

MANUSHI wishes to extend our sincere thanks to the numerous readers who conducted signature campaigns and wrote letters to Judge Chaturvedi. There have been some significant changes in the case in the past two months, and perhaps finally, there is an end in sight to Hamida's ordeal.

The case has been transferred from Judge Chaturvedi's jurisdiction to that of Additional Sessions Judge D.S. Bawa, which is a highly unusual event in the middle of case proceedings. On September 2, Judge Bawa removed the court order disallowing Roma Debabrata the right to visit Hamida at Nirmal Chhayya. Roma can now visit Hamida once every fortnight as long as Hamida remains in India, and she must report to the court regarding Hamida's condition. Judge Bawa has also ruled that two members of Janwadi Mahila Samiti be allowed to attend the in-camera proceedings. However, the public prosecutor appointed by Judge Chaturvedi on July 7, H.K. Sharma, has neither spoken to Hamida, nor will he be able to, considering that he does not speak any Bengali.

Due mainly to the concern and hard work of Bangladeshi Supreme Court lawyer Seema Zahur, Hamida's father has finally been located. Ms Zahur has now received a letter from Hamida's father informing her that he wants his daughter to be sent home because his present financial situation is very bad and that he cannot pay the expense of going to Dhaka.

It is impossible to tell from his brief letter what kind of situation Hamida would be returning to if she went home. While her father claims to want her back, he mentions nothing of trying to find her up until this point. However, Judge Bawa is aware of the potential dangers for the child, stating that sufficient preliminary investigation must be done to assure that the child is in

## FOLLOW-UP

# Yielding to Pressure?

## Recent Developments in the Hamida Case

*In February of 1993, "Hamida", a 10-year-old Bangladeshi girl, was brought to India by an acquaintance of her father's, Rashid Khan, with the promise of work. Once in India, she claims that Khan repeatedly raped her and then allowed seven other men, including five New Seemapuri policemen, to gang rape her. Though she identified her assailants and the evidence leaned heavily in her favour, only two men were arrested. The others were not even charged.*

*Ironically, while the alleged rapists have been released, it was Hamida who was treated as a criminal — detained in a children's home for over two years and denied many basic rights such as visitation, adequate health care, and freedom of movement. After it was found that the court-appointed translator was deliberately mistranslating the girl's words, Delhi University Reader Roma Debabrata offered her services as a translator. She was consequently removed by Additional Sessions Judge B.N. Chaturvedi, for showing an "undue interest" in Hamida's rehabilitation.*

*In our last issue of **Manushi** (Issue 88), we had appealed to our readers to write letters of protest to Judge Chaturvedi for his attempts to protect the accused policemen, and for denying Hamida her elementary rights.*

safe hands upon her return to Bangladesh.

After visiting Hamida on September 4, Roma reported that there has been a substantial improvement in her physical health. Signs of neglect, such as lice, which the child was previously suffering from, are no longer apparent. She believes that the widespread media coverage has compelled Nirmal Chhaya authorities to rectify her previous condition.

Hamida's mental and emotional health, however, is less certain. As of yet she has received no post-rape trauma counselling, and Nirmal Chhaya's superintendent told Roma that Hamida has been displaying very aggressive behaviour and threatening to consume poison if they do not let her see Roma and then return home. Their social worker asked Roma to try to get Hamida deported as soon as possible because they are afraid of her suicide threats.

Mehtab is the only one of the seven men involved who is still in custody. There are still no charges against the four policemen or Rashid Khan, who initially brought Hamida to India in 1993. Om Prakash is currently untraceable after jumping bail on Sept. 4. He was originally granted interim bail by Judge Chaturvedi on a forged document that claimed his father had just died. It was later determined that his father has been dead for the last 10 years. It was discovered that someone in the New Seemapuri police station forged the signature of the SHO. Judge Bawa has issued a non-bailable warrant for Om Prakash, who is absconding. He has already managed to threaten one of the key witnesses, Shamim, who filed a complaint to Judge Bawa.

The Bangladesh Home Ministry has already instructed the Bangladesh High Commission repatriate Hamida immediately, but they are awaiting official confirmation of her citizenship. □