

# **Aberration is the norm - In Pakistan, murderers “get away with” their crimes “because of the perceived religious and social pardon”**

“Impunity compromises the state’s legitimacy”

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THE twists in the case of Farzana who was bludgeoned to death outside the Lahore High Court increasingly feel like film noir. Her husband killed his first wife and was forgiven by his son. She was killed by her relatives, who had earlier killed her other sister and were forgiven by her son. Money involved, compromises involved, betrayals involved, moral questions involved, and now, belatedly, outrage involved.

The act of Farzana’s murder was met with shock based on three perceived aberrations. First, the instruments of death were bricks, evoking the image of the medieval punishment of stoning to death for adultery. The second was that it happened just outside the premises of a court — the place for dispensation of justice, presumably a secure zone. And the third is there were witnesses who did not try to prevent the crime. Barring these, it was just another routine honour killing that we now take in our stride.

However, all three are not aberrations. There are four previous known cases of women being killed with stones for sexual relations, and thousands more murdered with different weapons for the same crime. Nor is it the first time such crimes were perpetrated near or within a court premises. In 1998, Rifat Afridi and Kanwar Ahsan were shot in a Karachi court for contracting a marriage by choice; they survived. In 2012, Raheela Sehto was killed for the same reason inside a court in Hyderabad. Earlier this year, Humaira Ashraf was killed, weeks after her marriage, by her brother inside the court premises in Gujranwala.

Finally, there have been many cases of people becoming spectators in violence against women. In 2010, 14 people stripped and thrashed a mother and daughter in front of the whole town of Shehr-i-Sultan near Mirwala. In 2011, Shahnaz Bibi was paraded naked across Neeloor Bala in Haripur. No one stepped forward to stop the abuse in either case. In countless jirga judgements, entire communities are complicit in crimes passed off as custom. Domestic violence is tolerated.

The underlying impunity context has evolved over decades. When Samia Sarwar was shot dead by her family in Hina Jillani’s office in 1999, there were many witnesses willing to record testimonies, including a staffer kidnapped by them and Hina Jillani herself, one of the leading human rights lawyers in Pakistan. It should have been an open-and-shut case. It wasn’t. The family walked free; the father went on to head the Sarhad Chamber of Commerce; the uncle was forgiven by the family; the killing was called accidental, and the court refused to let Hina Jillani fight the case. Even the parliamentary resolution was defeated with a thumping majority.

Of course, impunity is not specific to cases of violence against women. If (the then former) Prime

Minister Nawaz Sharif's lawyer Iqbal Raad was killed while defending his case, and Benazir Bhutto's case lawyer Chaudhry Zulfiqar was killed, with no conviction in either murder, it may be pointless to lament about impunity in the case of Rashid Rehman, who was representing a mere university lecturer.

Rehman's assassination for his brave defence of Junaid Hafeez has parallels to Farzana's case. Both signal laws that are on the statutes (blasphemy law in the former, Hudood Ordinance in the latter), in which people remain under trial for years but no one is punished by the state with the prescribed forms of death. In both cases, people themselves inflict the legally prescribed punishment through legally proscribed ways of vigilante action. And they get away with it because of the perceived religious and social pardon.

Impunity compromises the state's legitimacy. The state is not a monolith. Its composite institutions can and do work. There are signs of change. New and improved laws have been legislated. The police are becoming more responsive in swara cases. But with less than a 3pc conviction rate in honour killings and rapes, deterrence is non-existent. Protest against the state for failing to protect the people is not a demand for security guards for everyone. It is a demand for the revocation of impunity.

Tougher is the fact that 'ordinary' people kill women in their family with societal consensus, and collude in premeditated acts of murder on blasphemy cases. It has nothing to do with poverty and illiteracy. Samia's family is part of the elite. The aggressors in Rehman's case comprised educated lawyers.

In Farzana's case, this is the third woman's murder in one family. Intolerance and violence seem to be the only factors to have had a trickle-down effect. But nuanced understandings consolidate into cataracts of cynical acceptance. So, after the outrage, what next?

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