

PART II

New Protection Mechanisms

Brokers of Justice

The Special Prosecution Unit for Crimes of Violence against Women in Kabul

A woman approaching the special unit for the prosecution of violence against women (the “VAW unit”) in the outskirts of Kabul city will pass several checkpoints, roadblocks, and blast walls. Security has become tighter and tighter around the city, and with hardly any foreign troops moving around anymore, Afghan government buildings are becoming a frequent target. In the spring of 2015, two woman prosecutors working at the unit were killed when one of the cars transporting female staff to their workplace was blown up by a suicide bomber. Nonetheless, work continues unabated—after the attack in 2015, the prosecution unit reopened the very next day.

If the woman is here to report a case of violence against her, she is likely to be accompanied by a family member, perhaps her father or mother. Statistically, her case is most probably a claim of domestic abuse. The building she sees in front of her as she enters the compound has five floors, but only six rooms belong to the VAW unit. After asking around, she will find her way to one of the rooms. Her father, if he is with her, will want to speak on her behalf. First, she will be directed to the administrative office and will be told to submit a petition. A few days later, she will be back, and if she is lucky, her case will have been processed and will now be with one of the investigative prosecutors, who will be ready to take her statement. She will sit in one of the two rooms assigned to investigations. On a normal day, there will other complainants, witnesses, or suspects in the room, who, like her, are answering questions from the prosecutor assigned to their case. In each of the two rooms, there are supposed to be five prosecutors. Most of them will be sitting at their desks, but normally at least two will be absent, with their colleagues covering for them if the manager comes by to ask. Most of the prosecutors are male, and all of them are working with papers and pens only, despite the computers donated by the unit’s chief aid donor only last year.

The chance that the woman's case will go to court is very small. It is quite possible that she has marks on her body from the violence, perhaps a broken bone or a strangulation mark on her neck. If she does, the prosecutor will refer her to the forensic medicine department, where she will get a certificate to be attached to her case file. The prosecutor will summon her husband in for questioning, and when he is there, the prosecutor will ask him why he is beating his wife. The husband might deny having beaten her altogether, though if he does, the prosecutor will tell him to stop lying—the marks are there. He might respond that he has only beaten her a few times, and it's because she has a phone relationship with another man or because she leaves the house without his permission. The prosecutor will brusquely tell him that "even a single slap"—no matter the circumstances—will earn him several months in prison under the EAW law.

But then the prosecutor might suggest to the husband that if he is willing to sign a written guarantee, his wife might be persuaded to withdraw the claim. Or he might say to the woman that he has convinced her husband not to beat her again and that the husband will put this in writing. Her husband is young; he has made a mistake. Or his drug addiction has driven him to beat her. He clearly loves her. And where will it leave her to have her husband in prison?

If the woman refuses to withdraw her complaint and says she cannot live with her husband again, the prosecutor might suggest that she go to the family court for a divorce. He is likely to advise her not to withdraw her complaint until her divorce is secured. Perhaps this is what she wanted all along. Divorce is not easy to obtain for a woman in Afghanistan—she needs valid grounds, such as violence, to present to the courts. The woman may not be too concerned about whether or not her husband goes to prison, but she does want to obtain a divorce. Moreover, if she is to get her mahr (dowry) from her husband, her only financial asset, she has to have a valid reason for the divorce. If she withdraws her claim from the prosecution, her husband will have no reason to grant her a divorce, and the court might refuse to issue one too.

But perhaps the woman's family finally persuades her to withdraw her claim. Her husband has sent some elders to mediate. Her mother is worried about the stain on the family's reputation, and her father is concerned about his ability to feed her if she moves back to his house permanently. So the woman goes back the prosecution unit and says that her husband regrets everything and that she has forgiven him. The prosecutor, pleased that the case has been solved, asks her routinely if she is withdrawing the claim out of her own volition, and when she says yes, he tells her to come back if her husband starts beating her again. She never returns.

INTRODUCTION

The vignette above illustrates some typical features of how the special unit for the prosecution of violence against women (the "VAW unit") in Kabul operated and

what the unit's cases most commonly looked like. The unit in Kabul was the first in the country, established in 2010. I attended the opening ceremony in March that year, in a small, packed conference room at the attorney general's compound. At that point, the unit had not yet been formally established, since the International Development Law Organization (IDLO)—an independent organization dedicated to the rule of law that works around the globe, which was the main initiator and donor of the special prosecution unit—had not yet been able to secure the unit's inclusion into the *tashkheel*—the official structure of the attorney general's office as an institution. The opening ceremony went ahead, however, and some six months later, that final issue had also been resolved. It was hoped that the unit, to be emulated in other provinces, would increase the prosecution of cases of violence against women. Female prosecutors, dedicated resources, and increased visibility would make this new branch of the legal system more accessible to women and more accountable to activists and donors.

Drawing upon a wealth of observational data, this chapter documents the everyday working of the VAW unit in Kabul. It argues that, by and large, the unit did not function quite as donors intended. More than 85 percent of cases registered there were closed prior to trial, often because the prosecutors were reluctant to pursue them. The prosecutors suggested to the women, that rather being left without a home and an income, they would be better off reaching some kind of agreement with their abusers, backed up by the prosecution itself. In some cases, however, it was victims or their families who did not want their petitions to proceed to court. A closer look at many of the cases reveals that women sometimes came to the prosecution office with intentions very different than seeing their husbands or other family members convicted and imprisoned. Some wanted a divorce, others wanted straying husbands to return to the marital home, and still others were seeking a government-sanctioned guarantee that the violence would cease. In some cases, the prosecution units simply became a tool used by families in conflict with other families or for the rehabilitation of reputation and honor. Complaints of rape or abuse, for instance, might be filed with the purpose of pressuring the defendant's family in matters of bride-price or compensation for elopement.

Overall, prosecutors, women, and their families bargained within a paradigm of gender norms in which rehabilitating the family unit and absorbing sexual transgressions into the framework of conventional marriage transactions were paramount. The VAW unit thus served to reaffirm the notion that acts of violence were family problems rather than criminal cases that belonged in the mainstream justice system. I suggest that this was a predictable outcome of the way in which the special prosecution unit operated—located, as it was, at the intersection of donor pressure, government indifference, and a lack of attention to (or disinterest in destabilizing) the broader relations that cast women's independent existence outside the family setting as deeply subversive.

This is not to say, however, that the VAW unit was of no consequence. To a significant number of women and their families, the VAW unit provided a novel recourse (and a resource) in the face of abuse, desertion, or unheeded responsibilities. Even if the VAW unit tended to adopt an approach of negotiation rather than the dispensation of justice, it was able to invoke at least the specter of criminal prosecution and, through this, sometimes secured women a better deal than what was available elsewhere.

THE SPECIAL UNITS AT A GLANCE

The rationale for establishing the special units had been fairly straightforward. With the EVAW law enacted in the summer of 2009, the special units were intended to serve as a focal point for the law's implementation. The initiative came from IDLO but soon received backing from other aid agencies and from Afghan supporters of the law. Having dedicated units within the justice system would provide women with a space where they would feel more welcome and where staff would both be committed to and skilled in dealing with cases of gender violence. It would also give donors a point where efforts of funding, training, and advocacy could be directed. All of this would bolster the enforcement of the EVAW law.

By the end of 2015 there were special units for crimes of violence against women at the prosecutor's offices in twenty of the thirty-four of the country's provincial capitals. In theory, each office was to process all cases of gender violence in that office's province.¹ Most of the units were supported by international aid. IDLO was the most prominent donor, providing top-up salaries and technical support, such as staff training in information technology and record keeping. It was, however, difficult to ascertain whether the rates of prosecution and conviction had increased, because neither the prosecution office nor the courts produced any data on this question. IDLO had attempted to establish an electronic database of cases, but it went unused. The U.N. mission's human rights section had, as described in chapter 2, published yearly reports between 2011 and 2013, but these reports could not give a full picture of how many—and which type of—offenses led to prosecutions or convictions (Shahabi and Wimpelmann 2015). The long-awaited 2014 report by the Ministry of Women's Affairs, produced after considerable Western pressure, provided more details. Based on data from twenty-six provinces, it suggested that 18 percent of all cases registered with the prosecution were referred to courts and that 13 percent led to a criminal conviction.² It also disaggregated these numbers according to type of offense. Unsurprisingly, cases of murder and rape had relatively high prosecution and conviction rates. Beating (*lat-e kop*; physical battery not leading to permanent or long-term injury) was, by far, the most commonly registered claim. It also was the offense with the lowest conviction rate, at only 11 percent.

TABLE 1 Calculations based on the 2014 report by the Ministry of Women's Affairs
(Afghan year 1391, March 2012–13)

	Total cases registered with the prosecution in 26 provinces	Percentage referred to court	Percentage convicted (of referred cases)	Percentage convicted (of total)
All cases	1,638*	18	72	13
Rape	96	50	75	38
Murder	84	48	70	33
Injury	41	39	56	22
Beating	971	14	76	11

* The number 1,638 refers to the total number of registered cases, and in addition to rape, murder, injury, and beating, it also includes a range of other crimes, such as forced marriage and harassment. The 1,638 number also includes a larger number of incidents not defined as crimes under Afghan law where women might nonetheless be filing a complaint (e.g., 145 cases of divorce and 242 complaints of non-maintenance) or be accused of an offense not codified in law (running away from the family home, 163 cases).

In 2014, I embarked upon a more detailed study of the VAW units in eight provinces together with two Afghan colleagues.³ Our quantitative data confirmed the patterns in the MOWA report (Shahabi and Wimpelmann 2015). It also found some stark geographical differences in the percentage of cases referred to court. Particularly striking was the difference between Kabul and the other seven provinces. The prosecution unit in Kabul had registered the largest number of cases by far—two thousand over a two-year period, which amounted to almost two-thirds of the total caseload in the eight provinces and was the highest rate per capita. But it also had the lowest rate of indictment—13 percent. Even when disaggregated by type of offense, Kabul referred fewer cases to court than any other province.

In the remainder of the chapter, I provide an analysis of the intricacies of how the VAW unit in Kabul operated.⁴ I suggest that the unit practiced a fairly open-door policy but, at the same time, was unable (or, in some cases, uninterested) in overcoming the structural relations that cemented women's dependence within the family unit. As such, it largely became a recourse for women whose martial or family situations had become intolerable, rather than a mechanism for dispensing justice as defined in the laws.

“DON'T YOU FEEL SHAME WHEN YOU BEAT YOUR WIFE?": PROSECUTORS REPRIMANDING HUSBANDS

In many of Afghanistan's more rural provinces, merely registering a case of gender violence at the VAW unit was a difficult exercise. According to Afghan law, only acts defined as felonies (*jenayat*) could be prosecuted by a representative of the state regardless of the will of the victim. This included murder, rape, injury

by chemical substances, and “forced suicide.”⁵ For other acts, such as beating or forced marriage, a claim had to be submitted by the victim in the form of a written petition (*ariza*). But in many provinces, women and family members attempting to file cases of violence often encountered prosecutors who either dragged their feet in registering their claim or sought to devise a “solution” through negotiations with family members without officially opening a file for the case. The reason to this reluctance was twofold. First, in rural provinces, the prosecutors were all male, and many had the attitude that VAW cases did not belong in the legal system at all, that the stains left on the family and the women’s honor dictated that such cases should be solved within the family, with the women remaining within their marriages or families. Second, some perpetrators were able to influence the prosecution through bribes or political connections. As a result, prosecutors could sometimes be extremely abrupt with women who came to the VAW unit to register a case (Shahabi, Wimpelmann, and Elyassi 2016).

By contrast, at the VAW prosecution unit in Kabul, registering a case was relatively easy, even if it wasn’t exactly straightforward. Complainants had to negotiate some administrative hurdles, such as writing a petition. For this purpose, commercial petition writers set themselves up outside the prosecution office, out in the open—simply with a chair and perhaps a desk. Upon the submission of the formal written petition, however, prosecutors would generally open a file—and without any particular requirements regarding evidence or the seriousness of the claim.⁶ Neither would they, as was common in more rural areas, admonish women for daring to bring their “private problems” to outsiders in general and the prosecution in particular. The prosecutors in the VAW unit in Kabul would also make systematic efforts to bring in suspects. Complainants were given a summoning letter to hand over to the local police, who would deliver the letter to the suspect. If the suspect subsequently failed to show up at the prosecution, the police would be sent to identify his (or, less often, her) whereabouts and to bring him in.

There was a marked difference in the tone prosecutors used when interviewing the people involved in a case. When questioning a female complainant, prosecutors were normally oriented toward establishing facts and a sequence of events, often in some detail. By asking such questions, the prosecutors wanted to establish the truthfulness of the woman’s account. In cases of beating, prosecutors would typically ask the woman when she had been beaten, where, how, and if there were any witnesses. As a rule, they would ask if the complainant had any physical marks and, if so, refer them to the department of forensic medicine. A review of the case files of some 160 claims of beatings showed that least 50 percent of the women did have physical marks documented by forensic examination, and these were often the victims of severe, repeated violence, which could involve broken bones, burns, and fingernails that had been pulled out. The majority of beating cases implicated

husbands, and the prosecutors normally asked if the marriage had been consensual, and what had been the occasion or reason for the violence inflicted.

When subsequently interrogating male suspects, the nature of prosecutors' questioning often took on a mixture of fact-finding and reprimanding (as it turned out, this often to set the stage for subsequent mediation). "Why do you beat your wife?" one prosecutor demanded to know.

Husband: "I only slapped her once."

Prosecutor (raising his voice): "You have done a bad thing. Don't you know that one slap means three months in prison?"

Husband: "My little daughter is one year old, she dropped my wife's cell phone in the water. My wife started beating her; she beat her twice—once when she dropped the cell phone, and later on she beat her again. I got angry, and I slapped her once, that was all."

Prosecutor: "Why? Your wife is not your daughter; she is your wife. You have no right to beat your wife because she beat your daughter."

Most husbands would typically either flatly deny that they had beaten their wives, or they would admit to some beating but would suggest that they had good reasons. A common theme was that their wife had left the home without their authorization. One man said, "I have not beaten my wife; I have just hit her three times when she escaped the house. Most days when I got back from work, my wife would not be there. After two [or] three days, I would find her in some relative's house. I just have one thing to say: if my wife does not leave the home without my permission, I will not beat her."

Another man stated that he had only recently started to beat his wife, after she had begun to do things without his approval: "But she is my wife; she must be obedient to me. I am saying, 'Don't go alone to the male doctor for television [ultrasound] examinations; I don't like it.' But she does it over and over again. I keep telling her to inform me, so that I can go with her, but she doesn't."

Other men argued that they had reasons to doubt their wives' chastity and, therefore, to beat them:

I got to know this girl over the phone, and I fell in love with her. She told me her father would never agree to our marriage and our only option was to elope. One day we escaped as she was walking to school, and we had a *nikah* [wedding ceremony]. But after the *nikah*, I found out that this girl is not a virgin. That is why I started to hate her. I couldn't send her back to her father's house, because we were elopers. So I became compelled to violence, to beating her, but it was never very serious, only sometimes a few slaps, if I was very upset."

Prosecutors would generally not accept this kind of reasoning. They would assert that any beating, no matter the circumstances, was wrong and unlawful. Such reproaches did not necessarily mean that the prosecutors were ready to bring a case to court. But they would systematically set out to gather evidence. In addition to sending women for forensic medical checkups if they had physical marks of abuse, prosecutors would normally summon witnesses, especially in cases where the complainant and the suspect were not related to each other. In cases in which the two parties were married or otherwise related, it was often unnecessary for the prosecution to summon close relatives, since the relatives would accompany the complainant and the suspect to the office. In any case, the prosecutors often distrusted witnesses' credibility. They paid little heed to character statements and sought to scrutinize witnesses' accounts by probing into details, since they frequently suspected a witness had either been bought off or was conspiring with one of the parties to the case.

The prosecutors would not always trust complainants' statements either, in particular in cases of sexual violence. One prosecutor, when discussing a kidnapping claim, stated that the allegation could not be true, because the woman in question had not been attractive enough: "Look, she is not that beautiful, if someone is going to kidnap a girl, he'll definitely go for a good-looking one." Another prosecutor disbelieved a claim of forced sodomy (*lawat*),⁷ saying that because it had happen so many times, it had to be consensual. Some prosecutors applied a rather absurd belief that a gynecological examination could distinguish between rape and consensual intercourse by establishing how the hymen had been broken. A hymen torn at the "top" (what the prosecutors referred to as "the upper side of the clock: 11, 12, or 1") suggested rape, whereas a hymen torn at the lower side ("the lower side of the clock: 5, 6, or 7") indicated the crime of *zina* (consensual intercourse). During the course of the fieldwork on which this chapter is based, there were a few cases in which women had been subjected to such "clock" examinations, although in none of those cases was the evidence from those exams used in court. DNA testing was not available in Afghanistan, and in any case, claims of sexual violence would typically be reported many days or months after it had taken place, so that medical evidence could not be obtained.

Overall, whereas prosecutors in Kabul sometimes distrusted women's account of sexual violence because of what they held to be "bad moral character," they would not generally say this to women to their face. Nor would they scorn women for other "bad" behavior or in any way suggest that they had deserved any violence inflicted upon them. Occasionally, however, they would ridicule men for acting in "unmanly" ways. In one case, a male prosecutor made fun of a man whose wife wanted to divorce him due to impotence. In another case, in which a wife was about to leave her husband, a female prosecutor told the husband to toughen up.

This man, whose case actually belonged to another prosecutor, had come to this female prosecutor for advice and help. Sobbing, the man said, “I love my wife, and I don’t want to divorce her. Please *Saranwol sahib* [honorable prosecutor], show me a solution.”

The prosecutor laughed, asking why his wife wanted a divorce.

“She says, ‘I don’t like you. I don’t love you,’” the man responded, immaculately dressed in a striking turban, but still in tears.

“What kind of a husband cries over his wife?” the prosecutor wanted to know. “Just tell her, ‘If you want a divorce, fine with me, [but] I won’t give you a single *afghani* of your *mahr* [dowry].’”⁸

By and large, the question that determined if a case would go to trial was not the status of the evidence or even the seriousness of the charge. Instead, the prosecution of a case typically hinged on whether the complainant and the accused (as well as family members) could reach an agreement, either on their own or with the facilitation of the prosecutor. The efforts made to prepare evidence must be understood from this perspective. The main function of evidence was often to serve as leverage in the hands of the prosecutor to get the accused to agree to some of the terms of the complainant.

As mentioned earlier, the fact that so few VAW cases led to convictions was a concern for women’s rights advocates, as well as Western diplomats. There was hardly an international donor conference or event related to women’s situation in Afghanistan at which a discussion of the need for the Afghan government to step up its efforts to implement the EVAW law did not feature prominently. This insistence suggested—implicitly or explicitly—that higher conviction rates were mainly a question of the Afghan government’s political will to apply pressure on the justice institutions to do their job properly:

The problem is that neither Hamid Karzai nor current President Ashraf Ghani has taken meaningful steps to enforce the EVAW Law. An estimated 87 percent of Afghan women experience abuse in their lifetimes, and this continues today, while the law sits, largely unused, on a shelf. (Barr 2016)

Today, on International Women’s Day, the United Nations family in Afghanistan calls upon the Government of Afghanistan to take a stand and fully implement the Elimination of Violence against Women (EVAW) Law. . . . Providing appropriate support services for survivors of violence is important but it is not enough. . . . The most important thing is to put an end to the culture of impunity that prevails in Afghanistan and make the perpetrators of violence against women responsible for their crimes. The Government has to take the lead and ensure that the EVAW law is implemented. (UNDP 2013)

It is true that there was a lack of interest in large parts of the government to apply pressure to enforce the law, but that was not the only factor explaining the

low conviction rates. A more complete explanatory framework must take into account the determinate contexts of women's lives (Agnes and Ghosh 2012: xiii) and those of legal officials. As Basu reminds us, "engaging with the legal realm always also entails specific entanglements with family and state, and [law] is metaphorically and metonymically working out those dramas" (2006: 45). In other words, a singular focus on a lack of political will could not accommodate the position of actual women arriving at the prosecution—not simply as autonomous individuals seeking the application of the law, but as social beings embedded in and constrained by intimate social and material relationships. Hence the objectives of the women (or their families) might not be the exact implementation of the law but, instead, the negotiation of a better deal within those relationships. Legal officials were similarly maneuvering within parameters of cultural expectations and material realities and, like the women, they did not always define the ideal outcome as the mere enforcement of the law.

In the sections below, I look into some of the most common types of cases registered with the VAW prosecution in Kabul. Reviewing the available information about cases registered over a two-month period, I attempt to detect patterns with respect to how cases were dismissed or withdrawn. I show that the reasons behind the large number of closed cases are rather complex and do not fit into a single category. What is abundantly clear, however, is that the high number of non-prosecuted cases makes more sense through a lens that understands people "to be moving themselves in and out of law in ways by which they can best optimize their social cultural and economic options" (Basu 2006: 71).

"MAKE HIM RIGHT AGAIN": CASES OF BEATING

In order to try to detect patterns with some level of accuracy, my colleagues and I decided to review available information about all cases registered with the VAW unit in Kabul over a two-month period in 2015—162 cases altogether. Of these, 105 cases were claims of beating (*lat-e kop*).⁹ Our research was able to retrieve some information about the status of 68 of these 105 cases. During our period of examination, 14 of the 68 cases were still ongoing, and 3 had been referred to trial. Of the 3 cases sent to court, 2 had led to a prison sentence of three months, whereas the last had been withdrawn by the complainant during the trial. The remaining cases of beating—51 altogether—had been closed. For 21 of the 51 closed cases, there was no additional information available, other than that the majority of the cases involved claims made by wives against their husbands. However, for the remaining 30 closed cases, more details were available.

More than half—16 of the 30 cases—were withdrawn after the complainant had obtained some kind of guarantee, issued by the prosecution, that the violence would not be repeated. It was not uncommon that getting such a commitment had been the

explicit wish of the complainant from the outset. In one case, a middle-aged woman, wrapped in a large white veil and a rural dress, appeared in front of the prosecutor in tears, explaining that after more than twenty-five years of marriage, her husband had suddenly started to beat and abuse her, accusing her of extramarital affairs:

I have six children; one of my daughters is married, and I even have grand children. . . . At this age, he drove me out of my home. It's been twenty days that I am living with my father. I don't understand what this man wants from me. It's my idea that he has been using drugs this last year, and that's why he has gone like this. Even in front of my five-year-old he humiliates me, calling me bad things. Please, Mr. Prosecutor, do this; make him right again (*o ra jor konid*, literally, "please fix/repair him"), and ask him—why has he been like this for the last one year?

The prosecutor told the husband to come inside and sent the wife out of the room so that he could take his statement, asking him, "What is the issue here?"

The husband, his hands shivering and his eyes brimming with tears, said with a trembling voice, "The Lord shames one person in young age and another in old age; it is certainly my destiny to be ashamed now. Twenty-five years of marriage, [but] before this last year, I did not even tease her. At home, she was always the husband, and I was the wife."

After advising him at some length, telling him not to ruin his life by taking drugs, the prosecutor asked him, "Well, do you regret what you have done?" The man repented deeply, and when the prosecutor asked him whether he would pledge to stop the abusive treatment—"You will not doubt your wife's character; you will not beat her; you will not humiliate her"—he agreed. His wife and her father were called back into the room, and she was asked if she would be willing to resume living with her husband if the latter would formally guarantee these things to the prosecutor. Yes, she enthusiastically replied, but then added that she wanted some of her relatives to come to the prosecution office and act as guarantors. This last-minute request brought some complications to what the prosecutor had thought was completed business. The husband, upon hearing his wife's demand for relatives to guarantee the reconciliation, turned to her and said in a new, abrupt tone: "Listen, don't try to be clever in front of Mr. Prosecutor; just agree with whatever he says."

Woman: "See, Mr. Prosecutor! He is behaving like this with me in front of you; he is even worse at home. If we go back to the house, he will become the same person again."

Prosecutor: "Do not fight! The issue is over. Your husband is giving you a written guarantee, he says, 'I am not going to beat her or doubt her.' . . . That's it; the problem is solved."

The woman's father interrupted him angrily: "No! Without relatives, it's not possible. The relatives should assure us and give us a guarantee."

- Prosecutor: “What do you want the relatives for? I am taking his shop’s license;¹⁰ what else do you want? A written guarantee is better than some relative’s assurance.”
- Woman’s father: “If they go back to home; the same things will happen. Nothing will change.”
- Prosecutor: “Well, what do you want, uncle? Do you want [people] who have grandchildren to divorce?”
- Women’s father: “No! I don’t want them to divorce. But still, relatives should come and assure us.”

The husband, yelling to the woman’s father: “You—do not interfere; you have ruined our life.”

This led the prosecutor to shout at the husband: “This is not a place where you can fight! Stay silent, and talk when you are asked to.” He then said to the women’s father: “What are you going to do with the relatives? I am taking a written guarantee from him. The case file will be here with me. If he does the same things again, then you can come back. In that case, his punishment will be double; they call this repeat offender (*mojrem-e mutakarer*).”

After getting the husband’s signature and fingerprint for the guarantee letter, as well as a copy of his shop’s license, the prosecutor asked the party to leave. Six months later, when our fieldwork had finished, they had yet not returned.

In this case, the wife and her father had clearly approached the prosecution with the purpose of obtaining some leverage to change the husband’s behavior. There was no indication that the woman had wanted to press charges and had then been prevented from doing so by the prosecutor. Even so, the somewhat rushed way in which the prosecutor dealt with the husband’s guarantee suggested that he did not harbor any deep commitment to ensure the welfare of women victims. As human rights advocates repeatedly pointed out, there was no systematic mechanism in place to follow up with women who had withdrawn their claims, to prevent them from being subjected to further violence (UNAMA/OHCHR 2015; UNAMA 2012). Unless they returned to file another claim, they were assumed to be fine. Nevertheless, it was the case that what some women wanted (within the broader constraints shaping their choices) was some kind of intervention that would force the husband to stop the violence, rather than to see them prosecuted and imprisoned. This partly accounts for the high withdrawal rates.

In some of the other sixteen cases in which women had withdrawn their complaints, the women did indeed appear more motivated to see the law implemented and their abusers put on trial. Yet even in some of these, the women still settled for a guarantee and withdrew their cases. There were various reasons for this. Some had lost access to their children during the course of filing a case, perhaps having left them behind in their marital home. According to Afghanistan’s family law,

women are entitled to custody over sons until the age of seven and daughters until the age of nine (article 429). In practice, it was sometimes difficult for women to get the family courts to enforce this—and even more difficult to get judges to apply the provisions in the family law that allowed woman to be granted custody beyond those ages, if special circumstances applied.¹¹ To some women, the idea of going to court was so daunting that they chose to withdraw their case and be reunited with their children, even if that meant returning to an abusive spouse. Others stated that although they had originally wanted to pursue the case, they thought that their husbands showed sufficient regret and willingness to change their behavior. In these cases, it was difficult to ascertain exactly what had made the women change their mind. It was quite possible that they had been pressured by their husbands or in-laws.

In around half of the sixteen cases that were closed by way of a guarantee, it appeared that the prosecutors themselves had suggested to the woman that she withdraw the claim and reconcile with the perpetrator. In many of these cases, there was limited forensic evidence, or the woman was recently married, and the prosecutor judged it was better that her husband be given another chance. Whether prosecutors tended to suggest such a course also differed according to personal preferences. One of the female prosecutors displayed a particular inclination toward reconciling couples, often advising them to patch things up. In one case, a young woman around twenty years old came with her father to file a complaint against her husband. She complained that she constantly witnessed her husband flirting with other women in the most outrageous ways, and when she confronted him, he would beat her. The case was being processed by the female prosecutor's male colleague, but the female prosecutor nonetheless asked the complainant to sit with her so that she could give her some advice: "What are you going to do now? If you get a *tafreeq* [a divorce granted by the court]¹²—you have a child—what will be his fate? And your husband regrets what he has done; just give him a chance." The young woman was crying, saying that she had given her husband so many chances, tolerating his behavior because of her baby, but he was not going to change. The prosecutor, however, persisted: "Well, I can see that there is regret. He is not a bad person; he is a very calm man. He is saying that he loves you. You give him one more chance, for the sake of your child. If he doesn't improve, we are here; you can get your *tafreeq*." In this particular case, however, the woman was not to be persuaded. Nor was she placated by the prospect of obtaining a divorce; she insisted on pressing criminal charges against her husband. But other women were more easily convinced. Moreover, some of the "guarantee agreements" (which were kept on file with the prosecution) also contained points that the woman should adhere to. For instance, in one such agreement, it was written that while the husband would never beat his wife again and would set up a separate household

for her, the wife would wear proper hijab, refrain from going out without her husband's permission, and not misuse her cell phone.¹³

Yet not all the withdrawn cases were closed by way of guarantee that the abuse would end. Ten of the thirty beating cases in the sample were withdrawn after the victim had obtained some kind of civil claim or settlement through the family court or through a private agreement. Many of these women had arrived at the prosecution with specific demands in mind. One young woman wanted her husband to commit to paying her a certain amount of monthly allowance (8,000 *afghanis*, around US\$130) and to set up a separate household for her, so she would not have to live with her in-laws. Once her husband had pledged to these two things, she withdrew her beating claim. Similarly, a woman withdrew her claim once she was assured of getting a divorce and the custody of her small children. Another withdrew hers after her brother-in-law had paid her 25,000 *afghanis* as a compensation for having beaten her.

Regardless of the strength of the criminal case before them, the prosecutors would summon the accused and try to broker a deal between him and the complainant. In a sense, the prosecutors defined their professional duty more in terms of "solving" disputes, rather than in implementing the law. In one case, a young woman had entered into an engagement with a man she had later found to have a controlling, difficult character. An engagement had no binding status in Afghanistan, and the woman had no marks from the beating she claimed that her fiancé had subjected her to, but the prosecutor still summoned the fiancé. Once there, the prosecutor got the fiancé to state that the engagement was broken, and the claim of beating was withdrawn.

At times, it was clear that the threat of prosecution functioned as a kind of bargaining tool for the woman. In these situations, their withdrawal of their cases cannot readily be interpreted merely as an expression of weakness or as an imposition on them by the prosecutors or their husbands or families. Instead, it is possible to argue that the prosecution provided women with a new form of leverage, which, comparatively speaking, strengthened their bargaining position. Moreover, this function extended to other types of scenarios too, where physical violence was of less importance to the complainant—or did not feature at all. However, it was also clear that in at least two of the ten cases, the complainant had filed an earlier complaint and had followed the prosecutors' advice to withdraw their criminal claims and simply pursue a divorce in the family courts. When the women got nowhere in the family courts, they came back to the prosecutors to file new criminal claims, saying that they regretted having withdrawn their earlier ones.

In the final four of the thirty cases, the victim returned and said she had forgiven the perpetrator and wanted to withdraw the claim. In some of these, it was difficult to tell what had made the complainant change her mind. Some women

stated that elders had mediated; others provided no explanation. Most likely, they had been subjected to pressure from their families.

At best, then, the prosecution unit provided women subjected to beating with a new form of strategic leverage when it came to negotiating highly unequal rights in marriage and economic entitlements (Basu 2006: 71). In some cases, it might also have curtailed the violence inflicted on them. At worst, the prosecution unit reinforced gender norms in which women's responsibility to stay in their marriages overrode their physical safety, and similarly, in which the government's responsibility to uphold marriage took priority over its obligation to protect women from harm. Even in the best-case scenarios, however, the function of the special unit was far from empowering women as equal partners in marriage (Basu 2006: 71). Rather, women were negotiating a slightly better deal within highly unequal gender relations. That the prosecution units (at best) served to modify rather than suspend the "patriarchal bargain" (Kandiyoti 1988) was underlined by another type of claim that women brought: complaints that their husbands had abandoned them. In these cases, women came to the prosecution unit not with claims of violence but in an attempt to force their spouses to uphold their obligations as husbands by resuming marital cohabitation or by ending affairs.

"I AM LEFT WITH NO FATE": CHARGING HUSBANDS WITH ABANDONMENT

The largest single category of cases after beating was abandonment. Fourteen claims of abandonment (filed as *be sarneveshti*, literally "without fate") were registered with the VAW prosecution in Kabul over a two-month period. The legal grounds for these claims were unclear. Under the 1977 Civil Code, a husband is obliged to provide maintenance to his wife, but the failure to do so, or "abandonment," is not a crime under Afghan criminal law. Nonetheless, the prosecutors opened files on these claims and spent time investigating them, even if none of the fourteen claims led to indictments.

The details of the cases show that the VAW prosecution units had, to some extent, become an accessible resort for women whose spouses appeared to have disregarded their most basic responsibilities as husbands. Most married Afghan women were dependent on their husbands for financial survival, and social norms (and the Civil Code) dictated that husbands should provide for their wives. Interestingly, it appeared that women approached the prosecution to reinforce norms that more subtle forms of social control (family interventions or society's disapproval) evidently could not compel their husbands to adhere to. Many of these women found themselves in quite desperate circumstances. Yet from their accounts one could glean more than material difficulties—expressions of deep

disappointment and anger about the way that they had been treated. One young woman came to the prosecution office with her mother and holding a newborn infant in her arms:

Three months ago, while I was pregnant, my husband hit me and kicked me out of the house. Even before this, I was suffering from cruelty in my husband's house. His family used to say to me "You are a *zan-e mordarkhor*" (dirty woman, literally, someone who eats corpses or carrion). They humiliated me in any way possible. And then they brought me [to my father's house] three months ago, and they never came back for me. When I gave birth to my baby, my mother called them and asked them to come, but they didn't. Now my baby is eight days old, but my husband hasn't come a single time to see the baby. I have been abandoned."

Her mother continued, "When we were in the hospital, I called her husband and told him, 'Come, you are going to be a father.' But he did not come. This caused my heart so much pain. I do not want my daughter to get a divorce from her husband. I just want him not to leave her abandoned like this. Look at my daughter—she is like a flower; she is young; she is beautiful. Why should her life be ruined?"

In most of these cases, the prosecutors first tried to convince the husband to stay with his wife and fulfill his marital obligations. This was generally also what the women themselves wanted. Sometimes they also hoped to pressure a husband to cease an affair he was having with another woman or to stop him contracting a second marriage. However, even in these cases, the "abandoned" wives were insistent that divorce was not their preference. This was not surprising, given the enormous stigma and economic hardships faced by women divorcees. One woman, whose husband had sent her back to her parents' house when she protested his second marriage, said, "I don't want divorce; I will never ask for divorce, even if he marries a hundred women. I just want him to take me back home." Another woman came with a complaint that her husband was having an affair with a woman on whom he spent all his money. A few days before, she said, her husband had even taken this *khanom-e bad akhlaq* (woman of bad morals) for a trip to Dubai. Again, she emphasized that she did not want a divorce; she just wanted her husband to break off his affair. But attempts by the prosecutors to convince husbands to assume their marital responsibilities normally did not lead to anything. Typically, when confronted with the prosecution, they would opt for divorce, and there was little the prosecutors could do legally. "Divorce is a man's prerogative, and nobody can prevent him," as one prosecutor said to a despairing woman when she had to tell her that, rather than give up his affair, her adulterous husband had stated that he would end his marriage. However, in these cases, prosecutors would try ensure that the woman was paid her *mahr*, which is a wife's right when a divorce is initiated by the husband (*talaaq*) or granted by the courts due to certain faults by the husband (*tafreeq*).

“MY FIANCÉ MARRIED SOMEONE ELSE WITHOUT
TELLING ME”: THE VAW PROSECUTION AS AN
ACCESSIBLE RESOURCE

One of the more surprising aspects of VAW prosecution unit in Kabul was how it had become an accessible resource to women seeking to solve a range of problems in which violence featured only marginally, if at all. Given the importance of notions of privacy and shame in Afghan culture—and the indifference and misconduct of legal officials—many scholars have concluded that Afghans approach government justice offices only when absolutely necessary (De Lauri 2015; USIP 2010). However, many of the cases in the VAW prosecution in Kabul challenged this conclusion. This is not to belittle the difficulties faced by other people who approached the prosecution unit, many of whom clearly were quite desperate to find a solution to their troubles. Yet it was also evident that to some, the open-door policy of the VAW prosecution unit encouraged them to also seek help with problems that did not really center on incidents of violence, as defined in the law. One example, which certainly was at the extreme end of the spectrum, was of a young woman who arrived with a complaint that her fiancé had married someone else.

My fiancé married someone else without telling me. . . . He used to live abroad. As long as he was there, he used to talk properly with me, and we had a good relationship. But after coming here, . . . I don't know what happened to him. One day he simply said, “I am in a relationship with my neighbor,” and after that, he never called me again. Then I heard that his wedding ceremony is in so-and-so hotel. I went to his wedding ceremony. I talked to him and asked him why he was marrying someone else, and he just said “Can't you see it's my wedding? We will talk later.” His brother hit me and asked me to leave the hotel.

“What did his brother hit you with?” the prosecutor asked her. “With his hand,” the woman responded. One of his colleagues, listening in on the conversation, jokingly said, “Only his hand—a hand doesn't really count.” The woman was quiet, and another prosecutor suggested, “You also go and marry someone else. You were just engaged—you were not married to him.” The woman again did not say anything, smiling unsurely. The prosecutor continued, “Why have you been so lazy? He has married someone else—you also go and marry someone else. He is enjoying his life, and you are wandering around in the prosecution. . . . I feel pity for you.” Hearing this, the woman started to cry. “You people can't understand my feelings,” she said and left the room.

Other prosecutors criticized their colleague for the way he had talked to the woman, saying to him, “You cannot make fun of those coming here.” The prosecutor whose case it had been then went and asked the woman to come back inside the room. “Well, what do you want us to do?” he enquired. “Do you want us to make him give *talaaq* to his wife?” The woman responded, “I want you to summon him

here and ask him why he has done this to me.” The prosecutor asked her to give her or a family member’s phone number so that he could contact her if necessary.

Because the woman stated that she had been hit by her ex-fiancé’s brother, the case was registered as a beating case in the records. She did not return, and the prosecutors did not follow up further. Her case thus appeared in the records as a withdrawn case. Without further examination, it would have appeared as part of the problematic trend of women being pressured by family members or prosecutors to withdraw their complaint. In this and quite a few other cases, however, the actual dynamics were quite different.

More generally, many of the complainants or their families did not necessarily think of the prosecution office as a place where one went to secure an actual punishment for a crime in accordance with the law. Some came with vague notions of just wanting some kind of solution, and many came with a specific objective in mind other than prosecuting the case, such as obtaining a divorce, a financial payment, or custody of children. The larger picture is, of course, that Afghan laws and social practices granted women very few possibilities to obtain such rights. The VAW unit, therefore, provided some correction to a very uneven playing field, where women’s access to fundamental rights was severely restricted. In some roundabout, unexpected, and limited way, the VAW prosecution unit could be said to serve as a tool of legal empowerment.

“HERE IS YOUR HUSBAND, AND HERE IS YOUR
FATHER. CHOOSE ONE OF THEM.”:
RAPE AND KIDNAPPING

Over the two-month period, 7 claims of rape and sexual assault, and 4 claims of kidnapping (which involved sexual crimes) were registered with the VAW prosecution unit in Kabul. By the time our fieldwork in the VAW unit was completed, some seven months later, there had been no recorded convictions among these 11 cases. For 3 of the rape cases, there was no information available. One case had ended with withdrawal, as the complainant stated that she was going abroad for medical treatment and could no longer pursue the case. In 2 cases (one of which involved a father, and the other a brother-in-law), the suspects were indicted, but the cases had not yet proceeded to trial. The final case had gone to trial, but the rape charge was dismissed, and both the complainant and the defendant received suspended prison sentences for *zina* instead. This case involved two young relatives, and the woman eventually confided that the relationship with her cousin had been consensual. Although she had wanted marriage, her parents had forced her to approach the prosecution unit with rape charges instead, after they had failed to convince the man’s family to provide a *baad* to compensate for the humiliation the premarital affair had caused the family. The prosecutor also thought that the

relationship had been consensual and thought the best solution was a *nikah*. He argued, however, that as long as the family of the young woman did not agree, he had no option but to send the case to court and the suspect to jail. Before the trial could conclude, the woman arranged to see the judge privately, and she confided that she had been in a relationship with her cousin and that it was her family who had forced her to go ahead with the trial. The judge applauded the woman for her bravery and sentenced the couple to a three-year suspended imprisonment for adultery. For as, as the judge said to his colleague, “The girl and the boy seem to be in love, and being in love is not a bad thing.”

A similar dynamic was evident in one of the kidnapping cases, but this case was closed before being sent to trial. A young couple had eloped, whereupon the sister of the woman filed a kidnapping claim against the man. The prosecution summoned all parties for questioning. The woman who was alleged to have been kidnapped stated that she had married the man of her choice and that her family was upset because they had already promised her to an older man who would pay a handsome bride-price. Although there appeared to be no grounds for a criminal charge, the prosecutor was not content to simply dismiss the case; he wished to see the parties reconciled, too. Protracted and detailed negotiations took place in the prosecution office, down to the exact kilos of meat and rice that were to be provided by the groom’s family for the wedding feast. However, in the lead-up to the wedding party, relations between the two families again broke down. The prosecutor summoned the parties one more time and simply told the woman to choose between her own family and her husband there and then: “Here is your husband, and here is your father. Choose one of them. Do not fear; no one can say anything to you. You are in a government office—no one can beat you. Say whatever you want.” After some hesitation, she walked over to her husband, and her family left in anger. The case was dismissed.

The three other kidnapping cases did not lead to convictions either. Two were dismissed and referred to the family court for divorce, and the final case was sent to court, where the defendant was acquitted. In all three cases, during the course of the alleged kidnappings, the complainant had been married to the accused, although whether the marriage had been consensual or not was disputed.

That many of these claims of kidnapping and rape turned out to be about something very different—families seeking compensation for their loss of control over their daughters’ sexuality—should not, in any way, be taken to suggest that there were few actual cases of rape and sexual assault in Afghanistan. The loss of “virginity” under any circumstances, forced or not, was associated with such stigma (and outright danger) in Afghanistan that a large number of rape cases went unreported. Moreover, the sample of cases presented here is too small to determine whether they might be representative even of the rape cases that were registered with the prosecution units. What the cases discussed above illustrate,

however, is that the prosecution units could become vehicles for family agendas that had little to do with women's rights. In these cases, dismissal or acquittal cannot be understood to mean a setback for women's position per se—in fact, quite the opposite, since when the prosecutors dismissed these cases, they were siding with women against family claims over their bodies. In other words, dismissal rates must be treated with some caution.

Interestingly, the prosecutors in the VAW unit in Kabul showed little interest in charging anyone for consensual sexual activities. Sexual intercourse before and outside marriage (*zina*) is punishable in Afghanistan by up to fifteen years in prison. Elsewhere in the country, women were sometimes also prosecuted for “attempted *zina*” or even for “running away from home” (see chapters 4 and 5). In the cases covered by this research, there were several instances where it appeared that women (and men) had committed acts of *zina*, but if this was the case, the concern of the prosecutors was to see the individuals involved married or otherwise to caution against immorality. One woman even got the prosecutor to call her lover—the father of her unborn baby—and tell him to face up to his responsibility. There were no examples of the prosecutors in the VAW unit in Kabul initiating investigations of *zina*. This was in contrast to the prosecutors in some of the rural provinces, who would sometimes boast about how their investigations of rape had uncovered acts of *zina*—cases in which women who had filed claims of rape suddenly found themselves accused of crimes instead.

BARGAINING UNDER THE SHADOW OF THE LAW?

The VAW unit in Kabul displayed many similarities with the various alternative dispute-resolution mechanisms and specialized civil courts for women set up in other countries in the region, such as India and Bangladesh. In these countries, delays and corruption in the formal legal systems, as well as class and gender barriers, have led feminist groups to push for the establishment of “women's courts” or other arbitration mechanisms (Basu 2011). These bodies, which deal with a great number of domestic violence cases, are intended to provide women, especially poor women, with a safe space where they can speak freely about their marital and other difficulties, using their own language, in a nonjudgmental environment.¹⁴ Research has shown, however, that in practice, these institutions, despite their feminist foundations, have displayed an overwhelming tendency to reinscribe gendered norms (Vatuk 2013; Basu 2011). Women's existence outside of marriage is considered problematic, if not impossible, and the focus is on the restoration of family life—and thus on getting both parties to amend their behavior. In some instances, officials in these institutions will threaten men with criminal prosecution if they don't take part in the reconciliation negotiations, but these threats are often defused by the fact that the main objective is to reconcile the parties. At the same

time, as indicated by much of the literature on these bodies, the underlying cause for the inability to transcend such gender expectations is not always ideological prejudice but is often the realization that for many women in abusive marriages, there are few options available. Vatak cautions that before judging these bodies too harshly, one should keep in mind that the problems of domestic violence that they are trying to address on a case-by-case basis are intrinsically linked to the structural issues of male bias and gender discrimination that characterizes society as a whole (2013: 97).

Although the Afghan VAW unit in Kabul, as part of the criminal justice prosecution, was intended to be a different kind of institution, it displayed many parallels to the specialized civil courts and dispute-resolution mechanisms in neighboring countries. Like these bodies, the VAW unit was unable to overcome the structural relations that situated women as dependents within the family unit. And like these bodies, the VAW unit thus largely became a recourse for women whose marital or family situations had become intolerable, rather than a mechanism for dispensing justice as defined by the laws. Yet within those larger constraints, it is still possible to argue that the Kabul VAW unit served to strengthen many women's bargaining position. Generally speaking, the VAW unit was not unique among legal institutions in Afghanistan in prioritizing settlements between parties over the application of the law. It is well known in legal research on Afghanistan that legal officials—presiding over both civil and criminal cases—often seek to reach agreements rather than to make decisions strictly based on law (De Lauri 2015). To a significant extent, a key function of the VAW prosecution unit in Kabul appeared to have been to include cases of violence against women into this preexisting practice. In other words, the dedicated prosecution units have made it possible for more claims of violence against women to enter into the criminal justice system, but without necessarily subjecting these cases to prosecution. As one of the cleaners in the Kabul prosecution unit muttered to herself with disapproval (after having scorned a complainant for making too much fuss about a missing file): “Don't know where this Violence [the VAW prosecution unit] came from. . . . In our time, any kind of dispute would be solved at home. . . . These days, even if husbands push their wives with a finger, they come running to the Violence unit.”

The dismissive attitude of the cleaner notwithstanding, she was correct in her perception that the prosecution unit in Kabul provided (some) women with a novel resort—one with a very low threshold—in case of abuse or difficulties. This was a far cry from how the supporters of the EAW law, both local and international, had wanted to see the new prosecution units operate. They argued—correctly—that a low conviction rate sent signals of impunity and that many women could be at increased risk after their claims had been dismissed or withdrawn. Indeed, there was no evidence of a systematic follow-up of women who had withdrawn claims

or obtained a “guarantee” from the prosecution. The general message given to such women was simply “come back if it happens again.”

Moreover, in Kabul, women were at least generally welcome to register their claims, with prosecutors starting initial proceedings. In rural provinces, women were met with a much more aggressive attitude, with officials denouncing them for being “bad women” and refusing to open files without significant pressure. There, the attitude that cases of violence against women did not belong in the justice system and that no decent woman would bring her “problems” to an outsider was very much in evidence still. Moreover, the open-door policy in Kabul, in turn, also meant that some cases were registered for reasons that had little to do with women’s protection. Particularly in cases filed as rape and kidnapping, families would sometimes bring false charges in order to restore their reputation or to obtain a bride-price. Nonetheless, I would like to suggest that in some instances, the inclusive policy in Kabul provided some women complainants with new forms of leverage. Because claims of gender violence and abuse had not featured much in the criminal justice system at all, the ability to apply the threat of criminal sanctions increased the bargaining power of women vis-à-vis their abusers. This enabled some women a greater chance of obtaining some limited rights—such as divorce, child custody, or some kind of formal recognition that the violence that they were subjected to was unlawful and illegitimate.

CONCLUSIONS

The low prosecution and conviction rates of cases of gender violence were disappointing to many of the supporters of the EAW law. They saw it as a sign that the government was lacking in commitment or even pandering to conservative constituencies. This was certainly part of the picture, and, as shown in chapter 2, the political buy-in of the EAW law was incomplete at best. To some extent, the dedicated VAW units represented an attempt to solve the problem of missing national will by placing part of the legal implementation under direct global management. The VAW units—particularly the unit in Kabul—became a focal point where donors could channel money and training efforts and, up to a point, monitor performance.

Yet, as this chapter has emphasized, to view a law’s implementation simply as a question of top-down enforcement offers a limited perspective. Laws and justice are ultimately filtered through a host of social relations before becoming concrete possibilities in individual lives (Agnes and Ghosh 2012: xiii). Especially when there is a considerable gap between legal frameworks and the lived structures of kinship and gender, it makes sense to view legal institutions as a space where rights and obligations between people—women, family members, and perpetrators—are negotiated, and where the law constitutes one reference point rather than the

overarching framework (Agnes and Ghosh 2012: xiii). Applying this perspective makes it easier to grasp both the limitations of the Kabul VAW unit *and* the small difference it sometimes made. As the examples in this chapter illustrate, the withdrawal of claims did not simply occur as a result of the ideological prejudice of officials who believed that cases of gender violence were not criminal offenses. Rather, withdrawals took place against a composite backdrop of concerns and objectives by women, perpetrators, families, and officials. Although larger structural relations narrowed women's options, it was not always the case that withdrawing their complaint was simply the result of an imposition. In many instances, the prosecution unit in Kabul served to empower women in a limited sense—by offering them leverage in pursuing objectives other than punishing the perpetrators in accordance to the law. Arguably, there was a common thread running through the way in which the EVAW law was promoted and enacted—and the way in which it was expected to be enforced. Both entailed a mode of intervention that attempted to circumvent, rather than transform, complex political and gendered landscapes. Both, nonetheless, were filtered or somewhat appropriated by localized practices of mediation and patronage, so that the ultimate impact was curtailed.