

EXTERNAL

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## *MEDICAL CONCERN*

### **Cruel, inhuman or degrading treatment: the use of fetters PAKISTAN**

Thousands of prisoners in Pakistan are kept in fetters (or leg irons), many for 24 hours a day. For some, the fettering combined with ill-treatment and isolation to which they are subjected amounts to torture. Access to medical care in prisons can be very limited and in some cases, prisoners are reported to have been kept fettered during medical examination or treatment. Pakistani law governing the fettering of prisoners and detainees derives from the period of British colonial rule and provides for the use of fetters in particular defined circumstances. Fetters are, however, frequently applied not only in breach of Pakistani law and international standards, but as a means of extorting bribes and intimidating or humiliating prisoners. Amnesty International is calling for an end to their use.

#### **Fetters in use in Pakistan**

There are at least three types of fetters in use in Pakistan: bar fetters, cross fetters and link fetters or chains. An Amnesty International delegation visiting Pakistan in November 1994 saw dozens of prisoners under trial in bar fetters, either chained to armed guards in the compound of the City Courts of Karachi, in police vans being taken to court from prison, or in the corridors of the Sindh High Court in Karachi. These instruments of restraint are not routinely removed when prisoners are brought into court and some judges are reported to have objected to the practice of having detainees presented in leg irons.

Bar fetters consist of iron rings locked around the ankles of prisoners; an iron bar is riveted to each of these iron shackles making an inverted "V". These two vertical bars are about 50 cm long and are linked at mid-thigh level by an iron ring which again is connected to a rope or chain around the waist. The rods are of one standard size. Men who are not of average height may suffer when bars are too long or too short for them; this may add to the normal discomfort experienced in wearing bar fetters. The iron bars and ankle shackles weigh around 4 kg. Prisoners were also seen wearing iron cuffs around one or both their wrists; by these they were linked to their wardens with long iron chains.

During its visit to Pakistan, the Amnesty International delegation also spoke to fettered pre-trial detainees being held in prison. Their accounts of the use of fetters in prison were almost identical. Prisoners told the Amnesty International delegation that they are sometimes put in cross fetters; these are iron bars about 50 cm in length attached in addition to bar fetters and

placed between the iron rings around the ankles keeping the prisoners' legs permanently apart at the bar's length. With cross fetters it is impossible to walk, to stand up from a recumbent position or to lie down from a standing position without causing discomfort and injury. To Amnesty International's knowledge the use of cross fetters is not permitted under any law in Pakistan.

Link fetters or chains are used on prisoners sentenced to hard labour. Ordinary handcuffs are also used to restrain prisoners.

A former prisoner spoke of the use of leg irons as follows: "superintendents prescribe the fetters at whim, when a prisoner refuses an order which either violates his dignity or is against the prison rules. Such a prisoner is likely to be put in fetters for weeks and even months in the narrow confines of the *bund* [isolation] ward" (*Dawn*, 8 April 1994). He described the fetters as "unpolished, with rough sharp edges" which rub the ankles sore and abrade the skin. He also stated that some prisoners would hire less well-off prisoners to polish the fetters for them and that they would resist having their fetters removed at night for fear of not having the smoother fetters returned the following day.

### **Inspection of prison conditions in Karachi and prohibition of the use of leg irons by the Sindh High Court**

In February 1993, Justice Nizam Ahmad of the Sindh High Court was deputed to inspect the security and *bund* wards of Karachi Central Jail. He observed,

"... the condition of most of the prisoners who were kept in Security/Bund wards was pathetic and pitiable. The manner in which they were kept was against the dignity of a human being. Many of them were kept in a cell, having an area of a few square feet, in solitary confinement with bar fetters on. If a comparison of the conditions of these prisoners is possible, then it can only be made with the animals in a zoo ... [who] are better placed as they have no bar fetters inside their cages and they are provided with better facilities".

Most of the prisoners complained that they were kept inside the cell for several days in bar fetters and were taken out only once a week for a bath. In a significant decision of 30 December 1993, the Sindh High Court prohibited the use of fetters *at all times*. Their ruling was based on the argument that laws and regulations governing the use of fetters were unconstitutional as they violated an article of the constitution guaranteeing the inviolability of the "dignity of man"; they also argued that they ran counter to the injunctions of Islam. However, despite the ruling, fetters continued to be used and the Sindh authorities have appealed against the court decision; this appeal is currently pending in the Supreme Court. The Punjab High Court similarly ordered in November 1994 that the Punjab government bring prison rules concerning shackling into line with the constitution within a period of six months. While stating that it did not favour the total abolition of fetters, the court made it clear that their use was to be properly controlled and considerably restrained.

### **The continuing use of fetters and the ill-treatment of prisoners**

When it became apparent that fetters were still being used in Sindh despite the High Court ruling, human rights lawyer Zia Awan brought this to the attention of the High Court in February 1994. He was then directed to visit Karachi Central Jail to report on their use. Here he interviewed 52 prisoners and collected evidence of their use and of various other types of ill-treatment. He found that newly arrived prisoners who had yet to be tried were normally placed in particularly ill-equipped barracks from which they were transferred to better equipped barracks only on payment of money. Prisoners, whether awaiting trial or convicted, were made to squat with heads bent during the visit of prison officials and were not permitted to raise their eyes. The prisoners interviewed also confirmed earlier reports that during the night of 15 January 1994 at least 30 prisoners were undressed and paraded naked in front of other prisoners and staff and later locked up naked in their barracks without blankets, some of them for several days. On several

later dates, prisoners were reportedly similarly humiliated by being held naked in their barracks, in most instances for one or two days.

Routine medical attention was reported to be provided only when prisoners paid bribes. A large number of the inmates suffered from skin disease, and tuberculosis and uro-genital problems were common in the prison. Several prisoners had lacerations and scars on their bodies which they claimed had resulted from torture by prison staff.

The Amnesty International delegation met several prisoners awaiting trial who reported that ill-treatment and torture in prisons was the norm rather than an exception to the rule. One prisoner said that newly-arrived prisoners were put in punishment cells to break their resistance:

"In a punishment cell one is kept 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 my fetters off. I had not done anything for which they could claim to punish me, they are only after money. I know some prisoners who have paid 5,000 Rupees and their fetters were removed."

*Prisoners, including a prisoner with an amputated leg, arrive at court in fetters. This appears to be in breach of Pakistan law. © Dawn, 26 May 1995.*

A number of other prisoners gave similar accounts of having been put in bar fetters - and some in cross fetters - simply because prison staff wanted to extort money from them. In April 1995, over 800 prisoners in Hyderabad Central Jail, including prisoners awaiting trial and convicted prisoners, smuggled a 66-page signed statement out of prison to the press, alleging that prisoners who could not pay bribes to prison staff were arbitrarily held in bar fetters and placed in solitary confinement.

In the corridor of the Sindh High Court building and in the City Courts of Karachi, the Amnesty International delegation saw several prisoners whose ankles were bandaged after becoming sore and bruised from the friction of the fetters; over the bandages the prisoners still wore shackles and bar fetters.

The use of fetters is regulated by the Prison Act introduced in 1894 during the period of British colonial rule. Under this Act, Section 46 specifies that fetters can be used to punish "prison offences" such as assaulting warders or other prisoners or attempting to escape. The rules also state that fettering should not be imposed by officers below the rank of superintendent except in cases of "urgent necessity" in which case such a decision must be reported to the superintendent "forthwith". Prison rules also give guidance on the use of fetters following similar lines to those in the Prison Act; according to these rules, fettering can be imposed by the superintendent or, in emergency situations, by more junior staff who must then report the fact.

The routine and abusive use of fetters in Pakistan flaunts such safeguards as are intended by these rules and regulations. Furthermore, the Standard Minimum Rules for the Treatment of Prisoners state that implements such as fetters "shall never be applied as punishment" and that "chains or irons shall not be used as restraints" (Rule 35). Amnesty International is calling for an end to their use.

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For a more detailed analysis of legal aspects of the use of restraints see *Pakistan: "Keep your fetters bright and polished". The continued use of bar fetters and cross fetters* (AI Index: ADF 33/12/95, ).



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From: Medical Office / Asia Regional Program  
Date: 25 July 1995

## *MEDICAL LETTER WRITING ACTION*

### **Use of fetters PAKISTAN**

#### **Keywords**

Theme: cruel, inhuman or degrading treatment / fetters / medical ethics / restraints / prison conditions

Profession/association:

#### **Summary**

Leg irons and other forms of restraint are widely used on prisoners in Pakistan, frequently for extended periods and often causing injuries to the ankles and wrists. The way in which fetters are used contravenes Pakistani law and is, in any event, contrary to the Standard Minimum Rules for the Treatment of Prisoners. AI is calling for a review of their use and for their rapid abolition.

#### **Recommended Actions**

Letters are requested from medical professionals to the addresses below:

- stating that you are writing about the use of fetters on prisoners in Pakistan
- expressing your concern that fetters are used in breach of regulations which limit their application, including against prisoners who are specifically exempted by law from their use, that their use is abusive and that they are sometimes reported to be used as a form of bribery by prison guards
- noting that the Sindh High Court ruled totally against the use of fetters in a decision of December 1993 and that the Punjab High Court similarly ruled in November 1994 that their use be strictly controlled

- expressing concern that they continue to be used and, further, expressing serious concern at the vulnerability of prisoners to ill-treatment while fettered and at ill-treatment in the form of beatings, isolation, and prolonged fettering
- expressing similar concern that access to personal hygiene facilities in prisons are limited and that prisoners do not have ready access to medical care; urging that proper standards of hygiene and provision of medical care are guaranteed
- urging a prompt review of the use of fetters in Pakistan with a view to their phasing out; you should mention that their use appears to contravene the UN Standard Minimum Rules for the Treatment of Prisoners

### Addresses

#### *President*

President Farooq Ahmad Leghari  
Office of the President  
Islamabad  
Pakistan  
Fax: +92 51 811 390 [Attn: President Leghari]

#### *Prime Minister*

Benazir Bhutto  
Office of the Prime Minister  
Islamabad  
Pakistan  
Fax: +92 51 811 390 [Attn: Prime Minister Bhutto]

#### *Minister of Law*

N.D. Khan  
Minister of Law  
Ministry of Law and Parliamentary Affairs  
Pakistan Secretariat, Blocks R and S  
Islamabad  
Pakistan

### Copies of your letters should be sent to:

Pakistan Medical Association  
PMA House  
Karachi  
Pakistan

*Write a short covering letter expressing your concern about the access of prisoners to medical care and the position faced by health personnel asked to treat fettered prisoners.*

and to the diplomatic representative of Pakistan in your country

### Additional action



Try to get an article or letter in the medical press about the use of fetters in Pakistan. You might find the paper *BMJ* 33/12/95 a helpful source of more detailed analysis and background information.