



# **ASIAN HUMAN RIGHTS COMMISSION**

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## **PAKISTAN**

# **Report on Torture on the UN International Day in Support of Torture Victims**

**A Special Report by the Asian Human Rights Commission on the Occasion of the United Nations International Day in Support of Victims of Torture on June 26. The report summarizes cases of torture that have been received by the AHRC and gives an overview of the situation of torture in Pakistan.**

AHRC-SRP-001-2008  
June 26, 2008



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Today in Pakistan there is no express prohibition in the penal law that criminalizes torture. It is this very deficiency that provides impunity to the perpetrators who are mostly either policemen or members of the armed forces. Furthermore there is no provision for witness protection in general which discourages victims from making complaints which thereby encourages the perpetrators. While the international jurisprudence on the issue has evolved into very high standards, the situation in Pakistan resembles the stone age.

### **The Army is running illegal detention and torture centres**

Besides the prohibition of torture in the constitution, the Pakistan Army is running several detention and torture cell in almost every city of the country. The Asian Human Rights Commission has identified 52 such detention centres which are run by the military and where people who were arrested and disappeared are kept incommunicado and tortured for several months to extract the confessional statements or their involvement in subversive activities. Please see the link; <http://www.ahrchk.net/statements/mainfile.php/2008statements/1574/> The victims, when they were released, which is usually by being thrown on the road sides have testified before courts and the media of their ordeals and even identified other disappeared persons, but the government has taken no action to investigate the torture cells.

### **A Television channel showed torture in custody but authorities take no action against perpetrators**

A prominent and popular Urdu language television channel, Geo TV, has shown several times footage of torture in custody of a famous dacoit in its weekly program but authorities have not taken any action against the perpetrators who compelled the accused to confess by severe torture. Geo TV in its serial program of “FIR” showed a series with the name of “Lyari Gang War” in which it had telecasted a recorded footage of torture in police custody. The gangster, with the name of Rehman Dacate, was brought before the police who tortured him severely by hanging him upside down and beat him with wooden and iron bars. The gangster was shouting and crying out in pain and in the end he confessed to whatever the police officers were suggesting to him. This involved multiple murders, bombings and extortion. The worst aspect of this incident is that the government has not taken any action against the perpetrators for their crime of torture in custody.

This is a routine method of the authorities in Pakistan who even after signing the CAT still think that torture is the best way to extract the confessional statements.

### **French authorities were not been able to stop torture of its own citizen**

The case of a French lady might be the best example of in which the government could not prevent it even after the intervention of French Consulate of Karachi. The police simply refused to listen. A French scholar was detained illegal and tortured in the police lock up of Thatta district, Sindh, on September 2007, before several persons. The French Consulate intervened in the matter and contacted police officials, but no remedy was provided by the authorities. Even now, knowing about the torture and illegal detention the provincial government has not taken any action against police. Please see the link; <http://www.ahrchk.net/ua/mainfile.php/2007/2631/>

### **The lawyer’s leadership was also subjected to torture**

The law enforcement authorities have impunity for their methods of torture in custody and even lawyers were not spared from the torture by the police in detention. A prominent human rights lawyer, Mr. Syed Hassan Tariq was brutally tortured by the police upon instructions,

allegedly by the provincial chief minister in Nawabshah, Sindh Province after he was arrested on 8 November 2007. Mr. Tariq is one of the thousands of lawyers arrested and detained following the imposition of the state of emergency. He suffered internal bleeding to his lungs and his two ribs were fractured. He also had huge torture marks on his back. Please see the link; <http://www.ahrchk.net/ua/mainfile.php/2007/2664/>

Several lawyers including the office bearers of different bar associations were tortured physically and psychologically during their detention. Mr. Munir A. Malik, former President of the Supreme Court bar association, was also arrested on November 3. He was kept first in Adiala Jail, Rawalpindi and then two days later shifted to Attock Jail in the north western frontier province. He had fainted while inside the jail after he was provided with some unknown medicine which proved to be poison as both kidneys ceased to function. Mr. Imdad Awan, president of the Sukkur high court bar association, was also arrested on November 4 after having a protest meeting with the lawyers. He was tortured and was not allowed to have medicines for his diabetes and high blood pressure. He was also deprived of sleep. Two female lawyers, Ms. Noor Naz Agha and Ms. Jameela Manzoor, were also arrested on November 3 and 5 respectively. Ms. Agha was a leading lawyer in Karachi. She was tortured by the police and later shifted to the Karachi prison. She was kept incommunicado and deprived of sleep. Meanwhile, Ms. Manzoor was arrested after a protest meeting in Lahore. She was charged with high treason.

### **Eight persons forced to bite each other like dogs and wild bears**

Another case of torture where eight persons were forced to strip naked and act like dogs and bears before the police officers in the lock up. The police tied the detainees with ropes and chains around their necks and they were asked under severe torture to bark like dogs and bite each other like wild bears; if they refused, they would be beaten more. Please see: <http://www.ahrchk.net/ua/mainfile.php/2006/2533/>. Neither the previous government nor the new government has taken any action against the accused police officers as they have protection from strong political leaders.

### **The case of the severing of a victim's penis**

The case of the severance of the penis of one young cook in the police lock up has never been investigated by the authorities as the federal minister for narcotics in President Musharraf's government is protecting the perpetrators and pressurized the victim and his family to withdraw case. On 22 January 2007, 24-year-old Mr. Hazoor Buksh Malik was arrested by the Market police, Larkana district, Sindh province for not possessing a national identity card while he was shopping. Late in the night of 25 January 2007, the SHO Mr. Mohummad Tunio came in drunk to the police station and ordered three on-duty police officers to fasten the victim with ropes and chains. The SHO then began to brutally torture Mr. Hazoor Buksh, and at the height of anger, he allegedly severed the victim's penis with a sharp-edged knife. Meanwhile, the police allegedly registered a false attempted suicide case and a First Information Report (FIR) No. 17/2007 against the victim under sections 34, 337 and 334 of the Pakistan Penal Code. Please see: <http://www.ahrchk.net/ua/mainfile.php/2007/2444/>

### **An activist is under continuous torture**

Mr. Mohammad Khan Lund, a human rights activist is presently in Deeplo Jail after being implicated in 57 cases allegedly by his political rival Dr. Arbab Rahim, the former chief minister of Sindh province in the president Musharraf's government. He was arrested 42 times during nine years of Musharraf rule and was subjected to torture almost all time. No government, even his party's government has initiated any investigation into the torture and illegal detention of his. <http://www.ahrchk.net/ua/mainfile.php/2008/2777/>

The legal system in Pakistan does not allow any room for making complaints about such gross abuses of human rights and the victims such as Mr. Lund do not have any legal avenue to pursue his grievances. As a result they might languish in jail for as long as the police and these powerful persons want them there. There is also no avenue to complain to higher police authorities about the conduct of these police stations. Such abuse of power is quite common at police stations, particularly in the remote areas. The torture in custody has become a common phenomenon in the detention and there is no legal remedy for that.

The Asian Human Rights Commission no doubt welcomes the ratification of International Covenant of Economic, Social and Cultural Rights (ICESCR) and signing the Convention Against Torture and other cruel, Inhuman or degrading treatment or punishment (CAT) including International Covenant on Civil and Political Rights (ICCPR) by the new government of Pakistan. But it is not enough just to sign the CAT. It needs to make such a mechanism which can prevent and stop the menace of torture in custody. The government of Pakistan has to adopt and improve the system of forensic system and improve the investigation system according to the modern methods. The torture not only effects the life of the victim but to the all of the members of the family who have to shift places of residences in scare of further being torture or his/her family members may have the same fate.

#### **Suggestions:**

The Government should make the CAT, ICCPR and ICESCR part of the criminal procedure. The Government should make reforms in the prosecution and investigative systems. Torture in the custody should be made a crime. The witness protection system should be developed in order to provide protection to the witnesses.

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***About AHRC:** The Asian Human Rights Commission is a regional non-governmental organisation monitoring and lobbying human rights issues in Asia. The Hong Kong-based group was founded in 1984.*