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SC verdict on Mukhtaran Mai case

'Male chauvinism clouds dispensation of justice'

By Ali Hassan

ISLAMABAD: Civil society on Thursday termed Supreme Court's (SC) decision on Mukhtara Mai case a reflection of a biased and inefficient criminal justice system. They were of the view that the verdict was a classic example of how facts were distorted and how the evidences were tampered at all levels.

A consortium of civil society organisations Insani Huqooq Ittehad (IHI) stated this in a press conference and expressed deep shock and disappointment at the verdict given by the apex court in Mukhtara Mai gang rape case. The civil society organizations members IHI, Aurat Foundation, Rozan, Sungi, Bedari, and Pattan were participating in the press conference.

NGOs demand immediate initiation of judicial reforms

ISLAMABAD: The civil society organizations demanded the following points to improve systems in this regard to avoid such mishap in future. 1-Government of Pakistan must file a review petition with the SC on behalf of women of Pakistan. 2-Review must ensure a full and larger bench to hear review petition. 3-Immediate initiation of judicial reforms starting with introducing amendment should be considered in the evidence act. 4-Government should invest in modernisation of in establishing modern DNA labs, swab test laboratories etc. 5-Strengthening the prosecution and investigation system. 6-Removing corruption, forgery and use of political influence in police and judiciary. 7-Purging judiciary and police of patriarchal biases by making it mandatory for judges and police officials to attend gender trainings and their gender performance should be included in their assessments for promotion. 8-Appointment of women judges who are known for their understanding and work on human rights issues. STAFF REPORT

Aurat Foundation Director Naeem Mirza said the SC's judgment on April 21 in the panchayat ordered gang-rape case of Mai that acquitted all accused with the exception of one, sent a shock wave through the strength and breadth of the country.

He said members of civil society felt that this was the reflection of a biased and

inefficient criminal justice system. This case has been a classic example of how the facts were distorted and documentation of the evidence was tampered at all levels.

Mirza said the ruling of the SC in that infamous case clearly showed that male judiciary with deep patriarchal biases dominated their criminal justice system was incapable of dispensing jus-

tice to victims of rape and sexual violence.

Mirza said impunity in this judgment facilitated rapists and the panchayat (parallel to judicial system) has created a deep sense of insecurity and loss of faith in the state's commitment to provide protection and justice to women against sexual abuse and violence.

IHI Director Farzana

NGO woman rape case is not in our knowledge, says Bari

ISLAMABAD: When *Daily Times* asked about the neglected 23-year-old NGO woman, gang raped by more than three persons on February 25, 2011, The IHI Director Farzana Bari said she had no information about this rape case and said, "It was very strange because the NGO's remained busy in highlighting such issues but strange to know that an employee of its own office is being raped. The matter was not exposed at a larger scale". All NGO workers should take this issue seriously and collectively and put it on a platform of human rights organizations, Bari said. STAFF REPORT

Bari said split judgment of two vs one showed that SC ruling was not merely a matter of technicalities of evidence and witnesses; the dissenting Justice Nasirul Mulk, based on same evidence recommended ten years imprisonment each to five of the accused in the case. She said the SC judgment included spurious arguments that raised questions on objectiv-

ity of reading and interpretation of evidence by the judges.

Bari said the judiciary refuted the incidence of incest in the society where fathers and brothers at times raped women. Derogatory language and pointless questioning on unnecessary details of rape victims by opposite counsel is allowed by judges and displayed



their lack of gender sensitivity and their deeply ingrained patriarchal mindset.

Human Rights Activities Samar Minahal said the judgment showed that the impunity provided to rapists for more than twenty-seven years, by the patriarchal state of Pakistan under the Hudood Ordinance (1979) that required four male

Muslim witnesses to award Hadd punishment, had become a part of judicial culture. "Lack of conviction in rape cases despite the Women Protection Act (2006) that removed the crime of rape from Hudood Ordinance and put it back in the Pakistan Penal Code is indicative of the continuing misogynist mindset of our judiciary," Samar said.