A Note from the Editor

The implementation of relevant laws is vital in order to put an end to acid violence. In March 2002, the Acid Crime Control Act and the Acid Control Act were introduced into the legal system of Bangladesh. However, these two laws are yet to be successfully implemented. Since the date, these laws were enacted, till the end of 2004, there have been approximately 893 reported incidents of acid violence throughout the country, and it is uncertain as to how many cases have actually been filed in this regard. This is either because the family is too poor to afford the costs of litigation and/or they have opted for settlements out of court. Furthermore, it is not clear how many cases have been filed under the 2002 acid laws, since information regarding this is almost impossible to obtain. There are three main sectors involved in the realm of the acid laws and their

effective implementation: law-enforcing agencies, the judiciary and the health sector. The Acid Survivors Foundation has discovered that there are serious gaps in all three sectors that hamper the effective implementation of the laws and that a more coordinated effort among them is required in order to see that justice is done. The Foundation has been able to obtain recommendations for overcoming these lapses from professionals and human rights experts, which have been highlighted in this issue of Voice. Advocate Sigma Huda, who is a renowned lawyer and women's rights activist in Bangladesh, talks to Voice about the implementation of the acid laws on a wider perspective. Also, in this issue, there are data on the number of incidents of acid violence reported in 2004, the present status of cases and our regular features. The New Year brings with it new hopes. We hope that such inhuman violence ends in Bangladesh. We wish all our readers a happy New Year. We are especially grateful to the Legal Unit of the Acid Survivors Foundation, which helped us with information for this issue. We are also grateful for the tireless activity of the Voice staff. Thank you all.
The Difficulties in Implementing the Acid Laws and Some Recommendations

According to data at the Acid Survivors Foundation, between the time the Acid Laws came into force in March 2002, till the end of 2004, there have been a total of 893 incidents of acid violence. It is not clear how many cases were filed in this regard. ASF records show that in the lower courts, 39 cases under the 2002 acid laws have been decided. As far as we can tell, there is yet to be a decision passed in the higher courts. This raises questions regarding the implementation of the laws. To assess this, the ASF held discussions with various concerned sectors in law enforcement, health and the judiciary and members of civil society. Several lapses in implementation were identified through this exercise and several recommendations suggested. These were all compiled by Advocate Badrunnessa Khuku, Coordinator of the ASFs Legal unit.

Editor

Sector: The Law Enforcement Agencies:

Limitations:

1. The limited skills of the investigating officer and the fact that he is overburdened with other duties to fulfill hamper a successful investigation. He must rely on others to prepare the case docket and other relevant documents.

As a result, it is often found that the documents have conflicting statements. Furthermore, the investigating officer is not always available to appear before the court at the time of hearing.

2. The evidence is not preserved properly or sometimes cannot be presented before the court.

3. There is no proof of whether the person who appears as a witness in the court has given a witness statement to the police under section 161 of the Criminal Procedure Code. Sometimes witnesses cannot be found to appear at hearings.

Recommendations:

1. A separate, independent Investigation Cell needs to be established in the police department.

2. Police officers of the level of Inspector or above should be chosen for this cell and given training in modern investigation skills and techniques.

3. Witnesses must be questioned and their statements should be noted under the supervision of the superior officer.

4. Case dockets should be prepared under the supervision of the investigating officer and if any ambiguity arises, he must be held liable.
সুপারিশ
1. স্থায়ী তদন্তের জন্য সাধারণ ও কান্তিবোধক পুস্তক তদন্ত নেদ গঠন;
2. ইন্ডিপেন্ডেন্ট বা দৌর্যুক পদার্থবিদ্যার তদন্ত কর্মকালী নিয়োগ এবং তাদের বিশেষ প্রশিক্ষণ দেয়া;
3. তদন্ত কাজে উদ্যোক্তর কর্তৃপক্ষের তদন্তকৃত ধারা ও তদন্ত কর্মকালীর জন্য প্রশিক্ষণ দিও করা;
4. কেন্দ্রস্তম্ভের তদন্ত কর্মকালীর সাহায্যে প্রচার করা, ব্যবধান তার নির্দেশ করে বাস্তু দেয়া;
5. উইনারের পর সর্বশ্রেষ্ঠ অধ্যায় সর্বাধিক সুবিধায় করা, তদন্তকালে গৃহীত জনসাধারণ বক্তা গ্রাহ্যকারীর কিছু তা প্রমাণের বাস্তু রাখা, তদন্ত কালে প্রয়োজনীয় সহায়তা শিখি সুরক্ষার করা;
6. সর্বশ্রেষ্ঠ তদন্ত কর্মকালীর সাহায্যে অনুসন্ধান পরিসংখ্যান করার জন্য তিনি কোন অধিনে স্থান দেওয়া একটি সুনির্দিষ্ট স্থান থেকে পাওয়ার ব্যবস্থা করা;
7. তদন্ত দেওয়ার জন্য তদন্ত কর্মকালীকে পূর্বের করা।

ধর্ম বিষয়ক

সীমাবদ্ধতা
1. ফেরার ধরন ও কারণ চিহ্নিতকরণ অস্বীকার না থাকে;
2. হাসপাতালের দেওয়া ইন্ডিপেন্ডেন্ট রেজিস্ট্রার তথ্যদানক্রিয়া পুরুষের না হওয়াতে অক্ষেপ একাধারে তথ্য সন্ধান ও অনুসন্ধানে অসাধারণ;
3. অচেতন ক্ষেত্রে সাইটিফিকেট দেওয়ার ক্ষেত্রে অবহেলা ও এডিটিং বাস্তু, স্নাতক সাইটিফিকেট তথ্য ও কার সম্পর্কে সুপরিচিত এবং সুনির্দিষ্ট বর্ধনে না থাকে;
4. চিত্রকলার বিষয়ক কারণে মামলায় সাক্ষা নিতে অসমর্থ থাকার ক্ষেত্র;
5. চিত্রকলায় মামলার তথ্য সুনির্দিষ্ট কেন হয়ে থাকে না পাওয়ায় অনুসন্ধান থেকে সময় সময়ে প্রায় না থাকে।

সুপারিশ
1. প্রথম চিকিৎসা বিষয়ে কাছাকাছি এবং কেন্দ্র হাসপাতালের চিকিৎসকদের প্রশিক্ষণ দেয়া;
2. কর্মকালের চিকিৎসার সাহায্যে বিল্লোয়ার ইন্ডিপেন্ডেন্ট পুরুষ;
3. সাইটিফিকেট প্রদানের আইনী বাধ্যতাবদ্ধতা অনন্তর;
4. সাইটিফিকেটের জন্য যেহেতু তথ্য সন্ধান একটি ফরমেট সরবরাহ করুক সরবরাহ করা;
5. চিত্রকলা বিষয়ে লেখক কল্যাণ করুক।

বিচার বিষয়ক

সীমাবদ্ধতা
1. তদন্ত ক্ষেত্রে প্রশিক্ষিত একটি উপস্থাপক সাক্ষী না পাওয়ায় মামলায় উদ্ধৃত হারিয়ে দেওয়া;
2. পরবর্তী অনুসন্ধান ও কার্যক্রমের বিষয়ে সীমাবদ্ধতা;
3. যথাযথ সময়ে সময় না পাওয়ায় সাক্ষীর অনুপযূক্ত ও মল্লাম নিষিদ্ধ করা;
4. উপস্থাপক উপস্থাপক না হওয়ায় একটি উপস্থাপক দেওয়ায় উপর বাড়িতে চাই, ফলে অত্যাধুনিক স্থায়ী মামলার নিষিদ্ধ করা।

5. Proper care must be taken in collecting and preserving evidence. Furthermore, there must be sufficient care taken to ensure that the witness and the witness statement are from the same source.
6. In order to summon the investigating officer to give his statement, he must ensure that his whereabouts can be obtained from a fixed/decided source.
7. Investigating officers can be awarded for successful investigations as an encouragement to all.

The Health Sector

Limitations
1. There is lack of expertise, which hampers the proper identification of burn wounds, and their sources.
2. The injury register at the hospital is not maintained properly and thus hampers the case.
3. Medical certificates are not issued because doctors are unwilling/uninterested. Again, some medical certificates are unclear and ambiguous.
4. The doctors are constantly overburdened and hardly ever able to come to court to give evidence or expert statements.
5. Because the doctors are transferred from one place to another, they are difficult to trace by the summons officer.

Recommendations
1. Doctors at the thana and local level hospitals need to receive training on how to identify and treat burn wounds.
2. The responsible doctor must enter all the details in the Injury Register as soon as possible.
3. The issuing of medical certificates must be made legally binding.
4. Medical Certificates must be revised and re-formatted so that more data can be included.
5. We need more medical staff for effective treatment.

The Judiciary

Limitations
1. There are allegations that the Public Prosecutor loses interest in the case if he is not given a satisfactory 'honorarium'.
2. There is an insufficient number of court officials in the relevant courts and due to the backlog of cases, the matter takes a long time to be heard and decided on.
3. The witnesses do not receive summons on time and therefore do not/cannot appear in court on the date mentioned.
4. Due to the fact that there is no separate court to hear acid cases exclusively, the District Judge is overburdened with several kinds of cases, including acid crime cases.
5. Sometimes the Public Prosecutor hampers the case by not conducting it properly or by not appearing on time.

6. There is sometimes adverse influence by politicians and local elite to withdraw or hamper the case.

7. Justice is also delayed when the examining doctor and the investigating officer return without giving their statements, due to the long waiting time.

Recommendations
1. The Public Prosecutor should be given a satisfactory honorarium.

2. It must be the responsibility of the public prosecutor to ensure the timely presence of witnesses and their statements.

3. Cases must be heard and decided within the time frame decided by law.

4. Comparatively less burdened courts must be given the jurisdiction to try these cases.

5. Public Prosecutors must be appointed on the basis of merit and capability.

6. Steps must be taken to reduce corruption in the office of the public prosecutor and any corrupt official must be penalized.

7. The court must be given the authority to act against false, fabricated cases.

8. The timely presence of doctors and investigating officers must be ensured.

9. A monitoring cell needs to be set up in order to ensure the successful prosecution of acid crime cases.

Organisational News

"In order to dispose off acid crime cases swiftly and efficiently, a separate investigation unit and a district-level monitoring cell need to be established" - Law Minister

On 09 December 2004, the Acid Survivors Foundation organised a seminar on "Remedies for and Prevention of Acid Violence: Implementation of the Law and Social Awareness" at the CIRDAP auditorium. Barrister Moudud Ahmed, Honourable Minister for Law, Justice and Parliamentary Affairs was the Chief Guest. Among the participants were District and Sessions judges, relevant government officials, members of the DIG, Civil Surgeons, plastic surgeons, representatives from various NGOs and members of the press.

The Minister stated that in order to dispose off acid crime cases swiftly and efficiently, a separate investigation unit and District-level monitoring cells needed to be established. He also stated that there had been talks about a separate court to hear acid crime cases. The seminar, which was divided into two sessions, was chaired by the Executive Director of the ASF, Ms. Monira Rahman and the Treasurer of the Foundation, Mr. SAM Showket Hossain. The Executive Director commented that acid violence not only affected a person or a family, but also society as a whole. She said that more effort was needed in order to put a stop to this violence.
When the floor was open for discussion, speakers brought up various issues, including the lack of implementation of the relevant laws, limitations of the Acid laws and the need to review them to make their implementation more effective. They commented that facts such as the unavailability of the investigation officer during the trial, threats to the witnesses and attempts of coercion and pressure from vested interest groups to quash the case greatly delayed the legal process. Two papers were presented at the seminar—one on the limitations of the acid laws, with some recommendations, presented by Advocate Badrunnnessa Khaku, Coordinator, Legal Unit and one entitled “Acid Violence: a look at the Past” presented by Mahbuba Huq Kumkum, Coordinator of the Research, Advocacy and Prevention Unit.

Workshop on Combating Acid Violence

The ASF has several partner organisations that carry out anti-acid violence programmes at the local level. On 30 December 2004, the partners of the Research, Advocacy and Prevention unit from Dhaka and other districts gathered at the ASF in order to plan a coordinated effort to carry out campaigns against acid violence at the grass roots level. At the end of the daylong workshop several new programmes were drawn up which could be done by either individual partner organisations or as a concerted effort.

Joint Workshop by BRAC and the ASF

In 2004, the Acid Survivors Foundation and BRAC held four workshops on Acid violence and how to report and prevent it. Participants at the workshop were BRAC field-level staff. The programmes began in July and ended in September and were held in Barga, Rangpur, Patna, and Dinajpur. A total of 110 local level BRAC staff took part. At the end of the workshops, the participants drew up action plans to be implemented in 2005.

Awareness-raising Programme on Acid Violence by Aggragati Shangstha.

In the last three months, the Satkhira-based NGO, Aggragati Shangstha, organised various awareness-raising meetings on acid violence. Notable
among these programmes were discussion meetings with friends and family members of perpetrators, acid sellers and distributors. Volunteers assisted the organisation to organise workshops, put up posters, and organise essay competitions and campaigns.

Stop Selling Acid without a License: Unnayandhara
On 25 November 2004, the Satkhira-based organisation Unnayandhara organised a discussion meeting and rally on "Stop Acid Violence" at the Sundarban Char Fair. Every year people from all walks of life congregate at this fair, as do tourists. Mr. Imaizur Rahman, Executive Director of the organisation and Mr. Kamruzaman, a development worker, made speeches at the programme. The speakers stated that acid violence was the most horrendous of crimes and that the sale of acid without the proper license must be stopped and social awareness against acid violence must be made widespread. Unnayandhara also organised a signature campaign against acid violence at the three-day-long fair.

- News Desk

Statistics of Acid Attack 2004

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<td>181</td>
<td>63</td>
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* 2003 Figure are in Brackets
VOICE ভয়েস
A Quarterly Newsletter

Media Alert

Our media has always played a role in highlighting injustice and human rights violations and airing public opinion. It also plays an important role in highlighting incidents of acid violence all around the country. This year, the Dailies - Prothom Alo, Bhorer Kagaj, Manavzamin, Jonokontho, Jugantor, Ittefaq, Sangbad, Amar Desh, Naya Diganto, The Daily Star, Independent, New Age, New Nation, News Today, and the Financial Express, have all covered incidents of acid violence, interviews, features, and stories of acid violence. Channel-i, NTV, ATN Bangla, and Bangladesh Television have also aired new and relevant programmes concerning this issue.

Newspaper articles and stories about Government decisions and individual cases of acid violence have caught the eye of readers - including those at levels of authority. What is now necessary is a social movement to put an end to this violence. Land disputes are one of the top reasons why acid violence occurs. We urge the media to continue reporting and publishing such information in order to ensure that the horrid crime of acid violence remains in everyone's memory and becomes an important topic of discussion at all levels. - News Desk

Rina wants Punishment for her Acid-Throwing husband

Rina Akhtar hails from Panarurig Village in the District of Comilla. She has been married to Janu Miah for seventeen or eighteen years. Three years after their marriage, they went to Chittagong, where they had four children. Her husband found work as a rickshaw-puller, but was very irregular in his job. He neglected his wife and children, who found themselves living in abject poverty. Rina began working as a domestic helper to support her children, while Janu Miah went to live with his brothers and sisters. Rina had to pay for the children's medicine, the house rent, food and even had to give her husband's 'pocket money'. Two or three months before the incident, Rina had an argument over money with her husband. When Rina visited her parents during the Eid festival, her mother heard her
A Page from our Diary

My name is Asma Akhtar and I come from Kumar Char village, in Sherpur District. I am the youngest of three brothers and two sisters. My father is bed-ridden due to a debilitating illness and my mother and brothers work to support the family. I am 14 years old. Two years ago, my brother's rivals, thinking it was him, poured acid on me while I was sleeping on his bed. After my treatment at the ASF, I started to work here, but I still yearn for my childhood, carefree days.

When I was young, I did not pay much attention to my studies and would be scolded by my brothers for refusing to go to school. I liked to play with my friends. Every afternoon I would go with my friends to the river for a swim.

The Right Partner

Standard Chartered
I still want to dance and play. I still get upset when I look at a pretty face. If I had been born with a distorted face then I would accept it as my fate. It is true that I will have to seek out happiness through this dark cloud that hangs over me. Everyone at the ASF cares about me. Sometimes I go home for a holiday, but nothing is the same. Now I feel like studying again so that I can do something better with my life.

How many survivors supported by ASF in 2004

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Letters from our Readers

- I enjoyed reading the first issue of Voice. Could you please write more on the psychological problems faced by Survivors of acid violence? I think if you wrote some news on the cultural activities of the Survivors, it would create more interest.
  Mehruba Muki, Jhigata, Dhaka

- I liked the newsletter. Could you please put in some stories and funny anecdotes and jokes to make it more fun to read.
  Jahanara Akhtar, Faridganj, Chandpur

- I enjoyed reading the first issue of Voice. Thank you for replying to my letter.
  Sraboni Akhtar Rupa, Shatunia, Manikganj

- I liked it. Even though I get sad when new incidents of acid violence are reported. When will this brutality end?
  Bashir Uddin, Chuadanga.

Collect ed by: Fazliyatun Nesa
An Interview with Advocate Sigma Huda

Sigma Huda is not only one of the foremost female lawyers in the country, but is also a leader in the movement for women's rights. Along with her professional activities as a lawyer, she is also affiliated to several voluntary and human rights organisations. Sigma Huda and her human rights organisation were directly involved in the lobbying for and submitting of the draft of the two acid laws of 2002 to the Honourable Prime Minister. Voice interviewed Advocate Sigma Huda in order to find out whether the acid laws were, in her opinion, actually bringing about a change and whether their implementation was effective.

Voice: Even though the lower courts now take only six months on average to pass a decision on an acid crime, when the appeal against a death sentence or life imprisonment reaches the higher courts, the matter takes years to be resolved. Why is this?

Sigma Huda: speedy trials take place in the lower courts. The higher courts take their time in looking into the matter and weighing their decisions, which is why so much time is taken to decide a case. Again, appeal cases do, in practice, take longer to be resolved. The number of courts has been increased, but the manpower needed for them has not.

Voice: What do you suggest can be done to improve the situation?

Sigma Huda: There should be separate Benches to deal with cases under the speedy Trial Act, the Special Powers Act, the Repression of violence against Women and Children (Special Provisions) Act respectively. There should also be special days to hear the appeal on such matters. Every criminal court should have these provisions. There should also be separate desks to deal with death sentences and sentences of life imprisonment.

Voice: As far as we know, there has yet to be a death sentence carried out for acid violence. Why is this so?

Sigma Huda: Even though a lower court may give the death sentence or award life imprisonment, according to criminal law, this has to be confirmed by a higher court. Sometimes 'emotional decisions' are made by the lower court, which do not hold water in the higher courts of law. Witnesses are vital to the higher courts. A lot of perpetrators are acquitted due to lack of competent witnesses.
Voice: Witnesses are essential for a case. However, due to limitations in the investigation process, circumstantial evidence is not given enough importance. Furthermore, witnesses are not always willing to give statements due to insecurity. Do you have any suggestions on how this matter can be resolved?

Sigma Huda: If the evidence is not clear or the witness statements ambiguous, the lawyer representing the defendant will take advantage of the situation. Protection of witnesses is vital. However, lack of witnesses or evidence is not the only problem. The police face a lot of limitations in their investigations. We need aware, dedicated, corruption-free police to carry out the investigation. There is another tool/weapon to use - an application for non-agreement, or 'naraj'.

Voice: In our society, women are socio-economically dependant on men. In such a scenario, when a husband throws acid on his wife, she is either reluctant or finds it extremely difficult to bring a case against him. How can this be resolved?

Sigma Huda: Women in Bangladesh must gain economic empowerment and learn to be independent. The wife must be made to understand that as long as she refrains from giving a statement against her husband, she will continue to be a victim. She has to speak out to protect herself and her children. On throwing acid on his wife, the perpetrator has only proved that he does not regard his wife. In order to free herself and safeguard her children, she must give a statement against him. Survivors who have been through similar trauma must talk to acid victims who are unwilling to say anything about their criminal husbands.

Voice: Acid cases are often dismissed due to lack of evidence. However, the acid wounds are visible evidence on the victim. In this regard, can the state not take measures to ensure that cases of acid violence are tried and justice is in favour of the victim?

Sigma Huda: Everything must be done in accordance with the law. We advocate that water must be poured immediately on the wound so as to wash away the acid and save the victim’s life. As a result, it is difficult to prove that the injury was due to acid. Cases are thus filed stating that a ‘corrosive substance’ was used rather than mentioning acid. We should hold dialogues with doctors, chemists and pharmacists on how to create a mechanism where by it can be proved that acid was used in the attack.

Voice: According to our laws, the onus lies on the victim to prove that acid was thrown on him/her. Are there similar laws in other countries? Can such a law be changed in our country?

Sigma Huda: This is also practiced in France. Rape laws in India also state that the onus lies on the victim. However, I do not know the success rate of the cases. It is possible to change the law in our country, but this may also have a negative side. If the accused person has to prove that he did not commit the crime, then the rate of false cases would be on the increase. Thus, before we make any move in this direction, some background research is vital.

Voice: Thank you for your time.

Interview: Voice Representative
Please send your letters/opinions to:

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A Note to Our Readers

This is the second issue of Voice. There were probably a lot of limitations, but everyone worked on it with a lot of enthusiasm. We strongly believe that with your support we will be able to overcome our limitations. Please write to us about your ideas on how to put an end to acid violence. Please do give us suggestions for improvement. We would especially like to hear from the Survivors’ their thoughts, their letters, pages from their diaries and even their drawings. Whatever you send us, please send your name and address as well. Thanks