

(Legal Aid Office project)



NEWSLETTER
October -
December 2020
6th edition

Supporting Sindh's Criminal Justice System through Legal Aid, Legal Empowerment and Speedier Trials.

OUR LITIGATION SUCCESS
from this quarter



828
Under-privileged prisoners represented in court



310
Under trial prisoners were released on bail



659
Cases disposed / resolved through Judicial Orders



428
Under-privileged & innocent prisoners acquitted

all made possible through the support of CWP-LAO



Justice (R) Nasir Aslam Zahid
Chairperson - Committee for the Welfare
of Prisoners

The number of old people behind bars is increasing at a remarkable rate across the globe. 20% of Japan's inmates are 60 years or older which is double the proportion since 2002. The number of prisoners aged over 60 years in the United Kingdom has jumped by 243% since 2002, to 5,176 in March, 2020. Estimates from the United States provide that by 2030 one-third of all prisoners will be older than 55 years. Whether the issue is one of being tougher on crimes resulting in longer prison sentences or of the elderly being forced into committing more crimes, an ageing prison population poses more challenges to the prison administration especially on account of the more acute health care needs of this strata.

In any case, the vestiges of colonial era prisons in Pakistan evidence that they were built for fit, healthy and young men. The truth is that our prison officials are trained primarily in the fields of ensuring discipline and security as opposed to nursing for the elderly and vulnerable. Data on the breakup of the elderly in prisons and their recidivism rates

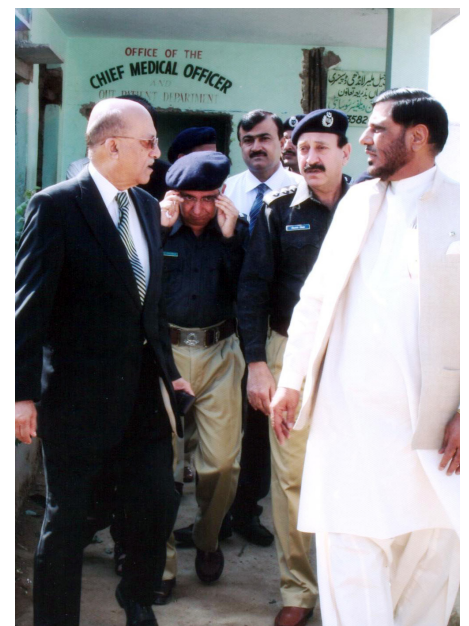
is scanty at best in Sindh yet the Government has acknowledged this as an issue and has come forth to address it.

The Sindh Government has recently activated a new scheme of furlough titled as "Authorised Absences" benefitting old aged prisoners (males over 65 and females over 60) who have served more than half of their sentences in prison. To date, 11 old aged prisoners have gained from this scheme through being released for a period of four months during which they are placed under the supervision of probation and parole officials. The scheme provides such relief not just to those who are convicted but also those who are under trial and suffer from life-threatening diseases and need immediate treatment. The scheme is most certainly a feather in the cap of the Government and one of the more progressive features of the new Sindh Prisons and Corrections Services Act 2019- an Act that has repealed and replaced the century-old Prison Act of 1894 in June 2019. The new law aims to ensure prisoners are detained in safe custody, ensuring their fundamental rights and rehabilitation into society as law-abiding citizens.

The plight of under trial prisoners languishing in prisons due to protracted trials makes it pressing for other governments to establish and operationalize effective discharge schemes. Article 10-A of the Constitution of Pakistan defines the right to a fair trial as a fundamental right every citizen has, including their right to due process against a criminal charge. The provision

of effective and expedient free legal services is a hallmark of any functioning justice system. The Government has discharged its duty in this regard since 2004 when the Committee for the Welfare of Prisoners was first established.

Today, it provides legal aid to underprivileged prisoners across 25 prisons and ensures overcrowded prisons are routinely decongested. However, legal aid on its own cannot provide a sustainable solution to keep prisons operating at capacity. Prisons can be further decongested through wider use of the new discharge scheme and through a more "front end" approach which amends the powers of arrest of the police. The only means of reducing the number of under trial prisoners in a sustainable manner would be to ensure fewer people, especially those booked for minor offences, are sent to prison. The pandemic and the toll it is taking on government budgets across Pakistan call for such solutions. Inaction is simply not an option.



Free Legal Advisory Camps across Sindh Prisons

These camps were attended by 521 women, juvenile and adult male prisoners.

CWP-LAO is playing its role in disseminating information on legal rights, access to justice and access to safety measures during COVID-19. CWP-LAO organized 20 legal aid camps in the prisons during this quarter. These camps were conducted following full adherence to safety SOPs so as to ensure mitigation against hazards or risks to prisoners and prison staff. The objective of these camps was to provide basic legal aid to prisoners in conflict with the law, from their entry into the justice system at the police station through to exposure and engagement with prosecutors, judges and prison officials.

We also disseminated multi-format IEC materials to inform prisoners about Prison rules, and the availability of mechanisms for access to justice, and for informing prisoners of their eligibility for support, legal aid, and social services that intervene with justice systems. CWP LAO will continue to run such camps in the future promoting awareness around the Sindh Prisons and Corrections Services Act 2019.



Central Prison - Larkana



Women Prison - Larkana



District Prison - Shaheed Benazirabad



District Prison - Dadu

Distribution of Bedsheets for Hospital Facilities in Prisons

We firmly believe that the provision of health care in prison must also be aligned with the specific needs of the prison population. The prison itself cannot cater to all possible health care needs of prisoners; specifically with added burden of the pandemic. CWP-LAO is trying to fill such gaps brought on through the

onset of the pandemic, through provision of PPE equipment, along with clothing and bedding for sick prisoners. CWP-LAO handed over 1,400 hospital bed sheets to the prison health facilities across Sindh. Despite the onset of the current pandemic, we have been, and always will be dedicated towards improving the living condition of prisoners.

Coordination Meeting with Prison Officials in the Hyderabad Region

CWP-LAO's management team, along with regional office teams arranged coordination meetings from 7th to 11th October, 2020 with the prisons in the Hyderabad region to strengthen coordination and partnership between the CWP-LAO team and prison authorities. These meetings were conducted with the Assistant Superintendent Central Prison Hyderabad Mr. Abdul Ghaffar Chandio, Superintendent Central Prison Mirpurkhas Mr. Munawar Ali Shah, Superintendent Women Prison Hyderabad Ms. Abida Soomro, Assistant Superintendent YOIS

Prison Hyderabad Mr. Zeeshan Khan, Superintendent Special Prison Nara Hyderabad Mr. Imtiaz Shaikh, Superintendent District Prison Sanghar Mr. Imtiaz Khaskheli, Superintendent District Prison Dadu Mr. Imtiaz Soomro and Assistant Superintendent Nausheroferoz Prison Mr. Dawood Ahmed Abro.

CWP-LAO and Prison officials highlighted the challenges in governance during the pandemic and discussed methods for developing more effective approaches for catering to prisoners' needs

with safety measures in place. During the visit, the team received 25 requests for surety/ fines and appeals before High Court and Supreme Court which the CWP-LAO will be facilitating.



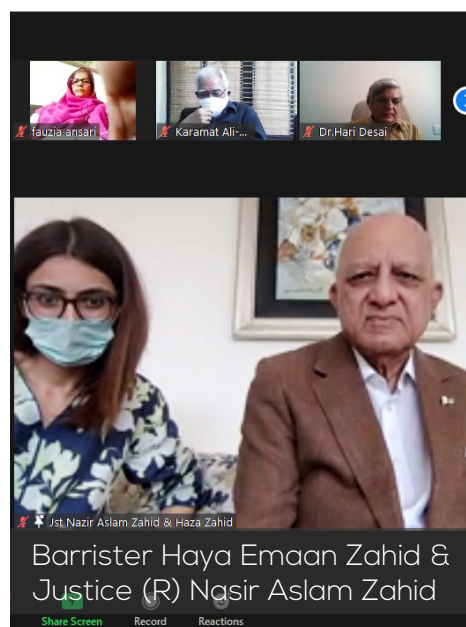
CWP team at Central Prison, Mirpurkhas

Webinar on Prisoners of Contention

It is a hard reality that most of the Indian citizens in Pakistan's prisons and Pakistani citizens in Indian prisons are innocent captives of circumstances, destiny, as well as historical contention between the two countries. As they become victims of tense relations, and hence do not get released on the day of completing their sentences.

Pakistan India People's Forum for Peace & Democracy (PIPPFD) organized an online session on the occasion of International Human Rights Day (December 10, 2020) during which various representatives from non-government agencies, journalists, veteran activists, senior Judges, and heads of local fishermen associations from both countries actively participated who have secured the release of many prisoners in the past.

On this occasion, Barrister Haya Emaan Zahid (Secretary CWP) along with Justice (R) Nasir Aslam Zahid (Chairperson, CWP) revealed that 362 fishermen prisoners from India are held in the province of Sindh, Pakistan. Out of these, sentences of 279 prisoner fishermen have been completed and they continue to languish as detainees. With increased use & acceptance of technology during the pandemic, enabling better communication across borders, both countries were seen to leverage this opportunity to raise voices across borders for the immediate repatriation of prisoners whose sentences have been completed. We hope that due to these efforts governments on both sides of the border reciprocate this gesture and provides relief to the fishermen being held captive in respective prisons of both countries.





Ms. Sana Sharif

Recognition for the IATC Award by ENGRO

Sana Sharif (Program Manager, LAO) led the PPE drives of LAO-CWP in 15 prisons and led the COVID-19 response campaign despite the risk of contracting the virus. During these visits PPE was distributed, along with facilitation for rapid testing in prisons, to ensure that vulnerable prisoners stay safe during the pandemic.

For the same dedication, CWP-LAO was acknowledged

and awarded the IATC (I Am The Change) Impact awards 2020 by Engro foundation in the NGO / Industry category. This awarded was received by Ms. Sana Sharif.

“It is indeed a privilege to see our efforts being recognized, as we pledge towards enabling basic human rights (while legal rights being one of them), even during the pandemic.”

First Committee Meeting on Juvenile Reform

On December 9th, 2020, in order to reform the juvenile correctional facilities in Sindh, a meeting was organized by the Inspector General Sindh Prisons & Corrections Services with the members of a specially constituted committee. The agenda of this meeting was to discuss the existing juvenile prison nomenclature as per law and to evaluate a move to Borstal School Model or Juvenile Rehabilitation Centers.

The Prison Department desires to revamp existing four Youthful Offenders Industrial Schools through special trainings and a proposed change in cadre of Prison staff. The CWP-LAO

will collaborate with the Prison Department and Indus Valley School for providing support in terms of designing new uniforms for the special cadre. In addition, the Committee members emphasized that the Rules of the Juvenile Justice Act should be enacted so that the Sindh Government can formulate this law and bring it forward.

The meeting was attended by DIG Prisons of Karachi, Senior Superintendents, C.P Mirpurkhas, C.P Karachi, Superintendent, D.P Nausheroferoz, Member of the Sindh National Commission on the Rights of Child and Secretary CWP-LAO.



Ms. Shahrbanu Kanwal

Employee Appreciation

We pride ourselves with the strength and dedication of our lawyers and their concerted efforts to push CWP-LAO's mission of providing means of justice to the most vulnerable segments of our society. Throughout their experience at CWP-LAO, our lawyers hear and litigate hundreds of cases from multiple fields/disciplines of law and become highly proficient professionals.

The recent appointment of our lawyer Ms. Shahrbanu Kanwal as Assistant District Public Prosecutors (ADPP) is a testament to the rigorous on-the-job skill development that we offer.

CWP-LAO is proud of our team member Ms. Shahrbanu Kanwal for her accomplishment, and wishes her best of luck to serve justice even greater than before.

JUSTICE SUCCESS **STORIES**

M. Haneef, gets justice after being involved in a false Narcotics case

Haneef aged 40, spent three months in Central Prison Mirpurkhas. **Haneef** was earlier implicated in a false Narcotics case. He belongs to a very poor family that survives on daily wage labor and hence did not had the financial resources to hire a private advocate to represent his case.

The case against Haneef was completely fabricated and carried no distinction. LAO advocate **M. Touseef Chandio** proceeded with the case at the request of the Additional District Judge, Tando Allahyar. His case was strangling in the process, as the LAO advocate took the initiative resulting in the acquittal of the accused. After receiving the case, the LAO advocate took immediate action & had the police papers filed on his behalf on the same date of hearing, while all prosecution witnesses were examined in one day, and the statement of the accused was recorded, and final arguments were heard.

Haneef's case was also supported by the District Commissioner (DC) who endorsed to the court that were huge contradictions in the different versions in the statements of the complainant. As a result of which the court announced the judgment with the acquittal of the accused on the same date since the LAO advocate was engaged for only one day. Finally, Haneef was released from the curse of criminal litigation, and for which he, along with his family were immensely grateful to LAO & its advocate, and appreciated LAO services.



Pictures: Acquitted **Haneef** (top-right) & CWP-LAO lawyer **M. Touseef Chandio** (left)



Azeem, 23 years old, had been languishing in Central Prison of Karachi for two and a half years. The accused was convicted by the court under the charge of punishment for an attempt to murder. Usually when the criminal justice professionals encounter such a case, the guilty are sentenced to 8-10 years in prison, with five years rigorous imprisonment along with the fine amount.

Azeem who was economically challenged, and was not in a position to hire a lawyer, had earlier preceded with his case without a lawyer before the trial court. It was his father who informed CWP-LAO about Azeem and told that the police had taken his son from home and demanded

Rabia, gets reunited with her family after being falsely charged with Robbery



When CWP-LAO took Rabia's case, she had been incarcerated along with her one-year-old daughter for eleven months in the Women Prison, Hyderabad on the charges of Robbery which she had not committed.

Rabia's family belongs from Islamabad, while her husband is working as daily-waged labor. Rabia was arrested based on a false FIR registered by police officers. The FIR was made against 'unknown people' who had earlier snatched cash of PKR 50,000 from a shop at gunpoint.

On the other hand, Rabia was traveling on a public bus from Islamabad to Karachi to meet with her family. Police officials stopped the bus & asked Rabia for gratification, which when refused, resulted in an illegal arrest of Rabia, while they also lodged a false FIR of robbery.

To fight this injustice Rabia had hired a private advocate, but her case was not followed properly. Rabia, much aggrieved from this situation then reached out to the CWP-LAO to seek further legal assistance. Mr. Fazul Rehman (Advocate CWP-LAO) hearing this, immediately took Rabia's case & represented her. Mr. Fazul taking instant action examined the witness from the prosecution side. Based on his representation, the judge recognized that the charges against Rabia were false and acquitted Rabia, who was released from prison and was reunited with her family again.

illegal gratification, not paying to which he was kept at the police station for two days in illegal confinement. After which he was falsely involved in a false and fabricated police encounter. Azeem's father then requested that CWP-LAO advocate Mr. Habibullah Jiskani to represent Azeem in the court for his defense.

As a result of the timely and effective intervention of LAO, the judgment was announced in favor of Azeem, as his sentence was reduced (which he underwent), along with a fine of PKR 20,000 (which was also paid by CWP/LAO).

Pictures: Acquitted **Azeem** (left) & CWP-LAO lawyer **Habibullah Jiskani** (right)



Celebrating Probono Partnerships

Yawar Gul Zaman, aged 35, used to work as a verification processor in one of the most prominent Banks in Pakistan. In 2017, the audit report of the branch (where Yawar was working) depicted embezzlements against him, hence he was booked under sections 409, 420, 467, 471, 109, 34, and 477 of the Penal Code. Yawar was earlier convicted and sentenced to suffer a rigorous imprisonment punishment for 21 years and pay a fine of PKR 500,000 by the trial court. During his imprisonment for three years, Yawar was been actively engaged in providing literacy classes to inmates, along with other rehabilitation activities. He also remained as a participant in one of the LAO Paralegal Program classes

conducted which has benefitted 350 prisoners to date.

The accused had also appealed to the Sindh High Court to review its decision, for which he had hired a private advocate. However, over three years his case was not followed properly. This matter was brought to the attention of CWP-LAO through the LAO prison paralegal program at the central prison Karachi where the accused was kept in confinement.

The accused had spent 4 years & 5 months in prison and stated that:

“I have limited access to information about the proceedings. The jail authorities themselves receive the notice for the next date of hearing just a mere

or maybe two days before it is fixed. I am hopeless for no chance at justice.”

At this point of time when Yawar was close to giving up on any likelihood for justice, Barrister Asad Halepota (pro bono partner of CWP-LAO) came as a ray of hope for the accused. He took the case immediately, followed the appeal at the Sindh High Court in Karachi, fought hard on the case, and successfully obtained a bail order for Yawar on December 23, 2020.

Yawar today is back to leading his routine life, again, with his family and is highly grateful to LAO for its generous support and assistance in helping him to prove his innocence and reuniting him with his family.

مفت قانونی مشورہ صرف ایک کال کے فاصلے پر

LawDepartment
Government of Sindh

24x7 Helpline 0800 70806
SLACC
Sindh Legal Advisory Call Center

0800 70806

GET IN TOUCH!

+92 21-
35390133-5

info@lao.org.pk

/LegalAidOffice
Pakistan

Spanish homes,
Mezzanine floor,
DHA, Phase-1,
Karachi