

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: PAK31693
Country: Pakistan
Date: 18 May 2007

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Please comment on whether an FIR issued in Dir in 2001 would be “required to have an official police seal placed at the end of the report” or whether the appearance of the FIR would more likely fit the parameters of the advice of DFAT Report 311 of 12 July 2004.

RESPONSE

1. Please comment on whether an FIR issued in Dir in 2001 would be “required to have an official police seal placed at the end of the report” or whether the appearance of the FIR would more likely fit the parameters of the advice of DFAT Report 311 of 12 July 2004.

On 17 May 2007, the Department of Foreign Affairs and Trade (DFAT) provided the following advice:

An FIR issued in Dir, NWFP circa 2001 would be expected to be written on an official form, have a serial number, hold the signature of the Station House Officer (SHO) and record the name of the diary officer. Two copies of the FIR are sent, one to the magistrate and one to the district police office. Another may be given to the complainant on request. Any additional copies would be expected to have been signed and stamped by the copying authority (usually the district police office).

In some instances, claims relating to a non-cognisable offence may be recorded informally and only lodged later as an FIR if warranting further investigation. These informal recordings may be on paper without a letterhead or just written in the police station diary register. They would not necessarily have a stamp or signature.

This information was provided to the post by Mr Mohammad Yousaf (Diary Officer, Police Station West, Peshawar), Mr Pervez Rahim (Diary Officer, Police Station Temargarah, Dir) and Mr Arshad Jan, (Advocate, Peshawar High Court) (Department of Foreign Affairs and Trade 2007, DFAT Report 645 – RRT Information Request: PAK3169, 17 May – Attachment 1; for the RRT Country Research Email which elicited this response, see: RRT Country

Research 2007, Email to DFAT: 'RRT Information Request: PAK3169', 19 April – Attachment 2).

Pakistan's Centre for Peace Development Initiatives provides information on FIRs and the terms "cognisable offence" and "non-cognisable offence" in its 'First Information Report (FIR) (A Guide for Citizens)':

Cognizable Offence:

A cognizable offence is one in which the police may arrest a person without warrant. They are authorized to start investigation into a cognizable case on their own and do not require any orders from the court to do so.

Non-cognizable Offence:

A non-cognizable offence is an offence in which a police officer has no authority to arrest without warrant. The police cannot investigate such an offence without the court's permission.

...The police may not investigate a complaint even if you file an FIR, when:

1. The case is not serious in nature;
2. The police feel that there is not enough ground to investigate;
3. The police resources are already over-committed in investigating more serious offences.

However, the police must record the reasons for not conducting an investigation and in the latter case must inform you (Section 157 of the Code of Criminal Procedure, 1898) (for more information see: 'First Information Report (FIR) (A Guide for Citizens)' (undated), Centre for Peace Development Initiatives – Pakistan website – Accessed 18 May 2007 <http://www.cpdipakistan.org/publications/What%20is%20an%20FIR.pdf> – Attachment 3).

List of Sources Consulted

Department of Foreign Affairs and Trade (DFAT)

Centre for Peace Development Initiatives – Pakistan website <http://www.cpdipakistan.org>

List of Attachments

1. Department of Foreign Affairs and Trade 2007, *DFAT Report 645 – RRT Information Request: PAK3169*, 17 May.
2. RRT Country Research 2007, Email to DFAT: 'RRT Information Request: PAK3169', 19 April.
3. 'First Information Report (FIR) (A Guide for Citizens)' (undated), Centre for Peace Development Initiatives – Pakistan website <http://www.cpdipakistan.org/publications/What%20is%20an%20FIR.pdf> – Accessed 18 May 2007.