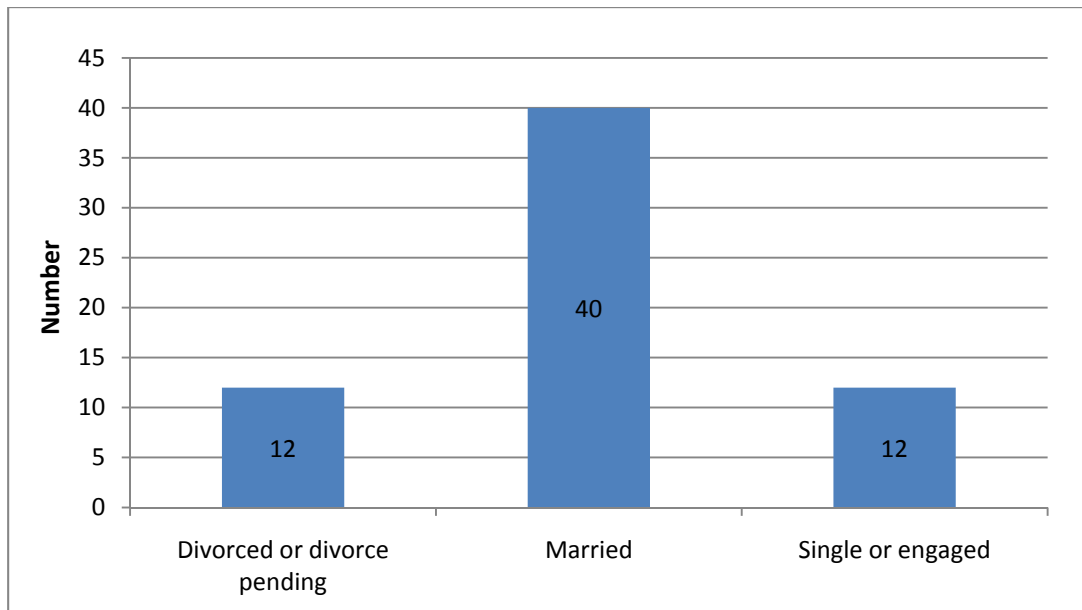
### Various Characteristics of the Victims of Acts of Femicide

The victim's full name and marital status (except in two cases) are provided in all the case and trial documents. Furthermore, we were able to easily ascertain the victim's relationship to the killer from these same documents. Also mentioned in the trial documents are the nationalities of victims who were not of Lebanese nationality. Thus, through a process of elimination, we were able to deduce the number of Lebanese victims. The nationalities of the victims, therefore, are as follows:

Nationality	Lebanese	Palestinian	Syrian	Sri Lankan
Number of victims	58	4	3	1

The marital status of sixty-four of the victims (the status of two victims could not be ascertained), is as follows:

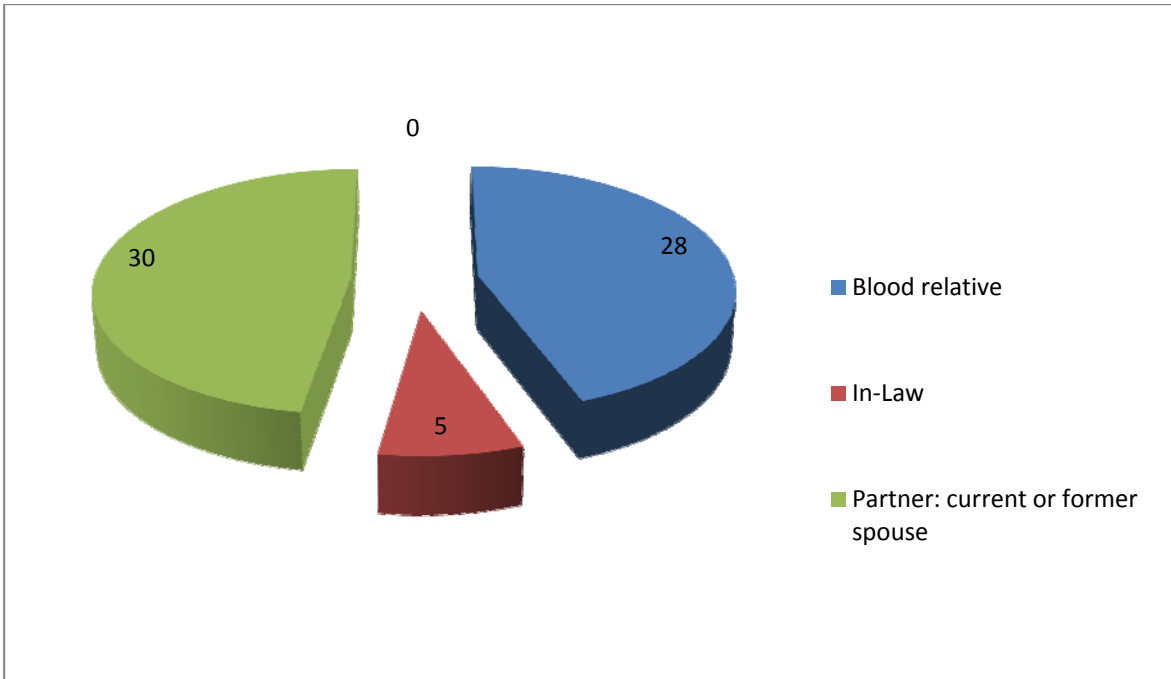
#### Marital Status of Victims



Women who are married, or were married, make up the largest number of the victims of femicide crimes in this study sample. However, this data does not necessarily mean that married or divorced women are more liable to being victims of an act of femicide than single women. To arrive at a definitive conclusion, we would need to compare the ratio of single women to that of married women of different age groups in the sample, then compare that to a corresponding ratio in the Lebanese society as a whole and for the same period during which these crimes were committed. And, although the general ratio could have been determined from data available at the Central Administration for Statistics, the comparison we would like to have conducted could not be determined because the ages of half the victims in the study sampling were not specified in the trial and case documents used.

The relationship between the victims and the main suspect in the crime could not be determined in three cases; however, the remaining sixty-three victims were related to their killers as follows:

#### **The Relationship of the Victim to the Main Suspect**



Based on the above chart, relationships between the victims and their killers even out, almost equally, between blood relatives and partners. Meanwhile, the number of victims whose killers were in-laws is relatively low.

### Ages of Victims

The ages of 58% of the victims were not mentioned as victims' places and dates of birth are not recorded in court documents as systematically as that of the defendants. When mentioned, this information is sometimes provided in the "Facts" section of the trial proceedings document, when the victim's age is considered a factor of significance in the crime. For example, it may be mentioned if the victim was very old at the time of her murder, or if she was an adolescent, or much older or younger than her spouse, and so on. This information is also likely available if one searches for this data amongst the various testimonies and interrogations recorded and documented in complete case files.

The ages of the 28 victims which we were able to determine from trial proceedings documents are as follows:

Age Group	Number
15-18 years	6
19-45 years	15
46-59 years	0
60+ years	7

These twenty-eight victims account for only 42% of the total number of victims studied in our sampling. Their ages range between eight months<sup>50</sup> and eighty years old, with the median age being 30. The above table shows that the greatest number of women killed in cases of femicide were those whose age fell within the reproductive age bracket. Again, as is the case with being married or unmarried,

<sup>50</sup> The infant, Zeinab, who was only eight months old, was killed when her mother used her as a shield to protect herself from her husband who was beating her with a leather belt and his bare hands. (Case 2005/4)

being of old age does not necessarily act as a deterrent in cases of femicide – even if the crime in the cases of the more elderly women usually have completely different motives. The motives in these cases are based on greed and a desire to acquire the victim's money and/or property by men, who find weaker, older women an easy target. The fact that there are no victims from the 46-59 years age group only confirms assumptions made in this study that if women (such as those in this age group) are no longer perceived as sexual objects, making a charge of sexually deviant behaviour becomes implausible. Furthermore, it would seem that women in this age group are not perceived as “weak” enough to become easy targets for attacks based on financial motives (i.e. to rob them of their money or property).

### **Whether or Not They Worked! Whether They are Wage Earners or Not**

The trial documents under study do not mention whether the victim was employed or not, for the same reasons that their ages are not mentioned. We, thus, have made the assumption that victims, whose occupation was not mentioned, were likely to be housewives, or were about to become one.

Indeed, out of the 66 women, we were only able to determine the occupations of eleven of the victims. These eleven women were employed as follows: an agricultural worker, two tobacco farmers, an employee at a printing press, a manager of a gas station, a supermarket employee, a nurse, an employee in a club, a model, an employee in a company and finally, one victim made a living from her own land. This number, of course, does not include those victims, living in rural areas, who worked for their husbands or sons in agriculture or in pastoral work. This kind of work does not have an exchange value and accordingly maintains the patterns of the traditional social relations that exist between these “working” women and their children, on the one hand, and their male “guardians” in such communities, on the other.

As for the victims, who were once salaried, employed women or “business” owners (women in our study sample who were employed outside their homes), we were able to deduce that their employment was not a factor protecting them against the power and authority of their “guardians” or of their past or present spouses. Despite the claim made by some Lebanese feminists that a woman's “economic independence” is a determining factor in liberating women from the domination of men's authority, the women in our study remained under the boot of their male “guardians” – or, at least, were perceived to be under the man's control and authority, from the perspective of the men perpetrators. This type of traditional (and sometimes even legal) “guardianship” in Lebanese society does not exclude economically-independent, salaried women from the man's supposedly “naturally” acquired custodial authority.

### **Deceived Victims**

Trial documents in our possession describe all the victims of acts of femicide as “*maghdoura*” (a feminine formulation for a “deceived victim” killed by treachery or treacherous circumstances; the term *maghdour/a* also connotes a deadly betrayal by someone presumed as trustworthy). A male killed treacherously is also described as “*maghdour*”. And, the term is used to refer to a person killed intentionally as well as to someone who was killed as an innocent bystander (or as a collateral target of the deadly act). However, this term describes a woman victim to a greater degree than it does a male victim, in our opinion. One of the main factors that can lead to the deception required to lure the victim is the presence of a close blood or marital tie with the killer. In some cases, other circumstances also help the killer lull his victim into believing that he would never harm her. Such circumstances and these close relationships create a kind of trust and confidence in the perpetrator, which becomes an important element in the crime and which facilitates its execution. It almost always gives the determining element

of surprise, thus giving the killer a major advantage over his victim, and prevents her ability to resist. The following cases help illustrate these factors:

After the couple were married, Malek, the victim's father, pretended to accept the fact that his daughter had eloped with that man. Thereafter, the victim's father and her two brothers created a ruse to lull her into believing it was safe to visit her parents, to say goodbye before leaving for [...] with her husband. The three took the victim upstairs, where they proceeded to beat and stab her to death. (Case 2003/8)

The accused, the victim's father, killed fifteen-year old Fatima and her husband because they got married without his consent. He invited them over to his house for dinner on [...], after promising deputy [...], who was a member of a mediation effort, "to bring the matter to an end". Fatima's father pretended to reconcile with his daughter by attending a meeting to mediate the problem, and even attended her wedding. (Case 2001/3)

The accused lured Zeinab, his sister-in-law, whom he had impregnated, to southern Lebanon under the pretext that they were going to get married after finalizing his divorce with her sister. Once there, he had her killed by a professional killer. (Case 2000/2)

### **In the Safety of Her Home**

When comparing locations in which women are killed, and comparing the kind of relationships that exist between a killer and a victim, with men who are murdered, researchers have found that a man's home is where he is safest, while women are most likely to lose their lives in their homes; and the probability of a woman being killed by a family member or an acquaintance is much higher than her being killed by a stranger. The exact opposite is true in the case of murdered men. Indeed, men have a higher probability of being killed outside their homes and by a stranger rather than by a family member or an acquaintance.<sup>51</sup>

80.3% of the femicide crimes covered in this study took place in the victim/woman's home, or near her home. Quite often, it took place in her bedroom or, in the very space that is supposed to provide tranquillity in people's hearts, and the place where a person is least prepared to defend him/herself.

In the remaining cases where crimes of femicide took place outside the home of the victims, the killer, who has the victim's trust and confidence, is able to lure the victim to the location in which the crime is executed. The act of luring the victim is often covered up by the pretence that the killer has reconciled him/herself with the "mistake" committed by the victim, or feigns tolerance for the victim's actions, which dispels much of a victim's potential suspicion.

After Murajah eloped with the victim, who became his second wife, a bedouin-style reconciliation was arranged. However, in the middle of the night, her brothers fired several rounds into the tent where their sister, her husband and their family were sleeping; and she was killed. (Case 2001/4)

Hassan killed his sister because he could not bear people's taunts about her divorce. A witness, who had lunch with the victim's family the day she was killed, said that the "atmosphere appeared normal". Hassan had even said to his sister "you are not the first woman to get divorced". (Case 2006/6)

### **Conclusion**

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<sup>51</sup> Russel and Harnes, 2001

In this chapter, we attempted to present the reader with a mapping of cases of femicide in Lebanon, through the study of a sample of femicide cases and the circumstances under which they take place. We also mapped the profile of the accused in these cases and some of the attributes of their female victims, from information we managed to extract from trial proceedings and case documents. In the next chapter, we will take a closer look at the actual trials of femicide cases; and examine the positions and attitudes of the key persons involved, and the manner in which they carry out their respective roles.

## Chapter Two

### The Trial: The Stage and the Actors

#### A General Mapping of the Trial

In the Lebanese judicial system, the court is overseen by a panel of three judges, the presiding judge with two other judges, who are called court counsellors. In all 66 trials covered by our study a male judge presided over the court panel and four female judges were counsellors in thirteen cases. Nothing in these thirteen trials, where the counsellors included women judges, was indicative of any qualitative distinctions from the other trials in which the court panel was completely male. Indeed, there is no distinct differences in the trial proceedings, the laws applied by the judges, and consequently, in the nature and severity of the sentences.

According to the dates that appeared in the various trial proceedings and case documents under study, the duration of trials ranged between one and thirteen years, with the median duration being 3.4 years. These cases included several trials pertaining to individuals, who remained fugitives of the law until a general amnesty was announced in 1992 (amnesty 91/84, date 26/8/1992). The latter cases obviously delayed trials from the time cases were referred to the court and the year verdicts were delivered.

Half of those accused in the cases under study admitted to killing their victims, and maintained this plea during the entire length of the trial. Indeed, many of these defendants actually surrendered to the authorities immediately after committing their crimes. 15% of those accused denied their guilt for the entire length of their trials. As mentioned earlier in the study, four of the accused were exonerated by the court, mainly "for lack of sufficient evidence". One third began with an admission of guilt but later retracted their pleas, claiming that their initial confessions of guilt were extracted in duress. These kinds of claims (of being forced to confess) are often made, but investigations into these allegations proved them to be false. Of the most important methods used by the courts to prove the lies in question is to uphold the credibility of the accounts given by the first investigators and members of the internal security forces over the allegations made by the accused, but not limited to that alone.

In some of the cases, the accused claim their innocence after taking part in a re-enactment of the crime! What is even more astonishing is that, in certain cases, in the re-enactment of the crime, the accused reveal certain aspects of the crime that would have otherwise remained unknown, such as the location of the murder weapon, or where the victim's body was buried, and so on – leaving no doubt as to the identity of the killer, who continues to claim innocence.

The court heard the motives of those who admitted guilt, and retrieved accounts disclosed in parts of preliminary investigations or in confessions made by those who continued to claim their innocence. Restoring the family's "honour", avenging the harm inflicted to one's "dignity" and "cleansing the shame" that the victim brought to her family were the most common motives. Following these motives, in order of frequency, were suspicions of marital infidelity on the part of the victim's spouse or parents, irreconcilable conflicts in a marriage, suspicions that the victim had premarital sex and had "lost her virginity" (whether or not these suspicions were proven true or false), elopement and, finally, financial motives (where the accused wanted the victim's property or money). [Refer to Annex 2 in this study for further details].

But, in actual fact, the term "honour" is rarely used by the court when determining the perpetrator's motives. Indeed, the court ascribes "honour" as a motive in less than 6% of the cases. In 23% of the

cases, the motives are determined as being “selfish” and actually devoid of any trace of “honour”. The court found premeditation in 45.5% of the cases<sup>52</sup>, and murder with intent to kill (non-negligent)<sup>53</sup> in 42.3% of the cases, despite efforts by defence lawyers to prove the contrary.

In over 80% of the cases, article 549<sup>54</sup> was applied in indictment sentencing; and, in 16% of the cases, article 547<sup>55</sup> was applied.

What is interesting to note is the similarity between the indictments usually presented by the (state) prosecution and the court’s final verdict. The court applied articles 549 and 547 of the Lebanese penal code in 30% and 15% of the cases, respectively, although in 47% of the cases these verdicts were marked by the court’s consideration of articles 253,<sup>56</sup> 252<sup>57</sup> and 193<sup>58</sup> (along with articles 549 and 547). The fact that articles 253, 252 and 193 were taken into account by the court gave the perpetrators the benefit of reduced sentences, with one sentence being as low as a one-and-a-half year prison term.

Other than the four (of the 82 accused individuals) who were set free due to “lack of evidence”, the rest of those found guilty received sentences that ranged from the death penalty to a one-and-a-half year prison term (Case 2001/5). The sentences in 14% of the cases involved stripping those found guilty of their civil rights for various lengths of time. 32% of those found guilty were fined, with some of these fines amounting to close to 150 million Lebanese Pounds (or approximately US \$100,000). Finally, 65% of those found guilty were sentenced to prison terms that included hard labour.

The sentences received by the principal individual found guilty are as follows:

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<sup>52</sup> Murder with premeditation is considered a form of murder with intent (wilful, non-negligent killing of another human being). When a (wilful) murder with intent to kill is also premeditated, it warrants the death penalty according to Article 549 of the Lebanese Penal Code.

<sup>53</sup> Article 189 states that a crime is considered wilful and premeditated, whatever the outcome of the crime, when the perpetrator of that crime expected the crime to take place, and thus is deemed to also have accepted its consequences.

Article 191 states that a crime is considered negligent and without intent in the case that the perpetrator did not expect to commit that wrongful act or did not think himself capable of committing that act, but should have expected it and thought it in his means to avoid it.

<sup>54</sup> See footnote number 49.

<sup>55</sup> Article 547 states: He who wilfully kills another human being shall be sentenced to between 15 and 20 years of hard labour in prison.

<sup>56</sup> Article 253 states: If mitigating circumstances are determined in a case, the court’s sentence can be:

- Reduced from the death penalty to hard labour for life, or for a period between seven to 20 years.
- Reduced from hard labour for life to a period of no less than five years.
- Reduced from life imprisonment to a prison term of no less than five years.
- The court has the right to reduce any other sentence to three years, if its minimum is over that number, and has the right to reduce a sentence to half, if its minimum is no more than three years, or replace it with a decision of a one year minimum sentence, except in the case of repeat offenders.

<sup>57</sup> Article 252 states: The accused can benefit from mitigating circumstances if the crime is committed in a fit of fury provoked by an unlawful and dangerous act committed by the victim.

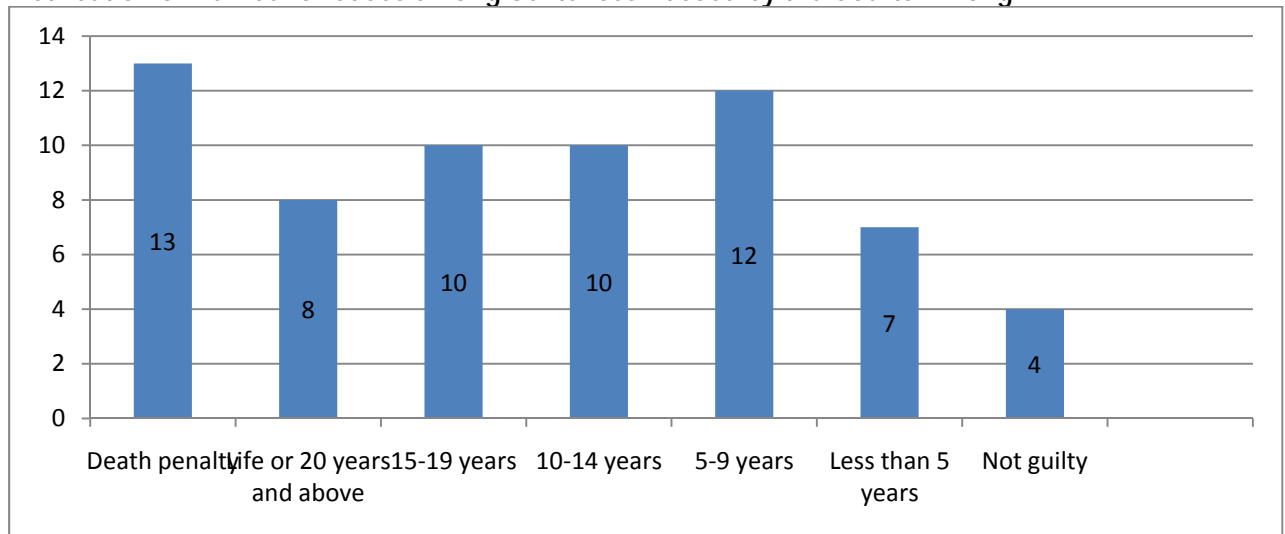
<sup>58</sup> Article 193 states: If a court judge deems the motive to have been honourable, the following sentences can be applied:

- Life imprisonment instead of the death penalty
- Life imprisonment or 15 years instead of life imprisonment with hard labor
- Limited imprisonment instead of limited imprisonment with hard labor
- A simple jail term instead of a jail term with labor

Over and above that, the judge has the right to exempt the accused from having sentencing made public. And, the motive is deemed honourable if it is of a chivalrous, magnanimous and unselfish nature and is free of any personal interest and financial gain.



**Distribution of Number of Cases among Sentences Passed by the Courts Among**



In this section (mapping the trial), we tried to present a summary of descriptive statistical data that helps illustrate the major constituent elements of the trial in cases of femicide.

Next, by reviewing the texts available from the relevant trial and case documents, and following the course of these trials throughout their various stages, we shall try to determine the place of the victim and her significance in this exceptionally charged space: The trials of murderers of women within the context of their families.

### **The Victim Abandoned**

#### **The Victim Abandoned by Her Relatives**

Perhaps the victim of an act of femicide committed by a blood relative is more likely to be abandoned by those closest to her than other homicide victims. Her death is also probably the least distressful of all for the family. For example, one can ask if the family of a victim killed by one of her relatives actually accepts condolences for her death in Lebanon.<sup>59</sup> If the female is the victim of a so-called “honour crime”, there is no doubt, that her own family called for her murder and charged one of its members, either directly or indirectly, with executing this crime. In such cases, the abandonment of the victim is clearly manifested prior to her death. In fact, her family members are the first to dismiss the notion of seeking justice in the case of her “death”. Indeed, they do the exact opposite. They mobilize their resources to defend the killer and pool their efforts in obtaining a reduced sentence as a reward for the killer, who has “cleansed their shame” with her blood and who has rid them of the “evil” that she represented.

This type of rejection and abandonment are evident in the testimonies given by witnesses from the victim’s closest family members which may be her mother, sister, brother and father, depending on the case. And in cases in which the killer confesses his guilt, the family takes up the cause to defend his deed, considering it an act that “cleansed their shame” and not a common crime.

The twenty-year old sister of the victim told the investigator:

<sup>59</sup> According to Shalhoub-Kevorkian (2004), the parents of a so-called “honour crime” victim in Palestine do not accept condolences

*I ran when I heard the sound of gunfire only "to find that my brother had cleansed the family's honour, and killed my sister who sullied it..."* According to this witness the killer had first "cleansed the family's honour" followed, by the secondary fact, that he had murdered his sister. In the same sentence, the witness goes on to exonerate her brother by blaming the victim for "sullyng" their family honour. The paternal cousin of Jamal, who killed his sister because she eloped with her brother-in-law, said *"If this happened to me, I would have done the same thing."* (Case 2001/5)

Mohsenah was killed by her brother because she married her lover before her divorce was finalized and lived in a town close to where her parents were living. When her sister was questioned about her death, she said *"She brought it onto herself"*. (Case 1999/6)

Several witnesses heard Ahmad's mother "congratulate" him for killing his sister; she even asked God to "protect" and "stand" by him. (Case 2003/4)

Some relatives who are witnesses to a so-called "honour crime" are more careful and less candid about endorsing the killer. Often, they maintain a neutral stance because if their true intentions are revealed, they also risk being held legally accountable and accused of incitement and complicity in the murder.

There are several reasons why relatives that are witnesses to an act of femicide tend to either claim they do not remember or maintain their silence, especially if the trial becomes lengthy in terms of time. Their answers to questions are replete with phrases such as "I don't know", "I don't remember" or "I did not notice" – even, if earlier they had provided detailed, specific and synchronized information. What often remains is lies and concocted stories that relatives of the accused use to back his account of events or even to prove his innocence. But it is easy to see through these lies which often fail to conceal any morsels of the truth. Rather, these concocted stories often reveal a deficiency in mental capacities and an inability to formulate a logical scenario for the crime.

The victim's mother claimed that she knew nothing about her daughter's virginity, and that she had come to terms with her engagement [...] the mother wanted to dispel suspicions regarding her role in the crime, because both she and the victim's killer had rejected the victim's fiancé and wanted to marry her off to someone else. At the same time, the victim's relative said that victim had married her fiancé "illegally" and "so, to keep the story quiet and prevent a scandal, they had to marry her off as soon as possible..." To explain why she did not follow the victim's brother when he went to her workplace to kill her. The witness said "I was busy looking after my uncle's wife (the killer's mother) who had fainted because she was so shocked by the news". The lie becomes clear in the testimony of the victim's other two brothers, which clearly revealed that the mother had always been aware of her daughter's situation because she actually consulted with them about what should be done. (Case 2003/4)

Sometimes all the relatives back the scenario presented by the accused not necessarily to protect him but because they fear him; and often this fear is based on very real intimidation:

Eleven-year old Hassan, who witnessed his father's and his stepmother's murders, was threatened by the two killers (his uncle and father's uncle). They said they would kill him if he reported what they had done. He was told to maintain a scenario they gave him to explain the deaths or rather, the disappearance of the two victims. However, Ahmad soon added his own twist to the story and concocted additional scenarios, which led to complicating the case and expanding its case file to several hundred pages. (Case 2006/7)

Fear of the killer could also be the result of past experiences:

Zeinab, the victim, was impregnated by her brother-in-law who then killed her. Despite all the evidence pointing to him, the victim's sister (the killer's wife) and her mother (the killer's mother-in-law) bore false witness, supporting the killer in fear of his tyrannical and violent behaviour, and in fear of his threat to divorce his wife if she did not go along with his version of events (they had actually given differing accounts during the preliminary investigation of her sister's murder). (Case 2001/2)

Often the way the victim is abandoned by her relatives reflects the position the accused takes. If he admits his guilt, relatives try to concoct a scenario that aims to establish two aspects of the crime: First, that there was an element of surprise that led to the crime. Or, in other words, help establish that the accused was under the spell of the moment and the "shock of the event he witnessed", or incensed by the "what he learned" about the victim, her behaviour, infidelity or her loss of virginity, etc. This is usually done by trying to establish a shorter time span between what the accused "witnessed" or "heard" and the act of murder itself.

Jamal returned to visit his hometown from Beirut, where he works, only to be surprised by the news that his sister had eloped with his brother in law – his other sister's husband – a month earlier. He also learned that his father had reported the incident to the police and that the girl had returned to the town; but she was living at the mayor's house "until tempers cooled down." Witnesses from his family said that "He was so infuriated and lost his senses when he found out about his sister's callous disregard for their family's dignity; he became so incensed that he no longer had control of his nerves..." (Case 2001/5)

As one reads through the documents and proceedings related to the above-mentioned case, one cannot help but wonder how the accused (Jamal) did not hear that his sister had eloped given that so much time had passed. The father had complained to the police and the girl had returned to her hometown and even lived for a time at the mayor's house until "tempers cooled down". Moreover, the claim was that "he ran into his sister's room with his gun at his side". Supposedly he always kept a gun with him due to the security situation in the country. But, the crime took place in 1992. And, he was returning from Beirut to his hometown... It is a concocted story, made up to create the illusion that there was an element of surprise.

What often takes place is that the witnesses try to support the killer's claims by describing his "extremely agitated condition". If he claims to have lost control of his nerves, witnesses from amongst his relatives will support this claim by describing patterns of behaviour that reflect this condition. The example above shows how a killer's relatives try to describe his uncontrolled reaction as a result of the alleged "shock" he had when he heard the "news". Some try to prove that the loss of control is a deep-rooted condition in the killer and typical of his capricious nature – a tendency he has displayed throughout his life, or a symptom of a certain "mental illness or diminished mental capacities" from which he has always suffered. We counted thirteen instances in the trial documents under study in which the accused or the lawyers of the accused make claims of certain "mental illnesses or diminished mental capacities" as a mitigating element in their case.

The killer went into hiding for over ten years. During that time, one of his brothers passed away. This provided the killer with the opportunity to concoct a new story, with the help of his parents to explain the murder. This new story was to the effect that his deceased brother had murdered the killer's daughter and her husband because the deceased brother had wanted her to marry his own son. In the meantime, the real killer, the father of the victim, claimed that he was happy with his daughter's marriage and that her elopement had been arranged to spare his brother's feelings... A brother that was now deceased and could no longer be questioned! (Case 2001/3)

Another typical case:

The father sought to exonerate his sons by claiming that he was the one who committed the crime. But, this was in fact impossible given that witnesses, who were not from the family and were the victim's neighbours, had identified each of the assailants. (Case 1999/6)

In another case:

The mother claimed to be the killer (to protect her son who the court suspected was the real killer). She claimed that she had carried the body and buried it, despite the fact that neither her age nor her physique would have allowed for that. (Case 2002/6)

In certain cases, witnesses from amongst the killer's relatives change their stories to match the claims made by the accused:

The mother-in-law of the victim retracted her testimony (probably after being threatened by the killer who according to one witness, was known for his savagery and violence) to the effect that the victim had told her that she will be meeting her brother (the accused) in her house at his request. The mother did so because her first account did not fit the killer's story, who had claimed in one of his many different versions of events that he was out of town that day. (Case 2001/1)

### **The Victim Abandoned by Other Witnesses**

Some witnesses who were acquaintances or were not close relatives of the victim, talked about wanting to save the victim from her killer but that they had been threatened by the killer:

Sahar's mother, father and brother took turns stabbing her in her bedroom at six o'clock in the morning, after closing the door on a group of relatives who had spent the night discussing the problem with them in the sitting room. When these relatives tried to intervene, the father threatened them with his gun. (Case 2004/2)

Antoinette had sued for a divorce because the situation between her and her husband had become untenable. The court called for a one year separation for the couple. This was not to the husband's liking, so he attacked his wife with a butcher's knife in front of his children and a number of witnesses. When the witnesses tried to intervene, he threatened them with the same knife. (Case 2004/6)

Witnesses who were relatives of Mohammad's daughter's fiancé, said that Mohammad killed his ex-wife because she had accepted their daughter's fiancé despite his objections. The witnesses said that although they tried, they were unable to act fast enough to prevent the killer from stabbing his wife to death. (Case 2003/10)

In other deadly stories:

One of the neighbours tried to extinguish the raging fire already consuming Ghania, while her husband stood aside in fear of being burnt himself. He even shouted at her to get back inside the house and "not embarrass him" when she ran outside to call for help! His attempts to stop her from getting help were the cause for the court's verdict of murder with intent. (Case 1999/1)

The accused and his wife agreed to meet at his brother's house to resolve the matter of their pending divorce. This was conditional on her bringing their two children with her for their father to see them. When she arrived without the children, he stabbed her to death with a knife. In an attempt to justify why she did not intervene to prevent the crime, the victim's sister-in-law said, "*I did not see the knife right away, there was no electricity and it was dark*". (Case 2003/6)

The witnesses did not intervene to prevent the crime which cost the lives of a woman, her husband and two children when the killers told them to mind their own business, because this was a "question of honour". (Case 1999/6)

## Abandonment by the Plaintiffs

Perhaps the most extreme form of ostracism of the victim takes place when she is abandoned by the plaintiffs – who are members of her own family. This happens when her family either does not press charges in the matter of her death, or waives their right to do so later on. These types of cases account for 60% of our case studies. The reasons presented when waiving their right to press charges are not recorded in trial proceedings and court documents. However sometimes, when reading through complete case files, one may stumble upon these reasons. These reasons presented in the most part, have to do with either "salvaging what is left in the family" or in solidarity with the killer, if not in fear of him. Even when the victim is killed along with other innocent bystanders (her children, husband, lover or other relatives), her relatives can still be reluctant to sue. In the case that the accused denies having committed the crime and the investigation is leaning towards an indictment, plaintiffs amongst the victims' relatives also often waive their right to press charges. As could be expected, waiving the right to press charges is something that blood relatives do more often (statistically) than partners or in-laws of the victim. Among the excuses that relatives have presented for not pressing charges include:

In response to the investigator's question regarding whether he wanted to press charges against the killer or not, the victim's brother said, "*I do not want to press charges against my brother Ahmad (the killer) because I consider what he did to be the result of a fit of fury...*" The other brother said, "*I do not want to press charges against my brother because I already lost my sister; and I don't want to lose my brother as well*". (Case 2004/3)

The father of Jamal, who killed his sister because she eloped with her brother-in-law, said that the reason he was not going to press charges against his son was because, "*It is not my son who killed my daughter, but rather my son-in-law.... he brought this disaster upon us*." In turn, the mother said, "*I will not bring press charges against him, he is my son! I only pray God will judge him...*" (Case 2001/5)

In some cases, family members will concoct a story that will allow them to place the blame on the victim's husband or partner and they will actually press charges in an attempt to lend some credibility to their story (with case 2001/1 being an example of this type of case). In cases where the killer was actually the victim's partner, the reason behind not pressing charges is based on the accused being the only breadwinner in the family and the only source of support for the children. This reason was presented in case 2001/5 and appeared in more than one trial.

In certain cases and trial documents, it appears that the court takes into account the plaintiffs' decision to waive their right to press charges in reducing the sentence against the accused. The court's acknowledgement of this kind of decision taken by the plaintiffs – to waive their right to press charges and the court mitigating a killer's sentence as a result – increases the role this particular factor plays, amongst others, in the "abandonment" of the victim. It signifies a submission by society, represented by one of its contemporary institutions in our society, to the whimsical desires of the family. Considering a decision like this, as a mitigating factor, not only represents the abandonment of the victim of a crime of femicide, but is also a complete "betrayal" of her, in our opinion. Perhaps it constitutes "the second killing of the victim" by the only institution that should ensure justice in her case – in a murder. And, it represents failure to create a deterrence for the murderers of future victims.

## Lawyers and Defence Attorneys

It is common knowledge that the responsibility of defence lawyers is to represent the accused to the best of their abilities and to work towards exonerating the people that they are defending. Thus using what defence lawyers say in their arguments in addressing the issue of the "victim's abandonment" may seem inappropriate, since defending the accused cannot be anything but, by definition, another form of abandoning the victim. Just like the killer's relatives, these lawyers focus on the element of surprise, the emotional state of the accused, refer to incidents that preceded the crime and to descriptions of both the accused and the victim in order to uphold their arguments. Indeed, those who review trial proceedings in cases of femicide cannot but wonder if there should be certain restrictions on what these lawyers are allowed to use in the defence of individuals who kill women.

Much of the arguments presented by defence lawyers are rife with sensationalist language and theatrical descriptions, which are more suited for the dialogue in an Egyptian melodrama or a Bollywood film than a court of law. It is reminiscent of the kind of archaic language used in traditional texts that children had to memorize for Arabic composition classes in the old Lebanese school curriculum.

The defendant's lawyer described his client, who had stabbed his wife to death as "A husband who fell to pieces trying to please his wife" [...] and would do anything for her to "return meaning to his life" [...] He killed her at "the height of his despair" because of her "dark past, stained by her infidelity and his humiliation" and after remaining silent for so long for the sake of his children [...] (Case 2003/6)

In his description of the reasons behind the problems between the young man and his Sri Lankan lover, the defence lawyer says, "The disagreements between the two dominated their lives the past two years. It reached its climax the last few months when she – who was nearing the brink of turning 50 years of age when she discovered her lover, who was 23 years old was in a relationship with a girl, Coucou, who was only 24 years of age... "The threat was great"; and, "the loss of her lover was too much to bear" [...] "Her jealousy burned", and "she begins to harass him" [...] (Case 2002/2)

What is so astounding, when one examines the sensationalist and theatrical language used by these lawyers in the context of a court of law, is the question that goes through one's mind regarding what these lawyers must think of their target audiences. Do these lawyers really believe that this kind of language has any genuine impact on a panel of judges or the public prosecutors? Or is it that this language reflects these lawyers' attempts at achieving some sort of clearance before with their accused clients, when there is no real rationale or sensible cause to exonerate them of their crimes?

We are not asking these questions in order to demean members of this profession. Our aim is merely to point out that this language and these tactics only help reinforce gender-based discrimination and behaviour patterns. Indeed, this is a form of discrimination from which the judiciary is expected to distance itself. Furthermore, the judiciary is expected to uphold a discourse that is impartial in its courts of law. Perhaps, one means of maintaining a gender sensitive "legal" discourse is for the courts to forbid the use of this kind of rhetorical and sensationalist language during trials. Another means is to ensure that faculties of law, law curricula and other institutions related to the judiciary ensure that during the course of their instruction, accreditation and practice, lawyers and judges are required to abstain from this kind of language used in courts of law. It should be made clear in all the above-mentioned institutions that this type of language used by those imparted with the task of defending the accused in a court of law only reflects a weakness if not plain platitude in the defence plea.

### **The Victim Somewhat Abandoned by the Court**

In the trial proceedings and case documents reviewed in our study, the courts in the six Lebanese governorates did not allow for so-called "defending honour" to be used as a defence or motive by the

accused in the majority of the cases. Indeed, the ratio of cases in which the motive for the crime was deemed as being inspired by so-called "honour" does not exceed 6% of all the cases under study. Nevertheless at times, the tribunal conceded to the defendant's moral frame of reference and value system and considered this to reduce the sentences passed by the court.

Trial documents do indeed reveal a double standard and discrepancies in the judicial system which allow for the above-mentioned contexts to be taken into their consideration, particularly in sentencing. Thus we find different justifications for reduction of sentences, which include such terminology as:

*"In view of social norms pertaining to issues related to honour that prevail in rural areas [...]"* (Location of the crime: Akkar, Lebanon; Case2001/3)

*"In ensuring that prevailing notions and ideas relevant to the social background of the accused are not ignored, regardless of whether these notions and ideas are right or wrong [...]"* (Location of the crime: Wadi Khalid; Lebanon, Case 2004/8)

Sometimes, there are even references to the victim's "imprudent" or "inappropriate" behaviour *"given her particular milieu, and the prevailing customs, norms and traditions in this milieu, and the harm this behaviour inflicted upon her family and clan, and the stain it inflicted upon their honour, from the perspective of the general public in that community [...]"* (Location of the crime: Bekaa, Lebanon; Case 2001/5)

There are also certain instances where the court even allows for the submission of the killer's motives, based upon this context and frame of reference. In the case of a Syrian national, the court stated *"as he could not have behaved otherwise as a member of his clan; and, as he was bound by its traditions [...]"* (Case 2003/8)

Moreover, one of the trial documents reveals that the court suspected the mother to have *"led the victim's brother to believe that his single sister was pregnant. in an environment where such situations are resolved by cleansing the shame brought upon the family, through the victim's death at the hands of those most concerned [...]"* (Location of the crime: Bekaa, Lebanon; Case 2002/4)

In fact, the mitigating factor most frequently upheld by the courts is related to the emotional state of the accused, as the accused himself describes it in the moments leading up to the crime, or as the crime is being committed. Indeed, 90% of the accused have claimed the motive of being bound by "prevailing social norms and customs" in cases in which the victim is a relative or in others when marital infidelity and the like occurs, i.e., when the victim is a partner.

The fact that the courts actually accept the "emotional state" of the accused as a valid consideration in mitigating sentences is probably the reason why both the accused and their lawyers focus so much attention on this point in the defence. Anyone who reviews these trial proceedings and court documents witnesses the amount of time spent and the plethora of language used to describe this particular state. The phrase "intense anger" heads the list of terms most frequently used, though it rarely appears alone. It is often accompanied by other terms such as "disorientation" and "breakdown", and phrases such as "experienced a complete upheaval, in which there was loss of cognizant behaviour and reason", "temporary insanity", "an incapacitated mental state", "a highly agitated emotional state in which he lost all control of his wits", "stress and psychological pressure", "he does not know how the shots were fired", "he felt as though he was in a drunken state, numb... he does not know how... he does not remember", "lost consciousness", "insomnia, anger", "unaware of what was going on around him" and "he does not know how things unravelled", "he felt drunk and lost", "he was so agitated, the bullet went

off by mistake", "he suffered a nervous breakdown", "he does not know what happened to him", and so on.

The sentences administered by the various courts of appeal are in themselves, the material and emotive reflection of the criminal act itself and the value placed on the victim and on the value of (her) human life. And, in cases of femicide, these sentences tend to be mitigated. One sentence was as light as 18 months. Another defendant accused of killing his sister, was actually released as he was "a minor" (he was 13 years old) when he committed the crime; while another was released because he was "old". These are cases where the "age" of the defendant was actually used as a pretext in reducing sentencing.

The length and severity of the sentences in cases of femicide (which often do not exceed a few years) administered by the courts against defendants found guilty (and sometimes found guilty of more than one crime), require further investigation and should be compared with sentences that have been administered by the courts in other homicide cases which do not fall under the category of a case of "femicide". The degree to which the victim is "abandoned" can be better determined if one could answer the following question: Are those found guilty of killing their female relatives and partners punished equally to those found guilty of other types of murders?

## **Allies of the Victim**

### **Some Witnesses**

The testimony of witnesses, particularly those who are unrelated to the victim and, in very rare cases, those who are related, have played a critical role in proving culpability in 60% of the cases in which the accused has denied his guilt. Witnesses have also helped prove premeditation or intent to kill when the accused has denied being guilty of either. These witnesses recount their version of events during the investigations that take place immediately after the crime has been committed or before the courts. They also maintain their version of events which are often detrimental to the accused, even when the accused has changed his/her story.

In the case of the victim Ne'mat who was killed at her workplace, we are given the opportunity to "hear" the testimonies of her colleagues and not just that of her family, neighbours and clan members. In this unique case amongst the 66 trial documents, we are able to view the young victim from the perspective of those who were outside her family circle and from within an institutional framework. Events leading up to the crime are described through references to norms and values that befit her professional and personal identity that differ from her family's version. In other words, the victim is portrayed by her colleagues as a working woman and not just another female that has been "assigned a place and a role" within a family or clan into which she has been born or to which she belongs by virtue of her biology or marital status.

In the testimonies presented by her colleagues at work, the victim's story is entirely different from that which is recounted by her family. Her colleagues disclose secrets that the victim had confided to them, which her family denied and refused to acknowledge. The victim's family had excluded any details that would imply that a carefully planned murder had been carried out; their testimony focused instead on the element of surprise and emotional upheaval so that the accused could try to benefit from a reduced sentence. From the testimonies of her colleagues we learn the following:

The victim's brother, the killer, who had appointed himself as her legal guardian after their father's death, was not happy with his sister's marriage to a young man who was quite poor. He and his mother



had been planning to marry her off to another well-to-do man with whom the brother could “arrange matters more to his favour “financially”. In the meanwhile, based on what she had told her colleagues, the young woman who spent the greater part of her salary supporting her family, loved a young man who had become her fiancé with her parents’ consent. The two got married in secret and had sexual relations in order “to put the victim’s family under a *fait accompli*”. Several of the victim’s colleagues at work said that she even distributed sweets at the office to celebrate her marriage. They testified that the young woman was highly committed to her job and was a most “honourable human being.”

The testimonies presented by Ne’mat’s colleagues had some influence on the panel of judges during the trial. When announcing their guilty verdict, the judges stated, in recounting the following:

*“The defence of “honour” based on the fact that the accused was angered by the behaviour of his sister, the “maghdoura”, does not stand because she intended to marry her fiancé and had committed to marry him – even if this led to the loss of her virginity.” (Case 2003/4)*

In another case, one particular woman amongst the witnesses stood out for her courage in testifying to what she saw and knew. She insisted on maintaining her version of events, despite the fact that *“the killer was known for his savagery, his bad reputation and his affiliation to a party with serious clout in the region where the crime was committed. Moreover, the victim’s husband, who admitted that his wife had “a bad reputation” in the area, married her anyway because she stopped being that way when she became his wife...”*

This witness remained true to her testimony, despite the fact that the matter took a long time to resolve and despite the precarious security situation in the country, which exposed her to potential danger and retaliation by the killer’s relatives, who were all under the protection of an influential political force in the area. (Case 2000/1)

The first victim mentioned in this section, Ne’mat, was killed at her workplace; meanwhile, the victim in the second case was killed by her brother near her neighbour’s (the witness’) house. The victim in the second case had crawled to the witness’ house after being seriously but not fatally wounded by her brother. In both cases, witnesses who testified against the killer were not relatives. However, there are cases where some relatives do show a certain amount of courage in trying to expose and counter the killer’s claims of innocence. In one such case:

The mother claimed that her daughter had tried to commit suicide when she became pregnant outside the bond of marriage, and this fact became known. The mother claims she had only helped her daughter “finish the job”. The victim’s sister testified that her mother had admitted to killing her sister, and that she refused to help her mother bury the victim or help her conceal any traces of the crime. (Case 2002/6)

## **The Public Right**

The public prosecutor’s office is the most important ally for the victim. Indeed, this ally becomes particularly critical in cases where the victim’s relatives or partner drop their legal right to press charges. The fact that the public prosecution continues to diligently uphold and defend a case dropped by the family or the partner of the victim is of the utmost importance and deserves its due respect.

When reviewing the texts of the trial proceedings and case documents, it is clear that there is a high level of professionalism and objectivity on the part of the public prosecutor. This professionalism and objectivity are manifested in the prosecutors’ diligent and unrelenting efforts to seek the facts and investigate contradictions in these cases – such as disparities in confessions or testimonies and cleverly linking together events or circumstances that may not appear to be linked. They work hard to

extract the truth from the heap of lies and false allegations with which these cases are replete. They place reason before “moral” judgments, beliefs and foregone conclusions in order to unmask the truth and the facts in the crime. The public prosecutor perseveres in his or her mission despite poor logistical support, lack of resources (both human and material) and rampant corruption as well as other obstacles and interferences to which they are subjected. One must keep in mind that these public prosecutors often confront the ideology, customs, traditions and practices embodied by the immovable bulwark of family, clan and partisan structures whose interests and norms are often in direct conflict with the state and its institutions, including the rule of law.

What has been stated above may appear to be exaggerated praise; the trial documents however prove this commendation of the prosecution to be fair. Providing examples that prove this point would require much more space than would be appropriate, given the focus of the subject of this study. To prove the prosecutions due diligence could not be done without including a vast amount of details from the entire case trial, which unfortunately we do not have the space for here. However, what can be affirmed to the reader is that the efforts of the prosecution are reflected in the laws that it refers to before the panel of judges in seeking justice for the victim. These laws include article 549, which was referred to in over 80% of the cases, and article 547 in 17% of the cases – or, in other words, in 97% of the 66 cases reviewed for the purposes of this study.

### The Panel of Judges

The panel of judges in a Lebanese court is in charge of issuing the final verdict. It tries to find concurrence between the evidence presented, based on the facts in the crime, and the law. In this evidence, the judges seek that which embodies the circumstances required by the literal text of the law, and ensures the facts upon which the evidence is based corresponds to the applicable laws. Yet, this panel often reserves a certain margin for its own explicit or implicit “conscientious convictions” or its “given right to decide”, before reaching a final verdict. On more than one occasion, case documents and trial proceedings actually mention the judges’ reference to their “conscientious conviction”, particularly in cases where the accused insists on denying his guilt despite evidence to the contrary.

Despite what was said earlier with regard to the “the abandonment of the victim”, trial proceedings and case files point to a certain diligence on the part of the panel of judges in seeking and considering evidence of criminalization of the defendant.. The panel distances often itself from the alleged culture “of honour” in favour of a moral and ethical stance that looks down upon and even reprimands those who believe in it. This is particularly evident in cases where the accused claims an honourable motive for his crime while the court finds nothing but unadulterated selfishness in the motive and no trace of honour. Examples of this include the following:

While recounting his version of the events that took place, one killer, who claimed that he acted out of a motive of preserving “family honour” and to “cleanse the shame brought upon his family”, was asked by the panel of judges, *“Have you been appointed the protector of honour in this country so that you could kill your engaged sister...? It is obvious you had other reasons for killing her [...]”* In the same case, we go on to read in the indictment, that the killer’s motive for murdering his sister was based on *“Giving precedence to prevailing social norms and tribal customs over civilized, progressive and contemporary conventions”*. (Case 2003/4)

Of the tactics used to escape responsibility, those accused of femicide crimes frequently claim they were caught in the grips of a sort of “temporary insanity” or “diminished mental capacity” when they committed their crimes. As mentioned earlier when addressing the emotional state of the accused,

"temporary insanity" or an "incapacitating mental state" were claimed as the motivating factors in 13 cases, either by the accused or offered as evidence in the form of a medical report. The courts however do not readily or easily accept these claims.

In one case, all that was mentioned in the report was a set of conclusions such as: "*He was not lacking in awareness or in understanding his choices when he acted*"; and, his confessions were driven by a "*detailed, logical sequence of events and rational manner that does not point to his suffering any form of mental disorder... that could have driven him to kill his wife against his will, or that he was unaware of his actions when he killed her [...] He presented details in a manner which only a knowing and fully conscious individual could provide...*" (Case 2003/2)

In another case, although the court took a therapist's report into consideration for the accused which claimed that he suffered from chronic depression and was taking medication for his condition, "*it [the court] did not believe that his psychological condition reduced his mental capacity, meaning that the accused was fully aware and thus responsible for his actions.*" (Case 2005/2)

In a case where one accused was charged with killing his wife and daughter, the court did not take the psychologist's assessment into consideration because "*The accused showed that he was a fully aware individual that displayed conscious self-control during the investigation which was reflected in his alert state, his attentiveness and ability to completely focus during all stages of questioning.*" (Case 2006/7)

Accusations of marital infidelity, adultery and sexual misconduct by the partners and relatives of the accused abound in these cases. And these allegations are used to present the motives for the murders.<sup>60</sup> However the court ignored most of these allegations and accusations when they lacked concrete evidence to support these claims made by the defendants.

## "Absented" Actors

### Ghost pregnancies

Fifteen-year old, **Husson**, who was engaged to her paternal cousin, went with her mother to the clinic for a gynaecological exam which revealed that she was two months pregnant. Her fiancé admitted impregnating her, saying that he planned this in order to put his parents under "a fait accompli", compelling them to accept his marriage to his fiancé and cousin. The two families met to discuss and settle the issue of the respective marriage and also to "*keep the scandal from becoming public*". But, it seems that the boy's parents refused to change their mind and persisted in refusing the idea of the marriage between the two. When the two families failed to find a solution to the problem, the girl's brother "*in a fit of fury, during which he lost his conscious will and awareness*" shot and killed the pregnant girl. (Case 1999/5)

During this particular trial, the scene of the crime was played out between what appears to be two "actors" or participants: the brother who murdered his sister, and the murdered sister. It is a scene of reactions and counter-reactions within a social context dominated and driven by the enormity of the scandal, and the failure to keep this scandal from becoming public. Absent from this crime however is the other main actor, – that is, the male who impregnated the girl and who caused her to lose her virginity – a man who consciously planned his actions and admitted this conscious plan with a clear

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<sup>60</sup> Refer to Annex 2 for more details.

objective in mind. He appears in court documents like a ghost, with no name, age, or profession – a person who has nothing to say and no opinion whatsoever about what happened to the girl he wanted to marry, and who was murdered as a result of a “failed plan” that he played an integral part in creating.

One has to wonder about the significance of the complete lack of his presence. According to which norms is his responsibility entirely dismissed? Is it not possible that this fiancé raped the 15-year old girl (a child by international standards) “on the rooftop” against her will? Did the legal system investigate this possibility?

One could also make the supposition that the victim had consensual sex with her fiancé and that this act in itself was, as the court termed it, “*a failure to uphold traditions, a sense of honour, dignity and a good reputation (respectable conduct)*”. Is the fiancé exonerated of any responsibility for this act that violated “*traditions, a sense of honour, dignity and respectable conduct*”? Or, was he, from the court’s perspective, absent from the (sexual) act? Why did they not question him, for his part, in what everyone agreed was a “*failure to uphold traditions...*” that led to the death of a human being?

If a killer can benefit from a reduced sentence because the murder he committed aimed to “uphold traditions, honour, dignity and respectable conduct”, why is another person, who also violated these same norms, not tried as well? Especially as the courts consider the violation of these norms a “wrongful act”...

When a female violates these “traditions, honour, dignity and good reputation” the law shows sympathy for her killer because her murder falls within the allegedly lofty objective of restoring “traditions, honour, dignity and respectable conduct”. However, the fiancé is deemed innocent and suffers none of the consequences of that very same act which led to the murder of the girl.

The victim in the aforementioned case was impregnated by her fiancé; but, the person who got 21-year old Ratibah pregnant was never identified. There is no trace or any mention whatsoever of the man who actually impregnated this young woman in the trial proceedings or case file. He is nothing more than a ghost concealed behind a wall of suspicious silence.

The victim’s mother claimed that she was the one who killed her daughter. Rather, the mother claimed she was merely helping her daughter finish what she had already started – trying to commit suicide by stabbing herself with a knife. The public prosecutor suspected that the mother’s claim was an attempt to protect her son who actually committed the murder and went into hiding. In either case, one cannot but wonder about the lost identity of the man who actually impregnated the victim... Could the pregnancy have been an outcome of incest? Is the real culprit the brother who fled?

## Accessories to the Crime

During the course of the investigation into who actually killed Ratibah, the mother tried to confess to committing the murder alone. However, the court ruled out this possibility because:

Amongst the facts in this case is that the victim was 21-years old. Her age means she was in the prime of her life, with her faculties intact. It is, thus, difficult to believe that the victim would have willingly accompanied her mother some twenty meters away from their tent, knowing full well that her mother intended her harm and was ready to slaughter her. With this knowledge, is it believable that the young woman acquiesced to lying down on a rock to be slaughtered like a sheep? But this is what the defendant confessed happened. And, that she committed this crime by herself – which is not at all viable or convincing. Indeed, after thoroughly reviewing the confession of the accused and reconstructing the evidence, the court is convinced that “*not only is the accused not the actual*

*perpetrator of the crime but also that she was not even a participant in the crime. Her role was probably confined to abetting the crime by instructing the perpetrator". (Case 2002/6)*

Nowhere in the documents relevant to this case and trial is there mention that the brother was ever put on trial, although he appears to be (at least) an accessory to the crime based on the testimonies given by his father and other sister. And charges were never laid by the authorities even though the court also seemed to consider him as being the probable killer.

The infant Zeinab was used by her mother as a shield to ward off the deadly blows of her father Abbas. Zeinab's father, who always violently beat Zeinab's mother, was beating her with his leather belt and a hard object when some of his deadly blows finally killed the infant – who subsequently died of injuries to the head and face. Zeinab's father and killer was given a prison term of three years with hard labour, and stripped of his civil rights for a period of ten years. (Case 2005/4)

But, in this case, is the mother not also a participant in the murder? Does her husband's violent behaviour towards her justify her using her daughter as a shield to protect herself from him?

All the brothers took part in killing their sister, who had eloped and gotten married against their will. They claimed however, that their thirteen-year old brother was the killer and that he acted alone. (Case 2001/4)

In the above case, it is hard to conceal the real motive behind the claim that the youngest brother committed the murder. He would be released because he was a minor at the time the crime was committed. But there were contradictory accounts in the case which were not properly investigated; and, there was evidence that clearly pointed to the fact that the adult brothers were active participants in the crime. However, the courts chose not to investigate any further.

Joseph mistakenly killed his mother-in-law and father-in-law instead of his wife who had left him. (Case 2003/7)

Nowhere in the above case documents or trial proceedings is there any indication that the accused was ever indicted for "intentionally trying to kill his wife". Does killing his wife's parents negate the fact that he actually intended to kill his wife? Even when a specifically intended murder fails, should not planning and having the intention to commit a murder be considered another crime, and should not this intention to wilfully murder earn him a heavier sentence, even though he only ended up killing innocent bystanders in the process of trying to kill another person?

## **The Instigators**

Many of those accused of committing an act of femicide claim that they committed their crimes without any external incitement. Others, around 20%, actually name those who instigated the crimes and admit that the extreme emotional state they experienced compelled them to commit the crime, and that this extreme emotional state was caused by that instigation.

In general however, through the trial proceedings and case documents reviewed in this study, there appears to be a tendency by the courts to accept claims made by the defendants/murderers that they were not influenced by anyone without sufficient verification. This kind of behaviour is to limit the harm to the nuclear family so that a minimum number of family members are harmed or only one family member in the "best" case scenario.

Istilah was killed by her brother, who claimed in one of his many stories that he committed this act in order to defend his family's honour – despite the fact that the victim was known to have had "*a bad*

*reputation*" prior to her marriage, a prior reputation to which her own husband admitted. It was also known that she had lost her virginity before her first marriage to a man who was forced to marry her to avoid a scandal. If cleansing the shame was indeed the motive for murder, then the crime should have been committed much earlier than it actually was and certainly not after the victim's second marriage. One witness claimed that the person who incited her brother to kill her was actually their stepmother. The real motive was probably related to the victim discovering that her stepmother was having a romantic relationship with another man, which prompted the latter to bribe the brother to kill his sister. (Case, 2000/1)

Istilah's brother was known for his money laundering activities, savagery, and excessive and delinquent behaviour. However nowhere in this case file or trial proceedings did we find anything to indicate that the investigators were interested in pursuing what the above-mentioned witness had to say. There was no effort made to uncover any evidence that could have led to the indictment or exoneration of the person (the aforementioned stepmother), who the witness alleged was the real mastermind behind this crime.

The mother and brother together killed Sahar because she became pregnant by her fiancé. It was this same fiancé however who taunted the brother about his sister's pregnancy. One day, when the two met at the village marketplace, the victim's fiancé said to her brother, "Go see what you sister has done!" (Case 2004/2)

Sahar did not "do" what she "did" alone. She obviously was not alone in getting herself pregnant. The fact that the fiancé taunted her brother means that both the brother and the fiancé share the same mindset – or, the idea that Sahar alone was responsible for her pregnancy, and that she committed a violation of the set norms of the clan, and that she, therefore, deserved to be punished. In such a case, is the fiancé not also an instigator of the murder – giving the killer the motive to commit the crime? Did he not also deserve to be punished?

The trial in which a father is accused of killing his daughter Muna is yet another example of someone who claims that he was influenced and incited to commit the murder. The case begins in the following manner:

Muna's lover received her on New Year's Eve and slept with her but claims it was "without penetration", so as to avoid a pregnancy. They had already agreed to marry after the man's first wife had accepted Muna as a second wife (after he threatened to divorce her). The man asked his first wife to take his mistress Muna – who was supposed to become his wife, with her parents' consent – to the doctor because she was having stomach pains and was worried she was pregnant.

Then questions begin to surface, as one continues to read the trial documents related to this case:

Why does a man send his wife to the parents of his mistress to announce to everyone that their daughter was impregnated by her husband? Then the first wife claims she said to Muna's family that, "*I will not leave until I take your daughter to have an abortion... Your daughter got pregnant by my husband*". And, why is the wife the one who ends up taking the victim, her husband's mistress and supposedly future second wife to her gynaecologist and not someone else? Again, how did Muna the mistress become pregnant if her lover claimed he slept with her 'without penetration' so that she would not become pregnant? And, since when did a pregnancy cause stomach pains?

When confronted, the lover claimed that "*He did not suspect his mistress of being pregnant but wanted her to see the doctor to ensure that she did not have cysts on her ovaries, so that he could pay for treatment instead of her father*". But, then another question raised is: Why would Muna, a thirty-year old working woman, need her future fellow-wife to take her to the gynaecologist?

Does this story betray a well-planned conspiracy between the lover and his first wife to incite Muna's father to get rid of Muna? The father who finally kills his daughter as a result of this situation, testified that the lover's wife was one of the individuals who incited him to kill his daughter, in addition to his wife and their neighbour Umm Ali. The accused father claimed, *"They all incited me!"* (Case 2007/4)

Why are all the people involved in inciting and instigating this murder not punished?

In the case of Ne'mat, her brother who was accused of killing her, admitted that:

What unleashed his fit of fury were his female relative and her husband. The couple called Ne'mat's brother at his place of work and asked him to come over to discuss an important matter. The important matter turned out to be that the victim Ne'mat had confessed to their relative that she had "become a woman" after having sex with her fiancé. The impact of this "news" – relayed by their relative and her husband – on the killer's mental condition soon became evident. The court describes the brother as having "lost all control and awareness" upon hearing this news. (Case 2003/4)

Despite this testimony presented before the courts, we could not find anything in the case documents to indicate that these two individuals were brought before on charges for inciting the crime. Moreover, according to other testimonies presented by witnesses, the victim's own mother was *"happy when she learned about her daughter's death"*. Some witnesses even heard her asking God *"to protect her son, the one accused with murdering her daughter, when he was brought before her in handcuffs"*. Our question is: Did the courts investigate whether the mother had anything to do with inciting this murder or not? Court documents show that the investigator asked the victim's mother, *"You appeared happy and elated when your son stabbed your daughter to death... and, this is also clear now that I see you before me. You did not shed a single tear when I told you that your daughter was killed... What do you say to that?"*

### **Absented and Neglected Victims**

Women are killed. But their dead bodies remain as a testimony and witness to the crime which society, represented by its institutions, authorities and judicial system, cannot deny them. In one of these crimes, a foetus dies in his mother's womb (Case 2000/1). In another, a child born out of wedlock is killed along with his father and mother (the motives for this crime was considered an issue of "honour") (Case 1999/6). The mother of a newborn is killed (Case 1999/1), as is the mother of an infant (Case 2006/7). Nothing in the trial documents of any of these cases attests to these incidents as being "multiple" crimes.

All this makes one wonder: Why has Lebanon made abortions illegal based on the premise that an abortion involves the "killing of a human being"? Yet a crime which causes a foetus to die in his murdered mother's womb is not considered a multiple murder? What about the two children, mentioned above, the newborn and the infant? Are their mothers' murderous deaths not also a crime against these children?

In the meantime, what about the status of the child who was born out of wedlock? We will compare this child's condition with those of two children, who were killed along with their mother by smoke inhalation from the burning gasoline used to murder their mother. In the latter case, the court presented its indictment as follows:

*"The death penalty is a physical punishment that ends life immediately; whereas, a life sentence with hard labour is considered a heavier sentence, because it keeps the heavy burden of this crime laden on the murderer's conscience for as long as he lives. This is considered a punishment harder to bare"*

*and an unrelenting source of suffering for him. Maybe it will have a deeper impact on the conscience of this father and this husband, with the hope that, God Almighty will cleanse him of what his hands have wrought.”* (Case 2007/1)

As for the crime that led to the death of the child, born out of wedlock, along with his mother and father (Case 1999/6), there is no mention of this child at all. And his murder was one not of the factors considered when determining the indictment, the sentence or its severity.

These two examples are cited to indicate the court’s position on the perceptions and beliefs held by the “public” that govern a child’s status in Lebanese culture with regard to whether a child is born to a legal marriage (even if a marriage is proven to be a mere façade that comes to an end by virtue of a crime or if a child is born out of wedlock and is thus not acknowledged by the victim’s family). Does the court’s silence regarding the murder of an “illegitimate” child reflect an adoption of this mindset? Does the failure to give these victims their due justice a form of “contracted punishment”, i.e., where the harsher punishment is applied rather than the lesser one?

Sometimes a victim is neglected because a judge “is not completely convinced” that the accused is the actual murderer...

Amina and her two children were found dead. They were killed by carbon dioxide poisoning and Amina was robbed of her money and her possessions. The man accused of these murders – the woman’s nephew and a gambling addict – was released for lack of sufficient evidence. But, his behaviour immediately after the murders showed that he suddenly had much money at his disposal, even buying his fiancé some expensive jewellery. Furthermore, he and the victim had scratches on their faces – something that indicates a physical altercation took place. He also gave false and contradictory evidence and testimony. (Case 2007/11)

Nevertheless, nothing in the trial documents indicate that the suspicious behaviour of the defendant after the murders was taken seriously. Finally, the man was released because the judge was not “convinced” by the evidence presented.

Fa’al killed his wife, but his son tried hard to prove that the victim had committed suicide. The son told lies and gave contradictory accounts to confuse the investigation. (Case 2004/4)

In the end, these attempts to obstruct the investigation went unpunished.

### **Article 562<sup>61</sup>: An Overt Absence and a Dominating Presence**

Through the course of studying these 66 cases, we seldom find reference to article 562 of the Lebanese penal code. In a rare case (Case 1999/6), the defence used this law along with three other laws to alleviate the guilt of the defendants accused of killing their sister. The sister in question lived with her lover and her child, born out of wedlock, in a town close to where her parents lived in the Beqaa. She was not married to the child’s father and was still, it seems, legally bound to her husband (who she was planning to divorce). While the court considered the crime to be motivated by matters of “honour”, it did not take article 562 into consideration when it issued its final verdict.

In our examination of the various laws upon which the courts based their verdicts in all six governorates, we found that Article 562<sup>62</sup> was used only once by the Mount Lebanon criminal court (in

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<sup>61</sup> Article 562 of the Lebanese penal code states “a person, who is caught by surprise by his spouse or one of his offspring or their offspring or his sister in the act of the sin of adultery or in an illegal sexual relation, and as a result, kills or injures one of them, without premeditation, can benefit from a reduced sentence”.



Case 2005/6). This case is unique in so far as the courts accepting a defence lawyer's request to apply article 562 of the Lebanese penal code. However it is worth noting that the court did not originally rule according to article 562, but rather used the first paragraph of article 549 to reduce the sentence based on its "prerogative" as a court after examining the motives, the crime, the victim's character and "*her improper and wrongful act [...]*"

Below is a summary of this case, as it appears in trial proceedings. This example shows how this article was used to present the circumstances related to the crime, and the impact this law had on the court's "discretion".

We read in the "Facts (of the crime)" that Adel, his wife and their two children, "went to bed at around nine-thirty on the night of 21/9/1994. Adel was woken at eleven-thirty that night by 'the sound of whispering and small noises'. He went to check on his family before returning to bed. But he did not find his wife in bed. He got his gun and ran out to the balcony. He had kept a gun by his side since the outbreak of the armed hostilities in the country. When he got to the balcony, he saw his wife in the arms of her lover. They were in an embrace. The lover was kissing and caressing her and hugging her tightly to him in an unusual way. The husband was infuriated. He ran towards them shouting "*You treacherous woman! This is how you behave?*" and losing control of his senses, he shot at her, shooting her in the head, then proceeded to shoot her lover in the head as well [...] After killing both, he turned himself into the authorities, claiming that he was defending his honour and his lost dignity in a moment overwhelmed by revenge and extreme anger. In another version of the story, the husband claims that "he took his gun out only when he saw his wife in that condition... and that he fired to avenge his dignity and honour and safeguard his honour without being fully aware of his actions and without prior planning.... His actions were at the spur of the moment, because he was so surprised to find his wife and her lover in that condition [...]" (Case 2005/6)

The man accused in this case presents all three conditions required for article 562 to be applicable: the element of surprise or shock, the "*flagrante delicto*" (witnessing the flagrant act), and spontaneous murder or injury (in a fit of fury instigated by the element of surprise or shock). This case is different from the others in so far as there is an element of surprise, coupled with extreme emotions and the availability of a weapon. According to Adel, the husband, and in one of the different versions he provided throughout the trial process, he claimed "*he had wanted to water the plants that night, when he first heard noises coming from the balcony. At first, he thought that it was the man – who monitors when the water from the municipality comes – coming to wake him. So at first, he did not take his gun out with him. The whispering he heard did not necessarily reveal great excitement and desire. He got his gun only when he saw his wife and her lover in such a state... Anyone who saw them in such a state would assume they were having a love affair.*"

The above is a perfectly constructed story. It leaves nothing for the state and the prosecution to use in trying to eliminate one or more of the above-mentioned conditions required for article 562 to be applied – or those elements required for a crime to be considered a so-called "honour crime". In other words, the story has been constructed in a manner which allows the court to view it through the lens of article 562 of the penal code.

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<sup>62</sup> In chapter two (The Concept of Honour in Lebanese Law) of Danielle Houayek, Rafif Sidaoui and Amira Abou Murad's book "Honour Crimes: Between the Facts and the Law", published in 2007 by the Lebanese Council for Resisting Violence against Woman, the authors review the various elements of article 562 of the Lebanese penal code. They place this article in its proper historical context and follow its progress from the perspective of women's organisations, who have called for having this law annulled and replaced by a law that is less discriminatory against women. The authors then present where this law stands today, in its final and current formulation that was approved in 1999 by the Lebanese parliament. In the end, the authors review the bases for the contradictions inherent between the texts of article 562 and other legal texts.

Nevertheless, the prosecution was able to show that evidence it gathered from witness accounts during the investigation that immediately followed the murders pointed to “premeditation”. The prosecution tries to prove the element of “surprise” appeared to be prearranged. According to the prosecution:

*“It seemed that the accused already had signs and even confirmation that his wife was having an affair. He claimed not to have believed this at first. But thereafter, he began to suspect that the lover was visiting his wife when he was away from home. But he did not think of the option of divorcing her because he – according to his testimony – ‘loved his wife very, very much’. The investigation also showed that Adel no longer kept his gun at his bedside after the military hostilities ended. Rather, he began to keep the gun next to his bed after learning that his wife was cheating on him. He kept his gun near him at night then put it back in the closet in the mornings. Finally, although Adel claimed that he was asleep that night, the preliminary investigation showed that he was fully dressed when he shot his wife and her lover.”*

Based on the above, the crime was considered “premeditated and wilful, based on the existence of certainty”. The court states: *“The accused, Adel, was getting so much advice about his wife that he began to doubt her loyalty until he saw her with her lover in an amorous situation.”*

In other words, the accused was not entirely certain that his wife was cheating on him, but was observing her because he had doubts and the unequivocal state in which he found her with her lover was the certainty he was seeking. Thus he went from a state of doubt to that of certainty. But establishing certainty by “stumbling upon” that kind of scene and the anger that resulted, becomes akin to the element of “surprise”. And this provocation and the availability of a weapon are all elements that came together in a single moment. It would appear this fatal scenario was prearranged in order to include all these elements which are necessary to create the conditions required for the application of article 562. In any event, this was the only case amongst the 66 under study that could “prove” these three conditions were present at the time the crime took place.

Article 562 is described by Lebanese women’s movements and other organisations advocating human rights as the “shameful” or “murderous” law, or as the article that gives “licence to kill”. And this article was not applied on its own in any of the 66 cases under study. In fact, it was only used once by the defence in the case just mentioned. The application of this law is rare because it is so difficult to establish the simultaneous presence of all three conditions necessary for its application. Indeed, the rare situation of having these conditions available all at one time, is also one of the arguments used by Lebanese women’s movements that have actively demanded to have this article removed from the penal code.

## **The Shadows of Article 562**

Although explicit references to article 562 are rare in court documents, its existence is implicit in the statements given by the defendants with regard to their motives for the murders. Article 562 provides defendants with the excuse that they buckled under the pressure of their passion – passions whose impact on the crime is highly exaggerated. Indeed, the defendants offer differing accounts which are far from convincing about their “surprise” at the “scene or news” that unfolded before them and that provoked them to commit their crimes. Desperate attempts to establish some, if not all, of the conditions necessary for the application of Article 562 during the trial forces defendants to concoct contradictory accounts, elements of which are disjointed and illogical. As a matter of fact, these contradictory accounts are, in themselves, demeaning and an insult to the court’s intelligence.

Moreover, the word “honour” and the term “cleansing shame” are amongst the terms most often used in the 66 trial proceedings and case documents under study. Next in line are terms that indicate “extreme

outrage and anger" that "grips the killer" when this "honour" is under attack, compelling the accused to "cleanse the shame" caused by the victim.

Ali, who killed his daughter, said that he did so *"to cleanse the shame and purge his sullied honour."* The father already knew from relatives and neighbours that his daughter had lost her virginity in Germany before the family returned to Lebanon, due to the different *"way of life"* his daughter pursued in that foreign country. When asked during the investigation *"Why didn't you kill your daughter as soon as you learned that she was no longer a virgin?"* the father responded that *"what compelled me to do this was my wife's taunts about me 'having no honour'; it was my wife's incitements to kill my daughter that compelled me to cleanse my shame"* (Case 2007/2)

The man who killed his daughter, Muna, did so because he suspected that she had become pregnant by the man who had asked for hand in marriage. In his testimony, Muna's father claims that *"He found himself the victim of his daughter's conduct, a daughter who sullied his honour and trampled on his dignity, compelling him to do what he did [...] In a fit of fury emanating from the hurt he felt within his soul because of her and on account of her having sex with young men in a society that looks down on such relationships, and considers them very threatening"* [...] (Case 2007/4)

Maha, who eloped with her brother-in-law after he promised to marry her once he divorced her sister, was killed by her brother. Her father told the courts that his son killed his daughter to cleanse their shame because *"she violated all the heavenly laws"*. Despite this proof of knowledge (and thus premeditation), members of Maha's family did their best to establish the element of surprise so that the killer's sentence would be reduced. They all claimed that the brother accused of killing the victim did not know about what his sister did, although she had eloped a month before he returned to his town from Beirut. Every single member of the victim's family insisted that the brother *"Did not intend to kill his sister. He just wanted to punish her for the way she was behaving and for the provocative manner in which she addressed him. But he became incensed and he already had a gun with him – because he always carried a gun simply because 'the situation in the country was not safe'."* (Case 2001/5)

Issam accused his wife of infidelity, although he was uncertain about the identity of her lover. On the day that the crime took place, he claims to have *"seen someone going up the stairs to his house, and he lost his mind [...]"* which caused him to do what he did. As for the identity of her alleged lover, he claims that *"he cannot accuse anybody without being sure, because he was a pious believer"*. (Case 2004/5)

In another case the defendant killed his sister in full view of the neighbour and her son. The neighbours saw the accused shoot and wound his sister with his military revolver near their house. The victim had tried to run to the neighbour's house for help (after being gravely wounded). Her brother claims, *"I admit I killed my sister with an unlicensed military revolver after I saw her in a compromising situation that made me lose my senses. It was an issue of morality. She was a married woman and I found her in such a compromising situation with a young man [...]"* This killer did not hesitate to offer a concocted version of events that completely contradicted the testimony of the witnesses who witnessed not only the murder but the circumstances surrounding the crime with their own eyes. The story the killer came up with was presented seven years after the crime was committed. The killer had gone into hiding after the murder and was apprehended only upon his return after a general amnesty was called (number 91/84). He finally admitted that *"One of the individuals who took him to the police station told him to say that he killed his sister when he saw her in a sexually compromising situation"*. (Case 2001/1)

This is not the only case in which an accused admits of being "instructed" on what he should "admit to".

In one case, the policeman actually advised the killer to claim that "honour" was the motive behind killing his daughter in order to benefit from a reduced sentence. (Case 2003/2)

A man accused of a femicide crime admitted, "A policeman told me to say that it was an "honour crime". (Case 2006/7)

Although article 562 of the penal code is not something taught in schools, the way it works and the conditions required to use this law have become a matter of public knowledge both amongst the educated and the uneducated. It is due to this general knowledge that the stories and lies concocted by those accused of femicide crimes focus so much attention on the conditions required by this law. And if anyone needs some coaching on how to use or abuse this law, there is always someone ready to help.

Despite its "absence" in the 66 trial proceedings and case documents, the "shadows" of article 562 prevail in the cognitive set-up of those accused of femicide crimes. Its implications are manifested in the representations of the patriarchal gender order through the definitions and value judgements attributed to the status of men vis-à-vis women. Article 562 prevails in the justifications of their motives and in their actual convictions as to the legitimacy of their actions. Consequently, these preconceived notions are also reflected in their expectations of the legal system's response to them as individuals and to their crimes. This is why it is a "fatal" article par excellence. The victims of this law are not only the women, who "sullied their killers' honour", betrayed them, or tried to stop them from stealing their money or possessions, but also innocent men, women and children who are often killed as innocent bystanders and as "collateral damage" in these crimes. The 66 cases studied here resulted in 82 victims. In 20% of the trials, the killers were actually tried for killing someone other than the intended victim.

In the final analysis, by sanctioning murder, article 562 creates murderers. The individuals tried in these cases are essentially "women killers". By virtue of their actions, they have violated the oldest of human laws par excellence, but their consciences are not burdened by their act because people have been allowed to hide behind a law that "mitigates and reduces" the weight of this burden.<sup>63</sup> Is this not what article 562 of the Lebanese penal code is really all about?

The cases covered in this study reveal the omnipresence of article 562, and the shadows of this law are present everywhere through the language used in so many of these cases. Its ramifications cannot be denied by the mere fact that it is only explicitly used or applied in extremely rare cases. It is a law that should be deleted in its entirety from the Lebanese penal code so that its pervasive implications can be dispelled. Deconstructing these 66 trials provided ample examples of the pervasiveness of this article's presence in the minds of women killers and in the system itself. Removing article 562 from the Lebanese penal code will pull the legal rug out from under these women killers, and will ensure that the legal system will not be exploited by these killers so that they can chip at the wall of their deserved punishment. In the end, the prospect and precedent of punishment is the real deterrent of crime. This principle is supposedly embedded in any contemporary system of justice – a justice that is supposed to be inherently blind to all the details that qualify human beings, and they have no say in... Is not the biological sex into which an individual is born, whether male or female, the most important detail of all such details?

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<sup>63</sup> Amongst the 66 cases studied, we found a few instances in which regret or remorse for committing a murder was shown – in six cases to be exact. However, in the great majority of the cases, there were frank admissions of having no regrets or remorse.

## Chapter Three

### Manifestations and Vicissitudes of the Gender Order

#### The "Imperfect" Victim

The character of the (female) victim portrayed in the trial proceedings and case documents of crimes of femicide committed in Lebanon is what one could call that of an "imperfect" victim, a character lacking the features of a victim. In the most part, she is not a being who could be "docile" or "servile". When the way she manages her life or her affairs is described, she is seen as a stubborn being, incapable of "submitting to that which is her destiny". In most of the cases covered by this study, the victim is portrayed as having been an impulsive and capricious individual, who challenged the authority and wishes of her parents or partner. She is someone precarious, an adventurous rebel, who refused to submit or conform to the gender arrangements sanctified by her family, partner and society.

This woman appears, in most of the cases studied, to be impulsive and challenges her parents' will; she is adventurous and rebellious and is not submissive to either her partner or her parents. And, she does not abide by the rules or the gender arrangements, which she was made aware of from her family and social environment. Amongst these female victims are women who are seen as having refused to abide by the most basic rules regarding "sacred" taboos set by her society.<sup>64</sup> What we are saying is reflected in the various behaviours with which the woman has confronted her family's authority or the authority of those who have control over her affairs, whether a blood relative or a partner.

Of these behaviours, within the context of a partnership, for example, and in both trivial and great matters, we present the following examples from the process of our reading that were recorded in court documents:

The defendant claims that he had a troubled married life. There was no harmony between him and his wife, Claudette, neither in terms of their characters nor regarding basic principles. Intimate relations between them were also unsatisfactory. She left the house without saying where she was going. She was not raising her children properly. She squandered the family's monthly income, and [...] the devil played with his mind, inciting him to act... So, he burned her alive while she slept. (Case 2007/1)

The victim left her husband, Mustafa, and filed for a divorce. She was asking for the four kilograms of gold which was the second instalment of her dowry, as stipulated by their marriage contract (a remittance in the case of divorce). But, he could not pay this part of her dowry, so he tried to kill her by pouring boiling water over her after he beat her unconscious. (Case 2004/7)

Elias, a fighter in the "X" party was known for being a tough man. His second marriage was to the victim, who was also the sister of his deceased first wife. But the victim had been forced to marry him, and she finally left him after their marriage was annulled by the church. After that, she openly took on a lover. Elias shot both of them at the church they attend. (Case 2000/3)

Rula did not wait for the court to rule on her divorce, and went to meet her lover alone at a chalet. Rula's soon to be ex-husband followed and killed them both. (Case 2004/1)

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<sup>64</sup> Cases that come to mind include that of the woman who eloped with her brother-in-law and insisted on marrying him (Case 2001/5); and the victim, who married her lover while she was still married to her first husband (Case 1999/6), and a third case in which the victim was impregnated by her brother-in-law (Case 2000/2).

Not only did Shahira take a lover that was an acquaintance of her ex-husband, she also prevented him from seeing his children after their divorce. She was also about to marry off their daughter to a man her father did not know. (Case 2003/10)

Fadia was forced to marry a man thirty years her senior, who was also impotent. She took advantage of his money and set up another home for herself before filing for a divorce. (Case 2006/6)

Fifteen-year old Fatima ran away from home and eloped with her maternal cousin against her father's wishes. (Case 2001/3)

Despite her maternal uncle's repeated efforts to dissuade her from divorcing her husband and marrying her lover, Ahlam brought her lover over to her parents' house. (Case 2003/9)

Nayfeh registered her property in her husband's name. He abused her and insisted that she give him her property as a condition for accepting to divorce her. She did as he asked despite the fact that she had the feeling that he was going to do away with her. (Case 1999/2)

Seventy-year old Lulu would not give in to her son's extortion or violence. She had even made a complaint to the police about his violence. Nevertheless, she still refused to give him the money he wanted to spend on things she did not approve of. (Case 2001/1)

### Until the Last Breath ...

What is particularly worth noting is the fact that many of the victims continue to challenge and resist their killer's demands until their last breath. For the killer, this unwavering challenge is unbearable and tantamount to adding fuel to the fire of his anger and his irate emotional state.

Based on her brother's account, when he asked Ne'mat if she had become "a woman" (meaning had she lost her virginity), Ne'mat replied that it was none of his business. (Case 2003/4)

The man who killed his thirty-year old daughter, Muna, says "*I did not intend to kill her, but only hurt her... I asked her if she was pregnant and she answered 'do you expect me to keep on waiting for a husband?'*" (Case 2007/4)

The defendant had told his brother to divorce his wife, Badrieh, because she "had a bad reputation". When he found both of them in the tent together, sleeping, he woke up his brother and asked "*Why is your wife in this tent, and why did you get back together with her?*" Badrieh also woke up and started shouting at her brother-in-law, despite the fact that he had a gun pointed at her. She told him, "*It's none of your business... My husband and I are free to do whatever we want.*" (Case 2003/7)

These brief anecdotes reveal these women's attitudes and behaviour, which provoked their killers' anger. Each one of these women can justifiably be described as an "imperfect" victim and is qualified as such when compared to the stereotypical image of the female in a typical patriarchal society such as ours. In this type of society, the woman is seen as a passive object, one who is supposed to be patient and compliant to her (male) guardian's decisions. And, she is supposed to accept what her guardian decides is best for her. If she becomes an active person, a challenging being, or a being with desires, then she provokes this "male" by challenging the prerogatives assigned to him by some unwritten patriarchal law, which gives him full authority over "his women" and their sexuality. These prerogatives, exercised in the privacy of the "household" for thousands of years, have been accepted until recently, provided that the way the male guardian acted upon his authorities stopped at the threshold of fatal violence.

In the cases under study, these “imperfect” victims are complemented by defected males. In the next section, we try to read between the lines in order to shed light on the different ways this “manhood” manifests itself in these cases under study.

## A Defected Manhood

Males accused of committing crimes of femicide suffer from a deficient manhood. This deficiency is due to their failure to meet the prescription of “manhood” that can put into question their right to prerogatives accrued to their gender. Moreover, manifestations of this deficiency are not independent of the behaviour of the women under “their guardianship”, whether in the context of a romantic partnership (as a man’s wife, fiancé or mistress), a blood relation or a legal relation (an in-law).

### As “Partners”

A murder committed by the husband is most often “justified” by a marital infidelity committed by the victim. Armed with this “justification”, defendants in these cases presuppose the foregone conclusion that such an infidelity and the pain inflicted upon the husband’s “manhood” will impact a judge’s “conscience”, and that a judge could not but feel sympathy for him, as the accused. This presumption is why so many defendants and their lawyers use infidelity as a motive for the murder of a (female) partner, even when there is no evidence to support such a claim. The idea that a woman may prefer a man other than her husband seems to be perceived as an infallible indication of her husband’s sexual impotence, or failure to satisfy his wife’s sexual desire. A presumption of “impotence” makes her turn to another; and, by doing so, she also turns her husband into a cuckold – a description too harsh to bear as it touches upon the very essence of a man’s virility. The manner in which cuckold is so often used as an insult is ample proof of that belief.

Elias rushed with the intention to kill his wife and her lover at church on Easter Monday. The neighbours had taunted him about his wife’s romantic relationship, despite his reputation as a ruthless fighter in the “x” party. In the end, he killed the lover but only badly injured his wife. (Case 2000/3)

Not only is a man’s sense of virility “injured” by a real or imagined infidelity, a woman is sometimes killed to prevent her from revealing her partner’s sexual impotence, such as in the case below:

Ibrahim killed his mistress, who was still a virgin at the time of her death. It appears, Ibrahim wanted to stop the spread of the scandal linked to rumours of his impotence – a fact confirmed by his former wife. (Case 2005/5)

As mentioned previously, some defendants’ complaints centred on their wives refusal to satisfy their sexual needs. However, the insult to one’s manhood reaches its climax when a man accepts that his wife cheats on him with one or more men, yet refuses to seek a separation to prevent the breakup of his family. But, would this not be the typical response of a wife whose husband openly has a mistress?

The defendant claimed that his wife was cheating on him with other men; he kept quiet in order to protect his relationship with his two children. He even claims that he found her naked with another man. The man asked the defendant to keep quiet about the matter in return for a certain amount of money. The defendant refused the offer but the wife accepted the amount of US\$3,000. Following that incident, the defendant stopped having sexual relations with his wife and told her that she should “consider herself divorced”. But, he stayed with her for their children’s sake. (Case 2003/6)

Marital infidelity and the sexual ramifications of an infidelity can cause great injury to a man’s self esteem. It makes him feel inadequate, a phenomenon known in social psychology as the tendency of

“social comparison” when one evaluates oneself. Knowledge of this infidelity can remain restricted in scope either because the husband does not know about it or chooses to ignore it to save face. What cannot be concealed or ignored, however, is when the wife asks for a divorce or a separation, or elopes with her lover, exposing the rejection of the husband or the husband’s “silence” about an infidelity, and making it a matter of public knowledge. Research on cases of femicide in the Western world found that the period in which a divorce is still underway – especially when the wife has asked for the divorce – is particularly critical for the woman. This research shows that quite a number of women were killed by their husbands during this period.

In our sample, quite a number of the victims wanted a divorce, or were separated from their husbands, pending the finalization of their divorces. In certain cases, these divorces were against their husbands’ or parents’ wishes and the conflicting desires led to escalating disagreements that often culminated in the crime itself.

Studies on masculinity from various perspectives in social and behavioural sciences confirm the centrality of the “provider” or “breadwinner” role in men’s conceptions of their own masculinity. Among the defendants tried in our case samples are men who were unemployed or men who were former militia fighters that never did anything except fight for a living. Often, these cases document that these men were taunted on account of their inability to be proper “providers” by their wives or others in their immediate social environment.

Ali tried to find work but to no avail. While abroad, he applied for refugee status and lived off welfare. His application for refugee status was not granted and he returned to Lebanon and was supported by his brother, who gave him \$1,000 per month. His wife taunted him about his inability to find work and his failure to control his daughter, so he killed them both. (Case 2007/2)

Ahmad was unemployed. He was in debt, and this debt kept rising until it ultimately affected his morale and his character, which witnesses lauded. However, his financial difficulties turned him into a “drunkard” and a violent man. His wife reciprocated with physical violence and verbal abuse; and, one of these violent incidents culminated in her death at his hands. One of the witnesses actually blamed the crime on Ahmad’s need to “let off steam”. (Case 2006/8)

Added to the unemployed in our sample is a group of weak and marginalized men, presumably mentally ill, and another group of drug addicts and alcoholics. Amongst all these men were men with criminal records. These were individuals whose social standing had already been tarnished and whose “manhood” was already undermined.

### **Within Blood Relations: The “Extended” Self**

Social and gender-based roles in patriarchal societies include the charge men have over the women under their “guardianship”. This role includes a man being able to control a woman’s behaviour and her sexuality to ensure her chastity and her self-restraint. In Lebanese culture, this role and “guardianship” is central to the definition of manhood. Thus, any threat to that role of maintaining control and ensuring restraint becomes a threat to the male persona, itself, and to the male’s sense of self-worth. A woman who violates the control of her male “guardian” puts his entire manhood into question, which often leads to a definitive act on his part to reinstate the wholesomeness and decorum of his “manhood”.

The threat to a man’s self-image and persona can reach its peak in sub-cultures in which the well differentiated “individual” is not yet a crystallized or a well-formed social entity. For persons in such sub-cultures the self-image is often externally defined. The dependency on external definition for the “self” tends to be dominant and the tendency to seek the approval of others is the norm – a concept known in



psychology as having an “external locus of control” (versus the tendency to have an “internal locus of control” indicating a dependence on internal resources for maintaining a satisfactory self-image). The disparities between certain sub-cultures vis-à-vis this construct (external- internal locus of control) will be examined here in an attempt to diagnose the phenomenon of killing female relatives and to understand the psycho-social dynamics behind these crimes.

Here, we will presuppose that the psyche of individuals who kill their female relatives includes “external” factors—that impact their view of their “self” and their “world”. The assumption is that this individual’s sense of self-esteem heavily depends on the proper conduct and behaviour of those in their immediate social milieu. This proper conduct and behaviour is referenced in a rigid framework and value system derived of long-standing social norms, customs and conventions. Indeed, these men often view the orderly and proper conduct of those in their immediate milieu as a necessary condition to bringing order to their inner selves. Any violation of the norms, customs and conventions governing the state of affairs in the immediate social milieu (the family context) is perceived by the killer as a threat to and an attack on his own psyche and self. Thus, “removing” the source of the violation to this order is perceived as an act of self-defence. These presumptions are supported by the fact that defendants in the cases under study here often reference “what people were saying” and “how people viewed their family’s reputation” when they present their motives for killing their female relatives. Often these references are based on mere hearsay and rumours that have no basis in evidence.

Hassan, who killed his sister on the same day her divorce became final, says that he could not “*bear to hear what people were saying about his sister’s divorce*”. The judge dismissed the killer’s claim that his sister had a bad reputation on the grounds that there was no evidence proving that claim. (Case 2006/6)

What triggered his anger, and pushed him to kill his sister was what his cousin said to him when they met at the market. The cousin had said “Go see what your sister is doing...” (Case 2004/2)

It was the rumours surrounding Badrieh’s behaviour that prompted her two brothers-in-law and their uncle to kill her [...] It had become clear that “*there were rumours regarding her improper behaviour*”... (Case 2006/7)

While it is the individual most concerned –usually the brother, the father or the son –who “eliminates the cause” of the “disgrace”, his failure to take care of this problem or this violation, this inaction on his part, does not absolve other family members or relatives from taking care of it themselves.

The contamination caused by a female’s deviation from her relatives’ authority is considered a violation of the very social norms and conventions from which her related social group draw their self-esteem. According to these social norms, the task of eradicating the source of the “contamination” becomes incumbent on those relatives who are closest to the source. If the relatives closest to the female who has allegedly violated these norms and conventions hesitate, then the way becomes open for others to take action. Thus, the contamination remains and creates self-disruption on the persons within this social group, until another person from this social group “volunteers” to remove it.

The defendant heard rumours that his sister-in-law, Badrieh, was taking advantage of her husband’s absence to engage in wrongful acts. Upon hearing these rumours, the defendant and his uncle told his brother he should divorce her. One night, the defendant and his uncle went to the husband’s tent and told him they wanted to kill her. But, the husband refused. The defendant claimed that he said to his brother, “I want to take your wife far from the tent in order to kill her and cleanse the shame. But, he forbade me from doing so. We got into a verbal dispute that woke up Badrieh. It was then that I shot her. My brother jumped and grabbed a gun and fired a round at us; but, my uncle shot him in the head [...]” In a statement to the preliminary investigator he said, “I am not sorry for killing my brother

because he did not comply with our demand that he renounces his ill-reputed wife. I did what I had to in order to cleanse the shame he brought upon us." (Case 2006/7)

Twenty-one year old Fadi learned that his aunt's husband had found her in a compromising situation, and divorced her. Fadi saw his aunt's return to their hometown as an "insult to the family's dignity" and killed her. (Case 2004/8)

The aunt was not punished by her husband after she was caught committing adultery while she was still married to him. But, the fact that the husband did not "punish her" did not absolve her nephew of the duty to cleanse their hometown of the insult she had brought with her when she returned.

The victim's husband was thirty years her senior and was in "poor shape". These facts, however, did not stop the victim's younger brother from "taking it upon himself" to kill her when he suspected her of acting dishonourably while married. (Case 2006/6)

Badawi had suspicions regarding his brother's wife, and suspected her of cheating on her husband. He punished her for that by killing her. (Case 2005/2)

His sister-in-law fell in love with another man, so the defendant decided he wanted to kill her and her lover. However, instead of doing that, he killed the lover and the lover's sister. (Case 2007/7)

## Double Standards

According to their own statements, 51.5% of the defendants claimed to have committed their crimes in "a fit of fury" while 10.6% claim they committed their crimes under the influence of drugs or alcohol. It takes only average intelligence to realize that the court accepts anger or a provoked state interwoven with anger as an "acceptable" explanation or excuse for the violent "reaction" of the defendants in cases of femicide.

These states "of anger" or "fury provoked by anger" are viewed (by the courts) as uncontrollable emotional states that were evident at the time the crimes were committed. Why else would the majority of the defendants, who admit to committing these kinds of crimes, claim they were in such a "state" and why would their lawyers try so hard to prove that this was indeed the case? And finally, why would the court take these emotional states into account when considering whether or not a killer's sentence should be reduced?

What may be worth noting is that while the emotional state of the defendant is taken into account, there is no reference in court proceedings of the sexual emotions that led a woman – married or single – to have sexual relations with someone her guardians (relatives or partner) deemed an "unsuitable" partner for her. It appears that sexual arousal is not considered an "emotional state" that women could also find difficult to control.

Thus, a victim's emotional state, such as sexual arousal, is considered "abnormal" and "wrong", while the excited state that can culminate to the point of deadly violence in the defendants is perceived as "normal" and inherently "right". In a case of femicide, both states - the defendant's (normal) emotional state and the victim's (wrong) emotional state - "justify" a mitigated sentence for the murderer.

On what basis do the Lebanese courts decide what is "wrong" and "right" with regard to emotional states and behaviour of those who stand before them? What are the criteria used in such cases that allow courts to pass judgements that benefit the emotional state of one side (the defendant) only?

This double standard is not the court's doing alone. It is the product of a traditional patriarchal gender order that still reigns. The discourse prevalent in the courts of law are but one of the manifestations of this order. There is plenty of evidence of this discourse and this mentality exposed by the trial documents under study. After a reading of these case documents and trial proceedings, a polemic conflict is uncovered by the crime of femicide itself. It is a polemic which exists and continues to be waged between two parties.

The first party in this polemic is upheld by men who cling to these patriarchal gender arrangements, which are configured to produce a socially desirable "manhood" but whose attributes these men personally do not possess. They lack the very bases on which their presumed power rests. They are being denied the prerogative of authority and control this prescribed "manhood" affords males in our society.

The second party in this polemic is upheld by women who do not respect or abide by these patriarchal gender arrangements. These women usually have undergone experiences – either in their family or partnership circles – that reveal "their male guardian" as vulnerable and weak, attributes which make them unsuited for the prerogatives and power privileges that "manhood" supposedly bestows upon them.

What these women have overlooked, however, is that giving free reign to their own sexuality is a concrete reminder to these men of their vulnerability and their lack of authority in restraining this sexuality. The refusal by these women to abide by the "male rules" regarding their sexuality provides these men with the "trigger" required to unleash their propensity for extreme physical violence, activating as such their archaic misogynous feelings.

In the end, the murderous behaviour of these men can be understood as an attempt to regain control of the situation and as a desperate bid to consolidate their sense of authority, which has been undermined. It is a clear triumph for their wasted manhood.

All of the above – the loss of control, the loss of authority and power and this sense of wasted manhood – are exposed by the challenges put forth to them by "their" women's behaviour, a behaviour that brings their vulnerabilities to light. Although these vulnerabilities may trigger the belligerency of these men for reasons that have nothing to do with "their" women's behaviour<sup>65</sup>, women and their sexuality remain the main pretext which many men blame for their violent tendencies. Women are seen as the least costly scapegoat; and also the one that most readily accepts to play this "role".

Are females not brought up to "sacrifice themselves" for the sake of others. Is this self-sacrifice not one of the most socially desirable traits of all that is feminine? Is it not a trait that all women, without exception, should have or attempt to acquire?

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<sup>65</sup> The vulnerability of these men is not related to the killing of women alone. In the opinion of those who study masculinity, it is one of the characteristics of this day and age. The difference is quantitative and not qualitative. The crime of committing murder is only the magnification of an open aggression and enmity or an implicit desire in significant numbers of men in contemporary society. The violence against women that prevails in these types of societies is only a manifestation of these. This vulnerability is not related to women and their changing conditions alone, but rather women have become the hanging post upon which these manifestations are hung. They are the scapegoats in this rapidly changing world with which the necessary changes in the gender order cannot keep pace. This order has become a convenient arena, accessible to men who want to avenge their continued marginalization in a world that boasts promises in its media dispersed throughout every corner of this planet. (Refer to our book, "Masculinity and the Changing Conditions of Women")

It is worth noting that men accuse “their” women of violating the gender order and its arrangements in a manner that is unpredictable, because these arrangements specifically grant men the right to decide where the lines are drawn between what is acceptable and what is unacceptable sexual conduct for “their” women. Thus, a quasi-privatization and ownership is established by the men (in families and clans) of the norms that govern a woman’s behaviour, in general, and her behaviour in the sexual domain, in particular. With this “privatization” of the rules of social engagement, courts of law have no choice but to resort to the use of their judicial discretion to delineate what actions by a woman “grossly violate the arrangements of the gender order” and what actions by a woman “respect these dictates”.

## The Complicity of Women

Trial proceedings point to the fact that not only men abide by the arrangements of the patriarchal gender order but that, in general, women embrace it as well – willingly or unwillingly – even if this gender order is tailored to benefit and advance the interests of men and to consolidate their authority over women.

The fact that women accept this gender order and its dictates is exemplified by the following excerpts from cases:

One woman killed her daughter because she became pregnant outside of wedlock. (Case 2002/6)

One woman abetted her daughter’s murder because she became pregnant before marrying her fiancé. (Case 2004/2)

One woman incited her husband to kill her daughter because she refused to divorce her ill-behaved husband, who refused to abide by the rules of Islam. (Case 2002/5)

In addition to cases like the ones mentioned above, some women lie or bear false witness in order to support the defendant’s account. These women help perpetuate gender arrangements on other women under their power. They are, in fact, “incubators” for the patriarchal gender order, accepting the “ordained” status it reserves for them, as women; and they are content with the few miserable privileges it affords them. A rather extreme case in point is as follows:

According to the driver who transferred Ghania and her mother to a Syrian hospital for treatment, Ghania claimed that “the gas stove exploded when she tried to ignite it”. However, later, on her death bed, she admitted to her mother that her husband had poured gasoline all over her and tried to burn her alive, because she beat his son from his second marriage. In the course of the investigation, the evidence showed that it was indeed the husband who tried to burn her alive. But, this victim continued to defend her husband and killer until her last breath – as she was “supposed to” – even though he did try to burn her alive. She eventually died of her wounds. As for her husband whom she was trying to defend, and when he denied the charges against him, he was asked “Why didn’t you try to put out the fire immediately if you were not the one who lit it?” He answered, “I was afraid I would be burnt myself!” (Case 1999/10)

What is also clear in many of the cases documented is that women will also submit to the discriminatory attitudes and violent behaviour of men, regardless of their age and regardless of the degree of kinship between them and the men in question. Examples of this are below:

Abu Hassan used to beat his first wife and then his second wife... to quote his eleven year old son, Hassan, “just like every other man”. Soon, Hassan took on the role assumed by his father, who was killed along with his second wife. Hassan even expanded the scope of the domestic violence to

include his mother, sisters and grandmother. However, these women never complained about Hassan's violence, probably because they viewed it as "normal" behaviour. Indeed, were it not for the probing and questioning by the investigator on the case, the intensity and scope of this violence would never have been exposed – as we have already seen elsewhere in this study. (Case 2003/4)

Some women not only embrace the violence and the control that men wield over them, but actually volunteer to substitute for the killer, or assist him in the crime by helping him bury the victim as documented in Cases 2002/6 and 2002/4, respectively. The extent to which women are prepared to espouse male-oriented gender rules sometimes touches on the absurd:

The wife of **Muna's** lover says that she finally, albeit, reluctantly accepted her husband marrying Muna – who would then become the second wife in that household. She claims that her hesitation was on account of Muna's improper behaviour. She felt Muna was not up to her husband's standard, neither in terms of her behaviour nor her morality. (Case 2007/4)

In the above case, the lying, cheating husband, who eventually killed his own mistress, was claimed to be of superior "behaviour and moral standards" by the very woman he cheated on and lied to, and to whose house he was about to bring a second wife! And, as one investigates further, it appears that it was the husband who convinced his wife to "reluctantly" accept his mistress, Muna, as a second wife... He had actually threatened her with divorce, if she did not accept.

### **Rare Glimmers of Hope**

Above, some of the manifestations of the gender arrangements and the vicissitudes inherent in this gender order were presented, in their crudest and most violent form, based on the accounts given by the main actors in the 66 trial documents covered in this study. But, this is not the whole picture. As mentioned earlier (in chapter two), where certain manifestations of support for the victims were discussed, there is an amelioration when it comes to the positions being taken towards the victims and killers in cases of femicide.

This change, albeit small, represents a rare glimmer of hope that may herald in an improvement in attitudes towards gender-based issues and standing beliefs about the role and status of women and men in our societies. There are indicators of a shift taking place in the meanings, beliefs, judgements and behaviours prescribed by the prevailing gender order.

A case in point is the example mentioned earlier where the court described one defendant's motives and position as being backwards and "outmoded", and as being out of line with any contemporary and civilized values. With the exception of very few cases, the courts have also refused to accept the alleged notion of "honour" to justify these crimes, thus denying the accused and indicted killers any association with honour. Courts have actually described these motives for what they were, as selfish, financially motivated, or otherwise.

Moreover, some of those accused of inciting an act of femicide did not escape unpunished. In one case, the person who incited the murder was actually tried. The mother who pushed her husband to kill their daughter because she refused to divorce her husband (because he was not living an "Islamic" way of life, and abused alcohol and drugs) received a stricter sentence than her husband, the actual killer, did. The mother in this case received 12 years in prison with hard labour while her husband, the actual killer, received 10 years with hard labour (Case 2002/5). In yet another case, the fiancé of the victim was actually tried and indicted for seduction. He was sentenced to six months in prison and fined (2003/4). He is the only "seducer" to be punished amongst all the men who "deflowered" young women

who were later killed to “cleanse” family shame. A precedent was set when he was punished. Finally, a sister was also sentenced to a jail term for helping her brother hide their sister’s body after he killed her. She was tried when the brother accidentally mentioned his sister’s role in the crime (Case 2002/4).

Finally, there are cases in which regret and remorse are shown. Where the victim was killed because of something another woman said, the latter explicitly stated that she regretted her actions, saying that *“Had I known what my words would lead to, I would have kept quiet”* (Case 2007/4). We also found a few cases where genuine regret and remorse is actually shown by the killers themselves. Examples of such cases include that of a man named Jamal, who killed his sister (Case 2001/5); Badawi who killed his sister-in-law (Case 2004/6); and, Antoine who killed his wife and “lost his family” as a result (Case 2004/6). In a unique case, the killer, Ali, tried to commit suicide after killing his wife and daughter (Case 2007/2). The suicide attempt only failed because he used a defective gun.

## Summary

In this chapter, we tried to show how the positions and interactions between men and women – the defendants and their victims – do not always abide by prescribed gender arrangements. We also tried to show how these crimes, in some aspects, are often an attempt to “restore order” to these arrangements – a process that culminates in harming both men and women, leaving behind victims of both sexes in its wake.

Women lost their lives. And men became killers. All these victims are the consequences of desperate attempts and efforts to conform to society’s image and ideas of what “manhood” and “womanhood” is supposed to be.

As far as many of the men – turned killers – are concerned, all they were guilty of was acting upon what they assumed to be the prerogatives of their biological sex – a birthright, which they understood according to that which they were raised to believe.

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In view of what the trial proceedings and case documents covered by this study have unmasked in terms of some of the conditions that prevail in both extended and nuclear families; and, the horrors that take place within these contexts in Lebanese society; and, taking into consideration the outmoded justifications and processes that drive the civil and religious laws that govern the lives of Lebanese citizens; and, in light of the incapacity of these civil and religious laws to assimilate major current changes in the roles of men and women; and, with the knowledge that there will be inevitable disparities in the approach of any judicial panels to the repercussions of these changes, this study’s conclusion will present the reasons that necessitate passing effective legislation to combat domestic violence against women, and present the reasons why it is also necessary that the Lebanese state take the lead in this task.

## Conclusion

### Towards Eradicating Private Justice and Deterring Gender-Based Violence: Enacting Legislation to Combat Family Violence against Women

Those recently introduced to and familiarized with the scope of the subject of violence against women ask in a tone of condemnation, perhaps even an accusatory tone, why these battered women accept this degree of humiliation and of violence – a violence which can actually culminate in their murder. They ask why these women do not just leave those who abuse them. And, they wonder incredulously how they could possibly defend those who torment them, as certain cases have shown.

The answers to these questions are not difficult to unearth. If these women had other material resources, financial means and moral support ... If they were actually aware that what was happening to them was not “the way things are supposed to be” ... And, if they were aware that they are citizens of a state that is actually obliged to protect them against what they suffer ... They would not accept this fate.

If we look at simplest of truths, it is more than likely that the majority of abused women in Lebanon do not have access to any material or financial support that will allow them to sustain themselves and their children without the violent perpetrator, who is usually the main, if not sole provider.<sup>66</sup> Moreover, if victims who are divorced women, or women about to be divorced, have the alternative of seeking refuge with their own families, then it is likely that single and engaged women, who account for 18% of the victims in the cases we studied, are in more dire straits. Where do unmarried or engaged women go to seek refuge? In most of these cases, these women actually need their tormentors and by virtue of this need, they are already victims. They have no choice but to submit to their fate to fulfil their basic needs; they are tied to their tormentors for their own sustenance; paradoxically, they need their tormentors to actually survive!

This is only the logical conclusion of a rational deductive process... But, this reasoning is rational and sound so long as it depends on the foregone conclusion that it is based on, which is, that women and men will inevitably surrender to the prevailing patriarchal order and subsequent gender arrangements that have relegated women to the status of a “dependant” placed under the tutelage and guardianship of their elder male relatives or their partners. It is sound and logical reasoning as long as these gender arrangements are maintained and reinforced by Lebanon’s personal status laws, which have virtually entrusted the governing of all family affairs to archaic, sectarian and religious institutions and courts, leaving the Lebanese state and its criminal courts virtually powerless when it comes to legally and effectively intervening in “family affairs”.

### Between Two Opposing Forces

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<sup>66</sup> As an example, research in the United States indicates that over three-quarters of women who return to violent husbands, after spending time in a women’s protective shelter, are unemployed women who do not have any specific skills that they can rely on in their quest for sustenance, for themselves and for their children. Employed women who return to violent husbands are less than 10% of the total of women who return to abusive husbands (Williams, 1992). Of course, the issue is more than just a matter of financial independence. Theories proposed by feminists claim that although financial independence is a necessary condition for liberation, it is not a sufficient condition on its own. According to these theories, financial independence is not enough to limit the repercussions of the violence perpetrated against women.

The Lebanese women's movement and its organizations advocating basic human rights, based on universal definitions of what these rights are, have all agreed that the personal status laws (which are actually institutionalized within sectarian institutions and not the state itself) and certain state civil laws that regulate and govern family affairs in Lebanon legitimize the control, dominance and authority Lebanese men have over women under their "guardianship". All legal provisions regarding marriage, divorce, custody, inheritance and many other family-related matters ensure that a man's guardianship of "his" women (and children) means virtually full control over his "dependants", based on virtually his own discretion.

This form of "guardianship" is a cultural convention that has become ingrained in the souls of Lebanese men and women alike. No one needs to be taught its tenets in order to adopt its implications. It has deeply infiltrated the constructs of Lebanese society and culture; and, its manifestations and its dynamics have come to govern almost every aspect of relations between family members. This conception of guardianship also governs the structures of social institutions, and particularly traditional institutions that are isomorphic to the family model, such as the clan, the tribe, and the sectarian and religious institutions.

The personal status laws include blatant discriminatory provisions against women. A "*fatwa*" (religious ruling) or even the reinterpretation of terms such as guardianship, control and restraint in an effort to amend these provisions – in order to make them more "women-friendly" – will not be sufficient to offset the fact that they are overtly discriminatory. It is these discriminatory laws which regulate some of the most important personal choices that a woman or a man can make. Just like any cultural construct, these laws act as a mirror which reflects the double standards and the disparate status between men and women. At the same time, they enshrine inequality and reinforce the control men have over a woman's choices and behaviour – essentially, controlling her way of life.

On the other hand, the transformations that our societies have been subjected to – whether these transformations have been brought forth by internal dynamics or by exposure to the changes taking place in the world at large, particularly in the media, the economy and politics – are reformulating gender arrangements and presenting alternatives to the gender order that still prevails in Lebanon. Opening up to the contemporary ways of the world is accelerating the pace of this change and has started to make an impact on the status of women in education, the labour market and the public arena. These changes and transformations are not without repercussions on the 'psychology' and mindset of men and their perceptions of their own status and roles, particularly within the family context. In a certain manner, killing women becomes a flagrant and tragic expression of the inability of certain men to grasp and comprehend what "is going on" with "their" women – women under their guardianship. Crimes of femicide are one of the outcomes of certain men's inability to assimilate the changes taking place in the "gender order" and accommodate it with the stereotypical gender schemas ingrained in their cognitive structures. Crimes of femicide may be the most tragic outcomes of two incongruous and conflicting mentalities existing side by side within the ongoing ebb and flow that take place in family life.

What is particularly worth noting is the fact that these two conflicting mentalities and eras have their own expressions in public life. The Lebanese social and political system is at a virtual loss in adapting to these transformations. We are caught between living within the prevailing sectarian framework that permeates important aspects of life, or to commit to the values and principles that have permeated the global village, in its entirety. Trying to find harmony with the *zeitgeist* is a constant struggle, as our social system tries to make the two ways of life coexist despite all the evidence pointing to the fact that this is difficult to achieve.



In Lebanon, full authority and control has been relegated to a sectarian system in which people and the most important facets of their lives are governed by the sectarian institutions of the respective religious communities into which they are born – a person's sect is an affiliation that people have no choice or say in. All this while the state continues to declare, through the mouthpieces of successive governments, without even the slightest embarrassment, that it is committed to universal principles and values embodied by international agreements and conventions that the Lebanese state has signed with or without reservations - as the case maybe.

When Lebanon, as a state, ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), for example, it is duty bound before the international community to which it belongs, and as an active member of the United Nations – and even more importantly, it is legally bound and morally obliged to its female “citizens” – to carry out this commitment. The Lebanese state is duty bound to protect Lebanese women from the arbitrariness of all that which prevents them from attaining equal status with men, notwithstanding the fact that it is duty bound to protect them from their abusers and murderers. The state taking action is especially critical given that men claim to be (and are allowed to act as) superior to women; and, as such, men have the right to determine how women live their lives.

Protecting women does not only involve individual efforts to empower them to be able to face their tormentors as individuals. The state is also obliged to foster an environment that effectively empowers women, and it is obliged to create particularly a legal environment that seriously deters and punishes the violence perpetrated against them.

This study has clearly illustrated that acts of femicide are but the drastic inevitable end product of a chain of events of minor flare-ups and abuse that seem, by virtue of their repetition, necessarily doomed to end tragically in a crime. The background and circumstances that culminate in cases of femicide indicate that the widely held beliefs that are inextricably associated with the functions of family life, such as providing for its members warmth, care, tenderness and protection are clearly not attributable to all families. This study shows that the families of victims of femicide crimes have betrayed their presumed functions and have turned their homes into deadly traps for their female members.<sup>67</sup> The murder of a female family member is but an unmistakable declaration that this family is deeply flawed-and has failed to fulfil its presumed functions.

### **The Private versus the Public**

The question that presents itself here is who is responsible for righting this wrong? Legislation dealing with family affairs in Lebanon has officially relegated all the authority and responsibility for the “family” to “the head of the household”, the “legal guardian”: The man. However, as this study has shown, some of the men appointed as the legal guardians of women do not have the right capabilities, characteristics and capacities to take on this responsibility. Many of these men are themselves incapable of adapting to roles attributed to manhood and masculinity – that are deemed necessary to-assume responsibility for their daughters, sisters or wives. Thus, and instead, they resort to the most primitive form of asserting their masculinity, i.e., to physical violence. Other men assume that their responsibility as a “legal guardian” is to exercise total control over the sexuality of “their women”, and kill those who dare to challenge this assumption of “authority”.

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<sup>67</sup> The impact of a case of femicide on the family is a very important issue itself. This matter deserves a study of its own. For various reasons, the trial proceedings and case documents used for this study make only few references to the impact of violence on the family. However, they cannot be used for this purpose for a number of reasons. The reserve and caution of family members during the investigation and during their testimonies are perhaps the major impediments to revealing the manifestations of the impact of the crime on the family, let alone getting an in-depth understanding into its background.

However, the issue is not limited to the realm of the personal and the particular character of men, which, in the case of women killers, reflects a failure to conform to an assumed image of “masculinity”.

The real issue is that, in Lebanon, the authority granted to men inside the family appears to be absolute to them, because its limits are not well defined. On the other hand, gender-based violence within the family is not recognized by the very laws that regulate family affairs and intra familial relations. Hence, if men feel they are omnipotent within their families, then they have no real cause or motivation, legal or otherwise, to admit to the necessity to conceptualize what constitutes domestic violence, nor are they motivated by any means to define the limits of their authority in exercising it.

Men who eventually kill a female relative or partner use violence and abuse systematically prior to the actual murder; however, the violence prior to the crime itself is invisible and “absented” until a crime of femicide is committed. What the crime reveals is that these men felt and assumed the power granted to them was absolute. These men appropriate the role of society and the state, in its institutions, and particularly in its legal system and its courts.

Was it not these men who “discovered” the alleged “crime” committed by “their” women?

Was it not these men who carried out the investigation and interpreted the “evidence” the way they wanted to?

Was it not these men who identified the perpetrator and then announced the sentence?

Was it not these men who executed the punishment?

Was it not these men who, afterwards, implicitly or explicitly declared that justice has triumphed – or their own ‘private justice’, carried out in the most primitive manner, has triumphed?

Granting full authority to the man – the legal guardian who could be the father, the brother, another male relative or the husband – over all matters pertaining to the family and over the women and the children in that family is part of the provisions set by the personal status laws as well as some civil laws. But this handover of authority is a wager that contradicts the essence of the social contract as formulated by contemporary societies. This formulation places the welfare of the individual citizen in the hands of the state and its institutions. There is no rational reason to exempt the family and the personal affairs of men, women and children in a family from the state’s responsibility.

As in similar studies, the results of this study show that the state is required to be the only entity responsible for enacting legislation governing all aspects of its citizens’ lives. In other words, authority to enact legislation should be exclusive to the state and not to be shared with any other party, not only in public life but in private life as well.<sup>68</sup>

Legislation which regulates family life and combats domestic violence, particularly against women, is part of the state’s responsibility towards its citizens. In Lebanon, women as well as men are paying with their lives for the absence of clear legislation that combats violence against women. Keeping the struggle against domestic violence confined to ambiguously written regulations, such as religious ones that stipulate that men “need to show affection, mercy, and kindness when dealing with women”<sup>69</sup>, paves the way for conflicting interpretations. This absence also allows anyone with the right resources the upper hand in negotiation with the other party – not because he is right, but rather because the

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<sup>68</sup> It is also incumbent upon the state to insist on the exclusive right to use force, and to limit the proliferation of unlicensed weapons in households and amongst private citizens, a problem whose extent is revealed by this study.

<sup>69</sup> Here, we are referring to ‘fatwas’ stipulated by sheikhs or priests every so often; needless to say, these fatwas are not binding and there are no provisions for monitoring their implementation.

other party has been robbed of her will and her rights. The absence of proper regulations governing the “private sphere”, consistent with the spirit of our contemporary times “encourages” crimes of femicide within the family.

## The Lebanese State and its Responsibilities

Having ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the state of Lebanon is regularly held accountable by the United Nations with regard to its commitment to the convention.<sup>70</sup> Within its obligations to CEDAW, the Lebanese state is required to launch a legislative process that effectively addresses violence against women, and particularly domestic and family violence against women.

But, it is no secret that non-governmental organisations in Lebanon are the ones taking the initiative and cooperating with concerned international organisations to ensure this matter is placed on the national agenda, and is discussed at local and regional conferences.<sup>71</sup>

In other words, the Lebanese state will not be starting from scratch with regard to this matter. The state will participate in a process that has been ongoing for several years. However, the weight of the decision-making process will be determined by women themselves. Indeed it is the female citizens of Lebanon who will be the determining factor in driving this ongoing mission towards its intended objective, which, in the end, is to enact legislation to protect women against domestic and family violence.

Furthermore, the United Nations Special Rapporteur on Violence against Women submitted a report, in accordance with the Commission on Human Rights Resolution 1995/85 and the Socio-Economic Council of the United Nations (1996), which provides a legislative model and framework for dealing with domestic violence. Thus, the Lebanese state will find valuable assistance and detailed precedence that it can follow in implementing this task.

An official state initiative to enact legislation to combat domestic violence – a violence directed essentially at women – is not only necessary by virtue of the Lebanese state’s commitments towards the international community, but it has also become a societal necessity.<sup>72</sup> The accumulated experience of Lebanese governmental and non-governmental organisations directly involved with this phenomenon<sup>73</sup> and the studies and research conducted by these parties all point to this necessity.<sup>74</sup> When this kind of violence becomes officially subject to legal punishment, and when regulations and

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<sup>70</sup> So far, Lebanon has officially appeared twice before the CEDAW Committee at the United Nations. The first time was in 2005 and the second in 2008. During this time, Lebanon submitted a report on the progress made with regard to the condition of women in the country, based on its commitment to the provisions of the said convention. Combating violence and enacting legislation to that end were amongst the subjects discussed during the “constructive dialogue” that took place between the official Lebanese delegation and the CEDAW Committee at the United Nations.

<sup>71</sup> One such example is the regional meeting on “Legislation for Protection against Domestic Violence” organized by KAFA organization in cooperation with “the Arab Women’s Court” and the KARAMA project in June 2006.

<sup>72</sup> Some of these official entities include the National Commission for Lebanese Women, the Women’s Committee at the Ministry of Social Affairs, and the Woman and Child Committee affiliated to the Lebanese Parliament.

<sup>73</sup> Referring, for example, to the program entitled “Combating Domestic Violence”, which was implemented by the Ministry of Social Affairs in development services centres across Lebanon in cooperation with non-governmental organisations.

<sup>74</sup> See for example, the two official reports to the CEDAW committee submitted in 2004 and in 2006.

laws against domestic violence are placed under the exclusive authority of the state institutions, people will be forced to search for alternative solutions to their domestic conflicts, as in any other domains where there is potential for conflict.<sup>75</sup>

Juxtaposing this ongoing struggle for enacting legislation to combat family violence is another, older initiative concerned with enacting a civil status law to regulate family affairs (aiming at taking family affairs out of the sectarian domain and placing it within a civil structure).

Lebanese family affairs would ensure – given the fact that civil law makes it a legal responsibility to manage and resolve family conflicts based on the premise that all citizens are equal – that the legal system will not take sides according to a citizen's affiliation by birth (man or woman, Christian or Muslim, etc.) One civil law would ensure that every individual is treated as a “generic” citizen equal to all others regardless of gender, religion, or any other affiliation attached to a citizen by birth and not by choice.

### **“Attitudes” and the “Law”**

In this context, it appears of little use to brandish the often repeated cliché “attitudes first, then the law”, which alludes to the need to ensure that a change of attitude amongst the population must come before trying to effect a change in the text of the law.<sup>76</sup> This cliché is summoned up by the public discourse every time a debate related to a legislative amendment takes place, especially when an amendment in the law is liable to change the basis upon which the prevailing existing sectarian order rests in Lebanon.

Meanwhile, experiences in other societies have proven that changing the “text of the law” has had a significant impact on changing the cognitions and attitudes of citizens. For example, laws that banned racial discrimination in the United States caused change in people's mindsets – a fact that has been confirmed by surveys conducted in that country.<sup>77</sup> The amendments to the law and enforcement measures that made racial discrimination illegal in the United States helped prevent problems and conflicts grounded in racial discrimination, particularly for African-Americans. Closer to home, the law that banned female circumcision in Egypt has had an effective impact in that country: it has led to a significant and tangible reduction in this practice. Thus, one could surmise, based on the above, that legislation on family violence would have a similar effect in Lebanon – especially if such legislation is accompanied by continued awareness-raising campaigns amongst the public working on ameliorating the gender-based attitudes and beliefs.

### **“Current Circumstances” Realities**

Many generations of Lebanese women have grown up and matured in the shadow of the “extraordinary circumstances” Lebanon has experienced and still experiences. The “extraordinary” nature of these circumstances has, however, been used time and again as an excuse, and an argument that seemed difficult to oppose, to hinder efforts by women and women's organisations to combat discrimination against them in Lebanese society. For many decades of the past century, a great majority of Lebanese

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<sup>75</sup> As an example, would a merchant beat or kill another individual if that individual did not pay his debts to the merchant? Or, would two employees of a company engage in a physical altercation to solve a conflict?

<sup>76</sup> The saying “annufous qabl al-nosous”, is an infamous phrase used in Lebanese public discourse referring to the strict order of change that needs be actualized, or that “changes in attitudes ought to precede changes in the law”.

<sup>77</sup> See the conclusion of the book *“Masculinity and the Changing Conditions of Women”* (Baydoun, 2007) in which some of these surveys are documented.

women, actively involved in advocating women's issues, have been affiliated to political parties going along with the slogan that these parties advocated to the effect that "women's liberation is only possible after society has been liberated".

Today, however, this catchphrase is no longer valid. The women's movement in Lebanon has changed its course to the effect that, since the mid-1990s, both governmental and non-governmental organizations advocating women's rights have started to operate under the umbrella of the International Women's Movement.<sup>78</sup> This new direction found expression with the preparation for the participation of Lebanese women's delegations in the Fourth Women's Conference, and continued over the following years with a number of successive world conferences, held under the aegis of the United Nations, in which women and women's issues were among the main topics in their agendas.<sup>79</sup> In 1996, the state of Lebanon signed the "Convention on the Elimination of all Forms of Discrimination against Women". This state commitment before the United Nations served as impetus for women to launch their change-oriented activities parallel with those of other civil society organizations (political parties, unions, developmental non-governmental organizations working under the umbrella of universal human rights, etc.). Lebanese women's movements have since continued to cooperate with these organisations and have stood in solidarity with them, while maintaining its own agenda and set of priorities.

It is only normal that the work, activities and pace of non-governmental organizations (and some governmental ones) involved in the struggle against domestic violence and gender-based discrimination is hindered by "extraordinary circumstances", such as Israel's war on Lebanon in the summer of 2006, for example. However, these activities and initiatives have taken a life of their own and can no longer be stopped or held back until "society has been liberated", or until the "extraordinary circumstances Lebanon is experiencing" have been dealt with, or until the country's "more important development needs" have been attended to.

The fight against gender-based domestic violence has become, according to relevant international conventions and criteria, a general social concern and the essence of a "society's liberation" and "development". Moreover, the prevention of gender-based discrimination and domestic violence against women is an "extraordinary" matter *a sui generis*, at least from the point of view of women themselves! Thus, the state should separate the need to address this issue from other "extraordinary circumstances", just as its different institutions have been able to prioritize other issues despite the "extraordinary circumstances" the country experiences every now and then. Indeed, gender-based discrimination and gender-based domestic violence can no longer remain the exclusive domain of the "efforts" and "will" of non-governmental organizations alone. These organizations have limited resources, and thus suffer a restricted impact and limited effectiveness, under any circumstance.

### **Cultural Specificity and Cultural Relativism**

Local cultural practices involving beliefs, values, traditions, customs, cultural conventions, gender-based behaviour patterns such as early marriage, sexual mutilation and so-called "honour crimes" – all of which are universally considered as falling under the category of violence against women – have, until recently, eluded the interest of local organizations and international agencies. This "complacency" is grounded in the underlying belief that these practices fall under the category of "cultural specificity"

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<sup>78</sup> See the Foreword of the book "Women and Associations: Lebanese Women between Doing Justice to themselves and Servicing Others" (Baydoun, 2002), in which we follow certain aspects of the women's movement's previous course prior to and following this change.

<sup>79</sup> The "Arab Women's Tribunal" was held in Beirut in June 1995 to prepare for the Beijing Conference; this and the subsequent establishment of the "Permanent Arab Tribunal to Combat Violence against Women" were perhaps two of its most important achievements.

and “tradition”. And, it is due to this notion of “cultural specificity and relativism” that these practices and phenomena have been met with a certain degree of tolerance, and have even been “respected” at some level. The elevation of “cultural specificity and relativism” to the expression of the lofty status accorded to “cultural diversity” has been amongst the most cited excuses and pretexts which have led to the sanctioning of the violation of women’s rights and has closed people’s eyes to the inhumane and discriminatory family-based practices in local societies and sub-cultures – even when they blatantly violate universal principles of human rights.

These excuses and pretexts are still part of the prevailing discourse in our society – a discourse that opposes and stifles anything which poses a threat to the power that traditional institutions, and especially sectarian ones, wield over its members. What has become known as the “battle of civil marriage”, which raged during the late 1990s between those who were for or against such an initiative, is still fresh in the collective memory of the women’s movement in Lebanon.

This battle recast the issue of the civil status law on these movement’s agenda to the effect that it is now limited to a small group of women’s organizations, who have adopted a fragmented approach to the issue, addressing the different topics (such as child custody, alimony, legislation to protect women against domestic violence, and so on) separately, cautiously and with reluctance.

The essence of “cultural specificity and relativism” is represented in Lebanon and the Lebanese state, officially, through its “religious and sectarian diversity”. Based on provisions upheld by the Lebanese constitution, the religious courts representing the eighteen sectarian communities have been granted the right to manage the personal and family affairs of their respective “members”, whether or not these “members” are true believers or simply holders of sectarian identities by birth. Some of the privileges and prerogatives granted to these sectarian institutions – mainly religious tribunals – contradict other rights granted to citizens by the Lebanese constitution. In its preamble the Lebanese constitution states that international agreements and conventions supersede the laws of the republic. And it is common knowledge that these agreements and conventions all call for combating gender-based discrimination, without exception. Yet, religious family and personal status laws in Lebanon do not abide by or adhere to these international provisions.

Due to this sectarian and Lebanese reality, governmental and non-governmental organizations pursue a policy that is inclusive towards religious leaders from all the sects represented in Lebanon. They automatically involve these religious leaders in all the meetings designed to review programs and activities that focus on the issue of combating violence against women, including so-called “honour crimes”. They are also careful not to exclude sectarian and charitable non-governmental organizations, even those not directly involved in ameliorating the legal and civic status of women. This inclusive policy perhaps needs to be reconsidered in order to assess its impact on future advocacy efforts targeting those involved in legislative matters – especially if the real objective and mission is to enact and enforce a “civil” law that combats domestic and gender-based violence.

This could be done by answering the following questions:

Are “cultural specificities”, which help keep incidents taking place within the “private” family context beyond the reach of the state, its institutions and its legal system, an issue that should be negotiated with groups that represent the religious sects and their institutions?

Should “what happens” in the family context remain hostage to religious and sectarian institutions until legislative amendments are introduced<sup>80</sup> or until *fatwas* (religious rulings whose impact is non-binding legally, and which are left to the whim of religious leaders) are issued?<sup>81</sup>

Is it possible that efforts to enact a civil law that protects women against gender-based and domestic violence are separated from other efforts made to enact a personal status civil law, which meets the standards and provisions of international agreements and conventions Lebanon has committed to uphold?

We activists ask ourselves these questions, each from the perspective of his or her discipline, as we plan and work towards ensuring the attainment of our collective, desired objective – making the struggle against gender-based domestic violence the concern of society, and its deterrence the responsibility of the state – for, the state represents society and all the communities that make up society; and the state and its legislative structures should be solely responsible for eradicating the phenomenon of “private justice” once and for all.

This can be achieved by enacting legislation that combats family and gender-based violence, and by ensuring the necessary enforcement measures are set in place in each and every relevant legislative, judicial, health and social state institution.

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### “If Only...!”

As one reads through the trial proceedings and case documents related to cases of femicide, one is overwhelmed by the feelings of sadness and anger. It is difficult for one not to imagine different scenarios that begin with “*if only...*”

If only... the state acted decisively and unequivocally by rescinding article 562 and similar laws that exist in the Lebanese penal code. If only... the state and its courts prohibited the use of the ambiguous term and notion of alleged “honour” in its legislation and in the discourse used during investigations and trials, and substituted this concept with operational terminology. If only... the state did all that... Who would dare kill their female relative or partner without fear of punishment? If the state took these steps, killers of women would not rest assured that they could use alleged “honour” as an excuse, pretext and motive for murders that are usually motivated by anything but “honour”.

If only... men and women had the same right to divorce. If only... divorce procedures in the religious courts did not take so long... Then, many men would not have killed their wives and other innocent bystanders.

If only... the state took the initiative through its Ministry of Social Affairs to regulate custody over children in a rational manner that befits the spirit of our times, and placed the interest of the child above all other considerations... (Indeed, in harmony with the fact that the Lebanese government ratified and signed the Convention on the Rights of the Child); and, had the state lived up to this commitment there

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<sup>80</sup> In this context, we are referring to a number of amendments introduced by religious Christian tribunals on issues such as custody, a minimum age for marriage and so on. See the third Lebanese official report on the “Convention on the Elimination of all Forms of Violence against Women”.

<sup>81</sup> See the statement by Sayyed Mohammad Hussein Fadlallah published in the Beirut-based *al-Anwar* newspaper, November 28, 2007.

would be no cases where women would actually resort to kidnapping their children and husbands killing their wives to get their children back... transforming children into orphans and rendering them the offspring of criminals! If only... the state provided legal, systemized and enforced mediation between women and their ex-husbands on issues related to alimony and patrimony, numerous divorced men and women would not have felt the need to resort to violence, and sometimes the ultimate act of violence – the murder of another human being.

If only... police stations, which receive these victims – daughters of violent and abusive fathers, wives of violent and abusive husbands, and mothers of violent and abusive sons –, acted according to a systemized and defined mechanism, which deals justly with the victims of domestic violence, these daughters, wives and mothers may have found a safe haven under the state's custody. This may have also saved some of these fathers, husbands and sons from the fate of becoming criminals and killers.

If only... the courts were equipped with a clear, defined law and enforcement measures dealing with the perpetrators of domestic violence, they could have utilized this legal instrument to force violent men, who abuse their wives, out of the conjugal home. The courts could have placed restraining orders that prevent violent men from even approaching the conjugal home and the abused wife. They could have protected daughters from abusive fathers and protected elderly mothers from their violent sons... and protected grandmothers, aunts and any other female relative abused by any member of their family. With a clear legal mechanism, the courts could have placed these female victims under their protection or entrusted their safety and well-being to concerned organizations. If this had taken place in the past, few would have died – not the young woman in the prime of her life, or the mother still rearing her children, or the elderly mothers whose grandchild or son became branded as a criminal for the rest of their lives.

If only... the Lebanese state and the state institutions relegated with the tasks of enacting and enforcing legislation would breach the alleged “sanctity of the home” when there was justification to do so, people would have the incentive and feel justified in reporting violence they witness as relatives, neighbours or colleagues. If only... the “sanctity of the home” was not exploited to protect recurring violence within the family context, many women may have been spared the fate of a wrongful and criminal death. By allowing people to report the violence they witness, whether they are relatives, neighbours or colleagues, the women whose relatives, neighbours and colleagues were witnesses to the recurrent violence that befell them would not have been killed.

If only... unions of professionals such as teachers, doctors, psychiatrists, nurses, social workers and counsellors imposed the legal and ethical duty upon their members to report cases of violence and abuse, and even the possibility of abuse, and held them accountable for failing in these duties, many a female would not have died in vain.

If only... the family law in Lebanon definitively specified what it means by “disgraceful” conduct, a clear line could be drawn between what is a “dangerous” and what is a “legitimate” act – or what trial proceedings and case documents specifically refer to as “unacceptable” or “acceptable” conduct. Such definitions would provide critical clarity for women and men alike. If only... such a family law was taught to students from an early age within a civic education curriculum, young men and women would better understand their rights and responsibilities as members of their families, as future fathers or mothers, as sons or daughters, and as sisters or brothers. If only this civic education and knowledge of these rights, duties and responsibilities became a given in the collective public psyche, they would be taken out of the realm of experimentation and trial and error – with such errors often degenerating into crime.



These are but a few of the long list of scenarios that commence with "if only..." that come to one's mind when reviewing these cases. We are not here to elicit sympathy for the victims of these cases. Indeed, innocent victims have been murdered because their killers believed their own personal justice must prevail. Armed with article 562 of the Lebanese penal code, these killers assume they are able to exploit and abuse this particular law, using claims of "honour" as a motive for their crimes, and "emotional breakdown" and "shock" as grounds for their "involuntary" acts of murder. Even worse, allowing legal recourse for this kind of mentality to prevail means one human being can actually justify his (or her) murder of another human being in his (or her) own eyes and in that of society, and can do so with little regret or remorse.

We did not conclude with these scenarios of "if only..." in order to elicit sympathy for these victims. We conclude with them in the hopes that they will present an urgent call to the state, on behalf of these victims, and in seeking permission from their souls, to do what it takes to ensure there are no more victims of femicide crimes ... And to limit the number of killers within our midst.

## Post Scriptum

As researchers, we write our texts and place them in the hands of readers we do not know. Thus, we always remain unaware of the potential impact our findings may have on our readers. And, although reviews, interviews, debates and seminars on the subject are often conducted by our colleagues, journalists<sup>82</sup> and activists, these persons are professionals in the field who are able to control any emotional reactions our findings may provoke. Professionals and those with knowledge in the field are able to put some distance between themselves and certain findings. They are able to turn their attention instead to elements such as a writer's or researcher's "skills" or the study's "shortcomings". As a result, there may be an important dimension missing in their review, debate or critique – namely, the lay readers' spontaneous and emotional reactions to these texts and findings.

The research put forth in this study aims to expose the violence that takes place against women, which is secreted behind a thick veil of widespread cultural conventions and beliefs that mitigate the importance of the indicators relevant to its occurrence and, hence, the need to give this subject the due attention it deserves. Subsequently, this subject is often not recognized as a phenomenon worthy of attention until a flagrant form of this crime takes place: the murder of a woman.

This study also aims to furnish activists, who are working hard towards cultivating a culture of non-violence against women, with some knowledge about the situations and circumstances surrounded by violence and the dynamics that give rise to it in our society.

From its inception, this research project on femicide crimes in Lebanon maintained a clear objective: To mobilize attention and efforts on the subject. As this research was undertaken with this specific focus on crimes of femicide, it made it – contrary to most of the other research studies conducted in our country – a focal point of discussions in meetings held for this express purpose, or in other meetings that dealt with the subject of violence in general. As the author of this study, I was able to gain from this relatively unique opportunity. Indeed, it was at these meetings that I was able to gain insight from the various reactions prompted by both the text and the subject it dealt with. Some of these meetings brought together field-workers who work in development and service centers throughout Lebanon; others included university students, professors, novelists, journalists and individuals active in various sectors of the development field and the cultural arena. What distinguished the readers of the book, "Cases of Femicide before Lebanese Courts", with whom I met, was the fact that they were either from the cultural elite or were activists in the field of social work who work under the umbrella of universal human rights.

According to the majority of these readers, this research fulfils some of the objectives for which it was originally written. Some claimed the study was useful in providing a comprehensive framework in which their own reflections on violence against women found context in this country. As such, it provided a realistic base for their intuitive interpretations of the kinds of intra-family dynamics that often lead to violence. Others stated that the research gave them a genuine opportunity to effectively "view" real people and tangible events with regard to this subject. In a manner, it provided faces and names to an

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<sup>82</sup> What is a common practice is for them to do this kind of work at the request of the author or out of goodwill as friends of the author; and, in general, these interviews and reviews are replete with pleasantries and courtesies. In any case, their efforts are appreciated – for, at the very least, they work to publicize the publication of a book and promote it. Indeed, this is a task or "profession" sorely lacking in this country.

instinctive propensity to reject violence against women. Finally, it seems to have conferred a measure of emotion upon its readers which allowed for this propensity to take deeper root in their souls and further strengthen their convictions.

On the other hand, for a smaller group of readers, the study sometimes evoked a sense of understanding and even sympathy for the murderers... "How could one expect a man's blood not to "boil" when he finds out that "his" woman cheated on him (if she is his wife), or tarnished "his" honor (if she is a blood relative)?" Indeed, there was at times a measure of condemnation and sometimes even blame placed on the victim by certain readers, with some going as far as blaming the woman "for bringing it upon herself" either because she betrayed her husband or because she violated accepted societal "norms" of sexual conduct.

During meetings in which the study was discussed, these kinds of readers revealed a significant level of anger and were very emotional when expressing their views. In one of these meetings, this minority actually dominated the discussion in its entirety.

Expressing sympathy for the murderer and placing blame on the victim are two sides of the same coin. These kinds of reactions fall within the mainstream of attitudes and beliefs espoused by a majority of people in our part of the world when it comes to issues related to the sexuality of men and of women, and the social roles woven around these issues. A woman's sexual behavior should meet the wishes, needs and prerogatives of her husband or standards set by him or her family. Finally, the control a man has over a woman is a basic manifestation of his masculinity and what is deemed a man's "manhood". Thus, the "dishonorable" conduct of a woman becomes inevitable proof that the man concerned has "lost" his manhood – a loss that can only be regained when the cause behind this loss is eliminated. A woman who causes a man to "lose" his manhood deserves to be punished or to "lose" her life. The equation seems clear.

Perhaps, the more important lesson to draw from the discussions and exchanges that took place at the meetings held with readers of this study is the need to pay special attention to the basic belief systems that are rooted in people's core knowledge and reactions when it comes to a man and a woman's sexuality and the social and cultural implications of such beliefs. We also need to take heed of the fact that members of the societal elite are also not immune to this belief system or the power it can wield over them. This belief system can prompt even the societal elite to adopt stances that are in conflict and disharmonious with the more liberal attitudes and values they supposedly espouse, as intellectuals or activists working in the field of social work or development. Perhaps the high level of emotion with which some individuals expressed their opinions on certain subjects under discussion at the above-mentioned meetings is indicative of the inner conflict raging between latently held beliefs and values that often contradict outward liberal attitudes or demeanours.

What is most astonishing and even more worrisome is the lack of condemnation amongst many of these readers when it comes to the fact that a man – a murderer – has taken it upon himself, or has been mandated by those around him, to execute the harshest of punishments on someone else – a woman – who he believes has done him or his family wrong. Granting an individual, a man, such a mandate lends him full reign over the multiple and simultaneous tasks of the role of investigator, prosecutor, judge, and executor, and gives him the "right" to deal with the "harm that has been done to him" without restraint or constraints. And, what these sympathizers often fail to realize is that their sympathy with what has motivated such a crime provides cover for one individual to single-handedly dismiss and discount the role of state institutions charged with the sound regulation of contemporary society and with maintaining the welfare and security of the public and its citizens. By sympathizing with the murderer in these cases, they are demeaning and ignoring the fact that the role of regulating and

protecting the public and the welfare of citizens is exclusive to these institutions, as mandated by the rule of law. Moreover, ceding full authority to the man in the management of the relations between him and "his women" (based on the mere fact that he is biologically male and a woman is biologically female) not only constitutes a regression to a primitive state, and a fixation at an inferior level of development in our human existence, but also constitutes the betrayal of the premise and rationale upon which the role of the cultural and intellectual elite or the role of social activists rests in our contemporary society.

The opinions so enthusiastically presented by some of the readers of this study reveal that, in the context of the relationship between a male and a female, some still hold positions and beliefs that fall well short of the levels they have come to attain in all other aspects of their lives. Here, one must understand that we are talking about the lives and affairs of contemporary men and women being protected by an all-encompassing, abstract notion embodied by the state and its institutions – institutions to which citizens have relegated the rule of law and the authority to protect and shield the public welfare, to create a deterrent for any violation of the "other" in our relations, and to protect citizens from undue harm. If we concede, for the sake of argument, that a woman has indeed caused harm to a man, whether she is his direct relative or wife, her punishment should be subject to the rules of law in place. And, she should be tried, judged, punished or exonerated as any other individual accused of harming another.

If the Lebanese state, in all its legislative, legal and judicial bodies, has not yet filled the vacuum inherent in the absence of a specific family law which regulates the relationships amongst family members and prevents the use of violence by one family member against the other, it is incumbent upon the intellectuals and activists in society to become that social force which compels the state and society to enforce law and order where a "legal" vacuum currently exists. Activists and intellectuals must not allow a vacuum in the system or in current legislation to be transformed into an arena of unchecked discriminatory acts, beliefs and cultural conventions used to justify violence and murder against one segment in society. The fact that certain members of the intellectual elite implicitly accept or turn a blind eye to certain cultural conventions, values, beliefs and traditions that breed discrimination, violence and murder makes one wonder how these individuals perceive their role as members of the societal elite to which they belong.

Theoreticians in the field of human development are not blind to the fact that a gap does exist between gender-related attitudes and beliefs held by intellectuals and those active in the field of social work (targeting and combating violence against women, in particular), on the one hand, and the way they view their role in society, on the other. Sensitization programs have thus been designed specifically to raise gender-awareness amongst such activists and intellectuals, and for the general population at large. These programs address social activists, professionals, educators and university students, as well as employees working in certain parts of the private and public sector. The aim is to make attitudes, which impact people's behaviour, sensitive to the implications of gender bias on human development.

Sensitization programs were thus designed to prompt individuals to review the kinds of gender stereotypes that are ingrained in peoples' minds, and to examine the social, legal, economic, political and developmental implications of such stereotypes. They also encourage the reformulation of relevant attitudes, beliefs and behaviour patterns in a manner that is more harmonious with the contemporary status of men and women, and more in line with the international human development approach known as "Gender in Development". Such programs have also encouraged all governmental sectors and non-governmental organizations to integrate gender mainstreaming into all their activities. Thus, gender-

mainstreaming, for example, would be implemented in developing national school and university curricula and would become a fundamental part of policy, program and protocol formulation, and so on.

Over and above the diligent albeit slow efforts being made by our public institutions and non-governmental organizations to integrate the notion of gender-mainstreaming into society – especially those facets of society that affect women most and which will help cultivate contemporary human development theses and approaches –, our patriarchal societies require a top-down “shock” treatment that will complement and reinforce the efforts expended at the structural and grassroots levels. By a top-down “shock” treatment we mean the state taking action and being proactive, and the state finally taking matters into its own hands to “reclaim” its women – who are citizens in their own right – out from under their domination and control by the other half of society.

A step in that direction would be the state actually enacting the draft law on protecting women from family violence submitted to it by the “National Coalition for the Legislation of Protection of Women from Family Violence”.<sup>83</sup> This legislation would be a declaration to the effect that the Lebanese state has taken exclusive responsibility for protecting women’s lives, that it is ensuring their personal welfare in both the private and public domains, and that it is no longer prepared to share this responsibility with any other party.

We hope that this study will motivate the reader to embrace and actively support the efforts being made to lobby for the enactment of the kind of legislation that will effectively protect women against all forms of domestic and family violence.

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<sup>83</sup> The most important components presented in the draft law include:

- Criminalizing all forms of family violence against women and girls ;
  - Ensuring that all investigation, court sessions and trials remain confidential and private;
  - Establishing a specialized unit for family violence issues within the Interior Security Forces;
  - Securing a Court protection order for victims;
  - Allowing for complaints of family violence to be made by verbal notification;
  - Requesting the perpetrator to seek rehabilitation; and
  - Requiring that the perpetrator to secure a safe housing for the victim and her children, and paying alimony.
- For further information and for more on the amendments proposed to the draft law, refer to the KAFA website at [www.kafa.org.lb](http://www.kafa.org.lb). The preparation of this draft law goes back to July 2007, when KAFA organization began working on drafting it. In August 2009, the Council of Ministers approved the draft law and the law was transferred to the Parliament in April 2010 for vote.

## Annex 1

### Basic Case Information and Coding

\* Case codes were set by the researcher for identification purposes in this study

Case code*	Case file number	Ruling number	Name of judge	Name of court
1991/1	1007/10	1997/9	Judge al-Khoury	North Lebanon Criminal Court
1991/2	1997/126	1998/111	Judge Othman	South Lebanon Criminal Court
1991/3	1998/220	1998/1483	Judge Ghantous	Lebanese Criminal Homicide Court
1999/4	1999/92	1999/300	Judge Zwain	Beirut Criminal Court
1999/5	1998/344	1999/121	Judge Atallah	Beqaa Criminal Court
1999/6	1997/258	1998/317	Judge Atallah	Beqaa Criminal Court
1999/7	1993/22	1993/177	Judge Khalil al-Zein	Court of Cassation (Fourth Chamber)
2000/1	1999/67	1999/102	Judge al-Khoury	North Lebanon Criminal Court
2000/2	1999/154	1999/1496	Judge Zwain	Court of Cassation (Eighth Chamber)
2000/3	1998/9	1998/160	Judge Abdel-Samad	Beirut Criminal Court
2000/4	2000/110	2000/202	Judge al-Moallem	Court of Cassation (Seventh Chamber)
2001/1	1998/1277	1998/645	Judge Rahhal	North Lebanon Criminal Court
2001/2	81/64	82/9	Judge Haddad	Office of the Public Prosecutor, Mount Lebanon
2001/3	1999/154	1999/1496	Judge Ghantous	Court of Cassation (Eighth Chamber)
2001/4	2000/2	2000/294	Judge Charbel	Court of First Instance, Beqaa
2001/5	2000/96	2001/258	Judge Atallah	Beqaa Criminal Court
2002/1	2001/30	2001/397	Judge Zwein	Beirut Criminal Court
2002/2	1999/154	1999/1946	Judge Zwein	Court of Cassation (Eighth Chamber)
2002/3	<i>Information on this case was not available in the form required for this table</i>			
2002/4	2001/65	2001/1515	Judge Ghantous	Beirut Criminal Court
2002/5	2002/22	2002/209	Judge Zwain	Beirut Criminal Court
2002/6	2002/41	2002/268	Judge Chamseddine	Court of Cassation (Third Chamber)
2003/1	1999/205	2000/361	Judge Atallah	Beqaa Criminal Court
2003/2	2000/26	2000/19	Judge Hajjar	Nabatiyeh Criminal Court
2003/3	2002/9	2002/115	Judge Mirza	South Lebanon

				Criminal Court
2003/4	2007/282	2007/398	Judge Basbous	Mount Lebanon Criminal Court
2003/5	2003/279	2003/121	Judge Oweidah	Court of Cassation (Seventh Chamber)
2003/6	2003/134	2003/113	Judge Oweidah	Court of Cassation (Seventh Chamber)
2003/7	2003/111	2003/151	Judge Oweidah	Court of Cassation (Seventh Chamber)
2003/8	2001/445	2003/ not mentioned in original document	Judge al-Khoury	Beqaa Criminal Court
2003/9	2001/37	2003/43	Judge al-Khoury	Beqaa Criminal Court
2003/10	2000/9	2002/441	Judge al-Khoury	Beqaa Criminal Court
2004/1	2004/852	2004/842	Judge Abdel-Samad	Mount Lebanon Criminal Court
2004/2	2005/575	2006/455	Judge al-Khoury	Beqaa Criminal Court
2004/3	2002/303	2004/255	Judge al-Khoury	Beqaa Criminal Court
2004/4	2000/187	2004/254	Judge al-Khoury	Beqaa Criminal Court
2004/5	2003/44	2004/34	Judge al-Khoury	Beqaa Criminal Court
2004/6	2004/84	2004/8	Judge Oweidah	Court of Cassation (Seventh Chamber)
2004/7	2007/44	2007/241	Judge Chamseddine	Court of Cassation (Eighth Chamber)
2004/8	2004/10	2004/1	Judge Harb	Juvenile Criminal Court, North Lebanon
2004/9	2002/249	2002/259	Judge Baasiri	South Lebanon Criminal Court
2004/10	2003/19	2003/43	Judge al-Khoury	North Lebanon Criminal Court
2005/1	2005/37	2005/180	Judge Ghamroun	Mount Lebanon Criminal Court
2005/2	2005/314	2005/121	Judge Mirza	Court of Cassation (Seventh Chamber)
2005/3	2004/36	2004/16	Judge Baasiri	South Lebanon Criminal Court
2005/4	2004/351	2004/633	Judge Mirza	Mount Lebanon Criminal Court
2005/5	2003/118	2003/220	Judge Ghamroun	Mount Lebanon Criminal Court
2005/6	1996/551	1996/410	Judge Madi	Mount Lebanon Criminal Court
2005/7	2005/95	2005/284	Judge Abou-Arraj	Beirut Criminal Court
2006/1	2006/167	2006/273	Judge Aliah	Court of Cassation (Seventh Chamber)
2006/2	2006/88	2006/171	Judge Abou Arraj	Beirut Criminal Court
2006/3	2006/166	2006/187	Judge Aliah	Court of Cassation (Seventh Chamber)
2006/4	2006/192	2006/134	Judge Aliah	Court of Cassation (Seventh Chamber)
2006/5	2006/46	2006/59	Judge Bseibes	Mount Lebanon

				Criminal Court
2006/6	2006/76	2006/19	Judge Zwain	Court of Cassation (First Chamber)
2006/7	2005/150	2005/280	Judge Abdallah	North Lebanon Criminal Court
2006/8	2003/272	2005/58	Judge al-Khoury	Begaa Criminal Court
2007/1	2006/83	2007/74	Judge Aliah	Court of Cassation (Seventh Chamber)
2007/2	2007/84	2007/41	Judge Adham	Mount Lebanon Criminal Court
2007/3	2002/15	2006/615	Judge Al-Khoury	Begaa Criminal Court
2007/4	2006/75	2006/603	Judge Bseibes	Mount Lebanon Criminal Court
2007/5	2006/16	2006/162	Judge Abdallah	North Lebanon Criminal Court
2007/6	2005/95	2005/284	Judge Abou-Arraj	Beirut Criminal
2007/7	2003/173	2003/151	Judge Al-Khoury	North Lebanon Criminal Court
2007/8	2003/9	2003/204	Judge Ghamroun	Mount Lebanon Criminal Court
2007/9	1991/442	1991/352	Judge Kawwas	Mount Lebanon Criminal Court
2007/10	1996/65	1999/173	Judge Atallah	Begaa Criminal Court
2007/11	1989/563	1990/318	Judge Kawwas	Mount Lebanon Criminal Court



## Annex 2

### State of the Defendants and Determining Factors in Trials

State of mind of defendants at the time crimes were committed according to defendants' testimonies		
Condition of defendant	Number of defendants	Percentage of total
Fit of fury	34	51.5%
Under the influence of drugs or alcohol	7	10.6%
Calm and collected	5	7.6%
Undetermined	20	30.3%
Total	66	100%

Defendant pleas	Number of defendants
Confessed to the crime	33
Denial of guilt	10
Confessed to the crime, followed by denial of guilt	22
Undetermined	1
Total	66

Motives declared by defendants	Number of defendants	Percentage of total
Suspicion of marital infidelity on the part of the victim	11	16.7
Severe marital disagreements with the victim	4	6.1
Loss of virginity by victim before marriage	1	1.5
Suspicion of victim having a relationship prior to marriage or engagement	1	1.5
Marriage or engagement of the victim without parental consent	2	3.0
Restoring family honour, avenging loss of dignity or cleansing the shame brought upon the family by the victim	17	25.8
To acquire victim's money or property	4	6.1
Unacceptable or improper conduct of the victim	2	3.0
Jealousy	7	10.6
Undetermined	17	25.8
Total	66	100

Verdict on criminal intent of defendant	Number of defendants	Percentage of total
Premeditated murder	30	45.5
Wilful intent to kill	28	42.4
Otherwise	1	1.5
Undetermined	7	10.6
Total	66	100

Court verdict	Number of defendants
Not guilty	3
Indicted	63
Total	66

Laws applied in determining verdict	Number of verdicts	Percentage of total
Article 549	20	30.3
Article 547	10	15.2
Article 253	2	3.0
Articles 549, 253	13	19.7
Articles 547, 253	6	9.1
Articles 549, 547, 253	1	1.5
Article 252	2	3.0
Articles 547, 252	3	4.5
Articles 253, 252	1	1.5
Article 562	1	1.5
Articles 549, 548	1	1.5
Other	3	4.5
Undetermined	3	4.5
Total	66	100

Sentences	Number of cases	Percentage of total
Death Penalty	13	19.7
Life sentence (minimum of 20 years)	8	12.1
15-20 years sentence	10	15.2
10-15 years sentence	10	15.2
5-10 years sentence	12	18.2
Less than 5 years	7	10.6
Released	3	4.5
Acquitted	3	4.5
Total	66	100

Place of birth of defendants and scene of the crime								
Place of birth (horizontal)/ Scene of crime (vertical column)	Beirut	Beirut suburbs	Mount Lebanon (not including suburbs)	North Lebanon	Beqaa Valley	South Lebanon + Nabatiyeh	Outside Lebanon	Total
Beirut	2	1	1			1	1	6
Beirut suburbs		1	1					2
Mount Lebanon (not including the suburbs)	1	3	6					10
North Lebanon		1		9		1		11

Beqaa Valley		2			13			15
South Lebanon + Nabatiyeh					1	5		6
Total	3	8	8	9	14	7	1	50

## Annex Three

### Personal Status Laws in Lebanon

There is no unified personal status law in Lebanon that covers all Lebanese citizens. Instead, Lebanese citizens are subject to the personal status laws of their religious sect and the religious courts affiliated with that sect. This system has led to a legal and judicial “plurality” in the matter of personal status and family law that is within the framework of its national constitution, which is rooted within the circumstances surrounding the formation of Lebanon and the Lebanese social and political system.

Indeed, it is in keeping with the socio-political sectarian systems that still prevail in Lebanon today. Article nine of the Lebanese constitution officially stipulates that every Lebanese citizen is the subject of his or her religious affiliation in one of the 18 “spiritual families” (sects)<sup>i</sup> that make up Lebanon. The article further recognizes and relegates the right of each of these “spiritual families” to its own self-administration, meaning each sect has the right to legislate and judge in matters related to the personal status of those Lebanese citizens affiliated to that sect.

Each of the 18 sects in Lebanon is thus constitutionally authorized to manage their own particular system and sub-regime, and the followers of each sect are subject to their sect’s respective laws. Certain sects – the Maronite, Greek Melkite Catholic, Armenian Catholic, Syriac Catholic, Roman Catholic and Chaldean sects, to be specific – are together subject to one personal status law, which means there are less than 18 personal status legal systems operating in Lebanon.

Personal status laws, and particularly family law, in Lebanon discriminate between women and men in numerous matters and facets of the law. Below are only some examples of this:

#### 1. Marriage:

In Lebanon, no (sexual) relationship outside the institution of marriage is considered legal. All Lebanese sects (and thus, personal status laws) share the provision that marriage is not considered merely a contract between two individuals, but rather a social system in which men and women have the right to choose whether or not they enter into this institution; but, once they have, they are legally bound by all its provisions. Indeed, within this legal system or institution of marriage, the woman is discriminated against in numerous provisions, which begin with its inception and only end with its annulment or termination. Some of these provisions include:

**A. Determining marriageable age (legal age of first marriage):** Some sects allow females to be legally married as young as 15 years old, while none of the sects allows males under the age of 18 years to marry.

**B. Choice of spouse:** While all sects claim that no marriage shall be legally entered into without the full and free consent of both parties, the prohibitions placed before the female in her choice of spouse are limited to her alone in many cases. For example, a Muslim male may marry a Christian or Jew, while the marriage of a female Muslim to anyone other than a Muslim is considered null and void.

**C. Witnesses to the marriage:** In certain sects, a woman is not considered equal to a man in bearing witness to a marriage. For example, in the case of the Sunni sect, two women are required to equal one male witness to a marriage. In other sects, such as in the cases of the Shiite and Syriac Orthodox sects, a woman bearing witness to a marriage is prohibited altogether.

**D. Polygamy:** Polygamy is allowed only in the cases of the Sunni and Shiite sects (and only the male is allowed to be polygamous). A Sunni or Shiite Muslim man may marry up to four women at the same time. In the Sunni sect's family law, the wife is entitled to stipulate in her marriage contract that the husband may not marry another woman while he is married to her or, that in the case he does marry another woman while married to her, then either she or the other wife is considered automatically divorced by that marriage. However, this entitlement, or condition, is not an option for the woman under the Shiite sect's family law.

## 2. Roles: The woman versus the man inside the family

**A. Traditional roles:** Most personal status laws reinforce the division of traditional roles inside the family. It designates the husband as the "head of the family" and requires obedience (to his authority as such) from the wife. One will find within the texts of personal status laws statements that refer to the husband's authority, such as "The man is the head of the family and its legal representative" [article 46 of the Armenian Orthodox family code, article 32 of the Evangelical sect family code, and article 38 of the Eastern Assyrian Orthodox sect family code]. One will also find stipulations such as "The man must protect his wife, and the woman must obey her husband" [article 46 of the Armenian Orthodox family code] or that "The wife is obliged to obey her husband after their marriage" [article 33 from the Syriac Orthodox family code]. Meanwhile, article 73 of the family rights law for the Sunni and Shiite Islamic sects stipulates that, "The husband is obliged to treat his wife well, and the wife is obliged to obey her husband in all matters permitted". And, article 310 of the Ja'afari (Shiite) family law states that a wife's "deviation" begins with "disobeying her husband... and by her leaving his house without his permission. When such deviance occurs, the obligation to provide her with spending money is revoked."

In recent years, certain Christian religious courts have worked on amending their family law in a manner that leans towards more equality between the two spouses [the Eastern (Greek) Catholic churches and sects]. For example, article 777 states that, "In marriage, the rights and obligations between the two spouses are equal when it comes to the partnership entailed by married life".

**B. Surnames:** In Lebanon, it is compulsory that the children carry the father's surname (with the exception of those whose father is unknown). The choice to carry the mother's name is not recognized anywhere in these laws.

**C. Parental authority:** In principle, legal parental authority over children is restricted to the father. In the case of a separation, the mother's legal custody over the children is limited by the age of the children. In the Catholic and the Shiite sects, the mother's legal custody over the children is over when children reach two years of age, at which time custody is automatically transferred to the father. In the case the father remarries, his legal custody over the children is automatically dropped. It is worth noting however, that when the mother is no longer present, custodial rights are also automatically transferred from the mother to the father with the exception of the Sunni sect. In the latter sect, when the mother is no longer present, custody of the children is not automatically transferred to the father but rather to "*muharrim*"<sup>84</sup> female relatives; and, with all things equal between the female relatives on the mother's and father's side, the preference goes to the female relatives on the mother's side. With that, all the Christian sects and the Shiite sect are united in the stipulation that the remarriage of the mother is amongst the causes for her automatically losing custody over her children from her first marriage. And, the new family status law amongst the Greek Orthodox sect literally states that, a mother is not awarded custody of her children of her first marriage if "her remarriage inflicts damage upon minors".

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<sup>84</sup> *Muharrim* connotes that relations are so close that there can be no marriage between the relatives; i.e. grandmother, aunt, etc.

### 3. Divorce:

**A. The right to divorce:** With the exception of the Catholic sects – where the dissolution of a marriage in any case is not condoned – divorce is permissible amongst all the other sects in Lebanon. However, the laws governing divorce differ from sect to sect. In both the Sunni and Shiite sects, the husband has the right to divorce without his wife's consent, and without having to stand before a judge. He also has power of attorney in his own divorce. In the Sunni sect, the woman has the right to ask for a divorce, but she must stand before a judge who must consent to this request.

**B. Financial settlement:** In Lebanon, the woman has the right to administer and manage her own monies and assets on an equal footing with the man, and without any interference from her husband. When a divorce takes place, both spouses have the right to take that which is his or her own assets, monies or possessions, and neither is required to share their personal possessions with the other.

### 4. Inheritance:

**A. Inheritance laws:** Laws governing inheritance differ between Muslims and non-Muslims. Non-Muslims are subject to a civil law regarding inheritance, which was adopted on June 23, 1959. Thus, inheritance suits amongst non-Muslims are brought before the Lebanese state's civilian courts. Meanwhile, inheritance amongst Muslims is governed by the *Shari'a* (Islamic law); and thus, any suits regarding inheritance and last wills and testaments are brought before the *Shari'a* courts (courts of Islamic law).

The 1959 inheritance law (for non-Muslims) recognizes that males and females have equal rights in their entitlements to an inheritance. However, for Muslims, the share of inheritance between males and females is founded in the (Islamic) law that stipulates a "male's share is equal to the entitlement of two females" or, in other words, the male inherits double that of a female. The principles specifically governing these entitlements amongst Muslims do differ between the Shiite and the Sunni sects; however, amongst Muslims, in general, the wife's share of the inheritance is a fixed share of the estate. What is worth noting is that the Hanafi School of Islamic jurisprudence does not allow the female to inherit at all in certain cases.

**B. Inter- religious marriages or relations:** On the other hand, for Muslims, marriages between persons of different religious communities represent a major obstacle when it comes to matters of inheritance. A Muslim may not inherit from a non-Muslim and a non-Muslim may not inherit from a Muslim, even if they are sons, daughters, siblings or spouses. As for the other non-Muslim sects, relations based in mixed religions do not obstruct an inheritance unless the benefactor is subject to laws prohibiting him or her from inheriting (because of the differences in religions, such as in the case of Lebanese Muslims related to non-Muslims).

### Conclusion

It is no secret that Lebanon is a founding and active member in the United Nations. Thus, as a state, it is bound by the United Nation's charters and by the Universal Declaration of Human Rights, which forms an indivisible part of the Lebanese constitution. This means equality between men and women in Lebanon is of the universal principles that are constitutionally grounded. Therefore, any law passed in Lebanon that is not founded upon this principle of equality between men and women can be brought before the constitutional council, and is liable to be overturned and repealed before this council. Women's movements in Lebanon view this constitutional reality as a true guarantor in achieving

concrete results in their efforts to purge Lebanese legislation of any texts of the law that discriminate against women, including the laws governing family and personal status.

It is worthy to note, that despite the domination of the sects over the legal personal status of individuals born to these sects, the Lebanese state recognizes civil marriages that take place outside Lebanon based on article 25 of ruling 60 (adopted on March 13, 1936). This is further recognized by Article 76 of the Civil Procedures Code, which gives the Lebanese civil courts jurisdiction over disputes that may arise from a civil marriage, whether or not the civil marriage took place between two Lebanese citizens or between a Lebanese citizen and a foreigner. And, the Lebanese Court of Cassation maintains its jurisdiction over this domain, ensuring that the law of the country in which the civil marriage took place is applied.

Finally, religious authorities in Lebanon do not have procedural authority, and religious rulings and decrees can only be applied and executed if they are in accordance with the Civil Procedures Code. Moreover, religious authorities do not have the right to stop the application or execution of decisions and rulings made under the Civil Procedures Code, except by way of such rulings.

*[For more details, please refer to the Third Official Report on the Convention on the Elimination of All Forms of Discrimination against Women published by the National Commission for Lebanese Women, 2006, Al-Hazmiyeh, Lebanon; [www.nclw.org.lb](http://www.nclw.org.lb).]*

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<sup>i</sup> Ruling 60 L.R. and its amendments defines and recognizes the sects in Lebanon as follows:

**Official Lebanese Christian sects:** The Maronite Patriarchy, The Greek Orthodox Patriarchy, The Melkite Greek Catholic Patriarchy, The Armenian Gregorian (Orthodox) Patriarchy, The Armenian Catholic Patriarchy, The Syriac Orthodox Patriarchy, The Syriac and Syriac Catholic Patriarchy, the Eastern Nestorian Sect, The Chaldean Patriarchy, The Roman (Latin) Catholic Church, and the Evangelical Church. In 1996, the Coptic Orthodox Church was added to the above-mentioned list of sects (Law number 553, July 24, 1996).

**Official Lebanese Muslim Sects:** The Sunni Sect, The Shiite (Jaafari) Sect, The Allawite Sect, The Ismailiyah Sect, The Druze Sect.

**Official Israelite (Jewish) Sects:** The Synagogue of Aleppo, The Synagogue of Damascus and The Synagogue of Beirut.

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