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PAKISTAN @Torture, deaths in custody and extrajudicial executions

1. Introduction

An article published in November 1992 in "The Herald", a political magazine in Pakistan states: "Torture has long been a lethal weapon in the arsenal of the country's rulers. While successive governments have ruthlessly cracked down on opponents through the use of third degree methods, the country's police force has institutionalized torture as its primary method of crime detection." Information obtained by Amnesty International in 1992 and 1993 confirms this statement: Torture, including rape, in the custody of the police, the paramilitary and the military is endemic, widespread, and systematic in Pakistan. Frequently it results in deaths in custody, which sometimes are covered up by staged "encounters". Extrajudicial executions, the deliberate and unlawful killings by, or with the approval of, the authorities, are also reported from Pakistan. There also are some cases of "disappearance" of prisoners in custody.

This paper describes instances of torture, deaths in custody and extrajudicial executions reported to Amnesty International during 1992 and the first half of 1993. It is based on testimonies obtained from victims, victims' families, human rights lawyers and reports in the media in Pakistan. It shows in detail the different methods of torture employed by police and other law enforcement agencies and seeks to answer the question why torture is so widespread in Pakistan before then making wide ranging recommendations to end this inhuman practice. The paper presents in detail 12 specific cases of torture, deaths in custody and extrajudicial executions and describes the difficulties victims and victims' families face in attempting to bring the alleged perpetrators to justice. The paper also lists some 40 instances of deaths in custody and extrajudicial executions reported in the national media during the 18-month period under scrutiny.

2. Political developments since early 1992

At the national level the government of Prime Minister Nawaz Sharif, in office since November 1990, faced several crises during 1992 and the first half of 1993. The All Parties Conference (APC), launched by the President of the Pakistan Democratic Party, Nawabzada Nasrullah Khan, organized numerous mass rallies demanding the dismissal of the Sharif government and fresh elections. Similarly the Pakistan Democratic Alliance (PDA), led by the Pakistan People's Party (PPP) under Benazir Bhutto, pursued a

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campaign of unseating the government which, Benazir Bhutto claimed, had won the elections in October 1990 by vote-rigging; PDA rallies and demonstrations were dealt with severely by the authorities with thousands of party members detained during several waves of arrest.

After months of political uncertainties connected with an internal power struggle, President Ishaq Khan and Prime Minister Mian Nawaz Sharif resigned in July 1993 and federal and provincial governments and assemblies were dismissed. Interim federal and provincial governments were appointed and general elections for the national and provincial assemblies took place in October 1993. The PPP formed the federal government and the provincial governments in Sindh and Punjab, while the Pakistan Muslim League under Nawaz Sharif formed the governments in the North West Frontier Province and in Baluchistan. Benazir Bhutto was sworn in as the new Prime Minister of Pakistan on 19 October.

In order to combat a wave of criminal and political violence in Sindh, the government of Prime Minister Nawaz Sharif on 28 May 1992 ordered the army and the paramilitary Mehran Force to restore law and order in the province in an operation which was to take six months but which has been periodically extended and still goes on at the time of writing this report. The federal government said it had ordered the military operation at the request of the provincial government of Sindh. To illustrate the rise in the crime rate the federal government said that in 1991 police had killed 307 "bandits" in Sindh, compared to 169 in 1990. Army spokesman Major-General Jamshed Malik said on 15 June 1992 that in the first two weeks of the operation the army had killed 33 "bandits" in gun battles, and arrested more than 600 people. According to reports in the Pakistani press, the army was using armoured vehicles to root out "bandits" in the interior of Sindh and in some cases set fire to dense woods in which "bandits" were suspected to be hiding.

An ordinance promulgated by President Ghulam Ishaq Khan on 19 June 1992 granted legal immunity from criminal prosecution to army personnel for any action undertaken "in good faith" during the law and order operation. Ordinances remain in force for 120 days. If parliament does not vote on the ordinance within this time, making it part of the permanent law, the ordinance lapses unless promulgated again. The ordinance extending the powers of the army and granting legal immunity has been repromulgated every four months and, after its most recent repromulgation in mid-July 1993, remains currently in force.

Several opposition groups said at the outset of the military campaign that they feared it would be used by politicians and other groups to intimidate, detain or eliminate political or personal opponents. Military sources were reported to have said that they were given lists of persons wanted in connection with terrorist activities. "There are a number of MNAs [members of National Assembly] and MPAs [members of Provincial Assembly] belonging to Sindh on these lists, and they would be picked up immediately after the operation begins", military sources were quoted as saying in the Pakistani media. Activists of several parties went into hiding following these announcements. The PPP warned that a military operation without an economic and social package would prove disastrous; the Mohajir Qaumi Movement (MQM) rejected the operation from the start, arguing that it was aimed at crushing the organization.

Interior Minister Chowdhury Shujaat Hussain on 8 October 1992 informed the National Assembly that 129 dacoits or "bandits" had been killed and 335 arrested since the beginning of the military operation in Sindh. The real figures of alleged "bandits" killed and arrested are probably much higher, as in the first month of the army operation alone some 100 people were officially declared to have been killed and 464 arrested.

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Human rights violations, including illegal and unacknowledged detention, torture, deaths in custody and extrajudicial executions were reportedly committed in Sindh by the police, the military and paramilitary forces. For instance during the first phase of the army operation focusing on rural Sindh, nine villagers were on 5 June 1992 extrajudicially executed in Tando Bahawal by the army in a fake encounter and within a week, several persons, including Ghulam Mohuiddin Pathan, a landlord accused in the Tando Bahawal incident, Yusuf Jakhrani, leader of the small opposition National Democratic Party in Kandkhot, Jacobabad district, and Ali Haider Shah, a landlord in Dadu died in army custody. In its second phase, from mid-June 1992, when the army operation focused on urban centres in Sindh, family members and friends of MQM activists who had gone into hiding were illegally detained, frequently tortured and reportedly sometimes killed by law enforcing agencies.

3. Amnesty International's work on torture, deaths in custody, extrajudicial executions and "disappearances" in Pakistan since 1991

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

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. In June 1991 it published a report, Pakistan: Reports of torture and death in police custody (AI Index: ASA 33/05/91), in which several instances of torture in police custody and of deaths in police custody following torture or shooting were described. It suggested a number of measures to the Government of Pakistan to prevent torture from taking place. To date, Amnesty International has not received a reply to the concerns it expressed in the report.

In February 1992 Amnesty International expressed its concern that up to 12 people may have been killed when security forces tried to stop a march to the cease-fire line with India near Chinari and possibly used excessive force. In June 1992 Amnesty International published a comprehensive report, Pakistan: Arrests of political opponents in Sindh province, August 1990 - early 1992, (AI Index: ASA 33/03/92), which described a number of cases in which political activists had been subjected to torture, including rape, and kept in isolation cells and shackles. It said some political prisoners had died as a result of torture and some political opponents had been extrajudicially executed. In July 1992, its report Pakistan: Unlawful detention and torture of journalists, (AI Index: ASA 33/07/92), highlighted the torture of journalists covering by-elections in Sanghar, Sindh province by police officers. In December 1992 Amnesty International wrote to the Government of Pakistan urging it to inquire into reports that family members and friends of MQM members sought by the authorities were detained or arrested solely because the suspects in question could not be found, and that some of those detained were subjected to torture to extract information about the whereabouts of those political activists. Amnesty International also expressed its concern that some people may have died as a result of torture. Amnesty International also wrote to the Government of Pakistan about the death in military custody of Yusuf Jakhrani and received a reply in October 1992 which is reflected in the case study in this paper.

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In a report, Pakistan: Arrests and torture of political activists, AI Index: ASA 33/01/93) issued in January 1993, Amnesty International expressed its concern about thousands of demonstrators arrested, and scores injured, by police during mass demonstrations in November and December 1992. Several arrested opposition members and journalists covering the arrests were reportedly subjected to torture. Again, the Government of Pakistan did not reply to Amnesty International. In June 1993 Amnesty International published a report, Pakistan: "Disappearance" of customs inspector Allah Rakhio, (AI Index: ASA 33/02/93), expressing its fears that Allah Rakhio who had "disappeared" in the custody of the army one and a half years earlier, may be subjected to torture or be extrajudicially executed. To date, no reply has been received to this report.

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

4. Methods of torture employed in Pakistan

Torture is defined by the United Nations as the purposeful infliction of severe pain or suffering on a detainee by public officials or with their acquiescence. Torture is used in Pakistan to gain information, to obtain a confession, to punish, to humiliate, to intimidate and to terrorize. It is common and systematic. Torture victims include criminal suspects, political opponents and ordinary citizens against whom police officers want to take revenge or from whom they want to extract a bribe. It is reportedly routinely applied to people in police custody and to detainees held by military or paramilitary forces and to many prisoners in Pakistani jails. Amnesty International also knows about cases of political parties torturing political opponents or dissidents within their own parties and of rural landlords torturing bonded labourers, with the connivance or acquiescence of the authorities.

The use of excessive force by police during attempts at crowd control, amounting to torture, is common. During demonstrations in November and December 1992 scores of members of the Pakistan People's Party (PPP) sustained serious injuries when the police resorted to excessive and arbitrary use of force (see Pakistan: Arrests and torture of political activists, AI Index: ASA 33/01/93). Aama Phatni's lower jaw was broken and the lower half of her face badly bruised making it difficult for her to speak even two weeks after the incident in November when police hit her with sticks across the mouth. During demonstrations in Karachi in July 1993, mounted police beat women demonstrators with wooden sticks and injured several of them. On 7 August 1993 police opened fire, apparently without warning, on a group of demonstrators who had sought refuge in the Hyderabad Press Club. Earlier workers and unionists had demonstrated against plans of retrenchment by a local sugar mill; when police teargassed and beat demonstrators with wooden sticks, dozens fled to the Press Club.

Many arrests that Amnesty International has been informed about are without any legal basis: there is no warrant of arrest, no charge against the detainee and no search warrant - it is therefore understandable that people question why they are being arrested and that they resist arrest. Often prisoners are verbally

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abused during arrest; if they dare ask to be informed of the reason for arrest, physical abuse begins. "When I asked to see a warrant of arrest, they [police and Rangers] kicked me and abused my mother and sisters", a former prisoner reported to Amnesty International.

Prisoners, particularly those held by military or paramilitary forces, are often blindfolded as soon as they are arrested, making it difficult for them to know where they were taken and who subjected them to torture. Some victims reported to Amnesty International that they had been blindfolded during the entire period of their detention, sometimes for weeks. Inderjit Lohana, a 22-year old Hindu student, said he had been blindfolded almost throughout the six months of his detention in military custody (see case description No 2, Appendix A).

Beating with sticks or leather whips is frequently administered; for this purpose detainees are usually stripped and held down on their chest by several wardens. Special instruments appear to have been developed for this purpose, including the chittar, a truncheon-like instrument consisting of a portion of a car-tyre or a strip of leather attached to a wooden handle. Prisoners are hit on the back, the buttocks and the soles of the feet. To beat the soles of the feet, several methods have been reported; for instance the feet of the prone victim may be tied to the legs of an upturned string-bed and then beaten. A former prisoner reported that a police officer would sit on his back and pull his feet towards him while two other police officers beat his soles. Victims reported that sometimes the beatings would result in open wounds on the feet, the buttocks or back but the beating would still continue. Sometimes the blindfolded victim is held by five or six police officers who slap the victim's face and ears or kick him and push him from one to the other. A victim told Amnesty International that when blindfolded during beating, "... the worst thing is that you can't anticipate the next slap or kick and prepare yourself for it, it just comes from anywhere out of the dark. ... you just sit there and wait for another kick or blow from somewhere"

A torture method recently added to the repertoire of torturers in Pakistan is called cheera. It consists of the blindfolded victim having his legs pulled apart as far as possible. A victim reported: "You can hear a crunching sound when your legs are pulled apart, it hurts terribly ... Finally they make a 180 degree angle." Sometimes the arms are also pulled up as far as possible. Another victim of the cheera was a teacher in a small town in Dadu district of Sindh province who was arrested by police in December 1992. After he refused to pay a bribe to secure his release he was handed over to the paramilitary Kurram Militia where he received the cheera. There was no charge against him and he was not given any reason for his arrest. He described to Amnesty International the sequence of various methods of ill-treatments he was subjected to: "[a] Major ... came and started beating all the detainees for almost an hour. I was beaten so severely that my mouth bled for two days. Later, two men pulled my legs apart. They continued this for half an hour and left me when I fainted. ... As soon as I came to my senses the Major ordered a cop, named ..., to beat me with a whip and as he inflicted at least 50 whips, again I fainted. ... I was not able to eat anything for two days due to continuous vomiting and in spite of this I was not provided any medical treatment. [Three days later] I was again brought to the office of the Major and all the above-mentioned methods of torture were again adopted for at least 12 hours... I was hung upside down for the whole day and fainted many times." The teacher was released after 15 days in custody.

Amnesty International has received several reports of beating, kicking with heavy boots and burning with cigarette butts of men's genitals. Police also sometimes appear to deliberately damage male genitals with heavy wooden or metal rollers which are pressed down and passed over the prone victims who are held down by other police officers. Muscles and blood vessels are crushed by this method but there are no

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external injuries of the muscles. Sohail Malik, aged 30, president of the Punjab People's Students Federation, who in 1988 had stood as a PPP candidate in the general elections against Nawaz Sharif, was arrested on 22 December 1992 in Islamabad during opposition demonstrations and subjected to various forms of torture, particularly by application of the roller. In Aabpara police station in Islamabad he was first beaten with rifle butts, batons and electric truncheons, then his head was repeatedly slammed on the concrete floor. He was then hung upside down and beaten on the legs and body. When he was let down, police stretched him out on the ground and repeatedly ran a heavy roller up and down his body. He fainted when he was additionally punched on the ears. After he regained consciousness, he was taken to hospital where doctors reportedly removed almost a litre of blood from his swollen testicles which had been severely injured by the roller and by kicking with heavy boots (see also [Pakistan: Arrests and torture of political activists](#), AI Index: ASA 33/01/93).

Several people reported to Amnesty International that they had had their arms tied at the back and had then been hung upside down from hooks on the ceiling. A named victim reported to Amnesty International: "They tied my wrists and my ankles with ropes and connected them to hooks on the ceiling. Then someone pulled and I thought my shoulders would come out. When I hung upside down like that they beat the soles of my feet and kept asking where ... was. After a little while I fainted." (For a similar testimony see case description No 1, Appendix A) All victims described this form of torture as unbearably painful and said they had lost consciousness. A variation of this form of torture reported to Amnesty International consists of running a rope from the victim's tied wrists at the back through a hook in the ceiling and pulling up the rope whenever he does not cooperate with the investigators. The prisoner is jerked off the ground and at the same time his dangling feet are beaten.

Amnesty International has received the testimony of a physically handicapped detainee subjected to cruel, inhuman or degrading treatment in police custody. The middle-aged man (name withheld) is, following a shotgun injury to the spinal chord inflicted by police several years ago, paralysed from the waist downwards and confined to a wheelchair; he needs permanent attendance as he has no control over bodily functions. During his detention in a small town in Sindh beginning in June 1992 under a series of remand orders on various criminal charges, none of which could be substantiated, he was subjected to conditions which exploited his physical helplessness, were humiliating and affected his health. He reported to Amnesty International: "For two weeks I was kept in solitary confinement. I just lay on the floor. When I slipped off my wheelchair I could not get in again on my own. I just lay there all the time. Nobody took me to a bathroom and I could not help myself. So I just urinated and defecated in my clothes. It stank horribly. I developed abscesses all over my lower body as I could not move but lay in my excreta. ... The cell in the police lockup was very small, it had no window, no ventilator. There was just a little light that came through the chinks in the door. I was given a little rice with lentils twice a day, also some water. After two weeks they shifted me to another cell in which there were some 20 people."

Several people also reported having been burned with cigarettes, and some showed circular marks on their body allegedly resulting from such torture. Others also indicated marks on their legs which they said had been caused by torturers using electrical drills. A prisoner under trial, Ali Hasan Chandio, held in Hyderabad Central Jail, on 29 July 1993 declared before the Sindh High Court that during his detention since 22 January 1993 he had been subjected to severe torture; he alleged that police had drilled into his hip bone rendering him crippled for life. The High Court ordered him to be hospitalized immediately. Amnesty International has not been able to verify reports of drilling into bones.

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There are also numerous reports of the application of electric shocks, frequently to the temples, the knees and to genitalia. In the case referred to earlier Inderjit Lohana reported that in the army camp in Hyderabad, his captors applied electrodes to his temples: "I was a mental case after that, it hurt so much", he told Amnesty International (see case description No 2, Appendix A).

Some prisoners reported that they were kept standing for many hours and were beaten when they sagged; sometimes they were reportedly made to stand continually with arms outstretched. Inderjit Lohana reported that during the six months of his detention in army and police custody, he was once denied sleep for a period he estimated to have been about six to seven days: "they made me continuously lie down and stand up again, they beat me when I stumbled or could not move any more." This form of torture and the denial of food and sleep for prolonged periods seems to be particularly used against political prisoners, presumably because it does not leave easily recognizable physical marks. Aitzaz Ahsan of the PPP, arrested on 18 November 1992 in the context of the government's attempt to stop the opposition Long March on Islamabad, was held in the Lines Area police station in Lahore and reportedly denied sleep for 60 hours at a stretch. Dodo Khan Nandwani similarly reported to Amnesty International that Yusuf Jakhri and he had been denied sleep for 36 hours and were kept standing throughout.

In a recent case reported to Amnesty International the victims were publicly humiliated by dragging them through a town tied to a running van. After 10 days' detention in the custody of the paramilitary Kurram Militia, Ghulam Mustafa Soomro was taken on 16 December 1992 to the marketplace of his home town, Sita Road, near Dadu in Sindh province. There he was stripped, and his moustache and hair were shaved off. Four other prisoners were similarly treated. They were then hitched to an army van which was driven at running speed through the town. Another jeep driving behind would push them if they stumbled or fell. Ghulam Mustafa Soomro said that a Major driving the van "forced children to come forward and hit us. He wanted us to be insulted and the people were too scared to refuse or interfere. ... My thighs and buttocks were badly grazed but when we were taken to Sita Road camp no medical officer attended to me." (See case description No 1, Appendix A) To humiliate them, other prisoners sometimes have had their faces smeared with black colour and they have then been shown in public. There have also been a few instances of women being paraded naked in public; for instance two Christian women were reportedly made to strip by police officers of Jaya Bagga police station in Lahore and to dance before them. Several instances are known to Amnesty International in which men and women were humiliated during arrest by being forced to strip naked in front of family members of the opposite gender. For instance Aslam Mehra complained in the Lahore High Court in February 1993 that during a police raid of his home in Lahore on 31 October 1992, he was stripped naked before the women of his household by police from Nishtar Colony police station where he was later subjected to beating and where heavy wooden rollers were passed over his body.

Prisoners are often subjected to threats. A 15-year old boy, Karim Zada, held in police custody for 15 days in Karachi was first beaten and kicked. When he still did not confess to having committed the theft that police suspected him of, he was threatened to be subjected to a common torture method: "They said they would close my penis and give me a lot of water to drink. It can't come out and they said I would burst. They also threatened to torture me by making me spread my legs very wide. They said the veins start bleeding. Then I said I had committed the crime ..." Amnesty International has also received reports that prisoners are threatened that their family members would be raped, abducted or killed if they did not make the expected confession.

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Mock executions are also known to have been staged in order to frighten prisoners and to put them under pressure to confess or otherwise cooperate. For instance Dodo Khan Nandhwani (see case description No 11, Appendix A) reported to Amnesty International: "On the way they stopped the car and made me stand against a wall. They said they were going to kill me and made me cite the Holy Koran. Then they fired in the air to frighten me."

Over the past two years public awareness of human rights has grown in Pakistan and families of torture victims, neighbours and sometimes whole villages have begun to protest and publicly demonstrate against torture and deaths in custody. Many affected persons and their relatives also file habeas corpus petitions in the provincial high courts leading in some cases to the uncovering of unlawful detention and the filing of complaints on court orders. The police have responded to this development by using forms of torture that leave no visible marks. Besides, police have sometimes responded by making it more difficult for relatives to locate where prisoners are held and tortured. Prisoners are moved from one police station to another in order to avoid detection by bailiffs sent out by High Courts to recover unlawfully detained persons. Sometimes detainees are held in private houses to avoid detection; for instance in March 1993 the Lahore High Court ordered the Phalia police station in Lahore to register a complaint against one of its staff who had defied the orders of a court to release a detainee, Khalil Ahmad, and had instead transferred him to his own house and detained him there. According to reports by Pakistan human rights groups, the police have also developed their own network of secret torture cells in private houses. "Newslines" of December 1992 reported that "a number of such torture cells were unearthed recently by local newsmen in Lahore, and photographs of the detainees shackled with chains appeared in the papers. One torture cell was set up in the Q Block Flats in Model Town, Lahore Residents of the flats told newsmen that the cries of victims confined in the cells and the torrent of abuse hurled by their captors could be heard in the flats furthest away from the cells, but since they could do nothing to help, they used to close their windows out of fear." The non-governmental Human Rights Commission of Pakistan (HRCP) confirms that in Punjab torture cells were discovered in police stations and that there were many in private houses. A report of the HRCP of 1991 says: "... the police has opened many private torture centres in the Punjab province. ... these torture centres are located in deserted areas of Punjab and also in rented houses in city suburbs. ... in Faisalabad division alone there are more than a dozen such secret centres. Such illegal activity cannot of course go on without the patronage and collaboration of political notables and rural gentry who dominate our politics." Military and paramilitary forces appear to torture suspects, too, in secret locations, often in temporarily occupied houses.

Torture does not appear to be practiced in a systematic form in the prisons of Pakistan. Human rights activists and lawyers have told Amnesty International that prison wardens humiliate and intimidate prisoners as a way of keeping them submissive and obedient and to extract money from them and their relatives, but they do not appear to regularly resort to gross forms of torture as is reported from the country's police stations or army detention centres. There have, however, been some 16 deaths in jails in 1992 (see below), most of which the Human Rights Commission of Pakistan alleges were due to "violence, torture or negligence".

Torture used by individual political activists against opponents or by rural landowners against labourers held in quasi-slavery is a criminal offence which would not normally be addressed by Amnesty International. There is, however, strong evidence to suggest that federal and provincial governments were and are aware of torture by these groups without fulfilling their duty to bring those responsible to justice and to take effective measures to prevent its recurrence. The state's acquiescence or connivance in torture

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perpetrated by members of political parties or powerful individuals is clearly a concern for Amnesty International and the present paper therefore describes a number of such incidents (see case descriptions No 5 and 6, Appendix A).

Some victims reported to Amnesty International that medical personnel were present while they were tortured and provided professional advice to the torturers so as to ensure that the detainee would not die under torture. For instance Dodo Khan Nandwani said that when he was being tortured a medical officer of the army advised against the application of a particular form of torture, the burning with a hot iron, as Dodo Khan Nandwani was deemed too weak to withstand it (see case description No 11, Appendix A). Similarly Ghulam Mustafa Soomro reported that he was tortured by Rangers under medical supervision (see case description No 1, Appendix A).

The law requires a detainee to be physically brought before a magistrate within twenty-four hours of arrest to obtain remand in police custody for further investigation. On the way to the magistrate detainees are reportedly often threatened with more torture if they reveal that they have been subjected to torture. Magistrates are reported in many cases not to have taken any cognizance of visible torture injuries or verbal reports by detainees about torture suffered in custody. In many of the cases reported to Amnesty International, however, the detainees were not physically brought before a magistrate at all.

Torture victims rarely file a complaint against the perpetrators of torture for fear of further ill-treatment. Even if torture results in the death of the victim, relatives hesitate to lodge a complaint as frequently this leads to their becoming the next target of torture. Amnesty International has received dozens of reports of the police refusing to register a First Information Report (FIR) against members of the police or army or paramilitary personnel. Frequently the affected families then file constitutional petitions in the appropriate High Court. The petitioners and their lawyers regard it as a major victory in their battle to seek justice if the High Court orders a police station to register an FIR. However, police then frequently do not proceed with the required investigation, as is the case in the inquiry into the death in custody or extrajudicial execution of Yusuf Jakhani (case description No 11, Appendix A). The complainant may then again seek to move the High Court but will find it difficult to establish that police have deliberately delayed the investigation and the filing of a police report which will lead to a court beginning a trial. Amnesty International found an atmosphere of helplessness among human rights lawyers and affected families in respect of their attempts to bring police or other law enforcement agencies to justice for human rights violations.

There are several cases pending against police for causing deaths in custody, but convictions of police or members of the military or paramilitary for human rights violations are extremely rare in Pakistan.

4.1 Rape in custody

Over the last year torture and other forms of cruel, inhuman or degrading treatment and punishment of women have increasingly been reported. Women were reportedly injured during demonstrations when police appear to have applied undue force; in police stations torture is known to have been used against women. An old woman, Bebal Khatoon Shirazi, died in December 1992 after she was reportedly severely injured by police during a raid of her home near Thatta, Sindh province (see case description No 3, Appendix A).

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Human rights activists in Pakistan state that 85 per cent of women held in police custody are subjected to some form of sexual abuse, including rape. Several cases of rape in police custody have been reported over the last year.

On 17 October 1992 eight members of the Bheel tribe were stopped by police near Matli, Sindh province, as they returned in a van from a festival. They were taken to the police station in Tando Ghulam Haider in Hyderabad district, interrogated and beaten. Males and females were then taken to different cells. A 14-year-old girl, Lau, was allegedly raped by three police officers, including a head constable. All the prisoners were then released after being warned to keep quiet about the incident. The incident was, however, reported in local newspapers and in late October three police officers were arrested on charges of gang-rape. They were tried by a Special Court for Speedy Trial and sentenced to ten years rigorous imprisonment and ten lashes each.¹ The Supreme Appellate Court acquitted them, however, on formal grounds. Many publicly reported rape cases, being "sensational" in character, are referred to special courts for speedy trial; but due to the rigid time frame of its proceedings, evidence is often ignored which makes it easy at the appeal stage to overturn the sentence and gain acquittal on procedural grounds.

Amnesty International has learned of a number of cases of village women being raped by powerful landlords or influential men in rural areas with the connivance of the police or with the police refusing to file complaints by the victims or victims' families in order to cover up the crime. When in November 1992 the army uncovered a rural jail maintained by a rich rural landlord in Hyderabad district, several of the women reported gang-rapes. "They would chain our men at night and take our girls and rape them", one woman reportedly said. Another former detainee, Darhoon Malah, reportedly said, "... at times they didn't even bother to take them to their bunkers; they raped them right in front of us".

Similarly, in October 1992, "Newline" reported that on 9 September 1992 Parveen, a girl in village Karbath near Lahore in Punjab province was abducted and raped by four prominent local men but when she was rescued, the alleged culprits had the rescuers arrested by police officers from Heer police station and criminal cases were brought against them. The local police station refused to register an FIR against the alleged culprits but the villagers demonstrated in the provincial capital, Lahore, and eventually police had to register a complaint. Parveen's father, Malang Mohammad Siddiq, who had been threatened with murder if he did not withdraw the complaint, was shot dead in late September 1992. An inquiry was set up, but no legal or departmental action was taken against any of the officers allegedly involved in the cover-up.

Registering a complaint with the police is difficult for any victim of rape in Pakistan, not only because of the social stigma attached to rape but also because under the Islamic Zina Ordinance of 1979, the evidential requirements make it extremely difficult for a woman to establish her case. If she fails to do so, however, her statement of having been subjected to rape can be construed as the admission of illicit sexual intercourse which under the Zina Ordinance is an offence punishable with death by stoning.

¹ Special Courts for Speedy Trial were set up under a constitutional amendment adopted by parliament in July 1991; they are to try offences considered "gruesome, brutal and sensational in character or shocking to public morality". The procedures of Special Courts for Speedy Trial do not conform to the minimum standards for fair trial as laid down in international standards for fair trial. For detailed discussion see [Pakistan: Special Courts for Speedy Trial](#), AI Index: ASA 33/23/91. AI Index: ASA 33/05/93 Amnesty International December 1993

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Police reportedly sometimes use this possibility of changing a rape charge into a fornication or adultery charge for their own purposes of extracting money or further sexually abusing the victim. In July 1992, Shamim, a 21-year old mother of two children, was kidnapped and raped by three men in North Nazimabad in Karachi. Her mother lodged a complaint in the Pirabad police station but instead of investigating the rape case, Pirabad police arrested Shamim. They reportedly threatened to charge her with adultery and demanded Rs.15,000 for her release. Her mother, a domestic servant, could procure only Rs.5,000 which did not satisfy the police officers. Shamim was then charged under the Zina Ordinance and held in police custody for six days during which the two police officers and a third unnamed person regularly raped her. A constitutional petition filed by Shamim's mother with the help of a human rights organization was heard by the Sindh High Court in late August 1992 which ordered an FIR to be filed against the two police officers and the unnamed third person. To Amnesty International's knowledge the case is still pending.

In a similar case reported from Mirpurkhas, Sindh province, police reportedly refused to lodge an FIR against the alleged rapists and put pressure on the victim of gang-rape, Imamat Khatoon, and her family to withdraw the case. Imamat Khatoon had on 16 September 1992 been raped by four young men at her home in Volkat Baloch Para, Satellite Town, Mirpurkhas in Sindh province. The SHO of police station Satellite Town refused to register an FIR and instead threatened Imamat Khatoon to charge her under the Zina Ordinance. The non-governmental organization War Against Rape (WAR) filed a constitutional petition in the Sindh High Court on behalf of the victim; during the hearing on 5 November the victim, Imamat Khatoon, also appeared before the court. The High Court order of that day says: "Imamat Khatoon is also present and she does not know as to why she has come here. No notice was given to her nor has the police asked to produce her. It is apparent that [the] ex-SHO [Station House Officer] or the present SHO or both of them have brought her to make a statement that nothing has happened. ... Imamat Khatoon today states that nothing has happened and that she never was called to the police station". Local residents, however, testified before the High Court that the incident was common knowledge in the area and that Imamat Khatoon had told a neighbour about the incident immediately afterwards. The High Court further noted: " The three persons who have come from Mirpurkhas state that the entire area has been terrorised by the police so that no statement is being made that any incident had taken place and it is the SHO apparently who is involved in this hush-up." It ordered the transfer of several police staff, an inquiry into their conduct and the appointment of a new SHO so that "conditions become conducive for the witnesses to give their statements without any pressure and influence". Subsequently an FIR was lodged against the alleged rapists and the victim and several witnesses were reportedly questioned. Another FIR was filed against the police officers who were suspended; a departmental inquiry was said to be conducted. It is not known to Amnesty International if either inquiries have led to the police filing their report and the cases being taken up by a court of law.

The difficulties of filing a complaint in a rape case are compounded if the alleged perpetrator is a member of the police or army or in any way connected to governmental authorities. Police then reportedly often refuse to register an FIR against the alleged perpetrators. In cases where public pressure or High Court orders have compelled police to register complaints, police are sometimes reported to have forced complainants to drop the charges or to have paid "compensation" to the victims on condition they withdraw the charges. Where the victims are not willing to forego criminal prosecution of the perpetrators, police are sometimes reported to delay the police inquiry or to furnish false evidence or even to "persuade" medical officers to file false reports. In the few cases where convictions have been reported these have mostly been overturned upon appeal.

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Amnesty International has also been informed about a number of young boys subjected to rape in the custody of the police. On 16 November 1992 a fourteen-year old boy, Rashid Mallah, was reportedly beaten and raped by a police constable of police station Meldsi near Shahdadpur in district Sanghar, Sindh province. As a result of public protests by the villagers in Meldsi the police were forced to register a case against the alleged offender but it is not known if the police have investigated the case and filed a police report.

The government in October 1992 approved an amendment of the Code of Criminal Procedure under which women may not be held in a police station overnight and may only be interrogated in the presence of their husbands or a close male relative. Under the amendment women must be held in judicial custody and only be moved to police custody for interrogation on court orders. To Amnesty International's knowledge this amendment has not been passed by parliament yet.

5. Deaths in custody, extrajudicial executions and "disappearances"

At least 75 people died in 1992 in police custody; another 16 people died in prisons in Pakistan. Some 20 people were extrajudicially executed in 1992, but the evidence Amnesty International collected suggests that at least some of the reported "encounter" killings were extrajudicial executions.

In 1992 over 40 deaths in police custody following torture were reported in Sindh alone; the Punjab government said 35 people had died in custody in that province during 1992, but it did not specify the causes. The HRCP identified 17 cases of death in custody in Punjab following torture. The real number of victims may be considerably higher as many cases go unreported and some are disguised as killings during armed "encounters" with the police (see below). During the first six months of 1993, some 40 deaths in custody were reported from Sindh.

While women in police custody are frequently raped and subjected to various forms of sexual assault and harassment there appears to have been a sharp rise over the last year of women being tortured in custody and sometimes dying from the injuries inflicted during torture. For instance a 65-year old woman, Bebal Khatoon Shirazi, died on 18 December 1992 after police officers allegedly beat her with rifle butts on her head and body during a raid on her house in Chhato Chand, some six kilometres from Thatta in Sindh province. Police were in search of a relative of Bebal Khatoon Sherazi suspected of involvement in a terrorist organization (see case description No 3, Appendix A).

At least 16 people died in Pakistani jails in 1992, apparently as a result of torture or ill-treatment. Shah Nawaz Brohi, Allahuddin Samtio, Khuda Bukhsh Gazdar and Artab Shaw died in Sukkur jail in mid-1992 reportedly after they had refused to pay jail authorities the bribe demanded to spare them torture. On 22 September 1992 Mohammad Yasin died in Sukkur jail allegedly after hanging himself from a ceiling fan. Local human rights activists pointed out that in the isolation cell, in which Mohammad Yasin was detained, prisoners are not permitted to have any sort of string or rope, nor do they have a ceiling fan. To Amnesty International's knowledge no prison staff was prosecuted for the torture or neglect that may have contributed to these deaths. On 20 July 1992 Tahir Iqbal, a 33-year old Christian charged with blasphemy, died in Kot Lakhpat jail in Punjab province. While jail authorities claimed that Tahir Iqbal, in jail since December 1990, had died after a prolonged illness, Christian leaders are convinced that he was killed by a

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warden. Tahir Iqbal had repeatedly expressed his fear that he might be killed. According to his lawyers he was in good health shortly before his death. Efforts to have his body exhumed for autopsy have proved futile so far.

Under the law deaths in custody of the police are to be investigated by the police, but to evade this necessity police sometimes seek to have dead bodies admitted as alive by hospitals to create the impression that death occurred in hospital. In some cases deaths in custody are also declared to be suicides to conceal the real cause of death. Mujib Aijaz Jatoi, a 23-year old medical student, was arrested on 3 August 1992 from a bus at Hala in Sindh province and allegedly handed over to army officials. On the following day he was declared to have committed suicide in the toilet of Hala police station. His brother inspected the place of the alleged suicide and found that it would have been impossible to hang oneself there; officers of the police station also reportedly told him privately that Mujib Aijaz Jatoi had died in army custody after torture and that the police was not responsible for his death. Family members reported that the dead body bore multiple injuries on head, chest, legs and testicles and that the nails of four fingers of both hands had been pulled out (see case description No 8, Appendix A).

Similarly Noor Muhammad Qureshi, a 25-year old small merchant, was alleged to have jumped from a police van into a canal and to have drowned but others claim that he was beaten to death by police. He had been arrested on 23 December 1992 at 11am from his home in Phuleli by four officers of Pinyari police station in Hyderabad district. Zubaida, Noor Mohammad's mother, his sister Parveen and a neighbour saw police beating him with sticks and fists; he was bleeding as they took him away in a van. Only two hours later a child of the neighbourhood came running to the family to tell them that Noor Mohammad's dead body had been found in the nearby canal. Noor's mother and brother-in-law found the body half lying in the water, in a sitting position with only the legs wet but the rest of the body dry. They reported that there were bruises on Noor's face and body and one of the arms was broken.

A postmortem ordered by the police station in whose jurisdiction the canal fell, said that Noor had died of suicide by drowning. When family members pointed out the many bruises on Noor's body, the Civil Surgeon who had performed the post mortem reportedly acknowledged the injuries but said the post mortem was concluded. Bilal Khan who washed the dead body reportedly said that there were torture marks on the neck and back of the dead body and that it was still bleeding from the nose and mouth. In the meantime the Pinyari police station had filed an FIR claiming that police had found drugs on Noor and that on the way to the police station Noor had jumped from the van and drowned in the river. Attempts by family members to lodge a First Information Report (FIR) against police station Pinyari failed as the police refused to register it. A petition filed in January 1993 in the Sindh High Court were heard in April 1993, but its outcome is not known to Amnesty International.

Amnesty International believes that medical staff sometimes act in collusion with police officers to cover up deaths in police custody caused by torture. Gulloo Machhi, a 28-year old man from village Kot Nizamani near Tando Jam in Sindh province, was arrested during a raid of his village by officers of Chambar police station on 25 April 1993. On the following day his family was informed that he had committed suicide by slitting his throat. His body was handed over to the family after a post mortem was performed which confirmed the police statement of suicide. When the villagers demonstrated and claimed that Gulloo had been tortured to death for not paying the bribe demanded by police and that the post mortem had been performed under police pressure, the body was exhumed on 29 May and a second post mortem performed by a specially set up medical board. Its report said that "due to the advanced stage of

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putrefaction, the exact cause of death could not be ascertained" but it differed substantially from the earlier medical report. For instance, it said that the quantity of blood staining the clothes suggested "ante mortem exsanguination of blood" rather than a flow of blood from a supposed fatal wound. Moreover, "the weapon in question [a shaving blade] is a light sharp-edged weapon. The self-infliction of such a wound on the neck region with a light cutting weapon is highly improbable".

To Amnesty International's knowledge, none of the alleged perpetrators have been suspended as required under the law pending an investigation into a death in custody.

Mohammad Irshad's case may serve as an example for many false medical reports, though in so far as it led to criminal prosecution of police and medical staff, it is a rare exception and not the rule in Pakistan. Mohammad Irshad, aged 24, died in the custody of the Factory Area police station in Sheikhpura, Punjab province, on 23 October 1992; he had reportedly been arrested in connection with the theft of a video recorder a year earlier. After Irshad's mother, Jannat Bibi, filed a constitutional petition claiming that her son had been tortured to death, several officers of that police station, including the Station House Officer (SHO) Shahid Mehmud, Sub-Inspector Mohammad Sadiq, Assistant Sub-Inspector Mohammad Akram and Constable Mohammad Aslam, appeared before the Lahore High Court on 1 November and declared that Irshad had committed suicide by hanging himself in the bathroom of the police station. A postmortem report prepared by Dr M.M. Alam of the District Hospital in Sheikhpura under the instruction of the Medical Superintendent supported the police version. The court, however, ordered exhumation and re-examination of the body by a special medical board; its examination showed that there were no strangulation marks on Irshad's neck to indicate hanging but a hole of three centimetres diameter in his skull. Irshad had clearly died of the gunshot injury, not by hanging himself. The Lahore High Court on hearing this report on 3 November ordered the immediate arrest of the four police officers alleged to have been responsible for the shooting of Irshad and of the two medical officers, including the Medical Superintendent, who issued the false postmortem covering up the crime. Murder charges were brought against all six, but it is not known if the police have concluded their investigation and submitted their report and if the trial has begun. The court also ordered the suspension of the Assistant Superintendent Police and the first class magistrate for their negligence in relation to the necessary inquiries into the death. Compensation was ordered to be paid to Irshad's mother for her lifetime.

During the hearing of Irshad's case, the Lahore High Court directed the provincial government of Punjab to submit a report about all deaths in police custody in Punjab in 1992. It revealed that 35 persons had died in custody, but it did not apparently investigate the cause of these deaths.

Amnesty International also knows of cases in which police appear to have attempted to conceal a custodial death resulting from torture by claiming the death occurred in an armed "encounter" with police. This seems particularly to be the case when relatives have filed a habeas corpus petition and a High Court directs police authorities to bring the detainee before the High Court. Niaz Hussain Pathan, a 22-year old man who had just returned with gifts for his family after working for 3 years in Saudi Arabia, was reportedly detained on 11 September 1992 by officers from police station Kotdiji, district Khairpur, Sindh province. Police severely beat him and threatened to kill him if his family did not pay more money to them. A habeas corpus petition was filed in the Sindh High Court on 19 September but on 20 September the family was told that Niaz Mohammad Pathan had died that morning in an encounter with the police. There are several witnesses, however, to his arrest and torture; family members had also spoken to him on 12 September in the police lockup (see case description No 7, Appendix A).

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It is frequently not clear whether a prisoner died as a result of torture or was extrajudicially executed, i.e. whether the death was the intended result of torture or not. Niaz Pathan may have been tortured to death and his dead body may have been shot at to produce the impression of an encounter, or he may have been deliberately shot dead. Near Shah Bandar, seven young men were killed allegedly in an "encounter" with naval staff on 9 May 1992, but the evidence collected by Amnesty International strongly suggests that they died in military custody as a result of torture and that once again the story of the "encounter" was put out to cover the unlawful killing. In this instance, too, it remains unclear whether the seven young men were deliberately killed by the army or whether they died as a result of torture (for details see case description No 10, Appendix A). Similarly Yusuf Jakhrani, a well-known Sindhi political leader, died in military custody in or near Pano Aqil on 12 June 1992 after being tortured for six days. An eyewitness account of a fellow-prisoner suggests that his death may have been deliberately brought about, i.e. that he was so severely tortured that death must have been the intended result (for details see case description No 11, Appendix A).

In other cases, the practice of extrajudicial execution by the authorities is less ambiguous. Amnesty International recorded 21 deliberate unlawful killings during 1992, including at least 12 people who in February 1992 were killed when security forces opened fire on members of the Jammu and Kashmir Liberation Front who were marching peacefully to the cease-fire line between Pakistan and India. On 5 June 1992, nine villagers from Tando Bahawal near Jamshoro in Sindh province were extrajudicially executed by an army patrol which first tried to conceal the incident as an "encounter". After protests by villagers and reports in the Sindhi press, the army acknowledged responsibility and tried those responsible by court-martial. The background to the incident appears to have been a local property dispute in which a landlord secured the help of an army Major to kill his rival's tenants (see case description No 9, Appendix A).

Frequently, prisoners killed by torture in custody or in extrajudicial executions appear to be simply abandoned in fields, ditches or empty city plots. The Edhi Trust, a non-governmental humanitarian organization, runs ambulance and health services and also maintains mortuaries to which unknown dead bodies are handed over, to be buried, if unclaimed. In June and July 1992 alone the Edhi Trust reportedly buried 200 unidentified mutilated bodies. Pakistan newspapers frequently carry short notices about unidentified bodies found abandoned. For instance "The Nation" of 27 August 1992 said: "A young unidentified man was tortured to death in New Karachi. The mutilated body with a leather noose around the neck and a face totally damaged with burn injuries was found in a dust bin." Another more detailed report published in "The Nation" of 3 December 1992 may be taken to be representative of many. It said that the dead body of "an unknown young man ... tortured to death evidently by the police and dumped in a field of Manawan [Punjab] ... was recovered on November 21 ... The injuries indicated beyond doubt that this was a classic case of police torture." A postmortem carried out on 25 December said "... the pattern, distribution and depth of injuries are consistent with trauma caused by battering and pressure movements of a roller" and that the young man had died of massive internal haemorrhage after about 72 hours of torture. Deep bruises on thighs, shins and feet, arms and shoulders appeared to have been caused by beating with the chittar, a truncheon-like instrument consisting of a section of a car-tyre nailed to a wooden handle. Battering of the testicles led to "a contusion of the scrotum on an area 15cm by 20cm, purplish in colour ... extend[ing] to the pubic area". The fact that neither bones, joints nor skull had been fractured during 72 hours of ill-treatment was taken by the correspondent to indicate that torture was inflicted by experienced persons and not in the context of a murderous attack. Apparently no investigation was carried out into the cause of death by the Manawan police station.

Families sometimes trace their missing family members through newspaper articles describing dead bodies. On 18 July 1993, a family in Karachi was alerted by a news item describing a mutilated body found in the jungle near Surjani town and then transferred to Abbassi Shahid Hospital in Karachi. It turned out to be a member of the family, Imtiaz, who three days earlier had run out of petrol for his van near Jamaat Khana in New Karachi, Sector 2. When he reached a nearby petrol station, police apprehended him and suspected him of attempted arson. He explained why he was there carrying a can but the police handed him over to a mobile Ranger team; his family attempted in vain to trace him in local hospitals, police stations and army camps. They later found Imtiaz' body to bear burn marks and other injuries; they believe that he died following torture.

In 1992 more than 20 deaths in "encounters" with police were reported in Punjab alone, while in Sindh over 30 people were reported killed in "encounters". Some sources estimate that at least 150 bandits were killed in "encounters" in 1992 in Pakistan, but it is impossible to verify how many of these were genuine clashes with law enforcing agencies or how many may have been extrajudicial executions. The death of the alleged bandit, Azeem Thebo, is a typical "encounter" case: Thebo was arrested on 20 May 1993 and his family was told to fetch his dead body from police station Tando Allahyar on 22 May. The Senior Superintendent of Police in Mirpurkhas told the press on 22 May that Thebo had led police to a hidden arms cache in Digri. Upon arrival, he had grasped the gun of an accompanying police officer and tried to get away. He was killed on the spot by police who wanted to prevent his escape. People who saw the dead body in Tando Allayar police station reported, however, that torture marks were clearly visible and both his arms and legs were broken. No police or army officer was injured in the "encounter". "The Frontier Post" of 18 June 1993 raises pertinent questions regarding "encounter" killings: "The police have the habit of putting handcuffs and shackles on even common criminals. They would certainly put shackles and handcuffs on arrested dacoits involved in hundreds of cases. Then the question arises as to how shackled and handcuffed criminals could escape from the contingents of police."

"Encounter" victims are officially declared dangerous criminals or foreign agents and photographed with arms and ammunition. "Newslines" of December 1992 says that "most encounters are engineered by the police themselves". It quotes Rao Abdur Rashid, a former inspector-general of the Punjab police as saying that "...encounters are a social menace because the police can kill anyone under the pretext of an encounter. You cannot eliminate one vice with the help of another". The Supreme Court on Pakistan in dealing with the issue of police "encounters" held in March 1993: "... it is a sorry state of law and it is high time that the legislature should amend the law in such a way as to make police answerable to a court of law" to satisfy it that an encounter was genuine and the police party in fact was attacked first. One of the judges, Justice Sajjad Ali Shah, in a separate note to the judgement, observed that frequently police officers who had taken part in an "encounter" were rewarded and promoted shortly after the incident, thereby providing official approval and legal sanctity to the killing even if it were calculated, pre-planned and intentionally done. He said this gave the police licence to kill as no further questions were asked once the story of the "encounter" was publicized and the participants rewarded. He suggested that since relatives of "encounter" victims usually do not file complaints for fear of police reprisal and since police were not likely to fully and impartially investigate complaints against police, "encounter" cases should be investigated by impartial agencies which are independent of police.

Amnesty International has received some reports of "disappearance", i.e. of people arrested or kidnapped by government agents but where the authorities deny that they are detained. Frequently people report that

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their relatives are untraceable but many may have voluntarily gone into hiding for fear of arrest. There are, however, persistent reports of unidentified dead bodies found in the cities of Sindh and allegations that some of them were "disappeared" by the authorities and extrajudicially executed.

A recent case of "disappearance" that Amnesty International has been able to document concerns customs inspector Allah Rakhio, who "disappeared" in the custody of the army two years ago. He was arrested by the paramilitary Rangers on 18 November 1991 in Hyderabad, Sindh province. While on that day the army denied having detained Allah Rakhio, it said on 19 November that he would be released within hours after questioning was completed. On 20 November the army claimed it had released him at midnight, but later again changed its story, saying that Allah Rakhio had been released at noon of 19 November. Allah Rakhio has not returned to his family and there are no witnesses to his release. Amnesty International fears that he may have been subjected to torture or that he may have been extrajudicially executed (see: [Pakistan: "Disappearance of customs inspector Allah Rakhio, AI Index ASA 33/02/93](#)).

6. Reasons for the use of torture in Pakistan

Police use torture most frequently in order to extract confessions from detainees about crimes they are suspected to have committed or witnessed or to make them disclose the whereabouts of criminals or political activists who are hiding. Many human rights lawyers in Pakistan and representatives of the Citizens Police Liaison Committee which has official status, have told Amnesty International that police officers are ill-trained and frequently incompetent to use other means of investigation besides the use of brute force. A police officer was quoted in "Dawn" of 10 August 1993 as saying: "Other countries have scientific instruments for investigation. But we continue with the old outmoded system of leather lashes."

Political prisoners are insulted, ill-treated and tortured in police custody apparently in order to humiliate, demoralize and punish them, and sometimes to make them change their political allegiance.

In a large number of cases investigated by Amnesty International, torture was used primarily to extract money from the prisoners or the prisoner's family. Frequently a prisoner was released and the case against him was dropped as unsubstantiated after the family had paid the amount demanded. In January 1993, an army contingent found police torturing seven people, including five women, all of them illegally detained, during a raid on police station Gulshan-i-Iqbal in Karachi. The police had allegedly demanded Rs. 50,000 for their release. "The Nation" of 4 September 1992, referred to the use of torture for extortion when it said: "A dacoity [robbery] or murder in any particular area is a welcome calamity from the point of view of the SHO [Station House Officer] of the area because such an event provides him a golden opportunity to arrest and beat under the cover of interrogation, as many people as he wants and get maximum material benefits from their release."

Torture has according to many observers become endemic in Pakistan due to a decline in the respect for the law: politicians of almost all persuasions and parties have over the years destroyed or undermined the integrity of the police in order to protect themselves and preserve their power. I.A. Rahman, the Director of the Human Rights Commission of Pakistan, said to Amnesty International: "There is a general lack of respect for the law at all levels; the political leaders set the example which is then followed by others."

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Jamaat-i-Islami Member of the National Assembly, Farid Piracha, was reported by "Newline " of December 1992 as saying: "When a policeman complies with one illegal order at the behest of a politician, he then feels justified in committing ten such acts for his own interests."

The widespread and systematic practice of torture in Pakistan appears also to be linked to a readiness to employ violence observable at all levels of the political system, by powerful individuals, by parties and by government agencies. For instance the Punjab Chief Minister reportedly announced on 15 November 1992, before the Long March organized by the Pakistan Democratic Alliance (PDA) (see Pakistan: Arrests and torture of political activists, AI Index: ASA 33/01/93): "We will fill the jails with them, break their legs and hands and smash their brains". The Prime Minister, rather than reprimanding the Chief Minister for his excessively violent tone, denounced the protest movement as "political subversion" and "economic sabotage". Most political parties are reported to have used torture against dissidents within their own parties and against political opponents, with the gravest excesses reportedly being perpetrated by the MQM. Independent observers concur that the readiness to use political violence also results in the fact that "virtually all major political parties in Sindh maintain well-armed and highly motivated militias", as reported in "Dawn" of 30 August 1991.

The further factor which prevents the law from taking its course and which contributes to the high incidence of torture and unlawful killings is the intimate nexus between politics and crime in Pakistan. The cover-story of "Newline" of August 1992 documents several cases of the direct involvement of politicians in criminal activities like kidnapping for ransom, torture and killing as well as patronage of criminals. The article shows how criminals because of their financial clout, local powerbase or usefulness against political opponents have been accommodated by political parties in their effort to gain power and how their criminal record has then provided the establishment a leverage to exert control over them. The article sums up: "The symbiotic relationship between politics and crime in Sindh is conclusively established by the myriad incidents of crime perpetrated under the direct patronage of powerful politicians and political parties. Politics has become a means to cover up crime, and political parties have become a safe haven for criminals. The revelations about the MQM's involvement in criminal activities, ranging from organised murders of MQM dissidents and political opponents to extortion, sent shock waves through the country, but these heinous crimes represent just a fraction of the political crimes committed in Sindh. The MQM is not the only organisation which has used organised crime to wield power: almost all the ethnic-based political parties ... have a criminal record. And among feudal politicians there are few with clean hands. ... The criminalization of politics also led to the criminalization of the administration and the police. The police has been turned into a criminal instrument in the hands of the ethnic parties and the ruling coalition." "The Nation" of 17 July 1992 said with respect to the army operation in Sindh: "It is an open secret that the criminalization of Sindh politics has gone so far that a proper sweep would find MNAs and MPAs on both the Treasury and the Opposition benches behind bars." The nexus between crime and politics has also been shown by a report issued by the CIA in 1992 and publicised in Pakistan media since mid-August 1993. It says: "The narcotics money now fuels the political system supporting party organizations and election campaigns. Narcotics money buys protection for the drug mafia at the highest level in Pakistan ... Known drug lords and narcotics traffickers sit in the National Assembly and in the provincial assemblies of the NWFP [North West Frontier Province], Punjab and Baluchistan. In Sindh, the assembly is full of ... protectors of bandit gangs involved in kidnappings, narcotics and illegal weapons."

7. The prohibition of arbitrary arrest, torture, extrajudicial executions and "disappearances" in Pakistan's national law and in international law

Many of the prisoners subjected to torture whose cases are described in this report are prisoners of conscience, i.e. persons detained solely for the non-violent expression of their political beliefs, for their ethnic origin, sex, colour or language. For instance the friends and relatives of Mohajir Qaumi Movement (MQM) activists detained because these activists could not be found, are considered by Amnesty International to be prisoners of conscience (see case description No 6, Appendix A). Amnesty International urges the Government of Pakistan to immediately and unconditionally release all prisoners of conscience and to ensure that no further arrests of prisoners of conscience take place.

Amnesty International also calls upon the Government of Pakistan to ensure that all those political prisoners who are detained without charge, some in unacknowledged detention, be charged with a recognizable offence and tried promptly and fairly or else released. The widespread practice of repeatedly laying criminal charges against political prisoners and of detaining them under consecutive remand orders effectively circumvents the constitutional guarantee against arbitrary arrest and detention. Article 9 of the Constitution of Pakistan guarantees the security of the person: "No person shall be deprived of life or liberty save in accordance with law." Arbitrary detention also violates Article 9 of the Universal Declaration of Human Rights which stipulates that "No one shall be subjected to arbitrary arrest, detention, or exile." The International Covenant on Civil and Political Rights states in Article 9(1): "Everyone has the right to liberty and the security of the person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

Amnesty International unconditionally opposes torture and cruel, inhuman or degrading treatment or punishment of any prisoner or detainee. Some forms of torture are prohibited by the Constitution of Pakistan which lays down in Article 14(2): "No person shall be subjected to torture for the purpose of extracting evidence." The prohibition against torture is one of the most fundamental norms in international law and is contained in a number of international human rights standards; it can never be suspended, whatever the circumstances. Article 5 of the Universal Declaration of Human Rights says that "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." Article 2 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Cruel, Inhuman or Degrading Treatment or Punishment reads: "Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence against human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights". This statement is also found in Article 7 of the International Covenant on Civil and Political Rights. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Pakistan is not a signatory, makes it binding (in Article 2(1)) upon its signatories to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction."

Until quite recently, torture was not defined as a distinct crime under the Pakistan Penal Code (PPC). However, under the Qisas and Diyat Ordinance, which was first promulgated in September 1990 and has since been repromulgated every four months, a form of torture is recognized as a separate, punishable offence. The Qisas and Diyat Ordinance amended or substituted several sections of the Pakistan Penal Code and the Code of Criminal Procedure, redefining in Islamic terms crimes relating to murder and

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bodily hurt, and their punishments. Punishments can either be in the form of qisas, equal punishment for the crime committed, or diyat, compensation to the victim or his heirs. Under the ordinance, the causing of hurt by any person to extort "any confession or any information which may lead to the detection of any offence or misconduct" is defined as a distinct crime. The crime is subject to the kind of punishment provided for the form of hurt caused, including qisas, together with imprisonment.

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

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

Amnesty International is unconditionally opposed to extrajudicial executions, i.e. deliberate and unlawful killings by governments, and to "disappearances" of prisoners in the custody of law enforcement agencies. Extrajudicial executions and enforced "disappearances" are strictly prohibited by the Constitution of Pakistan which in Article 9 lays down: "No person shall be deprived of life or liberty save in accordance with law." Extrajudicial executions violate the basic right to life as unequivocally guaranteed by Article 3 of the Universal Declaration of Human Rights which says that "Everyone has the right to life, liberty and security of person". Similarly Article 6(1) of the International Covenant on Civil and Political Rights lays down: "Every human being has the inherent right to life. This right shall be protected by law, no one shall be arbitrarily deprived of his life." The UN Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in May 1989, in Principle 1 lays down: "Governments shall prohibit by law all extra-judicial, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws, and are punishable by appropriate penalties which take into account the seriousness of such offences. Exceptional circumstances including a state of war, internal political instability or any other public emergency may not be invoked as a justification of such executions. Such executions shall not be carried out under any circumstances" Amnesty International urgently calls on the Government of Pakistan to implement the preventive measures recommended by the Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. It further calls upon the government to initiate a full, independent and impartial inquiry into every instance of such killings brought to its attention in order to establish the circumstances in which it occurred and whether any of them were the result of unlawful and unnecessary use of lethal force by the security forces. The terms of reference and findings of such an inquiry should be made public at the earliest opportunity and any member of the security forces alleged to be responsible for the killing should

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be brought to justice.

Amnesty International further calls on the government to ensure that all law enforcement personnel are clearly instructed to act in accordance with international standards contained in the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly in 17 December 1979, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in September 1990. These stipulate that lethal force may not be used except in genuine life-threatening circumstances and only as a last resort.

The "disappearance" of prisoners in custody further violates the provisions of the Constitution of Pakistan contained in Article 10 which govern arrest and detention. It also violates several internationally accepted human rights standards, including the International Covenant on Civil and Political Rights and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in December 1992 says in Article 1: "1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international standards in this field. 2. Such acts of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, *inter alia*, the right to recognition of a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman and degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life."

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

8. Amnesty International's recommendations regarding safeguards against torture, extrajudicial executions and "disappearances" in Pakistan

Amnesty International believes that the widespread practice of torture which sometimes results in the death of the victim, extrajudicial executions and "disappearances" can only be brought to an end if the following conditions are fulfilled:

1. Respect for law and the political will to secure the respect for law at all levels of government and society need to be strengthened and the independence of the judiciary fully secured.
2. Pakistan police should be better trained in humane investigative techniques and in human rights protection.
3. Existing legal safeguards should be fully and meticulously adhered to.

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4. Legal safeguards need to be strengthened and brought in line with international standards against torture and extrajudicial executions.

5. The relevant international standards should be ratified by Pakistan.

1. Torture, extrajudicial executions and "disappearances" will only be stopped if those in authority, be they rural landlords, political parties or influential individuals develop a greater respect for the law and are seen to respect the law. There should be a consensus among all political forces that the police and other law enforcing agencies must be permitted to function according to their mandate without outside interference. As long as police is seen as a tool to obtain or maintain power, disrespect for law and human rights violations, including torture, extrajudicial execution and "disappearance" will persist.

Amnesty International is calling upon officials at the highest level, including the head of state, heads of the federal and provincial governments and heads of different security forces to officially condemn torture, extrajudicial execution and "disappearance".

In order to be seen to be committed to the protection and safeguarding of human rights the Government of Pakistan ought to take all possible measures to ensure that no one at present in detention is subjected to torture or cruel, inhuman or degrading treatment or punishment. Amnesty International also urges the Government of Pakistan to institute an independent and impartial inquiry into every single case of torture, death in custody, extrajudicial execution and "disappearance" brought to its attention and to make public the findings of the inquiry. These investigations should be held in accordance with internationally agreed guidelines for such investigations.

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

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

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

2. Once the police are empowered to independently perform the duties within their mandate, they should be properly trained to enable them to use more humane methods to obtain information from detainees. 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 they should receive training on the requirements of the United Nations' Code of Conduct of Law Enforcement Personnel and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; similarly prison staff should be trained to conform to the Standard Minimum Rules for the Treatment of Prisoners.

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

Amnesty International is concerned about the widespread practice of not, or not fully and immediately, informing political and other prisoners of the charges under which they are held, which violates Article 10(1) of the Constitution. The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the UN General Assembly in 1988, states in Principle 10: "Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him." Principle 12 sets out in detail what information shall be recorded and conveyed to the detainee.

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

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The Constitution of Pakistan and the Code of Criminal Procedure requires that detainees be brought before a magistrate within 24 hours of arrest to assess the necessity for remand in police custody. This requirement is frequently ignored; the case studies included in this report indicate that many detainees are never brought before a magistrate at all and that in some cases prisoners are held for long periods of time by the army and only brought before magistrates when they are transferred to police custody. The army has been deployed in Sindh to assist civilian authorities; under the law it may interrogate but not detain people in its custody, except those charged for specific offences under the Army Act. This provision should be strictly enforced. There are also innumerable reports about magistrates not adequately performing their functions as when they ignore statements of detainees about their detention in army custody or about having been subjected to torture. Magistrates are occasionally reprimanded by High Courts for "not applying their minds". The Pakistan Law Commission in December 1992 expressed concern that remand orders are frequently granted by magistrates in a mechanical manner, and that the mandatory provision of forwarding a copy of the order with an explanatory note to the supervisory sessions court is not complied with. Amnesty International urges the authorities in Pakistan to ensure that these provisions are meticulously adhered to and that magistrates are held to account for not abiding by these regulations.

Under the law every case of death in custody must be investigated. This provision is frequently ignored, often with the help of medical officers who submit to pressure by police or politicians and issue false death certificates or postmortems. Amnesty International is particularly concerned about the reported participation of members of the medical profession in the practice and covering up of torture. A letter to the editor in "Dawn" of 19 July 1993 by Pakistani medical doctors lists the following ways in which doctors contribute to the practice of torture: "Evaluating the victims' capacity to withstand torture; supervising torture through the provision of medical treatment, if complications occur; providing medical knowledge and skills to the torturer; falsifying or deliberately omitting medical information when issuing health certificates or autopsy reports; providing medical assistance within the torture system without either denouncing torture or refusing or resigning from such work; administering torture by directly participating in it; remaining silent in spite of the knowledge that abuses have taken place." These alleged practices clearly violate international standards of medical ethics, such as the World Medical Association's Declaration of Tokyo adopted in 1975 which states that: "The doctor shall not countenance, condone or participate in the practice of torture or other cruel, inhuman or degrading procedures..." and "shall not be present during any procedure" falling within the categories of torture or cruel, inhuman or degrading treatment. Similarly the UN Principles of Medical Ethics adopted in 1982 state in Article 2: "It is a gross contravention of medical ethics as well as an offence under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment."

Amnesty International again urges the Government of Pakistan to ensure that all deaths in custody alleged to result from torture be thoroughly, promptly and impartially investigated. As outlined in Principle 9 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the UN Economic and Social Council in 1989 and endorsed by the UN General Assembly in resolution 44/162 of 1989: "There shall be a thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the case, manner and time of death, the person responsible and any pattern or practice which

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may have brought about the death. It shall include adequate autopsy, analysis of all physical and documentary evidence and statement of witnesses". The result of such inquiry should promptly be made public and the alleged perpetrators be brought to justice.

Amnesty International also urges the Government of Pakistan to promptly investigate every case of "disappearance" brought to its attention, to make public the findings of such inquiry and to bring to justice those found responsible for the "disappearance".

4. Some of the legal provisions of the Pakistan Penal Code and the Code of Criminal Procedure do not adequately protect prisoners from torture. Amnesty International believes for instance that a formal separation of authority over detention and interrogation of detainees would allow some protection for detainees by providing a degree of supervision of their welfare by an agency not involved in interrogation. Further there should be clear chains of command within the police which indicate who is responsible for supervising interrogation procedures and for disciplining officers who violate these procedures. At the moment of arrest, or very soon after, prisoners should be informed of their rights, including their right to lodge complaints against their treatment. Those arrested should be offered medical examination immediately after arrest and should be able to request further examinations regularly thereafter. The government should further demonstrate its commitment to prevent torture by publishing the regulations governing interrogation procedures and the rights of detainees clearly visible and in non-technical language in every police station. A regular system of visits by the judiciary or independent individuals should be instituted. During an unannounced visit by a Sheikhupura sessions judge in a police station, he found that 27 detainees, including two children, were unlawfully detained and that some of the detainees had been tortured. Amnesty International suggests that such monitoring be incorporated into a general program set up at the national and provincial level to prevent torture.

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

The government should also consider setting up independent and impartial institutions and mechanisms throughout the country to which victims of human rights violations or their relatives can report their cases and with whose aid they can file complaints. Victims and witnesses reporting to such institutions should be protected against intimidation and retribution. Further, all victims of torture should receive restitution, medical and other rehabilitation; they and the families of persons extrajudicially executed should receive financial compensation from the state, commensurate with the damage suffered.

5. Amnesty International recommends that the Government of Pakistan ratify international safeguards and remedies against torture, extrajudicial executions, including the United Nations Convention against Torture, the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. The ratification of or accession to these international human rights standards would not in itself end torture, extrajudicial executions and "disappearances", but could serve to demonstrate the government's commitment, both nationally and internationally, to the respect for human rights and at the same time provide a basic framework within which the government can work towards the

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eradication of these human rights violations.

Appendix A:

Cases of torture, death in custody and extrajudicial execution in Pakistan in 1992 and 1993

1. Illegal detention and torture of Ghulam Mustafa Soomro

Summary: Ghulam Mustafa Soomro, illegally detained for 16 days by the paramilitary Rangers, was severely tortured in custody and subjected to degrading treatment.

On 7 December 1992 around 7pm, some 10 to 12 members of the paramilitary Rangers, the Kurram Militia, under the command of Major Akram, came to the house of Ghulam Mustafa Soomro, a 30-year old government-appointed contractor in Sita Road, near Dadu, Sindh province, and asked if he possessed any non-registered arms. The only arms in the house were two licensed guns which belonged to Ali Mohammad Soomro, a senior vice-president of the PPP in Dadu district, who is Ghulam Mustafa Soomro's brother. During the subsequent search of the house, the Rangers, all of whom were in plain clothes, repeatedly hit Ghulam Mustafa Soomro and insulted female family members. The search of the house and the arrest of Ghulam Mustafa Soomro were witnessed by his father, Mohammad Jumman, his cousin and several women of the family. The Rangers did not have a search warrant or a warrant of arrest.

Ghulam Mustafa Soomro was taken to the Ranger camp at Khairpur Natanshah, in Dadu district, some 20 km from Sita Road. Upon arrival he was blind-folded, but the blind-folding was removed when he was taken for interrogation before the commanding officer, Major Akram, who repeatedly asked him about weapons in his possession. When Ghulam did not admit to possessing any arms, he was reportedly taken to a cell and beaten with sticks and leather whips by the officer himself and several other Rangers. They hit him on his back till he fainted, and when he regained consciousness they resumed the beating.

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On this first day in detention Ghulam Mustafa Soomro was also hung upside down. He reported to Amnesty International: "Ropes were tied around my ankles and my wrists at the back, then the ropes were connected to iron hooks hanging from the ceiling. They pulled at the ropes till I hung upside down. They beat me again while I was hanging from the ceiling, mostly on my legs and the soles of my feet. I vomited. A medical officer of the Rangers came several times to see if I was alright. After one hour they let me down; the medical officer gave me an injection but I don't know what he injected." Ghulam Mustafa Chandio was held for several days in the open on the camp premises; during this time he was brought into the building only for regular interrogations and further beatings.

On 16 December, the Rangers took Ghulam Mustafa Soomro to the market place of Sita Road where they stripped him naked and had his moustache and hair shaved off. Four other prisoners were similarly treated. The hands of the five men were tied with ropes which were then hitched to an army pick-up van which was driven at running speed through the main roads of Sita Road. The five men had to run if they did not want to fall down and be dragged along. Another pick-up truck followed which pushed the men whenever they could not keep up the speed. Ghulam Mustafa Soomro reported: "This went on for about two hours. The Major also forced children to come forward and hit us. He wanted us to be insulted and the people were too scared to refuse or interfere. My thighs and buttocks were badly grazed but when we were taken to Sita Road camp no medical officer attended to me." The following day he was transferred back to the camp of the Rangers at Khairpur Natanshah.

The background to this case appears to be a property dispute between neighbours in which one party to the dispute apparently contrived to enlist the support of the army to intimidate his opponents: Ghulam Mustafa Soomro supported his neighbour, Bakhshal Chandio, in a court case over the ownership of a plot which was contested by Tahir, alias Goga. Chandio eventually won the case. After the beginning of the military action in Sindh, Tahir allegedly had Chandio arrested with the help of the local commanding officer, then he apparently induced the military to detain Ghulam Mustafa Soomro.

Immediately after the arrest, Ghulam Mustafa Soomro's father, Mohammad Jumman, sought to lodge a complaint at the police station in Sita Road against the forcible abduction and unlawful arrest of his son by the Rangers. The officer in charge of the police station refused to do so, saying that Jumman should not dare to lodge a complaint against army staff. When Mohammad Jumman approached the magistrate to ascertain if there was any complaint pending against his son, he was told that there was no case registered against Ghulam, nor had any remand order been issued. On 10 December, Mohammad Jumman sent a telegram to the Chief Justice of the Sindh High Court at Karachi, which was converted into a habeas corpus petition directing the Station House Officer (SHO) of Khairpur Nathan Shah police station to make a statement about Ghulam Mustafa Soomro's whereabouts. On 22 December the High Court noted that the SHO had presented a written statement that there was no criminal charge registered against Ghulam Mustafa Soomro and that he did not know about his whereabouts. During this hearing the Chief Justice entrusted the Deputy Attorney General with inquiring into the allegation that Ghulam Mustafa Soomro was in the custody of the Khurram Militia. The Rangers released Ghulam Mustafa Soomro on 23 December, leaving him in front of his home in a semi-conscious state. The High Court had fixed a further hearing on the habeas corpus petition for 23 December.

Immediately after his son's release, Mohammad Jumman again approached the local police station to register a case against those responsible for torturing his son, but he was once again refused. A further hearing in the Sindh High Court on 21 January noted that the medical report had been made available to

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the court and noted that the injuries had healed. A further hearing on 4 February noted that the detainee had been released and that "proper legal action/proceedings can be taken by the petitioner/detenué, and other concerned persons under the law." The petition which had requested the High Court to direct the police station to register the FIR against those responsible for Ghulam Mustafa Soomro's illegal detention and torture and to initiate legal action against them, was at the same time "disposed of as infructuous".

On 10 December, Mohammad Jumman had also sent a telegram protesting against his son's arrest to the Corps Commander of the Pakistan Army, at Sindh HQ in Karachi, and it is believed that an internal inquiry took place. During Ghulam Mustafa Soomro's detention in the Rangers' camp, and particularly after sending telegrams to the Sindh High Court, the Soomro family home was raided four times by Major Akram and groups of Rangers, apparently to intimidate the family into withdrawing their complaints. During these raids the military were not accompanied by police, as required under the law, nor was any search warrant presented.

Following the High Court's direction, Ghulam Mustafa Soomro underwent medical treatment at the Civil Hospital in Karachi. Its medical report issued on 4 January 1993 identified "abrasions on lateral aspects of both thighs healed, 2 cm in diameter" and "hip movement tender on extreme of abduction and adduction" which appear to confirm Ghulam Mustafa Soomro's account of having forcibly been dragged across the ground.

Ali Mohammad Soomro, the elder brother of Ghulam Mustafa Soomro, reported details of the incident to a delegation of Amnesty International in Dadu; on the way to the meeting he was stopped by a person in civilian dress who identified himself as an inspector of the Intelligence Bureau, in charge of Dadu district. He questioned Ali Mohammad Soomro about where he was going. When Ali Mohammad Soomro said he was going to Dadu for a personal purpose, the officer replied that he knew that he was about to meet a human rights group at a specific address (correctly given) in order to report on his brother. Ali confirmed this. He was then made to go in his own car to the army post in Dadu, where he was reportedly interrogated by Inspector Sadar and Captain Shahnaz. These two officers already knew where he intended to go as well and threatened that "whatever you say will be harmful to you". When he was permitted to leave, Ali Mohammad Soomro approached Major Zahid, in charge of the Federal Investigation Unit (FIU) in Dadu. The Major had earlier sent a message that he should come and see him; he reportedly said that Ali Mohammad Soomro had abused the army and that he had annoyed the district commanding officer by publicizing his brother's story. It is not known to Amnesty International if the brothers were further harassed after they had contacted the organization.

2. Illegal detention and torture of Inderjit Lohana

Summary: Inderjit Lohana, a 22-year old Hindu student, was held in the custody of army and police for about six months; he was reportedly severely tortured and finally released during an amnesty.

On 16 September 1992 at around 6pm, army personnel in uniform and the SHO of Bhitai Nagar police station raided the house of the lawyer D.M. Lohana in Citizens Colony, Hyderabad. Without giving any explanation for the raid, they arrested three of Lohana's sons in his presence, among them Inderjit. Inderjit Lohana was formerly a member of Democratic Students Front.

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The three young men were taken to an army camp at Brigade 55 Head Quarters in Hyderabad and blindfolded. Inderjit told Amnesty International that he was blindfolded for most of the six months of his detention in army custody. On the first evening in custody, and then once every week for several weeks, his captors applied electric shocks to his knees and temples. "I was a mental case after that, it hurt so much", Inderjit reported. He was not permitted to sleep for a period of time which he estimated to have been six to seven days; during this time he was also beaten with a leather whip or belt. "Then they made me continually lie down and stand up again, they beat me when I stumbled or could not move any more. They all the time questioned me about my connections with India because I am a Hindu."

Inderjit Lohana's two brothers were released on 18 September, and a constitutional petition was filed on Inderjit's behalf in the Sindh High Court. Before the High Court hearing on 4 November, he was transferred to the custody of Jamshoro police station and charged with theft. When he told the judge of the High Court that he had been held in army custody and tortured, the judge ordered the SHO of Jamshoro police station to release Inderjit within three days. Instead, Inderjit was transferred on 6 November to army custody in Hyderabad, and on 20 December to army custody in Karachi where his family was permitted to visit him. He continued to be questioned and was made to sign blank papers. On 22 March 1993 he was released under an amnesty; the criminal charge had already been withdrawn on 8 November 1992.

No official explanation was given for the arbitrary detention of Inderjit Lohana. Inderjit Lohana and his family believe that he was detained in order to harass Hindus and to intimidate students of the minorities and interrupt their education.

3. Death of Bebal Khatoon Shirazi

Summary: Bebal Khatoon Shirazi, a 65-year old woman, died after police allegedly hit her repeatedly with rifle butts.

On 18 December 1992 a group consisting of officers from Thatta police station, Sindh province and an army team under the joint command of Major Hashmi and the Thatta SHO Amanullah Shahani, raided the house of Bebal Khatoon Shirazi, a 65-year old woman, in Chhato Chand village. The law enforcement agencies apparently were searching for a relative of Bebal Khatoon Shirazi's, Senator Syed Sher Ali Shah's son for his alleged involvement in an illegal organization, the Al Zulfikar Organization (AZO). As none of the male members of the family were present, the women and children resisted the raid on their home. Police and army then pulled out the women and children and began to beat them. Bebal Khatoon was reportedly hit on the head and the body with rifle butts and some hours later died from her injuries.

The Deputy Superintendent Police (DSP) at Thatta, Tufail Ahmed Malkani, two days later declared that Babal Khatum had died of shock at the screaming of the other women in the house, but family members declared she had died after repeatedly being beaten with rifle butts. Police refused to register an FIR and the results of a postmortem were not made accessible to the family or the press. An inquiry commission was set up on 23 December to establish the cause of Bebal Khatum Shirazi's death, but it is not known to Amnesty International if any report has been submitted or if any FIR has been filed.

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4. Death of Nazir Masih

Summary: Nazir Masih, a Christian, died reportedly after being severely beaten by police when he had refused to give them alcohol.

On 20 May 1993 two police constables from Batala Colony police station, Faisalabad, Punjab province, visited the house of Nazir Masih, aged 36, married with seven children, and reportedly demanded that he give them alcohol drawn against his valid liquor permit. He did not comply but early on 21 May they returned before 8am and forcibly took him to the police station on the pretext that the SHO wanted to see him. Nazir Masih's wife Nasreen Nazli, after some hours of waiting for his return, alerted Nazir's brother Aziz Masih Anjum and her own brother, Saleem Akhtar, who with two friends went to the police station. Aziz Masih Anjum reported: "We reached the police station at about 2pm, and saw over [the] about three feet high wall of the police station that inside the police station ... [five officers] were mercilessly beating my brother Nazir Masih and he was crying and shrieking with pain. We asked the policemen to stop repression but the policemen did not pay any heed to our requests. ... we returned to inform our locality people about oppression being meted out to Nazir Masih ... and got busy gathering the elders of our community. The news broke at about seven in the evening that Nazir Masih had expired."

When some 200 people reached the police station to protest against the death, police refused to hand over the body to the family and fired in the air to disperse the crowd. A senior officer of the district administration reportedly assured the protesters that the body would be handed over after a post mortem was conducted and that those responsible would be punished. On 23 May the body was handed over and buried. When relatives attempted to lodge a complaint in the police station they were told by police that they were waiting for the post mortem report. Aziz Masih Anjum reported that the police refused to register the complaint against the five police officers whom he had seen torture his brother. On 29 May he filed a constitutional petition in the Lahore High Court with the help of a legal aid organization. An affidavit then submitted by the widow, Nazreen Nazli, contradicted the police explanation of the death, according to which Nazir Masih had taken liquor and injured himself fatally when he repeatedly fell to the ground. Police also claimed that Nazreen Nazli had telephoned the police that her husband had become unruly under the influence of alcohol. Nazreen Nazli in her affidavit denied having phoned the police and that her husband was drunk.

A post mortem report dated 22 May, issued by the Medical Superintendent, District Headquarter Hospital, Faisalabad, noted ten injuries on the body, mostly on the head and shoulders and caused by a blunt weapon. It said, "... all the injuries are antemortem. The cause of the death will be declared after the receipt of reports from chemical examiner/bacteriologist, Govt. of Punjab, Lahore."

On orders of the Lahore High Court an FIR was finally lodged at the end of June, alleging that two constables, Tafseer and Abdul Rehman, ASI Shahadat Ali and Hawaldar Saab Khan and SHO Shehar Yar Khan had murdered Nazir Masih. The magistrate of Faisalabad is conducting the preliminary inquiry. It is not known to Amnesty International if the inquiry report has been submitted yet.

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5. Illegal detention and torture of labourers and their families in rural private jails

Summary: Illegal detention, torture, including rape, and deaths of bonded labourers in rural jails maintained by big landowners have taken place over many years, reportedly with the connivance of local authorities

Rumours about jails run by local big landlords or "waderas", particularly in Sindh province, have long circulated in Pakistan. In 1992 concrete evidence about the existence of such jails emerged when on 21 November the army, in the context of its anti-crime campaign in Sindh, raided a private jail in Khokhar village near Tando Allahyar in Hyderabad district and freed over 80 men, 55 women and 90 children who were being held there. An army spokesman on 21 November said: "It is the first case of a private jail in Sindh... They have told horrifying tales of rapes, torture and forced labour."

The detainees were bonded labourers and their families who had come under the control of the landlord when they required a loan because of sickness or a family commitment like a wedding entailing high expenses. The landlord would require the labourer to give a thumb impression on a blank sheet of paper and would hold him and his family members in perpetuity with the argument that they still owed him money. Being illiterate, the labourers are helpless to prove that they have repaid the loan, sometimes many times over by their work. In some cases bonded labourers were reportedly bought from other landlords. Usually a labourer and his family have no other means of escaping from perpetual bondage but to physically flee; to prevent the escape of bonded labourers and to keep the labourers in a permanent state of submission, private jails have reportedly been set up by rural landowners. In 1992 parliament passed the Bonded Labour System Abolition Act, but the system continues to exist.

According to reports by a local human rights group and local and international correspondents, the jails discovered in Sindh resemble fortresses with watch-towers erected at strategic points, 14 foot high mud walls and additional barbed wire and electric wire fences running around the compound. At least 20 armed guards had reportedly been guarding the jail in Tando Allahyar round the clock. The living quarters of the inmates were found to be without any sanitation; lights were kept on throughout the night preventing any privacy for the inmates. A freed woman detainee was quoted in "Newsline" of December 1992 as saying, "we were compelled to defecate in the open ... Any intimacy between husbands and wives also had to be conducted in full view of both the inmates and the guards".

According to reports in local newspapers and magazines, many of those detained in Khokhar's private jail had been kept there for between five and 20 years, some had been born in the jail. Men and women were taken to the fields separately and sometimes in chains, with armed guards watching over them. At night male labourers were regularly chained with iron fetters weighing some 25 kg. Beating was administered whenever orders of the landlord were not immediately and unquestioningly obeyed. Medical attention was restricted to a minimum and only provided in emergencies. Then, too, patients were taken to the local hospital under armed guard. The non-governmental Human Rights Commission of Pakistan (HRCP) reported that "... some inmates had died without medical aid". Whenever a person died either a natural death or as a result of torture, a few male relatives were permitted to bury the deceased, under armed guard, outside the jail walls. Several suicides were reported to have taken place.

The HRCP received reports from several of the detained women that they had been raped repeatedly by

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the landlord and his watchmen, who the women could identify by name. A released woman detainee, Jeewi, was quoted as saying, "... they would chain our men at night and take our girls and rape them". Another former detainee, Darhoon Malah, reportedly said, "... at times they didn't even bother to take them to their bunkers; they raped them right in front of us". Rape was reportedly used as a form of punishment by the landlord, Ghulam Hussain Khokhar: when he suspected that a woman had stolen a watch, he beat her personally till exhausted. When she persisted in denying that she had taken the watch, he ordered her father to rape her. The old man refused to comply with the orders. Khokhar then ordered two of his servants to rape the woman. Six of the released women reported rape in statements recorded before the local magistrate.

The prison inmates were reportedly released from their illegal confinement but continued to stay in the same quarters pending the completion of legal proceedings. Ghulam Hussain Khokhar, to whom the farm belonged, was absconding in early 1993, but his son, Aftab Khokhar, and three watchmen were arrested on charges under sections 365 (kidnapping or abducting with intent secretly and wrongfully to confine person), 368 (wrongfully concealing or keeping in confinement, kidnapping or abducting person), 345 (wrongful confinement of person for whose liberation writ has been issued), 346 (wrongful confinement in secret) of the Pakistan Penal Code (PPC) and under the sections 10 and 11 of the Hudood Ordinance for the offence of rape. The case against Ghulam Hussain Khokhar and others was referred by the federal government to a Special Court for Speedy Trial, but in February proceedings were stayed when the accused challenged the competence of the court to try the case and argued that it violated Article 25 of the Constitution which assures all citizens equality before the law. It is not known if the High Court has come to a decision yet.

The Khokhar family denied all charges of illegally confining the labourers and reportedly argued that the labourers were confined for their own protection against bandits who attacked the villages. Moreover as labourers were scarce and many of them had taken loans from the landlord in advance for their work in the fields, they had to be held in confinement to prevent them from escaping before fully repaying their loans, they said. The Khokhar family further claimed that the labourers were at liberty to leave when the advance money had been adjusted against their wages.

According to local newspapers there are at least 350 private rural jails in Sindh alone. In March 1993 another large rural jail in Nawabkot village in Sindh province came to light when two women escaped from it and reported their ordeal to the newspaper "Jang". They said that some 250 men, women and children had been forced to work 12 hours a day under the supervision of several gunmen; they had been tortured and raped in this private jail. One woman, Aasi, who had escaped after 16 years of imprisonment, was quoted as saying that "women are being gang-raped... Several young women have borne children as a result of rapes." Another woman, Jina, reportedly said, "hands and legs of men are broken if someone tries to escape, ... the heads of women escapees are shaved".

Detention and torture in private rural jails or in the custody of factory owners with the knowledge, connivance or direct involvement of the police and other organs of state constitute human rights violations of concern to Amnesty International. That the existence of private jails was known to the authorities seems beyond doubt: a commentary in the Pakistani newspaper "The Nation" of 14 January 1993 said that the prison in Khokhar village "existed within the administrative jurisdiction of the Commissioner of the Hyderabad Division, who has under his command a few Deputy and Assistant Commissioners, SSPs, SPs, and fearsome SHOs. And then recently Sindh experienced an operation clean-

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up. One wonders whether it is possible to run a jail under the very nose of the authorities! Is it possible that the functionaries were not aware of the existence of the jail? If the private jail did really exist, then it is not only the Commissioner who owes an explanation to the nation, the MNA, MPA and Councillors of the area are answerable to the people." The newspaper "Dawn" of 27 November 1992 commented: "The jail in question is not a small structure that it could be successfully hidden away from public view and operated without attracting attention ... It is improbable that successive governments and their local functionaries were unaware of the existence of the Tando Allah Yar private jail and what was happening inside it. The 'jail' was certainly not a secret cell and the prisoners were not so few in number as to remain unnoticed. It could have happened only with the connivance of the local officials, especially the police."

There is more direct evidence for the authorities' connivance with rural landlords who maintained private jails: "Newline" of December 1992 lists several private jails in Sindh run by elected members of the national assembly, belonging to both the then ruling Islamic Democratic Alliance and the then opposition Pakistan People's Party. Some of the rural jails were reportedly run by important political families who have senators, and members of federal and provincial assemblies among its members who must have been aware of these. A rural jail with some 130 chained rural labourers uncovered in Sanghar in mid-1993, belonged to a Member of the National Assembly, Salim Akbar Bugti. Again some politicians are known to have visited landowners maintaining rural jails. Journalists told Amnesty International that former Chief of Army Staff, Mirza Aslam Beg, frequently visited Gholam Hossain Khokhar for hunting parties, as did Jam Yousaf, then federal minister for water and power.

Moreover, the existence of Khokhar's jail had been brought to the attention of the authorities earlier: under the martial law rule of Yahya Khan, the jail was reportedly raided by an army unit in 1971. It found a number of dead bodies buried near the jail, but no legal action was taken. Again, several labourers reportedly escaped from Khokhar's jail about a year ago and approached the editor of a Sindhi daily, who referred them to the commissioner, Hyderabad division. The commissioner reportedly assisted the men by bringing about the release of their wives and children, but again no legal action was taken against the persons responsible for running the rural jail.

6. A political party, the Mohajir Qaumi Movement (MQM), as perpetrator and victim of human rights violations

Summary: The MQM, before and during its tenure as a coalition partner of the government in Sindh, reportedly maintained torture cells in which it illegally detained, tortured and sometimes executed dissident members of the MQM and political opponents. Since June 1992, MQM activists as also friends and family members of MQM members have reportedly been subjected to illegal detention and torture in police and military custody; some of these prisoners have reportedly died as a result of torture and some may deliberately have been killed.

Background information on the MQM

The Mohajir Qaumi Movement (MQM, Refugee National Movement), founded in 1978 as the All Pakistan Mohajir Students Organization by Altaf Hussain and renamed in 1984, is today the third strongest party in Pakistan. It represents the interests of the Mohajirs, the Urdu speaking Muslim refugees

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who migrated to Pakistan in 1947 after the partition of British India, and their descendants. The MQM seeks to safeguard the rights of this predominantly urban-based minority and sees itself in opposition to the Sindhi majority and Sindhi parties. It is a tightly organized party and reportedly has a militant wing that has been held responsible for a number of offences (see below). The MQM in 1990 became a coalition partner of the ruling Islamic Democratic Alliance (IDA) of Nawaz Sharif; in general elections in 1990 it gained 15 seats in the national assembly, 3 seats in the Senate and 28 seats in the Sindh provincial assembly. It boycotted the elections to the national assembly in October 1993; in the elections to the provincial assembly on 9 October 1993, the MQM secured 27 out of 100 seats.

The military operation in urban Sindh

The anti-crime campaign of the army in Sindh initially focused on rural areas of Sindh but in late May the army leadership and the federal government announced that the operation would be "even-handed", tracking down criminals and terrorists anywhere, including urban Sindh. Military officials were in the media quoted as saying that they had clear evidence of the MQM's involvement in terrorist and criminal activities.

On 19 June 1992 the offices of the MQM in various parts of Karachi were raided in a joint army and police operation, apparently with the help of the dissident MQM Haqiqi or "real" MQM, whose leaders had fallen out with the main body of the MQM two years earlier. During the following days the army unearthed some 23 torture cells allegedly established and run by the MQM. An army spokesman said: "Hundreds of people were brutally tortured and many were killed in these cells"; a brigadier reportedly described MQM leaders as "torture barons", and then Chief of Army Staff, General Asif Nawaz, reportedly called the MQM a "diabolical and criminal organization".

Several hundred MQM members were reportedly arrested in Karachi and Hyderabad during the following weeks but most were released within days or weeks. The entire leadership went into hiding and most of the elected representatives resigned their seats in the national and provincial assemblies. Criminal charges were brought against many of them, and many charges brought earlier but not investigated while the MQM was in office, were revived. All of them are now pending, mostly before Special Courts for the Suppression of Terrorist Activities. Amnesty International is not in a position to ascertain if the criminal charges brought against MQM members are justified. When many MQM activists went into hiding, the authorities arrested their friends and relatives to make them reveal the whereabouts of the sought persons.

Human rights violations reportedly perpetrated by the MQM

The army in June 1992 said it had uncovered 23 torture cells in Karachi in which the MQM reportedly tortured, and sometimes killed, MQM dissidents and political opponents; military spokesmen said the cells had been found in MQM offices, schools and hospitals.

Newspapers in Pakistan, whose editors had over the years repeatedly told Amnesty International that they were being intimidated, harassed and physically attacked by MQM members, reproduced photographs of the alleged torture chambers showing blood-splashed walls, electrical gadgets supposedly used for torture, and ropes and chains dangling from the ceiling. Some of the torture cells, for instance those in

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Bhitai and Tarachand hospital, were alleged to have been rape cells, in which dissident women were gang-raped by MQM workers. The newspapers also carried extensive interviews with persons describing themselves as victims of MQM torture, including rape, and with relatives of people who allegedly died in MQM custody. "The News" and "Dawn" of 25 June 1992 cite several women whose sons or husbands allegedly had been tortured to death in MQM torture cells in Landhi, Karachi. Among them was Rabia Begum, who reported that her son, Mohammad Arshad, who sympathized with the MQM dissidents, was abducted during an MQM raid on her home on 8 June 1991. He was not heard of again but on 15 June 1991 his body was found. Because of MQM threats the body could not be brought home but was buried by the Edhi Trust: "We were not even allowed to attend the burial and he was buried without any religious ceremonies or shroud." Another woman, Tahira Haider, said her husband Haider Ali was kidnapped by the MQM in June 1991 but released after the family paid ransom. He was abducted by MQM members again a few days later. "Haider was shot dead outside an arms shop. They also tried to set my house on fire", Tahera Haider said; she identified the alleged killers of her husband, all MQM leaders and workers, by name.

Some newspapers and journals in Pakistan published confessions of MQM workers who had actively participated in torture. "Newline" of August 1992 cites a confession by an MQM assistant sub-inspector of police, Mohammad Zaki, who named the persons tortured and killed by him and fellow MQM activists in the Lines Area of Karachi during 1991 and up to his arrest in June 1992.

The MQM declared in late June 1992 it was being victimized by the army; it resigned from government and gave up its seats in the provincial and national assemblies. MQM spokesmen denied all charges of having maintained torture cells and declared that these had been set up by the army to crush the party and prejudice its members; it said interviews with alleged torture victims were fake.

Amnesty International has not been able to independently verify reports of torture practiced by the MQM, but it has received several similar testimonies from members of the PPP who said that they had been subjected to torture by the MQM in the period 1989 to 1991. For instance a PPP worker in Liaqatabad, Karachi, said: "On 4 February 1990, early in the morning, four MQM people came and forcibly took me from my home straight to the torture cell in Peelikothi. I was blindfolded, my hands were tied at the back, Then they said, 'You are a Mohajir, why are you in the PPP?' and started abusing and beating me, mostly with leather whips and wooden sticks. They hit me on the face and the chest, for many hours. ... Before they released me on the fifth day they drilled a hole in my leg, with an electric drill. I fainted. ... There were around 30 to 40 other PPP workers in the cells, they were treated like me. Finally they just dumped me in the middle of the city, I could not walk for four weeks." He reported that he had not dared file a complaint with the police although he had recognized the men who had abducted him.

Most observers in Pakistan agree that the MQM could not have operated its repressive machinery without the government authorities being aware of and conniving with it. The convener of the All Parties Conference, Nawabzada Nasrullah Khan, who is the president of the Pakistan Democratic Party, on 26 June 1992 said the MQM had been part of the government and "it is impossible that it did not know of the torture cells set up by the MQM but it had intentionally ignored them". Senator Maulana Samiul Haq of the Jamiat-i-Ulema-i-Islam was reported in "Dawn" of 27 June 1993 to have said that "the existence of torture cells of the MQM ... was well known to the federal government and the Sindh government but since their alliance suited both the governments the MQM was given a free hand". Similarly "The Nation" in a long editorial of 30 June 1992 argued, "everybody in the hierarchy from the President to Prime

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Minister and the Chief Minister of Sindh knew about the MQM having established a state within a state with a private army of its own. Kidnapping of opponents and dissidents, tortures and executions were undertaken by this ... organization while everyone kept mum since MQM was being helpful in keeping the [then opposition] PPP out. Stories of headless dead bodies appeared in the press, charred bodies were discovered in various parts of Karachi, people belonging to the MQM were named in police reports but the cases were filed away and forgotten. ... The President ... received reports from top intelligence agencies of the country who knew fully well what the MQM was up to ... The Prime Minister received regular reports from the Intelligence Bureau ... the Chief Minister of Sindh must have been briefed about what was happening daily in Karachi. The Administration must have told him about the problems it faced in the way of redressing the grievances of people who reported against the MQM regarding the kidnapping, torture and murder of their near and dear ones. And at least part of the national press was regularly publishing stories about the atrocities committed by the MQM at great risk to the lives and property of its editors and reporters." "Newline" of July 1992 commented: "The fact that these torture cells existed in the centre of the densely populated localities was a bleak reminder of the impunity with which the MQM has run its reign of terror. When a journalist asked people living in the vicinity of these cells whether they knew of their existence, a resident of Lines Area replied, 'yes, we knew, but what could we do? The police wouldn't even register a murder FIR unless it was endorsed by the MQM's unit secretary.'"

That the government did not even pay heed to public indictments of the use of torture by the MQM is borne out by the fact that a report of the Human Rights Commission of Pakistan (HRCP), "Sindh inquiry: Summer 1990" published in 1990, which collated evidence of MQM torture, did not apparently lead to the government initiating any inquiry. The HRCP report cites eyewitness accounts of torture by MQM workers and MQM dissidents who confirmed the "practice of torture as a routine of MQM". The report cites an MQM dissident: "A torture cell could be set up anywhere according to need, he [a MQM dissident] said, but the main ones were at New Karachi, Lalukhet, Peelikothe and Mohajir Khel. He also claimed the existence of a highly trained Black Tiger Organization of a strength of 200 to 250 (others said 800) persons. The dead bodies discovered now and again in different parts of the city were usually their handiwork; they were persons they had chosen or had been assigned to eliminate". The HRCP concluded regarding the MQM's use of torture: "It was hard to altogether dismiss the testimony of MQM defectors that the organization maintained centres for this purpose." The torture centres named by the dissident were in the same location as those found by the army in June 1992.

Following the discovery of the alleged MQM torture centres several people filed complaints against MQM leaders holding them personally responsible for murders, kidnappings and torture of party dissidents or political opponents. Several of the complainants were reported to have said that the offences had been committed several months or even years earlier but that they had not dared file complaints for fear of reprisal from MQM members. The federal government in September 1992 issued a list of 121 MQM members wanted in connection with setting up and maintaining torture cells. Warrants of arrest against the top leadership were issued in November 1992 and in March 1993, 19 MQM leaders, including Altaf Hussain and Imran Farooq were declared proclaimed offenders. Further proclamation warrants were issued in late May 1993 against 12 MQM leaders on charges of possessing illegal arms and running a torture cell in Malir, Karachi.

The MQM as a victim of human rights violations

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After the uncovering of torture cells in June 1992, the leadership of the MQM went into hiding and the Mohajir community apparently became itself a target of human rights violations. Amnesty International received dozens of reports that, when MQM activists themselves could not be found, members of their families and their friends were illegally detained and frequently tortured by the army, the paramilitary forces and the police to force them to divulge their whereabouts. In some cases MQM members were reportedly illegally detained and tortured in order to make them alter their political allegiance. A report of the Lawyers Committee for Human Rights of Pakistan said that it received 2,500 names of MQM workers detained for various lengths of time between 19 June and 25 October 1992, most of whom were released after investigation, sometimes after paying bribes. In early December the same organization released a list of 71 persons who had been arrested between mid-June and mid-November by the police, the law enforcement agencies or the rival MQM faction, MQM Haqiqi, and who were still missing. The Edhi Center reportedly buried some 200 mutilated unidentified bodies in June and July alone, some of whom were allegedly MQM members who had died in custody.

The practice of bringing false criminal charges, and sometimes series of false criminal charges, against political opponents documented in Amnesty International's report Pakistan: Arrests of Political opponents in Sindh province, August 1990 - early 1992, (AI Index: ASA 33/03/92) appears to have been used against MQM members and their families as well. For instance MQM worker Mohammad Ishaque of Shah Faisal Colony, Karachi, was arrested on 2 December 1992 in the Cardiac and General Hospital, Karachi, while recuperating from a prostate operation performed on 28 November. Police and army had attempted to arrest him on 29 November, but as he could not then be removed from hospital, they had placed him under armed guards before taking him to an unknown place on 2 December. A petition filed by his parents was heard in the Sindh High Court on 17 December. The Acting Chief Justice quashed both the criminal charges brought against Mohammad Ishaque as they had been filed after his arrest and falsely indicated his arrest to have taken place on 12 December at his home. However, Mohammad Ishaque was not released but rearrested under new charges of possessing unregistered arms and of running torture cells; these were presented by a police officer during the hearing. The court directed the police to investigate the case.

Similarly the father and friends of the family of MQM leader Imran Farooq were detained on false charges and reportedly tortured in detention. The 70-year old father of MQM Secretary General Imran Farooq, Farooq Ahmed, was arrested in Karachi by police, army and Rangers late on 31 October 1992 together with Mushtaq Saigol, MQM member and former adviser to the Sindh chief minister, and his two sons, Norman and Amir Saigol. During the arrest, Mushtaq Saigol's wife Shahnaz Saigol was reportedly hit with rifle butts and threatened that her sons would be killed if she did not reveal the whereabouts of Imran Farooq. The four men were reportedly held blindfolded for two days in an unknown place and deprived of food and drink. Noman Saigal also reported that his legs were painfully pulled apart in different directions during interrogation. The four detainees were charged with the murder of a shopkeeper; additionally Noman and Amir Saigol were charged with illegal possession of arms. They were released on bail by an order of the Sindh High Court on 4 November; Chief Justice Nasir Aslam Zahid said that the charges were obviously fake and added: "The court is flooded with such bogus cases. ... Left and right people are being harassed." He further reprimanded the police authorities that they were "resorting to arrest relatives and friends of the nominated accused though no such law exists that justifies this action". He directed that the four men should not be arrested again save with the permission of the Home Department and after notifying the High Court. When the four men left court, they were

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intercepted by armed unidentified men and Farooq's lawyer, Kauser Ali Shah, was reportedly abducted but released the following day. He said he had not been permitted to sleep or to eat and had been blindfolded throughout his abduction.

Amnesty International has received dozens of similar testimonies from family members of MQM activists who say that they have been subjected to torture in custody. For instance an MQM activist showed Amnesty International his 13-year old son who was arrested on 22 July 1992 in Karachi and released 24 hours later. He was reportedly beaten in detention and bore eight cigarette burn marks on arms and legs. He had apparently been tortured to pressurize his father to divulge the whereabouts of other MQM members. After his return the entire family sought shelter with relatives in another part of Karachi.

A young man [name withheld] whose father was an MQM member of the Sindh provincial assembly reported: "Our home was raided 13 times, they were looking for our father. On ... October 1992 they came again, at 1.30am, in four trucks, perhaps 22 to 25 people. They belonged to the police, the Rangers and the army, only the Rangers and the army were in uniform, but we knew the police people by face. They completely ransacked the house and insulted our women. They pointed guns at my chest and at the chests of my three brothers and said they would shoot us if we did not tell them where our father was. But we did not know. ... They tied cloth strips around our eyes and took us away. We travelled in the van for perhaps four hours, it is difficult to estimate. We did not know then, but our lawyer filed habeas corpus petitions on the same day. Before they could come up for hearing in the High Court, we were released on the next day at about 6pm. We were simply put in the van again and pushed out in a congested area of Karachi, in Sharifabad. Our eldest brother was held for three days. He too was just dropped off in a crowded area of Karachi. All of us were only mildly tortured, they just beat us and kicked us and sometimes hit us with rifle butts. We were not given anything to eat and were not allowed to use a toilet. We were all blindfolded throughout. Our eldest brother suffered more, he was very weak after his release. All of us were warned not to file complaints. They said to us they would get the small children in our family and torture them otherwise."

Mohammad Tariq, a 27 year-old watchmaker and student, reported that on 30 June 1992 at noon a group of police officers arrested him from his watch repairshop and took him to North Nazimabad police station. There the SHO questioned him about his brother, MQM worker Wamiq, who was in hiding since 19 June. When Mohammad Tariq, who is not himself a member of the MQM, could not give the required information, he was reportedly verbally abused, then stripped, beaten and kicked. "They beat me from everywhere, I was unable to understand which hand and which leg was coming from where. They were beating me like a mad dog and I became unconscious. A severe pain brought me back to [my] senses when ... [the SHO] was pressing my face with his shoe on the ground ...". Mohammad Tariq was remanded to police custody from 5 July for ten days, then for another two days. On 15 July he was transferred to Taimuria police station where he was remanded for 9 days from 16 July. On 27 July Taimuria police station reported to the magistrate that there was no ground for holding him in custody any longer and on 29 July he was finally released after his family reportedly paid a large sum of money. After repeated torture in both police stations, he was reportedly too weak to walk but had to be carried home by relatives. Muhammad Tariq's family knew throughout where he was being held but his mother, Bilquis Banu, was repeatedly denied access when she tried to visit him in custody. Mohammad Tariq reported that his mother fainted and died on 30 July morning after seeing the torture marks on his body. Mohammad Tariq's sister, Tahira Kulsoom, told a "Dawn" correspondent that the police had threatened the family not to tell anyone about Mohammad Tariq's torture.

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Some relatives of MQM activists reportedly died in custody. On 5 November the body of Ahmad Abdul Sajid, aged 28, elder brother of MQM activist Ahmad Abdul Majid, was found by his family in the Edhi Center in Karachi. He had been arrested on 15 October 1992 by police and the paramilitary Rangers from his home in North Karachi and had not been seen since. When the family of Ahmad Abdul Sajid approached the law enforcing agencies on the following day, they were told not to adopt any legal measures to ascertain his whereabouts, but some days later the army denied detaining him. They finally approached the Edhi Center and identified an unclaimed body as his. The Edhi Center reportedly said that Sajid's body bore multiple injuries. An army spokesman described the allegation of torture as "totally baseless" and was quoted in "Dawn" as saying: "I have checked up the records and the law enforcement agencies have never picked up the man of this name from North Karachi." To Amnesty International's knowledge the family has not so far been able to register a complaint with the police.

7. Illegal detention, torture and extrajudicial execution of Niaz Hussain Pathan

Summary: Niaz Hussain Pathan was illegally detained and tortured in police custody; when a habeas corpus petition was due for hearing and torture would have come to light, he was allegedly killed in a fake encounter.

According to Ghulam Sakina on 10 September 1992, she and her son Niaz, aged about 22, were returning by bus from Karachi to Sukkur in Sindh province; she had gone to meet Niaz in Karachi on his return from Saudi Arabia where he had worked for three years. At about 3am of 11 September 1992 the bus was stopped near Kotdiji, district Khairpur, some 25 km from Sukkur, and searched by eight or nine armed police officers. The police took Niaz and his baggage, which contained valuable presents for Niaz' relatives, with them. Ghulam Sakina attempted to accompany her son, but she was pushed back into the bus and told not to interfere. The police did not tell her where they were taking her son, nor why they were detaining him. Ghulam Sakina then proceeded on the bus to Sukkur and informed her other son, Ghulam Shabir, about the incident.

Next morning Ghulam Sakina's son Ghulam Shabir and two neighbours went to the Kotdiji police station. The police officers demanded a payment of Rs. 25,000 for Niaz' release. During the visit Ghulam Shabir and his two neighbours talked to Niaz in the lockup of the police station; they later declared in affidavits that they saw his wrists and ankles shackled with iron chains to the bars of the cell door. They further declared that Niaz had cried and said he had been severely beaten and threatened by the police that if the family did not pay the ransom, they would kill him in a staged encounter or involve him in a false charge. His possessions worth most of the money he had earned during his three years in Saudi Arabia had all been taken away.

On 14 September Ghulam Sakina, Ghulam Shabir and one of her neighbours again approached the Kotdiji police station to plead for Niaz' release. Ghulam Sakina recognized the Station House Officer (SHO), Senior Inspector of Police (SIP) Ghulam Akbar Wagan, Assistant Inspector of Police (ASI) Manzoor Phul and Head Constable (HC) Qalander Bux Lorani as the men who had arrested her son. This time the SHO denied that Niaz was or had ever been in the custody of the police station. When Ghulam Sakina requested access to the lockup to ascertain whether her son was there, the police refused and expelled them from the police station.

On 15 September 1992 Ghulam Sakina applied to the High Court of Sindh, Sukkur bench, complaining about the illegal detention of her son in Kotdiji police station. On the same day Ghulam Shabir and a neighbour again visited the Kotdiji police station, but again the police denied any knowledge of Niaz' whereabouts, although some constables privately indicated that Niaz was there and was being subjected to torture. Ghulam Sakina on 16 September sent telegrams to various police authorities expressing her concern about her son's safety. On 19 September Ghulam Sakina filed a habeas corpus petition in the High Court. On the same evening a constable called on Ghulam Sakina at the behest of the SHO and said that if the money demanded by the police was not handed over soon, Niaz' life could no longer be guaranteed. He also told her to go and see the SHO of Kotdiji police station on the following morning.

When Ghulam Sakina approached the police station Kotdiji on 20 September, she was told that her son had died in an encounter with the police that very morning. According to the First Information Report (FIR) registered in the police station, the encounter took place at 4am between several bandits, including Niaz, and the police on the banks of Sorah canal in Kotdiji. According to the police version no one else was injured in the encounter. The police refused to hand over the body to Niaz' family and said it had already been buried near the police station. Ghulam Sakina approached the Superintendent of Police at Khairpur to have the dead body returned to the family, but was refused. She then applied to the District Magistrate, Khairpur for the transfer of the body to the graveyard in Sukkur; the District Magistrate on 21 September issued a no objection certificate and at the same time requested the District Health Officer to depute a medical officer to carry out a post mortem. On the same day the District Health Officer directed the medical officer in charge of the Rural Health Center at Kotdiji to immediately perform the post mortem of Niaz in the presence of a first class magistrate. The post mortem report is not available to Amnesty International.

The family obtained the body on 22 September, it reportedly bore multiple injuries such as bruises and skin abrasions on the thighs and hips and 13 bullet injuries some of which were in a row. Upon the advice of a lawyer, the family had the dead body photographed. A forensic expert analyzed the photographs of Niaz' body and said: "This man has at least three gunshot wounds of entry to the front of the right thigh in a grouping which suggests the use of an automatic military style weapon. There is a further single entry wound to the center of the chest (a heart shot). There is a possible gunshot wound to the left nostril. There are two identifiable exit wounds, the one to the right buttock and the other to the left flank. Thus it is clear that he has been shot from the front and not from the back." He further observed that there is an "apparent bruise on the inside of the left ankle ... consistent with him having been shackled". The photographs also indicate the presence of pre-existing injuries which seem to have been inflicted very shortly before the shooting. The forensic analysis thus supports the account given by Niaz' family that he was held in police custody, probably in shackles, that he was injured, probably by beating before his death, and that he was shot from the front, probably from a short distance away.

After several unsuccessful attempts to file a complaint with the police about the killing of her son, Ghulam Sakina filed a constitutional petition in the Sindh High Court for registration of an FIR as she believed her son to have been killed in a fake encounter by police officers of Kotdiji police station. Before the hearing on 23 December, Ghulam Sakina and her relatives reportedly received several death threats from the police, and upon her appeal to the authorities the venue of the hearing was changed from Kotdiji to Sukkur. During the hearing of the High Court on 23 December Judge Mukhtar Ahmes Junejo reportedly showed the photographs of the dead body to the Assistant Advocate General and said, "... this

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person has been tortured to death". He then directed the Superintendent of Police (SP) of Khairpur district to nominate a police officer not connected with the incident who should record Ghulam Sakina's FIR at police station Kotdiji. The FIR was lodged by Ghulam Sakina in the office of the Senior District Magistrate (SDM) at Kotdiji on 27 December; it accuses the three police officers with offences under Section 302 (murder) and 344 (wrongful confinement for ten and more days) of the Pakistan Penal Code, as well as Article 17/3 (robbery) of the Hudood Ordinance of 1979. The FIR also states: "On 19.9.1992 accused Akbar Wagan sent a constable to me, who if seen will be identified, with a message to arrange and pay him Rs. 50,000/- till that evening else my son would be shot dead by declaring killed in encounter with dacoits [bandits]. Then on 20.9.1992 I arranged Rs. 35,000/- by selling ornaments and borrowing money, went to P.S. [police station] Kotdiji along with Ghulam Sahbir The constables of P.S. Kotdiji told us Niaz Hussain .. was taken from P.S. lockup at 3 a.m. by the accused Ghulam Akbar, Manzoor Phul and H.C. Kalandar Bux Lorani, [who] took him to graveyard and sprayed bullet shots at him and so killed him and buried him there."

Police claimed that Niaz had never been in their custody but was killed in an encounter. However, there are several witnesses to his arrest on the bus near Kotdiji, and family members testify that they met him in the police lockup on 12 September. There are also several witnesses to Niaz' detention in police station Kotdiji; among them is Sher Ali Brohi, who was in detention during the same period at Kotdiji police station, but was later transferred to judicial custody at Central Jail, Khairpur. He told Gholam Shabir who visited him in jail in Khairpur that he had seen Niaz being beaten by police but that he was still alive on 19 September, when he himself had been transferred to Khairpur.

Niaz' family and lawyer told Amnesty International that despite the lodging of the FIR the police had by April 1993 not begun to investigate the case. The police officers allegedly involved and named in the FIR have, to Amnesty International's knowledge, not been transferred to another police station as required by the Pakistan Police Act. Ghulam Sakina reported that in March the SP threatened she "would have to face the consequences" if she did not withdraw the FIR.

8. Illegal detention, torture and death in custody or extrajudicial execution of Mujib Aijaz Jatoi

Summary: Mujib Aijaz Jatoi was illegally detained by the police, tortured and possibly deliberately killed in custody.

Mujib Aijaz Jatoi, a 23-year old medical student and the grandson of a prominent Sindhi peasant leader, Haider Baksh Jatoi, was arrested on 3 August 1992 at Hala while travelling on a bus from his home in Larkana to Karachi. The accounts of his arrest published in newspapers in Pakistan vary but according to the constitutional petition filed later by his family he was arrested from the bus by the Station House Officer (SHO) of Hala police station and taken to that police station from where he was reportedly handed over to army officials.

On 4 August Mujib Aijaz Jatoi's family received a message from the SHO that he had committed suicide in the toilet of the police station. Mujib's brother, Imtiaz Ali, confirmed the message about his brother's death with the Larkana police station and then proceeded to Hala to ascertain the facts of his brother's death. The DSP (Deputy Superintendent Police) at Hala, Zulfikar Junejo, and the SHO of Hala police

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station, Ali Nawaz, reportedly said to Imtiaz Ali that Mujib had died following torture in army custody and that the police had had nothing to do with his death. Imtiaz Ali also inspected the toilet in the police lockup and found that it was impossible to commit suicide by hanging in that place.

The District Magistrate, Hyderabad, in a press note on 6 August 1992 said that Mujeeb Aijaz Jatoi had been arrested on 3 August by police officers of Hala for impersonating an army officer. He had then been taken to the army camp at Hala but had been sent back to police custody. On 4 August, the press note said, he had hanged himself in the toilet just before the interrogation was to be resumed. It further said that civilian doctors who carried out the postmortem had identified the cause of Mujib's death as due to respiratory failure.

The accounts relating to the handing over of the dead body vary but they are unanimous in describing that it bore clear marks of torture. According to the constitutional petition filed by Imtiaz Ali, the SHO and DSP refused to hand over the dead body but referred him to Mahar police station of Dadu from where he finally obtained the dead body. The dead body bore injuries on the head, legs, chest and testicles and marks of electric shocks. Several members of the family and other villagers saw and described these injuries. "The News" of 6 August 1992, quotes Mujib's father, Aijaz Jatoi, as saying "... when we reached the police station ..., they handed over to us the mutilated body of Mujib. Signs of torture were very obvious. We refused to take the body, on which the DSP said the body would be handed over to the Edhi Center if we refused to take it". He told correspondents of "The Frontier Post" on 5 August that there were more than 100 torture marks on Mujib's body, for instance the nails of four fingers of both hands had been pulled out.

Imtiaz Ali and other family members attempted to lodge a complaint with the police, but they were refused by the Senior Superintendent Police (SSP) Hyderabad and the Hala police station and were threatened with "dire consequences" if they pursued the matter. Imtiaz Ali then filed a constitutional petition in the High Court of Sindh, Hyderabad bench, requesting it to order the police to register an FIR against police and army officials under Sections 302 and 337 PPC and the Qisas and Dyat Ordinance. The Sindh High Court ordered the registration of the FIR at police station Hala but though police inquiries have begun, they do not appear to have been concluded yet; to Amnesty International's knowledge there have been no arrests.

9. Extrajudicial executions of nine men at Tando Bahawal

Summary: Nine villagers from Tando Bahawal were extrajudicially executed by the army in a fake encounter; the army brought those responsible to justice and sentenced the major in charge of the operation to death. The landlord who had instigated the killing with the help of the army died in police custody.

On 5 June 1992 eight men from Tando Bahawal were killed by an army patrol acting in conjunction with some police officers near Jamshoro in Sindh province; of two injured men one died on 6 June in the Combined Military Hospital at Jamshoro. Among the dead was a 16-year-old student and an old man of over 60 years of age. On the following day the army said the nine men had been bandits and saboteurs trained in India and had died in an exchange of fire. Detailed descriptions of the alleged armed encounter

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were circulated to the national press. Major Arshad Jameel, who was in charge of the operation, filed a report about the encounter in the Jamshoro police station. Army officials displayed arms, including 38 hand grenades, two Kalashnikov rifles, 20 kilogrammes of high grade ammunition and plastic explosives, all of Indian origin, which they said were found near the bodies. An army spokesman further claimed that one of the injured men had on his deathbed confessed that he had received arms and training in India.

Local villagers protested against this version of events and told visiting journalists that the nine dead men and the injured tenth person were innocent rural labourers caught up in a local land dispute between a wealthy landlord, Ghulam Mohiuddin Pathan, and two women who were the legal heirs to the land he had appropriated from their father. Pathan had enlisted the assistance of Major Arshad Jameel and other army personnel to kill his rivals' tenants in order to intimidate the two women.

The Sindh Chief Minister, Muzaffar Hussain Shah, admitted on 10 June 1992 before the Sindh Provincial Assembly that the victims were indeed poor farmers kidnapped and gunned down by the army. "They were not from any point of view terrorists", Shah admitted. The statement of one of the victims before his death had pointed to the landlord's involvement and not to the men's training in India, Shah added. He said police had arrested six people, including landlord Ghulam Mohiuddin Pathan.

On 14 June Vice Chief of General Staff, Major-General Jamshed Malik, told the press at army headquarters in Rawalpindi that the army assumed responsibility for the deaths of the nine villagers and had removed three senior commanders, the area's divisional commander, a brigade commander and a battalion commander, from their posts. A fourth commander was removed from his post on 15 June. An army spokesman said the killings were the act of an individual major now in custody and facing an inquiry. Sindh provincial government ministers handed over compensation to the families of the victims and promised to give each family 25 acres of land in compensation.

The landlord arrested on 8 June in connection with the extrajudicial execution of the nine villagers, Ghulam Mohiuddin Pathan, aged 60, died during investigation in army custody on 10 June 1992. Army spokesman Vice Chief of General Staff, Major-General Jamshed Malik, in a press conference in mid-June said about the deaths in army custody (Yusuf Jakhri had just died in Kandhkot in army custody, see case below) that this was "an odd coincidence" but denied that the interrogators were harsh. "Maybe the fear of the military was too much [for them]", he is reported to have said.

A preliminary postmortem of Pathan reportedly described the cause of death as heart failure. On 1 November 1992 the District Magistrate, Hyderabad, set up a judicial inquiry into the death of Ghulam Mohiuddin Pathan but it is not known to Amnesty International if the inquiry was completed. The other civilian defendants, landlord Ghulam Nabi Pathan and police inspector Mushtaq Awan are reportedly in detention in Hyderabad Central Jail pending trial by a Special Court for the Suppression of Terrorist Activities for their alleged involvement in the unlawful killings of the nine villagers.

A Field Court Martial tried the military personnel responsible for the extrajudicial executions at Tando Bahawal. On 31 October 1992 it sentenced Major Arshad Jameel to death and thirteen other officers to life imprisonment; all were dismissed from service.

10. Reported torture and extrajudicial executions of seven young men at Shah Bandar

Summary: Seven young men were alleged to have been killed in an encounter with the navy and 14 were arrested but evidence strongly suggests that the seven young men were tortured to death. The 14 young men are currently in jail in Karachi and awaiting trial on charges of anti-state activities.

On 9 May 1992 seven young men, allegedly members of the illegal Al-Zulfikar Organization (AZO), were reportedly killed and 14 others arrested during an encounter between them and the Pakistan Naval Task Force at Shah Bandar, in the open sea some 80 miles east of Karachi on the border with India. The incident was widely reported in the Pakistan press and many inconsistencies in the official statements were pointed out. The available evidence seemed to suggest that the encounter never took place but was apparently invented to cover up that the young men had been tortured to death or extrajudicially executed in army custody. The deaths do not appear to have been officially investigated.

Naval Task Force officials told news reporters especially flown to Shah Bandar by helicopters on 11 May, that around 2am on 9 May, the Navy had detected launch No 9268-B (23755) in one of the Shah Bander channels, about 40 miles from the Indian border, carrying a large number of people; it had tried to speed away when the naval task force got closer. The naval command had then fired warning shots in the air and "tried every possible means to stop the boat, but in vain." In the ensuing encounter seven people had died and 14 had been captured, none had been injured. Some people had managed to escape. The 14 people were brought to Shah Bandar on 10 or 11 May and held in a naval camp.

The reporters were also shown, from a distance, the 14 captured men, who were sitting blindfolded and with their hands tied behind their backs, in a tent. They were reported to be in their late 20s and to come from the interior of Sindh. They had allegedly confessed to being members of the AZO, and to having been on the way to India for training. Naval officers, who "for security reasons" insisted on anonymity, said "dozens of sensitive documents" had been seized from the detainees; they showed the reporters some letters written on the "official AZO letterhead". One of the letters, which had the initials of Murtaza Bhutto, was addressed to one Deedar, instructing him to "distribute arms and ammunition at Nawabshah, Sukkur, Thatta, Hyderabad, Dadu, Sanghar and Khairpur". Another letter directed Kamal, Mustafa Nahal Sathi and Sharif to distribute "Singapore" weapons to the leaders in educational institutions. Naval officials showed dozens of letters written in Urdu with number codes for arms distribution. The navy spokesmen refused to disclose the type and country of origin of the weapons allegedly seized in great quantities from the dead and the detainees. Later they reportedly admitted that in fact no weapons had been seized at all.

Naval officials initially did not permit the press to take photographs of the arrested men, but after consultation with intelligence personnel, photographers were permitted to take photographs from a distance but no one was allowed to speak to the prisoners.

The bodies of the seven dead were handed over to police in the district centre, Thatta. The Civil Hospital in Thatta performed a post mortem on them on 12 May. According to the medical reports, all seven had died of bullet wounds. Hospital authorities gave the names of the dead as: Mazhar Iqbal Bhatti (alias

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Safdar Jamil Bhatti) of Hyderabad; Mohammad Nawaz Lakhu of Ghotki; Mohammad Ali Bhutto of Sukkur; Mohammad Yousaf of Matli; Ahmed Ali Somro of Khairpur; Mohammad Reza Mirani and Ghulam Murtaza Mirani of Hyderabad.

The dead bodies were later on 12 May taken under heavy police guard to the Civil Hospital, Karachi, which, however, refused to admit them on the plea that it had no facilities to preserve them. They were then turned over to the Edhi Center at Sohrah Goth, Karachi which enclosed them all in plastic as they were decomposed. Family members of the dead gave unanimous accounts: the dead bodies were in a highly decomposed state and emitted a foul smell; they bore multiple injuries which appeared to have been the causes of their deaths. A correspondent of "Dawn" who examined all the bodies, reported that there were bullet injuries on only two of the seven bodies, but that all the bodies had cut marks probably resulting from torture and were quite swollen. Mohammad Nawaz Lakhu's and Mohammad Ali Bhutto's bodies were not shown to their relatives, who were reportedly only permitted to see the faces covered with plastic. The former was reportedly buried under heavy police guard in Ghotki and the police only left the cemetery after all the mourners had left. Similarly, according to his parents, his sister and brother-in-law, Mazhar Iqbal Bhatti's body reportedly bore distinct marks of violence but no bullet injuries. A family member of Mazhar Iqbal Bhatti was quoted in "Newslines" of June 1992: "His face was badly mutilated, there were bayonet cuts on the right side of his body and visible burn marks on certain sensitive parts of his body. His toes were tied with the string of a fishing net" Another relative said: "Mazhar had no bullet injury but countless torture wounds, so we buried him without ghusul [a ritual bath]". Ghulam Murtaza Mirani's family reportedly said that his body and the body of his cousin, Mohammad Reza Mirani, bore no bullet injuries but that the legs of both young men were broken and the finger nails had been pulled out.

From the relatives' accounts it appears that all the young men were active in the Sindh People's Student Federation (SPSF) and that several of them had been travelling in the interior of Sindh when they were arrested and apparently tortured to death. For instance Ghulam Murtaza and Mohammad Reza Mirani left their home in Hyderabad on 7 May to visit family members in Nawabshah. Their parents did not know of their whereabouts until the Edhi Center in Karachi told them to collect the dead bodies on 12 May. Mazhar Iqbal Bhatti was last seen by his sister on 6 May in Hyderabad where he was living in hiding after several raids of his house by the Federal Investigation Agency. His family, too, was informed on 12 May that his body was with the Edhi Center.

The arrests of the Sindhi students appears to have occurred in the context of mass arrests of members of the opposition in May 1992. The SPSF had called for a general strike on 7 May to protest against alleged rigging of the by-elections on 28 April in Sanghar district of Sindh. A SPSF spokesman claimed that some 85 party workers were detained on 7 May and that several of them were turned over to the army. According to newspaper reports the government arrested at the same time some 2,000 PPP members in Sindh in what the Home Department described as a "drive against anti-social elements, criminals, dacoits and kidnapers" but which appears to have been a clampdown on PPP members who had announced demonstrations on 14 May to protest against the alleged vote rigging. Most were reportedly detained under preventive detention laws and no criminal charges were brought against any of them. Most were released within days on personal bonds.

None of the families of the seven dead men has filed a complaint; the family of one of them said to Amnesty International: "The boy is dead anyway and we think to approach the judiciary is futile".

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The 14 prisoners were meanwhile interrogated for some 10 days by the Inter Services Intelligence (ISI), the military intelligence service, then transferred to police custody in Ladiun, Sindh. During this period they reportedly had no access to family or lawyers. ISI investigators reportedly detained about a dozen persons, mostly fishermen from the villages Ibrahim Hydri and Shah Bandar for interrogation. None of the persons mentioned in the letters allegedly found on the suspects were interrogated. The 14 prisoners were charged with sedition, conspiracy to wage war against Pakistan and other offences.

It is hoped that their trials will throw light on the context in which the seven other young men died. A constitutional petition filed on behalf of one of the prisoners, Hasan Rajar, details what may have been the sequence of events in other cases:

Hasan Rajar, a student of Sindh Law College, Hyderabad, and an active member of the SPSF, was arrested on 6 May 1992 from his home in Jamshoro by plain clothes officers. His family on the next few days attempted to trace Hasan, but none of the police stations contacted admitted holding him. On 11 May a TV news item showed several people alleged to have been detained from a boat carrying AZO terrorists, and Hasan Rajar's family identified him on the screen. The family then tried to contact Hasan Rajar in naval custody but was unsuccessful. When the family contacted the police station Ladiun, in Thatta district, in whose administrative jurisdiction Shah Bandar falls, they were told that Hasan was still in naval custody. They also found that an FIR had been registered against the 14 students on 11 May. FIR 13/93 filed by the Judge Advocate General of the navy says that a naval task force in the Sir Creek bordering India on 11 May "... at 1.30am ... heard noise of boat engine. Force reached near and [raised] alarm to stop the boat. The boat instead of stopping raised speed; force followed the boat and fired in air, immediate after fires were opened from the boat, due to encounter firing seven persons were killed and 14 arrested who were aboard the boat. Boat was drowned as it was hit ... Alive terrorist persons were handed over including documentary proof to our concerned officials. Force returned to Shahbandar with dead bodies and contacted with concerned police and informed about the incident. The dead bodies were identified by arrested persons as ... " The arrested young men are charged with offences under Section 307 (attempt to murder), 353 (assault to deter public servant from performing duty), 147 (rioting), 148 (rioting armed with deadly weapon), 149 (offence committed by members of an unlawful assembly), 120A (criminal conspiracy), 121A (conspiracy to wage war against Pakistan), 124A (sedition) of the Pakistan Penal Code and under Section 13 of the Anti-National Activities Act of 1974.

Hasan's family later contacted some of the families of the students who had allegedly been killed in the incident. The constitutional petition says, "the petitioner [Hasan Rajar's brother] was told by the parents of the deceased that they had been killed through torture and no encounter had taken place. They further disclosed that the dead bodies ... had marks of violence, their nails of fingers of hand and foot were missing, there were signs of electric shock on their bodies and ... the hairs of their bodies were missing ..." . The constitutional petition accordingly expressed concern for the safety of Hasan in the custody of the navy and requested the High Court of Sindh to have the investigation carried out by civilian authorities and the custody transferred to civilian custody. It pointed out that Hasan had not been brought before any magistrate to obtain remand, and that the confinement of Hasan in military custody without any federal or provincial agency authorizing it was unlawful.

The case was transferred from a Special Court for the Suppression of Terrorist Activities, Hyderabad to a Special Court for Speedy Trial in Karachi, then in August 1992 to another Special Court for the

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Suppression of Terrorist Activities in Rawalpindi, according to official statements, "for security reasons". The PPP expressed concern that the prisoners may be tortured to make them implicate PPP leaders in anti-state activities. PPP chairperson Benazir Bhutto called for a meeting of the National Assembly Standing Committee on Defence to discuss the arrest of the 14 youths in Shah Bandar. She demanded in a letter to the Secretary General of the National Assembly that the First Information Report of the Naval Task Force regarding the incident be presented before the Committee and that it be given the names and particulars of the dead and arrested. It is not known to Amnesty International how the government of Nawaz Sharif responded to this initiative. On 4 September 1993 the 14 defendants in the Shah Bandar case were transferred to jail custody in Karachi to be tried by a Special Court for the Suppression of Terrorist Activities in Karachi.

11. Alleged illegal detention, torture and death in custody or extrajudicial execution of Yusuf Jakhrani

Summary: Yusuf Jakhrani died in military custody in or near Pano Aqil cantonment in Jacobabad district, Sindh, after reportedly being tortured for six days; an eyewitness account of a fellow detainee suggests that the killing may have been deliberate.

Yusuf Jakhrani, in his early forties, was a well-known Sindhi political leader. In 1976 he joined the National Democratic Party of which he later became the Sindh president. He was jailed for fifteen months during the Movement for the Restoration of Democracy in 1983 and was again jailed for several months on political grounds in 1986. Jakhrani was a founder member of the Sindh National Alliance founded in 1986 and a vice-president of the World Sindhi Congress.

On 6 June 1992 at about 2.45am, a contingent of police and army raided the house of Yusuf Jakhrani in Kandhkot, in the Jacobabad district of Sindh province. Jakhrani and a friend, Dodo Khan Nandwani, were arrested in the presence of a number of family members. During a search of the house, a licensed rifle, a licensed pistol and some video cassettes were seized. No search or arrest warrants were shown.

Jakhrani and Nandwani were then taken to an army camp set up in the irrigation department inspection bungalow near Kandhkot. When Yusuf Jakhrani's father, Mir Ahmed Khan Jakhrani, a lawyer, reached Kandhkot on 7 June at about 8am and heard about his son's arrest, he approached the local police station where he was told that both men were in the custody of the army. At the army camp, he was not permitted to talk to officers, but soldiers told him that the two men were not in their custody. He then attempted to contact several police officers to establish his son's whereabouts and sent telegrams to the Chief Justice of the Sindh High Court informing him of his son's unlawful arrest.

According to members of the Jakhrani family, a message arrived on 12 June at about 8pm from the SHO of Kandhkot police station, Niaz Ahmed Chandio, that the Superintendent Police (SP) in Jacobabad had directed him to convey the message that Yusuf Jakhrani had died in army custody at Pano Aqil. When Yusuf Jakhrani's father approached the police station in Kandhkot to inquire about the cause of his son's death, he was told to go home and wait for the body. The SHO also refused to register an FIR; instead he threatened that Mir Ahmed Khan Jakhrani and other family members would be arrested if they made any trouble. Yusuf Jakhrani's father waited for the dead body until 13 June, when around 12.30pm the

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Jacobabad police informed him that the body was being taken directly to Gulsher Jakhrani village.

Witnesses who saw the dead body reported: "The whole body was covered with injuries, his neck was broken. His back appears to have been roasted and there was a burn and a fracture on his right arm. Even his genitals had cigarette burns. It seems that someone had attempted to pull out his fingernails for there were several injuries on his fingers. His nostrils were oozing blood even two days after his death." Mir Ahmed Khan Jakhrani told Amnesty International: "The back of his head was completely soft as though the skull bone had been crushed." Eye specialist Dr Boshi Ahmed stated that Yusuf Jakhrani's eyes had been burned by hot water or some acid. The family took photographs and a video film of the dead body. After the examination of the body the family again attempted to lodge an FIR and to have an official postmortem undertaken, but the SHO of Kandhkot police station reportedly turned down both requests and said he had been ordered by the District Magistrate and other authorities not to do so. On 15 June the family came to know that the police had on 8 June registered a criminal case against Yusuf Jakhrani under sections 3 and 4 of the Prohibition (Enforcement of Hudood) Ordinance of 1979 for the possession of alcohol and under section 292 of the Pakistan Penal Code (sale, distribution etc of obscene books, etc.). The FIR shows Yusuf Jakhrani to have been arrested on 8 June and states that some alcohol and pornographic videos were recovered from his possession. Mir Khan Jakhrani filed a petition in the Sindh High Court on 29 June asking it to direct the SHO Kandhkot to register an FIR relating to the unlawful detention and murder of his son. The Chief Justice of Sindh reprimanded police officers during a hearing on 27 July when he said that "... an SHO should record an FIR irrespective of the status of the person against whom allegations regarding involvement in crimes are made". During a hearing on 2 August a representative of the Sindh government informed the court that a judicial inquiry had been conducted under Section 176 of the Code of Criminal Procedure and the report was awaited. To Amnesty International's knowledge no such report has ever been made public. On orders of the Sindh High Court the FIR was finally lodged on 2 December 1992, charging several police and army officers with murder. The police investigation was completed on 18 January 1993 but by late July the police report on the case had not been submitted to the court. Acting on a further petition of Mir Ahmed Khan Jakhrani, the Sindh High Court on 20 July once again directed the Superintendent of Police, Jacobabad, to appear before the High Court and to explain why this had not been done. The outcome of this hearing is not known to Amnesty International.

Several Sindhi politicians expressed their concern about Yusuf Jakhrani's death and voiced their conviction that the death had resulted from torture. For instance Federal Minister for Defence Production, Mir Hazar Khan Bijarani, on 15 June said he regretted the death of Yusuf Jakhrani whom he had known well and added that he vouched for Jakhrani's good character. He said he believed Jakhrani's death to have been caused by torture.

Dodo Khan Nandwani gave a detailed testimony about his and Yusuf Jakhrani's detention and torture in military custody to Amnesty International: "I was asleep ... when on 6 June at about 2.45am the army came. They asked Yusuf to come down, there were about three or four majors and some soldiers. ... They began to search the house, their behaviour was rude but they did not touch us. ... They took us with them to the irrigation department inspection bungalow where the army had set up its camp. We were locked up and left alone. At about 9am, Yusuf was called out for questioning, when he came back after about an hour, I was taken to the next room. There an army officer in plain clothes interrogated me about our political work. I told him but he threatened me to tell the truth. Then my eyes were blindfolded and I was taken to another room. My wrists were tied at the back with ropes and fastened to the metal bars of the

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window. I was then punched with fists and kicked with heavy boots all over my body, on legs and genitals and chest. I could hear other people in the room being beaten, too and crying out in pain.

"I was kept in that room for two nights and one day and was beaten again and again. After that I was taken back to the first room where Yusuf was. We could talk to each other but we were kept standing for a long time, perhaps for about 36 hours, it is difficult to say. One loses the sense of time... . Whenever we sagged we were beaten. The soldiers beating us said we were agents of India and we should admit it. ... Yusuf was very weak then, he told me he had been continuously beaten during the time I had been in the other room. When they gave us something to eat, our eyebands were removed. Yusuf looked pale and weak but he did not have those terrible injuries that are seen in the photographs [of the dead body]. A Major used to come in and question us, and soldiers used to beat us Sometimes they took Yusuf to another room to interrogate him separately. ... They sometimes also offered to let me go if I told them about Yusuf's connection with India. One day they took me to a room where a fire was burning. They said they were heating an iron rod to burn me with. But one person checked my pulse and said to leave me alone, I was too weak. So I escaped - but maybe they only wanted to frighten me.

"There was only army personnel around, no other forces, they never told us why we were there, if there were any charges against us. ...

"On the fifth day, their attitude changed. Our eyebands were removed and we could wash and were given some clean clothes in the evening. We could rest, only our wrists were still tied. Next morning [12 June, the Islamic Id holiday], the soldiers came in and wished us 'Id mubarak'. At about 10am, some army people blindfolded Yusuf and took him to another room. I could hear him being beaten and crying out. After one and a half hours he was dragged in a semi-conscious state to a van. I saw him then, he looked lifeless but he did not have those terrible injuries even then. Then they came and blindfolded me and threw me into the same van. The soldiers said now they would kill us. ... even in the van they kept beating us. ... Yusuf was hit with a gun, I could hear that. He was moaning. I don't know if other prisoners were with us, the van was full of people but they may have been all army people. After a while the van stopped. An army officer came to the back and said, 'Yusuf is finished'. They shifted me to another vehicle and the soldiers said, they would finish me too, like they had killed Yusuf. ... I must have fainted for when I came to I found myself in the army hospital in Pano Aqil... . After some hours the army people took me again away in a van. On the way they stopped the car and made me stand against a wall. They said they were going to kill me and made me recite the Holy Koran. Then they fired in the air to frighten me."

Dodo Khan Nandwani was transferred on 15 June to the police station at Kandhkot; two robbery charges were used to obtain his remand until 11 July 1992. When he was brought before the magistrate, Nandwani said "I showed him my bruises which I got when the army beat me, but he did not pay any attention". He was released because the charges against him could not be established.

On 15 October 1992 Amnesty International received a reply from the Government of Pakistan to the concerns it had expressed earlier regarding Yusuf Jakhrani's death. It sets out four points:

1. According to the government communication, Yusuf Jakhrani was arrested on 8 June 1992 on recovery of liquor and video cassettes, including some pornographic videos.

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Several witnesses present in Yusuf Jakhrani's house at the time of arrest, among them Ghulam Mustafa Jakhrani and Lutuf Ali Jakhrani, have testified to Amnesty International that the arrest took place on 6 June. Dodo Khan Nandwani's detailed account of events after his and Jakhrani's arrest similarly support the Jakhrani family's assertion that the arrest took place on 6 June. Yusuf Jakhrani's father sent the first telegrams about his son's arrest and detention in an unknown place to the Chief Justice of Sindh on 7 June; copies of these telegrams were seen by Amnesty International, showing once again that the arrest must have taken place before 8 June 1992. The FIR filed on 8 June against Yusuf Jakhrani therefore appears to have been filed two days after his arrest, apparently to cover up the earlier unlawful arrest. The family also asserts that the confiscated videos were of private and political functions and not pornographic; the arms found were licensed.

2. According to the government communication, Yusuf Jakhrani was remanded to police custody by the Magistrate, Kandhkot, from 9 to 15 June 1992.

The witness account of Dodo Khan Nandhwani categorically states that neither of the two men were brought before a magistrate to obtain remand, nor had they been held in police custody but were throughout in military custody. Yusuf Jakhrani's father on 6 August 1992 applied to the Sessions Court, Jacobabad, in whose jurisdiction Kandhkot falls, for a certified copy of the remand order supposedly issued by the Magistrate on 9 June. Under section 167 of the Code of Criminal Procedure of Pakistan, a First Class Magistrate may remand a person sent before him by the investigating police for a period not exceeding 15 days and "... the magistrate, giving such order shall forward a copy of his order, with his reasons for making it, to the Sessions Judge". On 8 August 1992 the Sessions Court in Jacobabad certified that it had not received a copy of the remand order from the issuing magistrate. This non-compliance with legal requirements is taken by Mir Ahmand Khan Jakhrani as a further indication that the remand was not obtained on 9 June as claimed but produced later in order to cover up the crime. The magistrate who supposedly issued the remand order is one of the accused in Mir Ahmed Khan Jakhrani's FIR and was reportedly present at the time of arrest on 6 June.

3. According to the government communication, Yusuf Jakhrani died on the way to Pano Aqil and the post mortem was conducted by the Medical Superintendent, Taluka Hospital, in Pano Aqil on 13 June. The viscera was sent to the pathological laboratory in Karachi for tests. The government communication adds that "... the medical opinion regarding cause of his death has been reserved and will be determined as soon as the reports are received".

So far neither the Jakhrani family nor Amnesty International have received any such report. A copy of the post mortem report obtained by the Jakhrani family says that all the internal organs were healthy at the time of death which would appear to suggest that the story put out by police to the press shortly after Yusuf Jakhrani's death that he had died of heart failure and overheating are not tenable. The post mortem report also mentions that the skin was peeled off in an area measuring 18x12 cm on his buttocks but does not explain the possible cause of injury. The testimonies obtained from Yusuf Jakhrani's fellow prisoner Dodo Khan Nandwani and from witnesses who saw the dead body and the photographs made of the body strongly support the view that Yusuf Jakhrani died following severe torture.

4. The last paragraph of the government communication mentions that two constitutional petitions, one filed by Yusuf Jakhrani's father, the other by the Chairman of the Human Rights Commission of Pakistan, Justice (retd.) Dorab Patel, were then pending before the Sindh High Court at Karachi, the latter of which

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was dismissed.

12. Illegal detention, torture and extrajudicial killing or death in custody of groups of villagers

Summary: Reported illegal arrest of groups of villagers by the law enforcement agencies and torture in their custody; deaths in custody or extrajudicial executions of some of these men.

Amnesty International has received information that in several instances law enforcing agencies have raided villages in Sindh and Punjab, possibly in search of political opponents of the government or groups of dacoits or bandits and then arrested large numbers of villagers. For instance Deh Issa Wali village under police station Ghotki in Sukkur district in Sindh province, was raided on 12 August 1992 by around 30 men in uniform comprising local police and army under the joint command of Colonel Shaheed Pathan and Iqbal, SHO of Ghotki police station. The village population consists of some 20 men, 20 women and their children living in 6 huts. The law enforcing agencies reportedly first encircled the village, then fired into the air and ordered everyone to leave their huts which were then searched and ransacked. They did not explain what they were looking for; they found two licenced arms, one single and one double barrel gun, which were returned to their owners. Without giving any reason for the arrest, they then took ten men to an army camp which had just been set up a mile from the village.

Several villagers went to the army encampment on 13 August and the following days, but they were told that the ten men were not in the custody of the army.

On 20 August police from Ghotki police station informed the villagers that three dead bodies were to be collected from the police station. The bodies of Qamruddin Indhar, his son Khadim Indhar, and Subho Indhar reportedly bore distinct torture marks. According to witnesses the arms and legs of the dead were broken and coagulated blood was seen on the bodies and faces of the dead bodies. There also reportedly were bullet injuries.

The villagers then took the bodies back to their village and on the following day, under army and police supervision, buried the dead. After several futile attempts to lodge a complaint with the police, one of the villagers, Mahbat, on 1 September filed a constitutional petition seeking to lodge an FIR regarding the killing of the three men; army and police officers involved in the raid on 12 August were issued with notices to appear before the High Court on 14 September. On 12 September, however, the petitioner's and other villagers' homes were again ransacked by the same joint army and police group, and four villagers, all nephews of Mahbat, were arrested and taken to the army camp near Ghotki. On 19 September one more villager, Jaffar, was arrested and reportedly tortured; he was released on 29 September, but on the same day his son, Feroze, was arrested and taken to the army camp. It is not known at present if he is still in detention.

One of the 10 men arrested on 12 August, Ali Mohammad, was released after ten days. In his affidavit he said that he and his fellow prisoners were blindfolded and severely beaten and that they could hear other prisoners being tortured and crying out. Two of the men arrested with him on 12 August, Abdul Khalique and Khan Mohammad, were charged with murder; the FIR shows their arrest to have taken place on 29 August 1992. They are being tried by a Special Court for the Suppression of Terrorist Activities at

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Khairpur.

Of the remaining six men arrested on 12 August, three were charged with illegal possession of arms under section 13D of the Arms Ordinance. An FIR lodged against them on 13 December 1992 at Malik police station stated that Makhno, Bagan, and Ali Mubarak were apprehended on that day near Deparja by law enforcing agencies during an armed encounter with unlicensed arms and ammunition. Several villagers told Amnesty International that they had witnessed the arrest of these men together with seven others on 12 August 1992 from their village; the FIR cites as witnesses of the supposed arrest on 13 December only the arresting members of the law enforcing agencies. Apparently the three men were transferred to Malik police station on or around 13 December 1992 and remanded to police custody in connection with the charge brought against them.

It is not known to Amnesty International at present if the remaining three men arrested on 12 August have been released in the meantime or if they, too, have been criminally charged.

Sattar Bux, one of the four nephews of Mahbat arrested on 12 September, in his affidavit stated that he and his three fellow prisoners were blindfolded and tortured. They were reportedly threatened with further reprisals if Mahbat did not withdraw his constitutional petition. In the evening of 25 September, he and one other man, Bagu, were released, while his father, Mohiuddin, was transferred to Ghotki police station. The fourth prisoner, Gul Hassan, apparently continued to be held at the army camp near Ghotki. Amnesty International does not at present know if these two men, Mohiuddin and Gul Hassan, were released.

A local journalist reported to Amnesty International that he had been called to the army headquarters in Pano Aqil and warned not to cover the incident, as those involved were criminals and should not be portrayed as victims. When his reports were used in a High Court hearing a month later, he was allegedly threatened again to keep out of it.

The non-governmental Human Rights Commission of Pakistan (HRCP) reports that similar incidents in which large groups of villagers were terrorised by police and in which false charges were brought against them are a "peculiar, and somewhat new feature of abuse of power by the police". Other cases of illegal detention of groups of villagers cited by the HRCP reportedly took place in the villages Babliana and Karbath near Lahore and in Sahiwal, all in Punjab province.

Appendix B: Table of some instances of deaths in custody and extrajudicial executions reported in the media in Pakistan in 1992 and 1993

Name	Date of death	Date, place, circumstances of arrest or detention	Circumstances and place of death	Action taken by officials
Fakhir Mohammad of Karachi, Sindh	1 Jan. 1992	Arrested on 31 December 1991 by	Fakhir Mohammad died apparently of	Three police officers were charged with

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		officers of police station Nazimabad, Karachi, for reasons not known to Amnesty International	concussion sustained in custody.	murder after a magistrate conducted an inquiry. In May 1993 they escaped from the High Court building in Karachi when their interim bail before arrest was rejected. It is not known if the case has been concluded.
Mohammad Yasin, of Lahore, Punjab	21 Jan. 1992	Police signalled to Yasin who was travelling by car late at night in Lahore, to stop, but he continued. Shortly afterwards two police cars converged on Yasin's car and police opened fire without warning.	When the car stopped the five occupants reportedly begged to be spared. Police then shot them from point blank range. Yasin died on the spot, the others were injured and treated in Services Hopital.	Four police officers were arrested, but it is not known if further action was taken. Punjab Chief Minister Ghulam Haider Wyne told the Punjab Assembly that Yasin had been the victim of circumstances rather than police brutality and that police had only aimed at the tyres: "We have not tried a cover-up. We could have planted unlicensed arms in the car ...". Demonstrations against police excesses followed.
Laeq Ahmed, aged 30, a businessman from Mughalpura, Punjab	22 Jan. 1992	--	Police said they found Laeeq Ahmed's body on 22 January on a road near Mughalpura next to his car. His family insisted that Laeeq Ahmed had no enemies and that the numerous contradictions in the police story strongly suggest that police robbed and killed him. According to the	Police filed a complaint against unknown persons for murdering Laeeq Ahmed. It is not known if the police inquiry has been concluded.

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			post mortem he was shot from close range.	
Maqbool Ahmad of Karachi, Sindh	3 March 1992	Maqbool was arrested by police from Model Colony police station, Karachi. The date of arrest is not known at present.	According to the victim's father, Mohammad Ali, Maqbool Ahmad was shot dead in police custody; the Inspector General of Police in Karachi stated that Ahmad was injured in an encounter, treated in custody but died.	Upon a complaint by the victim's father, the Sindh High Court in May directed police to submit a report on Ahmad's death. Mohammad Ali claimed that there had been no encounter and that the charges against his son were false. The result of the High Court hearings is not known.
Akhtiar Magsi, a taxi-driver, and Akram Baloch, a student, of Mirpurkhas, Sindh	28 March 1992	They travelled in Magsi's taxi when two men in plain clothes in a van signalled them to stop. They ignored this, fearing these were bandits. At the railway crossing the van stopped next to them.	The van occupants got out and shot Akhtiar Magsi and Akram Baloch from close range. The latter died on the spot, while Magsi died in Mirpurkhas Civil Hospital.	Civil Hospital personnel identified the killers as members of the law enforcement agencies. Police refused to register a complaint by the victims' families. The guard at the railway crossing, an eye-witness, was beaten by police and ordered to stay silent.
Syed Ali Haider Shah, a 45-year old landlord from Dadu, Sindh	10 or 11 June 1992	Arrested by the army on 8 June 1992 from his home near Dadu on charges of harbouring bandits.	According to army sources his death was due to heart failure, but his body bore numerous torture marks.	In response to a wave of protest, a medical board was set up; its autopsy report noted that his clothes were blood-stained and listed a number of injuries. A judicial inquiry under the Sub-Divisional Magistrate, Dadu, was set up in December 1992, but its results are not known to Amnesty International.
Ashgar Narejo, aged 20, a villager	about 18 June	Arrested by army and police near	Waris Narejo, who was arrested with his	No action by the authorities known to

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from Ketu Bhutto near Larkana, Sindh	1992	Khairpur on 13 June along with 17 relatives who were released within days.	brother, said Ashgar was hung from a tree and severely beaten with sticks and steel rods, but officials declared he had died of a heart attack.	Amnesty International.
Ibrahim, a prisoner under trial, in Lahore, Punjab	18 June 1992	It is not known to Amnesty International when he was arrested or on what charges.	Ibrahim died after allegedly hitting his head in the police van on being refused drinking water on his way back to jail from court.	No action by the authorities known to Amnesty International.
Khan Mohammad Korai from Moro, Sindh	3 Aug. 1992	Arrested on 2 August by the 47 Frontier Force Regiment from Moro after they had searched in vain for Ali Ahmad Korai, his brother.	The day after the arrest, his family was given his body by the army who took signatures on blank paper from them. The body reportedly bore multiple injuries, fractures of neck and leg and electric shock marks.	Colonel Zafar who brought the body reportedly admitted that the victim had died after torture and said those responsible would be court-martialled. No post mortem was conducted and the family was warned not to lodge a complaint. A petition filed by Ali Ahmad Korai was heard in March 1993 by the Sindh High Court which called for a decision by the military court of inquiry.
Raza, aged 24, of Karachi, Sindh	12 August 1992	Raza was going on a motorcycle with a relative, when a mobile police unit stopped him. During the checking of his documents they severely beat him. After police let them go, he collapsed and died.	His body was later brought to the Airport police station and then sent for an autopsy. The result is not known.	Police have registered a complaint against the mobile police party, but it is not known if further action was taken.
Ghulam Nabi	14	Apparently detained	The dead body was	Police refused to

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Lakho, a farmer from Moro, Sindh	August 1992	by police while on his way to a shrine on 14 August.	handed over to the family on 15 August by Moro police; its spine was broken and there were gun shot marks.	register an FIR; his uncle then petitioned the Sindh High Court. It is not known if any action was taken.
Kaloo Bungalani, aged 27, a peasant from Sindh	mid-Aug. 1992	Arrested with five other villagers by police from Sakrand at Sabu Bahu bus stop on charge of cattle stealing; the other five men were released after a short time.	Sent back unconscious to his village where he started vomiting blood, Bungalani was then admitted to Nawabshah Civil Hospital and died the following day.	No action by authorities known to Amnesty International.
Abdullah Jatoi, Hayat Jatoi and one unnamed man of the Jatoi group in Sindh	17 August 1992	Army and police from Drigh near Shikarpur raided village Jatoi, killed one (unnamed) person on the spot and arrested three other men.	On the day after the arrest, Abdullah Jatoi and Hayat Jatoi died in army custody. Their bodies were not handed over to the family.	No action by authorities known to Amnesty International.
Ahmed Khan Bhand, aged 35, of Yaro Lakhir near Larkana, Sindh	25 August 1992	Arrested by army patrol along with his brother, Muneer Ahmed, aged 16, and nine others on 23 August from their village; the 11 men were taken to an army camp near Badah. Next day all but the two brothers were released.	Their father, Muharram Khan Bhand, said Ahmed was brought by the army to his house in the village to show hidden arms. When he pleaded ignorant, he was beaten to death in front of the villagers. It is not known what happened to Muneer Ahmed.	Muharram Khan Bhand sent telegrams to civil and military officials and party leaders, but it is not known if any action was taken.
Qalander Bukhsh Brohi, a journalist from Badah, district Dadu, Sindh	26 August 1992	On a visit to Karachi, Bukhsh was arrested by officers of police station Khwaja Ajmer Nagri in the presence of his	When he demanded to know the reason for arrest, he was struck with a rifle butt by a police officer and hung upside down. He died	Police claim that he sustained a "minor head injury" in an "encounter" and his condition in custody "suddenly deteriorated". An autopsy was

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		brother, Rahim Bukhsh.	on the way to hospital.	ordered, but the result is not known.
Mohammad Khaskheli, a house servant, in Jhalloo village near Ghorabari in Thatta district, Sindh	Sept. 1992	The law enforcement agencies searched for an alleged terrorist, Sikander Shah, in the house of Pir Jhalloo Sharif.	Khaskheli was beaten to death when he resisted their entry into the house of his employer, Sharif.	No official of army or civil administration gave any comment when approached by the victim's family and the media.
Saleh Ujjan, of village Khura near Gumbat Kairpur, Sindh	19 Sept. 1992	Seven villagers were arrested by police and army on 19 September and taken to a nearby army camp.	Saleh Ujjan died of his injuries on the day of arrest.	No action by the authorities known to Amnesty International.
Abbas Ali, alias Kando Jagirani from Sindh	24 Sept. 1992	Arrested by police and army on 19 September in Khairpur along with his uncle, Jabbar Jagirani; they were held at an army camp near Ahmadpur.	Abbas Ali died in the army camp, his body was handed over to Pir Jo Goth police who announced that he had been a notorious criminal and was killed in an encounter.	No action by authorities known to Amnesty International.
Ahmad Khan, aged 30, of village Pir Mohammad Narejo near Gumbat Khairpur, Sindh	24 Sept. 1992	Police and army raided the village on 20 September and arrested four persons, including a seven-year old child. They were taken to Piri camp where two of the men, Allah Rakhiyo and Ahmad Khan, were tortured and lost consciousness.	After their release, Ahmad Khan was taken by ambulance to Karachi but died on the way.	No action by authorities known to Amnesty International.
Ali Sher Chandio, a farmer from village Kauro Khan near Khairpur Nathan Shah, Sindh	6 Oct. 1992	Arrested by police and army on 20 September, Ali Sher Chandio was handed over to his family on 5	He died on the way to the hospital in Larkana.	No action by authorities known to Amnesty International.

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		October. He was unconscious and bruised all over his body.		
Mohammad Razzaq of Kamoke in Gujranwala district in Punjab	22 Oct. 1992	Arrested on 22 October by Kamoke police on suspicion of an illicit relationship with a girl; his father, Mohammad Anwar, was arrested as well. Both men were severely beaten in custody.	Mohammad Razzaq died on the same day, but police did not hand over the body but buried it in a nearby graveyard.	Mohammad Razzaq's father filed a petition in the Lahore High Court to have the body exhumed and examined by a medical board. The High Court ordered a guard posted at the grave to prevent tampering with the body. It also ordered the Senior Superintendent Police of Gujranwala to investigate the death and the Director of the District Health Department to undertake the autopsy and medico-legal assessment. The result is not known to Amnesty International.
Aurangzeb, aged 28, of Sukkur, Sindh	Nov. 1992	Aurangzeb was arrested in September on charges of possessing heroin.	He died in detention in Sukkur jail and was buried in Qayyumabad graveyard.	A post mortem report of Civil Hospital, Sukkur, stated that Aurangzeb's death had been due to natural causes but his parents filed a petition alleging that he had died due to torture; a medical board that supervised exhumation on 29 November found that no post mortem had been performed on the body earlier. Further results are not known.
Mohammad Liaqat, alias Boota, from Sheikhpura,	Nov. or Dec. 1992	Boota, his wife Hamida Begum and three daughters were arrested on 12	Police claimed that Boota had died in an encounter with police. A post	Boota's mother filed a writ petition to have her son's death investigated; on 24 November the

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Punjab		October by police from Bikhi police station, Sheikhpura. Boota's wife testified that in the police station she was stripped and tortured. Boota was held in another room from where she heard his screams. She was then transferred to a private house and detained for a month.	mortem, performed 24 hours after his death by the same doctor who was later found to have issued a false post mortem report for Mohammad Irshad confirmed this.	Lahore High Court ordered the body to be exhumed and a new post mortem to be performed by a medical board to be set up for this purpose. The Additional Deputy Commissioner of Sheikhpura was deputed to probe the death. The outcome of the inquiry is not known to Amnesty International. The High Court ordered the SHO of Bikhi and the Superintendent Police of Sheikhpura to appear in Nov. The outcome is not known.
Bhural Jatoi, of village Dost Ali Jatoi in Sukkur district, Sindh	22 Dec. 1992	Arrested with six other villagers by officers of police station Dubbar, district Sukkur, Bhural Jatoi was hung upside down for 24 hours, cut with razor blades and kicked in his chest.	He died of his injuries.	No action by authorities known to Amnesty International.
Zulfikar, of Faisalabad, Punjab province and his wife, Humera	23 Dec. 1992	Zulfikar, an alleged bandit, was stopped on 23 Dec. when he was leaving Faisalabad. He attempted to turn his car round but it slid into a ditch.	Police, instead of arresting him, opened pointblank fire and killed Zulfikar and his wife, Humera. Witnesses declared that there were a large number of police officers who had surrounded the car and could have arrested them.	No police officer was injured in what police said was an "encounter"; an FIR filed against Zulfikar and Humera charged them with opening fire on the police party but eye witnesses said they Zulfikar and Humera were fired at first.

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Karmoo Brohi and Nisar Kalhor from Sindh	1 Jan. 1993	Reportedly arrested a week before their deaths by the law enforcement agencies in Larkana district.	Died in military custody.	According to the law enforcement agencies several bandits were rounded up and two died in heavy firing.
Ghulam Hussain, from Sanghar, Sindh	17 Jan. 1993	Arrested in early January in Shahdadpur by police from Sanghar, he was later taken to village Batchoo Burdi where he had allegedly hidden a cache of arms.	Police from Sanghar stated that the arrested bandit had started to fire at them in Batchoo Burdi, and was killed in police fire. Reports indicate that police in Nawabshah demanded that the bandit be handed over to them in view of the high reward on his head but that police in Sanghar allegedly preempted this by killing him.	No action by authorities known to Amnesty International.
Nazar Muhammad Khaskheli, a farmer from district Mirpurkhas, Sindh	29 Jan. 1993	Arrested on 29 January while working in his fields in Samao, district Mirpurkhas, along with three other men by police and army. The other men were tortured but released after a day.	Khaskheli's body was brought to the Civil Hospital in Badin which refused to admit him for post mortem without police declaration about a death in custody. The Civil Surgeon and two military doctors performed the post mortem after police had declared that he had died "accidentally" but reserved their opinion pending laboratory tests. The victim's father said the body had injuries on the back and	The District Magistrate in Badin ordered a judicial inquiry. The result is not known to Amnesty International.

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			forehead and the backbone was crushed.	
Mohammad Arif Khatiyani, a 19-year old student and PPP activist, in Hyderabad district, Sindh	June 1993	Arrested on 4 June from his home in Arif Khatiyani, Hyderabad district, Mohammad Arif was taken to Tando Jam police station, where three police officers allegedly tortured him.	On 7 June he was given first aid in the police station for injuries sustained there and released when his condition deteriorated. His father could not get him admitted to Civil Hospital Hyderabad without police report; he was then taken to Rajputana Hospital where he died. Apparently kidneys and liver were damaged as he was passing blood with his urine.	Police at Tando Jam police station repeatedly refused to register an FIR against the three police officers allegedly responsible for his death, but on 22 July 1993 the Sindh High Court, on a petition by his father, directed it to do so. It is not known if the police investigation has begun. The Sindh Police Department on 21 July declared to the press that Mohammad Arif had never been arrested by Tando Jam police, "... therefore the question of torture by police does not arise".
Makhno Khan Jagirani, from Sabul Jagirani near Ahmedpur, Khairpur Mirs district, Sindh	July 1993	Police from Ahmedpur police station raided the village on 5 July and arrested some 15 persons, including several juveniles as suspects in a robbery case, who were taken to Wadha Machoon police post. All were released after reportedly paying bribes, except Jagirani.	Makhno Khan Jagirani, who was lame and suffered from kidney troubles, was allegedly tortured as he refused to pay a bribe for his release. He died in police custody, and police state that he died a natural death due to kidney failure.	A procession protesting against his death and against the district administration's inaction, was threatened with "dire consequences" by the Deputy Commissioner in Khairpur, if they did not give up the protest. No action by authorities is known to have been taken.
Amir Bux Khatti, aged 20, of village Gul Mohammad	6 July 1993	Around 1a.m. police and army from Tando Jam raided	According to police, Amir Bux Khatti died during an	Police refused to register an FIR and reports suggest that

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Khatti, near Tando Jam, Hyderabad district, Sindh		the village which, police claimed, was providing food and shelter to bandits. Several villagers were beaten and five were arrested. It is not known when they were released.	"encounter", but villagers, including family members testify that he was taken from his home, when he resisted the search, and deliberately shot dead by police and army; his body was not handed over to his family.	police offered to drop the charges against the four detained men if the villagers did not insist on the inquiry into Amir Bux' death. It is not known if any action was taken.
Ijaz Khan, a 28-year old tribal person from village Lakrai in Mohmand Agency	5 July 1993	Arrested on 5 July by officers from Kohsar police station in Islamabad on the charge of possessing fake currency notes, Ijaz Khan was detained for questioning.	According to police sources, Ijaz Khan committed suicide in his cell.	While police argued that there was "material evidence" that he committed suicide, and that cell mates were witnesses of the suicide, trade associates of Ijaz Khan were convinced that he was tortured to death. The District Magistrate, Islamabad, ordered a judicial inquiry; a departmental inquiry was also announced. The findings of either inquiry are not known. A medical board found some torture marks but reserved judgement pending a laboratory report.
Haji Abdul Aziz, a 75-year old trader in Hyderabad, Sindh	6 July 1993	On 4 July five army men in uniform bought cigarettes in his shop but when it took the old man some time to issue a receipt, they beat him.	He was taken unconscious to Liaquat Medical College in Hyderabad, later to Liaquat National Hospital in Karachi where he died.	Military authorities said those responsible would be court-martialled. It is not known if any action was taken.
Mohammad Rahim Burfat, a railway employee	27 July 1993	Four uniformed men of the paramilitary Bajur	The paramilitary group opened fire on Burfat; when he	The four men are in military custody, but the investigation appears

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in Kotri, district Dadu, Sindh		Scouts approached Burfat and ordered him to take them to his brother. On the way, Burfat, afraid for his younger brother, attempted to run away.	collapsed, they fled. Burfat died soon afterwards.	held up by a controversy about whether civilian or military authorities should have custody. Military sources said they would court-martial the men.
Mohammad Sarwar, aged 42, a security guard and trade union activist of Thatta, Sindh	27 July 1993	Some 24 trade unionists were arrested from their quarters in the mill colony on 26 July 1993 by officers of Mirpurbathoro police station after Dewan Sugar Mill management had filed a complaint against them. They allege they were tortured in custody to make them resign.	According to another detainee Zahoor Ahmed, Mohammad Sarwar cried with pain from spinal injuries sustained in the police station before he died.	A post mortem was undertaken but its result is not known. The Thatta District Magistrate ordered a judicial inquiry but its result is not known. It appears that no complaint was lodged, nor any arrests made.
Nazir Ahmed, a fisherman of Karachi, Sindh	3 August 1993	Arrested on 19 July on charge of theft by Kharadar police station, remand was obtained for police custody till 29 July.	When he was again brought before a magistrate on 31 July to extend remand, he was sent to Landhi Jail instead in view of his serious injuries. In jail he apparently did not get any medical attention. On 3 August he was transferred to Civil Hospital, Karachi, where he died. His body had extensive cut marks and injuries to his genitals.	After Nazir Ahmed's father applied to the Sindh High Court, a case of murder was registered on 17 August against a police officer of Kharadar police station. Doctors of Civil Hospital confirmed that the death had been due to severe torture. Police claim that torture was inflicted in Landhi Jail while jail officials say he had already been tortured in the police station. It is not known if the police is investigating the case.
Wasir, alias	8 August	Arrested on 7	Wazir died the	No action by authorities

