**Viral violence**

BY A L I H A I D E R H A B I B 2021-02-25

EA RLIER this month, a video went viral.

Not the feel-good one everyone was recreating and partying to though. This was quite the opposite: a morbid reminder of statesanctioned violence and how it continues unabated in the absence of any legal provisions outlawing torture.

In the video, from Jan 31, personnel of the KP police can be seen assaulting three women accused of stealing. The video is from Swat and the women were accused of going to nearby villages and stealing money and valuables f rom people`s houses. As they are being arrested and bundled into the police van, one policeman can be seen slapping and kicking the ladies. Another is shouting obscenities at them. A third can be heard asking the others not to raise their hand at the ladies.

It is in many ways an allegory of our propensity to assume guilt before it is proven in a court of law, to mete out punishment before it is legally prescribed, and to play judge, jury and execudoner standing on higher moral ground. But policemen in Pakistan are not allowed to arrest women in the absence of policewomen unless faced with extraordinary circumstances. To physically assault them in the process is despicable. Yet, countless women have been tortured in police custody. Kanizan Bibi, whose death sentence was recently commuted by the Supreme Court after 30 years, was so severely tortured into confessing to murder when she was just a teenager that she carries the emotional scars to this very day, unable to speak or even care for own hygiene.

Once someone uploaded the short clip from Swat online, condemnations started pouring in. A woman on Twitter questioned if anyone had seen this sort of treatment being handed out to the wealthy, lamenting it is only the poor who are mishandled by those in positions of power. The outcry led to the suspension and arrest of five policemen including the station house officer of Saidu Sharif police station. The counteraction was typical. And if previous such incidents of which there are many are any indication of what will happen to these policemen, the answer is a resounding `not much`. Once the outrage dies down, which it already has, they will gradually return to their jobs with little more than a fine, a reprimand, and some days in the custody of their own colleagues and f riends.

Part of the reason why the policemen will beoffthehook soonisthatallsuchcasesare dealt with under vague provisions of the law that do not specifically deal with torture at the hands of police officials and other security personnel. These are inadequate in pinning blame and prescribing appropriatepunishment because they neither define what constitutes torture nor what the appropriate sentence for it must be. Simply put, we need a law to expressly criminalise torture by defining exactly what it is and the accountability mechanism that will be used to ensure the perpetrators are penalised for their excesses. Granted, the existence of a law does not always guarantee its implementation. But it is the most important first step to eliminating this cruel but ubiquitous practice.

So how is it that we do not have one already. Surely, some lawmaker must have thought of it. Several of them, it turns out, have. But with little luck. Five proposed legislations criminalising torture are either currently pending or have lapsed in parliament in the last few years. The most recent one was tabled in the upper house by Senator Sherry Rehman in February last year. A year on, there seems to be little progress made in the way of its enactment.

The bill is noteworthy as it explicitly criminalises sexual violence committed incustody `irrespecdve of the sex and gender of the perpetrator or the victim`.

In doing so, it encapsulates all those forms of sexual violence which do not conform to the restrictive traditional definition of penetrative rape.This will also have an impact on the way security personnel talk about sexual violence in our society, where victim-blaming at the hands of the police is commonplace as witnessed during a top cop`s unfortunate remarks over last year`s motorway rape incident.

It has been well over a decade since Pakistan signed the United Nations Convention Against Torture and since then many parliamentarians have spoken up to criminalise torture. This political will has been expressed by the highest authorities right up to the chief executive. Last year in September Prime Minister Imran Khan tweeted that `torture [was] unacceptable in a civilised democratic society`.

Why is it then that a law, that everyone agrees should be passed, keeps lapsing in all its different avatars? How many more brutal videos must be uploaded for us to put an end to torture? The answer to these questions lies in how civilised and democratic we as a society aspire to be. The writer works at Justice Project Pakistan.

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