



HUMAN  
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# “This Crooked System”

Police Abuse and Reform in Pakistan





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## **Police Abuse and Reform in Pakistan**

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# “This Crooked System”

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# Map



## Glossary of Terms and Abbreviations

ASI – Assistant Sub-Inspector

ASP – Assistant Superintendent of Police

CCPO – Capital City Police Officer

CCPSC – Capital City Public Safety Commission

CMIS – Complaint Management Information System

CONFIRM – Committee for Online FIR Management

CPLC – Citizen-Police Liaison Committee

CrPC – Criminal Procedure Code of Pakistan

CSS – Central Superior Services of Pakistan

*dacoity* – banditry

*dharna* – sit-in

DPO – District Police Officer

DPSC – District Public Safety Commission

DSP – District Superintendent of Police

FATA – Federally Administered Tribal Areas

FIR – First Information Report

FIRMIS – FIR Management Information System

FPCA – Federal Police Complaints Authority

*gunda* – thug

*hari* – landless tenant farmer

HRCP – Human Rights Commission of Pakistan

HRMIS – Human Resource Management Information System

ICCPR – International Covenant on Civil and Political Rights

IG – Inspector General of Police

*Ishtihari* – an escapee who goes into hiding after being released on bail

*Jirga* – tribal justice and dispute resolution system

JIT – Joint Investigation Team

KPK – Khyber-Pakhtunkhwa

*Littar* – a strip of leather often used in beatings

MLE – Medico-legal Exam

MPA – Member Provincial Assembly

*Nazim* – mayor



NPSC – National Public Safety Commission

NRB – National Reconstruction Bureau

*Panchayat* – community justice and dispute resolution system

PAT – Pakistan Awami Tehrik

PCA – Police Complaint Authority

PCC – Police Complaints Commission

PPO – Provincial Police Officer

PPSC – Provincial Public Safety Commission

PROMIS – Police Record and Office Management Information System

PSP – Police Services of Pakistan

*Roola* – metal rod

*Roznamcha* – a register for recording the daily activities of a police station

RPO – Regional Police Officer

*Sardar* – tribal chief

SHO – Station House Officer

*Sifarish* – recommendation

SIU – Special Investigating Unit

SSP – Senior Superintendent of Police

*Thana* – police station

*Wadera* – a Sindhi term for a feudal landowner

WAR – War Against Rape

*Zamindar* – landowner



## Summary

I have no hope of getting justice in this crooked system.

—Umar Daraz, Karachi, January 2016

How do you expect us to recover stolen items from hardened criminals? Do you think they will agree if we say, ‘Be nice to us and return what you stole?’

—Police officer, details withheld, Pakpattan, November 2014

My staff and I are expected to be on duty 24 hours a day. We are perpetually exhausted.... How can you expect people to work under such conditions and not crack?

—Police officer, details withheld, Pakpattan, November 2014

On July 12, 2010, Allah Rakha’s son died before his eyes, shot dead by police. Neither side disputes that officers killed Shahbaz, 24, on that day. What they do disagree upon are the circumstances in which he died and the reasons that police fired that day. According to Allah Rahka, Shahbaz was unarmed and the police shot him in cold blood. The police say they were chasing criminal suspects and fired in self-defense after Shahbaz shot at them. More than six years later, Allah Rakha said he still waits for justice:

There are many other witnesses to his killing... Not only have the police killed my son, they have also sullied his name by making it seem as if he was a criminal. He was not a criminal.

Public surveys and reports of government accountability and redress institutions show that the police are one of the most widely feared, complained against, and least trusted government institutions in Pakistan, lacking a clear system of accountability and plagued by corruption at the highest levels. District-level police are often under the control of powerful politicians, wealthy landowners, and other influential members of society. There are numerous reported cases of police extrajudicial killings of criminal suspects, torture of detainees to obtain confessions, and harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces.

This report documents custodial torture, extrajudicial executions, and other serious human rights violations by the police in Pakistan. It details the difficulties that victims of crime and police abuse face in obtaining justice, including the refusal by police to register complaints (known as First Information Reports or FIRs), their demands for bribes, and biased investigations. The poor and other vulnerable or marginalized groups invariably face the greatest obstacles to obtaining justice in a system that is rigged against them. It also examines limitations, including financial and human resource constraints, which police say impact their ability to function properly, and looks at examples of some good police practices that can serve as possible models for the future.

Several police officers who spoke to Human Rights Watch openly admitted to the practice of false or faked “encounter killings,” in which police stage an armed exchange to kill an individual already in custody. Such killings may be carried out because of pressure from higher command or local elites, or because the police are not able to gather enough evidence to ensure convictions. Police are rarely held accountable for these killings and families of victims are deterred from filing complaints against police out of fear of harassment or being accused of false charges.

The corruption and abuse endemic to the Pakistani law enforcement system are often described as “*thana* culture,” after the Urdu word for police station. Many police officers told Human Rights Watch that abuses can often be explained, if not justified, by the considerable pressures placed upon them. They listed organizational shortcomings, inadequate training and resources, lack of requisite funds, poor working conditions, and lack of coordination with other law enforcement agencies as obstacles to transparency and accountability within the police force. All of these problems, they said, were exacerbated by pressures imposed by senior police officials to achieve results, and by politicians and other local elites with their own agendas.

## **Failure to Register and Investigate Crimes**

Several people interviewed for this report, particularly members of marginalized socioeconomic groups, raised concerns about not being able to register a First Information Report (FIR) with police because of what one activist described as the “financial cost of doing business with the police”—an allusion to bribe-taking—or the fear of harassment or threat. It is difficult for those without political or financial influence to file an FIR,

particularly if they seek to implicate someone more powerful in a crime. As one senior police officer said, the FIR is often used as a “tool of oppression... by the ruling elite against the weak and powerless.”

For instance, in November 2014, four armed men entered Ahmed’s shop in Pakpattan, beat him and his son, and emptied the register. Ahmed went to the police station to identify two of the men who allegedly had robbed them. However, the police would not identify the men because, as Ahmed later learned, they worked for an influential landowning politician and had been instructed not to file an FIR. Ahmed chose not to pursue the case out of fear for his own safety: “I am not pursuing the case because I want to remain safe. The robbers are not only dangerous themselves but they clearly also have the support of other dangerous and powerful people.”

Investigation of registered cases is another area of concern particularly for vulnerable categories including women, minorities, and the poor. Human rights organizations have noted that registration and subsequent investigation of cases is particularly arduous for female victims of sexual assault. Such cases remain highly underreported because of the misogynist and biased attitude of state institutions, such as the police and judiciary, and society at large; in many instances, women who are sexually assaulted are not considered “victims” but are instead blamed for inviting the attack.

### **Registering False Cases, Making Arbitrary Arrests**

Pakistani police also use their extensive powers of registration of cases, arrest, and detention at the behest of powerful societal elites (the wealthy, politicians, landowners, and civil and military bureaucracy) to bring false charges against perceived opponents as a form of intimidation or punishment. Many are arbitrarily arrested. Under Pakistan’s Criminal Procedure Code, police are empowered to arrest without a warrant any person against whom there is “reasonable suspicion” of being involved or “concerned in” certain types of criminal offenses or against whom there exists a “reasonable complaint” or “credible information” of such involvement. They can also arrest without a warrant a person whom they “suspect of designing” to commit certain types of offenses. Some family members said that police threatened to lodge false cases against them if they continued to pursue complaints of police abuse.

## Torture and Ill-Treatment in Custody

Torture and other ill-treatment of suspects in police custody is a widespread problem in Pakistan. Human Rights Watch discovered that such practices include custodial beatings, by hand or with batons and *littars* (strips of leather), the stretching and crushing of detainees' legs with *roola* (metal rods), sexual violence, prolonged sleep deprivation, and mental torture, including forcing detainees to witness the torture of others. Custodial deaths resulting from torture are not uncommon. Former detainees often reported long-lasting effects including physical pain, disability, and mental stress.

Police frequently torture suspects to obtain confessions or other information, to coerce bribes, or because of pressure from local politicians or landowners. For example, Akhtar Ali died on June 3, 2015, from police torture, according to his wife, Riffat Naz. When she last saw him alive at the hospital, after the police brought him there, she said she “found him in a coma, with a broken skull, there was no hair on the back of his head, his nose was broken and there were scars on his face.” The police officially denied the allegations of torture, although she says that an officer came to her house to offer compensation for his death.

## Faked “Encounter Killings”

Police in Pakistan routinely and unlawfully kill criminal suspects by means of faked “encounter killings.” An encounter killing occurs when the police justify the killing of a criminal suspect either as an act of self-defense or as a means of preventing suspects from fleeing arrest or escaping from custody.

The nongovernmental Human Rights Commission of Pakistan reported that in 2015, over 2,000 people were killed in armed encounters with the police, most in the province of Punjab. Human Rights Watch is concerned that many, if not most, of these encounter killings were faked and did not occur in situations in which lives were at risk.

One officer told Human Rights Watch that an encounter killing is seen as a way of ensuring that a known criminal does not escape justice because of lack of evidence and witnesses. Others sought to frame the practice as a means of delivering justice to “hardened criminals” and circumventing an inefficient judicial system. Senior police officers openly admitted to Human Rights Watch that “junior officers do stage encounters and kill suspects,” though they were less willing to provide information about the role of senior officials.

One senior officer sought to downplay police culpability in these murders:

In general, they [the police] only kill habitual offenders and criminals who have committed heinous crimes such as rape, armed *dacoity* [banditry], multiple murders, kidnapping, etc.

## Constraints Faced by Police

Police officers told Human Rights Watch that increasing demands placed on the police have made maintaining law and order and ensuring public safety more arduous in Pakistan. In addition to regular policing duties, the government has placed the burden on the police to counter threats and violence posed by armed extremist groups and organized crime related to the arms and drug trades and land-grabbing.

Institutional constraints that have long hampered the police—such as insufficient human and financial resources, poor infrastructure, problems in the criminal justice system, and interference and influence from internal and external sources—have undergone no serious reforms. All of these issues pose obstacles to the Pakistani police’s ability to enforce law and order in a manner consistent with human rights, and free from corruption and improper influence.

Elite elements within Pakistani society—be they politicians, landowners, or members of civil and military bureaucracy—exercise outsized and improper control over law enforcement. Independent analysts and police officials acknowledge that postings to coveted positions, including some station-level appointments, are invariably made on the basis of “political” connections.

## Pakistan’s Culture of Impunity

Pakistan’s police are widely regarded as among the most abusive, corrupt, and unaccountable institutions of the state. Effective systems of accountability and redress for grievances are crucial in order to transform the police from a repressive institution into a service that impartially protects life and property.

Police implicated in serious abuses are almost never brought to justice. For example, Syed Alam was killed by the police in 2015 to evade accountability for corruption, according to

his father, Umar Daraz. Alam was initially arrested at the behest of some people that owed him money and wanted to avoid repayment. Daraz said that the police demanded bribes to release Alam and badly beat him in custody. Although the family borrowed and sold jewelry to pay the police, the police still filed false charges against them. Once Alam was released on bail, the family filed a complaint against the police with the anti-corruption department, after which the officers named in the complaint threatened the family. Daraz told Human Rights Watch: “The police officers started harassing and threatening me, demanding that I take back my complaint, otherwise they would kill me and my son.” Shortly thereafter, Alam disappeared. Four years later, on November 21, 2015, his body was recovered from a garbage dump with clear signs of torture—including bruises, abrasions and cuts—all over his body.

In addition to police practices that facilitate impunity and institutional constraints raised by the police, specific provisions of the law, some dating back to colonial British rule, including the Criminal Procedure Code (1898), the Maintenance of Public Order Ordinance (1960), and the recently enacted Protection of Pakistan Act (2014), all contribute to a legal framework that protects the police from accountability. The Pakistani government’s tendency to use such legislation has increased as the state has become further embroiled in sectarian violence, militancy, and ethnic conflicts.

This report, in highlighting serious police rights violations, constraints on the police in carrying out their duties, and the laws underlying the institutional structure, calls for much-needed police reform to address these issues, most notably in creating mechanisms for grievance redress and accountability for abuses.



## Key Recommendations

- Promptly investigate, and appropriately discipline or prosecute, police officials responsible for human rights violations and delays in recording criminal complaints and initiating investigations for gender-based crimes.
- Discipline or prosecute, as appropriate, superior officers who knew or should have known about acts of torture and killings, and failed to prevent and punish them.
- Issue mandatory directives to police that a First Information Report (FIR) should be registered in all cases where a complainant provides information that indicates the occurrence of any criminal offense.
- Ensure that the authorized police officer may refuse registration of an FIR only by stating reasons for doing so in writing, signing it, and providing a copy of the same to the complainant.
- Explicitly define acceptable interrogation techniques in police rules and manuals, and prohibit police from using illegal detention, torture, or other coercive measures to obtain evidence.
- Protect local police departments and their subordinate officials from political and other improper interference and harassment.

## Methodology

This report examines abuses by the police in Pakistan, problems with law enforcement, lack of accountability, and constraints on the police that facilitate such abuses. It also looks at avenues for reforming Pakistan's police.

The report focuses on police operations in three of Pakistan's four provinces: Balochistan, Sindh, and Punjab. This allows for a comparative analysis drawn from differing legislative and institutional arrangements, and socioeconomic and political contexts. Due to access constraints and security considerations, this report excludes Khyber-Pakhtunkhwa province, formerly known as the North-West Frontier Province.

Human Rights Watch conducted 50 interviews between June 2014 and January 2016 with victims, their family members, and witnesses to police abuses. We conducted more than 30 interviews with police officials at the station, district, provincial, and federal levels. We also interviewed retired police officials, lawyers, human rights advocates, and researchers focusing on police abuse and reform.

All interviews were conducted with full and informed consent, and without compensation. The interviews were conducted in Urdu and when necessary (in rural Sindh, for example) a translator assisted us. In all cases Human Rights Watch took steps to minimize re-traumatization of survivors, immediately stopping interviews if they appeared to cause distress. The names of several victims of police abuse have been replaced with pseudonyms, or left anonymous, due to safety concerns. In cases where survivors of torture or sexual assault were already publicly campaigning for justice, Human Rights Watch has produced their real names with consent.

Many of the police officers interviewed, particularly in the junior ranks, requested that they not be identified by name or rank. We have withheld such details when requested.

# I. Police in Pakistan

Pakistan has a federal system of governance. The provinces have primary responsibility for maintaining public order and investigating crimes. However, the federal government maintains oversight of the police because it recruits and manages the officer cadre of the police through the Police Service of Pakistan. The Penal Code of Pakistan and the Code of Criminal Procedure are uniformly applied to most parts of the country.<sup>1</sup>

To enforce its coordinating role, the federal government also has agencies with cross-provincial jurisdiction such as the Federal Investigation Agency, the Anti-Narcotics Force, the Pakistan Rangers, and the Frontier Corps, among others.<sup>2</sup>

## Attempts at Police Reform

Many of the problems associated with Pakistani police services today can be traced back to the mid-nineteenth century, when Pakistan was part of British colonial rule in India.<sup>3</sup> The system of policing in British India was governed by the principle, according to a former Pakistani inspector general of police, that the colonial government's police would keep "the natives on a tight leash" and "were not a politically neutral outfit for fair and just enforcement of law."<sup>4</sup> However, despite widespread recognition within successive Pakistani governments of this fundamental problem and an acknowledgement of the need for reform, the process of revamping the police system has been extremely slow.<sup>5</sup>

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<sup>1</sup> Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan, "Police Organizations in Pakistan," 2010, [http://www.humanrightsinitiative.org/publications/police/police\\_organisations\\_in\\_pakistan.pdf](http://www.humanrightsinitiative.org/publications/police/police_organisations_in_pakistan.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> See Paul Petzschmann, "Pakistan's Police between Centralization and Devolution," Norwegian Institute of International Affairs (NUPI), 2010, <https://www.files.ethz.ch/isn/120172/NUPI%20Report%20Petzschmann.pdf>; Kalim Imam, "Police and the Rule of Law in Pakistan: A Historical Analysis," *Berkeley Journal of Social Sciences*, vol. 1, no. 8, 2011, <http://www.berkeleyjournalofsocialsciences.com/August3.pdf>.

<sup>4</sup> See Shoaib Suddle, "Reforming Pakistan Police: An Overview," 120th International Senior Seminar on "Effective Administration of the Police and the Prosecution in Criminal Justice," United Nations Asia and Far East Institute for the Prevention of Crime Annual Report 2001, [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no60/cho5.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no60/cho5.pdf); see also International Crisis Group, *Reforming Pakistan's Police*, Asia Report No. 157, 14 July 2008 (Islamabad/Brussels), [http://www.genocidewatch.org/images/Pakistan\\_08\\_07\\_14\\_Reforming\\_Pakistan\\_s\\_Police.pdf](http://www.genocidewatch.org/images/Pakistan_08_07_14_Reforming_Pakistan_s_Police.pdf); United States Agency for International Development (USAID), *Pakistan Rule of Law Assessment – Final Report*, November 2008, [http://pdf.usaid.gov/pdf\\_docs/PNADO130.pdf](http://pdf.usaid.gov/pdf_docs/PNADO130.pdf).

<sup>5</sup> According to the 2002 and 2004/5 DTCE/CIET National Reports, only 22 percent and 26 percent of the samples, respectively, responded that they would contact the police in case of a problem related to personal security. In Punjab, the police were the second most-complained about government department (Ombudsman Punjab Annual Reports 2006-2011),

## *Police Act of 1861*

Following a bloody uprising in 1857, British colonial rulers sought to institute firm control over the police to contain future rebellions and keep local police from joining them.<sup>6</sup> The Police Act of 1861 incorporated a system of dual authority over the police.<sup>7</sup> In addition to the control of the police hierarchy at the federal level, the district police were also placed under the “general control and direction of the district magistrate.”<sup>8</sup> The system of postings and transfers of the police was controlled by the civil bureaucracy.

Interference by local administrative authorities weakened the police force and exacerbated police abuse and corruption.<sup>9</sup> During uprisings against state authorities and incidents of communal violence, the district magistrate invariably invoked his “emergency powers” and used police to crack down on political activists and violently suppress demonstrations.<sup>10</sup>

The colonial policing system also divided the police service into subordinate or lower ranking constables who were not professionally trained and did not have any operational authority, and an “elite, gazetted corps of European officers” who were trained and had decision-making powers.<sup>11</sup> The constables, recruited from local communities, were often deferential to, and worked at the behest of, more affluent and powerful classes—including

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while in Balochistan it was in the top five (Ombudsman Balochistan Annual Reports 2006-2010). See CIET International, Devolution Trust for Community Empowerment, “Social Audit of Governance and Delivery of Public Services, National Report,” 2002, 2004-05, [http://www.ciet.org/\\_documents/2006224174624.pdf](http://www.ciet.org/_documents/2006224174624.pdf), [http://www.ciet.org/\\_documents/2006224175348.pdf](http://www.ciet.org/_documents/2006224175348.pdf).

<sup>6</sup> The duties of local police officials prescribed in the 1861 Police Act were limited and basic. The police were required to obey and execute all orders and warrants lawfully issued by any competent authority, collect and communicate intelligence affecting the public peace, prevent the commission of offenses and public nuisance, and detect and bring offenders to justice. In addition, police officers were legally authorized to enter and inspect, without a warrant and for any of the purposes mentioned in the act, places of “resort of loose and disorderly characters,” including bars and gaming houses.

<sup>7</sup> The Police Act, No. V of 1861 (Police Act of 1861), <http://pakistancode.gov.pk/english/UY2Fqajw1-apaUY2Fqa-apaUY2FwbJ4%3D-sg-jjjjjjjjjjjj>.

<sup>8</sup> Shoaib Suddle, “Reforming Pakistan Police: An Overview,” United Nations Asia and Far East Institute for the Prevention of Crime.

<sup>9</sup> Ibid.; see also Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan, “Police Organizations in Pakistan,” 2010; and International Crisis Group, *Reforming Pakistan’s Police*, [http://www.genocidewatch.org/images/Pakistan\\_08\\_07\\_14\\_Reforming\\_Pakistan\\_s\\_Police.pdf](http://www.genocidewatch.org/images/Pakistan_08_07_14_Reforming_Pakistan_s_Police.pdf).

<sup>10</sup> Paul Petzschmann, “Pakistan’s Police between Centralization and Devolution,” NUPI, 2010.

<sup>11</sup> See Kalim Imam, “Police and the Rule of Law in Pakistan: A historical analysis,” *Berkeley Journal of Social Sciences*, vol. 1, no. 8 (2011); See also Human Rights Watch, *India – Broken System: Dysfunction, Abuse, and Impunity in the Indian Police*, August 2009, <https://www.hrw.org/sites/default/files/reports/india0809web.pdf>.

local landowners, richer peasants, and village leaders—in opposition to poorer peasants and laborers. This practice still persists today.<sup>12</sup>

### *Post-Independence Reform Efforts*

After Pakistan gained independence in 1947, there were several attempts to reform the police system. Successive Pakistani governments formed various national commissions and invited international committees to provide recommendations for formulating a new police system. However, none of them resulted in new or revised legislation.<sup>13</sup>

Politicians and the civil bureaucracy opposed incorporating these recommendations into law, mainly because they—like British colonial authorities—wanted to maintain control over police in order to deploy them as a tool for fighting political opponents and intimidating the local population.<sup>14</sup>

In 1999, the military government under Gen. Pervez Musharraf sought to address the increasing breakdown of law and order by establishing a focal group on police reforms, which was to provide recommendations to the government on how to restructure the police. A year later, the government's National Reconstruction Bureau (NRB), as part of its “good governance and devolution of powers programme,” decided to look into the issue and established a think tank on police reforms, comprised of senior police administrators. In 2001, after a year of discussions and deliberation, the NRB published the following conclusions:

- Responsibility for maintaining law and order needs to rest “unambiguously” with police, requiring the abolition of the “dual control” system of 1861.
- Police reforms should be institutionalized and new legislation framed accordingly.
- Police should be insulated from “extraneous interference” and held accountable.
- Police duties and functions should be redefined, with “service” at the fore.

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<sup>12</sup> Paul Petzschmann, “Pakistan’s Police between Centralization and Devolution.”

<sup>13</sup> See “Attempts at Police Reform in Pakistan (1947-2002)” on page 13 of this report.

<sup>14</sup> Paul Petzschmann, “Pakistan’s Police between Centralization and Devolution”.

- Police institutions should be brought under a system of “external accountability,” trusted by the public.
- Every province should have an independent prosecution service to improve the quality of investigation and prosecution.
- Police should be more responsive to public needs and expectations, and proper systems and enhanced public safety standards and police accountability are needed.<sup>15</sup>

### *Police Order 2002*

In 2001, the military government initiated a system of decentralization reforms (the 2001 Local Government System) that transferred several administrative powers from the civil bureaucracy at the district level to an elected *nazim* (mayor).<sup>16</sup> The government also initiated a set of police reforms in Police Order 2002, which effectively eliminated the dual control of the police that had existed since colonial times.<sup>17</sup>

Police Order 2002 also addressed many organizational and structural problems that had hindered proper functioning of the police. Operational duties were separated from investigation and the institution was organized into branches and divisions according to their different functions.<sup>18</sup> Assignment to these branches and divisions was to be based on experience and training.<sup>19</sup>

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<sup>15</sup> Shoaib Suddle, “Reforming Pakistan Police: An Overview.”

<sup>16</sup> Pakistan has been subjected to a number of military coups since 1947. Military governments have, in their efforts to supplant established political elites, repeatedly instituted systems of local governance and “grass-roots democracy.” This was done in order to create new, pliant political classes and gain legitimacy at a local level. Consequently, successor civilian governments have always abolished military-instituted local government institutions, rejecting them as unrepresentative vestiges of military rule. Furthermore, elected governments have historically resisted devolution and the establishment of local government institutions in order to preserve and cement their own power.

<sup>17</sup> “Police Order 2002,” Chief Executive Order No. 22 of 2002, No.F.2(4)/2002-Pub, Ministry of Law, Justice, Human Rights and Parliamentary Affairs of Pakistan, [http://npb.gov.pk/wp-content/uploads/2014/08/police\\_order\\_2002.pdf](http://npb.gov.pk/wp-content/uploads/2014/08/police_order_2002.pdf).

<sup>18</sup> Including: investigation, intelligence, watch and ward, reserve police, police accountability, personnel management, education and training, financial and internal audits, crime prevention, crimes against women, traffic management, criminal identification, information technology, transport, research and development, legal affairs, and welfare and estate management.

<sup>19</sup> Commonwealth Human Rights Initiative and Human Rights Commission of Pakistan, “Police Organizations in Pakistan,” May 2010, [http://www.humanrightsinitiative.org/publications/police/police\\_organisations\\_in\\_pakistan.pdf](http://www.humanrightsinitiative.org/publications/police/police_organisations_in_pakistan.pdf); International Crisis Group, *Reforming Pakistan’s Police*; Afzal Shigri, “Changing Thana Culture,” *The News*, September 17, 2004, <http://forumpolicereforms.blogspot.co.uk/2008/03/cahnging-thana-culture.html>.

The 2002 order also aimed to make the police more publicly accountable. It called for establishing several grievance redress and oversight bodies, constituted of elected and nominated members (including women), at the district, provincial, and national levels.<sup>20</sup>

### ***Attempts at Police Reform in Pakistan (1947-2002)***

- 1948:** The Sindh Assembly passes a bill for establishing a “modern police force” for Karachi. But opposition from the bureaucracy means it is ultimately returned to the assembly with “minor corrections” in order to be resubmitted. It is never sent back.
- 1951:** A committee recommends that the Karachi police system be completely changed. The recommendations are abandoned due to resistance from the bureaucracy.
- 1960-62:** Two commissions examine the possibility of devising a metropolitan policing system for Karachi and Lahore. One, the Pay and Services Re-Organization Committee, makes recommendations; government decision makers reject them.
- 1985:** A police committee recommends that the Police Act of 1861 be significantly amended and a metropolitan policing system installed in major cities. The recommendations are not addressed.
- 1989-90:** The government says it will review the police system. In 1990, a British delegation visits Pakistan and recommends the colonial system, designed to preserve the status quo using “suppression and control,” be completely revised to meet the requirements of a modern country. It also recommends that a policing system be introduced in major cities without “dilly-dallying.” Its recommendations are ignored.
- 1995:** A UN Mission for Crime Prevention and Criminal Justice visits Pakistan and says “independent but publicly accountable police” are “crucial to the development of stable democratic government institutions.” The mission advises strengthening law enforcement institutions and a revised policing system, particularly in metropolitan areas.

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<sup>20</sup> These included Capital City, Provincial, and National Public Safety Commissions (CCPSC, PPSC and NPSCs), a Police Complaints Authority (PCA), and Citizens Police Liaison Committees (CPLC). See Afzal Shigri, “Importance of Public Safety Commissions,” *The News*, August 18, 2006.

- 1996:** Visiting Japanese police experts advise reforms focused on “building a relationship of trust” between citizens and police. They suggest four steps for reform: establishing an institutional structure that guarantees “political neutrality and democratic control”; proper division of responsibilities between federal and provincial governments; a unified chain of command; and a merit-based system for recruiting and selecting personnel. The Good Governance Group of 2010 Programme adopts these recommendations in 1998, but the government does not take concrete steps to reform police legislation.
- 1999:** A group of Colombian experts visits Pakistan to advise the government on how to control deteriorating law and order in Karachi. The group advises that the police system be reformed and a “professionally competent, politically neutral, and democratically controlled” metropolitan police force established. Their report does not result in policy changes.<sup>21</sup>

### *Amendments to Police Order 2002*

While the new police law had shortcomings, analysts and police generally agreed that the reforms replaced an antiquated police system with a potentially better one.<sup>22</sup> However, many of the changes, particularly those viewed as curbing the power or control of the provincial governments and civil bureaucracy over the police, were resisted by the relevant institutions. In 2004, and again in 2006—facing pressuring from the provincial governments and civil bureaucracy—the Musharraf government amended Police Order 2002, weakening several improvements made in the original order.<sup>23</sup>

The amendments ensured that the provincial police officer’s autonomy was curtailed and decisions were made “subject to the policy, oversight and guidance [of] the chief minister through the chief secretary and the provincial home secretary.”<sup>24</sup>

Several other provisions of the law were amended. For example, under the original order, the provincial government was to appoint the head of the provincial police service, the provincial police officer (PPO), from a list of three people nominated by the federal

<sup>21</sup> Ibid; see also CHRI and HRCP, “Police Organizations in Pakistan.”

<sup>22</sup> See International Crisis Group, *Reforming Pakistan’s Police*.

<sup>23</sup> Afzal Shigri, “Making the Police Even Less Accountable,” *The News*, February 24, 2005; Afzal Shigri, “Why Police Reforms Failed in Pakistan,” *The News*, May 22, 2007.

<sup>24</sup> Quoted in International Crisis Group, *Reforming Pakistan’s Police*.



government in collaboration with the National Public Safety Commissions (NPSC). The NPSC's role in the nomination process was removed in the 2004 amendments, making the PPO's appointment susceptible to greater political interference and reducing the chance it would be made on merit.<sup>25</sup> Significant amendments were also made to the system of transfers and postings.<sup>26</sup>

The possibilities for further political pressure or interference in police affairs were further reinforced in the amendments giving the district *nazim* and the chief minister of each province the authority to evaluate the district police officer (DPO). Such a provision did not exist in the original order. Analysts and retired officers agreed that this move would weaken the internal line of authority within the police department and would put pressure on the DPO to "listen to the political bosses and not his superiors."<sup>27</sup>

The significant accountability provisions of Police Order 2002 were also watered down. In essence, the provincial government was able to ensure a greater role for itself.<sup>28</sup> Another positive oversight reform, the Police Complaint Authority (PCA), was also affected by the 2004 amendments. In the original order, the functions of grievance redress and public oversight were kept separate so that both issues could be addressed adequately.

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<sup>25</sup> Ibid.; see also, Hassan Abbas, "Reforming Pakistan's Police and Law Enforcement Infrastructure: Is it too flawed to fix?" United States Institute of Peace, February 2011, <http://www.usip.org/publications/reforming-pakistan-s-police-and-law-enforcement-infrastructure>; Consumer Rights Commission of Pakistan, *Police Reforms: New Legal Framework and Issues in Implementation – Results of Public Consultations*, 2005, [http://www.crcp.org.pk/publications/police\\_reforms.pdf](http://www.crcp.org.pk/publications/police_reforms.pdf).

<sup>26</sup> For example: In the original order, the provincial government could not transfer, before the end of a fixed three-year term, senior police officers like the PPO or capital city police officer (CCPO) without the agreement of the Provincial or Capital City Public Safety Commissions (PPSC and CCPSC), respectively. The amended order removed this requirement, enabling the provincial government to act unilaterally in transferring officers; in the 2002 order, the federal government could not recall an officer without approval from the NPSC, and the PPSC could initiate the transfer of a provincial or capital city police officer on the grounds of unsatisfactory performance. After the amendments, NPSC approval was no longer required, and the PPSC's recommendation for transfer was made non-binding; under the 2002 order, if the CCPO or DPO had to be transferred before the completion of their three-year term, it was only possible "on clearly specified grounds," and with the agreement of the DPSC and the district mayor or district *nazim*. The amended law did not require their agreement, increasing the exclusive control of the provincial government.

International Crisis Group, *Reforming Pakistan's Police*; see also, Consumer Rights Commission of Pakistan, *Police Reforms: New Legal Framework and Issues in Implementation – Results of Public Consultations*, 2005, [http://www.crcp.org.pk/publications/police\\_reforms.pdf](http://www.crcp.org.pk/publications/police_reforms.pdf).

<sup>27</sup> Ibid.; See also, Afzal Shigri, "Making the Police even less accountable," *The News*, February 24, 2005; Afzal Shigri, "Why Police Reforms Failed in Pakistan," *The News*, May 22, 2007.

<sup>28</sup> International Crisis Group, *Reforming Pakistan's Police*; Consumer Rights Commission of Pakistan, *Police Reforms: New Legal Framework and Issues in Implementation*.

However, in the 2004 amendments, the PCA was merged with the Provincial Public Safety Commission (PPSC), which was formed of provincial legislators and nominees.

This merger was significant for several reasons: first, there would no longer be a separate focus on the functions of grievance redress and accountability. Second, and perhaps most importantly, provincial politicians, who were now ensured a role in both accountability and redress, would be able to use their positions in this committee to retain their control and influence over the police. In other words, the police would act at the behest of the politicians because the politicians would shield them from accountability. In short, this merger significantly weakened the provisions for focused and independent grievance redress and accountability. According to a senior retired police official, positive reforms of the 2002 order were resisted “surprisingly not so much by police officers but by the provincial governments who saw it as a bid to curtail their authority.”<sup>29</sup>

### *Post-2010 Changes*

In 2010, further changes were made to the police system when the constitutional protection granted to Police Order 2002 under the 17<sup>th</sup> Amendment lapsed and provinces were able to frame their own policing laws. Punjab and Khyber Pakhtunkhwa decided to base their laws on Police Order 2002, while Sindh and Balochistan decided to adopt a law similar to the colonial law, the Police Act of 1861.<sup>30</sup> At present, therefore, the laws governing the police vary across provinces.

The Police Rules, 1934 (“the rules”) are a compilation of the organizational, regulative, financial, administrative, logistical, operational, and procedural systems which guide the day-to-day working of the police.<sup>31</sup> Following the 18<sup>th</sup> Amendment, while the provinces have exercised their right to adopt their own laws, they have yet to formulate their own rules and continue to rely on the 1934 rules.

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<sup>29</sup> Human Rights Watch Interview with retired police official, name withheld, Islamabad, October 7, 2009; see also International Crisis Group, *Reforming Pakistan’s Police*; and Consumer Rights Commission of Pakistan, *Police Reforms: New Legal Framework and Issues in Implementation*.

<sup>30</sup> In August 2016, the Khyber Pakhtunkhwa government adopted a new police law, “Khyber Pakhtunkhwa Police Ordinance 2016”, through an ordinance promulgated by the governor. Amongst its notable features, this law gives the powers for transfer and postings, up to the level of Additional IG, to the IG Police; and, provides mechanisms for internal and external accountability. <https://www.thenews.com.pk/print/139739-KP-new-police-order-adoption-endswrangling-between-cops-bureaucrats>; <http://www.dawn.com/news/1275087>

<sup>31</sup> The Police Rules, 1934, <http://nasirlawsite.com/laws/prules34.htm>

## Institutional Arrangements in Provinces

In addition to differences in legislation, the physical presence—and consequently authority or control—of the police also varies among the provinces.

In Balochistan, police jurisdiction is limited to certain areas, and there are two parallel systems for law enforcement—the police and the Balochistan Levies, a force consisting of local tribesmen that has existed since British colonial rule. In this system, *sardars* (tribal chiefs) provide the state with the services of local tribesmen for maintenance of law and order in their area. The provincial government pays the salaries for the Levies personnel.<sup>32</sup>

Balochistan is chiefly a tribal society that is geographically the largest province of Pakistan (46 percent of the land mass) but the smallest by population (about 6 percent of the total population).<sup>33</sup> Balochistan has the poorest socioeconomic development indicators of any province in Pakistan, and state institutions are weak.

The history of post-independence Balochistan is replete with instances of insurgency and rebellion, as well as state attempts to crush both. Similar to colonial British rulers, the modern Pakistani state has helped perpetuate tribal systems of organization and control in Balochistan. The Pakistani state has endeavored to use such systems to its advantage and to affect forcible change in the province when elements of the tribal leadership have sought to assert independence or simply resisted national government actions.<sup>34</sup> The situation in Balochistan remains extremely volatile and the province is embroiled in

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<sup>32</sup> In 2002, the military government extended police services across Balochistan, abolished the Levies, and incorporated local Levies officers in the provincial police service. However, there was resentment against the abolishment of the Levies force among the tribal and political leadership and consequently, after the return to democratic rule in 2008, the newly elected provincial government resurrected the system of the Levies through the passage of the Balochistan Levies Act (2010).

<sup>33</sup> Paul Titus, "Honour the Baloch, Buy the Pushtun: Stereotypes, Social Organization and History in Western Pakistan," *Modern Asian Studies*, vol. 32(3) (1998), p. 657-687; Paul Titus and Nina Swindler, "Knights not Pawns: Ethno-Nationalism and Regional Dynamics in Post-Colonial Balochistan," *International Journal of Middle Eastern Studies*, vol. 32(1) (2000), p.47-69.

<sup>34</sup> Events of the last decade have served to underscore this pattern: for example, on August 26, 2006, tribal chieftain Akbar Bugti, historically an ally of the Pakistani state, was killed in military action when he refused to back down on his demand for a renegotiation of resource allocation and distribution in light of a new spurt of military-led economic activity in the province. See Zubeida Mustafa, "After Akbar Bugti, what?" *Dawn*, August 30, 2006; Mubashir Hasan, *Pakistan Ke Buhran Aur Un Kaa Hal*, 2007, p. 33-38; Paul Titus and Nina Swindler, "Knights not Pawns: Ethno-Nationalism and Regional Dynamics in Post-Colonial Balochistan," p.47-69; Ayesha Jalal, *The State of Martial Rule: The Origins of Pakistan's Political Economy of Defence* (Lahore: Vanguard Books Pvt. Ltd., 1991); Martin Axmann, *Back to the Future: The Khanate of Kalat and the Genesis of Baloch Nationalism, 1915-1955* (Karachi: Oxford University Press, 2008).

multiple violent conflicts, including a Baloch nationalist insurgency, as well as sectarian violence and violence associated with the US-led war on terror.<sup>35</sup>

Punjab, the largest province in Pakistan by population, is also the most densely populated and urbanizing rapidly.<sup>36</sup> The state and its institutions are strongest in Punjab, and spread widely throughout the province, particularly in central areas that are largely urban. Punjab also has the strongest socioeconomic and development indicators in the country. While traditional people of influence (such as *sardars* and large landowners) continue to hold the most powerful positions in Balochistan and Sindh, the power structure in Punjab is more varied. The rural areas are dominated by large landowners, not in their traditional roles as feudal lords but instead in their new capacities as elected representatives.<sup>37</sup> However, in urban and urbanizing areas, industrialists, politicians, and representatives of market and professional unions and associations wield powerful influence.

The province has a dominant role in the civil-military bureaucracies in Pakistan, and Punjabi politicians continue to be co-opted by the state, including the overpowering military establishment, as willing allies and providers of political legitimacy.<sup>38</sup> Punjab has been more secure and has experienced far fewer large-scale attacks by militants than the other provinces.

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<sup>35</sup> Human Rights Watch, *Pakistan – We Can Torture, Kill or Keep You for Years: Enforced Disappearances in Pakistan by Security Forces in Balochistan*, July 2011, <https://www.hrw.org/sites/default/files/reports/pakistan0711WebInside.pdf>; Human Rights Watch, *Pakistan – Their Future is at Stake: Attacks on Teachers and Schools in Pakistan’s Balochistan Province*, December 2010, <https://www.hrw.org/report/2010/12/13/their-future-stake/attacks-teachers-and-schools-pakistans-balochistan-province>; Human Rights Commission of Pakistan (HRCP), *Conflict in Balochistan – Human Rights Violations, Report of HRC Fact-Finding Missions*, January 7, 2006, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/20.pdf>; Human Rights Commission of Pakistan, *Pushed to the Wall – Report of Fact-Finding Mission to Balochistan*, October 11, 2009, <http://hrcp-web.org/hrcpweb/wp-content/pdf/ff/14.pdf>; Human Rights Commission of Pakistan, *Hopes, Fears and Alienation in Balochistan – Report of Fact Finding Mission*, August 2012, <http://hrcp-web.org/publication/book/hopes-fears-and-alienation-in-balochistan>; International Crisis Group, *Reforming Pakistan’s Police*.

<sup>36</sup> There is disagreement among social scientists and demographers about the size of the urban population in Pakistan and it has been suggested that ‘urbanization’ in Pakistan has been underestimated, including in the 1998 Census. According to independent estimates, the urban proportion in 1998 was “not less than 40 percent and could be up to 50 percent.” See Reza Ali, “Underestimating Urbanization,” *Continuity and Change, Socio-Economic and Political Dynamics*, ed. S. Akbar Zaidi (Karachi: 2003).

<sup>37</sup> Hamza Alavi, “Rural Bases of Political Power in South Asia,” *Journal of Contemporary Asia*, vol. 4, no. 4 (1974), pp. 413-422.

<sup>38</sup> Human Rights Watch, *Pakistan – Soiled Hands: The Pakistan Army’s Repression of the Punjab Farmers’ Movement*, July 2004, <https://www.hrw.org/reports/2004/pakistan0704/pakistan0704.pdf>

The level of socioeconomic development in Sindh is poor compared to Punjab, but greater than in Balochistan. Almost half of Sindh's population lives in the cities — Karachi, the largest city in the country, is home to over a third of the provincial population. As Pakistan's main seaport, manufacturing, and commercial center, the city has attracted substantial numbers of migrants from all parts of the country, particularly ethnic Pashtuns from Khyber-Pakhtunkhwa province and the Federally Administered Tribal Areas (FATA). Outside the cities, agricultural services remain the primary industry. Consequently, the traditional landed gentry and their associates remain the most powerful locals of influence and continue to dominate politics and society.

## II. Police Abuse

Across Pakistan, police are notorious for a wide range of human rights violations, in addition to incompetence, lack of professionalism, and corruption. Beyond the harms inflicted on individuals caught up in the system, which can be life-threatening, these abuses and practices generate a widespread distrust of police that affects many aspects of Pakistani society. In a country where problems of governance are deeply rooted, public dissatisfaction with the police—evidenced by complaints to provincial ombudsmen and frequent criticisms in media—is pervasive.

This chapter highlights five especially prevalent forms of police abuse in Pakistan: failure to investigate crimes; arbitrary arrest and detention; torture and other ill-treatment; extrajudicial killings; and infringement of basic rights.

Under the International Covenant on Civil and Political Rights, to which Pakistan is a party, authorities are obligated to ensure that all people: have an effective remedy when their rights and freedoms are violated, including by government officials (article 2(3)); be equal before the law (article 26); be protected from arbitrary arrest and detention (article 9), torture and ill-treatment (article 7), and violations of their right to life (article 6); and be able to exercise their rights to freedom of expression, peaceful assembly, and association (articles 19 to 22).<sup>39</sup>

### Failure to Register and Investigate Crimes

In Pakistan, registering a complaint with the police requires that a complainant physically appear in the police station with jurisdiction over the alleged offense. Under section 154 of the Code of Criminal Procedure of Pakistan (CrPC), the police are obliged to register all complaints of cognizable offenses brought to the police station.<sup>40</sup> The police, after

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<sup>39</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* March 23, 1976, ratified by Pakistan on June 23, 2010.

<sup>40</sup> Section 154, Code of Criminal Procedure, Act No. V of 1898, <http://pakistancode.gov.pk/english/UY2FqajW1-apaUY2Fqa-apea-sg-jjjjjjjjjjjj>. Information in cognizable cases: Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant ; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf.

preliminary inquiries, are to then lodge a First Investigation Report (FIR). Unless an FIR is registered, the police do not investigate the crime.

Many victims of crime, particularly those that are poor or belong to vulnerable groups such as women and ethnic or religious minorities, are reluctant to approach police stations because of police harassment or financial constraints. Women of lower socioeconomic status particularly fear going to police stations where they are likely to experience “hurt and psychological trauma.”<sup>41</sup>

The common perception is that the police will demand bribes before taking a complaint, subject complainants to abusive behavior, and falsely accuse the complainant of the crime. Crime rates are low in Pakistan primarily because people are afraid to report crimes, especially street crime.<sup>42</sup>

In practice, instead of formally registering an FIR, the police will usually make a note of the complaint in the *roznamcha* (a register that records the daily activities of a police station). While the police claim that only false or manufactured complaints are not registered as FIRs, the process often is a form of police discrimination. Human rights activists say police are less likely to register complaints brought by those from marginalized groups, and also those alleging that a crime was committed by a powerful person. In many instances where perpetrators have ties with powerful citizens, FIRs may ultimately be registered but against “unknown persons,” allowing them to escape investigation.

By not registering FIRs, police are able to avoid their legal obligation to investigate the matter. Officials explained that according to the law, once an FIR is registered, the police are bound to investigate the complaint unless they provide written reasons for not doing so. Furthermore, canceling a registered FIR is “extremely difficult and ultimately entirely at the discretion of the courts.”<sup>43</sup>

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<sup>41</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2013*, April 2014, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>

<sup>42</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2014*, April 2015, <http://hrcp-web.org/hrcpweb/data/HRCP%20Annual%20Report%202014%20-%20English.pdf>

<sup>43</sup> Human Rights Watch Interview with group of police officers, details withheld, Quetta, June 7, 2014.

Hussain Naqi of the nongovernmental Human Rights Commission of Pakistan told Human Rights Watch that there is considerable pressure on station-level officers to show satisfactory progress on all registered complaints to maintain a “good police station record.”<sup>44</sup>

Senior police officials who spoke to Human Rights Watch contended that pressure to maintain a good record was one reason police were reluctant to register FIRs, but not the primary motivation. They said that the willingness of the courts to accept complainants’ applications for FIRs to be registered compels the police to investigate complaints that are false or of malicious intent, ultimately putting more pressure on an already over-burdened police system.<sup>45</sup>

Non-registration of FIRs is also linked to corruption. Complainants, particularly those of lesser means, said that police refused to register their FIRs unless bribes were paid. Hussain Naqi of the Human Rights Commission of Pakistan said that bribing the police through a middleman or agent (commonly known as a “tout”) was the “most effective” way for getting an FIR registered.<sup>46</sup> Also frequently needed was a *sifarish* (recommendation) from local notables such as politicians, representatives of professional, business or religious associations, *gundas* (thugs) and heads of criminal gangs, or senior government officials. “Corruption is a big obstacle to registering FIRs,” said Naqi. “Police officials do not register complaints automatically as they want to extract money from both the complainant [to register] and the accused [to not register].<sup>47</sup>

Failure to investigate the cases that are registered is another area of concern, particularly for vulnerable populations such as women, minorities, and the poor. Human rights organizations have noted that registration and subsequent investigation of cases is particularly difficult for female victims of sexual assault and as a result, most such cases remain unreported.

According to data compiled by the nongovernmental organization War Against Rape Karachi (WAR), only 106 FIRs of sexual assault were registered in 2014, while the records of

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<sup>44</sup> Human Rights Watch Interview with Hussain Naqi, Human Rights Commission of Pakistan, Lahore, June 20, 2014.

<sup>45</sup> Human Rights Watch Interview with Mushtaq Suekhera, Inspector General of Balochistan, Quetta, June 7, 2014.

<sup>46</sup> Human Rights Watch Interview with Hussain Naqi, Human Rights Commission of Pakistan, Lahore, June 20, 2014.

<sup>47</sup> Ibid.



three major government hospitals showed that 383 Medico-Legal Exams (MLEs) were conducted for sexual assault cases in the same period. The disparities in data indicate that in many instances of sexual assault police reports are not filed.

Victims of sexual assault in Pakistan often fear pressing charges because they and their families are subject to harassment and intimidation by the police and accused parties. In several instances, HRW found that victims faced extreme pressure to accept settlements out of court. Furthermore, women are reluctant to report sexual crimes because of widespread misogyny throughout Pakistani society, including in state institutions such as the judiciary. In many instances, victims of sexual assault are actually blamed for “inviting” attacks.<sup>48</sup>

### **Robbery in Ahmed’s shop**

In November 2014, Ahmed and his son, both residents of Pakpattan, were robbed as they were closing their business for the day.<sup>49</sup> Four armed men entered their shop, beat them, and emptied the cash register. They then rode off on motorcycles, firing their weapons in the air. Ahmed told Human Rights Watch that they were further traumatized by the police response:

As you can imagine, we were left in a state of shock and fear. After an hour, we learned that the police had apprehended some men near our market. We went to the police station immediately and identified two of the men as the ones who had robbed us.

However, the police did not register our FIR immediately. We later learned that the robbers worked for a local influential landowner-politician, and his people had called the police and instructed them to hold off on registering the FIR. The police kept insisting that we register the FIR against ‘unknown’ persons; clearly they wanted to be able to set the criminal free. There has been no further progress on the case.

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<sup>48</sup> Factsheet 2014, War Against Rape Karachi, January 2015, [http://www.war.org.pk/WAR%20Webfiles/images/fact%20sheet/FACT%20SHEET\\_2015\\_NEW%20output.jpg](http://www.war.org.pk/WAR%20Webfiles/images/fact%20sheet/FACT%20SHEET_2015_NEW%20output.jpg); Human Rights Commission of Pakistan, *State of Human Rights in 2015*, (Lahore: HRCP 2016), [http://hrp-web.org/hrpweb/wp-content/uploads/2016/04/Women\\_12.pdf](http://hrp-web.org/hrpweb/wp-content/uploads/2016/04/Women_12.pdf); see also Sumaira Jajja, Zofeen T. Ebrahim, Noman Ansari and Irfan Aslam, “State of neglect: Closed eyes to sexual assault,” *Dawn*, October 26, 2014.

<sup>49</sup> Human Rights Watch Interview with Ahmed (pseudonym), Pakpattan, November 26, 2014.

I am not pursuing the case further as I want to remain safe. The robbers themselves are not only dangerous, but they clearly also have the support of other dangerous and powerful people. Ordinary persons such as myself have to live with the realization that we are not strong enough to take on powerful elements, including the police. I also don't want to pursue the matter further as I am scared that the police may subject me to further harassment and implicate me in false cases.<sup>50</sup>

### **Killing of Sulaiman Lashari**

Ghulam Mustafa Lashari said that his 18-year-old son, Sulaiman, was killed in their home in Karachi on May 8, 2014. He identified the perpetrator as a high-ranking police official's son; Sulaiman had previously quarreled with him over a car race. Lashari told Human Rights Watch that he was concerned police were consequently refusing to conduct a thorough investigation:

[Name withheld], the son of a senior superintendent of police, entered my house with his father's five police guards, who were all constables. They shot my son Sulaiman and then left. We immediately called the police and took our son to the hospital. He didn't survive.

The killer's father has since tried to pressure and intimidate us to not pursue the case. Forensic evidence proved that the rifles used to shoot my son were government-issued police weapons. The government has tried to interfere and change the investigation officer. I am being followed by the police and my family is constantly being harassed.<sup>51</sup>

### **Killing of Parween Rehman**

Parween Rehman, a renowned Pakistani social activist, was killed on March 13, 2013, in the Pirabad area of Karachi. Her assassination led to nationwide condemnation and demands to hold the perpetrators accountable. However, Rehman's sister, Aquila Ismail,

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<sup>50</sup> Ibid.

<sup>51</sup> Human Rights Watch Interview with Ghulam Mustafa Lashari, Karachi, January 19, 2016.

told Human Rights Watch that police were instead attempting to protect the perpetrator—a prominent political party member and land dealer—and threatening the family:

After Parween’s murder, the cover-up by the police was intense and swift. When we returned from the funeral on March 14, we found out that the additional inspector general (AIG) had held a press conference and claimed that they had killed the culprit in a police shootout. We met with the inspector general, and he told us that Parween was killed by people who were involved in the illegal water hydrant business and had connections to the Taliban. This did not make sense since the last time that she had worked on illegal water trade was in 2009. She was most recently working on secure housing for low income residents living on the outskirts of Karachi, and her work had irked local developers involved in unlawful land grabs.

The police tried to close the case the next day. However, we didn’t believe the police and filed a petition in the Supreme Court. The court ordered a judicial inquiry into the case and the killing of the alleged culprit. The inquiry found the police’s version of events to be false. During the proceedings of the judicial inquiry, the investigating officer of the case told us that we should ‘stop pursuing the case and make a deal.’

After the inquiry report, the case was reopened. But from that point onwards, whenever the police killed someone extra-judicially, they tried to claim that the person had been Parween’s murderer. They were desperate to close the case. During the investigation, one individual was arrested who gave the name of the person supposedly involved in Parween’s killing. He belonged to a political party and was a local land dealer. The police have never arrested or investigated him.

The police have been harassing us instead. They said to me and my colleagues, ‘Why don’t you take a trip somewhere?’ and ‘you should be careful since we cannot guarantee your safety and something might happen to you.’ This is because the police are part of the land-grabbing mafia and

all illegal land transactions are made with their support and patronage. They are afraid that if the real perpetrators were apprehended, the trail would eventually lead to them.<sup>52</sup>

### **Killing of Saeeda Khatoon's three relatives**

The family members of Saeeda Khatoon, who live in Lyari, Karachi, in Sindh province, were regarded by the authorities as Baloch nationalists. Three members of her family have been killed in circumstances suggesting government involvement. Her husband was killed in 2008. Her brother, a journalist, went missing on March 24, 2013; his body was found by a road on August 21, 2013. Her son was killed in May 2013. She said that none of the cases have been solved and that the police have repeatedly refused to register FIRs when she lodged complaints. She told Human Rights Watch:

After my brother disappeared, we went daily to the police station to register a case, but the police repeatedly refused and asked us to wait. When we said that it was our right to have a case registered, the police told us to get out and go to our *sardar* for help. They also told me, 'You know who has picked up your brother and we can't register an FIR against them' [an apparent reference to the security agencies]. After 16-17 days, the police said that they had registered an FIR and we shouldn't come back. They never contacted us about this case again.

Two months later, my 17-year-old son, Faraz, was shot dead. I went to the police station to register a case, but they refused. The station house officer (SHO) said to me, 'There are 20 people killed in Lyari every day, what is so special about your son that we should register an FIR?' I kept going to the police station for one and a half years; they always treated with me with contempt, mocked me at times, and never registered an FIR. Then, in late 2015, they told me that the FIR for my son's murder had been registered 18 months ago, saying, 'You had it registered on the night of his murder.' That is an utter lie. They showed me an FIR that did not have my signature on it. Instead of registering the case against security

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<sup>52</sup> Human Rights Watch Interview with Aquila Ismail, Karachi, Sindh Province, January 19, 2016.

agencies who shot my son, they had filed it against ‘unknown people’ and had now closed the case as untraceable.

On August 21, 2013, I saw on television that my brother’s tortured body was found on the roadside. I went to the mortuary and identified him on August 22. I went to the police again to have a case registered but they refused and said it was an ‘untraceable’ murder and no investigation was needed.

Five years earlier, when my husband was killed in 2008, even then the police said it was an ‘untraceable’ murder and no FIR was necessary. I have lost my son, husband, and brother in this cruel system and have not even managed to get a single case registered and investigated – let alone get justice.<sup>53</sup>

### **Harassment of Rehman**

Rehman, a resident of Sariab Road in Quetta, Balochistan, said he was rebuffed by the local police when he tried to have an FIR registered against his daughter’s fiancé in early 2014.<sup>54</sup> He told Human Rights Watch:

My daughter was engaged to marry Quddus at a very young age. However, after a few years we realized that Quddus was not a good man; he was involved in many criminal cases and was also recognized as the local thug. Of course, when I told him of my decision [to call off the engagement] he was very angry and threatened to take revenge. One evening he accosted my only son and threatened to kill him. Scared of what Quddus might do, I immediately went to the police station and asked to lodge a complaint. However, the police refused. I suppose I should have known better. The station house officer (SHO) had close ties with Quddus and it was commonly known that they had engaged in several criminal activities together. I continue to live in fear.<sup>55</sup>

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<sup>53</sup> Human Rights Watch Interview with Saeeda Khatoon, Karachi, January 19, 2016.

<sup>54</sup> Human Rights Watch Interview with Rehman (pseudonym), Quetta, June 8, 2014.

<sup>55</sup> Ibid.

## Discrimination against Bonded Laborers

Bonded laborers, or *haris*, are an especially vulnerable population in Pakistan.<sup>56</sup> According to the latest Global Slavery report, Pakistan has the third-highest number of people in modern slavery in the world, and “debt bondage is the most prevalent form of modern slavery.”<sup>57</sup> Human Rights Watch research found that *zamindars* (landowners who lease their land to tenant farmers) frequently use the police to violently repress *haris*. For example, a bonded laborer in Umerkot told Human Rights Watch:

A year ago, my son, who was cleaning the water channel providing water to our land, was attacked by one of the landowner’s men. My son was seriously injured. Upon receiving this news, I contacted the leader of the tribe and asked to meet him. However, as I got near his land, I was attacked with an axe. My injuries were extremely serious and I was hospitalized for two months.

My family went to the local police station to have an FIR registered. However, the police turned them away saying that the location where the attack had taken place did not fall within their jurisdiction. When my family went to the other police station in the area, they were given a similar response. Obviously, the landowner was influencing the police. After

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<sup>56</sup> Analyses of bonded labor in Pakistan have found that there is a high incidence of bonded labor in the agricultural sector in Sindh. In this system, *zamindars* (landowners) continue to exercise significant societal and political influence while *haris* are invariably oppressed and continue to live in subjugation. The system of debt bondage also prevails in two districts chosen for this study, Umerkot and Mirpurkhas. In these areas, a large proportion of *haris* are further marginalized as they belong to lower caste Hindu clans. Representatives of the Human Rights Commission of Pakistan working in interior Sindh told Human Rights Watch that these lower caste Hindu *haris* are not only discriminated against by the majority Muslim population, but also by higher caste Hindus. A skewed pattern of land ownership and the “unequal balance of power between the rural elite and the poor” are key reasons for the high incidence of poverty and rights violations across interior Sindh. The government has made no significant attempts to remedy the situation; the problem is compounded as government organizations, including the police, remain “steeped in this system of inequality and rather than address it, they maintain the status quo.” See Hope for Children Organisation, *The Global Slavery Index 2014*, January 2015, [http://d3mj66ag9ob5fy.cloudfront.net/wp-content/uploads/2014/11/Global\\_Slavery\\_Index\\_2014\\_final\\_lowres.pdf](http://d3mj66ag9ob5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf); Rural Support Programmes Network, *Bonded Labour: District Umerkot, Sindh*, April 2009, <http://www.thardeep.org/thardeep/Publication/PubFiles/cqzcotxoikenBonded%20Labour%20-%20District%20Umerkot%20in%20Sindh.pdf>; see also: Hussein et.al., *Bonded Labour in Agriculture: A Rapid Assessment in Sindh and Balochistan, Pakistan*, Working Paper 26, International Labour Office, May 2004, <http://old.antislavery.org/archive/submission/submission2002-pakistan.htm>.

<sup>57</sup> Hope for Children Organisation, *The Global Slavery Index 2014*, December 2014, [http://d1p5uxokz2colz.cloudfront.net/wp-content/uploads/2014/11/Global\\_Slavery\\_Index\\_2014\\_final\\_lowres.pdf](http://d1p5uxokz2colz.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf)

getting turned away by two police stations, we were left with no option but to approach the court. The court accepted our application and ordered that the FIR be registered.

However, in order to pressure my family, the landowner approached another police station and accused me of stealing his motorcycle. As he is a man of influence, the police registered his complaint despite the fact that I was lying injured in the hospital at the time. I later learned that the elected representative, who was from the same tribe as the landowner, also influenced the police. The case against me continues to this day and as a result, the police constantly harass me and my family. Of course, there has been no progress regarding the FIR that I had registered against the landowner. There is so much injustice in this area. No one can challenge the landowner and those who do are made to suffer.<sup>58</sup>

### *Reporting Cases of Rape*

Human Rights Watch examined two cases in which *hari* women reported being raped by individuals who had the protection of their landowners. In both cases, the police failed to take prompt action and investigate the complaints.

#### **Case in Umerkot**

In 2014, a *hari* woman in her late teens alleged that she was raped by a powerful local landowner in Umerkot district. When members of her family tried to register a case, the police failed to promptly register a criminal complaint and begin an impartial investigation. Instead, the police accused the family of falsifying the complaint.<sup>59</sup>

A male relative of the woman said:

Last Eid [a Muslim holiday], the landowner's brother raped one of our young women while she was working in the field. As soon as we discovered what had happened, we went to the landowner and demanded that a criminal

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<sup>58</sup> Human Rights Watch Interview with bonded laborer (name withheld), Umerkot, September 18, 2014.

<sup>59</sup> Human Rights Watch Interview with male relative (name withheld) of rape survivor, Umerkot, September 18, 2014.

case be opened against his brother. However, in order to prevent the woman and her husband from going to the police, the landowner locked both of them up. Nonetheless, we didn't give up and went to the police station to file a complaint. Unfortunately, the police were unmoved and after a couple of hours they forced us out of the police station.

The following day, the landowner released the woman and we took her to the police station and forced the police to give her a medical examination. Sadly, however, the delayed medical examination weakened our case. I am sure this was the objective of the landowner and the police. The landowner had locked the woman and her husband together for a day in order to be able to maintain that the couple had sexual contact and that she had not been raped.

However, we were determined not to give up. We returned to the police station three days in a row and each time the police told us, 'You are lying. There has been no rape. Get out of here.' Eventually, we decided to hold a *dharna* (sit-in) in front of the deputy inspector general's (DIG) office. After three days, the DIG finally ordered that our FIR be registered.

As far as I know, the accused was eventually arrested but then released on bail.<sup>60</sup> There has been no further progress regarding the rape charge and I am sure that the landowner and his brother will get by unscathed. The norm is that weak people are oppressed and abused by the powerful. There is no justice for the weak.<sup>61</sup>

### **Rape of Kainat Soomro**

Kainat Soomro, 22, is a rape survivor whose struggle for justice has received international attention. In January 2007, an 8<sup>th</sup> grade student at the time, she was abducted on her way home from school, in the town of Mehar in rural Sindh, and gang-raped by men who had the protection of local landowners. She managed to escape captivity after three days. The

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<sup>60</sup> In Pakistan, granting bail in a rape case is unusual. In practice, alleged rapists have often acted to influence the investigation in their favor.

<sup>61</sup> Human Rights Watch Interview with male relative of rape survivor (name withheld), Umerkot, September 18, 2014.



police initially refused to register a criminal case for rape. After persistent attempts to register their case, several members of her family were falsely accused and arrested for murder. Kainat Soomro told Human Rights Watch that her brother was murdered in 2010; she believes the police were complicit in his death. She said:

Instead of helping us, the police harassed us. False cases were registered against my brother in Hyderabad and they arrested him and kept him in jail for two months. We eventually managed to get him released on bail, but then they began to harass my other brothers.

In 2009, the police registered a false FIR against my father and three brothers for the murder of my sister-in-law, even though she is still alive. For nine months, my brothers were kept in police custody for the murder of a person who was still alive. Finally, my sister-in-law appeared in court to prove that she was alive. That fake murder case against my family is still pending.

The *waderas* [a Sindhi term for feudal landowners] of Sindh support the rapists, which is why the police are harassing us. The police have told us repeatedly to withdraw our case.<sup>62</sup>

She alleged that in June 2010, the police summoned her brother, Sabir Soomro, under the pretext of recording his statement for the investigation, but instead handed him over to her rapists, who murdered him on June 26. “The police connived with the men who raped me to murder my brother,” she said. “The police only registered the FIR for my brother’s murder when the minister of the interior took notice because of the media publicity. My family and I have been struggling for justice for nine years and the police have always acted as a hindrance.”<sup>63</sup>

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<sup>62</sup> Human Rights Watch Interview with Kainat Soomro, Karachi, January 19, 2016.

<sup>63</sup> Ibid.

## Arbitrary Arrest and Detention

Police in Pakistan have expansive powers of arrest and detention. They are authorized to arrest without a warrant any person against whom there is “reasonable suspicion” of being involved or “concerned in” certain types of criminal offenses, or against whom there exists a “reasonable complaint” or “credible information” of such involvement. This includes individuals who are in possession of anything “which may reasonably be suspected to be stolen property.”<sup>64</sup> In addition, police can also arrest without a warrant a person whom they know or suspect of “designing” to commit certain types of offenses.<sup>65</sup>

To provide protection from arbitrary arrest and detention, as well as abuses in custody, the law also specifies that when the police arrest without a warrant, the arrested person must be produced before a magistrate within 24 hours.<sup>66</sup> In the event that the investigation cannot be completed in 24 hours, and there is reason to believe that the accusation is “well-founded,” the police can produce the accused in front of the magistrate and obtain authorization for further detention or physical remand [sending an accused person back into police custody or detention]. Magistrates can authorize physical remand for up to 15 days.<sup>67</sup>

Discussions with NGOs and accounts from many former detainees indicate that police routinely abuse their powers, and arbitrarily arrest and detain people.<sup>68</sup>

### Arbitrary Arrest of Ahmed

In 2014, Nasreen, a resident of Pakpattan, was murdered. Her family suspected her husband, Abid, who was known to be violent towards his wife. Nasreen’s family members

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<sup>64</sup> Code of Criminal Procedure of Pakistan, Act No. V of 1898, section 54.

<sup>65</sup> *Ibid.*, section 151.

<sup>66</sup> *Ibid.*, sections 60-61.

<sup>67</sup> *Ibid.*, section 167.

<sup>68</sup> An arrest or detention is arbitrary when not carried out in accordance with the law, or if the law allows for the arrest and detention of people for peacefully exercising their basic rights such as freedom of expression, association, and assembly. ICCPR, art. 9(1) states: “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.” According to the UN Working Group on Arbitrary Detention, the deprivation of liberty is arbitrary when a case falls into three categories: when there is no legal basis to justify the deprivation of liberty, when the deprivation of liberty violates certain articles of the Universal Declaration of Human Rights and the ICCPR, and when international norms relating to the right to fair trial are ignored or only partially observed. See also Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (Arlington: N.P. Engel 2005), 2<sup>nd</sup> edition, p. 224.

went to the local police station and registered an FIR naming Abid as the accused. However, in addition to Abid's name, the police also inserted "unknown persons" among the list of accused. A few days later, the police arrested Ahmed, Nasreen's brother-in-law, as a co-accused. Ahmed, a tenant farmer, told Human Rights Watch that the police were looking for a bribe:

It is common police practice in these areas to include 'unknown' persons in the FIR and then pick up weak people to extort money from them. A couple of days after the murder, the police came and arrested me even though my name was not in the FIR, and I had an alibi. The day I was locked up, the police asked me for money in order to secure my release. However, I told them that I was too poor and could not afford to pay the sums they were demanding. Every night I would hear the police beating other suspects held in the lock-up. I could not sleep because of the screaming and the pleas for mercy.<sup>69</sup>

Ahmed was kept in jail for five days without being produced in front of a magistrate. His family and their landowner decided not to file a complaint because they feared that the police would then become "truly vengeful and ruthless."<sup>70</sup> Eventually, the police let Ahmed go:

They released me after realizing that I did not have the money they were demanding. Luckily I was not beaten thanks to the *sifarish* [recommendation] of my landowner. But I will never be able to forget those five days of fear. Some friends advised me to take action against the police. However, I decided against it. It is best for weak people like us to stay as far away as possible from the police. Holding them accountable is impossible.<sup>71</sup>

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<sup>69</sup> Human Rights Watch Interview with Ahmed [pseudonym], Pakpattan, November 26, 2014.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

### **False Charges against Gulshan**

Gulshan and his family, who are Dalit *haris* living in Umerkot, secured a court order for their release from their landowner in March 2014. In May, the landowner registered an FIR against Gulshan and five of his family members in the neighboring district of Tando Allah Yar, accusing them of stealing his motorcycle and pistol. Gulshan maintains that the accusation is completely false and that the landowner did this to “exact his revenge”:

The charge against us was completely false; none of us had been to Tando Allah Yar. The aim of the landowner was for us to be branded criminals, and consequently we became vulnerable to harassment and abuse by the police. He was able to do so because he had influence over the SHO of Tando Allah Yar. In order to circumvent an arrest, I approached the district court and applied to have the FIR against us dismissed. However, the case continues. The landowner continues to use his influence over the police and as a result they are constantly threatening and harassing us. We are scared but there is nothing we can do.<sup>72</sup>

### **Police Harassment of Hari Ram**

Hari Ram, a Hindu tenant farmer in Thar, said local police constantly harassed him at the behest of his neighbor, a powerful local landowner. Hari Ram told Human Rights Watch:

Basically, my neighbor, a big landowner, wants to take over my land and keeps harassing me so that I leave. In this effort, he keeps registering false FIRs against me and other members of my family. In May 2014, he registered three entirely false FIRs against us at the local police station. He accused us of robbery, cattle stealing, and illegal possession of land. Of course, he was able to do so as the station house officer of the thana is under his control. When the first two FIRs were registered, I was able to secure pre-arrest bail. However, I was unable to do so in the case of the third FIR. Consequently, three of us were arrested. We were kept in the lock-up for three days and were badly beaten. The police kept telling us to give in to the landowner’s demand and relinquish our land. Thankfully,

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<sup>72</sup> Human Rights Watch Interview with Gulshan (pseudonym), Umerkot, September, 18, 2014.

our family was able to secure our release. However, our troubles are far from over. The false cases against us continue and we live with the fear of harassment.<sup>73</sup>

### **Arbitrary Arrest of Mahmood**

Mahmood was abducted and tortured by police in Karachi in November 2015, and was only released when his family paid bribes to the police. He says there was no basis for the police action except greed.

I was having dinner at a restaurant in the Hawkes Bay area in Karachi when police officers in private clothes forced me into a police car and took me to a police station along the beach. They beat me and put me in a lock-up. They asked me to pay 500,000 rupees (US\$5,000) and threatened to implicate me in a Lyari gang war case. The police called my family, asked them to bring the money and get me released. They kept me in custody and slapped and kicked me the entire night. The next morning my family members brought 250,000 rupees (US\$2,500) as a bribe, which was all that they could arrange. And the police let me go.<sup>74</sup>

### **Torture and Ill-Treatment**

Police in Pakistan frequently use torture and other ill-treatment against persons in custody, particularly during criminal investigations. Those from marginalized groups are at particular risk of violent forms of police abuse. Victims of police abuse reported long-lasting effects including physical pain, disability, and mental stress.

Torture is typically used to obtain confessions and other information from suspects, or as a way to extract bribes from those arbitrarily detained. Custodial torture can result in death. According to the Human Rights Commission of Pakistan's media database, although there were 71 reported cases of custodial torture between January 2014 and May 2016, FIRs were only registered for 16 cases.<sup>75</sup>

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<sup>73</sup> Human Rights Watch Interview with Hari Ram (pseudonym), Umerkot, September 18, 2014.

<sup>74</sup> Human Rights Watch Interview with Mahmood (pseudonym), Karachi, January 18, 2016.

<sup>75</sup> Human Rights Commission of Pakistan, "HRCP Stats", <http://hrcpmonitor.org/search/?id=29>.

Several police officers who spoke to Human Rights Watch sought to justify the use of physical force as a necessary technique to obtain convictions.<sup>76</sup> A station house officer said:

We have different techniques: we keep them awake for a couple of days, we slap them around, we use *littar* [strips of leather commonly used for beatings]. The technique depends on the situation. If the person is not a hardened criminal, he will begin speaking the truth if spoken to in a harsh tone or after a couple of slaps. If, however, he is a hardened criminal, we have to resort to other treatments.<sup>77</sup>

Some officers claimed that the police only use “physical methods” condemned by human rights groups when dealing with hardened criminals who need to be threatened to tell the truth.<sup>78</sup> They said that there was considerable pressure on the police to recover stolen property and no criminal is willing to give back what they stole unless physically threatened. One officer said: “How do you expect us to recover stolen property from hardened criminals? Do you think they will agree if we say, ‘Be nice to us and return what you stole?’”<sup>79</sup>

Senior officials also said that physical force is often used because the police are not trained in sophisticated methods of investigation and forensic analysis.

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<sup>76</sup> Commonly used forms of torture include: severe beatings with punches, striking with batons, canes, sticks, pieces of leather, and, grips of handguns; suspending a person between two cots (*manjji*s) and then pushing them apart so as to stretch the body; suspending a person “by the flexed knees from a bar passed below the popliteal region, usually while the wrists are tied to the ankles”; stretching or crushing limbs in order to cause excruciating pain – in some cases wooden or metal rods are placed on the thighs and buttocks of victims and officers stand on them to increase pressure, often resulting in extreme pain and loss of sensation in the legs; witnessing other people’s torture and other forms of mental torture; solitary confinement; sleep deprivation, light deprivation, confinement to small spaces, and exposure to extreme temperatures; psychological torture in which victims are forced to engage in acts that are against their cultural or religious values – these methods are used to “exploit victims’ values and induce feelings of shame and guilt”; and sexual violence (against both men and women) including rape as well as non-penetrative forms of sexual violence, such as stripping and parading victims naked or touching them in an “unwanted fashion.” Justice Project Pakistan & Allard K. Lowenstein International Human Rights Clinic, Yale Law School. *Policing as Torture: A Report on Systematic Brutality and Torture by the Police in Faisalabad, Pakistan*, July 2014.

<sup>77</sup> Human Rights Watch Interview with station house officer, name withheld, Pakpattan, November 27, 2014.

<sup>78</sup> Human Rights Watch Interview with provincial police officer, other details withheld, Lahore, 2014.

<sup>79</sup> Human Rights Watch Interview with police officer, details withheld, Pakpattan, November 27, 2014.

None of these reasons, however, justify the use of torture and other ill-treatment under international and Pakistani law. Pakistan is party to international treaties that prohibit the use of torture and other ill-treatment, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>80</sup> Although Pakistan does not have domestic legislation criminalizing torture, article 14(2) of the constitution of Pakistan prohibits the use of torture for extracting evidence.<sup>81</sup> In the absence of express statutory criminalization of torture, Sections 339, 340, and 349 of the Pakistan Penal Code, 1860—dealing with wrongful restraint, wrongful confinement, and criminal use of force, respectively—are sometimes used in prosecution of torture.<sup>82</sup>

### **Tortured for Information: Kumar**

Kumar worked for a nongovernmental organization in Umerkot and lived with his family in the residential quarters of a local government hospital where his father was a vaccinator. In September 2013, Kumar's neighbor, a young woman, went missing. It was later discovered that she had eloped with a man she had befriended at work.

Initially, however, the woman's family wrongly accused Kumar of abduction. He was arrested and taken to the police lock-up, where he was held for 11 days without remand and tortured as the police interrogated him about the missing woman:

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<sup>80</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), *entered into force* June 26, 1987, ratified by Pakistan on June 23, 2010.

<sup>81</sup> Article 14(2), Constitution of the Islamic Republic of Pakistan, 1973, [http://na.gov.pk/uploads/documents/1431341153\\_169.pdf](http://na.gov.pk/uploads/documents/1431341153_169.pdf): "No person shall be subjected to torture for the purpose of extracting evidence."

<sup>82</sup> Section 339 of the Pakistan Penal Code, Act No. XLV of 1860, <http://pakistancode.gov.pk/UY2Fqajw1-apaUY2Fqa-apk%3D-sg-jjjjjjjjjjjj>: "Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person"; Section 340: "Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said to "wrongfully to confine" that person"; Section 349: "A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described: *First*: By his own bodily power. *Secondly*: By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person. *Thirdly*: By inducing any animal to move, to change its motion, or to cease to move."

The police were extremely brutal. They beat me mercilessly. They suspended me upside down and beat me with canes. On another occasion, they beat me and stretched me to such an extent that my foot fractured. My spine was also injured. It was simply hideous. There was also sexual torture. I cannot relive it, I cannot recount.<sup>83</sup>

The case against Kumar was eventually dropped. Kumar told Human Rights Watch that he would not approach the authorities to hold the police accountable:

Many people from the community said they would support me if I wanted to complain against the police. However, I decided not to pursue the matter further as I didn't want to get into more trouble with the police and cause my family greater distress. I knew that if I pursued the matter the police would lodge false cases against me and my family and harass us.<sup>84</sup>

### **Custodial Death of Syed Alam**

On March 15, 2013, Syed Alam, a construction worker, was picked up in Nazimabad, Karachi, by a police special investigating unit (SIU). According to his father, Umar Daraz, Syed had said that the police found him while he was shopping in the market, knocked him unconscious with a handgun, and took him away in a police car. The police also took 27,000 rupees (US\$270). He believes the police apprehended his son because they had been paid off by some individuals who owed Syed money. Daraz said:

He was missing for nearly 15 hours. Then, at 1 a.m., I received a call from the police. They told me that they would let my son go if I paid 1 million rupees (US\$10,000). I pleaded with them that I am poor, that I could only give 400,000 rupees (US\$4,000). But they said the amount was non-negotiable and that if I did not have the money by the afternoon of March 16, 2013, they would kill my son. I had no choice. I borrowed the remaining amount and went to the designated place to drop off the bribe money.

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<sup>83</sup> Human Rights Watch Interview with Kumar (pseudonym), Umerkot, September 18, 2014.

<sup>84</sup> Ibid.



After paying the bribe, I asked them to hand over my son. On hearing this, a police official loaded his rifle and said, ‘We will shoot you if you talk too much.’ They let me talk to my son on the phone. He was very panicked and asked me to pay whatever they demanded. The police officials told me that my son would come back to me soon.

I followed the police car after the payment and saw them enter the Jamshed town police station. I waited all night for my son to return, and went to the Jamshed town police station the following day. After much begging and pleading, the police allowed me to enter the station and see my son, who was detained in the lock-up. He had visibly been tortured and there were marks around his face and neck. Two officers at the police station asked for more money. They said that if I did not pay, I would never see my son again. I cried and even put my turban at their feet saying that I don’t have this sort of money. Finally, they said, ‘Give us 350,000 rupees (US\$3,500) and we will let him go.’

I sold my wife’s jewelry, went back to the Jamshed town police station, and paid the bribe to police officer Ali Raza on the evening of March 18, 2013. He told me to come the next day and get my son. When I went to the police station on the next day, I found out that they had falsely implicated my son in three cases, including a bank robbery, and had sent him away to prison. The police had shown that they recovered 250,000 (US\$2,500) rupees from him. In fact, they had taken that money out of the bribe money that I had paid.

My son remained in prison for three months before he was released on bail by the Sindh High Court. Once he was released, I filed a complaint with the anti-corruption department against the police officers who had abducted him and taken bribe money from us. The police officers started harassing and threatening me, demanding that I take back my complaint, otherwise they would kill me and my son. Within 20 days of the complaint, my son survived two assassination attempts. I made my two daughters stop going to college because I feared for their safety.

On the 21st day, my son went missing again when he went out to the market. I went to the police station and filed a petition in court. However, I found no trace of my son. The police denied arresting him. For nearly two years, I searched everywhere for my son.

On November 16, 2015, I was on my way to work in the Baldia area when I saw my son in the back of a police van on the road. The same police officers were with him. They did not see me. I shouted and attempted to stop them, but they drove away.

After that, I went to the Jamshed town police station and all other police stations in the area, but I couldn't find my son. I wrote applications to all senior police officials including the inspector general in Sindh. However, no one responded.

I also checked all the hospitals. On November 21, 2015, I found my son's body at the Chhipa hospital in Karachi. I fainted upon seeing his body. There were torture marks all over his body. The hospital record showed that the police from the Iqbal town police station picked up my son's body from a garbage dump and brought it to the Chhipa hospital.

I have no doubt in my mind that the police killed him. They killed him because I was pursuing the anti-corruption complaint against them. I have no hope of getting justice in this crooked system.<sup>85</sup>

### **Death in Custody of Akhtar Ali**

Akhtar Ali died on June 3, 2015, in Lahore. His wife, Riffat Naz, believes that the police tortured him to death. The police claim that Akhtar Ali was killed by an angry mob after he was caught stealing. Riffat Naz told Human Rights Watch:

On the morning of May 31, 2015, my husband received a phone call that left him very disturbed. He did not tell me who it was. All he told me is that he

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<sup>85</sup> Human Rights Watch Interview with Umar Daraz, Karachi, January 19, 2016.

needed to pay someone and needed 5,000 rupees (\$50). Shortly afterwards, he went to the market to get some groceries. We began getting concerned when he did not return till the evening. I tried calling his mobile phone several times, but it was turned off. We checked around the neighborhood and even went to the police to file a missing person report. The police told us not to worry and to wait for some time, but didn't register our complaint.

On June 3, 2015, we received a call from the Services Hospital in Lahore informing us that my husband was critically injured. We rushed to the hospital and found him in a coma with a broken skull. There was no hair on the back of his head, his nose was broken, and there were scars on his face. He died a couple of hours later. The hospital staff told us that he was brought in by the police on June 1. The hospital record also has the entry for his admission by the police.

When we contacted the police, we were told that he was beaten by a mob after being caught trying to rob a grocery store in Lahore Cantonment. The police refused to give us any details. The investigating officer was rude and abusive, and told me to go away when I asked for more information.

About 10 days later, the investigating officer came to our house and told my mother-in-law that he wished to see me since he wanted to pay me compensation for my husband's death. My mother-in-law refused and told him that we wanted justice, not money. Three days later, the police came again and arrested my husband's brother, Zulfiqar, without giving any reason. They kept him in custody for eight days and released him after we paid a bribe of 10,000 rupees (US\$100).

They're threatening to torture and kill our entire family if we decide to pursue this matter. The police have registered a report saying that he was killed by an unidentified mob of people, and that they found him already in a coma with a broken skull.

If he was trying to rob a store, there must have been witnesses. Where are they? Why did the police not contact us if they found him an injured state? I know that the police killed my husband. But I fear that I will never be able to prove it.<sup>86</sup>

## Extrajudicial Killings: Faked “Encounter Killings”

In Pakistan, faked “encounter killings” are a particularly common form of extrajudicial killings by police. An encounter killing occurs when the police justify the killing of a criminal suspect either as an act of self-defense or as a means of preventing suspects from fleeing arrest or escaping from custody. While not all such killings might meet international standards for the use of lethal force, many are faked outright, and are not merely the use of excessive force but an extrajudicial execution. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide that “intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”<sup>87</sup>

The Human Rights Commission of Pakistan has found that the police are often responsible for “being either trigger happy, or worse still, staging the events to unlawfully kill individuals.”<sup>88</sup> It further concluded police are able to commit such human rights violations with impunity because substantive and meaningful departmental inquiries into such incidents are “extremely rare,” and there is a lack of an “independent probe mechanism” for purposes of accountability and grievance redress.<sup>89</sup>

According to media reports collated by the Human Rights Commission of Pakistan in 2015, 2,108 men and seven women were killed in police encounters across Pakistan. In the city of Karachi alone, 696 suspects were killed. In Punjab province, 1,191 men and three women were killed in police encounters. In the vast majority of these cases, no police

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<sup>86</sup> Human Rights Watch Interview with Riffat Naz, Lahore, September 17, 2015.

<sup>87</sup> United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), Principle 9.

<sup>88</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2013*, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>; See also PILDAT, *Police, Politics, and the People of Pakistan*, January 2015, [http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice\\_PoliticsandPeopleofPakistan\\_CitizensReport.pdf](http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice_PoliticsandPeopleofPakistan_CitizensReport.pdf).

<sup>89</sup> *Ibid.*

officer was injured or killed, raising questions as to whether there was in fact an armed exchange in which there was imminent threat to the lives of police or others.<sup>90</sup>

Many senior police officers who spoke to Human Rights Watch, particularly in Punjab, did not deny the practice of killing suspects in faked encounters. An officer in Sahiwal said:

Yes, junior officers do stage encounters and kill suspects. I have stopped them and explained that this is not a solution for dealing with hardened offenders, and that it will only lead to further hatred and mistrust of the police. But they don't care. As far as they are concerned, encounters are the perfect way of getting rid of hardened criminals. They do not consider it a gross violation of human rights and instead see it as an effective way of delivering justice.<sup>91</sup>

Some police officers said that police only kill “hardened” criminals in encounters and they do so because of the inefficacy of the criminal justice system. According to one officer, an encounter is seen as a way of ensuring that a known criminal does not escape justice simply due to lack of evidence and witnesses or a reluctance of the judiciary to impose a serious sentence:

In general, they only kill habitual offenders and criminals who have committed heinous crimes such as rape, armed *dacoity* [banditry], multiple murders, kidnapping, etc. For example, I am sure that junior officers have killed someone in a fake encounter when they heard that the suspect was a rapist. Recently, there was a case in which a suspect known to be a pedophile and a rapist was killed in an encounter. The official version was that he was shot while trying to escape from custody. However, I am quite sure that the police killed him deliberately. The man was so widely despised.<sup>92</sup>

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<sup>90</sup> Human Rights Commission of Pakistan, *State of Human Rights in Pakistan 2015*, January 2016, <http://hrcp-web.org/hrcpweb/wp-content/uploads/2016/04/Law-And-order.pdf>.

<sup>91</sup> Human Rights Watch Interview with police officer, details withheld, Sahiwal, November 27, 2014.

<sup>92</sup> Human Rights Watch Interview with police officer, details withheld, Lahore, February 20, 2015.

While senior officials blamed these staged encounters on junior staff, Human Rights Watch found that junior officers often have the tacit support of senior officers to kill suspects in fake encounters. The lack of meaningful inquiry and accountability in such cases indicates that the senior ranks also view these killings as an effective way of dispensing with certain criminal suspects and have little intention of stopping the practice.

### **Killings of Sarwar and Ibrar**

On April 13, 2009, police raided Muhammad Sarwar's house in Lahore a little after midnight, alleging that he, along with his wife, son, and daughter, were all wanted for criminal cases. The police also searched the house and took away mobile phones, gold jewelry, and cash. All four were detained, but Sarwar's wife and daughter were released in the morning. Sarwar and his son Ibrar remained in custody but were transferred to another police station. Kehkashan Begum, Sarwar's sister, said she never saw either of them again:

The next day, we filed a habeas corpus petition in the Lahore High Court. After the court hearing, the station house officer contacted us and said he had shifted Sarwar and Ibrar to an undisclosed location, and that if we wished to see them, we would have to pay a bribe of 100,000 rupees (\$1,000). I told him that we did not have the resources to make such a huge payment.

On April 26, we were informed that Sarwar and Ibrar had died the previous day. The police concocted a story that they'd been forced to kill them because they attempted to escape arrest.

Since then, I have tried approaching all authorities, including the court and the police. The capital city police officer ordered an inquiry and a registration of a criminal case against the officers involved. However, since the investigation was conducted by the colleagues of the killers, all of them were declared innocent. I have been pursuing this case daily for six years. It seems I will die trying to get justice for my brother and nephew.<sup>93</sup>

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<sup>93</sup> Human Rights Watch Interview with Kehkashan Begum, Lahore, September 15, 2015.

## Killing of Haris Ahmed

In March 2014, Haris Ahmed was killed in the outskirts of Lahore. The police said that Haris, who was wanted for two murder cases, was killed when he tried to escape arrest during a raid on his hideout.

Haris's family rejects the police account and believes that Haris was killed in a staged encounter. After failing to register a case against the police station in question, his father, Ahmed Ali, submitted a petition for an FIR in the Lahore High Court. Ali told Human Rights Watch:

My son and I were implicated in two murder cases three years ago. This was done at the behest of the local influential people of our area, who also happened to be the local thugs and police touts. As a result of this case, I was sent to jail. I later learned that my son had gone into hiding and had been declared an *ishtihari*.<sup>94</sup> I never saw my son alive again.

In March 2014, at about 1:30 a.m., I received a call from my younger son saying that the police had picked up Haris during a raid. Apparently, Haris had been living with a friend in a rented house on the outskirts of Lahore. We later learned that the police shot Haris dead near the house.<sup>95</sup>

A few days after the burial, Ali filed a petition in the High Court to have an FIR registered against the police station. The FIR was registered and an investigation was ostensibly underway. However, Ali did not believe the case was being pursued:

In court, the police reported that they shot at Haris only after he opened fire at them. However, they could not produce any supporting evidence. None of the police officials were injured. Haris's body, on the other hand, was riddled with bullets. The investigation continues, but there is no progress. I am not surprised. The district superintendent of police (DSP) is an honest

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<sup>94</sup> An *ishtihari* is someone who goes into hiding after being released on bail; this is often done to prevent the execution of a court warrant.

<sup>95</sup> Human Rights Watch Interview with Ahmed Ali, Lahore, February 24, 2015.

man and wants to help us, but he is under too much pressure. I have given applications to other officials but it is useless. I am convinced that I will not get justice from the Lahore police.<sup>96</sup>

Ali told Human Rights Watch that the police continue to harass and threaten him to drop the complaint:

My family and I live under constant threat. At one of the court appearances, an official said to me, ‘Don’t get too confident because the FIR has been registered. You need to be careful. Don’t forget that your son is dead.’ Officers keep calling me to explain why I should abandon the case. I am scared, but tell me, how can I forget my son?<sup>97</sup>

### **Killing of Naeem Ahmed**

In December 2013, the police picked up two men, Naeem Ahmed and Babar, from their homes in Lahore in the middle of the night. Naeem’s mother, Sughra, said that the police asked her to pay 40,000 rupees (\$400) for his release. Sughra did not have such a sum but paid the police 8,000 rupees (\$80) to ensure that Naeem was not physically harmed. After a few days, Naeem was sent to jail and accused in multiple criminal cases including for murder, robbery, and kidnapping for ransom.

In February 2014, the police informed Sughra that her son and Babar had been killed by the police while trying to escape arrest. She refused to believe them:

They told me that my son and Babar had raped a woman and that they were killed when they tried to avoid arrest. But I know this is a lie. My son was in jail. How could he have raped a woman, or committed any other crime, for that matter? I believe that my son was taken out of jail and murdered in a fake encounter. Babar’s family told me that he was killed during the investigation and not as the police were alleging. Perhaps they killed Naeem in order to cover up Babar’s death in custody. The police murdered my son,

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<sup>96</sup> Ibid.

<sup>97</sup> Ibid.



and this is why they did not give me his body for seven days after his death. They wanted to make sure that there was no evidence against them.<sup>98</sup>

Sughra filed a case against the police. However, she stopped pursuing the matter because she lacked the resources.

### **Killing of Arif Hameed**

In early February 2015, the police arrested Arif Hameed, his older brother, and sister-in-law at their home in Lahore and brought them to the local police station. The police refused to tell their parents why they had been arrested.

Arif's sister, Sameen, told Human Rights Watch that the police were very abusive towards her sister-in-law, saying that "they slapped and abused her."<sup>99</sup> When their mother, Sakina, went to the police station to meet her children, she was turned away and told to return at noon the following day. A few hours later, around midnight, Sakina's daughter-in-law and older son returned home. However, Arif was not released.

The following morning, the police called Arif's family and told them that he was killed in custody when he tried to escape while being transported from the police station. They asked the family to collect Arif's body from a government mortuary in the evening. The family refused to believe the police and allege that Arif was killed in a faked encounter. Sameen told Human Rights Watch:

We know that they killed him in a fake encounter that same night. One of our relatives saw a news item about an encounter on television but how was any one to know that the news was about our Arif? We were also not provided a copy of the postmortem report. But you could tell from the bullet marks on his body that he was murdered. There were four bullet wounds on his chest, two on either side. It was evident that they shot him from close range and not while he was running.<sup>100</sup>

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<sup>98</sup> Human Rights Watch Interview with Sughra, Lahore, February 26, 2015.

<sup>99</sup> Human Rights Watch Interview with Sameen, Lahore, February 27, 2015.

<sup>100</sup> Ibid.

Arif's family has decided not to pursue a case against the police because they fear that they may be harassed and suffer further harm. Sameen said:

The police know where we live. They have our mobile numbers. If we press charges against them, we will definitely be harassed and abused. We are weak people with no money or access to influence. But it is difficult for my elderly parents and my mother cries all day. Maybe if she were to get justice, if her son's killers were held accountable, she would find peace. Unfortunately, this is not possible.<sup>101</sup>

### **Killing of Kashif Rehan**

Kashif Rehan, 35, was arrested by the police from the town of Kot Sabzal in Punjab while traveling to Lahore on September 4, 2014. His sister, Ammara, who lives in Karachi, told Human Rights Watch that the day after his arrest:

A sub-inspector called my sister-in-law and told her that if she wanted to see her husband alive, she had to pay them 400,000 to 500,000 rupees (\$4,000-5,000). My sister-in-law went and met my brother in the police station and asked the police officers to give her some time. She met him three times on consecutive days. However, when she went on the fourth day, the police refused to let her enter and denied that they ever had my brother in custody. Later, the sub-inspector called again and said that the district police officer was also involved, and that the only way for my brother to live was if the police received the bribe.

My sister-in-law then filed a petition in court and the police officers were summonsed to give an explanation. The police officials appeared in court and presented a news clipping which reported that my brother was killed in a police encounter four days earlier. The court dismissed the case, and the police never gave any more details. When we asked them, they told us that they had already buried him. The police never told us where they had buried him and never showed us a photograph of his body. For the past

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<sup>101</sup> Ibid.

year, we have been trying to get more information. However, the police officers will not talk to us, and say that my brother has been buried and the file closed. To this day, we don't know if my brother is alive or not.<sup>102</sup>

### **Killing of Shahbaz**

On July 12, 2010, the local station house officer (SHO) from Lahore and six constables dragged Shahbaz out of his father's house, beat him up, and then shot him in front of the family and neighbors, according to his father, Allah Rakha. The police reported that they shot Shahbaz in self-defense: they claimed that he tried to flee from a police checkpoint and shot at them, so they returned fire and killed him. Allah Rakha alleges that the SHO and his constables killed Shahbaz due to a disagreement:

Shahbaz had an altercation with the local SHO over a personal matter. The argument escalated verbally, but Shahbaz thought that the matter was over. A few days later, I was in my house preparing to go to sleep when I heard violent knocking on the door. I went out and found two local police constables outside, armed with automatic assault rifles, asking for Shahbaz. I called Shahbaz from his room. They asked him to step outside the house. In the meantime, the local SHO arrived with four more constables in his official vehicle. Upon his arrival, the constables assaulted Shahbaz, kicking and punching him. One of the constables shot him in the right shoulder with a pistol. The SHO then fired his rifle and the bullet went through his abdomen. Our neighbors tried to intervene and bring water for Shahbaz but the police fired shots in the air to scare them away. Shahbaz died on the spot in front of my eyes. There are many other witnesses to his killing.<sup>103</sup>

The police registered an FIR regarding Shahbaz's death before Allah Rakkha could file a complaint himself. According to the police version, two police officers were patrolling the neighborhood on motorcycles on the night of July 12, 2010, when they spotted two individuals on a motorcycle without a license plate. They signaled the two to stop, but they sped away, so the police followed them. The police claimed that Shahbaz fired at them, so they fired in retaliation. According the police, the individual allegedly accompanying

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<sup>102</sup> Human Rights Watch Interview with Ammara, Lahore, January 18, 2016.

<sup>103</sup> Human Rights Watch Interview with Allah Rakha, Lahore, September 16, 2015.

Shahbaz left him and the motorcycle at the front door of a house and managed to flee on foot. Police said Shahbaz died before the police could call for medical assistance.

Allah Rakha said that after about 18 months of repeated attempts, he managed to get a criminal case registered against the police officers. However, fellow police officers let off the accused constables after their investigation. Allah Rakha then filed a private complaint and is still seeking justice for his son's killing: "Not only have they killed my son, they have also sullied his name by making it seem that he was a criminal. He was not a criminal."<sup>104</sup>

### **Killing of Bilal Khan**

Bilal Khan was killed by the police in Lahore on April 19, 2014. His father, Zubaidullah, who is a resident of Khyber in the Federally Administered Tribal Areas (FATA), said that he saw Bilal in police custody after being arrested for political reasons. The police later claimed that Bilal was killed while attempting to escape. Zubaidullah told Human Rights Watch:

My son, Bilal, was working as an employee of a local political leader in Lahore. I received a call informing me that my son had been arrested by the police and I immediately left for Lahore. When I reached the police station on the morning of April 19, 2014, I saw that my son was handcuffed and lying face down on the floor. The SHO said he was arrested because the police had orders to arrest [his employer] and everyone who was with him at that time. I pleaded with the SHO and told him that we are people from the tribal areas, and have nothing to do with the political rivalries in Lahore. He refused to listen and ordered his staff to throw me out of the police station.

In the evening I received a phone call from the police saying that my son was killed while trying to escape. I went to the place he was murdered, along with people from my son's office. Several people witnessed the murder of my son. [They said] the police handcuffed and blindfolded my son, then took him out of the car and shot him dead on the roadside.

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<sup>104</sup> Ibid.

The police have registered the case as a self-defense killing, naming my son as a criminal.<sup>105</sup>

## Infringements of Basic Rights

The Pakistani government has frequently made use of the police to crack down on political opponents, crush political dissent, or quell public protests against the government and government policies.

Prominent examples in recent years of police abuses against public protests include the 2013 crackdown in Faisalabad on citizens protesting against power cuts;<sup>106</sup> a 2014 crackdown in Karachi on teachers protesting the non-payment of salaries;<sup>107</sup> a 2014 crackdown in Lahore against a group of the blind who were demanding an increase in the employment quota;<sup>108</sup> and a 2015 crackdown in the Punjabi towns of Vehari and Okara against farmers who were attempting to march to Islamabad to protest government agriculture policies.<sup>109</sup>

In many cases, protesters have accused the police of resorting to unnecessary or excessive force, intimidating family members, including women and children, and framing false charges against protesters as a means of suppressing dissent.

Police officials told Human Rights Watch that force is only used in retaliation: that is, when assemblies do not remain peaceful and protesters threaten public order by resorting to

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<sup>105</sup> Human Rights Watch Interview with Zubaidullah, Lahore, September 18, 2015.

<sup>106</sup> "Probe into police torture of Faisalabad protesters launched, Senate told," *APP*, June 13, 2013, <http://www.dawn.com/news/1017796>.

<sup>107</sup> "Protesting teachers baton-charged, splashed with water cannon," *Pakistan Today*, September 11, 2014, <http://www.pakistantoday.com.pk/2014/09/11/city/karachi/protesting-teachers-baton-charged-splashed-with-water-cannon/>.

<sup>108</sup> "Police baton-charges blind reporters in Lahore, several injured," *Dawn*, December 3, 2014, <http://www.dawn.com/news/1148521>.

<sup>109</sup> "Farmers' Protest," *Dawn*, March 10, 2015, <http://www.dawn.com/news/1168483>; "Farmers stopped from going to Islamabad rally," *Dawn*, March 9, 2015, <http://www.dawn.com/news/1168350/farmers-stopped-from-going-to-islamabad-rally>.

violence and rioting. Independent analysts, however, say that the police resort to violence because of lack of training in the principles and practices of crowd management.<sup>110</sup>

International human rights law protects the rights to freedom of expression, peaceful assembly, and association. Under the International Covenant on Civil and Political Rights (ICCPR), governments can only impose restrictions on basic liberties that are provided by law; are imposed only for one of the grounds set out in the covenant, such as public order; and that conform to the strict tests of necessity and proportionality. That is, restrictions must be necessary for a legitimate purpose, appropriate to achieve their protective function using the least intrusive method available, and proportionate to the interest being protected.<sup>111</sup>

The UN Basic Principles on the Use of Force and Firearms provide that law enforcement officials shall as far as possible apply non-violent means before resorting to the use of force and firearms. Whenever the use of force is unavoidable, law enforcement officials should use restraint and act in proportion to the seriousness of the risk faced. The legitimate objective should be achieved with minimal damage and injury, and respecting preservation of human life. In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practical and only to the minimum extent necessary. The UN Human Rights Committee has called on governments to ensure that regulations governing the use of force and firearms by police conform fully with the Basic Principles and that “any violations of these rules be systematically investigated in order to bring those found to have committed such acts before the courts; and that those found guilty be punished and the victims be compensated.”<sup>112</sup>

### **Crackdown on Farmers’ Protest, Okara**

Farmers in Okara district, Punjab, had planned to convene on April 17, 2016, the International Day of Peasants’ and Farmers’ Struggles. On the morning of April 16, police arrested Mehr Abdul Sattar at his home. Sattar is the secretary general of Anjuman-i-Mazareen Punjab, the farmers’ group which was organizing the meeting the next day. The

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<sup>110</sup> Human Rights Commission of Pakistan, *State of Human Rights in 2013*, <http://www.hrcp-web.org/hrcpweb/report14/AR2013.pdf>

<sup>111</sup> UN Human Rights Committee, General Comment No. 34 on ICCPR art. 19: Freedoms of opinion and expression, CCPR/C/GC/34, September 12, 2011, paras. 21-36.

<sup>112</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

district administration invoked section 144 of the Criminal Procedure Code, a colonial era law to restrict gatherings.

Hundreds of villagers gathered soon afterwards to protest against the arrest of Sattar and four other tenant farmer leaders. The police and army were deployed in armored personnel carriers. After several protesters threw stones, the security forces carried out baton charges and used tear gas canisters to disperse the protesters. Dozens were arrested under various anti-terrorism and public order provisions and many remain detained at undisclosed locations. Numerous witnesses told Human Rights Watch that security forces beat and arrested protesters, arresting some from their homes in the middle of the night.<sup>113</sup>

### **Police Shooting in Model Town, Lahore**

On June 17, 2014, a large contingent of the Punjab police was sent to the headquarters of the Pakistan Awami Tehrik (PAT) in Lahore, an opposition political party that had been mounting a movement against the government, to remove allegedly illegally erected security barriers. Party workers and supporters of the party leader, Dr. Tahir-ul-Qadri, resisted the police, sometimes violently. The police opened fire, killing 14 PAT workers, and wounding or injuring more than 100. In the days following the attack, police officials maintained that they fired their weapons only in response to gunshots from inside Dr. Qadri's house, allegations that PAT representatives denied.<sup>114</sup>

Immediately after the incident, Punjab's chief minister, Shahbaz Sharif, ordered a judicial inquiry into the incident and removed some senior police officers, the provincial law minister, and the chief secretary from their posts.<sup>115</sup> The findings of the judicial inquiry have not been made public. However, both the PAT and segments of the independent media

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<sup>113</sup> Human Rights Watch, *Soiled Hands: The Pakistan Army's Repression of the Punjab Farmers' Movement*, July 2004, <https://www.hrw.org/report/2004/07/20/soiled-hands-pakistan-armys-repression-punjab-farmers-movement>; *Pakistan: Crackdown on Farmers' Protest*, Human Rights Watch news release, May 4, 2016, <https://www.hrw.org/news/2016/05/04/pakistan-crackdown-farmers-protest>.

<sup>114</sup> Arif Malik and Waseem Riaz, "Model Town Case: FIR registered against Nawaz, Shahbaz and 19 others," *Dawn*, August 28, 2014, <http://www.dawn.com/news/1128333>; Azam Khan and Rana Tanveer, "PAT, Police Clash: CCPO Lahore, DIG operations removed," *Express Tribune*, June 17, 2014, <http://tribune.com.pk/story/722971/4-dead-59-injured-in-clash-between-pat-workers-police-in-lahore/>.

<sup>115</sup> Rana Tanveer and Abdul Manan, "The axe falls: Heads finally roll over Model Town Tragedy," *Express Tribune*, June 21, 2014, <http://tribune.com.pk/story/724894/the-axe-falls-heads-finally-roll-over-model-town-tragedy/>

believe that the report implicates important ministers of the Punjab government, including the chief minister himself.<sup>116</sup> In November 2014, the Punjab government formed another joint investigation team (JIT), headed by a senior police officer, to investigate the charges in the FIR registered by the PAT. This JIT held 10 police officers responsible for the shootings while clearing other government officials, including the chief minister, of any wrongdoing.<sup>117</sup>

### **Police Shooting during PIA Protest**

On February 2, 2016, workers of Pakistan International Airlines (PIA) staged a protest in Karachi against the proposed privatization of the airline. They clashed with large contingents of police and the Pakistan Rangers, a paramilitary border security force deployed in the city with police powers. Police used a water cannon and teargas to prevent the protesters from marching towards the Karachi airport. Rangers joined the police, charged the protesters with batons, and then, according to witnesses, began firing at them, killing two and wounding two others. The police and the Rangers both denied firing at the protesters.<sup>118</sup>

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<sup>116</sup> “Judicial commission report holds Punjab government ‘responsible’ for Model Town bloodbath,” *Pakistan Today*, August 26, 2014, <http://www.pakistantoday.com.pk/2014/08/26/national/judicial-commission-holds-punjab-govt-responsible-for-model-town-bloodbath/>.

<sup>117</sup> “Model Town tragedy: JIT grants ‘clean chit’ to PM, CM Shahbaz,” *Express Tribune*, May 20, 2015, <http://tribune.com.pk/story/889480/model-town-tragedy-jit-grants-clean-chit-to-pm-cm-shahbaz/>.

<sup>118</sup> Bhagwandas, “PIA protests draw blood as workers take on police, Rangers,” *Dawn*, February 3, 2016, <http://www.dawn.com/news/1237117>.



### III. Constraints Faced by Police

Many police officers told Human Rights Watch that increasing demands placed upon them have made maintaining law and order and ensuring public safety more arduous in Pakistan. In addition to regular policing duties, the government has put the burden on the police to counter threats and violence posed by armed extremist groups, as well as organized crime related to land-grabbing and the arms and drug trades. However, police have not been given the requisite training and resources to handle these added responsibilities. While these are responsibilities appropriately within the mandate of the police, they have been added on without consequent upgrades in police capacity for these new roles.

The police have also increasingly faced security risks. Militant groups have killed or seriously wounded a number of officials in Balochistan, Khyber-Pakhtunkhwa, and Sindh provinces. According to data compiled by the police, in the province of Sindh, over 750 personnel have been killed since 2010; in Khyber-Pakhtunkhwa, 1,200 police officials have been killed since 2006; and in Balochistan, 360 police officials have been killed since 2010.

The police have also been subject to a violent backlash against the state by an increasingly frustrated citizenry and, in some instances, mobs have attacked police officials for trying to enforce the law.<sup>119</sup>

The institutional constraints that have long hampered the police—insufficient human and financial resources, poor infrastructure, problems in the criminal justice system, and interference and influence from both internal and external sources—have undergone no

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<sup>119</sup> For example, in November 2014, a mob burned a Christian couple in Kot Radha Krishan to death for “blasphemy.” According to media and the HRC’s investigation reports, police officers present at the scene were unable to control the situation and enforce the law, and were instead beaten and held hostage. In another case in July 2012, a mob stormed a police station in Bahawalpur, killed a mentally-ill man being interrogated for alleged blasphemy, and then burned his corpse. According to reports, police officers were injured and police property was destroyed in this attack. Correspondents, “Mob violence: Killing of Christian couple slammed province-wide”, *Express Tribune*, November 6, 2014, <http://tribune.com.pk/story/786486/mob-violence-killing-of-christian-couple-slammed-province-wide/>; Sophia Saifi and Hilary Whiteman, “Dozens arrested in slaying of Pakistani couple accused of desecrating Quran”, *CNN*, November 6, 2014, <http://edition.cnn.com/2014/11/05/world/asia/pakistan-couple-slain/>; Afzal Ansari, “50 villagers held over burning of Christian couple to death”, *Dawn*, November 6, 2014, <http://www.dawn.com/news/1142612>; Associated Press, “Mob kills man, burns corpse for desecrating Quran”, *Dawn*, July 4, 2012, <http://www.dawn.com/news/731717/mob-kills-man-burns-corpse-for-desecrating-quran>.

serious reforms. All of these hurdles contribute to the Pakistani police’s inability to enforce law and order in a manner consistent with human rights, and free from corruption and improper influence.

Elite elements within Pakistani society—be they politicians, landowners, or the wealthy—continue to exercise outsized and improper control over law enforcement. Independent analysts and police officials acknowledge that postings to coveted positions, including some station-level appointments, are invariably made on the basis of political connections. Consequently, many senior officials across the country aim to be in the “good books of one political party or the other” and are “politicized.”<sup>120</sup>

## Financial Constraints

One of the major impediments to proper functioning of the police is the lack of adequate financial resources.<sup>121</sup> Police officials interviewed by Human Rights Watch at the station, district, and provincial levels, all said that they did not have the requisite funds to perform their functions properly.

Corruption is one of the most common complaints against police. It is inextricably linked with, if not justified by, financial constraints. The high incidence of corruption negatively impacts trust in the police. This low level of trust, in turn, reduces citizens’ engagement with state institutions, including the police, especially for purposes of grievance redress and accountability.<sup>122</sup> A senior officer in Mirpurkhas told Human Rights Watch:

Corruption is the most serious problem for the police; I would rank it higher than political interference. This is because corruption is the prime cause for mistrust and hatred of the police in society.<sup>123</sup>

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<sup>120</sup> Hassan Abbas, *Reforming Pakistan’s Police and Law Enforcement Infrastructure: Is It Too Flawed to Fix?*, United States Institute of Peace, February 2011, [http://www.usip.org/sites/default/files/SR266-Reforming\\_Pakistan%E2%80%98s\\_Police\\_and\\_Law\\_Enforcement\\_Infrastructure.pdf](http://www.usip.org/sites/default/files/SR266-Reforming_Pakistan%E2%80%98s_Police_and_Law_Enforcement_Infrastructure.pdf); Hassan Abbas, *Police & Law Enforcement Reform in Pakistan: Crucial for Counterinsurgency and Counterterrorism Success*, Institute for Social Policy and Understanding, April 2009, [http://belfercenter.hks.harvard.edu/publication/18976/police\\_law\\_enforcement\\_reform\\_in\\_pakistan.html](http://belfercenter.hks.harvard.edu/publication/18976/police_law_enforcement_reform_in_pakistan.html); International Crisis Group, *Reforming Pakistan’s Police*.

<sup>121</sup> Ibid.

<sup>122</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*, (Unpublished doctoral thesis), Oxford University Department of Sociology, 2015.

<sup>123</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 17, 2014.

While all officials recognized the pernicious effects of corruption, many contended that much of the corruption at the station level is due to paucity of funds rather than greed. A senior officer in Umerkot district said:

The department does not provide adequate funds to police stations and so local officials are often compelled to raise the finances to perform their functions properly. In my view much of police corruption is because of need as opposed to greed. Of course corruption out of need paves the way for greed. But this is not the norm.<sup>124</sup>

Hussain Naqi of the Human Rights Commission of Pakistan addressed this police justification for corruption:

From the police's point of view, a certain level of corruption is unavoidable as the state does not provide the necessary resources and instead expects the police to raise a lot of their funds themselves. Many basic police station necessities such as stationery and transportation are often provided by complainants or funds generated through complaints. However, the issue of corruption is more complex. In many instances, the established trend seems to be that SHOs are appointed to police stations because they are able to generate the funds required not only for running and maintaining the *thana*, but also for greasing the system all the way to the top.<sup>125</sup>

### *Poor Infrastructure*

Human Rights Watch found that there were sharp contrasts in the protection, welfare, facilities, living and working conditions available for senior and junior ranks of police.

While the senior ranks work in relative comfort, have better facilities, and are comparatively well protected from violence, the junior ranks almost invariably live and work in miserable conditions and are extremely vulnerable to attacks by militant groups. This contrast causes deep resentment and sharpens the divide between junior and senior ranks. The poor state of police stations and other burdens on junior officers contribute to

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<sup>124</sup> Human Rights Watch Interview with district police officer, other details withheld, Umerkot, September 19, 2014.

<sup>125</sup> Human Rights Watch Interview with Hussain Naqi, Lahore, May, 2014.

the mistreatment incurred by citizens who deal with police station officials, who are the public face of the police service.

The police stations that Human Rights Watch visited, particularly in rural areas, were in states of complete disrepair. In some instances, buildings were not even safe to be inhabited. Senior-level officers said that the government did not take the building and maintenance of police stations seriously. The capital city police officer (CCPO) of Quetta, Abdul Razaq Cheema, told Human Rights Watch that “the government creates or announces the establishing of a *thana* (police station) in a particular area but won’t provide the police department land for said purpose. There is little or no planning for creating and maintaining police stations.”<sup>126</sup>

Some police stations are located in buildings and spaces owned by other government departments. For example, one of the police stations Human Rights Watch visited in Lahore was situated on a property owned by the water distribution authority. It was comprised of a few dilapidated rooms built under an unused water storage tank. A police station in rural Mirpurkhas was located in a building meant for the highway department. Such makeshift *thanas* lack necessary facilities such as proper lock-ups and space for impounded vehicles.

Many police stations lack proper living arrangements for staff, most of whom remain on duty 24 hours a day. In every police station Human Rights Watch visited, there was only one room, often with just one bed, for staff that needed to rest or sleep. The bathroom facilities were terrible. The inspector in charge of a police station in rural Umerkot said:

This building was constructed only two years ago but it is already falling apart due to the poor standard of construction. We have no proper living arrangement for *thana* staff; there is only one room and all of us have to take turns to sleep. We don’t even have a proper lock-up. How can we be expected to work in such miserable conditions? The government isn’t bothered; maybe if our senior officers had to work in equally miserable conditions they would put in greater efforts to draw serious attention to our plight.<sup>127</sup>

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<sup>126</sup> Human Rights Watch Interview with Abdul Razaq Cheem, CCPO, Quetta, June 7, 2014.

<sup>127</sup> Human Rights Watch Interview, name withheld, Umerkot, September 16, 2014.

For the past several years, Pakistan has been experiencing serious power outages, which often last up to 18 hours in rural areas. Despite the nature and importance of police work, police stations in both rural and urban areas of Pakistan have no backup power supplies or systems. It is quite common to find the SHO and subordinate staff sitting and working at desks set out in an open area, such as a courtyard, in order to escape the heat.

### *Inadequate Transport Facilities*

Station-level police officials complained about lack of adequate funding for maintenance of vehicles and fuel. Inspectors in rural locations, often with large areas under their jurisdiction, said that lack of petrol and the poor condition of vehicles were major reasons for not being able to properly perform basic police functions including investigations, regular patrols, and prompt responses to calls for help.

Officers also told Human Rights Watch that in several instances police used their personal motorbikes for surveillance or other official work. An assistant sub-inspector of a police station in Pakpattan said: “There is constant pressure on us to deliver, but how are we supposed to conduct investigations when we don’t even have transportation?”<sup>128</sup>

Police stations have little or no funds for transportation to attend court hearings. This is a serious limitation for officers working in remote areas, as they invariably have to travel long distances to district headquarters for court appearances. Police officials admitted that the lack of funds for transportation, including for investigations and court hearings, opens the way for corruption at the *thana* level. A senior-level officer in Umerkot explained:

All my SHOs have to make court appearances, both at the district and provincial levels. However, the department provides no support. As most *thanas* only have one vehicle, the SHO cannot use it for court appearances. Besides, even if there is a second vehicle, there is no fuel. So what is the SHO supposed to do? How is he supposed to pay his fare? These are not wealthy people, you know. So obviously he resorts to corruption.<sup>129</sup>

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<sup>128</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 25, 2014.

<sup>129</sup> Human Rights Watch Interview, details withheld, Umerkot, September 19, 2014.

The SHO of a police station in Mirpurkhas told Human Rights Watch that he had to make frequent trips to Hyderabad, approximately an hour's drive away, to testify in a case being heard by the Sindh High Court's Hyderabad Bench:

Presently, there is one complaint against me in the High Court Bench at Hyderabad. I have to go to Hyderabad every couple of weeks for court hearings. But I receive no support from the department. How am I supposed to pay for these journeys? I am forced to rely on assistance from private individuals. There are also serious security issues. SHOs and subordinate staff are also required to testify in high profile cases involving powerful and hardened criminals. In such instances, when we use public transport, it would be very easy for those criminals to have us attacked and murdered. But regardless of the threat to our lives, we continue to perform our duty because if we don't, we are either punished by the courts or by our senior officers. Sadly, no one seems to be bothered by the risks to the lives of policemen. I suppose they think our lives are cheap.<sup>130</sup>

### *Poor Implementation of Modernization Initiatives*

The system of maintaining police records in Pakistan is antiquated and severely limits the effectiveness of police. At present, each police station needs to maintain 25 registers and make daily entries by hand.<sup>131</sup> In all the police stations visited by Human Rights Watch, there were piles of registers strewn all over each office.

In 2005, the federal government approved a 1.4 billion rupee (\$14 million) project for the computerization of police records and the maintenance of a criminal database in police stations across the country. The primary objectives of the Police Record and Office Management Information System (PROMIS) was to “build information

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<sup>130</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 17, 2014.

<sup>131</sup> Robert Perito & Tariq Pervez, *A Counterterrorism Role for Pakistan's Police Stations*, United States Institute of Peace, August 2014, <http://www.usip.org/sites/default/files/SR351-A-Counterterrorism-Role-for-Pakistan%E2%80%99s-Police-Stations.pdf>.

technological infrastructure within the police for creating an integrated and paperless police environment.”<sup>132</sup>

The implementation of PROMIS, however, has been far from satisfactory, and progress varies across provinces.<sup>133</sup> In Punjab, the computerized system is reportedly functional only in select cities and towns. During visits to police stations in Sindh, Balochistan, and remote locations in Punjab, Human Rights Watch found that even where the necessary equipment was in place, it was either not being used or not functional. For example, in one of the police stations in Umerkot, the data storage equipment was lying on top of a cupboard gathering dust. The SHO told Human Rights Watch that the system was delivered to the police station over a year ago but no one knew how to operate it.<sup>134</sup>

A senior officer in Lahore told Human Rights Watch that most modernization reforms have failed primarily because they were top-down—that is, initiated by the federal government—and consequently not “owned” by provincial governments. He said their design did not realistically factor in the contexts in which the new systems were to be implemented and there was inadequate capacity building and technical assistance.<sup>135</sup>

### *Lack of Forensic Capability and Equipment*

Senior officials across provinces told Human Rights Watch that the lack of forensic equipment and personnel trained in forensic analysis compelled the police to rely on testimony provided by witnesses instead of scientific evidence. A senior officer in Umerkot said:

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<sup>132</sup> National Police Bureau, *Projects, Police Record and Office Management Information System*, [http://www.npb.gov.pk/?page\\_id=115#2](http://www.npb.gov.pk/?page_id=115#2). Some of the project initiatives included: provision of basic IT infrastructure to enhance efficiency and effectiveness; automation of police station records including FIRs and office management systems; and providing data sharing facilities within the department to enhance their operational capability to fight against serious and organized crimes.

<sup>133</sup> Robert Perito & Tariq Pervez, *A Counterterrorism Role for Pakistan's Police Stations*, United States Institute of Peace, August 2014, <http://www.usip.org/sites/default/files/SR351-A-Counterterrorism-Role-for-Pakistan%E2%80%99s-Police-Stations.pdf>; “Police Record to go online but critical hardware missing”, *Pakistan Today*, May 4, 2011, <http://www.pakistantoday.com.pk/2011/05/04/city/lahore/police-record-to-go-online-but-critical-hardware-missing/>; Human Rights Commission of Pakistan and Commonwealth Human Rights Initiative, *Police Organisations in Pakistan*, May 2010, [http://www.humanrightsinitiative.org/publications/police/police\\_organisations\\_in\\_pakistan.pdf](http://www.humanrightsinitiative.org/publications/police/police_organisations_in_pakistan.pdf).

<sup>134</sup> Human Rights Watch Interview, details withheld, Umerkot, September 16, 2014.

<sup>135</sup> Human Rights Watch Interview, details withheld, Lahore, February 20, 2015.

Human evidence is extremely problematic as witnesses are either scared to testify, or easily influenced and bribed to lie in court. Obviously this has an adverse effect on our ability to build a strong case that will hold in court. In many instances, suspects who we know committed the crime in question are let off by the courts due to lack of evidence.<sup>136</sup>

Lack of equipment and capability for forensic analysis is of enormous concern, particularly in areas such as Karachi and Balochistan where heavily armed militant groups have been engaging the police. The Sindh inspector general of police, Ghulam Haider Jamali, told Human Rights Watch that while police are relatively well equipped to handle common crime, they are not adequately equipped to address terrorism: “The challenge for the police today is enormous as we are on the forefront of the war against terrorism. We desperately need the latest technology and modern gadgetry.”<sup>137</sup> Forensic analysis is particularly problematic in Balochistan: the capital city police officer (CCPO) of Quetta informed Human Rights Watch that case evidence has to be sent to Lahore, as there is no forensic analysis laboratory in Balochistan.<sup>138</sup>

Police functioning is also hindered due to lack of financial resources for arms and ammunition.<sup>139</sup> Police officials at several police stations said that they were unable to undertake proper maintenance of arms and did not have sufficient ammunition. This has been raised as a major problem in Quetta, where law and order has deteriorated considerably and police have come under frequent attack.<sup>140</sup>

The home secretary of Balochistan, Akram Durrani, told Human Rights Watch:

Balochistan remains embroiled in multiple violent conflicts but unfortunately, the police are not adequately equipped to face the challenges. Lack of modern equipment, such as bomb disposal units,

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<sup>136</sup> Human Rights Watch Interview, details withheld, Umerkot, September 19, 2014.

<sup>137</sup> Human Rights Watch Interview with Ghulam Haider Jamali, Karachi, September 15, 2014.

<sup>138</sup> Human Rights Watch Interview, details withheld, Quetta, June 6, 2014.

<sup>139</sup> International Crisis Group, *Reforming Pakistan's Police*; Hassan Abbas, *Reforming Pakistan's Police and Law Enforcement Structure: Is It Too Flawed To Fix?*

<sup>140</sup> Many of the serving police officers interviewed by Human Rights Watch in Quetta had survived assassination attempts.



and forensic analysis capability continue to be major constraints. We are unable to purchase the requisite arms and ammunition.

While politicians are easily issued licenses for prohibited arms, enabling them to equip their untrained guards with combat weapons, the process for purchasing arms for the police remains laborious and slow. A major problem is that expenditures for law enforcement agencies, such as the police and Levies, are categorized as non-development expenditure, a category that is the first to be slashed. Politicians and decision-makers need to recognize that finances for law enforcement agencies such as the police are an essential expense.<sup>141</sup>

### *Reduced Resources for Security*

Human Rights Watch found that police officers, particularly those working at the station level, guarding public and sensitive buildings, and manning check-posts, are extremely vulnerable to attack. For example, while driving through one of the most dangerous areas of Quetta, Spinney Road—which has witnessed numerous targeted killings—Human Rights Watch saw that police officers at the check-post were not wearing bulletproof vests or helmets. A senior provincial-level police officer with experience in both Karachi and Quetta said:

How are we supposed to take action against criminals who are better equipped than us? In dangerous locations like Quetta and Karachi our officers are being targeted and killed every day. However, we are still not provided necessary funds for bulletproof vests, helmets, etc. How are police officers supposed to protect themselves? How are they supposed to work in this dangerous environment?<sup>142</sup>

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<sup>141</sup> Human Rights Watch Interview with Akram Durrani, Quetta, June 7, 2014.

<sup>142</sup> Human Rights Watch Interview, details withheld, Quetta, June 6, 2014.

### *Poor Working and Living Conditions*

Many police said they would perform better if given better incentives and if their working conditions improved. Discussing the difficulties faced by SHOs, a senior-level police official working in Mirpurkhas district told Human Rights Watch:

Everyone treats the SHO as '*Alladin ka Jin*' [Aladdin's genie]. He is supposed to have a solution to everything and perform his functions perfectly. But no one bothers to examine the life of the SHO. It is truly miserable. He is supposed to be on duty all the time and cannot leave the station. His work and living conditions are pathetic. In many *thanas* there are no proper living quarters. The lives of SHOs in urban areas are more difficult because of the high crime rate. They are therefore more frustrated and physically tired. There is absolutely no justification for brutality. But, how can you expect a human being to live and work in such conditions and then perform effectively?<sup>143</sup>

The inspector general of Balochistan, Mushtaq Sukhera, similarly described the living conditions of station-level personnel:

You need to bear in mind that police officials at the *thana* level generally deal with criminals or unsavory elements of society. It rubs off on the person who occupies the seat of the SHO and so he is rude, abrasive, sometimes corrupt, and generally impatient and intimidating. In addition, personnel at the *thana* level are malnourished, under-resourced, and always working under pressure. This, in turn, makes these police officials very angry and bitter. They develop a grudge against citizens. They don't give respect, as they don't receive respect.<sup>144</sup>

The problem of long hours on duty is a major concern. An officer in a police station in Lahore said that due to the heavy workload he hardly ever gets to go home: "My family

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<sup>143</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 17, 2014.

<sup>144</sup> Human Rights Watch Interview with Mushtaq Sukhera, Quetta, June 7, 2014.

lives in Lahore but I get to see them rarely. My daughter thinks that I have been posted to another city.”<sup>145</sup> An SHO in Pakpattan said:

There is no concept of working hours. My staff and I are expected to be on duty 24 hours a day. We are perpetually exhausted. We get no leave to go home and as a result cannot pay attention to our families. We would be grateful for just three or four hours of undisturbed rest and relaxation, enough time for us to switch off and think about pleasant things instead of crime and criminals. But sadly, no one cares. So is it any wonder then that when a complainant comes to the *thana* we get worked up and behave in an irritated, rude, and at times harsh manner? How can you expect people to work under such conditions and not crack? Even electronics malfunction and die out if run constantly.<sup>146</sup>

### *Poor Remuneration and Welfare*

Analysts have reported that low wages and poor prospects of career progression at the station level further contribute to unsatisfactory performance of subordinate staff.<sup>147</sup> Many constables and assistant sub-inspectors (ASIs) told Human Rights Watch that despite completing promotion courses several years ago, they were still awaiting promotion. According to a provincial-level police official in Lahore, only 10 percent of cases referred for promotion are successful. This reduces the incentive to perform since there are no rewards. Senior officers said that the police, particularly at the station level, were not paid enough. A senior officer in Balochistan told Human Rights Watch:

There is no justification for corruption, but when you are getting paid a pathetic sum as salary it is very easy to give in to temptation and make some extra money when you can. I am convinced that if we were to pay our police officers properly they would not be as corrupt and would be motivated to work better.<sup>148</sup>

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<sup>145</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

<sup>146</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 26, 2014.

<sup>147</sup> International Crisis Group, *Reforming Pakistan's Police*; Hassan Abbas, *Reforming Pakistan's Police and Law Enforcement Structure: Is It Too Flawed To Fix?*; Robert Perito & Tariq Pervez, *A Counterterrorism Role for Pakistan's Police Stations*.

<sup>148</sup> Human Rights Watch Interview with group of police officers in CCPO's office, other details withheld, Quetta, June 7, 2014.

Finally, lack of welfare resources for officers and their families, including schools, healthcare, and housing also lead to poor performance. Many of the SHOs interviewed were forced to live apart from their families as they were not provided family accommodation and were instead expected to live either in the police station or, where available, run-down police barracks. Police station staff said that if they were provided accommodation nearby for their families, they would be able to work more efficiently. An SHO in Pakpattan explained:

Some years ago, the government decided that SHOs would not be posted to *thanas* in their village or place of permanent residence. This would be acceptable if we were provided family accommodation within the locality of the *thana*. However, this is not the case and because we are forced to live apart from our families, we cannot tend to their needs. My biggest regret is that I have not been able to pay my children the attention they deserve; I have not been able to be much of a father to them. Last year my wife passed away, and I was not at her side when she died. I have been unable to bring my children here, as I do not have suitable accommodation. Consequently, they live without a father and a mother and are being watched over by my relatives. Thinking and worrying about my children is a source of great frustration for me. I try not to let it affect my work but I am human, not a machine.<sup>149</sup>

Lack of secure residential spaces was a cause of special concern for police in Quetta, where officers have frequently come under attack and many have been killed. The CCPO of Quetta, Abdul Razzaq Cheema, told Human Rights Watch:

Secure police colonies are very important in a place like Quetta where law enforcement officials are under threat. Almost all my officers are targets and are on various hit lists. They receive threats every day. The homes of some officers have been attacked. It is impossible to protect personnel living all over the city. The only solution is to have a colony for police officials.<sup>150</sup>

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<sup>149</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 26, 2014.

<sup>150</sup> Human Rights Watch Interview with Abdul Razzaq Cheema, Quetta, June 7, 2014.

Police officers are provided subsidized healthcare in government hospitals like other civilian government officers. However, many of the officers interviewed, particularly in the junior ranks, emphasized their desire for separate hospitals for the police department as with the military. A provincial-level officer in Lahore explained why the healthcare needs of the police department are different from other civilian government agencies:

Personnel working in the field are very vulnerable to various infectious diseases. For instance, a large number of subordinate staff suffer from hepatitis and chest ailments. And this is to be expected: most police stations do not have clean drinking water, and staff are expected to work in areas that are extremely polluted and unhygienic. Perhaps the greatest problem is the high number of accidents. According to our estimates, in 2014 almost 80 policemen died in road accidents—a casualty every 15 days.<sup>151</sup>

## Human Resource Constraints

A lack of manpower, particularly trained personnel, is another serious constraint on Pakistan's police.<sup>152</sup> Officers at senior and junior levels also asserted that they were overstretched because of the excessive burden of VIP escort duty. Many police officers commented that VIPs often demand police escorts not because of genuine security concerns but as a status symbol.

### *Recruitment*

Senior officers described excessive interference and a lack of transparency in the recruitment process. Officers in Umerkot and Lahore told Human Rights Watch that while recruitment has been depoliticized to a certain extent and most people are recruited on merit, there is constant pressure from influential people to have their loyalists appointed. The low standards for entrance tests and poor quality of applicants are also major challenges. A senior officer in Sahiwal told Human Rights Watch:

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<sup>151</sup> Human Rights Watch Interview, details withheld, Lahore, February 20, 2015.

<sup>152</sup> International Crisis Group, *Reforming Pakistan's Police*; Robert Perito & Tariq Pervez, *A Counterterrorism Role for Pakistan's Police Stations*, United States Institute of Peace, August 2014, <http://www.usip.org/sites/default/files/SR351-A-Counterterrorism-Role-for-Pakistan%E2%80%99s-Police-Stations.pdf>; Consumer Rights Commission of Pakistan, *Police Reforms: New Legal Framework and Issues in Implementation*, June 2005, [http://www.crcp.org.pk/publications/police\\_reforms.pdf](http://www.crcp.org.pk/publications/police_reforms.pdf).

We would like to build a rights-respecting force. We want our lower cadre to be more respectful and accessible to the public. But the quality of candidates leaves much to be desired. I am not saying that they don't know the difference between good and bad. They know that murder is a crime. They know theft is a crime. However, they come from a context where violence and mistreatment of weak and vulnerable sections of society—including women, religious minorities, and the poor—by the powerful is the norm.<sup>153</sup>

Officer said that the entrance tests— both written and physical examinations—for lower level officials are also of a very low standard. There are no tests for psychological aptitude.

### *Training*

In the Pakistani police system, there are different entry requirements and training facilities for junior and senior ranks. Entry into the senior ranks of the Police Services of Pakistan (PSP) is decided via an annual nationwide competitive examination held by the Federal Public Services Commission, which recruits officers for the Central Superior Services of Pakistan (CSS). The minimum educational requirement for the CSS is a college degree. Successful entrants, assistant superintendents of police (ASPs), first receive training in the Civil Services Academy of Lahore for one year, and then in the National Police Academy of Islamabad for nine months.<sup>154</sup>

Lower cadres are inducted at the district and provincial levels under the supervision of district and provincial selection boards. The entrance procedure includes a physical examination, written examination, medical examination, background verification, and an interview. The minimum educational qualification is junior high school for constables and a college degree for assistant sub-inspectors (ASIs). Successful candidates are then trained in provincial police training academies.<sup>155</sup>

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<sup>153</sup> Human Rights Watch Interview, details withheld, Sahiwal, November 28, 2014.

<sup>154</sup> Human Rights Commission of Pakistan and Commonwealth Human Rights Initiative, *Police Organisations in Pakistan*: Subjects taught in the Civil Services Academy include economics, government functioning, public finance, communication skills, and public speaking. Subjects taught in the National Police Academy include forensic science, techniques of scientific investigation, counterterrorism, cybercrimes, intelligence, and human rights.

<sup>155</sup> There are five training academies in Punjab and Sindh, three in Khyber-Pakhtunkhwa, and one in Balochistan.

These training schools run induction courses as well as courses for promotion to higher ranks. However, training standards for junior ranks are extremely basic with low quality instruction, and most academies are in poor condition. As a result, most inspectors and subordinate staff are ill-prepared to register complaints, apply the correct provisions of the law, collect evidence, and conduct proper investigations. Referring to the condition of police academies, a senior police officer remarked: “We can’t really expect people coming out of these institutions to work properly.”<sup>156</sup> A senior officer currently serving in Punjab said:

No good officers want to go and teach in the training schools, it is treated like a punishment posting. Apart from the quality of instructors, the instruction provided is also sub-standard. Important subjects like human rights are not given any significance.<sup>157</sup>

Complaining about the poor quality of instruction, a senior police officer in Quetta said:

This is one of the most dangerous areas in Quetta with a high incidence of targeted killings. The police are constantly under threat. But I cannot expect my officers, who are supposed to provide us cover, to protect us when we go on raids or pursue criminals. They cannot even aim and shoot correctly because they have not had enough target practice.<sup>158</sup>

Junior officials working at the station level are not trained to properly collect and preserve evidence. Knowledge of forensic methods and analysis is also extremely lacking. Many senior officers said that junior officials often resort to violent methods during interrogation as they are ill-equipped to gather evidence using scientific methods. Only one police training school, the Sihala academy in Lahore, has a functioning forensic training laboratory.

One senior officer interviewed by Human Rights Watch said that the instruction given to senior ranks was also sub-standard and insufficient:

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<sup>156</sup> Human Rights Watch Interview, details withheld, Lahore, November 30, 2014.

<sup>157</sup> Human Rights Watch Interview, details withheld, Lahore, December 2, 2014.

<sup>158</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

Blame for poor performance and negative perception of the police cannot be pinned on the lower cadres alone. Officers in the senior ranks are also not up to the mark. A big problem is their mindset. Officers have an attitude that they are going to rule and not serve. It is an elitist cadre.<sup>159</sup>

## Excessive Control of the Civil Bureaucracy

Senior provincial-level police officers told Human Rights Watch that a major problem preventing the police system from properly functioning is the unwarranted interference of the civil bureaucracy. The civil bureaucracy opposed Police Order 2002 because it removed the control that the district magistrate previously had over the police. The bureaucracy therefore attempted to prevent implementation of the law and put pressure on the political elite to amend elements of the new legislation.<sup>160</sup>

## Flawed Criminal Justice System

Senior and lower cadre officials across provinces and districts agreed that the justice system needs severe reform for policing to improve. They expressed frustration over the delays in the judicial process and the inability to secure prompt convictions, which some officers used to justify the custodial torture or extrajudicial killings of suspected criminals. Some police also said they resent the fact that criminals get back on the street after receiving bail, not only evading justice but sometimes retaliating against and taunting the officers who arrested them. A senior police officer in Punjab said:

The criminal justice system is deeply flawed. The courts are overloaded and also work under great stress. The judicial system is based on human evidence, on witnesses. Consequently, when the police are unable to supply witnesses that convince the court, the accused goes free. The excessive reliance on or need for human evidence is one of the reasons why police officers resort to physical violence during interrogation. I have told my subordinates that confessions taken under duress will probably get thrown out of court. But they do not listen. They are under pressure to perform.

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<sup>159</sup> Human Rights Watch Interview, details withheld, Lahore, December 2, 2014.

<sup>160</sup> Afzal Shigri, "Why Police Reforms Failed in Pakistan," *The News*, May 22, 2007, <http://forumpolice reforms.blogspot.com/2008/03/why-police-reforms-failed-in-pakistan.html>; See also Hassan Abbas, *Reforming Pakistan's Police and Law Enforcement Structure: Is It Too Flawed To Fix?*



The lengthy appeal system also complicates law enforcement. Appeals should have time restrictions. I know of several cases that have gone on for years due to successive appeals. In my assessment, the rich and powerful ultimately benefit most from this system as the poor do not have the time, money, and access to appeal cases.<sup>161</sup>

Senior and junior staff also complained about the reluctance of judges, in their view, to sentence defendants. The SHO of Sariab Road in Quetta said:

The courts let us down all the time. It is almost as if they are against the police. Why can't they sentence criminals? I think they are scared. In addition, they are quick to put all the blame on us for not conducting proper investigations or for preparing cases poorly. They demand that we produce confessions and evidence, but they don't even allow us to hold people long enough. 24 hours is simply not enough time. I think all they do is malign and humiliate police officials during hearings. There have been so many instances in which I have caught hardened criminals who have been involved in multiple crimes, but the courts have set them free.<sup>162</sup>

Senior officers told Human Rights Watch that lack of convictions and lenient sentencing were two reasons for extrajudicial killings. A senior officer in Punjab said, "I know it is wrong and I have often told my colleagues and subordinates that this practice should stop. But in their view they are only delivering justice that the courts are unable to provide."<sup>163</sup>

Magistrates, on the other hand, said that police are trying to "save their own skin and deflect from the fact that they frequently break the law and exceed their legal limits."<sup>164</sup> Responding to the complaints of police regarding the judiciary, a magistrate in Quetta told Human Rights Watch:

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<sup>161</sup> Human Rights Watch Interview, details withheld, Sahiwal, November 28, 2014.

<sup>162</sup> Human Rights Watch Interview, details withheld, Quetta, June 8, 2014.

<sup>163</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 27, 2014.

<sup>164</sup> Human Rights Watch Interview with district magistrate, other details withheld, Quetta, June 7, 2014.

Blaming us for their own incompetence is unfair and ridiculous. The SHO is the main culprit in this mess. But I don't blame him entirely; greater blame should be placed on senior officers and decision-makers who have not paid any attention to the need for proper training of SHOs.<sup>165</sup>

## Improper Interference

A major factor impeding the functioning and efficacy of the police in Pakistan is internal and external interference at all levels, including for appointments, transfers, and enforcement of the law.<sup>166</sup>

Police officials expressed the view that police operations in cities such as Karachi and Quetta have considerable problems due to constant interference from politicians and other government agencies. The problem is especially acute in Karachi, where the police are under constant pressure from major political parties to either curtail or prevent cases and investigations against party-affiliated criminal elements, or to act against elements affiliated with rival groups. However, in Punjab, where cities have remained comparatively peaceful, the police are still subject to constant improper interference and manipulation from the provincial government.

Officers interviewed by Human Rights Watch were extremely vocal and critical about interference in the processes and outcomes of police matters, from both within the department and from external sources, such as the civil bureaucracy, other law enforcement agencies, politicians, and other powerful and influential people. They identified constant political interference as one of the main obstacles to the functioning of the police. A senior officer in Mirpurkhas told Human Rights Watch:

Political interference is a very big problem for the police. Technically, the department is authorized to appoint inspectors. However, SHO

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<sup>165</sup> Ibid.

<sup>166</sup> Tariq Khosa, *Police, Politics, and the People of Pakistan*, PILDAT, January 2015, [http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice\\_PoliticsandPeopleofPakistan\\_Citi zensReport.pdf](http://www.pildat.org/Publications/publication/Democracy&LegStr/PerformanceofPolice_PoliticsandPeopleofPakistan_Citi zensReport.pdf); International Crisis Group, *Reforming Pakistan's Police*; Frédéric Grare, *Political Dimensions of Police Reform in Pakistan*, Carnegie Endowment for International Peace, February 2010, [http://carnegieendowment.org/files/pakistan\\_police.pdf](http://carnegieendowment.org/files/pakistan_police.pdf).

appointments are almost always made at the behest of the local influential politicians. In certain areas of Sindh, officers in charge of districts are relatives of the local elected representatives. I can say with confidence that in interior Sindh, 100 percent of police appointments are made under political pressure.<sup>167</sup>

Several senior officers said that external interference undermines departmental authority. Subordinate officers appointed due to political influence are unwilling to follow the instructions of departmental supervisors and instead look to their political patrons. Such appointees are also more inclined to follow demands for unlawful action. According to a senior officer in Punjab:

Transfers and postings are not controlled by the administrative hierarchy of the police. I have personally heard an ex-deputy inspector general say that in his entire tenure of one and a half years, he never appointed a district superintendent of police of his own choosing. All of them were appointed on political grounds.<sup>168</sup>

A senior officer in Balochistan said:

The local influential people want their own people appointed to all important local-level posts—city police officers, district police officers, district superintendents of police, station house officers—in short, everyone. However, when they have a major law and order problem, they call me. My response to them is: “But what can I do?” Consequently, many have complained against me and the chief minister has also questioned me about these complaints. My response to him has always been that I don’t have any power to appoint the correct people and officers in those areas are not answerable to me. So you see, the chain of command is broken: they salute me, yes, but they don’t take orders from me.<sup>169</sup>

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<sup>167</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 17, 2014.

<sup>168</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

<sup>169</sup> Ibid.

Lack of fixed tenure is another factor inhibiting the effectiveness of the police. A fixed tenure not only provides inspectors the requisite time to get acquainted with new areas and build bridges with local communities, it also enables them to enforce the law without fear of transfer. The threat of transfer is frequently used to control and manipulate government officers because it impacts important aspects of their personal lives, such as uninterrupted schooling for children.<sup>170</sup> Through an extensive review of police station records, Human Rights Watch found that transfers of SHOs are frequent across police stations in Pakistan. The research team did not come across a single police station where an SHO had served the stipulated three-year tenure—most were transferred within six months to a year.

Junior and senior officers reported that transfers or punishment postings were the inevitable outcome if they did not comply with the demands and wishes of the local ruling elite. An SHO in Pakpattan said, “The threat of being transferred is a constant. Anyone who says that he is able to ignore local interference and work free from the threat of transfer is simply not telling the truth.”<sup>171</sup> An SHO in Umerkot said:

There is absolutely no security of tenure. If a *thana* officer does not comply with the wishes and demands of the local influential person he is transferred elsewhere. Look at the board and you will see that transfers are quite frequent—the last SHO only lasted two months!<sup>172</sup>

Police officials also complained about interference from community dispute resolution mechanisms and systems such as *panchayats* and *jirgas*.<sup>173</sup> These systems are prone to manipulation from powerful elements and are commonly used against vulnerable groups. Police officers added that proper enforcement of the law and dispensation of justice are compromised if these non-state mechanisms are allowed to interfere in and overrule the state’s formal justice systems. A senior officer in Mirpurkhas told Human Rights Watch:

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<sup>170</sup> See Mathew S. Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan*, (Berkeley: University of California Press, 2012); Robert Wade, “The System of Administrative and Political Corruption: Canal Irrigation in South India,” *Journal of Development Studies*, 1980.

<sup>171</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 27, 2014.

<sup>172</sup> Human Rights Watch Interview, details withheld, Umerkot, September 19, 2014.

<sup>173</sup> *Panchayats* are community justice and dispute resolution systems. *Jirgas* are the tribal equivalent.

Influential people pressure others to have cases resolved through community reconciliation mechanisms. In many instances, the FIR is put aside and instead a compromise is accepted. Complainants belonging to vulnerable segments of society, such as women, *haris*, and religious minorities, suffer and are deprived of justice due to such forced compromises. But this is the norm in these areas; locals find it very difficult to break free from the grip of the influential and powerful. Most SHOs know that cases will ultimately be resolved according to the decision of the *panchayat* headed by the elected representative or landowner of the area, so why question or counter him to begin with?<sup>174</sup>

Internal interference from their departmental superiors is also a cause of great distress for junior officers working at the station level. Regarding pressure from within the departmental hierarchy, a provincial officer in Lahore said:

It is very difficult for us to proceed with cases on our own as there is constant pressure from our seniors. Unlike in rural areas where there is a lot of pressure from the local elite, in Lahore we have pressure from within the department. Of course they, in turn, are responding to political demands.<sup>175</sup>

Many officers said that external influence, particularly political interference, also undermines the public's trust in police authority. A retired senior police officer said that, "these people, politicians and notables, view the police as a tool to be manipulated in order to either coerce their opponents or favor their loyalists and supporters, instead of as a state organization meant to strengthen the rule of law."<sup>176</sup> A senior officer in Pakpattan said:

I often wonder what is the need for the police if the politicians or local influential people eventually get their way? Everyone tries to exert pressure on us. I will freely acknowledge that there are times when the police are influenced to perform illegal acts. I am not justifying such actions, but people seem to forget that we are only the face—there are many hidden

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<sup>174</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 17, 2014.

<sup>175</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*

<sup>176</sup> Ibid.

influential hands that move us. Why only blame the police? Political meddling is destroying the police force. In the past, state agencies and governments used to protect the police. However, times have changed. Now the police are used and then left out in the cold. Regardless of who gives the orders for use of force, the blame is firmly pinned on the police. We are made into scapegoats. I can't understand why the government is determined to make a mockery of our authority. It is any wonder then that people have stopped taking us seriously? Our authority is eroding rapidly, and the government is doing nothing to stop it. I fear the day when the police lose authority completely. There will be complete chaos.<sup>177</sup>

Other senior officers also spoke extensively about the waning of police authority and how this was creating serious problems for the state. A senior officer in Sahiwal said:

The entire system of governance is unraveling. Most worryingly, the authority of the police, an expression of state authority and power, is eroding. To a great extent, successive federal governments are responsible for this dismal state of affairs. If they had facilitated the police to enforce the law, free from interference and manipulation, and with strong checks for accountability in place, we would not be in this difficult situation today. The police are now vulnerable to violence and pressure from mobs. There have been several cases, such as the recent lynching of the Christian couple in Kasur,<sup>178</sup> in which mobs have overpowered the police and prevented them from enforcing the law.<sup>179</sup>

## Dual Authority in Balochistan

As discussed in Chapter II, police in Balochistan are generally restricted to urban areas, primarily Quetta, while the Levies maintain law and order in most other areas of the province. While the government pays the salaries for the Levies, in practice Levies personnel are controlled by, and remain answerable to, the local *sardar*, or tribal chief.

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<sup>177</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 27, 2014.

<sup>178</sup> "Christian couple lynching incited by mullah of local mosque: police," *Dawn*, November 5, 2014, <http://www.dawn.com/news/1142437>.

<sup>179</sup> Human Rights Watch Interview, details withheld, Sahiwal, November 28, 2014.

This system of dual authority, in which there is an institutionalized absence of the police from most parts of the province, coupled with the continued strength of the tribal system, is a key reason the police force in Balochistan remains relatively ineffective and powerless.

Officials told Human Rights Watch that policing in Balochistan is very different from the rest of Pakistan mainly because of the prevalence of the tribal system. A senior officer who had previously served in Punjab compared both experiences:

This is a society where traditional norms and systems prevail. Most people of this province by and large do not recognize and engage with the formal law enforcement and judicial systems of the state. Instead, they resolve conflicts through traditional dispute resolution institutions such as *jirgas*. In this system, the *sardar* is the final deciding authority. Compared to other provinces in Pakistan, interactions between the police and the local population are markedly reduced.<sup>180</sup>

Senior officers were of the view that the continued presence of the tribal system made it very difficult for the police to function effectively, even in areas legally under their jurisdiction. An officer who had served in Quetta several years ago said:

Local officials fear the *sardars* and are unwilling to take action against them. In many cases, when I asked local police officers why they were reluctant to take action against criminals in their area, their response was: “You are not from here and will eventually leave. But we have to continue living here and don’t want to die!”<sup>181</sup>

Overall, senior police officers were very critical of the Levies system. They said that provincial governments in Balochistan did not support Police Order 2002, which extended police services across Balochistan, seeing it as an attempt by the central government to weaken their power and control over the local population. A senior officer in Quetta said:

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<sup>180</sup> Human Rights Watch Interview in CCPO Office, other details withheld, Quetta, June 7, 2014.

<sup>181</sup> Quoted in N.S Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

The tribal leaders are not in favor of policing. The Levies system was reinstated so they can have free rein over this entire area and get away with all sorts of illegal activities—murder, possession of illegal arms, drug trade, human trafficking—you name it! The situation is quite alarming. Murders are committed but no FIRs are registered. When you ask why, you are told that *sardar sahib* will make decisions.<sup>182</sup>

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<sup>182</sup> Ibid. Note: *sahib* is an honorific connoting respect, and not a separate title from *sardar*.



## IV. Redress and Accountability: Police Perspectives

Grievance redress and accountability mechanisms are essential for the proper functioning of state institutions, including the police. An effective system of accountability curtails rights violations and corruption, and upholds basic freedoms. Effective grievance redress and accountability mechanisms have a positive impact on institutional trust and ultimately strengthen ties and engagement between citizens and the state.

Pakistan's police are widely regarded to be among the most abusive, corrupt, and unaccountable institutions of the state. Even in areas such as Balochistan, where the presence and control of the police force is extremely weak and there is comparatively limited engagement between the police and the local population, the police are widely disliked and mistrusted.<sup>183</sup> Effective grievance redress and accountability systems are crucial in order to transform the police from a repressive institution into a service that impartially protects life and property.

The grievance redress and accountability mechanisms proposed in the original Police Order 2002 were a significant improvement over the colonial-era Police Act of 1861. However, many of these provisions were either scrapped under political pressure or watered down.<sup>184</sup>

At present, accountability mechanisms do exist under the amended provisions of the 2002 law in Punjab and Khyber-Pakhtunkhwa, and the 1861 Act in Sindh and Balochistan. However, in practice, there is little or no meaningful accountability due to poor implementation of the laws, the reluctance of the police to comply, and a public fear of the police that discourages people from lodging complaints at all.

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<sup>183</sup> According to the reports of the provincial ombudsman, the police remain among the top five most-complained about government departments and institutions. The 2014-15 report of the Pakistan Social and Living Standards Measurement Survey (PSLM), which measured nationwide household satisfaction with various public services, showed that satisfaction was lowest with regards to the police at 49 percent, compared to 5 other services: basic healthcare (57 percent); family planning (83 percent); schools (94 percent); veterinary services (71 percent); and agricultural services (69 percent). The provincial breakdown showed that satisfaction with the police was highest in Khyber-Pakhtunkhwa, at 66 percent, followed by Balochistan and Punjab, each at 50 percent, and lowest in Sindh, at 35 percent.

<sup>184</sup> For detailed analysis see Section I.

## Need for Grievance Redress and Accountability Systems

In discussions with Human Rights Watch, police officials said that a system of checks and balances is very important not simply for the proper functioning of the police force but also for improving the relationship between citizens and the police. One senior officer said:

There are black sheep in this department, like in all other departments. It is true that police indulge in corruption, torture, extrajudicial killings, and other abuses. A system of checks and balances is therefore essential, as it assists the department in removing those officers. Redress mechanisms are also important because they create greater trust of the police among people. They encourage citizens to believe that the department wants to ensure that officers are kept in check and that if laws and procedures are not followed correctly, there will be disciplinary action.<sup>185</sup>

Many officers said that there needs to be greater engagement between the police and community members for better policing. But they said this will require greater trust on both sides. As one officer said:

It is difficult to convince citizens to engage with the police. This is understandable given the low level of public trust in the police department. It is equally difficult to convince the police to have more meaningful engagement with the public. I have tried to convince junior officers to allow community representatives to maintain a presence in *thanas*. I have tried to explain that these representatives could act as a bridge between citizens and the police and thus, enable the police to work more effectively. However, the *thana* staff are very reluctant to let civilians into the *thana* in this way.<sup>186</sup>

## External vs. Internal Accountability Systems

There are two main categories of accountability mechanisms: external mechanisms that involve citizens and internal mechanisms that are conducted by the department.

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<sup>185</sup> Human Rights Watch Interview, details withheld, Sahiwal, November 28, 2014.

<sup>186</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 16, 2014.

Discussions with police officers indicate that views about the types of redress and accountability mechanisms vary. A few current and retired senior police officers maintained that external accountability mechanisms, such as those suggested in the original Police Order 2002 which provided a role for citizens in police accountability, are required for effective grievance redress. According to one retired officer:

People hesitate to approach people belonging to the same fraternity as their abusers. They are scared that if they complain against a local-level police officer, the entire system will take revenge against them. Hence, while departmental or internal accountability systems are important, it is also very important to have an independent accountability system, such as the Police Complaints Authority suggested in the 2002 Order, which is composed of people who are not police officers.<sup>187</sup>

However, many currently serving officers felt that external accountability mechanisms are useless in practice and could be harmful for police independence and functioning. They worried that such mechanisms could institutionalize external interference in police affairs and leave the police even more vulnerable to manipulation for political gain, or could be used as a tool for coercion. A senior provincial police officer in Punjab said:

Whenever an external accountability mechanism is established, it is immediately politicized and used as a lever to influence the police. People appointed to such bodies are seldom committed to improving police functioning, or ensuring that citizens' grievances are addressed. Instead, those four or five appointees believe and act as if this is a golden opportunity for them to summon police officers and pressure them to do as they, the members of the commission, want. Such mechanisms should only be allowed if they don't interfere in operational matters.<sup>188</sup>

While they were divided on the efficacy of external accountability, all the senior officers interviewed by Human Rights Watch generally supported internal or departmental grievance redress mechanisms.

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<sup>187</sup> N.S Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

<sup>188</sup> *Ibid.*

### *Provisions in the Police Rules, 1934*

The Police Rules, 1934 (the “rules”) provide a set of departmental-level instructions on how to deal with cases of citizens’ grievances. The rules specify that whenever a complaint of “misconduct on the part of a police officer” is made by a member of the public, the officer to whom the complaint is submitted (provided the officer receiving the complaint is more senior than the one accused of misconduct) must “immediately” record the complaint and any available supporting statements. This information is then to be forwarded to the superintendent of police or any other superior officer. If the superior officer is of the opinion that the complaint or allegation constitute a “*prima facie* case for [inquiry],” an inquiry proceeds.<sup>189</sup>

The rules also lay out the procedures to be followed for departmental inquiries including the framing of the charge, recording of witness (including defense) statements and cross-examination, and the procedure for *ex parte* proceedings (involving only one party).<sup>190</sup> Details are also provided regarding the formation of special panels in the case of lengthy, complicated cases, the powers of superior officers, including inspector general, deputy inspector general, and superintendent to review proceedings and to either “confirm, enhance, modify, or annul” awards or order further investigation of complaints.<sup>191</sup> Procedures for the right to appeal of an accused officer and the rules regarding appeals are also specified.

### *Provisions in the Amended Police Order 2002*

#### **Public Safety Commissions and Police Complaints Authority**

A system for institutionalized departmental-level grievance redress and accountability for the police was introduced through the formation of Public Safety Commissions at the national, provincial, and district levels and the Police Complaints Authority in Police Order 2002. These mechanisms were created to ensure police accountability and handling of

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<sup>189</sup> Police Rules, 1934, Section 16.23, p. 134. <http://nasirlawsite.com/laws/prules34.htm>.

<sup>190</sup> *Ibid.*, Sections 16.24 and 16.25. Requisite standards of evidence for departmental inquiries and the nature of charges that can be brought to such inquiries are also specified. The Rules specify that, “charges need not be framed in relation to a specific incident or act of misconduct” and instead, reports or preliminary inquiries indicating that the officer either generally behaved in a manner which is “unfitting to his position” or, has “failed to reach or maintain a reasonable standard of efficiency,” are sufficient to frame charges which may, if verified, lead to suitable “authorized departmental punishment.”

<sup>191</sup> *Ibid.*, Sections 36 and 16.37.

public complaints. The committees are comprised of both elected and non-elected community members.

The District Public Safety and Police Complaints Commission (DPSPCC), among other functions, is the primary district-level institution through which citizens can file complaints against police officers serving in the district, with the exception of the head of district police or the district police officer (DPO).<sup>192</sup>

In matters of investigation the DPSPCCs have the same powers as a civil court under the Code of Civil Procedure for summoning, enforcing production of documents, receiving evidence on affidavits, and issuing commission for the examination of witnesses.

### **Provincial Public Safety and Police Complaints Commissions (PPSPCC)**

The provincial public safety mechanisms are a step above the district-level commissions and take note of complaints of police excess, neglect, abuse of power, and conduct prejudicial to the public interest by the DPO and police officers not serving at the district level.<sup>193</sup>

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<sup>192</sup> The grievance redress and accountability functions of the DPSPCC include: in the instance that the head of a police station has refused, unjustifiably, to register a First Information Report (FIR), the DPSPCC must instruct the DPO to conduct an inquiry into the matter, ensure registration of an FIR if there is a case, and report back within 48 hours of the remedial action taken; to order the DPO to investigate a complaint of neglect by a specific officer or the police in general and to report and take appropriate action; in complaints of excesses involving functionaries of other federal law enforcement agencies or civil armed forces, to assist the district police in requiring the concerned department to remedy the situation, report back, and, if no action is taken, make a reference to the head of the concerned department of the Federal Police Complaints Authority (FPCA) for appropriate action; to receive complaints (along with supporting documents) from aggrieved persons; to register complaints which are within the jurisdiction of the committee and to forward those outside its jurisdiction to the Provincial Public Safety and Police Complaints Commission (PPSPCC); to direct the DPO to take appropriate action and submit a report within a specified period regarding registered complaints; to conduct inquiries (involving two or more members or through a district officer of grade 18 or above) and in the event an inquiry finds a complaint to be justified, send findings to the DPO with directions to take legal action against the accused police officer; if the DPO does not take any action or submit a report, to forward the case to the provincial government for appropriate legal action; to inform complainants about the outcome of the investigation; and, in cases of frivolous or malicious complaints, to direct relevant authorities to take appropriate legal action against the complainant.

<sup>193</sup> Duties of PPSPCCs also include addressing complaints. In particular, the grievance redress functions include: investigating the complaint either through its own committee or via a government officer of grade 19 or above; filing the complaint if an investigation does not prove the charges, or referring the case to the head of police of the area for departmental action and ordering registration of a criminal case against the accused under relevant provisions of the Pakistan Penal Code, the Police Order 2002, or any other law in force; sending a report and recommendations to the Chief Minister if the head of the commission is not satisfied with the action taken on referred complaints by the head of police of the area; recommending disciplinary action against an inquiry officer if there is evidence of willful neglect and/or mishandling of an inquiry; informing the complainant about the result of the inquiry; and directing the relevant authority to take appropriate action if it is found that the complaint was frivolous or malicious.

### **Federal Police Complaints Authority**

The Federal Police Complaints Authority (FPCA) is a statutory body meant to investigate and conduct inquiries about complaints against the senior officer cadre. According to Police Order 2002, the FPCA is supposed to process complaints of neglect, excess, or misconduct regarding the Islamabad City Police or any members of the federal service that have either been received directly from the complainant or forwarded by the DPSPCC.

### **Citizen Police Liaison Committees**

Police Order 2002 provides for the government to establish Citizen Police Liaison Committees in consultation with either the National Public Safety or Provincial Public Safety Commissions. These are meant to be voluntary, self-financing, and autonomous bodies that, among other functions, are supposed to serve as liaisons between aggrieved members of the public and the police in order to provide redress and assist Public Safety Commissions, the Police Complaints Authority, and the police so that they may carry out and fulfill their responsibilities in a swift and judicious manner.

### **Sanctions Against Guilty Officers**

According to section 155 of Police Order 2002, police officers found guilty of certain offenses can face sanctions. Prosecution, however, requires a written report by an authorized government officer. Sanctions include up to three years' imprisonment and a fine for misconduct regarding the willful breach or neglect of any provision of laws, rules, regulations, or orders that they are bound to observe or obey; up to five years' imprisonment and a fine for offenses of "vexatious entry, search, arrest, seizure of property, and torture"; and up to one year's imprisonment and a fine for causing an unnecessary delay in producing arrested persons in court.

### **Misuse of Complaint Systems**

While police officers do not deny the efficacy and need for grievance redress and accountability systems, they often contend that existing complaint systems are open to significant misuse both from within the departmental hierarchy and by citizens.

### *Internal Misuse*

Several junior officers told Human Rights Watch that senior officers often have complaints planted against the lower cadre to blackmail them into following their instructions. Several of the police officers interviewed reported that even junior officers misuse complaint mechanisms against each other and have false complaints planted in order to “teach a colleague a lesson.”<sup>194</sup>

### *Misuse by Citizens*

Many of the officers alleged that most complaints filed by citizens are either unfair, unfounded, or outright false. Officers maintained that the actual purpose or motivation behind most complaints is to influence the outcome of a case. They added that complainants coming to police stations have unrealistic expectations and want “quick or immediate results. When we don’t comply, they lodge complaints against us.”<sup>195</sup> An SHO in Quetta said:

People make all kinds of demands, some of which are completely illegal. For example, they want us to convert civil offenses into criminal charges, they want us to register false FIRs against their opponents, and they then want us to apprehend people on the basis of false FIRs and beat them to a pulp in custody. They even want us to fix investigations in such a way that their complaint is upheld. If we don’t agree to such demands citizens lodge complaints against us, either to take revenge or to exert pressure. There are countless cases of completely false complaints.<sup>196</sup>

A provincial-level police officer in Quetta said:

People often want us to use force and beat their opponents while they are in police custody. A common complaint is: ‘the police were treating the accused like an honored guest.’ If we don’t comply, they are dissatisfied and complain.<sup>197</sup>

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<sup>194</sup> Human Rights Watch Interview, details withheld, Quetta, June 7, 2014.

<sup>195</sup> Human Rights Watch Interview, details withheld, Mirpurkhas, September 16, 2014.

<sup>196</sup> Human Rights Watch Interview, details withheld, Sadr Police Station, Quetta, June 8, 2014.

<sup>197</sup> Human Rights Watch Interview with a group of police, details withheld, Inspector General’s Office, Quetta, June 7, 2014.

Officers told Human Rights Watch that false complaints can have extremely negative or damaging effects on cases. As an officer in Lahore stated:

When an involved party starts complaining about an ongoing investigation, the investigating officer [IO] comes under pressure. In some instances, when an IO has been summoned repeatedly in disciplinary proceedings, he decides to comply with the demands of the applicant. This has serious ramifications in cases where innocent persons have been falsely accused.<sup>198</sup>

Many officers also said that people file unfounded complaints because they have unfair expectations of the police. People expect the police to resolve a wide range of issues that lie beyond police jurisdiction, from civil to domestic disputes. Discussing the problem of unfair expectations, a senior-level police officer in Umerkot said:

People have very high expectations from the police. They want the police to take action and interfere in domains where they have absolutely no jurisdiction. For example, people often bring civil matters or contractual matters to *thanas* and when these expectations are not met, they are dissatisfied and start sending in complaints.<sup>199</sup>

Senior officers warned that the practice of pressuring the police to interfere in matters that lie beyond their jurisdiction is an effective way of corrupting the police. A senior officer in Umerkot told Human Rights Watch:

Everyone, particularly people of influence, wants to misuse the authority of the police for all sorts of purposes. It can easily lead to corruption and other violent excesses by the police. The ruling elite want to keep the police as a tool of coercion to be used against opponents. Consequently, they use all sorts of methods, including complaints, to pressure police officers. This is a very dangerous practice. Once an officer crosses the line and does

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<sup>198</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

<sup>199</sup> Human Rights Watch Interview, details withheld, Umerkot, September 19, 2014.



something wrong at the behest of an influential person or a senior officer, there is no turning back. He will then be corrupt.<sup>200</sup>

## Public Fear of Police

Public fear of the police is one of the main reasons for the limited use of grievance redress and accountability systems. Senior officers explained that this was largely due to an often justified negative perception of the police and the *thana*. A senior officer in Punjab said:

People fear the police because a lot of police officers are very badly behaved. I have often witnessed appalling behavior from *thana* officials. Their manner is brash, inaccessible and, above all, they seek to intimidate others. I keep telling my subordinates to correct themselves and respond in an acceptable manner. But I realize that this is not going to happen. You see, within our culture, many believe that if we don't frighten or overpower people they will not accept our authority or respect us. The police are also convinced of this.<sup>201</sup>

However, not all police officers working in police stations believe that citizens are afraid to lodge complaints against the police. An SHO in Pakpattan said that he was “perpetually responding to complaints” against his staff and himself. He maintained that people are not scared and find all kinds of ways to complain against the police.<sup>202</sup>

## Role of Intermediaries

In Pakistan, citizens often enlist the help of intermediaries to engage with state agencies for purposes of grievance redress and accountability. They serve as interlocutors between citizens and the state and help in articulating the demands of citizens as well as exerting pressure on state agencies. There are various types of intermediaries, such as elected representatives, local elites, religious leaders, representatives of the business community, and members of other organizations and associations. In addition,

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<sup>200</sup> Ibid.

<sup>201</sup> N.S. Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

<sup>202</sup> Human Rights Watch Interview, details withheld, Pakpattan, November 27, 2014.

paid police agents (commonly known as police “touts”) also act as interlocutors between citizens and the police.

Many officials maintained that intermediaries performed the absolutely vital role of bridging the gap between civilians and the police. An SHO in Mirpurkhas said:

I cannot deny that ordinary people are hesitant approaching the police. In such an environment it is very useful to have social interlocutors as they are able to bring complaints to our notice, explain our point of view to citizens, and their presence eases matters and thus can help in building trust. In several instances, complaints did not get to the stage of becoming a serious charge as community interlocutors worked with the police and the complainant to come to a resolution.<sup>203</sup>

Discussing the role of intermediaries, police officers told Human Rights Watch that many people approached police stations for matters of grievance redress with the support of a local influential person (e.g. a *nazim*, landowners, representatives of the business or religious community, or touts) in the hopes of a fair hearing. Officers in Punjab further said that the use of intermediaries was higher in rural areas compared to urban areas. In the tribal areas of Balochistan, one police officer said that in general if locals have a problem with the police they contact their *sardar* (tribal chief) and the *sardar*, in turn, gets in touch with the police officer in charge of the area:

In the rural areas because people are closer to the *sardar* [tribal chief] and the tribal system is very strong, people approach the *sardar* for help with grievance redress. We get a lot of complaints through the *sardar* in the DPO’s office.<sup>204</sup>

Some officers suggested that citizens approached the police through intermediaries because they wished to exert pressure on the police to “break the law” in their favor. Others said they sometimes rely upon local influential people for assistance in resolving problems within the community. A police officer in Lahore said that he maintained a

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<sup>203</sup> Human Rights Watch Interview with station house officer, name withheld, Mirpurkhas, September 17, 2014.

<sup>204</sup> N.S Ata-ullah, *Citizen and the State: State-Society Interaction for Grievance Redress in Pakistan*.

complete list of local influential people who could help in resolving disputes and other issues related to the community.

## V. Good Practices

This report has documented both citizens' complaints against the police, as well as internal and external constraints faced by the police. While the current state and system of policing in Pakistan is in urgent need of extensive reforms, Human Rights Watch did record some examples of good practices.

### Citizens-Police Liaison Committee (CPLC) Sindh

The Citizens-Police Liaison Committee (CPLC) Sindh is a “non-government statutory organization” which was established in 1989 in Karachi by a group of professionals, members of the business community, and the then-governor of Sindh, Justice Fakhruddin G. Ibrahim, with the aim of restoring citizens' trust in the police. The CPLC plays a bridging role between citizens and the police and also performs select oversight functions in order to improve police functioning and reduce citizens' grievances.<sup>205</sup>

The CPLC is primarily funded through private donations with a small contribution—approximately 20 percent of their funding—from the government. Their regulations stipulate that CPLC members must be retired members of the judiciary, lawyers, or an eminent person in business, finance, education, or public service. The governor of Sindh nominates members recommended by the CPLC itself. The functions of the CPLC include, among others:

- Ensuring registration of FIRs and that no complaint is refused;
- Determining if investigating officers are adopting dilatory tactics while investigating cases;
- Collecting statistics of registered and resolved cases;
- Determining if all the stipulated registers are being properly maintained and updated in police stations;
- Assisting police in preventing or detecting crime and maintaining peace;
- Reporting acts of misconduct or neglect of duty of the part of police officers; and,

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<sup>205</sup> Human Rights Watch Interview with group of district police officers, Karachi, September 15, 2014.

- Performing any other functions that the government may assign.<sup>206</sup>

Representatives of the CPLC told Human Rights Watch that in addition to its mandated functions, the organization also regularly compiles and disseminates crime statistics to the police, civil society, and the media; registers citizens' complaints about the police; assists the police in resolving cases, particularly cases of kidnapping for ransom; manages a helpline for and provides assistance to victims of domestic violence; and educates and trains people regarding "alternate dispute resolution" mechanisms and systems.

The CPLC works in close collaboration with the police, and police representatives maintain a presence in all its offices.<sup>207</sup> Over the years, there have been some reports of politicization of the CPLC. However, despite such criticism it is generally agreed that since its inception, the CPLC has made a valuable contribution towards improving relations and trust between the police and citizens of Karachi.

## Police Facilitation Center

In early 2014, the Punjab police established a Police Facilitation Center in Lahore. A similar facility, known as an e-police station, was later established in Faisalabad. These facilities are operated similar to customer service centers, and offer various police-related services such as reporting missing documents (for example, a national identity card), obtaining background checks for employment or visas, vehicle verification, obtaining learner's permits and international driving licenses, guidance on legal matters, and obtaining copies of FIRs and updates on police cases (criminal complaints still need to be registered in the relevant police stations). The center in Lahore is staffed by approximately 25 officers from the regular police force and has separate desks for men, women, and the elderly.

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<sup>206</sup> Mohammad Masud, "Co-Producing Citizen Security: The Citizen-Police Liaison Committee in Karachi," IDS Working Paper 172 (2002), p. 6-7, [http://www.ucl.ac.uk/dpu-projects/drivers\\_urb\\_change/urb\\_governance/pdf\\_democ\\_empower/IDS\\_Mohammad\\_Masud\\_Citizen\\_Police\\_Liaison\\_Committee.pdf](http://www.ucl.ac.uk/dpu-projects/drivers_urb_change/urb_governance/pdf_democ_empower/IDS_Mohammad_Masud_Citizen_Police_Liaison_Committee.pdf).

<sup>207</sup> In addition to a central reporting cell (CRC), which is located in the governor's house in Karachi, the CPLC has offices, called district reporting cells (DRCs), located within the offices of the senior superintendents of police in each district of Karachi. Offices are also planned for other major cities in Sindh. The CRC manages the central command computer system that maintains CPLC's various computerized crime databases. All databases are connected to the DRCs. The chief and deputy chief of the CPLC supervise the CRC and have a staff of approximately 18 employees. The district chief and deputy chief, also CPLC members, supervise each DRC and have the assistance of seven CPLC members from the district to help liaise with citizens and the police. Each DRC has a staff of approximately 12 personnel. Several volunteers also work for the CPLC.

According to police sources, one of the purposes of these centers is to provide quick and efficient service to people who need police assistance but do not have a criminal complaint.<sup>208</sup> According to media reports, most people are satisfied with the service provided by these centers.<sup>209</sup>

However, some senior officers told Human Rights Watch that while such facilities are a good initiative they do not address the problems confronting citizens in regular police stations—corruption, heavy-handed and abusive behavior, and fear of implication in false cases—that are the root cause of most public grievances against the police.

## E-Policing System

In recent years, efforts have been made to institute a system of online registration of FIRs. Online registration enables complainants to avoid unnecessary contact with the infamous “*thana* culture” and is an effort by the government to encourage the reporting of crimes. This, in turn, can facilitate police action in investigating criminal cases and in providing requisite relief to victims.

The Khyber-Pakhtunkhwa (KPK) police took the lead by launching the system in mid-2013 as part of its e-policing initiatives. According to information available on the KPK police website, complainants submit their personal and contact information, the name of the concerned police station, and details about the incident through an online registration form available online. The website immediately generates an automatic ID that can be used to track progress. The online registration section emails the details submitted to the relevant station house, district, and regional police officers. Upon receiving the complaint the SHO contacts the complainant to verify whether the complaint is admissible, and registers a formal FIR when warranted. Under standard operating procedures, police officers are required to take action within 72 hours. An updated list of FIRs is maintained on the KPK police website. The Committee for Online FIR Management (CONFIRM), which is set up by the deputy inspector general’s office, monitors the process. In the event of

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<sup>208</sup> Human Rights Watch Interview, details withheld, Lahore, June 20, 2014.

<sup>209</sup> Mina Sohail, “Facilitators of liberty,” *Dawn*, May 23, 2014, <http://www.dawn.com/news/1108059>; Faisal A. Ghumman, “E-police stations may provide a panacea for chronic ills,” *Dawn*, May 5, 2014, <http://www.dawn.com/news/1104330>.

difficulties with registration, complainants are provided contacts through which they can register complaints regarding the relevant police officers.<sup>210</sup>

Following Khyber-Pakhtunkhwa's example, the Karachi police also initiated an online FIR registration system in December 2014. The process in Karachi primarily remains the same as in KPK; however, the complaint is supposed to be registered in 24 instead of 72 hours.

The online FIR registration system seems quite promising. According to Khyber-Pakhtunkhwa police, despite a high number of false complaints at first, the initiative seems to have started working and delivering as intended. Analyses of police operations in Khyber-Pakhtunkhwa after the formation of the new political government in 2013 suggest that the performance of the police has improved. Most importantly, the public perception of the police has improved significantly and reports of police corruption and harassment have declined.

However, the system is not free from criticism. Analyses of the experiences in Khyber-Pakhtunkhwa and Sindh highlight that the online system faces the many of the same problems as the old system it seeks to replace; specifically, interference and resistance from elements within the police that seek to block registration of complaints due to self-interest or political pressure.<sup>211</sup> Senior officers in Punjab told Human Rights Watch that the Punjab police were also keen to initiate an online registration system, and that officers had been sent to study the KPK model. However, these officers felt that the online system was not a significant improvement on the previous manual system of registering complaints.<sup>212</sup>

## Computerization of Police Records in Jhang, Punjab

Independent analysts interviewed by Human Rights Watch spoke highly of the model of computerization of case records and police management systems designed and implemented by the Jhang district police.<sup>213</sup> The district is the first to have computerized

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<sup>210</sup> "Registering FIRs Online," *The Express Tribune*, July 14, 2013, <http://tribune.com.pk/story/576866/registering-firs-online/>.

<sup>211</sup> Essa Malik, "Recording crime: Karachi gets first cell for online FIR registration," *The Express Tribune*, December 27, 2014 <http://tribune.com.pk/story/812792/recording-crime-karachi-gets-first-cell-for-online-fir-registration/>.

<sup>212</sup> Human Rights Watch Interview, details withheld, Lahore, February 20, 2015.

<sup>213</sup> Human Rights Watch Interview, details withheld, Lahore, May 15, 2014. See also: Faisal A. Ghumman, "Police initiate computerization of cases, FIR," *Dawn*, February 23, 2015, <http://www.dawn.com/news/1165304>.

and interlinked the records of all its police stations and district-level offices, completing the process in 2012. The system is maintained by a district-level IT team and all police stations have been provided the requisite computers and trained personnel.

The Jhang computerization model is designed to overcome problems such as mismanagement of police operations, the inefficiency of manual recordkeeping, the slow process of registering complaints, flawed investigations, and lack of transparency and accountability. It has three noteworthy components:

1. **FIRMIS:** The FIR Management Information System enables the police to monitor every case from the stage of registration to verdict. Details of FIRs are updated daily and requisite case records are automatically generated. As a result, the workload of manual recordkeeping has been significantly reduced. The system is linked with the office of criminal records, and it is estimated that the Jhang police maintain a database of over 10,000 criminals. The system is regularly audited and, if need be, entries are corrected to ensure accuracy of the data.
2. **HRMIS:** The Human Resource Management Information System provides a record of every police official in the district.
3. **CMIS:** The Complain Management Information System apprises complainants of progress regarding their cases, including investigation, via SMS text messages.



## VI. Recommendations

The reasons for the systemic culture of police abuse in Pakistan are multifaceted and will require more than modest changes in structures and practices to address. Nonetheless, governments at the federal and provincial levels can adopt measures that can begin to change police practices and promote respect for human rights in the country.

### To the Federal and Provincial Governments

#### *Ensure registration of First Information Reports (FIRs) by:*

- Issuing mandatory directives to the police that an FIR should be registered in all cases where a complainant provides information that indicates the occurrence of any criminal offense, and ensuring that an authorized police officer may refuse registration of an FIR only by providing a signed, written explanation, to the complainant and superior officers.
- Amending the relevant police rules to make the non-registration of an FIR without sufficient reason grounds for disciplinary action.
- Extending the provisions for electronic registration of FIRs nationwide.
- Amending the Criminal Procedure Code to authorize sub-inspectors and head constables to register FIRs.
- Appointing field inspectors to monitor the proper registration of FIRs.
- Ensuring a safe environment for women and children to interact with the police in consultation with rights groups, and enforcing measures such as:
  - Setting up separate desks for women and children in police stations;
  - Enhancing the presence of trained female police officers to assist victims of sexual crimes, record their complaints, and interview them for the purpose of investigation; and,
  - Setting aside clear budgetary lines to ensure implementation of such measures.
- Providing the use of interpreters and appropriately trained social workers when necessary, particularly when interacting with crime victims with disabilities.
- Enforcing strict guidelines to end discriminatory or other improper behavior by the police against the poor or other marginalized groups.

- Fully and impartially investigating complaints of favoritism and nepotism.

*Ensure proper response to gender-based violence by:*

- Establishing, in consultation with women's rights groups, clear and explicit guidelines for police intervention in cases involving gender-based crimes, including standardized arrest policies for perpetrators, separate categorization of such crimes in police records, standard protocols for referring victims to appropriate social, legal and health services, and procedures to protect the privacy and confidentiality of individuals reporting gender-based crimes.
- Developing, in consultation with women's rights groups, mandatory training for investigating officers regarding gender-based crimes.

*Enforce laws regarding arrest and detention and establish further safeguards by:*

- Explicitly defining acceptable interrogation techniques in police rules and manuals and prohibiting the police from using illegal detention, torture, or other coercive measures to obtain evidence.
- Ensuring that police officers implicated in torture and other kinds of ill-treatment, regardless of rank, are disciplined or prosecuted as appropriate.
- Allowing independent monitoring of detention facilities including station lock-ups and jails by human rights commissions and nongovernmental organizations. Detainees should be permitted to meet privately with representatives of independent monitoring organizations.
- Requiring police to videotape all interrogations to protect against the use of torture and other ill-treatment.
- Working with civil society groups to train police on proper conduct in custody toward women, children, sexual minorities, religious minorities, and other marginalized groups.
- Amending police regulations, rules, and manuals regarding the use of force in arrests to conform with international legal standards, including the UN Code of Conduct for Law Enforcement Officials, and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, require that police apply, as far as possible, nonviolent means before resorting to the use of

force, use force only in proportion to the seriousness of the offense, and use lethal force only when strictly unavoidable to protect life.

- Taking all necessary steps to ensure law enforcement officers abide by the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

*Implement measures to end custodial deaths and encounter killings by:*

- Independently investigating every case of custodial death or encounter killing, and registering an FIR when there is suspicion of extrajudicial killings or deaths due to torture in custody.
- Ensuring mandatory autopsies in every case of custodial death or encounter killing. Provide a written copy of the report to the deceased's family within 24 hours of the examination.
- Amending police regulations, rules, and manuals to reflect the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

*End impunity for police abuse and misconduct by:*

- Establishing Public Safety Commissions at the district and provincial level as stipulated in Police Order 2002 in Balochistan and Sindh to institutionalize citizen participation in police accountability mechanisms.
- Referring all cases of custodial deaths and encounter killings to the District Public Safety Commissions for assessment of any wrongdoing or misconduct on the part of the police.
- Promptly investigating, and appropriately disciplining or prosecuting, police officials responsible for human rights violations and delays in recording criminal complaints and initiating investigations for gender-based crimes.
- Disciplining or prosecuting, as appropriate, superior officers who knew or should have known of acts of torture and extrajudicial killings, and failed to prevent and punish them.
- Providing complainants with clear instructions, simple forms, and contact information for how to check on the status of investigations.

- Establishing a policy that under no circumstances should police officers accused of wrongdoing or misconduct attempt to dissuade or intimidate complainants, with strict disciplinary consequences for those who do so.
- Ensuring that the district and provincial Public Safety Commissions have the necessary financial and logistical capacity to effectively manage their caseloads. Public Safety Commissions should regularly issue public reports regarding completed and ongoing disciplinary proceedings or investigations.

*Improve the recruitment and training of junior officers by:*

- Improving the standards of academic, physical, and psychological tests conducted during the recruitment of police officers for junior ranks.
- Encouraging and facilitating greater admission of women into the police academies.
- Improving the standards of instruction at police academies for officers of junior ranks by providing high quality instructors and resources to trainees in all areas of police work, including law, ethics, modern investigation techniques, forensic sciences, and use of firearms.
- Implementing a curriculum for investigating officers at police academies. Take steps to attract instructors qualified to teach forensic science.
- Instructing recruits and current investigating officers on the importance of physical evidence, and how to find, collect, preserve, and deliver evidence to a forensic laboratory.
  - Taking into account current delays in forensic laboratory processing, teach investigating officers on-the-scene forensic techniques including elementary identification and matching of ballistic material, photography, and examination of physical evidence such as fingerprints, footprints, and debris.
- Training investigating officers on modern, non-coercive techniques for interviewing and questioning witnesses and suspects.

*Provide essential investigation tools to the police by:*

- Ensuring every investigating officer has access to basic forensic equipment such as LED flashlights, cameras, fingerprinting kits, and tape and envelopes to secure evidence.
- Providing sufficient resources to provincial forensic labs, including mobile forensic labs, to enable them to return evidence evaluation reports to police within a reasonable time period.
- Increasing the number of vehicles assigned to police stations, with the goal of ensuring the availability of at least one vehicle on a regular basis.

*Address the acute shortage of police personnel by:*

- Mandating frequent revision of sanctioned strength by evaluating changes in population and crime rates and increase recruitment accordingly.
- Abolishing the practice of deploying police officers as ceremonial VIP escorts. Establish requirements for the use of police for VIP protection based on security needs assessments.
- Prohibiting the use of junior officers for any personal service to senior officers or any other non-police work.

*Improve working and living conditions of police by:*

- Ensuring compensation, allowances, and benefits on par with other federal services. This should include proper pensions and insurance to provide for families of police officers killed and injured in the line of duty.
- Creating incentives for better policing through increased opportunities for promotion for junior and low-ranking police. Ensure that all police at the head constable and constable levels have the opportunity for promotion through annual exams. Promptly promote successful candidates.
- Requiring station house officers to announce and post a monthly work schedule that includes shifts and on-duty rotation, planned recreation and rest time, and planned leave. Mandate a weekly day off for all police at and below the rank of sub-inspector.

- Developing a clear policy to prevent and respond to sexual harassment of female police officers in the workplace.
- Ensuring that all police stations are housed in buildings suited to police work and equipped with the essential requirements of the staff including appropriate lock-ups, investigation rooms, and rooms for rest. Ensure that all police officers engaged in high-risk operations or based in dangerous areas have access to the appropriate police equipment.
- Ensuring that the police in all areas of the country are provided with appropriate official transportation facilities needed to perform their essential tasks including travel for depositions and transfers of defendants to the courts during trials.
- Ensuring that the police across the country are provided with training and equipment to computerize police records, and minimizing use of the paper-based system of records.

### **To the Police Services of Pakistan**

- Make clear to police officials that using investigation methods which are inadmissible in a court of law or engaging in other unlawful practices against criminal suspects will result in disciplinary measures or prosecution.
- Instill a spirit of public service in police officials of all ranks.
- Protect local police departments and their subordinate officials from political and other improper interference and harassment.
- Work with nongovernmental organizations to develop better policing strategies within existing institutional constraints.
- Develop, with the participation of the general public, information booklets and campaigns in local languages to raise awareness of definitions of common crimes, legal procedures, and basic processes for lodging criminal complaints.

### **To the Federal and Provincial Legislatures**

- Establish autonomous human rights commissions at federal and provincial levels to document and report alleged violations of human rights and develop legislation to curb systemic abuse of police powers. The commissions should be created and staffed in accordance with the Paris Principles on National

Human Rights Institutions, and include representatives experienced in dealing with survivors of gender-based violence.

- Enact legislation that specifically defines torture and enforced disappearances as criminal offenses in the Penal Code with appropriate penalties.
- Amend the Qanun-e-Shahadat Order 1984 to enforce Article 14 (2) of the Constitution and make inadmissible any evidence obtained on the basis of a police interrogation that involved the use of torture or cruel, inhuman or degrading treatment or other illegal coercion.
- Disband the Levies in Balochistan and establish a uniform policing system across the province.
- Establish Public Safety Commissions at the district and provincial levels in Balochistan and Sindh as stipulated in Police Order 2002.
- Separate investigation from other police functions under the Police Act of 1861 in Sindh and Balochistan as has been done in Punjab and Khyber Pakhtunkhwa under Police Order 2002.

## **To Concerned Foreign Governments and Donors, including UNDP, DIFD, and USAID**

- Raise concerns about police abuses, including mistreatment in custody and extrajudicial killings, with the Pakistani government at the highest levels. Urge the government to ensure that the police treat all individuals in accordance with international human rights standards.
- Offer to include, in areas where there is a genuine commitment to reform, specialized police training alongside existing programs for counterterrorism training and assistance.
- Provide increased support for Pakistani civil society organizations engaged in effective human rights monitoring and direct assistance to victims of police abuse.

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# “This Crooked System”

## Police Abuse and Reform in Pakistan

Pakistan’s police are among the most widely feared, disparaged, and least trusted government institutions in the country. The poor, and other vulnerable or marginalized groups, invariably face the greatest obstacles to obtaining justice in a system that is rigged against them.

*“This Crooked System”*: *Police Abuse and Reform in Pakistan* documents custodial torture, extrajudicial executions, and other serious human rights violations by the Pakistani police. The report also details the difficulties that victims of crime and police abuse face in obtaining justice, including police demands for bribes, biased investigations, and refusals to register complaints. Colonial-era police laws facilitate routine interference by local politicians and wealthy landowners in police operations.

The report also examines human resource, financial, and other constraints that police say impact their ability to function properly, and looks at examples of good police practices that may serve as models for the future.

Human Rights Watch urges the Pakistani government to investigate and appropriately discipline or prosecute police officials responsible for human rights violations and undertake necessary legal and policy reforms to transform the police into an accountable, efficient, and rights-respecting institution.



*A police officer is framed by the architecture of Lahore’s Badshahi Mosque while standing guard during a prayer session on Eid al-Adha November 7, 2011.*

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