

# PAKISTAN

## @Reports of torture and death in police custody

### Introduction

Torture and deaths in police custody allegedly due to torture or deliberate shooting in Pakistan have been issues of long-standing concern to Amnesty International. The organization has raised with successive governments reported cases of torture of criminal suspects and political prisoners by police, army and prison officers. During the most recent period of martial law (1977-1985), there were frequent reports of the systematic torture of political prisoners in military detention centres, where prisoners were frequently held *incommunicado* and tortured during interrogation. The torture of criminal and political suspects in police custody has also been common.

Under the Code of Criminal Procedure (CCP) of 1898, the Pakistan police have wide powers to arrest and detain criminal suspects. For example, under Section 54 of the CCP, "any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned" can be arrested without a warrant. Section 167 (1) specifies that suspects have to be brought before a magistrate within 24 hours of their arrest. At that stage, under Section 167 (2), remand in police custody can be obtained from the magistrate for up to 15 days. It is during this period, when suspects are held in police custody, that most reported incidents of torture and ill-treatment take place.

This document concentrates on reports of torture allegedly committed by police since 1989, although some cases also involve jail staff or army personnel. In Part I, selected individual illustrative cases of torture and deaths in custody following torture or shooting have been included. Parts II and III provide lists of individual cases, reported to Amnesty International since the beginning of 1989, of death in police custody allegedly following torture and shooting respectively.

In several of the cases of death in custody allegedly due to torture, the police said that the detained person committed suicide or that the victim died of natural causes. In several of these cases, the evidence available shows that, despite legal provisions, suspects were not brought before a magistrate within the required period of 24 hours. In some of them, there is evidence that the police tried to cover up the commission of crimes, sometimes by interfering with police records or by ensuring that the texts of post mortem or medical reports reflected the police version of the detainee's death. In several cases, relatives were threatened with reprisals if they tried to bring the police officers concerned to justice.

Those responsible for torture have rarely been brought to justice. No effective steps have been taken to prevent torture from taking place. During a visit to Pakistan in mid-1989, an Amnesty International delegation was informed by the government of investigations into certain past cases, but was told of no case in which a law enforcement officer or prison official had actually been brought to trial<sup>1</sup>. The delegation found that the follow-up to investigations was inadequate to fulfill a preventive role. In Sind, for example, the provincial authorities provided a report on their investigations into three cases of torture which Amnesty International had raised with the authorities earlier. In only one of these cases - the torture in 1987 of Wazir Leghari - had officials been charged with a criminal offence, and they had not yet been brought to trial. The torture of Wazir Leghari in Dadu District Jail and in Hyderabad Central Jail had led to the amputation of his legs, as the report by the Sind authorities acknowledged. Two prison officers had been charged with causing grievous harm and had been suspended from service, but both had been reinstated without having been tried by a court by the time of the delegates' visit.

Press reports of incidents of deaths in police custody often make reference to "investigations" being carried out. The exact nature of these investigations is usually not clearly specified. Often, they refer to in-house investigations carried out by the local police. These police investigations seem at the most to have resulted in the transfer or, often temporary, suspension of the police officers concerned. Very occasionally, the officers allegedly responsible will be arrested and a case registered against them without, however, resulting in a trial and conviction.

Section 176 of the Code of Criminal Procedure specifies that a magisterial inquiry in all cases of deaths in custody is mandatory. Nevertheless, it seems that such inquiries are not always held. They are more likely to be held when there is public outcry and/or political pressure. The magistrates carrying out these inquiries are executive magistrates such as a district magistrate or a sub-divisional magistrate. They often have to rely on the police to investigate the allegations concerning their own forces. The police may be reluctant to bring forward evidence which could implicate their colleagues.

Independent judicial inquiries are extremely rare. They have been ordered in cases in which the victims or their relatives have filed a case in court, most likely a constitutional petition before a high court in cases of death in police custody. In cases of torture, the filing of a *habeas corpus* petition may act as a protective measure, such as in the case of Atif Iqbal Bokhari described below. The provincial authorities, under whose responsibility law and order falls, can also order investigations to be carried out. The Federal Minister of the Interior and the President of Pakistan also have the power to order investigations by an independent person such as a retired judge although, to Amnesty International's knowledge, they very rarely use this power.

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<sup>1</sup>See *Pakistan: Human Rights Safeguards: Memorandum submitted to the Government following a Visit in July-August 1989 of May 1990*, AI Index: ASA 33/03/90.

The victims of torture include criminal and political suspects. Methods of torture have included: suspending prisoners from their ankles; beating prisoners on the soles of their feet, ankles, knees and head; rolling heavy logs over their legs; giving electric shocks; burning the body with cigarettes; pulling out hair; threatening execution and threatening to harm relatives of the prisoner; depriving prisoners of sleep and food; and rape.

Some of the victims of torture are women and children. Amnesty International learned of a case in which a ten-year-old boy, Javed Iqbal, was detained with his elder brothers because their father had made a complaint against a local police officer. The child, ultimately, was acquitted by the Special Court for the Suppression of Terrorist Activities, Bahawalpur, Punjab, in November 1990. During the court hearing, medical certificates detailing how he and his brothers had been tortured during their detention were submitted to the court. A separate chapter of this document describes reports of rape in police custody. Amnesty International considers rape in custody to be an especially humiliating form of torture.

## **Part I: Illustrative cases**

### *Allegations of torture: the cases of Atif Iqbal Bokhari and Rahila Tiwana*

Reports of torture in police custody are very common in Pakistan. The police often resort to torture in order to extract information and confessions from criminal suspects. Suspects are taken into custody and kept in *incommunicado* detention for several days, during which time they may be ill-treated, intimidated and subjected to various forms of torture. Detainees are frequently denied access to relatives or lawyers and are not brought before a magistrate for days. In some cases, suspects have been kept in unofficial places of detention, making it even harder for relatives to find out their whereabouts. Detainees held for politically related matters have been treated in similar ways.

Below are two cases illustrating the type of reports about torture in police custody that have reached Amnesty International; one concerns somebody arrested as a criminal suspect, the other concerns a political activist who was charged with criminal offences weeks after her arrest.

Atif Iqbal Bokhari, approximately 18 years old from Kasur, Punjab province, was arrested by the local police on 12 May 1989, apparently in connection with the theft of a motorcycle. After his brother filed a *habeas corpus* petition on 16 May, the court ordered a bailiff to go to the police post where the brother thought Atif Iqbal Bokhari was held. In his statement to the court, the bailiff described how he found the 18-year-old sitting in the reporting room of the police post with his legs in fetters. He also said that Atif Iqbal Bokhari showed him marks of beatings on his body. The bailiff found that there was no entry in the daily register and that the First Information Report (FIR), the report of the theft registered by the police, on the basis of which the police claimed they had arrested Atif Iqbal Bokhari, did not name him as a suspect. The subinspector in charge of the police

post concerned, when questioned by the bailiff, reportedly claimed that Atif Iqbal Bokhari had only been arrested on that same day and that the entry concerning his arrest had not yet been made.

An extract from the statement Atif Iqbal Bokhari made to the Lahore High Court about his arrest and treatment follows:

"... when I came out from the shop of a washerman ... three police constables of Police Post No. 1, Police Station A-Division, Kasur took me in their custody and I was removed to the said police post. There the ... S.I. [sub-inspector] gave me two lashes with a stick and asked if I had stolen a motorcycle from the Darbar which I denied... After that, I was taken "upstairs"; [name], foot constable tied my legs and I was hanged with my head downwards and was given 22 to 25 strokes with a stick on my feet. Meanwhile the [subinspector] came upstairs and under his direction I was denuded and made to lie down on the floor. Then..., a roller was pressed and heavily moved over my bare thighs and legs. In the meantime, there was dawn-time and I was brought down. On the next day, i.e. Saturday [a named officer] and [another named officer] demanded Rs. 1500 and offered to release me on payment ... but I had no money with me. At about 9am or so on the same day the process of pressing and moving the roller on my bare legs was repeated and I was again hanged with my head downward and repeatedly hit with a stick on my feet. Due to this constant torture I was unable to move and by way of treatment my feet were washed with warm water. When I recovered a little I was again heavily beaten with the result that I became unconscious and remained in coma for two days. I requested the [subinspector] to permit me to contact my relatives but he declined. I remained in the police post... until I was recovered there from by the bailiff of the High Court. ... The third finger of my right hand is injured. This injury was caused by the [subinspector] by pulling the nail of the finger with a plier. There are some injuries as well on my body. My feet are swollen..."

The police subinspector, when questioned by the court on 17 May, the day after the recovery of Atif Iqbal by the bailiff, claimed that Atif Iqbal had been produced at the police station between 11am and 12 noon on 16 May, the actual day of the visit of the bailiff. The subinspector asserted that he questioned him and that after Atif Iqbal had confessed, he had made preparations to register him but had not got around to doing so by the time the bailiff arrived. However, the court did not believe this statement. It ordered that Atif Iqbal be released unconditionally after medical examination and that a case be registered against the subinspector. Amnesty International does not know whether the subinspector was ever arrested or prosecuted.

Women have also been victims of torture at the hands of the police. Rahila Tiwana was arrested on 25 December 1990 by the Criminal Investigation Agency (CIA) Centre in Karachi. She is a member of the People's Student Federation (Girls Wing) (PSF), which is affiliated to the Pakistan

People's Party (PPP). Her arrest was among hundreds of arrests of members of the PPP and PSF during December 1990 and January 1991 under the cover of a campaign against crime in the Sind province. She was held at the CIA Centre together with her father and brother, who had also been picked up the night before. She says she was interrogated by a deputy superintendent of police [DSP] and five other police officers on the first day. In February 1991, several journalists interviewed her in hospital where she had been sent under court orders to determine whether she had been tortured. In an article published in *Newsline*, Karachi, of March 1991, she is quoted as having said:

"The next day they brought in new people to interrogate me. A female police officer kept telling me what was in store for me. She gave graphic details of how they would put chillies in my nostrils and eyes. She told me that even though I was innocent, I should say whatever they wanted me to say. She even asked me to forgive her beforehand as she would have to be a part of what was to come. Then [the DSP] came and told me that he had called in ..., a CIA inspector to deal with me...."

That night, Rahila Tiwana was forced to take the police to the homes of several other PSF activists, including Shehla Raza, the joint secretary.

Rahila Tiwana described what happened on their return to the CIA Centre as follows:

"We were taken back to a room where more than ten people were sitting, some of them army people. I stood there while they stared at me and cracked jokes. An army officer kept asking me questions. When I refused to say what he wanted to hear, he told [a named police officer]: 'Take her and make her understand in your own language.' [The same named police officer] dragged me to the other room and in a single move twisted both my arms and tied them very tightly behind my back. They tied a rope to my hands and hung me upside down. I felt as if my shoulders were being cut with a knife. [The same named police officer] said that he could make the most hardened criminals sing in just three minutes. He pulled my hair ... I felt as if all my joints were coming apart. They made Shehla sit in front of me and watch all this."

The police then allegedly lowered her to the floor after she fell unconscious. She also said she was starved for three days, and that police threatened to torture her brother if she did not give the statement they wanted.

Rahila Tiwana said that despite the alleged threats and torture, she refused to give the police a statement implicating former Prime Minister Benazir Bhutto, her husband Asif Ali Zardari and former minister in the Sind government Manzoor Hussain Wassan in a murder case. But, according to *The News*, Karachi, she said:

"The CIA personnel forcibly got my signatures on three blank papers, after abusing me badly and telling me that if I didn't sign the papers they would secure them after drugging me, so I had no option."

Rahila Tiwana was produced before the additional city magistrate, CIA, Karachi, on 8 January 1991, fourteen days after her arrest. She was remanded in police custody until 14 January 1991. At the hearing on 14 January 1991, she complained to the magistrate that she had been tortured. Despite the request of her defence counsel that she be remanded to judicial custody for her own safety, the magistrate ordered that she should be remanded further in police custody. In the order, he stated:

"Accused woman... complains of mal-treatment by the police but there is no sign of mal-treatment on her arms and legs. Learned D/A [defence advocate] argued that she may not be remanded further in police custody and jail custody remand may please be granted as I/O [investigating officer] of the case is not present before this court and no case diaries have been produced before this court. She is remanded in police custody till 20 January 1991 due to reasons mentioned in the remand report and for completion of investigation."

The Sind High Court later criticized this decision by the Magistrate.

A relative of Rahila Tiwana filed a petition before the Sind High Court on 13 January 1991. The High Court ordered that Rihala Tiwana should be medically examined. The examination took place on 15 January 1991. According to the medical certificate (No. A-162/91), the following injuries were found on her body, despite the fact that the examination was carried out nearly three weeks after the alleged torture took place:

"R[ight] upper limb: Radioal N[erve] paresis [i.e. slight or incomplete paralysis] c [with] inferior radioulnar subluxation [i.e. partial dislocation of the two bones of the forearm at the wrist]  
R[ight] wrist drop [i.e. muscles of hand and fingers slightly paralyzed]; sprain L[left] ankle."

Amnesty International understands that Rahila Tiwana has been charged with at least two offences: possession of illegal weapons, and involvement in murder. The first case was reportedly registered by the police on 7 January 1991, nearly two weeks after she had been arrested. The second case reportedly relates to an incident which occurred in 1987, and she had apparently not been named in the report of it registered by the police at the time (the First Information Report).

Amnesty International knows of no action taken so far to bring the alleged perpetrators of her torture to justice. Rahila Tiwana was released on bail in mid-June 1991.

The CIA Centre in Karachi where Rahila Tiwana was tortured has frequently been named in recent months by victims and their relatives as a place of detention where torture is systematically used during interrogation. Four of the cases listed in Part II of this document concern people said to have been tortured to death by CIA personnel in Karachi. A civil servant taken in for questioning by a CIA inspector at the end of December 1990, told Amnesty International that he witnessed the beating of a 50-year-old man and one of his sons by two police officers and a civilian at the CIA Centre, Number 2, Karachi. He described what he saw as follows:

"He was thrown on the ground, naked, one policeman stood on his legs, the other on his body, whilst the civilian orderly lashed his buttocks. The old man cried and yelled out in pain. The policemen laughed. ... They kept asking the old man 'Where is your son? He is a TV thief.' As this was going on a young man walked in, aged about 20, to inquire about his father... The officers sternly told him to sit down and tell them about the whereabouts of his elder brother... The policemen started beating the young man - they slapped and boxed him. He wanted to know why they were beating him. He said if the police thought the brother had stolen the TV, he was prepared to defray a warranty of the same amount until the TV was recovered. The policemen continued to beat him...."

As the civil servant was taken for questioning shortly after this, he was not able to tell Amnesty International what happened subsequently.

Amnesty International has received reports of torture of members and sympathizers of other political parties or organizations. For instance, in May 1990, when the PPP was in power, there were allegations that several members of the the Mohajir Quami Movement (MQM), representing Urdu-speaking settlers from India and their descendants, alleged by the then Sind authorities to be involved in communal violence in Hyderabad, were tortured by the police during interrogation. One MQM worker told a fact-finding mission of a local human rights organization that he had been arrested from his house on 23 May 1990 by a police party headed by a DSP. He said he was interrogated about the sources from which the MQM procured arms, was stripped naked, beaten with a leather strap and kept without food for more than three days at a time. He was eventually presented before a magistrate for remand on the intervention of some lawyers. Two cases had been registered against him for injuring two police officers. He was granted bail in both cases.

Apart from the police, several other law enforcement agencies have been accused of torturing people. In January 1990, for example, Abdul Rehman Thebo, a student of engineering accused of illegal possession of arms, was reportedly stripped naked, lashed and beaten on the soles of his feet and elsewhere and administered electric shocks to his genitals by members of the Pakistan Rangers, a paramilitary group under federal government control, in Karachi. A delegation of a local human rights organization who visited him in hospital, found that he was not able to walk properly and was

limping. He also showed the delegates the wounds on his body, which they found to be consistent with the allegations of torture made by him.

### *Death as a result of torture: the case of Abdul Khaliq Mehar*

Part II of this document contains a detailed list of cases of death in police custody allegedly due to torture reported to Amnesty International since early 1989. While the actual number of such cases in Pakistan may be considerably higher, Amnesty International has received substantive information on a total of 39 cases, 25 of which are from Punjab province and 14 from Sind province. Three cases concern people aged over 50. Amnesty International has not been able to confirm all of the cases listed, which have been reported in the press as well as from other sources. Nevertheless, it believes that there is a persistent pattern which needs to be properly investigated by the authorities.

The case described below may be illustrative of the incidence of death as a result of torture. It is based on detailed first-hand evidence, including medical certificates.

Twenty-five year old Abdul Khaliq Mehar was a student at the time of his arrest. He was a member of the Jeay Sind Students' Federation (JSSF), Progressive Wing. The JSSF is an organization of Sind nationalist students campaigning for more autonomy for the province of Sind. There have been regular reports of violence between JSSF activists and members of other organizations, particularly the MQM.

Abdul Khaliq Mehar was arrested around 2am on 5 November 1990 from his home at Bachal village, Karachi, Sind province. Several witnesses have testified that the arrest was carried out by 15-20 police officers from New Town police station, some of whom were dressed in uniform, others in civilian clothes. Relatives and neighbours went to the New Town police station in the morning but they were not allowed to see him. While at the police station around 11.45am, relatives said, they recognized the voice of Abdul Khaliq Mehar crying out in pain. Relatives made appeals to several officials, including the Senior Superintendent of Police, Karachi East, and the deputy commissioner. Finally, they managed to get permission to bring Abdul Khaliq Mehar home around 7.30pm that day. Several neighbours have testified that he was unconscious at the time and that there were several injuries and marks of torture on his body. The relatives say the New Town police threatened them not to make any complaints and told them to take Abdul Khaliq Mehar to a private hospital for treatment. They say the police also offered them money but that they refused it. Abdul Khaliq Mehar received treatment for damage to his kidneys from several private doctors but his condition did not improve. This treatment was administered at home. The family tried to get him admitted to the Jinnah Postgraduate Medical Centre but the hospital authorities refused to admit him without a letter from the police. This letter from the police could apparently only be obtained after the relatives had lodged a complaint against the police officers concerned. However, because of the threats against them, the relatives were too frightened to file such a complaint. Abdul Khaliq Mehar's condition deteriorated and on 25 November 1990 he was finally admitted to Civil Hospital, Karachi, where he died on 30 November 1990. The report of the post-mortem examination, carried



out by a police surgeon at Civil Hospital, Karachi, of 1 December 1990 lists the following injuries on his body:

- "1. Multiple uncountable contusions in area of about 10cm to 10cm on right buttock fading in colour at periphery;
2. Multiple uncountable contusions in area of about 10cm to 10cm on left buttock fading in colour at periphery;
3. Infected gaping wound with undifferentiated margins somewhat circular in shape 1.5cm in diameter, 3cm in depth on right buttock muscle ...
4. Infected gaping wound with undifferentiated margin somewhat circular in shape 1,5cm in diameter, 3cm in depth on left buttock;
5. Diffuse swelling right side scrotum;
6. Contusion 3cm x 3cm on lower lip inner aspect all teeth intact;
7. Contusion on sole of right foot at junction ... measuring 5cm x 4cm fading in colour;
8. Contusion fading in colour 6cm x 4cm on right thigh near groin region."

The dissection of the kidneys and the testicles resulted in the following findings:

"Right kidney contains two patches bluish colour 1cm x 5cm each;  
Left kidney contains two patches bluish colour 1,5 x 1,5 cm each;  
Right side of scrotum contains blood;  
Right testicle contused;"

"Under dissection of right and left buttocks underlying muscles are found contused clotted blood present in between muscles and muscles tissue[s] adjacent to injury 3 and 4 are [necrosed?] slightly."

Both the Deputy Commissioner, Karachi East, and the Chief Minister of Sind province have ordered an inquiry into the incident. The police officer under whose authority Abdul Khaliq Mehar was arrested has reportedly been suspended from duty, but to Amnesty International's knowledge, no arrests have so far been carried out of those believed responsible for this death.

### *Death as a result of shooting: the case of Rais Ahmad, alias Kalia*

Staged killings - also known as "encounter" killings - of alleged or real criminals and, in some cases, political activists after their arrest by the police, are regularly reported in the Pakistan press. In most of these cases, it has been impossible to verify independently the circumstances in which these killings occurred. Part III of this document gives a list of such killings reported to Amnesty International. Five of the victims are from Sind, six from Punjab province.

A journalist of *Viewpoint*, Lahore, made the following comment on the occurrence of so-called "encounter" killings in an article of 12 July 1990:

"Fatal encounters between the police and proclaimed or suspected offenders are often viewed by Authority...as a short-cut to the elimination of crime through extermination of the criminal. This unorthodox and wholly illegal method of controlling crime is justified by listing the difficulties of obtaining credible evidence, or recounting the law's delays, and mentioning the prevailing corruption that helps affluent or influential criminals to get away - often literally - with murder."

The killing of Rais Ahmad, described below, is a relatively well-documented case. As stated above, only in very few cases of so-called "encounter" killings is there substantial independent and publicly available evidence. Amnesty International believes that it is therefore even more important that full, impartial investigations into all cases of alleged encounter killings be carried out without delay to ascertain the exact circumstances of the killings.

Rais Ahmad, alias Kalia, a 22-year-old from Lahore, Punjab province, was an active member of the People's Students Federation (PSF), aligned to the PPP. At the time of his killing, the PPP was in power in the federal government; in Punjab province the Islamic Democratic Alliance was in power. According to the police, Rais Ahmed, alias Kalia, was killed in a shootout in the night of 3 to 4 July 1990 when he together with one other person refused to stop his motorcycle at a roadblock put up along Wahdat Road More. Police say that, when they pursued them, they were shot at and that in the exchange of fire that followed, Rais Ahmad was killed and the other person escaped. The police did not report any injuries among the police officers involved in the "shootout".

Relatives of Rais Ahmed, alias Kalia, have contested the police version of his death. They claim that Rais Ahmed, alias Kalia, was arrested in the night of 2 July 1990 by the police from a friend's house at Railway Colony, Ghari Shahu, because of his activities within the People's Students Federation. They say the police took him to a room in the basement of Ichchra police station, tortured him and only then took him to the place where the police said he was killed in a shootout. The relatives however claim that he was shot there in cold blood.

According to an article in *The Nation*, Lahore, of 8 July 1990, several people from Ghari Shahu, who wished to stay anonymous, have confirmed that twelve police vehicles cordoned off the area on the night of 2 July 1990 and ordered Rais Ahmed to surrender himself over a megaphone. In an article in *Dawn*, Karachi, of 25 July 1990, it is claimed that the news of the arrest of Rais Ahmed had even been published in a national daily and that the then Minister of the Interior in the Federal Government had personally telephoned the Senior Superintendent of Police (SSP), Lahore about it. The SSP is said to have confirmed the arrest and to have given assurances for his safety. Later, however, he reportedly sent a written message to the minister denying the arrest. In the same article,

leaders of the People's Students Federation are quoted as having alleged that the body of Rais Ahmed was returned to his parents with an arm fractured, an eye gouged out and cigarette burns on different parts.

On 6 July 1990, a spokesperson for the Punjab government announced that an inquiry had been ordered by the Inspector General of Police. He also said that a magisterial inquiry had been ordered. To Amnesty International's knowledge, the results of these inquiries have not been made public.

### *Rape in police custody: a form of torture*

Amnesty International is concerned at regular reports of torture, including rape, of women in custody. Women are often subjected to specific forms of torture, deliberately inflicted in an attempt to degrade them as women. For instance, in July 1989 two women were reportedly beaten with leather thongs in Mandi Bahauddin Saddar police station, Punjab province, and ordered to run around the station verandah eight times. If they slowed down, they were pushed and slapped. They were then reportedly taken to the record room, stripped naked and raped by six or seven police officers in turn, who also thrust sticks into their vaginas. A medical examination reportedly found that there was undeniable evidence of assault, sexual cruelty and repeated rape. After a protest demonstration in the village, charges were brought against the police officers allegedly involved but it is not known whether they were taken into custody.

In Sind province, 16-year-old Saima Anjum, who was arrested on suspicion of abetment in a number of armed robberies, was allegedly raped by five or six police officers at Landhi in December 1988. She said they beat and raped her, and forced chillies into her vagina. The case attracted considerable publicity and local human rights activists intervened with the authorities on her behalf. An inquiry was ordered by the then Governor of Sind and the President of Pakistan was reported to have called for a report from the Sind authorities on the case. Despite this, when Saima Anjum appeared in court in September 1989, she complained to the judge that no statement had so far been recorded in court about her treatment at the hands of the Landhi police. Saima Anjum was released on bail from Karachi Central Prison in September 1990. To Amnesty International's knowledge, no action had been taken against the police officers involved.

A 60-year-old woman, Ahmedi Begum, and her two daughters, Rehana and Mussarrat, were reportedly raped by six or seven police officers at Nawan Kot police station, Lahore, Punjab Province, on 13 July 1989. The three women were brought before a magistrate after two days and charged with *zina* - willful extramarital sexual intercourse, an offence under the Hudood Ordinance of 1979, usually punishable with sentence of imprisonment and public lashing. Their case came to light after one month when an official visited the prison where they were being held. A case was registered against those police officers responsible. They were reportedly suspended but at least five of them are said to have been seen in police uniform after their suspension.

Two women, Bushra Bibi and Anwari, one of whom was deaf and mute, were reportedly raped in August 1990 by prison officers at Sheikhpura District Jail, Punjab province. A medical examination was carried out, including an analysis at a laboratory of the vaginal swabs, the results of which confirmed the allegations of rape. After a local human rights organization filed a writ petition on this case, charges were brought against the alleged perpetrators. The officers were transferred from Sheikhpura jail, but had not been arrested by the end of the year. The two women were released on bail. After their release, they were apparently put under pressure to change their statements and to deny that they were raped. One of the accused prison officers allegedly gave a sum of money to the father of one of the women in return for a statement exonerating him.

Bringing to justice those law enforcement officers allegedly responsible for rape poses a number of specific problems. For instance, the two women raped by the Mandi Bahauddin police in July 1989, on their application for a medical examination, were told that the police had to be present during the examination. The police also refused to register a complaint and allegedly tried to settle the matter in private. Finally, a case was registered after considerable public pressure. Despite the fact that the women were able to identify six policemen during an identification parade, and were able to provide those police officers conducting the investigation with further evidence against them, only two of the six policemen were suspended from duty.

In an article in *Newslines*, Karachi, of September 1989, further particular difficulties faced by women who have been raped in custody are detailed:

"To report or not to report a rape is a difficult decision. The legal and social cost is too high and there is almost nothing to gain. M. Begum of Lahore was raped by policemen in the police lock-up where she was detained under the Hudood Ordinance for marrying against her mother's will, but she did not complain for fear that her husband would come to know and never take her back. It is very rare that a victim of rape will get moral and legal backing from the men in the family, without which it is extremely difficult to pursue a case of this nature. In the absence of women police officers to interview and assist rape victims, going to a police station and reporting the matter to an unsympathetic, cruel and sexist police force can be as humiliating as the rape itself."

Registering a case is difficult in itself. Registering a case in such a way that it has a chance of leading to a prosecution proves to be even more difficult for several reasons: the medical examination, necessary for the filing of a case, needs to be carried out by a designated doctor in the presence of the police; it preferably needs to be done within 48 hours (if not, the victim has to justify the delay, even if it is caused by the unwillingness of the police); the way the FIR is worded is largely under police control; and the fact that in most cases of rape, no eye-witnesses are available or willing to come forward.

As in cases of torture and deaths in police custody due to torture or shooting, very few, if any, of the investigations announced into rape cases are concluded and lead to the alleged perpetrators being brought to trial. In the event of a trial, further specific difficulties arise relating to the fact that in cases of rape the onus of proof is on the victim. In other words, it is up to the woman to provide the court with evidence that she tried to put up resistance. She also has to show that she did not facilitate the crime.

All these factors have contributed to the fact that very few police officers responsible for raping women in their custody are ever brought to justice.

## **PART II: List of cases of deaths in police custody allegedly following torture**

This list has been compiled on the basis of information gathered from relatives, newspapers, local human rights organizations and other sources. Amnesty International has not been able to independently confirm all of the cases listed. It believes however that a persistent pattern has emerged and is calling on the Pakistan authorities to order full and impartial investigations into each case, and to set up an effective mechanism for the prompt and independent investigation of future cases as they occur.

List of abbreviations:

AI: Amnesty International  
ASP: Assistant Superintendent of Police  
CIA: Criminal Investigation Agency  
DSP: Deputy Superintendent of Police  
IGP: Inspector General of Police  
SP: Superintendent of Police  
SSP: Senior Superintendent of Police

NAME	DATE OF DEATH	CIRCUMSTANCES, DATE AND PLACE OF ARREST AND DETENTION	CIRCUMSTANCES AND PLACE OF DEATH	ACTION TAKEN BY OFFICIALS
Najamuddin Deda from Kandiaro, Sind.	16 January 1989	Taken from his home by a group of army personnel around 5.30am on 16 January 1989. The arrest was said to be in connection with a robbery on a national highway. Relatives say that when they tried to lodge a complaint at the Kandiaro police station, officials refused to take down their statement. The police did confirm that the arrest had been carried out by the army.	According to eye-witnesses, the army brought him back to his home on the same day. He was beaten in front of his relatives. When they complained, they say they were locked in a room. They say they could hear Najamuddin Deda cry out in pain. He was then taken away again. Due to pressure from the local community, his body was returned to the relatives in the evening. There were marks of torture, including cigarette burns, on his back.	The army officers responsible for the death of Najamuddin Deda have reportedly threatened the relatives with reprisals if they would give publicity to his death.  To AI's knowledge, no investigations have been carried out into the death of Najamuddin Deda.
Muhammad Bashir from Chak No. 48 village, Gujrat District,	1 April 1989	Arrested on 28 February 1989 by an Assistant Subinspector of Police (ASP) of Laxin police	Initially taken to Laxin dispensary, subsequently transferred to District	A writ petition was filed before the Lahore High Court by a relative of Muhammad Bashir. An inquiry was initially carried out by the resident magistrate, Bhalwal but was later transferred to the Additional Deputy

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Punjab		post, apparently in connection with a theft case.	Headquarters Hospital from where he was taken to Mayo Hospital, Lahore where he died. Before being taken to the dispensary, he had lost consciousness following beatings. The ASP, Laxin police post then allegedly threw kerosine oil on Muhammad Bashir and set it alight, in an attempt to cover up the beatings. He subsequently registered a case of attempted suicide against Muhammad Bashir.	Commissioner, Sargodha District after the relative had approached the court pointing out that the resident magistrate and the police officer concerned were from the same tribe and that this could jeopardize the impartiality of the inquiry. The report of the inquiry is said to have been handed over to the district magistrate, Sargodha in mid-May 1989 but the outcome is not known to AI.
Ghulam Sarwar 35 years old, from Bahawalnagar, Punjab	13 April 1989	Arrested on 12 April 1989 in connection with the theft of a mare at Bakar Mandi. Local villagers handed him over to the Nawankot police.	Police transferred him to Mayo hospital where he died before any medical assistance could be provided. Some policemen reportedly	A magisterial inquiry was ordered by the deputy commissioner and was to take place on 29 April 1989 at the Lahore District Court. The outcome of the inquiry is not known.



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			alleged that he was brought to the police station with a head injury; other police apparently have claimed that he died of a heart attack. When journalists made inquiries at the Nawankot police station, the police said they were not aware of the incident and even refused to admit that he had been brought to Nawankot police station.	
Mehboob, 22 years old from Dheri Hassanabad, Rawalpindi, Punjab.	10 May 1989	Not known	Died at Civil Hospital, Rawalpindi where he had been brought at 5am by the police.	The doctor at Civil Hospital, Rawalpindi who carried out the post mortem is reported to have told the press that Mehboob had been hit twice with a blunt weapon, probably a screw driver, causing injuries to the abdomen and left buttock. He also said that Mehboob had been brought to the hospital three hours earlier for a test by the police and had then been taken away. He had been in good health at the time.
Islamuddin alias Salamoo from Lines Area, Karachi, Sind	22 May 1989	Arrested by the Excise police, District East, Karachi for being in possession of heroin.	Taken to the Jinnah Post-Graduate Medical Centre where he died. Police claimed he	A post mortem was carried out but the result is not known to AI.

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			complained of chest pain and stomach ache. Residents of Lines Area claimed he died of "police excesses".	
Hazara Bazgir, D.G. Khan, Jampur District, Punjab	May or early June 1989	Arrested by the Dajal police in connection with a theft case.	Not known	An inquiry was carried out by the Assistant Commissioner, Jampur. On the basis of the results of the inquiry, charges of murder were brought against three police officers of the Dajal police station. It is not known whether they were arrested, and there has been no news of their trial.
Nadeem Soomro from Arambagh area, Karachi, Sind.	30 June 1989	Arrested on 29 June 1989 around 6.30am by CIA staff allegedly in connection with a theft case. Residents say that he was arrested on instigation of a local area councillor with whom Nadeem Soomro had a longstanding dispute.	According to one report, he was found dead in his cell at the CIA Centre, Karachi. Another report says that he died while being transferred to Jinnah hospital. CIA police claim he died due to heart failure.	A post mortem was carried out by doctors at the Jinnah Post-Graduate Medical Centre, Karachi, according to which Nadeem Soomro died of "acute head injury". The report published on 3 August also rules out cardiac arrest or use of sedative drugs as possible causes of death.  An inquiry was held by the Additional City Magistrate (South), the outcome of which is not known to AI.
Bashir Ahmad Awan of Chak No. 384 G.B. Illaqa Tandlianwala, Punjab.	15 July 1989	Arrested on 12 July 1989 by the Bahlak police together with one Shamlu Awan from the same village. Both prisoners were	Shamlu Awan, who escaped on 15 July, had returned to the police station with several local	An initial post-mortem report by the medical officer on duty at Samundri Subdivisional Hospital apparently concluded that Bashir Ahmad Awan had died a natural death due to heart attack. However, the District Magistrate, Faisalabad, ordered a second post-mortem

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		tortured for three days. Shamla Awan alleges that Bashir Ahmad was hung from the branch of a tree in the compound of the police station and beaten.	politicians. When they arrived, they saw Bashir Ahmad being injected by a doctor. He died soon afterwards.	<p>examination. This took place on 18 July 1989 under the supervision of a medical superintendent, District Headquarters Hospital, Faisalabad. The second post-mortem report is said to have concluded that there were many signs of torture on the body of Bashir Ahmad Awan and that he died as a result.</p> <p>The Senior Superintendent of Police, Faisalabad reportedly suspended the three police officers involved and charges of murder were brought against them. There has been no news of their arrest or trial.</p> <p>The District Magistrate, Faisalabad ordered an inquiry to be carried out by the Tandlianwala resident magistrate in July 1989, the outcome of which is not known to AI.</p>
Mohammad Ashraf, alias Baggi from Chowk Baba Azam, Punjab.	18 August 1989	Arrested around 8 August 1989 by the Hanjerwal police together with his father, Billa Gujar, apparently in connection with a theft case. The father was released, allegedly after a bribe was paid.	Died at Hanjerwal police post attached to the Chung police station. A post-mortem was carried out on 18 August. The body was afterwards handed over to his relatives. Apparently, it bore signs of torture on the legs. Relatives took the body in procession to	On 19 August 1989, the then Chief Minister of Punjab Province, Nawaz Sharif, ordered an inquiry into the death of Mohammad Ashraf, alias Baggi, to be carried out by a DSP. He reportedly assured journalists that those involved in the "heinous crime" would be "awarded deterrent punishment" ( <u>Dawn</u> , Karachi, 20 August 1989). Police officials have reportedly assured relatives that the three policemen and one civilian responsible for Ashraf, alias Baggi's death have been arrested. Murder charges were brought against them. The then Chief Minister of Punjab also ordered that those responsible should be tried under the Special Courts for Speedy Trials Act of 1987. AI does not know whether this trial took place, and, if so, what the outcome of it

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			the Punjab Assembly and the residence of the Governor of Punjab. The police stopped the procession from going to the Chief Minister's residence.	was.
Mohammad Imtiaz, 16 years old, from Chak No. 71-NB, Fatima Jinnah Colony, Sargodha, Punjab	8 August 1989	Arrested from his home by CIA police allegedly in connivance with a local politician. His father contacted the CIA police station, Sargodha several times but was not given any information about his son's whereabouts.	Allegedly tortured to death by CIA police, including an Assistant Sub-Inspector of Police and five constables.	A complaint was made to the Senior Superintendent of Police (SSP), Sargodha, who ordered an inquiry into the "disappearance" of Mohammad Imtiaz. As a result, the SSP ordered the arrest of the six police officials and some other persons, including the local politician.  It is not known whether the body of Mohammad Imtiaz was returned to the relatives, whether a post-mortem was carried out and, if so, what the outcome of it was. There has been no news of any trial.
Anjad, alias Ladoo, 25 years old, from Bole, Gujrat district, Punjab	15 August 1989	Arrested by Civil Lines police, Gujrat in a criminal case.	Local people allege he was tortured to death in Civil Lines police station, Gujrat. The police claim that he had complained of chest pain around 9pm and had been taken	A post-mortem examination reportedly found that Anjad, alias Ladoo, died of heart failure and that there were no traces of external or internal marks on his body.  An inquiry was ordered by the District Magistrate, the outcome of which is not known. Three police officers from Civil Lines police station were reportedly immediately transferred to another police

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			to Aziz Bhatti Shaheed Hospital where he died upon arrival.	station.
Sher Mohammad, 20 years old, from Chowk Baba Adam, Icchra, Lahore, Punjab.	16 August 1989	Arrested together with his brother, Mohammad Akbar around 8 August 1989 by the Niaz Beg kiosk police, Chhung police station. The relatives were not able to establish their whereabouts for five days. When they finally went to the Niaz Beg kiosk police lock-up, they were not allowed to see the prisoners.	Died at Niaz Beg kiosk police lock-up. His body was brought to the city morgue on the evening of 16 August 1989.	An autopsy was carried out on 18 August 1989, the results of which are not known to AI. The body was handed over to the relatives afterwards. They took it in procession to the residence of the Governor of Punjab. Apparently, the police tried to take the body away during the procession but did not succeed.  AI has no information about the fate or whereabouts of Mohammad Akbar, brother of Sher Mohammad who was arrested with him.
Ishaq, 45 years old from Karian, Punjab. Worked as an agent for local transporters.	30 August 1989	Reported to CIA Islamabad after he had been implicated in a case of forgery.	Died in the evening, according to the police "due to illness". Colleagues of Ishaq, however, have claimed that he was tortured to death.	His body was handed over to his relatives and was buried at Kharian on 31 August 1989.  The then Minister of the Interior ordered an inquiry by the SSP, Islamabad. A police official was reportedly sent to Kharian to interview the relatives. The outcome of the inquiry is not known to AI.
Amir Ali, from Punjab.	Early September 1989	Arrested by Kamoke police in connection with a dacoity case.	Reportedly complained of pain in the chest during the night. The	The IGP, Punjab, ordered an inquiry by the Anti-Torture Cell. The Deputy Superintendent of Police who carried out the inquiry initially reported that the post-mortem had indicated that Amir Ali had not

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			police say they took him to the local hospital but that he died on the way.	died due to torture. However, he said that he was awaiting the outcome of the chemical examiner's report to make his final conclusion. AI does not know the final outcome of the investigations.
Roshan Ali Meerani, 20 years old, from Larkana, Sind.	25 September 1989	Arrested by A Section of Town Police, Larkana, in connection with the theft of a motorcycle. An identification parade was apparently held during which the complainant reportedly said that Roshan Ali Meerani was not involved in the theft. He was however not released. His grandfather claims that the police demanded 10,000 rupees bribe for his release, which he could not pay.	Reportedly died at the A Section Town police station, Larkana. The body is said to have had fractures on the head, arms and legs.	Soon after the incident, the officer in charge of the Town police station is said to have left the area to avoid arrest.  The District Magistrate, Larkana, in early October 1989 appointed the Sub-Divisional Magistrate to investigate the death of Roshan Ali Meerani. The outcome of the investigation is not known.
Anjad Gill, 18 years old from Talwandi Bajwa, Sialkot, Punjab.	27 September 1989	Handed over by his father to the Assistant Commissioner, Pasrur, on 18 September. From there, he was handed over to the Pasrur CIA. He was allegedly tortured in the night of 18-19 September and transferred to Sialkot district	Died at civil hospital, Sialkot, where he had been brought on 26 September from Sialkot district jail.	His body was allegedly left for thirty hours on the verandah of the hospital. Officials also reportedly requested the relatives to take the body home without post-mortem.  It is not known to AI whether an inquiry was held into the circumstances of his death.

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		jail with the help of a medical superintendent, Tehsil Headquarters Hospital, Pasrur, who allegedly provided an pre-dated medico-legal report.		
Fateh Muhammad, 65 years old, from Green Town, Lahore, Punjab. He worked at a tea stall outside the Lahore High Court.	30 September 1989	Arrested on 30 September 1989 by a policeman from Old Anarkali police station on suspicion of possessing alcohol.	Died in the evening at the Old Anarkali police station. A lawyer who had gone to make inquiries at the police station around 2pm, had been told by a police official that Fateh Muhammad was being interrogated.	Body was reportedly taken to Mayo Hospital. Police are said to have gone to the home of Fateh Muhammad and told his wife that he had been killed in an accident. The wife contacted her brother, who was then taken by the police to the Mayo Hospital where he was allegedly forced to put his signature on a blank sheet of paper before being allowed to take the body home.  AI does not know of any inquiry held into the circumstances of his death.
Abdul Majid from Tariq Road, Karachi, Sind.	30 October 1989	Arrested by Gulberg police on 29 October 1989 in connection with the theft of a car from Mini Market, Gulberg, Lahore, Punjab.	Gulberg police claim that he had committed suicide by hitting his head against the wall of his cell. However, people who reportedly saw the body claimed that there were marks of torture on it and alleged that he had	AI is not aware of any inquiries into the circumstances of the death of Abdul Majid.

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			died as a result of torture.	
Rab Nawaz from Punjab.	11 January 1990	Arrested by CIA staff from Qadarpur Ran police station in connection with a murder case and illegal possession of firearms.	Died at a Multan hospital, where he had been brought by police with serious burn injuries. The police alleged that he had tried to commit suicide by sprinkling himself with kerosene oil. Relatives claim that he was tortured beforehand and that the police poured kerosene oil over him and set him alight to cover up the torture marks.	It is not known whether a post-mortem examination was held.  The District Magistrate, Multan, ordered an inquiry to be carried out by the local magistrate. The outcome of this inquiry is not known to AI.
Siddique, 30 years old, from Lahore, Punjab.	5 February 1990	Arrested on 4 February for possession of fake currency notes by the Gulberg police.	Police allege that they found him dead in his cell on the morning of 5 February. They claim he committed suicide by hanging himself with the string of his shalwar	When the body was in the morgue, it apparently had a thin rope around the neck which could not have been the string of Siddique's shalwar kameez as that string was still around his waist.



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			kameez. Two policemen apparently took the body to the morgue. However, they denied this initially and told a journalist they were Railway police and had gone to the morgue on a personal matter. But this was contradicted by the staff at the morgue.	
Mohammad Nazir, 30 years old from Punjab.	Around 20 February 1990	Taken to Pind Dadan Khan police station for interrogation	Allegedly beaten to death at the Pind Dadan Khan police station.	The SP, Chakwal, Punjab appointed a magistrate to carry out an investigation.  The three policemen responsible were arrested and detained for an initial period of seven days. It is not known to AI whether formal charges were brought against them or whether they have been tried.
Bhag Masih, 58 years old from Model Colony, Gulberg, Lahore, Punjab. He was working as a sweeper.	10 March 1990	Taken to Gulberg police station by three men, one of whom was in police uniform. They were accompanied by a woman with whom Bhag Masih had a dispute over money. His relatives rushed to the police station and when they arrived they found Bhag	He was declared dead at 8pm at the Services Hospital, Lahore. The body was handed over to the Gulberg police, who handed it over to the relatives the next morning.	A magistrate examined the body around 10am on 11 March. A post-mortem was carried out and the body was buried in the evening around 11.30pm.  The <u>munshey</u> and a constable from Gulberg police station were suspended. A departmental inquiry was held, but the outcome is not known to AI.

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		Masih lying unconscious on the lawn outside. While they were inside the police station, the body was taken away and dumped outside his home. A neighbour said that he had been taken to the hospital.		The relatives filed a complaint against the woman and three of her relatives. However, they did not refer to the police officer involved in their complaint. A local human rights organization investigating the case have expressed their suspicion that the family may have been pressurized by the police not to file a complaint against them.
Fida Hussain, alias Mithu from Lohari Gate, Lahore, Punjab	18 April 1990 around 6.30am	Arrested around November 1989 on suspicion of involvement in a theft case by the Lohari Gate police, CIA branch. He apparently vomited blood following torture due to damage to his lungs. He was taken to prison but the prison doctor ordered his transfer to the Services Hospital in early April.	Died at Services Hospital, Lahore.	A post-mortem was carried out at the Mayo Hospital, Lahore, the results of which are not known to AI.  Three police officers were suspended, but AI does not know if any charges were brought against them.
Shakil Ahmed, Sind province.	26 April 1990	Arrested by a CIA inspector, Karachi in connection with a robbery case.	Allegedly died following torture during interrogation at CIA Headquarters, Karachi.	A post-mortem was carried out which reportedly revealed marks of injuries on the body. An additional chemical report was carried out, the result of which is not known.  An inquiry was ordered, the outcome of which is not known.

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Noor Mohammad Abro, alias Gajjan, from Khatti Para Mohallah, Tando Adam town, Sind.	29 April 1990	Arrested on 29 April 1990 in connection with a fight between two rival groups of people that had taken place on the day before Eid.	He was released from the police station the same day. He returned home but soon afterwards started vomiting blood and died.	A medical report issued soon after his death apparently concluded that Noor Mohammad Abro, alias Gajjan, had died of heart failure.  Three policemen allegedly responsible have been arrested by the Tando Adam police. Further investigations have been carried out but AI does not know their outcome.
Hanif Khaskheli, Thatta District, Sind.	17 May 1990	Not known	Alleged to have died from torture by the superintendent and other police officials at the Thatta police station.	A local member of the Sind Provincial Assembly took up the case but it is not known whether any investigations were held.
Muhammad Nawaz, 22-year-old labourer from Sargodha, Punjab.	30 May 1990	Arrested on 30 May 1990 by Factory Area police, Sargodha. Relatives allege that Muhammad Nawaz was taken away on the instigation of a police officer for whom he used to work as a servant. The police officer is said to have brought charges of theft against him.	Alleged to have been tortured to death at the Factory Ara police station by a sub-inspector, an assistant sub-inspector and a constable.	The post-mortem carried out by a board of five doctors found 23 injuries on the body.  Charges of murder were brought against the three police officers concerned but they were not transferred, suspended or arrested. Further reports suggest that the police officers involved abducted the witnesses named in the report of the incident registered by the police at the time and forced them to make statements in their favour before the police officer investigating the case as well as before a magistrate.  A judicial inquiry to be carried out by the Additional Deputy Commissioner (General) and the Cantonment Magistrate was ordered

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				by the district magistrate. The outcome is not known to AI.
Noshi (or Nosher), from Chak. 89/6-R, Sahiwal, Punjab.	1 June 1990	Arrested by Saddar police in connection with a theft.	Found dead in the lock-up. Police claim he committed suicide by hanging himself.	Doctors at District Headquarters Hospital found at least twelve injuries on the body and the sign of a rope on his neck.  It is not known whether an inquiry was held. A case was registered against the sub-inspector and moharrar of Saddar police station but no arrests were made.
Dadan Palari, from Sind.	11 June 1990	Arrested at Nooriabad by CIA staff, Karachi, in connection with several cases of dacoity and kidnapping for ransom.	Alleged to have died due to torture under interrogation at CIA Headquarters, Karachi.	A post-mortem was carried out at the Jinnah Post-Graduate Medical Centre, Karachi but the outcome is not known to AI.  An inquiry is said to have been ordered, but the results are not known to AI.
Mohammad Ramazan, 70 years old, from Lahore, Punjab.	27 June 1990	Arrested near Chungi Amarsidhu by Inspector Mohammad Ashraf and head constable Fajar Khan of the Joint Task Force, apparently for possession of drugs. He was detained at the Narcotics Control Board office in Model Town, Lahore.	The police allege that he died due to an overdose of drugs. He was taken to the Mayo Hospital Emergency Ward but he was declared dead upon arrival.	According to a preliminary medical report, there were signs of torture on his hips and legs.  AI does not know if any further inquiry was held.
Arshad Mehmood	2 August 1990	Not known	Allegedly tortured to	A post-mortem was carried out at the District Headquarters Hospital.

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from Aruri, Faisalabad District, Punjab			death at Aruri police station by a sub-inspector and six constables. His body was taken to District Headquarters Hospital, Faisalabad.	It reportedly concluded that Arshad Mehmood's death was caused by "severe torture".  The seven police officers involved were charged with murder, but it is not clear whether they were ever arrested, and there has been no report of their trial.
Haroon Siddique, 24 or 25 years old, from North Block, Samanabad, Lahore, Punjab. Businessman involved in real estate.	18 August 1990	Arrested around 5 August by Nawan Kot police, Lahore. Relatives say initially no reason was given for the arrest, but later police said he had been arrested in connection with a theft case. He was held at Nawan Kot police station where he was allegedly subjected to torture.	On 15 August, policemen from Nawan Kot police station brought him back to his home, apparently in a state of coma. According to eye-witnesses, there were marks of torture on the body. His relatives took him to a private hospital where he died three days later.	A post-mortem was reportedly carried out at the Lahore morgue. AI does not know the result. Press reports suggest that relatives were at least initially denied access to the post-mortem report.  The IGP, Punjab, reportedly suspended six police officers of Nawan Kot police station, including the police officer in charge, soon after Haroon Siddique died. It is not known whether they have been charged or tried.
Syed Shoaib Ahmed, 45 years old, son of Hidayat Ahmed, from Sind.	2 October 1990	Arrested with three others on 27 September 1990 from Mohabbat Nagar, Malir, Sind in connection with the printing of false currency notes and fake identity cards.	Said to have died around 10am in his cell at Malir City police station just before he was due to be brought to court. Police claim that he stood up to	A post-mortem was carried out at the Jinnah Post-Graduate Medical Centre. The doctor responsible reportedly said that no external marks had been found on the body but that the cause of death could not be established until the result of the chemical examination of the internal organs was known.

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			leave the cell and suddenly collapsed. Police claim he died of heart failure.	The Deputy Commissioner, East, Karachi, appointed a subdivisional magistrate to conduct an inquiry "to ascertain the cause of death". The outcome of the inquiry is not known to AI.
Mohammad Ismail from Sind.	19 October 1990	Arrested on 18 October in connection with a road accident by the Arambagh police.	Police claim he committed suicide by hanging himself in his cell at Arambagh police station.	A post-mortem was held at Civil Hospital, Karachi, which apparently found that there were marks of violence and bruises on his body.
Noor Mohammad Gadani, from Sind.	late October-nearly November 1990	Not known	Died at Central Jail, Sukkur, allegedly following torture by jail staff.	The Sind High Court ordered that a case be registered against the superintendent of Sukkur jail. AI is not aware of any further developments in this case.
Abdul Khaliq Mehar, 25 years old, from Bachal village, Karachi, Sind. Student at Landhi technical college. Member of the Jeay Sindh Students' Federation.	30 November 1990	Arrested on 5 November 1990 around 2am by New Town police, Karachi.	Relatives claim he was severely tortured at the New Town police station all through the day until his release around 7.30pm. He received medical treatment at home for several weeks. But, as his condition deteriorated, he was	The Deputy Commissioner, East, Karachi and the Chief Minister, Sind have ordered an inquiry.  The police officer responsible has reportedly been suspended from duty, but to AI's knowledge, no arrests have so far been carried out.

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			taken to Civil Hospital, Karachi, where he died.	
Mushtaq Mashi, 31 years old from East Karachi, Sind. Sanitary worker with the Karachi Metropolitan Corporation.	3 December 1990	Arrested around 2am on 2 December 1990 from his home by the CIA, Karachi East, apparently in connection with a theft case. One of his relatives saw him in the custody of the CIA in the evening of 2 December. He is said to have been in good health at the time.	Police claim he died of stomach problems. His body was taken to the Jinnah Post-Graduate Medical Centre. His relatives said that they detected several marks of torture on his body.	A post-mortem was held but the results were not made public immediately.  A case was registered against a sub-inspector of the CIA. Charges were brought under Section 304 of the Pakistan Penal Code (culpable homicide not amounting to murder). No arrest was carried out, to AI's knowledge.  An inquiry has been ordered.
Mohammad Yousaf, from Chak No. 269 R.B., P.S. Sadar, Faisalabad, Punjab.	mid-December 1990	Arrested on 27 November by the Sadar police, Faisalabad, in connection with several theft cases.	Police claim he committed suicide in his cell. Relatives, however, claim that he died following torture during interrogation.	A post-mortem was carried out. The body was handed over to the relatives on 21 December 1990. The district magistrate apparently ordered a second post-mortem, the result of which is not known.

<p>Naeem Haider from Punjab. He was apparently absconding after having been sentenced to life imprisonment for kidnapping.</p>	<p>17 January 1991</p>	<p>Arrested from the house of a friend at Samanabad, Lahore, Punjab, by police from Qila Gujjar Singh police station. Relatives claim that when they tried to contact the police, they were not given any information about Naeem Haider's whereabouts.</p>	<p>The Qila Gujjar Singh police apparently took his body to the city morgue near midnight claiming it had been found by the police at a City road. They reportedly said that they did not know his identity and that he had died of a heart attack. His relatives claim that there were marks of torture on his body.</p>	<p>AI is not aware of any action having been taken to investigate the cause of death of Naeem Haider.</p>
<p>Rais Ahmad, alias Kalia, 22 years old from Lahore, Punjab. Additional Secretary of the People's Students Federation (PSF).</p>	<p>4 July 1990</p>	<p>According to one press report, he was arrested on 3 July from his brother's house at Gari Shahu. Another press report suggested that he was arrested from a friend's house at Raza Block, Allama Iqbal Town. PSF politicians say they have evidence to show that the police took him to a place in the basement of Ichchra police station and subjected him to torture. From</p>	<p>Police allege that Rais Ahmad was killed in the night of 3 to 4 July when he together with one other person refused to stop his motorcycle at Wahdat Road More. They say that when they pursued them, they were shot at and in the exchange of fire that followed, Rais Ahmad</p>	<p>His body was brought to the mortuary at Mayo Hospital, Lahore, by the officer in charge of Wahdat Colony police station at 8.35am on Eid day. A preliminary medical examination has confirmed that there were signs of torture on the body.</p> <p>A police inquiry was ordered by the IGP, Punjab, the result of which is not known to AI.</p> <p>A judicial inquiry was ordered by the Punjab government, the outcome of which is not known to AI.</p>



### PART III: List of cases of alleged fake "encounter" killings reported to Amnesty International

		there, they say, he was taken to Phekewal More and deliberately shot. However, police continue to deny they ever arrested him.	was killed and the other person escaped. People in the vicinity of the scene of the shooting confirmed that they heard shots but were not able to say whether it was one-sided or crossfire.	
Sarfraz, alias Chabbi, from Kir Kalan, Maryam Colony, Green Town, Lahore, Punjab	4 August 1990	Arrested in connection with armed robberies, murder and attempted murder.	Police deny his arrest. According to a press release issued by the SP, CIA, Lahore, the Anti-Dacoity Staff tracked down Sarfraz, alias Chabbi, at a house in Maryam Colony and asked him to surrender. They claim that Sarfraz opened fire, upon which the police threw teargas and also opened fire, killing Sarfraz. However, people in the area told a journalist of the <u>Pakistan Times</u> that they had seen police bring a handcuffed man to the village, that they heard shooting, cries	Amnesty International is not aware of any official inquiry into the circumstances of the death of Sarfraz.

			of a man and shooting again. When	
			they went to have a look, they saw the police standing around the body of a dead man. None of the villagers could remember feeling the presence of teargas.	
Anjum Latif, from Punjab.	26 September 1990	Not known.	Police claim he was killed near Bagrhian village, close to Green Town, Lahore, in an exchange of fire with the police after he had refused to stop his motorcycle at a roadblock. Police claim he was carrying a kalashnikov gun and a box of ammunition and was on his way to visit a friend. They say he jumped into a ditch and started shooting at them. The SP, CIA and DSP, Anti-Dacoity Staff, were reportedly present.	No policeman was injured in the shooting. According to an article in <u>The Nation</u> , Lahore of 27 September 1990, a police officer who wanted to stay anonymous has confirmed that the killing was staged as an "encounter" by the police.  Amnesty International is not aware of any official inquiry into the circumstances of the death of Anjum Latif.

<p>Mehr Bakhsh Baloch, in his 20s, from Lyari, Karachi, Sind. Involved in election campaign for local PPP politician in October 1990 elections.</p>	<p>11 November 1990</p>	<p>Taken away after an exchange of fire with the police near AGS battery factory in Karachi. Police say that he refused to stop his motorcycle and started firing at them.</p>	<p>Relatives claim that the wounded Mehr Bakhsh Baloch was taken to the local police station and that he was shot there from close range. Afterwards he was taken to hospital where he died the next day. His body apparently showed signs of two gunshots, one of which caused by a shot from close range.</p>	<p>AI is not aware of any official inquiry into the circumstances of the death of Mehr Bakhsh Baloch.</p>
<p>Inayat alias Inoo Khoso, from Sind.</p>	<p>16 December 1990</p>	<p>Arrested by the Phuleli police in Hyderabad on a tip-off from a local landlord.</p>	<p>Press reports suggest that he was tortured by the Phuleli police and subsequently shot in the area controlled by the Hutri police in Hyderabad. It is claimed that the police broke both his arms and legs. On the next day, the DIG, Hyderabad, announced that Inayat, alias Inoo Khoso, had been killed in an "encounter" with the</p>	<p>AI is not aware of any official inquiry into the circumstances of the death of Inayat, alias Inoo Khoso.</p>

			police. He also announced the promotion of the police officers who participated in the "encounter".	
Ali Gul Chachar from Sind province	28 January 1991	Not known	According to press reports, he was seen being dragged out of Kotri police station together with two others (see below). They were put in a vehicle and driven away. The next day, a press article in <u>Dawn</u> , Karachi stated that	"three men described by police as 'notorious dacoits' and identified as Ali Gul Chachar, Mohammad Shabbir Bhurgari and Ghulam Sawar Bhangar, were killed in an 'encounter' with the police in SITE, Kotri, about 15km from here, late on Monday night. Ali Chachar carried a reward of Rs 800,000 on his head, and all three were wanted in more than 150 cases of murder, robbery, kidnapping and other crimes, police sources said."  AI is not aware of any official action taken to investigate the cause of death of Ali Gul Chachar, Ghulam Sawar Bhangar and Mohammad Shabbir Bhurgari.
Ghulam Sawar Bhangar from Sind province	28 January 1991	See above	See above	See above
Mohammad Shabbir Bhurgari from Sind province	28 January 1991	See above	See above	See above
Ayub Panharh from Lahore, Punjab province	2 May 1991	Exact date of arrest not known. Said to have been in detention at CIA Headquarters, Lahore where he and two others (see	According to the CIA, Lahore, Ayub Panharh and the two others had escaped from custody	Press reports allege that the escape, the stealing of the car and the subsequent killing during an encounter at Johar Town are a fabricated version given by the police. They claim that the three suspects were deliberately killed as the police feared they would be acquitted on

		below) arrested with him on suspicion of involvement in several kidnapping cases were under interrogation.	around 8.30pm, stolen a car (registration number: MNA919) and drove away in the direction of Johar Town, Lahore. There, they had been caught up by the police and had been killed during an encounter.	technical grounds.  AI is not aware of any official inquiry into the circumstances of the death of Ayub Panharh, Muhammad Rafiq and Muhammad Hussain.
Muhammad Rafiq from Lahore, Punjab province	2 May 1991	See above	See above	See above
Muhammad Hussain from Lahore, Punjab province	2 May 1991	See above	See above	See above

## **PART IV: Amnesty International's Recommendations for the Prevention of Torture and Death in Police Custody**

Amnesty International has submitted recommendations for the implementation of a number of safeguards and remedies against torture to successive national and provincial authorities in Pakistan. During its most recent visit to the country in 1989, an Amnesty International delegation met with federal and provincial government authorities, including the then Prime Minister Benazir Bhutto, and expressed its concern that no effective steps had been taken to prevent torture, for instance by bringing those responsible to trial<sup>2</sup>. After the government of Prime Minister Mian Nawaz Sharif took office in November 1990, Amnesty International wrote to him expressing its hope that the new government would take all possible steps towards the protection of human rights in Pakistan, including the prevention of torture. To date, no reply has been received to this letter.

Amnesty International is calling upon officials at the highest level, including the head of state, head of government and heads of different security forces, to officially condemn torture. Prompt ratification or accession to the United Nations Convention Against Torture would demonstrate the government's commitment in this regard, both nationally and internationally.

A Cell to Monitor Police Atrocities was established by the previous government in August 1989 within the Ministry of the Interior. Amnesty International does not know if this body still exists. If it does, it recommends that it should be given the authority to investigate fully allegations of torture brought to its attention and to make recommendations for the prosecution of those found to be responsible.

On the provincial level, Amnesty International is aware that the Punjab authorities in 1989 established an anti-torture cell within the police department to monitor and investigate cases of torture and take action against those responsible. It also notes recent steps taken by the Chief Minister of Sind, who in December 1990 visited the Criminal Investigation Agency (CIA) Centre, Karachi unannounced and reportedly suspended a number of police officials after he found that several prisoners had been tortured. Similarly, a sub-divisional magistrate made a surprise visit to a local police station in Sind and found a number of prisoners who were illegally detained and showing signs of torture. Amnesty International suggests that such monitoring be incorporated into a general program set up at national and provincial level to prevent torture.

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<sup>2</sup>See *Pakistan: Human Rights Safeguards: Memorandum Submitted to the Government following a Visit in July-August 1989 of May 1990* (AI Index: ASA 33/03/90).

Until very recently, torture has not been defined as a distinct crime under the Pakistan Penal Code. However, under the recently promulgated Qisas and Diyat Ordinance<sup>3</sup>, a form of torture does appear as a separate, punishable offence. 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 separate crime. The crime is subject to the kind of punishment provided for the form of hurt caused, including *qisas*, together with imprisonment. In its memorandum of May 1990 to the then Government of Pakistan, Amnesty International had recommended that torture be introduced in criminal law as a specific offence, making both the attempt to commit torture and complicity or participation in torture criminal offences. Under Article 14 (2) of the Pakistan Constitution, torture is prohibited only for the purpose of "extracting evidence". Amnesty International recommended that a wider definition be introduced in keeping with Article 1 of the UN Convention Against Torture<sup>4</sup>. While welcoming the inclusion of a 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.

As torture most frequently occurs during the first few hours or days of detention, Amnesty International recommends that incommunicado detention be strictly limited, and that prompt and regular access to detainees by a lawyer, doctor and family members be ensured. It is also important that all prisoners be brought before a judicial authority promptly after being taken into custody. The Code of Criminal Procedure requires that prisoners be brought before a magistrate within 24 hours of arrest to assess the necessity for further remand in police custody and protect the detainee from ill-treatment<sup>5</sup>. This requirement is not always enforced at present.

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<sup>3</sup>The Qisas and Diyat Ordinance amended or substituted several sections of the Pakistan Penal Code (PPC) and the Code of Criminal Procedure, redefining in Islamic terms crimes relating to murder and bodily hurt, and their punishments. Punishment can either be in the form of *qisas* (equal punishment for the crime committed) or *diyat* (compensation payable to the victim or the heirs). The Ordinance was first promulgated in September 1990. 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 it is promulgated again. The Qisas and Diyat Ordinance was promulgated again in January and April 1991. For more information on this ordinance, see *Pakistan: New Forms of Cruel and Degrading Punishment* (AI Index: ASA 33/04/91) and *Pakistan: Legal Changes Affecting Application of the Death Penalty* (AI Index: ASA 33/03/91) of March 1991.

<sup>4</sup>Article 1 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment reads as follows: "For the purposes of this Convention, 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 only from, inherent in or incidental to lawful sanctions."

Detainees subjected to torture are often held in custody and interrogated by the same agency. In Pakistan, magistrates can remand suspects to police custody for a total period of 15 days while investigations continue. Amnesty International recommends review of this provision, believing that the formal separation of authority over detention and interrogation allows some protection for detainees by providing a degree of supervision of their welfare by an agency not involved in their interrogation.

It is also important that no internal security organizations be given responsibility for both the detention and interrogation of political suspects, and that secret detention is banned. All prisoners should be held in publicly recognized places of detention, and accurate information on their whereabouts should be made promptly available to relatives and lawyers.

Safeguards during interrogation and custody should also be implemented. There should be a clear chain of command within the agency which indicates who is responsible for supervising interrogation procedures and for disciplining officers who violate these procedures. At the moment of their arrest, or very soon after, prisoners should be informed of their rights, including the right to lodge complaints about their treatment. Those arrested should be offered a medical examination immediately after arrest and should be able to request further examinations regularly thereafter.

The government could further demonstrate its commitment to prevent torture by publishing the regulations governing interrogation procedures currently in force, periodically reviewing procedures and practices, and inviting submissions and recommendations on these procedures from civil rights groups, defence lawyers, bar associations and other interested parties.

A further safeguard is the establishment of a regular system of visits to places of detention and interrogation by independent individuals.

The independent and impartial investigation of all complaints and reports of torture is an important preventive measure. The investigating body should be able to act on its own initiative, and complainants and witnesses should be protected from intimidation. The findings should be made public, and action should be taken to bring to justice those who commit, incite or are otherwise implicated in practice of torture. All victims of torture should receive medical rehabilitation and financial compensation from the state, commensurate with the damage suffered.

Amnesty International believes that all law enforcement personnel involved in the arrest, interrogation or treatment of prisoners should receive full training in the prohibition of torture in international and national law, and be instructed to refuse to obey any order to torture. In particular

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<sup>5</sup>This and the following safeguards have been described before in *Pakistan: Human Rights Safeguards: Memorandum submitted to the Government following a Visit in July-August 1989* of May 1990 (AI Index: ASA 33/03/90). They are repeated here as they are still valid and yet to be implemented in Pakistan.



they should receive training on the requirements of the United Nations' Code of Conduct for Law Enforcement Personnel and the Standard Minimum Rules for the Treatment of Prisoners.

Special safeguards should be implemented to avoid abuse of women and children in custody. In July 1989, following the abuse of a girl in a police station, a judge of the Lahore High Court directed that women should not be detained in police stations and should always be kept in judicial custody for their protection. Despite this directive, Amnesty International continues to receive reports of rape of women detained in police stations. Amnesty International repeats its recommendation that women should always be held in judicial custody. It also recommends that a female officer should be present during all interrogation of women detainees. Equally, children should not be questioned other than in the presence of a parent or guardian.

Amnesty International believes that implementation of these safeguards and remedies against torture would at the same time constitute measures for the prevention of deaths in police custody, whether as a result of torture or shooting.

In addition, it urges that all suspected cases of deaths in custody be thoroughly, promptly and impartially investigated. As outlined in Principle 9 of the United Nations (UN) Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions "the investigation shall determine the cause, manner and time of death, the person responsible and any pattern or practice which may have brought about the death. It shall include an adequate autopsy, analysis of all physical and documentary evidence and statements from witnesses". The full text of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions as endorsed by the UN General Assembly on 15 December 1989 in Resolution 44/162 is attached in Appendix I. Amnesty International recommends that they be fully implemented and enforced in Pakistan.