

OPINION

GUILTY OF WHAT?

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e suspect that they were committing a crime under Section 377 but we can't investigate it because the court did not consider it," says the investigating officer of the case. He was talking about the arrest and subsequent imprisonment of several men from Keraniganj who reportedly identify as queer.

"I would not even have needed the 10 days I asked for, the two days the court provided would have been enough for me to prove it and press charges," he says, a tinge of disappointment lacing his voice.

The *Star Weekend* was talking to Subinspector Mehedi Hasan of Keraniganj (south) police station, who is presiding over the case. By Section 377, he refers to the penal code law that punishes "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal" with life imprisonment.

"We are only investigating the narcotics charges against them," says Hasan. He says the source of the drugs is exactly what they will be looking into. However, he also adds: "The drug haul was not very large, but these people operate as an organisation through Facebook and meet here often, and I want to get to the bottom of this."

On the days leading up to the remand hearing, the media last week was plastered with reports quoting the law enforcers that the youth were arrested because they were suspected to be gay, as per primary interrogation. The commanding officer of RAB-10, Mohammed Zahangir Hossain Matobbar, told BBC, "They confessed that they gather at the location mainly to do this (have intercourse). Upon the RAB's arrival they could not do so—they were arrested before they could."

Amnesty International circulated a statement on May 22, saying, "Multiple sources told Amnesty International that RAB officers physically and verbally assaulted many of those present, and forced all of them to stand in a line. Officers then proceeded to 'inspect' them and arrested those they suspected of being gay men, based on their clothing and mannerisms."

With the court dismissing all the other complaints, the narcotics claim is the main battleground now. However, when the case is analysed, what comes up is that the law enforcers found only 45 yaba tablets. Twenty-eight men were sent to jail for it. Breaking down, it is 1.6 tablets per person only—that is, if they were even discovered on the bodies of all 28 of them. Four were remanded for two days, and 12 were to be interrogated at the jail-gate while the rest were directly shipped to jail.

"Since this is a narcotics case, how are they all in jail? Did the law enforcers discover drugs on all of them?" asks Jyotirmoy Barua, a senior human rights lawyer at the Supreme Court.

"Because they are reportedly queer men, it is important to question whether this judgment is creating space for harassment," he adds.

Extrapolating from the fact that all of them were sued, and assuming that all of them were taking drugs, this seems to be the only logical question the police can ask them: "How did you come across a single piece of yaba?" Even more interestingly, the Keraniganj police sought a ten-day remand each—10 days of grilling for a single piece of yaba?

To put into perspective, during the entire duration of last year, just RAB itself discovered 36,70,676 pieces of yaba. According to statistics provided by RAB media, they sued a total of 1,497 people for all types of drug-related charges. Without even taking into account all the other types of drugs recovered, the stats show that the average arrestee of a narcotics lawsuit should have roughly 2,500 yaba tablets to his/her name.

Around 250g of marijuana was discovered with the youth as well but in a city where marijuana is sold openly upon the Karwanbazaar rail tracks, the gravity of the offence is questionable.

"We will be focusing on the four remanded because the recovery was mainly made from them," says SI Mehedi Hasan. "The rest are jailed as partners-in-crime."

Barua questions the claim. "How can someone be partners-in-crime in this case? Either the person is possessing drugs, or the person is not, it's as simple as that," says Barua.

All of them were denied bail by Dhaka Senior Judicial Magistrate Fairuz Tasmim.

"The ones who were not discovered consuming drugs could have been let out on bail. Letting them out on bail does not hamper the legal process, nor is keeping them in jail benefiting anyone. Granting bail is a discretionary decision that a magistrate has the power to make depending on the offence," says Barua.

Shakhawat Hossain, a gay rights activist with Boys of Bangladesh, says that the organisation's members have indeed confirmed that the jailed are facing harassment. "We were able to get some information from one of the detainees who said they were not fed for a long time; they were slapped, kicked and punched by police men, who used abusive language, gestures and mocked them," he reports. "Some policemen also took photos of the detainees with their cell phones in order to expose them on social media."

This is the scenario in the jail and what is happening to the four in remand can only be guessed, he adds.

"The LGBT community is more vulnerable to custodial torture because of existing homophobia, taboo and stigma present within the law enforcement agency," says Hossain, "Police routinely harass LGBT people and male sex workers to extort money and seek forceful sexual favours. It is taken as granted that since these men are gay they are available to be violated."

Following the arrests, Ain o Salish Kendra and Human Rights Forum Bangladesh, also put out statements expressing their concern about the identity of the youth being revealed. "Circulating statements about their sexual orientation and publishing their photos puts them under risk of getting targeted by religious radical groups," said ASK.

One of the men remanded was brought to the judge court last Tuesday afternoon, for further directions—and maybe even bail. The defense was represented by Mohammed Shamim Reza, an attorney hired by the father of the accused.

The whole hearing lasted about five minutes. The accused was not present. Reza made a rapid fire, dispassionate appeal for bail, while the magistrate silently signed something. "Bail denied," said a court police, matter-of-factly. Reza turned and left the room.

When the correspondent caught up with the attorney to ask why he didn't make a longer case, this is what he replied: "Narcotics cases are like this—I knew the judge wouldn't agree. The case is in court, and I will make another appeal for bail maybe in twenty days. Meanwhile he can stay in prison."

In this case, ignoring the risks that a queer man can face in prison, and letting him stay jailed instead, is the superior choice. After all, to make a case about harassment, it has to be acknowledged in open court that he is gay. In a colonial system that will punish being queer with a maximum sentence of life imprisonment, isn't it better, after all, to say num and take the abuse?



ILLUSTRATION: MANAN MORSHED

LET'S TALK ABOUT SEX (UALITY), NOT POLICE IT

SAAD KHAN

It's time to talk about sexuality. A few years ago, during the Rubel-Happy scandal, when Rubel was accused of sexually assaulting Happy, it was Happy who ended up getting 'slut-shamed' (labelling a woman as a slut, or whore, and stigmatising and shaming her for being sexually active with one or multiple partners—which is equated with being characterless) on social media. Society lashed back at Happy for trying to defame the national cricket player. Internet memes were made about Happy—specifically addressing her 'immoral' character, and an out-of-control libido that she used to entice men. Cricket players in gym made jokes about how they no longer respond to messages from women on Facebook messenger, in case they are manipulated and accused

of sexual assault. Rubel, on the other hand, ended up doing a Robi advertisement, where he angrily practices cricket, and in the process, breaks the wicket using his strength. The ad concludes with him saying 'direct bhainga dibo' (I'll break you). His overpowering masculinity was apparently addressed towards the Indian cricket team, who had cheated during the world cup quarter final. This hyper-masculine gesture also seemed to be addressed towards Happy—whose claims around sexual assault almost tarnished Rubel's career. Rubel was redeemed back to his former glory—the glory of a man, a national hero—through the ad.

Memes were also made about the Indian cricket team—memes about how they seize things (in this context, the world cup) forcefully and with coercion—almost like attempting rape. This was a sincere jab at the term 'rape nation' equated with India, coined post Nirbhaya. How apt of an attack it was, for people in Bangladesh to build upon that, on social media as an expression of their angst. India was rapey, even when it came to playing games. Bangladeshi cricket team, on the other hand, was implied to be innocent, honest and pure at heart.

A few days later, the mass sexual assault on Pahela Boishakh at Dhaka University happened. This time, people on social media clamoured that the assaulters

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be caught and brought before the public eye for justice. People expressed how they were morally broken down, out of remorse at what had happened to the victims—the women and children at the event, but also rejuvenated about how Liton Nandi saved the women from the hands of the villains, the sexual assaulters. Nandi emerged as the hero, the saviour—the good man who doesn't rape (Don't we all just love the idea of a national hero?), while the survivors of the assault were made invisible, their voices unheard on any platform. As a society, however, we failed to realise how our actions, in and outside social media, had already created a culture where sexual violence was normalised—where producing memes to slut-shame Happy (that's right: slut-shaming is not alright, because it is none of our business whom and how many people a woman decides to have sex with) and portraying Indian cricket players as rapists for humour, popularly resonated with the public.

In these contemporary times, regulation is no longer a top-down and authoritative approach, but it is dispersed. We all take part in it. Our sexuality is surveilled and actively constructed in media and social media by us. We keep others in line, through slut-shaming, exposing and humiliating, or in short, violence, to ensure that they stick to codes of acceptable sexual behaviour.

People on social media once again gleefully slut-shamed the two survivors in the Banani rape case only a few days back. The premise being that the women had gone to the party late at night and consumed alcohol thus 'motivating' the rapists to rape. Many justified the rape by saying that women are sexually aroused all the time, so it's probably something they wanted.

And then, the report about 28 homosexual men that the media covered with much sensation. Channel 24 even went to the extent of zooming in and showing the faces of the young men. Several headlines of the reports mentioned that along with drugs, the men were in possession of condoms and lubricant as well, as if they were objects of terror. Keeping aside the stupidity of the headlines, what is more important is to ask what ethical codes were media exactly sticking to, when they decided to show the faces of these men. What were they thinking? Why this prurient curiosity to mention their sexual orientation in the headlines? Did they want to expose them for further exclusion in society, and ensure that they are shunned by their families and social circles? Did they want the men to encounter further danger, in case it wasn't unsafe enough for people of marginalised sexual orientations? Did they show the faces to tell people that homosexual men didn't look like aliens after all? Why such reckless and insensitive attitude from media?

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Sexuality is the domain of our identity that is most surveilled, monitored and regulated. This is not a new phenomenon. Moral standards and hygiene around sexual character were created and perpetuated by authoritative institutions such as biomedicine, psychiatry, law, education and religion during 18th century by Europeans. These standards and codes seeped in cultures and society throughout the globe, thanks to colonisation, and created good/pure and bad/dirty bodies. 'Perverse' sexualities were constructed from the regulation of bodies of children, homosexuals, the mentally-ill, sex workers and those who engaged in sexual activities outside the category of marriage and reproduction. This divide between the pure and dirty also worked for the elites in society to



ILLUSTRATION: MANAN MORSHED

keep their respectability intact. Hence, power and respectability belonged to those who were assumed to be morally (or sexually) 'clean'. Morality got equated with sexual purity.

We continue to employ these prejudices in our society even today. We categorise and control sections of the population in Bangladeshi – women, sex workers, 'lgbht' (lesbian, gay, bisexual, hijra, transgender) people, indigenous people—those who are believed to be responsible for and threats to the national integrity, morality and sovereignty. Certain other stigmas attach to these bodies—that of hysteria, sexual promiscuity, sexually transmitted diseases, 'unnatural' sexual activities, inability to reproduce and terrorism.

In these contemporary times, regulation is no longer a top-down and authoritative approach, but it is dispersed. We all take part in it. Our sexuality is surveilled and actively constructed in media and social media by us. We keep others in line, through slut-

shaming, exposing and humiliating, or in short, violence, to ensure that they stick to codes of acceptable sexual behaviour. Social media is said to be the mirror of society, as it reflects on what masses think and want. However, in times like these, we can also say social media is society. It is *the* reality, the truth. It is where we normalise sexual violence, death threats and bodily torture through posts and comments. And, when enough people slut-shame women, when enough people call you mad, when enough people call you a sinner—that becomes your identity. That becomes the whole of you.

If we want sexual violence to go down in society, we need to tackle and understand sexuality in its entirety. That requires us to challenge norms and standards, set around the binary between dirty and clean, the moral

and sinner. Unethical journalism, cyber shaming and ignorance can be addressed through transparent conversations and sensitisation around sex in schools and media, demystifying sex organs, and notions around sexual desires. Sexuality as agency needs to be talked about, to know the difference between consensual and forced sexual engagement and rape. Unfortunately criminalising sexual acts and desires, and banning porn sites won't be of much help. Instead of repressing and policing, we must debunk the shame around sexuality, notice how power is associated to the constructions of sexual identity of people, and do away with this notion that talking and thinking about sex 'contaminates' the moral fabric of society, and in the process, reflect on the whole notion of being sexually 'moral' and 'pure'—what does that even mean, and who gets to decide? Hopefully that can undo some of the effects of oppressive knowledge and create space to think critically. If we choose to.

Saad Khan is a researcher.