

Press Conference

Mukhtaran Mai's Case Verdict, April 2011



Date: 26 April 2011

Venue: Karachi Press Club

Purpose/Objective

- To strongly condemn the Supreme Court's decision to uphold the Lahore High Court's verdict in Mukhtaran Mai's gang-rape case;
- To highlight the grounds for civil society's discontentment with the verdict; and
- To highlight the lacunae in Pakistan's criminal justice system that lead to such verdicts in rape cases.

Event Details

A press conference was held by War Against Rape (WAR), Karachi in collaboration with Aurat Foundation (AF) and Women's Action Forum at Karachi Press Club. A panel of speakers comprising of Sarah Zaman (Director, WAR), Advocate Iqbal Haider (former Federal Minister for Law, Justice and Parliamentary Affairs and senior Advocate of the Supreme Court), Barrister Faisal Siddiqi, Barrister Hammad Haider, Advocate Anwar Mansoor Khan (President, Sindh High Court Bar Association), and Nuzhat Kidvai (WAF), addressed media representatives. Mukhtaran Mai also shared her feelings on the verdict through a telephone call.

The speakers expressed their views on Supreme Court's verdict on Mukhtaran Mai's gang-rape case on 21 April, 2011, under trial under the apex court since 2005, and pressed to ensure that justice is provided to rape victims in Pakistan.

Nuzhat Kidvai of the Women's Action Forum said that all their efforts for justice for rape victims had gone to waste because of the verdict.

She said that this decision would rob rape victims of trust in courts. She appealed to society to continue raising their voice for rape victims as human rights organizations might become silent as a result of the judgment.

Anwar Mansoor, president Sindh High Court Bar Association, said no DNA test was carried out on Mukhtaran Mai, which weakened the case.

He highlighted the need to correct the criminal justice system and said that the *challan* presented in the trial court had many defects and the lower courts' judgment had a lot of loopholes. He suggested that women's testimony should be enough for conviction in such cases.

Advocate Iqbal Haider said that the defects in the judgment was not just because of lack of evidence but because of misreading of the evidence present on record and conjectures about what is probable and what improbable in a scenario where a woman is raped. He pressed that the biggest evidence in a rape case is the woman herself.

Barrister Hamaad Haider also prepared a detailed report on the judgment and highlighted the 'foundational facts' that formed the basis of the verdict.

Hamaad Haider said that none of the facts used by the two judges as a basis for this judgment have anything to do with the charge of gang-rape or the circumstances in which it happened. Sindh High Court advocate Faisal Siddiqi reiterated the same arguments and used the judgment in a 1993 gang rape case as an example. In that case, the woman's statement was given precedence as there was no other evidence to support it. Addressing the numerous questions about the absence of bruises on Mukhtaran's body after the incident, he informed the gathering that not all women put up resistance during rape; most are too shocked to do anything. According to him the verdict was a bad judgment and said that the psychological implications of such judgments are worse.

He claimed that the judgement had set a bad precedent for others – two survivors in a similar situation had already backed out of their hearings. They said that if Mukhtaran Mai could not win, they didn't stand a chance.

Sarah Zaman (Director, WAR), who spoke last, said that the legal outcome of Mukhtaran Mai's case announced on 21st April, 2011 by the Supreme Court of Pakistan, is typical in a long list of rape cases tried under Pakistan's criminal justice system. In her opinion the legal outcome was shocking due to the unprecedented level of interest it had generated nationally and internationally yet, predictable given the lacunae in Pakistan's justice system.

She highlighted that Pakistan's criminal justice system is flawed on many levels: legally, structurally, and culturally. She said that the last aspect exerts a lot of influence on the former two, especially as far as the way sexual violence cases are treated and tried in courts.

She shared a list (see Annex 1) of legal and procedural flaws that make outcomes such as that in Mai's case an inevitable reality for most rape cases in Pakistan.

Speaking over the telephone from her home at Meerwala in Muzaffargarh, 40-year-old Mai told the participants at the conference that though she had lost confidence in courts after the rejection of her appeal in the Supreme Court, a group of human rights and her attorneys had decided to file a review petition against the SC verdict acquitting all accused except one, Abdul Khaliq, in her gang-rape case.

"No matter if I don't get justice from the superior courts, it is my belief that Allah Almighty's court is the biggest court," she remarked.

She asked civil society and NGO members to continue supporting her in the future as well to eliminate the feudal-criminal mindset.

Responding to Mai's call, the gathering at the press conference loudly said that they stood beside her as her struggle was not only for justice for herself but for women at large.

The press conference received coverage in all major national print and electronic media.