

Ending Torture: Protecting Human Rights”

International Day in Support to Torture Victims

Date: 26th June 2013

Venue: HRCP Hall, Lahore

Organized by: Asian Human Rights Commission (AHRC), Human Rights Commission of Pakistan (HRCP), South Asia Partnership Pakistan (SAP-PK) and Anti Torture Alliance (ATA) Pakistan

Speakers:

1. I.A. Rehman, Director Human Rights Commission of Pakistan
2. Mohammad Tahseen, Director South Asia Partnership, Pakistan
3. BushraKhalig, Focal Person Anti-Torture Alliance Pakistan
4. KhawarNaeemHashmi, Renowned journalist, Bureau Chief GEO TV
5. Sajida Mir, Political activist
6. ZakiaArshad, South Asia Partnership, Pakistan



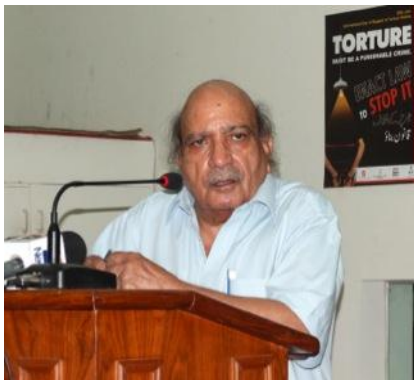
Seminar Report

The world observes 26th of June every year as International Day in Support of Torture Victims. In solidarity with this global call, the civil society in Lahore arranged a public seminar on 26th June 2013 in collaboration with Asian Human Rights Commission (AHRC) Hong Kong, here at HRCP Hall. Over 150 civil society representatives from different districts of Pakistan, Human Rights activists, media personnel and political parties activists attended the event. Besides main banner behind the stage, many small banners were displayed on the sidewalls, inscribed with demands in favor of torture victims. The program started at 3pm and continued till 6:30 pm. The environment was serene and audience listened the speakers with complete seriousness.



Zakia Arshad of South Asia Partnership Pakistan (SAP-PK) was stage secretary. She started the program by inviting the speakers at the stage. In her welcome note she shared her views about the importance of the Day and UNCAT. Lack of public awareness on the human rights has aggravated the issue of rising torture and ill treatment, she said, adding that there is a strong need for the sensitization of the lawmakers, judiciary and law enforcement bodies on the subject of torture. Of all these the legislators should be seriously focused as they are the least interested in making a law against torture, she lamented.

The government must perform its constitutional responsibility and check the menace of custodial torture. She said Pakistan has ratified the UN Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment (CAT) in June 2010, but it has yet to take steps for the implementation of this convention.



Speaking on this occasion, **Director Human Rights Commission of Pakistan, I.A. Rehman** said custodial torture is a common practice in Pakistan and unfortunately there is no law in the country to stop this menace. The Parliament of Pakistan should enact law for criminalization of torture.

He said the menace of Torture is a colonial legacy, which is continued in Pakistan since decades. Torture is generally used to extort confessional statements from detainees. It has become societal attitude. Most of jail inmates (about 80%) in Pakistan are under trial prisoners, lingering in jails for years, which is tantamount to torture as well. The custodial rape is also rampant, but police conceals it by using coercive methods. Similarly according to law handcuffing of persons under custody is illegal but police is still practicing this inhuman treatment. "To arrest somebody it is enough to touch his/her shoulder, saying you are under arrest, why handcuffing, he questioned." It has been observed that usually the state agencies justify torture "in good faith" to extract important information related national security, but this unacceptable, he asserted.

Talking about Article 2 of UNCAT, he urged the state to incorporate admin, judicial and legal reforms in its legal frameworks. The torture ruptures the psyche of the victim as well as society. Even in times of war torture cannot be justified, he clarified. He said UNCAT clearly states that “No state shall hand over to another state, a person, who is feared to be tortured”.

He told the audience that Govt. of Pakistan ratified the UNCAT in 2010, with number of objections on different clauses. Though later on it withdrew almost all the objections but one. Now it is the responsibility of the state of Pakistan to incorporate the convention in its national laws and respect all international treaties. He urged the state develop mechanism to ensure protection and safety of Human rights defenders and ratify the optional protocol on Torture.



Focal Person Anti-Torture Alliance (ATA) Pakistan, Bushra Khaliq in her multimedia presentation educate the participants on spirit of UNCAT and responsibilities of state of Pakistan after its ratification. She said two important conventions were ratified in 2010, UNCAT and ICCPR, which prohibits torture, however, in clear violation of these conventions and the Constitution of Pakistan thousands of cases of severe torture in police custody are reported every year. Sharing important fact and figures she said there are 1300 police stations in Pakistan and keeping the thana culture in mind, it will be no wrong if we assume that at least one person is tortured in every thana everyday.

This makes 1300 persons tortured every day in Pakistan and one person every minute.

She said the state-sponsored violence is on the rise in Pakistan including torture in custody, extra-judicial killings and disappearances in violation of local as well as international laws. It is used as the most common means to obtain confessional statements. Judicial remand of accused had become a joke as many of them are killed when they are taken out of jails under the pretext of getting evidence. Accused persons are also routinely tortured against the law to get forced confessions. According to law the judge or magistrate who allows remand into police custody has to ask the accused whether he/she was subjected to torture, but this practice is generally not followed in our courts.

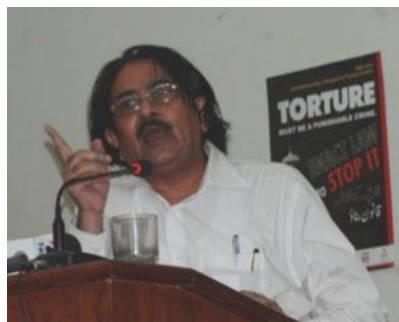
She said torture in custody is a serious problem affecting the rule of law in Pakistan. It has become endemic and on many occasions the police demonstrate torture in the open place to create fear in general public. Torture has adverse impact on individuals as well as society as a whole, resulting into loss of rule of law and people's trust in the law enforcement agencies.

She said at present there is no law to criminalize custodial torture in Pakistan, this reason giving rise to incidents of unabated torture in police custody. Making torture a criminal offence can stop this menace. She said there are no adequate and proper independent investigation procedures in Pakistan to investigate through modern and scientific methods including the forensic method in the criminal justice system. Similarly legal protection to witness is also absent. She urged upon the authorities to modernize the criminal justice system with development of proper complaint centers and the Judicial Commission must immediately start the reforms; particularly in lower judiciary and also make reforms in prosecution system.

She said despite prohibition of torture in UN Conventions and the Constitution of Pakistan under the article 14 (2), police and other law enforcement agencies of Pakistan are running detention and torture

cells. These centers must be immediately closed and the perpetrators of Torture must be brought to justice, she demanded.

She told the audience that ATA Pakistan and AHRC have drafted a Bill for the criminalization of Torture after several consultations with civil society organizations and stakeholders, already endorsed by a number of organizations. This Bill was submitted in the previous National Assembly and hopefully the present Assembly will soon pick it up for deliberations and legislation. Making an important clarification, she said some people confuse Hurt, Violence and Torture, however there is hell of difference among three terms. Those who think that Section 332-337 of PPC addresses the issue of Torture must need to stand clear that it only deals with Hurt, and not Torture.



Renowned Journalist Khawar Naeem Hashmi, himself a torture victim, said in his testimony, Pakistan is not a free country. How can be a country free where 18 crore population is facing constant state torture daily, he questioned. But still people think they are free, it is not their fault, they have been made to think like that.

Talking about his struggle for press freedom and his ordeal in police custody during Gen. Zia-ul-Haq martial law, he said he was detained in Lahore Fort along with other political workers, where had to face worst form of inhuman torture. He described different methods of torture police used against victims to break the will power of the detainees.

Hundreds of political activists were subjected to torture during martial law period, however, the stories of these torture victims are not documented, he lamented. It is important to highlight the struggle and stories of these brave victims. There was spell bound silence in the hall when he started reading the story of Christian prisoner in his literary style. Thy guy was tortured to such extent that he converted to Islam to save his life.



Political Activist and torture victim Sajida Mir, said in her testimony that in martial law regimes political workers and innocent people are arrested and subjected to state-sponsored torture. They did not spare even women, who dared to resist the regime. Telling her tale of struggle against Martial law of Gen Zia-ul-Haq she said besides mental torture women political activists were subjected to physical torture. Police exploit political workers and women, which is another form of torture, she added. Thana culture never changed and police stations had become hubs of torture and bribery, she added. They treat innocent citizens of their country as enemy of the state. He demanded of the government to end torture culture in police stations and there

should be sensible police officers appointed in police stations.

After this Zakia opened the floor and invited Testimonies from the house. About six participants shared their views on Torture threw detail light on the incidents of torture and its implications on the societal attitudes. These include **Shehnaz Shedi** From Qambar Shahdat Kot, **Shasita Bhokhari** from Multan, **Amina Zaman** from Faisailabad, **Farooq Ahmed** from Bhawalpur, **Saif Ali** from Chinot and **Abdul Rahim** From Lahore. The testimonies from the floor reflected a dismal picture of Human rights in various districts with regard to torture in Custody.



At the end of the seminar, **Director South Asia Partnership (SAP-PK), Mohammad Tehseen**, presented civil society charter of demands. He urged HR defenders to synergies efforts to combat Torture in the society. He said Pakistan must respect all international treaties and enact law to stop torture. Making torture a punishable crime only can stop this. He demanded legislation for an absolute ban on torture by police, law enforcement agencies, state or non-state actors for a peaceful society. He said the provincial governments must improve the condition of human rights standards at police stations, lock ups and jails. At least female SHOs can be appointed in the model police stations in different parts of the province. He also shared

the heart-rending details of cruel incident of murder of young child by a feudal lady, (relative of Former Prime Minister Yousaf Raza Gillani) in Jatoi village on 2nd of June 2013.

Director Human Rights Commission of Pakistan Mr. IA Rehman in his concluding remarks said It is imperative for the civil society to initiate solid steps to protect victims of torture by forging unity to stand up against the menace by involving rights-based group, HR activists and individuals.

Civil society charter of Demand against Torture

- We call upon the Parliament of Pakistan to urgently make legislation for criminalization of torture and to ensure it will be vigorously enforced.
- The government must pay the compensation for the torture victim and establish the centers for rehabilitation of the torture victim.
- Despite prohibition of torture in the Constitution of Pakistan under the article 14 (2), police and other law enforcement agencies are running detention and torture cells, including private torture cells, in every city in the country. We urge upon the federal and provincial government to close these centers. We also urge to prohibit all forms of torture.
- Pakistan has ratified the UN Convention against Torture and other Cruel, Inhuman, Degrading Treatment or Punishment (CAT) in June 2010. Govt. Pakistan must respect all treaties and enact law to stop torture. The government must ratify the optional protocol.
- Each instance of enforced disappearance, illegal detention, and torture, extra-judicial and in-custody killings is rampant in the country. There should no impunity for the authorities. No one is above law.
- All law-enforcement agencies should be held accountable for picking up or torturing people on suspicion or in the name of national security.
- The Government must take immediate steps to stop the large scale of abduction, lawlessness and disappearances and release of all those forcibly disappeared and perpetrators be brought to justice.
- Hundreds of journalists, writers, HR defenders, students and political activists have been killed extra judicially in the province. The security of the media persons is remained a big question. That must be ensured by the state. A mechanism should be developed to ensure the protection and safety of Human rights defenders.
- Sexual violence is reported by up to 70 per cent of women in police custody, along with the violation of their basic human rights. Making torture a criminal offence only can stop this.
- There are no adequate and proper independent investigation procedures in Pakistan to investigate through modern and scientific methods including the forensic method in the criminal justice system. We urge upon the authorities to modernize the criminal justice system with development of proper complaint centers.
- The judicial Commission must immediately start the reforms in particularly in lower judiciary and also make reforms in prosecution system.
- The parliament must form a new legislation to change the policing system of colonial era in to civilian policing system.
- The provincial governments must perform their constitutional responsibility and check the menace of torture in their provinces.
- The Punjab Govt. must improve the condition of human rights standards at police stations, lock ups and jails.
- Appoint female SHOs while setting up 100 model police stations in different parts of the province.

For media coverage

<http://x.dawn.com/2013/06/27/torture-friendly-pakistan-needs-effective-laws/>

<http://www.thenews.com.pk/Todays-News-5-186162-No-law-against-torture-in-country-HR-activists>