



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2003/NGO/162  
15 March 2003

ENGLISH ONLY

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COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD

Written statement\* submitted by South Asian Human Rights Documentation Centre (SAHRDC),  
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

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\*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### Torture and arbitrary detention in Pakistan

Pakistan's recently re-enacted Constitution and its Penal Code expressly forbid torture and other cruel, inhuman or degrading treatment. It is thus the duty of the State to protect the rights of prisoners, including their detention in conditions that ensure their dignity and safety.

However, there is clear evidence from numerous reports that these rights are grossly and routinely violated. Most prisoners are detained in appalling conditions, many are tortured and some even die thanks to their treatment. Administrative officials tend to respond to such deaths in custody and poor conditions of detention with a notable lack of concern. Moreover, government ministers have been quoted as saying that police frequently have no other investigative techniques to extract confessions but the use of force. NGO activists are barred from conducting visits to prisons.

Attempts have been made to outlaw torture, such as the October 2001 issuance of standing orders by the Sindh Inspector General of Police not to use torture and his insistence that he would hold senior police officers criminally responsible for torture and deaths in custody in their jurisdiction. However, reports of torture and harassment in custody continue.

Police regularly torture, beat and otherwise abuse persons. They routinely use force to elicit confessions, although the influence of army monitoring teams seems to have resulted in a recent reduction of reports of torture by police. Owing to such widespread torture, suspects usually confess to crimes regardless of their actual culpability. Common torture methods include: beating; burning with cigarettes; whipping the soles of the feet; sexual assault; prolonged isolation; electric shock; denial of food or sleep; hanging upside down; forced spreading of the legs with bar fetters; and public humiliation. Prisoners in 'Class C' (the most basic) prison cells reportedly suffer the most abuse, including beatings and forced kneeling for long periods of time. Health care has been denied at Faisalabad Central Prison, despite instructions by the prison doctor. Some magistrates help cover up such abuse by issuing investigation reports stating that the victims died of natural causes. Amnesty International estimates that at least 100 persons die from police torture each year.

In April 2002, 32-year-old Shakeel Ahmed died in custody after being allegedly subjected to torture. According to a media report, two policemen of Orangi Town police station in the city of Karachi intercepted Shakeel, allegedly took away some of his money, and took him to Pakistan Bazar outpost where he was tortured. Upon his death, police filed a charge of drug possession in order to justify the detention. A senior police officer later said Shakeel was a drug addict but was not wanted in any criminal case.

Women are often detained overnight at regular police stations and abused by male officers. This is in spite of the fact that court orders and regulations state that only female officers may interrogate female suspects. Based on Lahore newspaper reports from January to May 1999, the Human Rights Commission of Pakistan found 11 cases of violence, rape or torture of women in police custody. Many children in prison were born to female inmates who were sexually abused by prison guards.

Children in detention are also subjected to torture and mistreatment, according to a 1999 Human Rights Watch report. Human Rights Watch reports that detained children are frequently beaten and tortured to extract confessions, to punish them or to extort payment from their families for their release.

Unchecked powers of arrest, investigation and prosecution have been combined in a single institution, the National Accountability Bureau (NAB). The NAB was formed after the National Accountability Ordinance was enacted in November 1999, ostensibly to facilitate prosecution of officials and other leaders for corruption and other illegal acts. However, it seems more likely that it was an effort to forestall the Alliance for the Restoration of Democracy's efforts. The ordinance provided for detention of suspects for up to 90 days without charge, abolished bail and established special accountability courts. In April 2001, Pakistan's Supreme Court ordered the government to modify the ordinance such that the right to bail would be restored and pre-trial detention would be reduced to 15 days. Yet the court order did little to limit the potential for selective application of the law; at the court's discretion, detention periods could be extended, while the burden of proof remained on the accused.

Police arbitrarily arrest and detain citizens, contravening the law, which prohibits arbitrary arrest and detention. However, the law does permit District Coordinating Officers of local districts to order detention without charge for 30 days of those suspected of threatening public order and safety. Such detention may be extended in 30-day increments, up to a total of 90 days. Yet human rights monitors report instances in which prisoners jailed under the Maintenance of Public Order Act have been imprisoned for up to six months without charge. Sometimes citizens are detained arbitrarily without charge or on false charges to extort payment for their release or to fulfil personal vendettas.

Those awaiting trial are sometimes held in jail for longer than the sentence that they would receive if convicted. Under the law, detainees must be brought to trial within 30 days of their arrest. However, in many cases, trials do not start until six months after charges are filed. The new Anti-Terrorism Ordinance 2002 moreover allows police to detain suspects for up to a year without charge, greatly increasing the risk of torture of such persons in detention.

Islamabad's support to the United States in its 'war on terror' also brought into focus the treatment of detainees in Pakistan. Federal Bureau of Investigation (FBI) agents – who were sent to Pakistan to assist Pakistan in counterterrorism – were said to have received intelligence of interrogations in which Pakistani interrogators used torture. They also participated in raids in which those captured disappeared into Pakistan's detention system. In October 2002, a respected orthopaedic surgeon, Amir Aziz, was picked up by US FBI agents and five Pakistani military intelligence agents from Ghurki Hospital in the city of Lahore on suspicion of financing and treating Al Qaeda operatives. A press report quoted a senior Pakistani military official as saying the Dr. Aziz's name was mentioned during interrogation of alleged Taliban and Al Qaeda prisoners in US custody. The Pakistan Professional Forum and the Pakistan Medical Association however called the doctor's alleged links with Al Qaeda "baseless".

Minorities in Pakistan – Christians, Shias and Ahmadis – face a disproportionate amount of torture and harassment in custody. Cases of custodial torture as well as deaths were reported throughout 2002.

Robin Piranditta was detained under Maintenance of Public Order in September 2002 after an attack on the Institute for Peace and Justice (IPJ), a Christian charity organisation in Karachi, in which seven IPJ workers were killed. Piranditta, an office assistant, returned to the office after the massacre and found his colleagues lying in pools of blood. The assailants had also beaten him up before fleeing. The investigating agency however allegedly found discrepancies in his statement and detained him. Piranditta reportedly underwent severe torture during his detention. An investigation officer deputed by the court to check on the detainee found clear signs of torture and also reported that Piranditta was under severe mental stress and that his health had declined considerably. A court later held the detention illegal and ordered his release. Immediately afterwards, however, the police, in gross violation of the court's order, rearrested Piranditta. They later claimed he had been released. His wife however said he had not returned home.

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