



NEWSLETTER

July-September 2022
12th Edition

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



KEY HIGHLIGHTS OF SUCCESS from this quarter



669

Prisoners represented
in courts



329

Number of bails
granted



645

Number of cases
disposed off



378

Number of acquittals
(On Merit & 265-K &
249-A Cr PC)



EDITORIAL SECTION

MESSAGE FROM the Chairperson Justice Nasir Aslam Zahid

During July and August 2022, the province of Sindh was hit by catastrophic floods claiming thousands of lives, damaging crops, and forcing thousands of people to leave their homes and live in make-shift tents. With no pathway for the water to drain, millions of displaced people were and are still at risk of disease and malnutrition.

A forgotten fraction of individuals impacted by this humanitarian crisis are the prisoners. Nineteen of the prison facilities are in flood-affected areas, which jeopardizes the safety of prisons and prisoners. Combating the danger of floods requires emergency planning, cessation of routine procedures, lockdowns, and occasional evacuations. In such times, the Committee for the Welfare of Prisoners in its capacity has been contributing towards relief efforts. The floods exposed disparities in access to healthcare services between rural and urban areas – the disparities are further exacerbated within prisons. Through our reliable partner Sehat Kahani (a telemedicine company working for primary healthcare), the Committee was able to provide medicines to Central Prisons Sukkur and Larkana to mitigate the risk of viral and water-borne diseases among prisoners. Similarly, Santex (Pakistan's leading local sanitary company) helped the Committee in providing sanitary products to women in the relief camps to ensure safe and hygienic menstrual cycles.

The impact of the recent floods is still unfolding, and the magnitude of the disaster is yet to be realized. There is a need for PDMA and NDMA to ensure budgetary allocations to repair the damages in the prisons caused by the floods, and also to ensure that prisons maintain essential functions in the event of an emergency by having an emergency preparedness plan in place.



Justice Nasir Aslam Zahid
Chairperson

KEY HIGHLIGHTS

Repatriation of a Nigerian Prisoner

C hukwudi Anthanatius Silver a 57-year-old Nigerian was imprisoned in **District Prison Malir**. Silver was offered two thousand dollars for smuggling drugs to Pakistan. He was arrested on his arrival at Jinnah International Airport for carrying 1040 grams of cocaine and was imprisoned for two years.

Silver's sentence ended in February 2022; however, due to financial constraints, he could not afford a ticket back to Nigeria. Silver was a driver back home and earned fifty to eighty dollars per month. After his sentence ended, his wife sold some property to arrange for his tickets – unfortunately, that was not enough to cover the travel costs.

District Prison Malir Karachi administration reached out to the Committee for the Welfare of Prisoners, Legal Aid Office (CWP-LAO) for assistance on Silver's repatriation. CWP-LAO, with the generous support of **JAS Travels** arranged for Silver's ticket. JAS Travel facilitated Silver's repatriation by paying for 50% of his airfare.

Silver flew back home on August 31, 2022. He is now back home, safe and sound in the company of his loved ones. He has reached out to the Committee to express his gratitude for the efforts of reuniting him with his family.



Free Legal Advisory Camps in Four Prisons of Sindh

In its efforts to promote legal empowerment among prisoners, the Committee conducts free legal aid and advisory camps during these camps. The CWP-LAO lawyers conduct awareness sessions on law, legal rights, prison rules, and the criminal justice system.

While these camps are usually organized in 23 prisons across Sindh, due to the unprecedented rainfall and flood conditions in most parts of Sindh, the camps took place in 5 prisons across Karachi (including the remand home) during the reporting quarter.

The Camps witnessed active participation from 82 under-trial prisoners including adult men, women, and juvenile prisoners, who benefited from legal advice.



WELFARE ACTIVITIES:

Distribution of medicines to mitigate the risk of viral and water-borne diseases in prison facilities

The recent floods exposed significant disparities in access to healthcare services between rural and urban areas, which was further exacerbated in prison facilities. To cater to the situation, the Committee for the Welfare of Prisoners took on the initiative for prisoners' health and safety by providing necessary medicines to mitigate the risk of viral and water-borne diseases.

On the request of the Deputy Inspector General of Prison Sukkur Region, CWP-LAO collaborated with Sehat Kahani and provided medicines in two prison facilities: Central Prisons Sukkur and Larkana on September 19 & 20, 2022, respectively. We are thankful to our donor Sehat Kahani who helped us address the immediate medical needs of prisoners due to the floods.



Ensuring menstrual hygiene in collaboration with Santex:

Despite being a humanitarian disaster, the recent floods have also threatened fragile health infrastructure, as period poverty has remained a longstanding health challenge.

Kazi Nazeed Ahmed (Honorable Inspector General Prison) organized flood relief camps in his personal capacity in Shikarpur. On this occasion, CWP-LAO, through its reliable partner Santex provided sanitary products for women in the relief camps to ensure their menstrual hygiene.



مفت قانونی مشورہ صرف ایک کال کے فاصلے پر



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Government of Sindh

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UPDATES FROM ELCS

Two Days Workshop for ELC Teachers

CWP-LAO firmly believes in on-job training for its employees to enhance their skills and abilities. Our teachers in the Early Learning Centers (ELCs) of Karachi and Hyderabad participated in a training workshop organized by Dawood Public School on August 2 & 3, 2022, in Karachi.

The training included sessions on multiple intelligence, learning styles, questioning skills, literacy and life skills, along with measures to deploy a happy culture and two-week planners. These sessions focused on creating a vibrant environment in the classroom for the students as well as for the teachers.



Donor visit to Early Learning Center (ELC) Karachi:

A needs assessment was conducted for ELC Karachi, through which it was realized that the old and dilapidated furniture which was procured at the time of ELC establishment needed replacement. To assist us in this area of requirement, the Education Support initiative (a UK-based agency) donated generously towards the refurnishing and renovations.

Dr. Mahmood Mustufa (Representative, Education Support initiative) recently visited the ELC Karachi on September 29, 2022, to view the changes brought to the learning center, and spent time with the children, talking to them about their dreams and aspirations.



Sensory Garden Updates

Women prisoners are allowed to keep their children with them in prison up to the age of 9 years. Being imprisoned; these children miss out on major life opportunities & learning. We are setting up Sensory Gardens to give the children a sense of the outside world.

Our Sensory Garden located in the Hyderabad Early Learning Center is starting to take shape now and will help to feed the senses of the young minds (smell, touch, see, hear and taste) by providing access to tools (digging, constructing, mixing, etc.). This minor effort will also help to enhance gross motor development (climbing, balancing, carrying, pulling, etc.).

We are grateful to **Barrister Murtaza Wahab** (Advisor to the CM Sindh on Law) for his continuous support in this effort.



Visits at the CWP-LAO office

Visit by DIG Prisons (Sukkur Region)

The Committee was honored to host Mr. Syed Munawar Hussain Shah (Deputy Inspector General Prisons, Sukkur Region) at our Head office. Munawar Ali Shah played a pivotal role in drafting the 'Sindh Prisons & Corrections Service Act & Rules 2019' and has been an advocate for the work of CWP-LAO.



Court Kahaniyaan



Standing by the pillar in one of the City Court's corridors stood Amna Bibi, accompanied by one of her sons. She listened patiently to the lawyer who updated them about her other son Fayyaz Ahmed's case. The concern on her face and the tears on the edge of her eyes were testament to what she was going through as a mother in court.

Amna Bibi has 8 children: 4 sons and 4 daughters. Fayyaz is a certified nurse and health technician. He is married and worked as a nurse in a hospital. According to Amna Bibi, Fayyaz was an obedient son; however, his behavior changed when he fell into bad company. Under the influence of his friends, Fayyaz became a drug addict. The economic need to fund drugs led him into the world of crime. Fayyaz was arrested for dacoity (theft) and has been in jail for over 1.5 years.

Amna Bibi is in her mid-sixties and has several health issues. Despite her circumstances, she makes sure she is in court for each hearing. Only one other son stands by Amna Bibi's side. While all of the other siblings had cut off ties with Fayyaz because of the disgrace which he brought to the family's name. Fayyaz is being represented by the CWP-LAO. The family is updated, in detail, about the case's progress at each hearing.

The only source of income for Fayyaz and his family is the pension his father receives; with limited financial resources it would be impossible for the family to afford a medical drug treatment for Fayyaz upon his release. Failure to address the drug addiction increases Fayyaz's chances of turning to crime again. Fayyaz is just one example of a large number of drug users who come in contact with the criminal justice system – the relationship between drug use and crime has already been established. There is a strong need to develop treatment interventions within the criminal justice system to reduce recidivism. While prisoners with drug addiction serve their time, a detoxification and counseling program within the prison can help to address the drug abuse issue.

Committee for the Welfare of Prisoners has also conducted two research reports focusing on drug use among women and young offenders in prisons in Sindh. The policy briefs corroborate the link between drug use and criminality. Based on research findings, the briefs put forward detailed policy recommendations about introducing interventions within the criminal justice system to address drug abuse. This research is available on CWP website.

(Pseudonym used to protect privacy)



Court Kahaniyaan



Naseema stood with her sister-in-law at the District & Sessions Judge courtroom in District Court Malir.

Farhan looked worried and exhausted when we met him in the courtroom. He was there to attend the hearing of a murder case against his sister Parveen. Parveen was accused of her husband's murder and was granted bail after 9 months of arrest against 100,000 rupees.

Their family lives in Ayub Goth, far from the court, yet they must be present at each hearing. The transport cost of going back and forth from court costs them thousands. The burden falls on Farhan (the sole breadwinner, earning 25,000 a month). Even though the case is in court, Farhan received threats from the victim's family.

She was in court for her nineteen-year-old daughter Nida. Naseema and her sister-in-law walked halfway and took a rickshaw from the main road to get to court to save financial costs. She says:

"The prison is far away, and the transportation fare is high; therefore, we only meet Nida in court and avoid going to the prison."

On the other hand, Naseema's husband has been suffering from liver disease for a long time. Naseema has two sons: one being only nine years old.

Hence the financial burden of the family falls on Naseema's eldest son. Of the five daughters, Nida was married in 2017. Nida was accused of murdering her stepdaughter. The plaintiff in the case is Nida's husband. This case has already created many difficulties for Naseema's family.

Naseema expressed her confidence in **Advocate Khalid Hussain Shah** (lawyer, CWP-LAO), who has been handling the case in the best possible way. She hopes justice will prevail and her daughter will be back home soon (Pseudonym used to protect privacy).

He was also once attacked and was slightly injured. Since this incident, Farhan was forced to sell his shop and car in order to cope with the increasing financial needs. While his community continuously pressured Farhan and his family to settle the matter out of court by giving away another daughter in return for blood, Farhan pins his hope on the criminal justice system.

Despite the situation, Farhan today expresses his satisfaction with the CWP lawyer and his competence with how he is proceeding with the case.

(Pseudonym used to protect privacy)



Justice SUCCESS **STORIES**

Acquitting a financially deprived person from baseless charges

Dhani Bux, the 55-year-old resident of Golimar, lived in a rented house with his wife, three sons, and one daughter. Dhani's livelihood is dependent on a fixed sum of 20,000 rupees as he is working as a driver.

Dhani had an exchange of harsh words with some police officials in Soldier Bazar, which led to his arrest and being implicated in a case of dacoity. He was imprisoned in Central Prison Karachi while his family suffered to make ends meet outside. Dhani was in dire need of legal aid and representation, following which his Vakalatnama was filed by **Advocate Bad-e-Saba** (Lawyer, CWP-LAO) on July 7, 2022.

As a result of proactive efforts by Advocate Bad-e-Saba, the court acquitted Dhani based on insufficient witnesses.



Acquitting a minor from false charges of illegal weapon possession

Fourteen-year-old Wahid arrived in Karachi to meet his relative. His visit proved costly when the police searched him at the Yusuf Goth bus terminal. Although the police found nothing during the search, they demanded 'chai pani' (bribe) for letting Wahid go. Wahid, not having extra money to offer to the police, was wrongly arrested in case of illegally possessing arms.

Wahid was moved to Youthful Offenders Industrial School (YOIS) Karachi. Since his family lived in Quetta and were unaware of the incident, Wahid waited for a miracle. Wahid was introduced to lawyers from CWP-LAO during their visits to the YOIS.

Wahid's Vakalatnama was filed by **Advocate Waqar Mulla** (lawyer, CWP-LAO) on January 5, 2022. The case proceedings were concluded on August 16, 2022, acquitting Wahid of false allegations, as he was set free to be re-reunited with his family.



Justice SUCCESS **STORIES**

Helping a mentally challenged person from a false narcotics case

Moharam Ali, aged 32, had a mental disorder and was imprisoned in District Prison Shaheed Benazirabad. The police stopped Moharam during a routine check. Unfortunately, he could not cooperate with the police during the interrogation due to his mental condition. This tragic incident led to his arrest.

Moreover, an FIR implicated him for consuming Manipuri and Gutka (nicotine). Moharam's family not having the financial resources to afford a private lawyer was represented by **Advocate Noman Maqbool** (Lawyer, CWP-LAO). The case proceedings later revealed that Moharam was not mentally stable and did not consume Gutka. Leading to which the court ordered to release of Moharam on July 16, 2022.



Helping a woman to prove her innocence and get work opportunities

Yasmeen and her husband and four-year-old son had moved to a new neighborhood hoping to find better working opportunities. This move presented challenges to the family when Yasmeen's husband fell in bad company and became habitual of mugging. During a dacoity, two victims were shot dead by Yasmeen's husband. While he fled the scene successfully, two of his accomplices were caught by the police.

During the investigation, the accomplices confessed to the involvement of Yasmeen's husband. Police used his mobile number to trace his location. Since Yasmeen's husband was on the run, the police arrested Yasmeen who was completely innocent and uninvolved in the case.

Yasmeen was kept in remand for 15 days and was charged with double murder and dacoity. Yasmeen did not have the financial resources to hire a private lawyer and hence needed legal aid. She was represented by **Advocate Noor-ul-Sabah** (Lawyer CWP-LAO). Since the evidence to convict Yasmeen was not sufficient, she was acquitted of all charges after 5 long years of case proceedings.

While Yasmeen was in prison, her son was looked after by his great grandmother. During this time, her husband was also killed in an encounter. Yasmeen knew that once she was out of prison, she would have to provide for her son and herself. She, therefore, enrolled in the sewing center established by the CWP-LAO. Now that Yasmeen has been proven innocent, she is working as a stitching laborer and actively looking for further work opportunities. She hopes to invest in a sewing machine herself to generate more income.



Featured Article

How do natural calamities affect prisons?

In what is being described as an 'unprecedented climate catastrophe', torrential rains have triggered the most severe floods in Pakistan's recent history, resulting in loss of lives, washing away homes, livestock, crops, and entire infrastructures - leaving more than 33 million people displaced, in need of assistance and at an increased risk of waterborne diseases and malnutrition.

Sindh, with over 50 million people - the second most populous province of the country, remains the hardest hit by the recent floods. According to the data from Pakistan's Meteorological Department, Sindh received 726 percent higher rainfall than the monthly average in August alone. Shocking satellite images by NASA reveal a 100-kilometer-wide inland lake in the flood-affected areas of the province.

The national response - social solidarity displayed by national as well as overseas citizens - towards emergency relief efforts has served as a basis of endurance during times of this crisis. The relief efforts are focused on the population displaced by the devastating floods; however, a subset of this population is often under-represented,

poor, and marginalized - largely forgotten - the prisoners imprisoned in prison also affected by the floods.

Within Sindh, 19 prison facilities are located in flood-affected areas. According to the population statement of Sindh prisons on September 15, 2022, the cumulative population of these 19 prison facilities comes up to 8,542 prisoners. These prisoners are largely dependent on the prison administration and staff to ensure their health and safety during natural disasters. Unlike people in the community, they lack the agency to make their own decisions, heightening their inherent vulnerability. These prisoners, therefore, face not only the immediate threats of the hazard itself but also the impact of these events on prison infrastructure, staffing, and the provision of basic goods and services.


Research conducted on needs assessment and damages by the 2011 flood in Pakistan by the Asian Development Bank and World Bank revealed that floods damaged 14 prisons, 137 police facilities, and 24 courts. There was complete damage to three prisons

and partial damage to 11 prisons. Despite these figures from previous flood damages, relief response does not prioritize prison facilities; the unique needs of older persons, prisoners with disabilities, pregnant and breastfeeding mothers, and children incarcerated with their mothers remain either largely ignored or completely unmet.

The Sindh Prison & Corrections Service Act and Rule 2019 makes provision for temporary accommodation in case of emergencies under rule 618 and provisions about the sources of water supply, protection of wells/tanks, supply of water to the prisoner, and analysis of water under rule 628, 629, 630 and 631. However, there is a need to evaluate the emergency preparedness and disaster risk reduction response of prisons which address the vulnerabilities, specific needs, and circumstances of prisons and people in prisons. There is an imminent need to take a step towards climate action to mitigate risks in the future and protect those most vulnerable.


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