

**EXTERNAL** (for general distribution)

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## **PAKISTAN:**

### **@THE PATTERN PERSISTS**

In December 1993 Amnesty International issued Pakistan: Torture, deaths in custody and extrajudicial executions which documented incidents of torture, including rape, in the custody of the police, the paramilitary and the army and in jails. During the first 15 months of the Pakistan People's Party (PPP) government from October 1993, the pattern of violations continued to be widespread and systematic, despite the election promises of the PPP. As documented in Pakistan: The pattern persists: Torture, deaths in custody, extrajudicial executions and "disappearances" under the PPP government, published in February 1995, 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.

Prisoners and detainees were reportedly 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. Torture included beatings with sticks, hose pipes, leather belts and rifle butts, kicking with heavy boots, hanging prisoners upside down and applying electric shocks to knees and genitalia, and the practice of "cheera", the forced stretching apart of prisoners' legs, sometimes combined with the kicking of prisoners' genitalia. Women were reportedly subjected to most forms of the torture to which men were exposed: they were reportedly beaten during demonstrations, kicked and abused in police stations and ill-treated in jails. In addition to these forms of torture, reports of custodial rape have continued to be received.

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

At least 67 prisoners and detainees died allegedly as a result of torture between October 1993 and December 1994. The real number of victims who died as a result of torture may be considerably higher as many cases go unreported or are disguised as suicides or armed "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.

During the first 15 months of the PPP government at least 35 people, including criminal suspects as well as political activists, were reported to have been extrajudicially executed, that is deliberately and unlawfully killed by or on orders from authorities or with the acquiescence of the authorities. Attempts were made by the police 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.

"Disappeared" persons are those who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed and whose custody is denied. "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 authorities.

Police and other law enforcement personnel frequently ignore 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. Section 44 of the Police Act of Pakistan states 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..." Section 60 of the Code of Criminal Procedure requires police officers who make any arrests without warrants to bring the detainee "without unnecessary delay" before a magistrate or the officer in charge of the police station. Section 62 states that "officers in charge of police stations shall report to the District Magistrate.. the case of all persons arrested without warrant, within the limits of their respective stations...". Furthermore, section 172 of the Code of Criminal Procedure states 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".

**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."**