**Violence with impunity**

BY A R I FA N O O R 2022-10-25

IN the summer of 1999, a politician`s son shot dead a young woman at a party in New Delhi, India, for refusing to serve him a drink. A model, the murder victim, Jessica Lal, was one of many celebrities serving behind the bar at the party. The man who shot her, Manu Sharma, fled the scene and was arrested later, as were the other accused, and tried for the murder.

In February 2006, he and others were acquitted.

In the meantime, during the trial, it came to light the gun was never found and the forensic evidence from the crime scene indicated more than one weapon had been used. In other words, the forensic evidence said little. But this was simply the beginning.

As the trial commenced, the eyewitnesses to the crime turned hostile.

One of the most famous of these was a budding actor who initially testified to the murder but later resiled, claiming that he wasn`t comfortable with the Hindi language and didn`t know what he signed when the police got him to sign his statement.

Later, an investigative magazine caught him in a sting operation, which showed that he was comfortable enough with the language.

But when the men walked free, the public outrage was immediate. Petitions were signed, signatures collected, news outlets were bombarded with messages, and candlelight vigils were held. Under this public pressure, within a month of the acquittal, the high court accepted an appeal by the police against the verdict. By December, the main accused, Sharma had been convicted for life. By 2010, his appeal to the supreme court had been turned down.

Pakistan had a similar moment over 10 years later when Shahzeb Khan was murdered by Shahrukh Jatoi after an altercation on the streets of Karachi. Initially, it seemed Jatoi, too, like Sharma, would get away with it. But as in India, the outrage from the people, expressed over socialmedia and the relentless coverage on news channels ensured Jatoi was traced and brought back from Dubai where he had escaped to. A year later, he was sentenced to death; the case had been registered under the anti-terrorism law. But when the high court ordered a retrial, accepting the plea it was not a terrorism case, members of civil society approached the Supreme Court against the decision, and the apex court sent the accused bacl< behind bars.

In both cases, what was striking was the pressure from a predominantly urban civil society as well as a changing media which forced a political elite to be held accountable for the violence it not only inflicted but did so with impunity. It may be too soon to say if the cases changed the justice systems or power structures but they were both seminal in that they illustrated a changing society and its relationship with the state. A growing urban class along with a flourishing media could create enough noise and outrage to force a change in the immunity enjoyed by a part of the elite.

But even this pushback goes only so far.

Jessica Lal`s murderer was released on parole in 2020, having served around 17 years in prison. It was reported that he was allowed out during his imprisonment frequently; in one such outing, it was alleged he even had a pub brawl. A piece published on his release said, `Since the last two years, Manu was awarded open jail facilities implying he was out the whole day working with an NGO and then back to his cell at night.

In a way, it was rather similar to the reports of Shahrukh Jatoi being found lodged in a building which was `supposed` to be a hospital.

However, as always, we do deviate from India, whatever the parallel because our paths have been different in some ways. And here too, it was no different. Society`s pushback in Pakistan was made all the more difficult because of the complex or rather confusing legislation. And this is at theheart of the debate taking place right now.

The law allowed the culprit`s family to reach a razinama with Shahrukh`s family. However, the only legal way for the courts to reject this was to uphold the registration of the murder case under the anti-terrorism law, which in itself is problematic. But that was the route chosen. This past week, it seems the apex court threw out the terrorism charges and accepted the agreement. And, Jatoi is a free man after nine years. But unlike Sharma, he is not even viewed as a convicted man, such are our laws. This perhaps of fends more than even his freedom. How can those who lose out in our unjust system not even be allowed this much dignity? Postscript: Less than 12 hours after I moderated the media session at the Asma Jahangir Conference in Lahore on Sunday, came the news of Arshad Sharif`s death in Kenya in mysterious circumstances (as the hours passed, the Kenyan police released their statement that his death was a case of mistaken identity). And during the session, it was Hamid Mir, who spoke about how so little had changed in Pakistan with regard to journalists and press freedom, where he also condemned the FIRs filed against Arshad and others. When he was speaking, the thought crossed my mind that what he was saying had been said so many times before.

On Monday morning, however, I was reminded why it is important to keep repeating it again and again.

He was followed by Steven Butler of CPJ who spoke of the lack of accountability for crimes against journalism. Once again, words we have heard so many times before. And as I was writing this op-ed, there were demands aplenty of judicial commissions and fact finding commissions to establish what happened to Arshad Sharif once again familiar words. As will be the final report, if the commission is formed. It will settle little and convince few. The writer is a journalist.