

TABLE OF CONTENTS

1. Introduction p. 1
2. The PPP government: promise and performance in the area of human rights p. 3
3. Persistent patterns of human rights violationsp. 9
 - 3.1. Torture, including rapep. 9
 - 3.1.1. Torture in the custody of police and other law enforcement personnel p. 11
 - 3.1.2. Torture in jailsp. 19
 - 3.2. Punitive destruction of homesp. 20
 - 3.3. Deaths in custody p. 21
 - 3.4. Extrajudicial executions p. 25
 - 3.4. "Disappearances" p. 29
4. Deliberate and arbitrary killings by militant groups apparently condonedp. 32
5. Virtual impunity of perpetrators of human rights violationsp. 33
6. Amnesty International's recent work on torture, extrajudicial executions and "disappearances" in Pakistanp. 38
6. Amnesty International's concerns and recommendationsp. 39
7. Appendix: Deaths in custody and extrajudicial executions, reported between October 1993 and December 1994 p. 45

PAKISTAN

@The pattern persists: torture, deaths in custody, extrajudicial executions and "disappearances" under the PPP government

1. Introduction

Torture, including rape, in the custody of the police, paramilitary forces, the army and in jails continued to be reported from all parts of the country during the first 15 months of the Pakistan People's Party (PPP) government. The fact that prisoners and detainees were being held in incommunicado and unacknowledged detention, sometimes in places not officially designated as prisons, facilitated the infliction of torture. Frequently prisoners and detainees died as a result of torture; police sometimes sought to cover up such deaths in custody by declaring that they were suicides or resulted from armed "encounters" between police and criminals. Extrajudicial executions, i.e. unlawful and deliberate killings carried out by orders of the authorities or with the acquiescence of the authorities, also continued to be reported. The whereabouts of some "disappeared" prisoners continued to be unknown.

Prisoners and detainees were beaten, kicked, raped, blindfolded and subjected to electric shocks and cigarette burns in police stations and prisons because the detaining authorities wished to gain information, punish, humiliate, intimidate and - most frequently - extract money from them. Between October 1993 and December 1994 at least 67 persons died in custody, allegedly as a result of torture, 16 of these in jails; another 35 people were reportedly extrajudicially executed.

Those in authority who tortured and killed almost always did it with impunity. Victims and their families faced serious difficulties if they wished to file complaints with the police about such human rights violations. Police frequently refused to register complaints; they threatened or punished complainants and filed false charges against them. When courts ordered police to file complaints, police frequently obstructed and delayed proceedings. Judicial inquiries into human rights violations by law enforcement personnel were sometimes biased. As a consequence, trials of police and army personnel were rare and convictions rarer still and not always enforced.

This paper outlines the promises made by the PPP before elections in October 1993, and the performance of the PPP government in the area of human rights during its first 15 months in office. Amnesty International welcomes the improvements that were observed, including the setting up of police stations entirely staffed by women and of a Human Rights Cell to investigate human rights violations. It also welcomes indications that torture of political opponents which was widespread under the previous government has significantly declined during the past 15 months. However, much remains to be done.

Amnesty International's investigation shows that the pattern of torture and extrajudicial executions noted in its report of December 1993 has by and large persisted and that the recommendations it then made
AI Index: ASA 33/01/95 Amnesty International January 1995

Pakistan: Persistent human rights violations

remain relevant. The major recommendations which Amnesty International wishes to reiterate are that the government should:

- **Publicly and unequivocally condemn human rights violations, namely torture, extrajudicial executions and "disappearances";**
- **Investigate reported violations and promptly bring those responsible to justice; - Compensate and rehabilitate victims of torture;**
- **Implement preventive measures by:**
 - (i) **strengthening existing legal safeguards against torture, extrajudicial executions and "disappearances" and**
 - (ii) **introducing a strong human rights component in the training of law enforcement personnel with effective follow-up;**
- **Ratify all relevant human rights treaties.**

The present paper focuses on some of the most central concerns of Amnesty International in relation to torture, and deaths following torture and extrajudicial executions by law enforcement personnel. However, other concerns which Amnesty International has relating to prisoners of conscience, to unfair trials of political prisoners and the application of the death penalty persist as well.

The appendix to the paper contains a list in tabular form of deaths in custody and extrajudicial executions reported in the Pakistani media and by human rights monitors in Pakistan during the period October 1993 to December 1994.

The information contained in this report was collected by a delegation of Amnesty International representatives who visited Pakistan in November 1994. The delegation visited Karachi, Hyderabad, Lahore, Rabwah, Islamabad and Peshawar; like on previous occasions, it could travel and meet people unimpeded. However, surveillance by state agencies was sometimes observed. Amnesty International is therefore concerned about the safety of all those who contacted the Amnesty International delegation during its visit and calls on the Government of Pakistan to ensure their safety.

2. The PPP government: Promise and performance in the area of human rights

The PPP won the general elections in October 1993; after negotiations with smaller parties and independents, it led a coalition which formed the federal government. Its leader, Benazir Bhutto, was sworn in as Prime Minister on 19 October 1993. In provincial elections, also held in October, the PPP won in Sindh, and in Punjab led a coalition government. Provincial governments in Balochistan and in the North-West Frontier Province were headed by alliances led by the Pakistan Muslim League of former prime minister Nawaz Sharif. A PPP candidate, Farooq Leghari, was elected President in November 1993.

An army operation initiated in June 1992 with the declared aim to curb criminal and political violence in Sindh was called off at the end of November 1994. Army spokespeople announced that 2,000 elite police officers trained by the army were to be deployed in Karachi following the army's withdrawal to support some 5,000 Rangers and 22,000 regular police.

The PPP came to power in October 1993 on a party manifesto that included a commitment to a human

Pakistan: Persistent human rights violations

rights policy, a policy to improve women's and minority rights.
Chapter XII of the PPP manifesto relating to human rights said:

"1. We believe all citizens have equal rights and obligations irrespective of religion, caste, creed or sex. Any discriminatory laws infringing the rights of citizens will be repealed or suitably amended.

"2. Basic international human rights instruments, especially the Covenants of 1966 and the protocols, and conventions relating to the right of women, children, minorities and the indigenous people, and those covering torture and inhuman punishments, will be ratified and enforced.

"3. Any loss of life at the hands of state authorities such as police encounters will be subject to judicial review. ...

"7. Torture and human degradation in any form by state agencies will be effectively banned.

"8. Present thana [police station] system where citizens are hauled up without justification will be abolished to safeguard the honour and dignity of citizens. ..."

2.1. Measures implemented

Since it assumed office, the government has repeatedly verbally reiterated its commitment to the implementation of this programme. In its first year in office, it took several initiatives in this direction, including the setting up of the Human Rights Cell, the establishment of a special tribunal to investigate violations of rights of disadvantaged people, the establishment of women's police stations and the appointment of women judges to the higher judiciary.

The governmental Human Rights Cell established in December 1993, initially set up within the Ministry of Interior, then transferred in August 1994 to the Ministry of Law, Justice and Parliamentary Affairs has begun to investigate human rights violations. It reports directly to the Prime Minister. Its director told the Amnesty International delegation in November 1994 that the organization receives around 100 complaints per week, of which it takes up a dozen as falling under its very broadly defined mandate. The local administration is then usually approached by the Human Rights Cell to provide information and clarification; should its response be unsatisfactory, the Human Rights Cell may investigate the complaint and on the basis of its findings make recommendations to the relevant authorities. It has no means to enforce them or to initiate prosecution. Local offices are to be set up in Lahore and Karachi shortly.

In October 1994, a National Tribunal for Disadvantaged Persons was established by presidential ordinance. The Tribunal, to be appointed by the President, is to be chaired by a former Supreme Court judge, and shall include four persons, including two women, conversant with human rights issues and four minority representatives, including two women. Its function is to investigate "violations of fundamental rights or abetment thereof or negligence in the prevention of such violation" in respect of "women, children and those belonging to minorities, collectively or severally". Upon completion of its inquiry, it may "recommend to the concerned Government, authority or agency for initiating prosecution" or "approach the Supreme Court or the High Court for such directions, orders or writs as the Court may deem expedient" and also recommend interim relief. It has not started functioning.

Responding to a long-felt need for better representation of women in police and judiciary, the government set up four police stations entirely staffed by women in major cities of Pakistan. Five of over 50 judges appointed in mid-1994 to the higher judiciary, were women judges.

2.2. Measures delayed

AI Index: ASA 33/01/95 Amnesty International January 1995

2.2.1. Institutional reforms

The PPP government has, however, conspicuously failed to implement large sections of its human rights programme and in some areas it has taken decisions that contradicted its professed commitment to human rights. For instance, like previous governments, it re-promulgated the Qisas and Diyat Ordinance periodically. The ordinance permits cruel, inhuman and degrading punishments in so far as it requires under certain conditions that the punishment for specified offences be qisas, equal punishment for the offence committed. If the qisas punishment involves amputation, the participation of a medical officer in implementing such punishment is required (see Pakistan: New forms of cruel and degrading punishment, AI Index: ASA 33/04/91). Ordinances remain in force for 120 days. If parliament does not vote on an ordinance within this time, making it part of the permanent law, the ordinance will lapse unless promulgated again. The Qisas and Diyat Ordinance has been re-promulgated every 120 days since it was first promulgated in September 1990.

Moreover, the provincial PPP government of Sindh appealed against what appeared to have been a just or fair judgment of the Sindh High Court. On 30 December 1993, the Sindh High Court had declared that several sections of the Prisons Act and the Prison Rules governing the use of bar fetters on prisoners "are inconsistent with and in violation of fundamental rights enshrined in Article 14 [inviolability of the dignity of man] of the Constitution as well as against the injunctions of Islam". The government of Sindh province lodged an appeal against the High Court decision arguing inter alia that bar fetters were indispensable for maintaining discipline of prisoners. Pending a decision of the Supreme Court, the prohibition of fetters was stayed in April 1994; the use of fetters continues to be permitted.

The separation of the judiciary from the executive which had been demanded by national and international human rights groups was repeatedly delayed. The Supreme Court had ordered the separation to be completed by March 1994 and appeals by the Sindh and Punjab provincial governments for an extension of the deadline were rejected by the Supreme Court. The Chief Justice declared that all actions by executive magistrates, i.e. magistrates who form part of the executive, on judicial matters after March would be void. Rather than encouraging provincial governments to recruit more judicial magistrates to accelerate the process of separation, the Law Minister in June 1994 asked the provincial governments to complete the process within the next eight or nine months.

2.2.2. Continuing institutional shortcomings

More importantly, the government of Prime Minister Benazir Bhutto has consistently failed to take measures to combat known systematic human rights violations in Pakistan. These include torture, deaths in custody, extrajudicial executions and "disappearances". In its report, published and submitted to the new government in December 1993, (Pakistan: Torture, deaths in custody and extrajudicial executions, AI Index: ASA 33/05/93), Amnesty International analyzed the reasons for the widespread use of torture and stressed that torture would not end unless the respect for the rule of law was strengthened and all those responsible for human rights violations were brought to justice; existing legal safeguards were fully and meticulously adhered to and strengthened and relevant international human rights instruments were ratified and police were better trained in investigation techniques that take into account respect for human rights.

Pakistan: Persistent human rights violations

It is particularly important that police and law enforcement personnel be familiarized with principles which, although contained in mere declarations or resolutions, constitute restatements of broadly accepted norms of conduct. Such is the case of the Standard Minimum Rules for the Treatment of Prisoners, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Of particular importance is the study of the Universal Declaration on Human Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Code of Conduct of Law Enforcement Officials, since these declarations contain some of the most basic human rights, many of which are now considered to be part of customary international law.

The new government failed to give a strong and clear public signal that everyone responsible for human rights violations would be brought to justice. Though in its first months in office, the government replaced a number of police officers and civil servants, many police and jail officers were retained or even reinstated who were known to have been responsible for human rights violations. In a report about police in Punjab, a respected political magazine, Newsline, commented in October 1994, "successive provincial governments in the Punjab have politicized appointments to the police to such an extent that even criminals with records are appointed as long as their political loyalties suit the powers that be. ... And the Punjab police is by no means an exception". The Deputy Inspector General of Police in Karachi, Saleem Vahidi, was quoted as saying that "it is short-sighted of any government to seek to use the police for its own ends; it is a recipe for disaster. Government patronage extends to recruitment, exemption from training, promotions, transfers, postings. These are not government functions. As a matter of rule, these things should be left to police officers. ... Successive governments have politicized the police more and more ..." (Newsline). "By politicizing the police, successive governments have created a situation whereby the police only functions as a security service for the powerful few; other than that they are free to play havoc with people's lives. It is an accepted fact that in Pakistan the law enforcement agencies function as the coercive apparatus of the state and those who have access to it. 'It is a system that serves the politicians,' says Muhammad Alam, a veteran police officer. 'In a state inching its way towards anarchy, a police force which provides them protection can get away with anything as long as it serves its masters'" (Newsline).

Amnesty International had noted in its 1993 report noted that sometimes police personnel, even army staff, are used to settle personal scores. For instance, in June 1992 nine villagers in Tando Bahawal were extrajudicially executed by army staff when a local landowner enlisted the help of an army major, Arshad Jameel, who was subsequently sentenced to death by court-martial. The instrumentalization of police forces or army personnel by politicians or powerful individuals to settle private or political enmity continued under the present government. Tehmina Khan, a housewife in Lahore, was stripped, beaten and humiliated before family and servants by several police officers on the orders of a Deputy Inspector General of Police who was her mother-in-law's friend and sought to make Tehmina Khan drop the case seeking custody for her children.

The widespread and well-known corruption of the police has not been addressed at all by the PPP since it came to power. "Under-educated, under-paid, poorly housed, maltreated" police officers (Dawn, Karachi, 23 December 1994) are susceptible to the temptation to seek illegal gratification and to pressures from the politically powerful who seek to instrumentalize them for their own ends. Commentators in Pakistan are aware of the magnitude of the problem. "A complete decriminalization of the police force is an elusive ideal but one well worth pursuing" a newspaper said (Dawn, 23 December 1994). The Crime

Pakistan: Persistent human rights violations

Investigation Agency (CIA) whose function is to assist regular police in investigating crimes, reportedly extracts bribes regularly from ordinary citizens and from those involved in drug and arms trafficking and prostitution, viz. those involved in "crimes ... conducted with the full knowledge, and often the connivance, of the CIA in exchange for 'bhatta' [bribes] which can run into millions of rupees" (Newsline, February 1994). In October 1994, the chief of the anti-corruption committee and adviser to the Chief Minister of Punjab, Choudhury Ghulam Abbas, publicly said that he was aware that jobs at police stations were given to those paying the largest bribe; that gambling and narcotics dens and brothels were run with the criminal connivance of police officers and that every corrupt and dishonest police officer was "backed, patronized and protected by a political leader and elected representative" (Dawn, 23 October 1994).

The government has made no attempt to curb the widespread readiness to resort to violence noted in Amnesty International's report of 1993. On 5 January 1995 the Sindh government issued a notification which announced cash awards for anyone assisting in the capture of 11 named leaders of the Mohajir Qaumi Movement (MQM), the country's third-largest party which represents the interests of the Mohajirs (refugees) who in 1947 migrated to Pakistan from British India. On 5 October 1993 the Sindh High Court had said that "there is no provision in Pakistan law which authorizes the government to fix head money for arrest or production of an accused or even a proclaimed offender, dead or alive. This would ... give licence to kill ... any accused or proclaimed offender. Such proposals and decisions must be condemned and it should be ensured that the same are never repeated." The provincial government in response to criticism of its notification on 9 January 1995 said that it had not offered "head money" which was a concept alien to the law; but on 7 January an official spokesperson in Islamabad was cited in the media as saying that the government had not put the head money on politicians but on criminal suspects wanted by various courts (Dawn, 8 January 1995). However, this notification in a city like Karachi where over 700 people died in 1994 in sectarian and ethnic violence, may easily incite further ethnically motivated killings.

Public announcements by groups and parties that they would take the law into their own hands have not been strongly condemned by the government. For instance, following the killing of eight Sunni Muslims in a mosque in Karachi on 6 December 1994, including a leader of the Sunni party Sipah-e-Sahaba Pakistan (SSP), SSP leader Maulana Mohammad Azam Tariq publicly announced that the workers of the party would themselves "settle the score" if those responsible for the killing were not arrested. No action was taken by government authorities to condemn this statement.

No efforts have apparently been made to train police in more professional interrogation and investigation methods which do not involve the use of torture or ill-treatment and to include a strong human rights component in the training of law enforcement officials. A respected political magazine reported that in the main CIA centre at Saddar, Karachi, prisoners continued to be hung upside down, to be hit on the soles of their feet and their backs with rubber rods. The article quotes a senior CIA investigation officer as saying that "without torture interrogation is impossible. ... You cannot extract the truth from the suspects unless you employ torture. This happens all over the world" (Newsline, February 1994).

The present government of Pakistan has not strengthened the independence of the judiciary. As a result, its effectiveness in investigating reports of torture or ill-treatment, deaths in custody and extrajudicial executions has been limited. Media in Pakistan were highly critical of the appointment of over 50 High Court and Supreme Court judges in mid-1994, many of whom were known to be close to the PPP. At the

Pakistan: Persistent human rights violations

same time, judges who were known to have vigorously taken up human rights issues were in some instances transferred to less influential posts. The transfer of the Chief Justice of the Sindh High Court to the Federal Shariat Court has been severely criticized by the human rights community, lawyers and journalists but "welcomed by Sindh's police and law enforcement agencies" (Friday Times, Lahore, 21-27 April 1994). The Chief Justice, highly respected by all political parties in Sindh, had converted informal complaints relating to human rights violations allegedly committed by Sindh law enforcement agencies into formal petitions and given relief to those normally without access to the judiciary.

3. Persistent patterns of human rights violations

The continued use of torture, extrajudicial executions and "disappearances" by law enforcement personnel in Pakistan despite constitutional and legal safeguards violate the fundamental right enshrined in Article 4(1) of the Constitution of Pakistan: "To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen".

3.1. Torture, including rape

Torture - the infliction of severe physical or psychological pain or suffering on a detainee by public officials or agents or with their acquiescence - continued to be widespread and systematic. Amnesty International unconditionally opposes these practices. These breaches of human rights violate several international standards and to some extent Pakistan's national law.

The prohibition of torture is a fundamental norm of international human rights law which is contained in a number of international human rights treaties and is non-derogable, under any circumstances. Article 5 of the Universal Declaration of Human Rights establishes that "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment". Article 2 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Cruel, Inhuman or Degrading Treatment or Punishment reads: "Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence against human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights". This prohibition reflects a principle of customary international law according to which the government has also the duty to investigate allegations of torture, compensate the victims and bring those responsible to justice.

Some forms of torture are prohibited by the Constitution of Pakistan which lays down in Article 14(2): "No person shall be subjected to torture for the purpose of extracting evidence". Until quite recently, torture was not defined as a distinct crime under the Pakistan Penal Code (PPC). However, under the Qisas and Diyat Ordinance, which was first promulgated in September 1990 and has since been re-promulgated every four months, a form of torture is recognized as a separate, punishable offence. The Qisas and Diyat Ordinance amended or substituted several sections of the Pakistan Penal Code and the Code of Criminal Procedure, redefining in Islamic terms crimes relating to murder and bodily hurt, and their punishments. Punishments can either be in the form of qisas, equal punishment for the crime committed, or diyat, compensation to the victim or his heirs. Under the ordinance, the causing of hurt by any person to extort "any confession or any information which may lead to the detection of any offence or misconduct" is defined as a distinct crime. The crime is subject to the kind of punishment provided for the form of hurt caused, including qisas, together with imprisonment. While welcoming the inclusion of a

Pakistan: Persistent human rights violations

form of torture as a criminal offence under the Qisas and Diyat Ordinance, Amnesty International remains opposed to the provision for it to be punished in a manner in itself considered cruel, inhuman or degrading by international human rights standards.

Amnesty International reiterates its earlier recommendation that a more encompassing definition of torture be introduced in the Pakistan Penal Code in keeping with Article 1 of the UN Convention against Torture which states: "... the term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising from, inherent in or incidental to lawful sanctions." The lawful sanctions, however, should not themselves allow for treatment or punishment considered to constitute torture or cruel, inhuman or degrading treatment or punishment, as for instance provided under the Qisas and Diyat Ordinance.

Torture was applied in Pakistan in the first 15 months of PPP government to criminal suspects, political opponents and ordinary citizens equally. Torture was inflicted to gain information, to punish, humiliate or intimidate, to take revenge and - most often - to extract money. Reportedly, it was routinely applied in police stations but also in military or paramilitary detention and to many prisoners in jails. Torture was reported from all the four provinces and Azad Kashmir, with the possible exception of Pakistan's tribal areas where, according to tribal spokespeople, a strict code of honour and swift retaliation act as deterrents to the infliction of torture.

3.1.1. Torture in the custody of police and other law enforcement personnel

Torture of political opponents arrested during demonstrations, frequently reported under the previous government, appeared to have considerably reduced. Up to October 1993, Amnesty International received many reports about opponents of the then government being tortured to punish them for their party affiliation or to pressure them to change it. Under the present government, some political opponents are reported to be held in arbitrary detention, sometimes without charges at all, sometimes under series of apparently false charges or under preventive detention laws. Torture of the kind and severity reported under the previous government was not reported to have been inflicted on such detainees and prisoners.

The use of excessive and disproportionate force amounting to torture by police during efforts at crowd control continued to be frequently reported. When villagers from Goth Gul Mohammad Parihar in Sindh staged a peaceful hunger strike in front of the Hyderabad Press Club in July 1994 to call attention to the forcible occupation of their ancestral land by outsiders, police resorted to excessive use of force. They beat all the hunger strikers resulting in at least one woman having to be taken to hospital in an unconscious condition with injuries sustained during the beating (Dawn, 17 July 1994). Again, during demonstrations on 16 November 1994 in Lahore in protest against the arrest of Mian Mohammad Sharif, father of former prime minister and current leader of the opposition, Mian Nawaz Sharif, a passer-by was reportedly baton-charged resulting in head injuries and multiple bruises (The News, Karachi, 17 November 1994). On 25 October 1994, Aftab Ali Beg, a photographer with the Urdu daily Jang was reportedly beaten in his home by army staff after he had photographed the army's activities during an

Pakistan: Persistent human rights violations

undeclared curfew in Liaqatabad, Karachi, from the roof of his house. His young son was also beaten. Aftab Ali Beg was then detained and questioned in the Liaqatabad army headquarters for several hours.

3.1.1.1. The role of military and paramilitary forces

During the last few months of the army operation in Sindh (June 1992 to November 1994), the army frequently cordoned off entire quarters of Karachi, most often Liaqatabad, Lines Area, Shah Faisal Colony and Paposh Nagar, and conducted house-to-house searches for arms together with other law-enforcement agencies. During such operations, reportedly conducted without search warrants and without declaring curfew and sometimes lasting up to three days, homes were reportedly looted and the young men of the locality rounded up, blindfolded and beaten; some were held for days for questioning without any of the legal requirements for such investigation being observed: arrests were not recorded, remand was not taken from magistrates and torture and cruel, inhuman and degrading treatment were inflicted (several reports in Dawn, in October and November; Herald, Karachi, November 1994). Responsibility for human rights violations committed during such raids was not always clear. Following an area search in Lines Area in Karachi on 19 September 1994, an army spokesman said that the army contingent merely had a supervisory role while police and Rangers carried out the searches. Police denied playing an active role and its spokesperson said that army and Rangers carried out the searches (Dawn, Karachi, 20 September 1994). Residents reported that army personnel sealed off the area which houses half a million people and announced over the loudspeakers of mosques that residents should hand in their unlicensed arms. A resident was quoted as saying, "the announcement said that if anybody tried to create trouble he would be shot without warning" (Dawn, 20 September 1994). When questioned about the legality of unofficial curfews for search operations, the Deputy Commissioner, Karachi Central, Mohammad Yusuf, said that the law enforcement agencies carried out the house-to-house searches "under the doctrine of necessity" (Dawn, 29 October 1994).

In the days following the killing of four paramilitary Rangers in Karachi on 22 December 1994, some 250 young men were arrested from their homes or from the streets. Eye-witnesses were quoted in local newspapers as saying that the youths were blind-folded and taken to Bhitai Ranger headquarters for questioning. Most were released within two to three days but newspapers carried reports of dozens of them being beaten with belts and gun butts, sometimes resulting in injuries that had to be treated in hospitals (Dawn, 25 December 1994).

During its visit to Karachi in November 1994, an Amnesty International delegation present in the city witnessed a raid by army and men in plain clothes in Malir, Karachi. The law enforcement officials had apparently arrived in the locality in unmarked trucks and army officers had come in regular taxis. When the Amnesty International delegates arrived, armed personnel had already surrounded a large square and officials in civilian clothes were interrogating a person who was alleged to be a drug trafficker. He was held by two men, while a third man in civilian clothes systematically beat him on his back and buttocks with a two-foot long wooden stick and a fourth man in civilian clothes interrogated him, all the while hitting his face with a one-foot long rubber tube. An army officer in uniform joined the interrogation. The suspect was taken away after a few minutes and another suspect was brought forward. When the Amnesty International delegation questioned the proceedings, the army officer in uniform said they were interrogating the suspects about the place where they had hidden the drugs. The delegation also witnessed large quantities of confiscated goods being hauled away. The incident was not reported in the local newspapers; local people told Amnesty International that such occurrences were too common to be

Pakistan: Persistent human rights violations

reported.

3.1.1.2. Torture to extract money

Dozens of reports like the following can be found in newspapers in Pakistan indicating that torture is frequently used to extract money. Kamil Solangi (50), reported that on 11 August a joint police contingent from Halani police station and Mehrabpur police station led by the SHO of the latter, broke into his house near Halani, Sindh province, without any warrant and arrested him. He was then held for four days during which he was repeatedly beaten till relatives paid 5,000 Rs. for his release. He alleged that a robbery committed earlier in the area was used by the police to arrest around 75 people, to threaten them with being implicated in the robbery and to torture them till they paid the bribe demanded by police (Dawn, 18 August 1994).

3.1.1.3. Methods of torture and ill-treatment

The methods of torture described by Amnesty International in its earlier report do not appear to have changed in the 15 months under review. Beating with sticks, hose pipes, leather belts and rifle butts, kicking with heavy boots, hanging prisoners upside down, applying electric shocks to knees and genitalia continued to be reported. The practice of "cheera", i.e. the forced stretching apart of prisoners' legs which is very painful, sometimes combined with kicks of prisoners' genitalia, continued to be reported, particularly by members of the MQM.

a. Beatings, mutilation and sensory deprivation

Beating to deprive prisoners and detainees of sleep continued to be reported. A member of the Jammu Kashmir People's National Party (JKPNP), which favours independence for a united Kashmir from both Pakistan and India, reported to Amnesty International that following his arrest by police on 28 January 1994 immediately before a party meeting in Hijira, district Pooch, Azad Kashmir, he was intermittently beaten on the soles of his feet to stop him from sleeping. "They would hold me down and hit the soles of my feet with wooden sticks. They were swollen and hurt so much", he reported.

The "drilling" of holes into the body of prisoners also continues to be reported. Zahid Ali Khan, a 25 year-old MQM activist, arrested by police of Malir Extension police station in the early hours of 22 June 1994 was later that day found dead by his family in Jinnah Post-Graduate Institute Hospital. His family stated that his body, particularly his head and the area around his backbone bore holes apparently made by an electric drill. According to a report of the Human Rights Commission of Pakistan (HRCP) which lists alleged details of torture, "his dead body showed his eyes gouged, his neck drilled, his ears chopped off, his shoulder and backbone broken" (What next in Sindh? What the people say, Report of HRCP Fact-Finding Mission, June 1994). Mohammad Murtaza who had been arrested along with Zahid Ali Khan, said that they had both been hung up upside down for several hours during interrogation and that he had seen how an electric drill was applied to his friend's head and back. A medico-legal officer of the hospital reportedly confirmed that Zahid Ali Khan's body bore marks of torture.

People taken into military custody or into the custody of paramilitary forces and occasionally by police continued to report being blind-folded for prolonged periods, usually beginning during arrest, and continuing during transport, in their cells and during interrogation. In some instances this prolonged

Pakistan: Persistent human rights violations

deprivation of sight led to impairment of vision. Fourteen-year-old Iqbal Otho reported after his release in January 1994 that he had been held blindfolded for seven months in the CIA Centre in Hyderabad and that he could not see well any more. He was also partially deaf as he had been repeatedly punched on the ears. A photograph published in The News, on 2 November 1994 shows five men after a raid of Baldia Town, Karachi, being led away by army personnel. Their chests are bare and their eyes are blindfolded with their own shirts. On that day, some 80 suspects were reportedly rounded up, arrested and blindfolded after a clash between members of an ethnic group and law enforcement personnel. Blindfolding makes it particularly difficult for prisoners to give evidence about their place of detention and the identity of the torturers; it permits the detaining authorities to torture prisoners with impunity.

b. Rape

Women are subjected to most of the forms of torture to which men are exposed; they are beaten during demonstrations, kicked and abused in police stations and reportedly ill-treated in jails. Reports of custodial rape also continued to be received in the period under investigation. In July 1994, housewife Sajida Parveen was repeatedly raped by two police officers from police station Budhla Sant in Multan, Punjab province, while her husband was away at work in Lahore. After having rejected their earlier advances, Sajida Parveen's house was broken open in the night of 23 July; a Head Constable reportedly locked her children into another room and threatened to kill them if anyone offered resistance. She was then reportedly raped at gun point by two police officers. Later they robbed her of gold ornaments and money and warned her that her children would be harmed if she reported the crime. Sajida Parveen approached a magistrate who ordered that she be medically examined. The medical officer reportedly confirmed that she had been raped by more than one person. Police refused to register her complaint and she approached the High Court to have her complaint registered. It is not at present known if the police officers alleged to have gang-raped her have been suspended and if criminal proceedings have been initiated.

3.1.1.4. Unacknowledged detention facilitating torture

Unacknowledged detention, i.e. detention which is not recorded and sometimes involves confinement in undeclared places of detention, facilitates torture and "disappearance" of prisoners and detainees in custody. Torture most frequently occurs within the first hours or days of detention when the family of the detainee has often not yet been informed of his detention. Incommunicado detention also facilitates the "disappearance" of the detainee in custody.

The Police Act of Pakistan in section 44 lays down that "it shall be the duty of every police officer in charge of a Police Station to keep a general diary ... and to record therein all complaints and charges preferred, the names of all the persons arrested... ". The Code of Criminal Procedure requires in section 60 that police officers making arrests without warrant shall bring the detainee "without unnecessary delay" before a magistrate or the officer in charge of the police station. Section 62 lays down that "officers in charge of police stations shall report to the District Magistrate ... the cases of all persons arrested without warrant, within the limits of their respective stations ...". Section 172 of the Code of Criminal Procedure clearly says that "every police officer making an investigation ... shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, ... and a statement of the circumstances ascertained through his investigation".

Pakistan: Persistent human rights violations

Article 10 of the Constitution of Pakistan specifies safeguards regarding arrest and detention: "(1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds of such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest ... and no such person shall be detained in custody beyond the said period without the authority of a magistrate."

Police and other law enforcement personnel frequently ignored legal safeguards contained in the Police Rules and the Code of Criminal Procedure of Pakistan relating to arrest and detention procedures and the recording of these. They sometimes held people in arbitrary detention without any charge, failed to record arrest or detention in any form, did not lawfully report arrests to magistrates and failed to obtain remand and held them in incommunicado detention, without access to family, friends, lawyers and medical staff and in places not designated as official detention places. In such places, human rights violations may be committed with impunity as the safeguards against ill-treatment available in regular and lawful detention centres do not apply and detection is unlikely.

a. Government premises

Surprise visits by official prison visitors or judicial officers sometimes brought such unlawful detention to light. During an unannounced visit of judicial officers to the CIA centre in Hyderabad in April 1994, two brothers, Akbar Siyal and Gul Mohammad Siyal, were found to be unlawfully detained there. There was no complaint against them and the police diary did not record their arrest (Dawn, 20 April 1994). In December 1994, the Multan bench of the Lahore High Court ordered a surprise visit to the Mumtazabad police station in Multan, Punjab. Its judicial officer discovered nine detainees who were being held without charge and without any record of their arrest in the police station's daily diary. One of them had been there for three and a half months without being told the reason for his detention; another one said he had been detained for three months while police claimed to have arrested him only two days earlier. Several of the detainees reported to the judicial officer that they had been subjected to beating. None of them had been brought before a magistrate and remanded in custody. Similarly during a surprise visit by an Adviser to the Sindh Chief Minister to Pinyari police station in Hyderabad on 1 January 1995, 10 people were found there in unlawful and unacknowledged detention. The visit had followed a public complaint that the police station "was minting money by illegally detaining innocent persons" (Dawn, 3 January 1995).

Again, when the non-governmental Human Rights Commission of Pakistan (HRCP) visited the area around Dehra Ghazi Khan, Punjab province, to investigate complaints by the Pakistan Muslim League (Nawaz) about harassment of its members by police during demonstrations in June, it found four men unlawfully detained in Darkhast Jamal Khan. They were held in fetters, not in the police station but in an abandoned basic health care unit nearby, where neither relatives nor lawyers would be able to find them. Among those detained in the undesignated location was an elderly disabled man whose son was wanted by police but had not been found. The HRCP was told that all the detainees in the police station were under investigation in connection with criminal charges but that their arrest had not been recorded yet (March to President's farm and after: HRCP inquiry into PLM(N) complaint, HRCP, 1994).

People may be detained for weeks without any acknowledgement of the fact by the authorities. In mid-

Pakistan: Persistent human rights violations

November 1994, Amnesty International was informed that of 55 MQM members arrested on 9 October 1994 by the army at Mochha Check Point, Karachi, on their return from a party gathering at Quetta, the whereabouts of 36 men were still not known. Army officials told an MQM member of the provincial assembly a week after the arrest that the army had arrested the men and that there were no charges against them. Relatives later heard that the men had been transferred to Gulzar-e-Hijra police station and Malir Cantonment police station in Karachi, but police in these stations denied any knowledge of the 36 men. The mother of one of the men said to Amnesty International, "I have not heard from him all this time, where can I go to find out where he is? I am so afraid of what they may do to him." The MQM in January 1995 informed Amnesty International that all but three of the detainees had been released during December.

The leader of the Jammu Kashmir People's National Party (JKPNP), Shaukat Ali Kashmiri, was similarly held in unacknowledged detention for a month in 1994. His name had been put on the Exit Control List in May 1994, effectively banning him from leaving Pakistan; a Federal Investigation Agency official later said before the Rawalpindi bench of the Lahore High Court that this had been done on order of the "highest authorities". Shaukat Ali Kashmiri was abducted in Islamabad on 26 August 1994 around 4 pm by people in a civilian car, believed to belong to Pakistan's military intelligence, the Inter Services Intelligence (ISI), apparently for his advocacy of an independent Jammu and Kashmir and his speech at a conference in Brussels organized by the Socialist group of the European Parliament. In Brussels, he had criticized the policy of the government of Pakistan towards Azad Kashmir. JKPNP members claimed that his unacknowledged detention was intended to prevent his participation in a local election campaign in Gilgit and Baltistan and his planned attendance in an international conference in London on the political situation in the Northern Areas. A brother of Shaukat Ali Kashmiri filed a writ of habeas corpus in the Rawalpindi bench of the Lahore High Court on 29 August in which the Station House Officer of Sihala police station and the Director of the Federal Investigation Agency in Islamabad were named as respondents. On the hearing on 4 September, none of the respondents appeared, nor on the following hearing on 5 September. On 7 September both appeared and denied that they were holding Shaukat Ali Kashmiri in their custody. There was no criminal charge against Shaukat Ali Kashmiri.

Reportedly, following his arrest from his home, Shaukat Ali Kashmiri was blindfolded and driven for about 10 minutes to a place of detention where he was reportedly continuously interrogated about his party work, threatened and verbally abused. About a week later, he was again blindfolded and taken to a detention centre in the North-West Frontier Province from where he was released on 26 September after his case had been highlighted by Amnesty International and other human rights organizations.

b. Private detention centres

Private detention centres, maintained by rural landlords and known and tolerated by local government officials, continued to be discovered, often when inmates succeeded in escaping and reporting their cases to local media or human rights organizations. In November 1994, Rano Bheel, who had reportedly escaped from a private prison of a wadera or big landlord near Sanghar, Sindh, alleged that he had remained imprisoned for the last four years. After daily farm labour without compensation he had been chained every night; women and children in the private jail had been raped by the landlord himself and his farm managers (*The News*, 19 November 1994). In spite of the publicity generated in 1992 when a private jail in Khokhar village near Tando Allahyar in Hyderabad district was discovered, such private jails have continued to operate with impunity. During a seminar organized by the HRCP in Hyderabad in

Pakistan: Persistent human rights violations

November 1994, several former bonded labourers described conditions of recent detention and torture by the landlord and his staff. Seminar participants pointed out that the issue of private jails had not been addressed by the government because the landlords' influence extended into the government.

Religious institutions have also been reported to serve as unlawful and unacknowledged detention centres; their existence and the practice of torture and ill-treatment in such places are widely known and tolerated by government officials. A team of journalists in December 1994 found several political activists detained and chained in the premises of dargahs or shrines of Muslim saints in Thatta district in Sindh. In one of them, near Chuharjamali, some 20 men who had been declared insane were found chained to trees. One of them, Abdul Latif from Meerwah Gorchani, an activist in the breakaway faction of the PPP headed by Benazir Bhutto's brother Mir Murtaza Bhutto, had been lured into visiting the shrine where a political opponent had posed as his father and had him confined to the shrine as a mental patient. He pleaded with the journalists to inform his family and national human rights organizations about his unlawful detention and ill-treatment. However, when a team of the non-governmental HRCP visited the dargahs a week later, Abdul Latif and several other unlawfully detained activists had been transferred to an unknown location and others were chained in the fields behind the dargah compound hidden away from the view of possible visitors (Dawn, 2 and 8 December 1994).

Religious schools also appear to subject young students to unlawful detention and torture and other forms of cruel, inhuman and degrading treatment or punishment with impunity. A religious school in Piplan, near Mianwali, Punjab province, reportedly held children between the ages of four and 16 in chains and leg fetters. The chain linked both ankles at a maximal distance of 25 cm; the end of the chain was fastened to a heavy log of wood. Usually four to five children were tethered to one log and none could move without the others joining to lift the log. Several children were reported to have been held in this condition round the clock for five to 10 years. The children were chained to prevent them from running away and getting exposed to "corrupting influences" according to their religious teacher. Accounts of ill-treatment in this particular school were first published in 1992 and other schools with the same practice are known to exist. The government does not appear to have taken any firm action to disband such centres of unlawful detention of children and to bring those responsible to justice. However, after protests against the practice, the children in Piplan were reportedly unchained on 9 July 1994.

c. Impunity of perpetrators

The practice of unlawful, unacknowledged and incommunicado detention and the existence of secret detention centres and private jails, is common knowledge. Kamran Rizvi, in charge of the governmental Human Rights Cell in a press interview with the daily Dawn in June 1994 said that his organization was engaged in finalizing a policy to trace the private torture cells run by police personnel (Dawn, 10 June 1994). The HRCP has repeatedly drawn attention to unlawful and unacknowledged detention and human rights violations committed in such circumstances. Pakistani media also frequently report such incidents. The High Court of Sindh receives 40 to 50 letters and telegrams daily complaining of human rights violations mostly relating to police excesses (Newsletter, Commission Justice and Peace, July-September 1994). The majority of these are about unlawful and unacknowledged detention, non-registration of First Information Reports (FIRs) by police and illegal police raids without warrants. On 22 October the Deputy

Pakistan: Persistent human rights violations

Inspector-General of Police in Karachi in a public meeting ordered the release of seven prisoners being detained without charge in various city police stations (Dawn, Karachi, 23 October 1994). However, the authorities failed to bring those responsible to justice or to take effective preventive measures.

3.1.2. Torture in jails

Amnesty International was told by several prisoners awaiting trial that torture in jail is the rule rather than the exception. A prisoner awaiting trial said to Amnesty International delegates in November 1994: "In our ward in Karachi Central Jail there are 15 punishment cells. They are all full. All new prisoners are put there first, to break their resistance; if they are new in prison, what are they punished for? In a punishment cell one is kept all alone, in bar fetters and they add cross fetters, from ankle to ankle so you cannot close your legs. I was held in cross fetters for almost two weeks and was also blindfolded. My ankles were swollen but because I could not pay the money they demanded, they did not take the fetters off. I had not done anything for which they could claim to punish me, they were only after the money. I know some prisoners who have paid 5,000 Rs and their fetters were removed." Many other prisoners said that they had been continuously in fetters for weeks especially if they were too poor to buy a reprieve from prison staff. Prisoners from Faisalabad district jail awaiting trial reported that 500 Rs were extorted from them for removal of their chains or fetters and that relatives had to pay between 10 and 100 Rs every time they wish to meet the prisoners (Dawn, 2 June 1994). The Amnesty International delegates also saw prisoners awaiting trial whose ankles were bandaged as they had become sore from the fetters rubbing against them; on top of the bandages they still wore iron rings and fetters.

If prisoners insist on their right not to be put arbitrarily in bar or cross fetters or ask for blankets or better food, or if they object to chronic overcrowding in jail, they are punished for insubordination, by deprivation of food or by further prolonged fettering. Prisoners are sometimes beaten by sticks or leather belts, either by the wardens themselves or by other prisoners who are made to carry out the tasks and sometimes thereby obtain a remission of their own punishments. Some 100 prisoners in Nawabshah District Jail were baton-charged on 1 January 1995 when they reportedly refused to pay money demanded by prison staff; five prisoners reportedly had to be hospitalized with injuries sustained during the baton-charge. Former prisoners and prisoners under trial reported that they had to pay bribes to obtain medical attention; sick and poor prisoners are often ignored.

Eye-witnesses told Amnesty International that in January 1994, some 30 prisoners in Karachi Central Jail were stripped of all their clothes, paraded naked before other prisoners and left without clothes throughout the night. Following a human rights lawyer's publication of a report of this incident, this degrading treatment was stopped and the jail superintendent transferred to another post but no disciplinary action or criminal prosecution is known to have been initiated.

Senator Kamal Azfar, chairman of the Task Force on Social Contract published a report on conditions of detention in Karachi Central Jail in March 1994 which reported several of the human rights violations committed there. But the evidence given to the Amnesty International delegation in November 1994 indicates that no measures were taken to stop the practice.

3.2. Punitive destruction of homes

During raids by law enforcement personnel, homes are frequently deliberately damaged or destroyed and

Pakistan: Persistent human rights violations

household items stolen or destroyed. In November 1994 deliberate and systematic destruction of homes was reported from Malakand Division in the North-West Frontier Province. Following the Supreme Court confirmation in February 1994 of the cancellation of special regulations relating to the law and the judiciary in the Provincially Administered Tribal Areas, the Tehrik Nifaz Shariat-e-Mohammadi (TNSM) led by Maulana Sufi Mohammad called for the introduction of Islamic law and Islamic courts in Malakand. When the government first agreed to do so but later failed to implement it, the TNSM activists in Malakand took dozens of people hostage to enforce their demands. The paramilitary Frontier Corps were deployed from September to stop the uprising; from mid-November they were reported to have pursued a deliberate punitive operation and destroyed dozens of homes and shops of people believed to be TNSM members and sympathizers in Bajaur Agency. On 17 November, in Inayat Bazar about 100 shops, including a large book shop, were set on fire. The homes of TNSM leaders were bulldozed in Nawagai and saw-mills and wood depots were destroyed in Khaar (Reuter, 16 November 1994, The News, Peshawar, 17 and 18 November 1994). Several communities reportedly paid large amounts of money to the Frontier Corps to ensure that their homes would be spared. On 22 November Charmang village in Bajaur Agency reportedly reached an understanding with the paramilitary forces to pay 500,000 Rs as ransom; earlier the Salarzai tribe in Bajaur Agency had reportedly paid two million Rs so that their homes would not be demolished.

3.3. Deaths in custody

Torture in police, army or jail custody is sometimes revealed when its victims die of the injuries sustained during torture. During the first 15 months of PPP government, at least 67 deaths in custody were reported. Of these 16 reportedly occurred in jails. The real number of victims who died as a result of torture may be considerably higher as many cases go unreported and may be disguised as suicides or "encounter" deaths. None of these deaths have been thoroughly, promptly and impartially investigated in accordance with the strict international standards in the UN Principles on the Effective Prevention and Investigation of Extrajudicial, Arbitrary and Summary Executions.

Deaths in custody were also reported from District Jail Nawabshaw, Hyderabad Central Jail and Karachi Central Jail after prisoners protested against ill-treatment, corruption of prison staff or insufficient medical care or food.

Amnesty International has also received several reports of deaths of prisoners in judicial custody resulting from medical neglect. Bachal Janwri, a prisoner in the District Jail, Larkana, died on 11 June 1994 after the medical superintendent of Civil Hospital refused to admit him for treatment of tuberculosis without a court order. By the time the court order had been obtained by his lawyer from the competent court, the prisoner's state of health had deteriorated so much that he died on admission to hospital. Nazir, a prisoner awaiting trial in Hyderabad Central Jail, was admitted to the jail hospital on 8 August 1994 with "general weakness". His dead body was found in the hospital's isolation cell two days later when bad smell emanated from it; nobody had reportedly attended to him after admission. The Chief Medical Officer declared that Nazir had died as a result of an epileptic attack which relatives deny. Former prisoners and human rights activists told Amnesty International that medical attention is often dependent on prisoners' being able to pay bribes to prison staff for such assistance.

As in earlier years, police and jail staff have sometimes sought to conceal deaths in custody by declaring them to be suicides. Ghulam Hussain Magsi was arrested on 10 April 1994 by police in Qubo Saeed

Pakistan: Persistent human rights violations

Khan, Sindh province, for allegedly stealing a cow. He was reportedly held in an isolation cell. On 13 April, a doctor was reportedly taken to see him. On 14 April, police said that he had hanged himself that morning in his cell. Ghulam Hussain Magsi's relatives said that police officers had earlier demanded money from them and that he had died of torture. Some deaths in custody are also declared to have been the result of "encounters" with the police. Rahim Dad Jamali, who died on 9 July 1994 in Dadu was hit with rifle butts when his family could not pay the bribe demanded by police and released when police realized he might die. There was no evidence of an encounter at all as claimed by police.

The appendix to this paper lists deaths in police or judicial custody in a tabular form. The four cases below are described in greater detail to fully describe police practices involved, and to indicate the contexts in which police commit such human rights violations and attempt to cover up the crimes. They concern a prisoner of conscience arrested and killed by paramilitary forces in Balochistan when a criminal suspect could not be found; a Christian prisoner of conscience in Punjab killed by a police officer due probably to his irritation at bystanders' throwing a stone at him; a prisoner of conscience killed by police in Dadu, Sindh province, when he failed to pay the bribe demanded by police and a prisoner in Hyderabad Central Jail who died of injuries sustained when a teargas shell was fired into his face.

3.3.1 The case of Murad

Murad was arrested on 24 July 1994 near Turbat in Balochistan province by the paramilitary Mekran Scouts and the Anti-Narcotics Task Force (ANTF) when a drug trafficking suspect could not be found. Next day, the Mekran Scouts handed over the dead body to the Turbat hospital. A district officer told the investigating non-governmental HRCF that Murad had been tortured to death by the Mekran Scouts. Local observers believed that the Mekran Scouts had killed Murad to cover their complicity with local drug traffickers which would have come to light if they had handed him over to the ANTF. A judicial inquiry was subsequently set up but the law enforcement agencies reportedly refused to cooperate with it. Murad's nephew lodged a complaint against the alleged perpetrators but subsequently two criminal charges were registered against him in an apparent effort to intimidate him into withdrawing his complaint.

3.3.2. The case of Emmanuel Masih

On 21 May 1994, Emmanuel Masih, a 30-year old Christian, died in the custody of Gojra police station, district Toba Tek Singh, Punjab province. When a criminal suspect could not be found in village 424 J.B. Montgomery Wala the police raided the village and instead arrested two people, Emmanuel Masih and Qamar Victor. Several villagers reportedly crowded around the police and a stone hit a sub-inspector on the forehead. Emmanuel Masih was stripped naked and thrown into a police van, where there were already two other arrested villagers, Shahbaz and Arshad. When Emmanuel Masih wanted to know why they had been arrested, police officers verbally abused him and insulted his Christian belief. One police officer then thrust a stick into his mouth and twisted it until his mouth bled profusely. Later the van stopped and the sub-inspector pulled Emmanuel Masih out, threw him on the ground, beat and strangled him to death. Two passers-by who witnessed the incident tried to intercede; the police then pushed Emmanuel's body back into the van and took it to the local hospital where they told the medical officer that they had found the body by the roadside. The three men who had been in the van with Emmanuel Masih and witnessed the killing were taken to the police station and beaten. When the news of Emmanuel's death spread, villagers protested outside the police station and the three other men were

Pakistan: Persistent human rights violations

released. Qamar Victor, severely bruised in the beating, was admitted to the Civil Hospital but discharged himself after six days as he feared that police would find and silence him as he had been an eye-witness to the killing.

Police filed a complaint against seven villagers, including the four arrested men alleging that they had obstructed the arrest of the wanted person. On the basis of the available evidence, the HRCP considered the arrest of Emmanuel Masih and Qamar Victor to have been "wholly unlawful" and probably motivated by the desire to extract money from the men or their families. Several villagers reported that they had earlier been held in unlawful detention and had been released on payment of large sums of money. The HRCP believed that the other two men had been arrested to force the wanted criminal suspect to surrender to police. Police later said that Emmanuel had been drunk at the time, had resisted arrest and died of heart failure but the post mortem did not mention any alcohol in Emmanuel Masih's body nor heart failure. Twelve police officers were reportedly subsequently arrested on charges of murder.

3.3.3. The case of Rahim Dad Jamali

In its report published in December 1993, Amnesty International had described the extrajudicial execution of Niaz Hussain Pathan in September 1992 by police officers in Kotdiji, Sindh province. Police robbed him of his savings and presents with which he had returned after working for three years in the Persian Gulf. When the family was unable to pay more money for his release, Niaz Hussain Pathan was shot dead and his death was declared to have occurred in an "encounter". An almost identical case was reported under the present government from Dadu, only 100 kilometres from Kot Diji.

On 24 June 1994, a police contingent, led by an Assistant Sub-inspector (ASI) of the CIA, came to the house of Rahim Dad Jamali (25) who had just returned from Saudi Arabia and demanded a share of what they described as the "Saudi Arabia bounty". When he refused, police officers beat family members and took Rahim Dad Jamali, his brother Akbar Jamali and his cousins Khalid Jamali and Turku Jamali to the CIA headquarters in Dadu where false charges were brought against them. Later, Rahim Dad Jamali's relatives were released and told to arrange 100,000 Rs as otherwise he would be killed in a fake "encounter". Akbar Jamali and Khalid Jamali returned after a fortnight with 40,000 Rs which they had raised by selling household goods and borrowing money; the ASI was furious with their offer and reportedly started hitting Rahim Dad Jamali's face with the butt of his rifle. When Rahim Dad Jamali started to bleed profusely, he and his relatives were sent away. He died in a local hospital in Dadu on 9 July 1994; police said he had been injured in an "encounter". During the following days Akbar Jamali, Khalid Jamali and Turku Jamali tried repeatedly to lodge an FIR in the Dadu City police station but the Station House Officer (SHO) refused to register it and informed the CIA ASI who had come to Jamali's house on 24 June 1994, about the complaint. The ASI reportedly threatened that he would have them all declared criminals and killed if they pursued the complaint. The victim's mother approached the governmental Human Rights Cell which investigated the incident and held the ASI and four constables responsible for the death. The Human Rights Cell informed Amnesty International that the police officers were suspended and arrested on a murder charge. According to media reports, those responsible for the death are seeking a compensation settlement which is permissible under Islamic law.

3.3.4 The case of Athar Iqbal Arain

In July 1994, prisoners in Hyderabad Central Jail, including political prisoners from the Sindhi national

parties and the MQM who had formed a Prisoners Rights Committee objected to the treatment they had been subjected to, including the administration of 20 lashes on 13 June 1994 to Ghulam Qadir Rajput of the MQM as punishment for a scuffle with a fellow prisoner. On 27 July 1994, the jail was thoroughly searched but when prisoners and prison wardens clashed during the search, jail police, reserve police and the paramilitary Rangers were called in. They reportedly lobbed teargas shells into the cells, and beat prisoners with iron rods. One teargas shell was reportedly fired directly into the face of Athar Iqbal Arain, a member of the Sindh Punjabi Students Association who had been in detention for 18 months in connection with the murder of a student. It reportedly smashed his teeth. Although he was bleeding profusely, Arain was not taken to hospital but given first aid in the prison dispensary and then reportedly placed in bar fetters and locked up in an isolation cell. He died in the early hours of the next morning, 28 July 1994. The superintendent of Hyderabad Central Jail and the Chief Medical Officer of the jail declared that Athar Iqbal Arain had committed suicide in his cell. The post mortem report issued by Liaquat Medical Hospital said his death was due to injuries sustained during a scuffle resulting from his resistance and due to his hitting his head on a wall. Prisoners who were taken to various courts for hearings after the clashes in Hyderabad Central Jail told reporters that dozens of political prisoners were put in bar fetters and transferred to solitary confinement after the incident. Attempts by Athar Iqbal Arain's brother to file a complaint were initially without success; however, following a Sindh High Court order, an FIR was lodged against the superintendent of Central Jail Hyderabad, three jail wardens and the medical officer who refused to treat him. The investigation is reported to have begun.

3.4. Extrajudicial executions

Extrajudicial executions violate the right to life, a fundamental human right which is unequivocally restated in important human rights instruments. Article 3 of the Universal Declaration of Human Rights affirms that "Everyone has the right to life, liberty and security of person". Similarly Article 6(1) of the International Covenant on Civil and Political Rights establishes: "Every human being has the inherent right to life. This right shall be protected by law, no one shall be arbitrarily deprived of his life". The UN has specifically addressed the question of extrajudicial executions. The UN Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in May 1989, in its Principle 1 states: "Governments shall prohibit by law all extra-judicial, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances" Extrajudicial executions and enforced "disappearances" are strictly prohibited by the Constitution of Pakistan which in Article 9 lays down: "No person shall be deprived of life or liberty save in accordance with law."

At least 35 people, criminal suspects as well as political activists, were reported to have been extrajudicially executed, i.e. deliberately and unlawfully killed by or on orders from authorities or with the acquiescence of the authorities during the first 15 months of PPP government. The police attempted to disguise many of such extrajudicial executions as deaths following "encounters" with police. "Encounter" victims were declared "dangerous criminals" and often photographed with arms and ammunition. Police statements about such "encounters" were often contradicted by eye-witness accounts and direct evidence. In the Sukkur incident in May 1994, described below, there was no evidence of a shoot-out between police and the victims, and witnesses reported that they had seen five young men taken away by law

Pakistan: Persistent human rights violations

enforcement personnel to a house from which their dead bodies were later removed. The nature of the injuries sustained by the victims also sometimes indicated that the official story was a cover-up. Mohammad Zulfikar Ali, who died in October 1994 allegedly in a shoot-out with police, was found to have multiple injuries on his dead body and his penis and tongue had been cut off.

It is often difficult to ascertain for Amnesty International if a prisoner died as a result of torture or if he was extrajudicially executed, i.e. whether the death was the intended or incidental result of torture in the absence of proper official investigations and autopsies. When Emmanuel Masih was thrown to the ground and beaten and strangled by police his death may have been intended or incidental. In cases of severe and brutal torture the death of the victim must be assumed to be taken into account as a possible, even likely result.

Police were reported to have resorted to intentional lethal use of firearms leading to several deaths in the period under review. On 23 December 1994 a wedding procession in Karachi was fired at without warning by ten off-duty police officers who mistook shooting in the air by members of the wedding party as an attack. The bridegroom and his friend were killed and 11 other people injured (Dawn, 24 December 1994). Newspapers frequently carry reports of police opening fire and injuring or killing people travelling in cars or on motorbikes who do not stop when signalled by police to do so. In October 1994, Gul Mohammad was fatally injured on his way to Larkana, Sindh province, when police from Dakhan opened fire at his taxi near Tabbeb village. The taxi driver, fearing a robbery, failed to respond to police signals to stop. The Station House officer (SHO) later filed an First Information Report (FIR) claiming that Gul Mohammad had been killed in an armed encounter, but a subsequent inquiry established that there had been no encounter and that the FIR had been intended to cover the crime. Similarly Sehar Nigar Azam, a 17-year-old woman student, was shot dead in Jehangirabad in Karachi on 20 December 1994 when the car she was travelling in did not immediately stop after uniformed men signalled it to do so. While family members present at the time of the shooting in the car said that police and Rangers had opened fire, police registered a case against unknown persons for the murder of Sehar Nigar Azam.

The following cases, described in greater detail, show how law enforcement personnel sought to disguise extrajudicial killings. They are seven MQM members reportedly extrajudicially executed in two separate incidents in Sindh; two villagers, including a Christian, reportedly deliberately killed by police in Punjab and three members of the Shia religious minority reportedly shot at close range by the paramilitary Rangers in Karachi.

3.4.1 The cases of Mohammad Zulfikar Ali and Mohammad Hanif

During their detention on 17 and 18 October 1994, Mohammad Zulfikar Ali (25) and Mohammad Hanif (19), activists of the MQM died in Baldia Town, Karachi. Police declared that the deaths had occurred in a shootout near the local MQM office. Witnesses said that at around 8 p.m. on 17 October, the two young men were injured when trying to escape on a motorbike during a raid of their party sector office by police. Mohammad Zulfikar Ali and Mohammad Hanif were taken to the local police station but family members and neighbours who tried to contact them there were not permitted to see them. Early next morning the rumour spread that the two young men had died. When relatives of both the men went to the Civil

Pakistan: Persistent human rights violations

Hospital, Karachi, they were shown the dead bodies but police demanded a large amount of money in exchange for handing over the bodies. Senior members of the community then went to the police station to work out a compromise while the women and children returned home. At around 3 pm., the bodies were finally brought by ambulances and handed over to the families.

The person who washed the body of Zulfikar told Amnesty International: "Zulfikar's tongue was completely cut off, and his lower teeth on the left side were broken, his lips were smashed. The left side of his forehead looked burned, there were round holes or depressions in it as though hot rods or nails had been pressed into it. ... There was one hole also on his left shoulder, close to the neck, not like a bullet hole but as though poked with a stick... His penis was cut off. There were no injuries on his legs or arms." This description was confirmed by other people who had seen the dead body; they were of the opinion that Zulfikar had died of torture. Mohammad Hanif's dead body, as testified by his mother, father and uncle, had bruises on the shoulders and thighs. There were three gunshot wounds in a line down his chest, and one gunshot wound on each shoulder. The relatives of the two young men did not lodge complaints with the police as they feared police retaliation. Police searched the house of Hanif's family a few days later and allegedly stole money. Five days after the death of Mohammad Hanif, his brother was arrested without charge and taken to Saidabad police station; upon appeals by community elders he was released a few hours later.

3.4.2 The case of five MQM youths

In an earlier, similar incident in Nusrat Colony, a poor Mohajir-inhabited area of Old Sukkur, North Sindh, five young members of the MQM, Usman (23), Nasir (19), Saeed (21), Ismail (19) and Tahir (20) were killed on 3 May 1994. Deputy Commissioner Subhago Khan Jatoti told the press that they were "dangerous criminals" wanted by the law enforcement agencies who had been killed in an "encounter" with a contingent of police, army and the paramilitary Rangers. The non-governmental HRCP investigated the killings and said they appeared to be "cold-blooded murder". There was "neither evidence of, nor witnesses to an encounter" ([HRCP Newsletter](#), July 1994).

Testimonies of eye-witnesses of the incident indicate that four of the men were picked up by police, army and Rangers during a house-to-house search from their homes; their hands were tied behind their backs. They were reportedly taken blindfolded to the house of a police clerk. The clerk's relatives were herded into one room while the four young men were apparently shot dead with automatic weapons at point blank range in another room in what appears to have been an "execution-style killing with the bullets aimed at the upper half of their bodies" (HRCP report). The four bodies were then taken on stretchers by other Mohajir men under police guard to Civil Hospital. From there they were removed a little later together with the body of another young man, Tahir, to the Abad police station in Sukkur. The HRCP was unable to establish the circumstances of the death of Tahir. The five bodies were bathed under police supervision by volunteers of the Edhi Foundation, a Muslim social service organization. The bodies were not handed over or even shown to the five men's families but hurriedly buried by police which continued to guard the graveyard and refused permission to anyone to go near the graves. Amnesty International has obtained several affidavits of people who were eyewitnesses to the arrest and blindfolding of the victims and of others who were required to carry the dead bodies under guard to the hospital and who sought in vain to have the bodies handed over to the families for burial. Over 200 other young men, some only 10 years-old, were arrested on the same day in Nusrat Colony but were released in stages later. Following the refusal of the SHO of police station "C" sector of Sukkur to register an FIR, relatives filed a constitutional

Pakistan: Persistent human rights violations

petition in the Sindh High Court to have it registered by court order. To Amnesty International's knowledge the petition was still pending at year-end, no police officer had been suspended.

3.4.3 The cases of Pitras Masih and Hanif

In Sodiwal, Punjab province, Pitras Masih and Hanif were allegedly killed in an "encounter" with police in early November 1994. A constable had reportedly gone with another colleague to his friend's house to help settle a land dispute in which the other side was represented by Jeela Butt, Shahid Mushtaq, Hanif and Pitras Masih. When a quarrel broke out between the two parties, the constable and Shahid Mushtaq reportedly left the house and opened fire. Pitras Masih and Hanif ran away and hid in the house of Maulvi Jahangir; several local residents reported that the two men were unarmed and surrendered to several police officers who had arrived on the scene later and entered the house. Shots were heard by residents of the area from inside the house. Police then reportedly removed the dead bodies and detained Maulvi Jahangir for three hours. Police later declared that the two men had been killed in an encounter. The Senior Superintendent Police, Lahore, told the press that a police party in pursuit of five alleged offenders who were firing at them, opened fire in self-defence (Dawn, 5 November 1994). He said that Pitras Masih and Hanif entered the house of Maulvi Jahangir and fired at the police from inside it. Police returned the fire and shot the two men dead. However, the Inspector General of Police, Punjab, ordered a judicial inquiry into the incident, but local residents reportedly feared retaliation from the police if they were to come forward to record their witness accounts. The result of the inquiry is not at present known to Amnesty International.

3.4.4 The cases of Azmat, Shabbir and Mohammad Hussain

Reportedly, on 19 December 1994, Azmat, Shabbir and Mohammad Hussain, members of the party of the Shia Muslim minority, Tehrik-e-Jaffaria Pakistan (TJP), were deliberately shot dead by the paramilitary Rangers in Malir, Karachi. The Sipah-e-Sahaba Pakistan, the party of the Sunni majority, had called a strike that day to protest against attacks on their members by Shia Muslims. An eye-witness of the killing reported that he had given refuge to the three young men who were being pursued by the Rangers. "The boys were killed by the Rangers when they had their hands raised in surrender" (Dawn and Reuter, 19 December 1994). Police said that they had opened fire following an armed attack on a paramilitary patrol vehicle.

3.5. "Disappearances"

The "disappeared" are persons who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed and whose custody is denied. The "disappearance" of prisoners in the custody of law-enforcement personnel violates several internationally accepted human rights standards, which have been included in the International Covenant on Civil and Political Rights, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in December 1992. Article 1 of the latter establishes that: "1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international standards in this field. 2. Such acts of enforced disappearance place the persons subjected thereto outside

Pakistan: Persistent human rights violations

the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition of a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman and degrading treatment or punishment". It also violates or constitutes a grave threat to the right to life. The "disappearance" of prisoners in custody also violates the provisions of the Constitution of Pakistan contained in Article 10 which govern arrest and detention.

"Disappearances" cause agony for the victims and their families. The victims are cut off from the world and placed outside the protection of the law. Often they are tortured, sometimes they are killed. Their relatives are kept in ignorance of their fate, unable to find out whether the victims are dead or alive. The Pakistani media carry many reports of people who are in search of relatives who were arrested before their very eyes but whose detention is later denied by the arresting authorities.

Several people who had "disappeared" earlier, remained untraced during the first 15 months of PPP government and no steps to trace them appeared to have been taken by the new federal or provincial authorities. The MQM claims that over 100 people have "disappeared" in the custody of law enforcement personnel over the past year but it has not been possible for Amnesty International to independently verify these reports.

3.5.1. The case of Mohammad Hassan Khoso

A villager from Nawabshah, Sindh province, reported that his son, Mohammad Hassan Khoso, was arrested on 8 November 1994, without known charge, by police officers from Taluka police station in Nawabshah. The father, Khair Mohammad Khoso, stated one month later that the police had denied holding his son although they had accepted a bribe of 5,000 Rs for his release. He said that he had been unable to ascertain if his son was still in that police station and feared that he might be subjected to torture or extrajudicial killing.

3.5.2. The case of Ahsan Mallah

A retired teacher from Khairpur, Sindh province, Fakir Muhammad Mallah, alleged that his son, Ahsan Mallah, was arrested by Khairpur police on 1 September 1994 in front of him. When the father inquired in the following days about his son, police first said that he had been taken away by the army but later claimed that Ahsan Mallah had never been arrested. Fakir Muhammad Mallah has not been able to establish the whereabouts of his son since then and fears that he may have been killed.

3.5.3. The case of Allah Rakhio

Among those people who remained "disappeared" is customs inspector Allah Rakhio who was arrested on 18 November 1991 in Hyderabad, Sindh province, by the paramilitary Qasim Rangers who initially denied detaining him and later made several contradictory statements about the time when they had released him (see Pakistan: "Disappearance" of customs inspector Allah Rakhio, AI Index: ASA 33/02/93). He has not been seen since then. However, in November 1994, Amnesty International was able to speak to a person who said he had seen the "disappeared" customs inspector in the headquarters of the Qasim Rangers in Hyderabad on the day of Allah Rakhio's arrest. The eye-witness reported that he saw Allah Rakhio standing in the court of the Qasim Ranger camp. Allah Rakhio had apparently been beaten

Pakistan: Persistent human rights violations

and stood sobbing with pain, blind-folded and his arms tied at the back. The eye-witness was himself subjected to electric shocks during interrogation, but was released after a short period. He did not know what happened to Allah Rakhio later. Though the "disappearance" of Allah Rakhio is known and was brought to the attention of the Government of Pakistan by Amnesty International, no efforts appear to have been made to ascertain his whereabouts.

3.5.4. The case of Mohammad Afaque

Similarly police constable Mohammad Afaque, who on 9 February 1993 was forcibly taken by police officers to police station Cantonment in Hyderabad and according to its SHO, almost immediately taken away by the paramilitary Qasim Rangers, 63 Wing, has stayed "disappeared" and no efforts appear to have been made to trace him. Authorities later made a number of contradictory statements about the date of Mohammad Afaque's supposed release. Constitutional petitions in the following months did not yield any information as police and army denied detaining Mohammad Afaque. His family has not heard from him for almost two years and fears that he may have been killed.

3.5.5. The cases of several members of the Otho family

Following the arrest of 13 members of the Otho clan, including an infant and three teenage girls, in November 1992 in village Sahib Khan Mirani Ghot near Hyderabad, seven men remained "disappeared" till early 1994. The arrest and "disappearances" apparently occurred in the context of a clan dispute in which one side had secured the support of a retired army major who appeared to have called upon the army or police to carry out the harassment of the other part of the family. In January 1994, 14 years-old Iqbal Otho was released. He reported that he had been transferred from police station to police station; he said that in the CIA Centre in Hyderabad he had been continuously blindfolded for seven months which had affected his eyesight. He had also been subjected to electric shocks and been kicked and punched. In April 1994, Ramazan Otho and Mohammad Ali Otho reappeared; during the 17 months of their detention, their families had not been able to locate them. Their reports about their treatment in detention were very similar to Iqbal Otho's. Four other men, Allah Jorio (60), Rafiq Otho (25), Urs Otho (45) and Rafiq Lashkar (26) remain untraced. Following reports of the sudden release of Ramazan Otho and Mohammad Ali Otho in local papers, correspondents and human rights activists visited the CIA Centre in Hyderabad where the two men said they had been held last, but it was found empty. In July 1994 when a constitutional petition seeking to establish their whereabouts came up for hearing in the Sindh High Court, police authorities denied that they were holding the four "disappeared" men.

4. Deliberate and arbitrary killings by militant groups apparently condoned

The authorities failed to investigate dozens of deliberate and arbitrary killings perpetrated by militant groups. Victims included members of specific religious or ethnic groups and people whose political opinions these groups opposed. The perpetrators of such killings or attacks were very rarely charged and tried. Failure to publicly and strongly condemn such killings, and to investigate and bring to justice those responsible for them may encourage the view that the government condones such human rights abuses. In late 1993 and early 1994 two members of the Ahmadiyya community, including Ahmad Nasrullah, the son of the head of the community in Lahore, were killed, and over a dozen Ahmadis were injured in some 13 attacks in Lahore. On 9 October 1994, Professor Nasim Babar was shot dead at his door in Islamabad. Two other Ahmadis were deliberately shot dead in Karachi in October and November 1994. The attacks

Pakistan: Persistent human rights violations

were clearly related to the victims' religion. In most of these cases of deliberate and arbitrary killings of Ahmadis, police were reluctant to register complaints, family members of the victims told Amnesty International that police inquiries were very perfunctory and no one has yet been arrested.

During 1994, some 700 people died violent deaths in Karachi against 121 in 1993 according to statistics issued by the Edhi Foundation; many more have been injured because of their ethnic or religious identity or their political views. On 4 December 1994, Muhammad Salahuddin, editor of the Urdu weekly Takbeer was shot dead as he got into his car outside his office in Karachi. He had been highly critical of the policies of the MQM which reportedly had led to his office being ransacked and to his house being set on fire in 1991, allegedly by MQM activists. On 6 December, Mohammad Samdani Warsi, manager of the Urdu daily Parcham, a newspaper understood to be close to the MQM, was shot dead in his office. On 8 December 1994, 15 people were killed in Karachi, including five supporters of a party of the Shia religious minority, Tehrik-e-Jaffaria Pakistan. On 6 December, eight men were shot dead inside a mosque in Karachi; among the victims was its prayer-leader and president of the SSP in Karachi, Qari Saeedur Rehman. Dozens of people belonging to factions of the MQM, the MQM (Altaf) and the MQM (Haqiqi), were reportedly shot dead in targeted killings throughout 1994. Dozens of religiously motivated killings were also reported from Punjab.

The National Assembly adopted a resolution in mid-December 1994 to set up a special committee to probe the causes of violence and killings in Karachi and to prevent their recurrence, but to Amnesty International's knowledge, no judicial inquiry has been established to ascertain responsibility for dozens of religiously and ethnically motivated deliberate and arbitrary killings in Karachi and to bring their perpetrators to justice. However, official sources said in January 1995 that a judicial inquiry into the death of Muhammad Salahuddin would be set up.

5. Virtual impunity of perpetrators of human right violations

Amnesty International knows of dozens of cases where victims of human rights violations by police, paramilitary forces or the army, have found it impossible to register complaints about such violations with the police. Under provisions of the Code of Criminal Procedure of Pakistan, every complaint given to police officers has to be recorded in writing, read out to the informant who has to sign it; the substance of the complaint then has to be recorded in a book maintained in the police station. Police, in violation of these requirements, refuse to register FIRs, either because they have come or fear to come under pressure from the accused, they want to extract money from the complainant for registering his complaint, they do not sympathize with the complainants or because they want to evade prosecution of themselves or of colleagues. Even if FIRs are registered, police may distort the complaint, punish the complainant and deliberately delay investigation. Medical reports which complainants may wish to use as evidence, are sometimes incorrect and judicial investigations have sometimes been found to be biased. Sometimes punishments imposed by courts on law enforcement personnel are not implemented. Human rights violators consequently enjoyed virtual impunity during the first 15 months of PPP government.

5.1. Threats against complainants

Many people who reported human rights violations and abuses to Amnesty International said that they were afraid to approach police and register a complaint as they expected retaliation, humiliation and

Pakistan: Persistent human rights violations

further abuse. Indeed, many people were afraid even to make complaints about private disputes. For example, a woman who had been badly burned by her husband, asked by Amnesty International whether she had lodged a complaint, said: "No, I belong to a respectable family. If a woman enters a police station she cannot protect her honour."

In Multan, Punjab province, police of Qadarpur Ran police station took revenge for a complaint lodged by Saeed Khan against the SHO of that police station. Saeed Khan had initially registered a complaint relating to the abduction of a female relative. The SHO had demanded payment of 20,000 Rs to recover her, but when after receiving the bribe he failed to find her, Saeed Khan in June 1994 lodged a complaint against the SHO. In July 1994, Saeed Khan's house was raided, the women of the family were severely beaten and insulted and all the relatives detained for days.

Often victims of human rights violations or their relatives who try to lodge complaints are not only threatened but are themselves charged with criminal offences - with the proviso that charges against them would be dropped if they withdrew their complaints against police. Following the raid of village Muhammad Bunglani, near Thul, Jacobabad district in Sindh on 12 June 1994, 13 men were arrested. On the way to Thul one of the arrested men, Abdul Karim, was shot at and died shortly afterwards in Thul Tehsil hospital. When his relatives lodged a complaint, police officers of Thul police station arrested the head of the Bunglani tribe, Luddho Bunglani, on 7 July 1994 and told him that he would be charged with a criminal offence if they did not withdraw their complaint.

In spite of persistent reports of police corruption and police ignoring legal procedures, police officers are sometimes entrusted to initiate investigations against themselves. In December 1994, the Sindh High Court directed the SHO of Soldier Bazar police station in Karachi to register an FIR against himself for the murder of Nasir Baloch, who had died in the police station on 2 November. While police claimed that he had died in a shoot-out with police, his father had complained to the High Court that his son had died of torture by police. It is not known if the SHO was suspended as required by Pakistan law.

The Pakistani media frequently report cases of police refusing to register complaints, and of police retaliating if complainants persist; human rights groups and lawyers have frequently highlighted the problem. Government and the judiciary are aware of this gross failure to comply with procedural requirements and the fact that it contributes to the impunity with which human rights violations are committed. During its first 15 months in office, the PPP government has not taken any measure to remedy the situation and to ensure that victims of human rights violations by state agencies can register their complaints with the police without fear for their lives and safety. In December 1993 the Sindh home department issued a directive to police at all levels in Sindh, which said that "wilful non-registration of an FIR renders the delinquent duty officer liable for prosecution" and asked all concerned to strictly follow instructions and the provisions of the law - but the practice is known to persist and no police officer has been held accountable for not registering a complaint (Dawn, 6 December 1993, Frontier Post, Peshawar, 7 December 1993).

5.2. Procedural difficulties

Pakistan: Persistent human rights violations

When police are compelled to register a complaint, they sometimes distort the charge. Following a robbery and gang-rape of five women during the night of 17 January 1994 in Nodero, Sindh province, by men in police uniforms, police initially refused to register an FIR. When the Sindhi media widely reported the incident, officials of Nodero police station and the local administration put pressure on the women only to report the robbery and to conceal the rape. The five women were taken to the Larkana Press Club in a taxi hired by the police where they denied their earlier statements. Journalists confronted them with recordings of their initial reports of gang-rape and the women conceded that they had been coerced to make altered statements about the incident.

Relatives of victims of human rights violations who have sufficient social standing not to yield to pressure and who have sufficient means to finance prolonged litigation sometimes succeed in having their complaints registered by court order. In such cases police are known to have subsequently delayed investigation and submission of their report. Following the extrajudicial execution of Yusuf Jakhrani in Kandhkot in June 1992, police refused to register a complaint; on the basis of the family's constitutional petition the Sindh High Court ordered that the FIR be registered in Kandhkot police station. This was done in December 1992. However, police delayed the investigation and to date have not submitted the report of their investigation to the magistrate. The Jakhrani family filed a further petition in the High Court requesting it to order police to conclude and submit its report, but the petition has not yet been heard.

The relatives of people who have died after torture or who have been extrajudicially executed also faced difficulty in initiating prosecution because medical reports and post-mortem reports were often falsified to support the police version of events. The post-mortem report of Abdul Hakeem Pathan (60) who had died in the custody of Jacobabad police station in June 1994, said that he had died of extreme heat and heart failure. His son testified, however, that Abdul Hakeem Pathan, in letters from detention to his family, had repeatedly expressed his fear that he would soon die of the torture to which he was continuously being subjected. His body was covered with bruises and swellings. Frequently relatives are not permitted to see the bodies of the victims as in the case of the five young MQM members killed in Sukkur in May 1994, making it difficult for relatives to gather evidence for their allegations of deliberate killings.

Sometimes medical reports directly contradict eye-witness or victims' accounts. When Maj. Ghulam Hussain Khoso, Superintendent of Karachi Central Jail, was confronted with reports of torture committed on prisoners under his custody, he said the marks of violence visible on prisoners' bodies were "self-inflicted" and intended to prevent the prisoners' transfer to other jails. He stated that the chief medical officer of the jail had testified that the wounds were intentionally inflicted on themselves by the prisoners using blades (Dawn, 11 April 1994). The prisoners reported to human rights lawyers in detail that they had been subjected to severe beating.

5.2.1. Official attitudes and judicial concerns

In spite of persistent reports that many, if not most, "encounters" are reported by police to cover up deaths in custody or extrajudicial executions, the government continues to reward police officers for having killed alleged dacoits or robbers in "encounters". In November 1994, the Inspector General of Police in Karachi announced a cash award of 40,000 Rs to a police party which had taken part in an "encounter" in which three alleged criminals were shot dead in the Green Town area of Karachi a few days earlier. Such government action may set a signal that police may arbitrarily resort to lethal force without having to fear

Pakistan: Persistent human rights violations

sanction or prosecution.

Judicial officers sometimes aided and abetted the virtual impunity with which human rights violations are perpetrated. Judicial inquiries are sometimes biased in favour of the perpetrator of human rights violations and abuses, reflecting either religious or ethnic prejudices on the part of the judicial officers themselves or the pressures to which they are exposed. Following the stoning and burning to death in April 1994 of Sajjad Farooq in Gujranwala, Punjab province, on religious grounds - he was falsely accused of being a Christian and to have burned the Koran - a judicial inquiry was instituted by the Deputy Commissioner of Gujranwala. Observers of the inquiry proceedings noted that it was held in a mechanical and hurried manner. Witnesses were not cross-examined and their character and background were not ascertained. The District Bar Association of Gujranwala observed that the Assistant Commissioner conducting the inquiry "failed to apply his judicial mind" and to distance himself from the local administration which had failed to protect the victim from the mob. The non-governmental HRCP noted that the "judicial inquiry was not held in the proper legal and judicial manner. ... no reliance can be placed on it" (HRCP Newsletter, July 1994).

Similarly, in September 1994 the High Court of Sindh noted with concern that a judicial inquiry conducted to investigate a death in custody appeared to have been deliberately misleading. Nazir Ahmed, a fisherman, died on 3 August 1993; he had been arrested on 19 July on charges of theft by Kharadar police station and remanded to police custody till 29 July. When he was brought before the magistrate on 31 July 1993, in view of his serious injuries he was remanded to Landhi jail where he apparently did not receive medical attention. When he died on 3 August 1993 in Civil Hospital, Karachi, his body reportedly bore extensive cuts and bruises. Upon his father's application to the High Court of Sindh a case of murder was registered on 17 August 1993 against police officers of Kharadar police station. Doctors of Civil Hospital confirmed that the death had been due to torture. A judicial inquiry undertaken on the orders of the Sindh High Court and an inquiry conducted by the Sindh home department established that Nazir Ahmed's death was due to torture. When the accused, the then SHO of Kharadar police station, applied for bail in 1994, the Sindh High Court noted that relevant sections of the penal code had not been invoked in the charges against the SHO. It observed that the investigating officer appeared to have deliberately conducted the judicial inquiry irresponsibly in order to protect the police officer and ordered the trial court to amend the charge before proceeding. The accused SHO had been suspended on the orders of Inspector General of Police in Sindh in late October 1993 in connection with Nazir Ahmed's death, but was appointed as SHO of police station Gadap, Karachi, days later, allegedly on the intervention of senior army officers (Dawn, 11 November 1993).

Similarly the Lahore High Court in October 1994 deplored that a judicial inquiry into an alleged "encounter" killing of four young men near Shadiwal, district Gujrat earlier in the year had been "evasive" and inadequate. It said that the evasiveness of the report either indicated the investigating officer's incompetence or his weakness in the face of "some great pressures". The Lahore High Court ordered the police department to initiate a new inquiry and the transfer of the police officers allegedly involved in the killing to prevent their influencing it (Dawn, 21 October 1994).

In the rare cases when law enforcement officers are tried and convicted, the punishment is not always duly carried out. Raja Anar Khan, SHO in police station Kamalia, Punjab province, who in 1977 had arrested demonstrators, tethered them with nose-rings and paraded them through the streets of the town, was tried and sentenced to a fine. His appeal was rejected in the High Court and early in 1994 also by the

Pakistan: Persistent human rights violations

Supreme Court which at the same time increased the punishment from a fine to six months' imprisonment. Raja Anar Khan, who meanwhile had become a Deputy Superintendent of Police (DSP) for "meritorious services", was arrested on 26 June 1994 after his case was raised in the Punjab Provincial Assembly and sent to the District Jail, Faisalabad. However, when the Assistant Commissioner (AC) on 21 July 1994 paid a surprise visit to the jail, the DSP was not there. Jail authorities told him that Raja Anar Khan had suffered a heart attack and been transferred to the District Headquarters Hospital on the recommendation of the jail medical officer. However, he was not found in the hospital and neither the hospital nor the jail records contained a reference to the supposed transfer to hospital. It was then established that the convicted DSP was permitted to go home every evening. He had apparently even retained his government living quarters (Dawn, 23 July 1994). The AC reportedly filed a report and the Superintendent of the Faisalabad District Jail was suspended. An HRCP report mentions that he was reinstated when coalition partners of the PPP government in Punjab threatened to resign (HRCP Newsletter, October 1994).

6. Amnesty International's recent work on torture, deaths in custody, extrajudicial executions and "disappearances" in Pakistan

Amnesty International has repeatedly expressed its concern about torture, deaths resulting from torture, extrajudicial executions and "disappearances" in Pakistan and has submitted recommendations for the implementation of a number of safeguards and remedies against these human rights violations to successive governments of Pakistan.

In an open letter to the parties contesting the elections in October 1993, Amnesty International summarized its concerns, highlighting the widespread use of torture in Pakistan and urging the parties to publicly commit themselves to a minimum human rights program, including urgent measures to halt the practice of torture, to initiate prompt investigation of all cases of torture, extrajudicial executions and "disappearances" and to bring those responsible to justice (Pakistan: Open letter to the political parties, AI Index: ASA 33/04/93).

In December 1993 Amnesty International submitted a report (Pakistan: Torture, deaths in custody and extrajudicial executions, AI Index: ASA 33/05/94) to the PPP government which described over 60 instances of such human rights violations. It showed in detail the different methods of torture employed by police and other law enforcement agencies in Pakistan and examined the question why torture was so widespread in the country. Finally it urged the Government of Pakistan to implement a set of recommendations to end torture, extrajudicial executions and "disappearances".

The Government of Pakistan, then in office for two months, did not acknowledge or respond to the report by Amnesty International. When a delegation of Amnesty International met with the then Minister for Law, Justice and Parliamentary Affairs, Syed Iqbal Haider, in June and October 1994, he declared on both occasions that the cases presented by Amnesty International were too old and could therefore not be further pursued by the government. He said most of the personnel allegedly responsible would have been transferred and therefore would be difficult to trace. Amnesty International pointed out that the human rights violations described in the report had all taken place during 1992 and 1993 and many of the alleged perpetrators should be traceable a year after the events but no further commitment to initiate an investigation could be elicited from the Minister.

In October 1994 Amnesty International received a response from the governmental Human Rights Cell in

AI Index: ASA 33/01/95 Amnesty International January 1995

Pakistan: Persistent human rights violations

respect of the probable extrajudicial execution or death in custody of Niaz Hussain Pathan in September 1992, described in its 1993 report. It said that an inquiry had found that Niaz Hussain Pathan had been "killed in a genuine encounter" and that police officers in Kotdiji, Sindh, had been charged with murder. In November 1994 the delegation of Amnesty International tried to clarify this apparent contradiction when it met with the Human Rights Cell in Islamabad; it was told that the organization had not been able to inquire into the case but had been given this information by the local authorities.

7. Amnesty International's concerns and recommendations

Amnesty International believes that the widespread and systematic use of torture by law-enforcement personnel in Pakistan which sometimes results in the death of the victim, extrajudicial executions and "disappearances" in custody can only be brought to an end if the Government of Pakistan takes the following measures:

1. Publicly condemn torture, extrajudicial executions and "disappearances"

The Government of Pakistan should publicly demonstrate their total opposition to these human rights violations. Amnesty International is calling upon officials at the highest level, including the head of state, heads of the federal and provincial governments and heads of different security forces to officially condemn torture, extrajudicial executions and "disappearances". They should make clear to all law-enforcement personnel that torture, extrajudicial executions and "disappearances" will not be tolerated under any circumstances. In order to be seen to be committed to the protection and safeguarding of human rights, the Government of Pakistan should then take concrete measures, as outlined below, to bring perpetrators of past human rights violations to justice, to adequately compensate the victims, to ensure that no one at present in detention is subjected to torture, extrajudicial execution or "disappearance" and to put safeguards in place to prevent their recurrence in future.

2. End unacknowledged, incommunicado and secret detention

Amnesty International calls upon the Government of Pakistan to ensure that existing legal requirements regarding the maintenance of police record of detention are meticulously adhered to. It should ensure that prisoners are held in publicly recognized places, that up-to-date and accurate records about the whereabouts of prisoners are maintained and that such records are made available to relatives and lawyers. There should be no doubt where and in whose custody a prisoner is at any given time. An accurate central register of detainees, maintained in every district, in the form of a bound book with numbered pages, with a record of the time of arrest, of the identity of the arresting authority, and places of initial and subsequent detention would prevent secret detention and the "disappearance" of people in custody. Similarly each detention centre should keep a detailed up-to-date record, bound, with numbered pages, of the time of arrest, identity of arresting officer, time of appearance before a judicial authority, time and duration of each interrogation session, times when statements were given and a complete list and countersigned statement of all those present at each of these events. All such records should be available to the detainee and his or her legal adviser. The government should also ensure that police officers who hold detainees in unacknowledged or secret detention and who fail to maintain the required police record or forge it are held to account.

Pakistan: Persistent human rights violations

Amnesty International also urges the Government of Pakistan to ensure that incommunicado detention be strictly limited, that every detainee "shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interest of the administration of justice and of the security and good order of the institution", as required by Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners. The Pakistan Law Commission in December 1992 recommended that the Code of Criminal Procedure of Pakistan be amended to include a provision entitling a person in custody to inform a friend or relative within three days of his arrest. A delay, the commission suggested, should require authorization by a police officer not below the rank of a superintendent of police and be limited to specific conditions such as possible interference with the evidence or alerting other suspects or hindering the recovery of property. To Amnesty International's knowledge, this recommendation has not been implemented.

3. Strengthen existing legal safeguards against torture, extrajudicial executions and "disappearances"

Some of the provisions of the Pakistan Penal Code and the Code of Criminal Procedure do not adequately protect prisoners from torture and other human rights violations. Amnesty International believes that a formal separation of authority over detention and interrogation of detainees would allow some protection for detainees by providing a degree of supervision of their welfare by an agency not involved in interrogation. There should also be clear chains of command within the police which indicate who is responsible for supervising interrogation procedures and for disciplining officers who violate these procedures. At the moment of arrest, or very soon after, prisoners should be informed of their rights, including their right to lodge complaints against their treatment. Those arrested should have a right to request a medical examination immediately after arrest and should be able to request further examinations regularly thereafter. The government should further demonstrate its commitment to prevent torture by displaying the regulations governing interrogation procedures and the rights of detainees in clearly visible places and in non-technical vernacular language in every police station. Detention centres should be visited regularly and routinely by individuals independent of the detaining authorities. Such individuals may be appointed by independent national bodies or they may be delegates from international bodies such as the International Committee of the Red Cross. They should be able to communicate freely with detainees without prison staff being present. Amnesty International suggests that such monitoring be incorporated into a general program set up at the national and provincial level to prevent torture, extrajudicial execution and "disappearances".

Amnesty International also recommends that special safeguards be established and implemented to protect women and children in custody. These should include the detention of female suspects in judicial not police, custody and their interrogation only in the presence of a female officer. Equally, children should not be questioned other than in the presence of a parent or guardian. Articles 37 and 40 of the UN Convention on the Rights of the Child, which Pakistan ratified in 1990, lay down specific safeguards for children in detention which have not yet been fully implemented in Pakistan.

Amnesty International further believes that the separation between the judiciary and the executive should be completed in Pakistan as soon as possible. The separation is incomplete at many levels, but it has its most detrimental effect at the level of magistrates. At present magistrates granting remand to detainees in police custody have both executive and judicial functions and their superior executive officers may exert

Pakistan: Persistent human rights violations

direct influence on their judicial functions.

The government should also consider setting up independent and impartial institutions and mechanisms throughout the country to which victims of human rights violations or their relatives can report their cases and with whose aid they can file complaints. Victims and witnesses reporting to such institutions should be protected against intimidation and revenge. The newly set up Human Rights Cell should be made independent of the government and be given sufficient powers and resources to independently investigate human rights violations brought to its attention. Further, all victims of torture should be entitled to medical and other rehabilitation; they and the families of persons extrajudicially executed should receive financial compensation from the state, commensurate with the damage suffered.

4. Investigate every single reported instance of torture, death in custody, extrajudicial execution or "disappearance"

Amnesty International again urges the Government of Pakistan to ensure that all cases of torture, deaths in custody alleged to result from torture, all extrajudicial executions and all cases of "disappearance" be thoroughly, promptly and impartially investigated. As a first step every breach of the Code of Criminal Procedure requiring police to record complaints and investigate those human rights violations should be addressed and corrected and those responsible held accountable. As outlined in Principle 9 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in 1989 and endorsed by the UN General Assembly in resolution 44/162 of 1989: "There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions ... Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the case, manner and time of death, the person responsible and any pattern or practice which may have brought about the death. It shall include adequate autopsy, analysis of all physical and documentary evidence and statement of witnesses". The terms of reference, composition of the inquiry, and the findings of such inquiry should promptly be made public.

5. Promptly bring to justice all law-enforcement personnel responsible for torture, deaths in custody, extrajudicial executions and "disappearances"

In order to stop the recurrence of these human rights violations it is of paramount importance that those responsible are promptly brought to justice and are punished according to international human rights standards. Amnesty International believes that the phenomenon of impunity, literally the exemption from punishment, is one of the main contributing factors to the continuing pattern of human rights violations the world over. By bringing perpetrators of human rights violations to justice, the government will be sending a clear message that such violations will not be tolerated and that those found responsible will be held fully accountable. When there is a failure to investigate human rights violations and those responsible are not held to account, a self-perpetuating cycle of violence is set in motion resulting in continuing violations of human rights.

The subject of judicial inquiry of complaints of human rights violations should include not only those who actually perpetrate torture or other human rights violation but also all those who incite it, attempt it, consciously cover it up, or are otherwise directly implicated in such practices.

Pakistan: Persistent human rights violations

Section 132 of the Code of Criminal Procedure of Pakistan provides: "No prosecution against any person for any act purporting to be done under this Chapter [dispersing unlawful assemblies] shall be instituted in any criminal court, except with the sanction of the provincial government" and no one acting in good faith and in obedience to any order "shall be deemed to have thereby committed an offence". The Code of Criminal Procedure (Amendment) Ordinance, first promulgated in July 1992 and regularly re-promulgated thereafter, extended the powers normally vested in the police to the army during the law and order operation in Sindh and also granted the army immunity from criminal prosecution for all acts done "in good faith" in the course of their assignment in Sindh which ended on 30 November 1994. Amnesty International believes that these provisions signal to members of the police and the army an exemption from punishment, and that such impunity may directly contribute to the high incidence of human rights violations in Pakistan. It therefore urges the Government of Pakistan to amend the code of Criminal Procedure so as to render the police fully accountable for all acts done by them.

6. Train all law enforcement personnel in human rights norms

All personnel involved in law enforcement duties - military, paramilitary, police and prison staff - should receive proper training with a strong human rights component, namely regarding the prohibition of torture, extrajudicial executions and "disappearances". They should be familiarized with the Universal Declaration on Human Rights, the UN Code of Conduct for Law Enforcement Officials, the UN Standard Minimum Rules for the Treatment of Prisoners, and the UN Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Domestic laws and regulations against torture, extrajudicial executions and "disappearances" should also be included in the training. These texts should be translated as necessary and disseminated to all central and local authorities involved in the process of arrest, interrogation, detention and the administration of justice. An absolute prohibition of torture, extrajudicial executions and "disappearances" should be visibly displayed in every detention centre in Pakistan. Law enforcement personnel should be clearly instructed that they have the right and the duty to disobey any order to torture, to extrajudicially execute or to assist in "disappearing" prisoners. The intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

7. Ratify international treaties relating torture, extrajudicial executions and "disappearances"

During its meetings with the then Minister for Law, Justice and Parliamentary Affairs, Syed Iqbal Haider, Amnesty International raised the issue of ratification of international human rights treaties. The Minister said that his government believed that the guarantees and safeguards provided in the constitution of Pakistan were sufficient and that ratification of international human rights instruments is therefore not required.

When a government ratifies international or regional human rights instruments, it affirms to the international community its commitment to respect and promote human rights. This is also a guarantee to all persons in the country that future governments will honour the international obligation to protect human rights. Amnesty International regards ratification of these instruments as an important indication of a government's commitment to the concept of human right as a concern that transcends national boundaries. Adherence to these instruments not only invigorates domestic efforts of implementation, but also preserves important achievements of governments of today against retrogression by those of

Pakistan: Persistent human rights violations

tomorrow.

Amnesty International therefore reiterates its call to the Government of Pakistan to ratify international human rights treaties, namely the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. The ratification of or accession to these international human rights standards would not in itself end torture, extrajudicial executions and "disappearances", but could serve to demonstrate the government's commitment, both nationally and internationally, to respect and promote human rights and at the same time provide a basic framework within which the government can work towards the eradication of these human rights violations.