

# NEWSLETTER

January - March 2023

14<sup>th</sup> Edition

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



COMMITTEE  
FOR THE  
WELFARE OF  
PRISONERS



LEGAL AID OFFICE

## KEY HIGHLIGHTS from this quarter



**633**

Vakalatnamas filed in  
the courts



**322**

Bail applications  
granted



**539**

Cases disposed off  
through court orders



**353**

Acquittals (On Merit)



## Message from the Chairperson:



**Justice Nasir Aslam Zahid**

“A Nightmare for Everyone – The Health Crisis in Pakistan’s Prison” a latest report by the Human Rights Watch highlights what prisons in Pakistan are notorious for – overcrowding. The report states that Pakistan has one of the world’s most overcrowded prison system with most prisons functioning over a 100% capacity. The overcrowding in prisons can be attributed to a number of reasons such as police arrest practices, high number of people held in pre-trial detention and the courts’ reluctance to make use of alternative measures to detention such as community services and probation available for petty offences.

The persistent issue of overcrowding heightens the risk of health emergency in prisons further straining an already frail healthcare infrastructure in the prisons. Prisoners are thus left vulnerable and their basic health needs – unmet.

The UN Standard Minimum Rule for the Treatment of Prisoners – also known as the “Mandela Rules” call for humane treatment of prisoners, setting minimum standards for their healthcare. Rules 24 to 25 define the obligation of prison authorities regarding medical care for all prisoners. The Sindh Prisons & Corrections Service Act & Rules 2019 draw inspiration from the Mandela Rules and make provisions of healthcare defining classification of prisoners according to health, provision of hospitals, precautions in case of epidemic, investigation as to the origins of the first case etc.

The Prison Administration in the recent years has faced challenges in the delivery of healthcare facilities first in the face of COVID-19 pandemic and then the recent floods in Sindh. During the COVID-19, the Committee for the Welfare of Prisoners with the support of Sindh Prison Department, devised an initiative to provide immediate assistance to the prisons with provision of essential PPE and in collecting data to understand prevalence rates of COVID-19 within prisons.

The recent floods In Sindh exposed disparities in access to healthcare services between rural and urban areas – the disparities are further exacerbated within prisons. During these times, 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.

There is a need to acknowledge that healthcare needs are a basic human right – which should be available to all without discrimination. It is a laudable step by the Government of Sindh to recognize its obligations and duties – formulating progressive rules which make provisions to ensure physical and mental health services are available to prisoners including a telemedicine system which allows virtual visits by medical specialists and mental health experts. A holistic approach is required to address the issue at hand, adequate budgetary allocations along with other measures such as alternative measures to detention which address the problem of overcrowding should take precedence.

## Visit to District Prison Malir with National Commission for Human Rights (NCHR) to assess the situation of 675 Indian fishermen:

The Committee with Rabiya Javeri, Chairperson National Commission for Human Rights (NCHR) paid a visit to District Prison Malir to assess the situation of Indian fishermen.

District Prison Malir houses over 1400 foreign national prisoners (FNP), out of which 675 are Indian fishermen. In 2020, the Committee conducted a research, "The Plight of Foreign Prisoners in Sindh: A Fact Sheet" which highlights the unique vulnerabilities of foreign prisoners. The report revealed that 74.4% of the foreign national prisoners in Sindh were Indians - 38% of these prisoners did not have consular access.

The problem of Indian and Pakistani fishermen who inadvertently cross territorial waters while fishing and are arrested and detained for years at a time is well-known. To address the issue, Pakistan and India signed a Consular Agreement in 2008 which mandates that each country provides the other's nationals with consular access within three months of arrest and detention.

Additionally, a Joint Judicial Committee was constituted in 2008. Its mandate was to meet every six months, seek early repatriation of prisoners whose sentences were complete, and ensure that the basic human rights of all such prisoners were upheld by both countries. This Committee has been inactive since 2013. Indian counterparts were due to visit District Prison Malir in Karachi, in Dec 2022. The visit was called off at the last minute after the comments at the UN.

Under the provision of the 2008 Agreement on Consular Access, Pakistan and India exchange lists of prisoners in each other's custody twice a year, on 1st January and 1st July.

According to the lists exchanged in January 2023, 705 Indian prisoners are detained in Pakistan, including 51 civilians and 654 fishermen. 434 Pakistanis are imprisoned in India, including 339 civilians and 95 fishermen. 20 Indian fishermen were released from District Prison Malir (Karachi) in June 2022.

Upon a recent visit to District Prison Malir, Karachi, with the National Commission for Human Rights, the authorities reported that there are a total of **675 Indians in District Prison, Malir**. Out of these, **24 are convicts, 12 are under-trial and 639 are detainees** awaiting repatriation.



## Visit to Youthful Offenders Industrial School and the Women's Prison Karachi with National Commission for Human Rights (NCHR) and Mehnaz Akbar (Convenor Parliamentary Caucus on Child Rights):

The team along with Rabiya Javeri, Chairperson National Commission for Human rights, and Mehnaz Akbar, Convenor Parliamentary Caucus on Child Rights paid a visit to the Women's Prison and Youthful Offenders Industrial School Karachi.

The visit was a follow-up on the Afghan Refugee prisoners in Sindh prisons. In November 2022, Sindh prisons saw a surge in Afghan prisoners as a result of a combing operation. Due to the influx of under-trial Afghan prisoners, the prison facilities were operating beyond their authorized capacity. The authorized capacity for the Women's Prison Karachi is 250 however, it had to accommodate 284 women prisoners along with 219 children under the age of 9 incarcerated with their mothers.

The Committee along with National Commission for Human Rights (NCHR) took notice of the alarming situation and published a policy brief titled, "The Plight of Afghan Refugees: Incarcerated in Central Prison Karachi". It summarizes the legal status of Afghans in Pakistan, the laws pertaining to foreigners in Pakistan, and presents a situational analysis of under-trial Afghans in the Central Prison, Women's Prison, and Youthful Offenders Industrial School in Karachi. The brief is available on the Committee's website.

The recent visit was to assess the living conditions of the women and young offenders in the Women's Prison and Youthful Offenders Industrial School Karachi.



**Law Department**  
Government of Sindh

24/7 Helpline 0800 70806  
**SLACC**  
Sindh Legal Advisory Call Center

Speak to a qualified & high-court  
registered lawyer - TOLL FREE number:  
**0800 - 70806**



## Field updates:

The Committee's team, consisting of Mr. Habib Jiskani - Litigation Manager, Ms. Fatima Farooqui - Research Associate, and Mr. Muhammad Sajjad - M&E officer visited Sukkur regional offices to conduct coordination meetings with the Prison Administration and Bar Association officials to strengthen coordination, build and sustain relationships, and explore synergies to ensure effective service delivery.

### Visit to **Women's Prison and YOIS Sukkur and District and Session Court Sukkur.** Date: 13<sup>th</sup> Feb 2023

The team met with Manzoor Ali Shah - Superintendent of Women's Prison and YOIS Sukkur and under-trial prisoners represented by the Committee. The Litigation team also visited District & Sessions Court, Sukkur. Habib Jiskani - Litigation Manager met with Shafqat Rahim Rajput - President Sukkur Bar Association to improve coordination with the Bar and explore synergies to improve the capacity of the Committee's lawyers.



## Visit to **District Prison Ghotki and District and Session Court Ghotki.**

Date: 14<sup>th</sup> Feb 2023

The team visited District Prison, Ghotki to meet Imtiaz Ali Somroo – Superintendent of District Prison, Ghotki. The team met under-trial prisoners in barracks and conducted interviews. The Superintendent highlighted that prisoners with psychiatric needs, drug users, and injured prisoners remain a challenge for the Prison administration. The team also visited District & Sessions Court, Ghotki to assess judicial files.



## Visit to **District Prison Shikarpur and Central Prison Sukkur.**

Date: 15<sup>th</sup> Feb 2023

The team visited District Prison Shikarpur and met with DSP Mukhtiar Shaikh. Under-trial prisoners were also interviewed in District Prison, Shikarpur. Later in the day, the team attended paralegal class in Central Prison, Sukkur. The team observed the class and conducted interviews with under-trial prisoners to assess client satisfaction. The team also met with the superintendent of Central Prison Sukkur, Shahab-ud-Deen Siddiqui, and shared CWP's results report and newsletter.



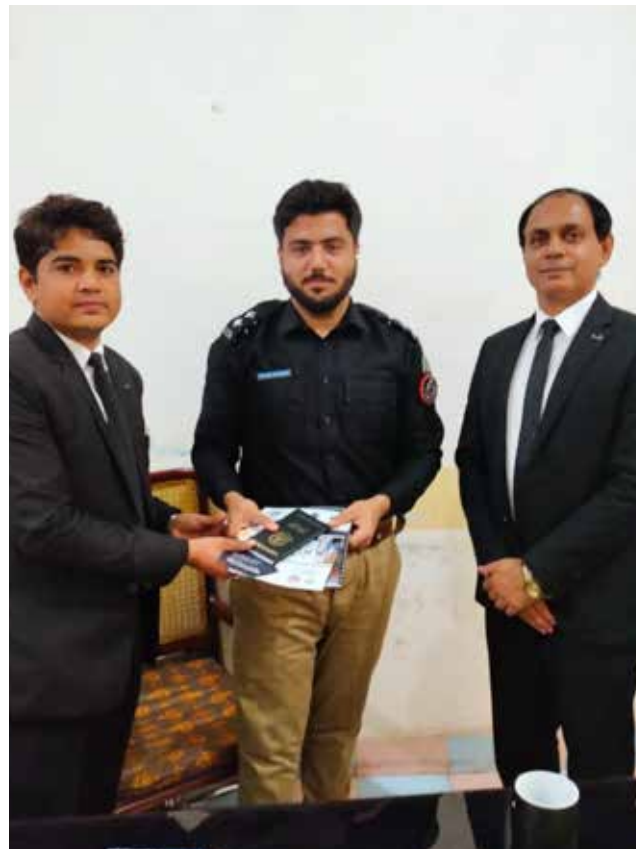
Visit to **Central Prison Khairpur and District and Session Court Khairpur.**  
Date: 16<sup>th</sup> Feb 2023

**A**t Central Prison Sukkur, the team met with Naib Ali Bhanbhan, Superintendent of Central Prison, Khairpur, and conducted coordination meetings with Syed Jaffar Ali Shah, President Khairpur Bar, and Altaf Mari General Secretary of Khairpur Bar.



Visit to **District Prison and Central Prison Larkana and District and Session Court Larkana.** Date: 17<sup>th</sup> Feb 2023

**C**oordination meeting with ASP Sohail in District Prison Larkana and DSP Mir Nadir Ali in Central Prison Larkana. Under-trial prisoners represented by the Committee were interviewed to evaluate client satisfaction. The team also met with District Bar Association President, Rafique Ahmed and Secretary, Aman Ullah Luhar.



# WOW Festival 2023

The Committee showcased handcrafted products made by women prisoners in the Women's Prison Karachi at the WOW Festival 2023.

We received overwhelming support from the attendees. All the proceeds raised through the sale have been distributed to the craftswomen in the Women's Prison Karachi.



**Women's day celebration at the Women's Prison Hyderabad.**





## Free Legal Advisory Camps:

The provision of legal aid across prisons in Sindh and efforts towards increasing prisoners' legal awareness has always been the Committee's top priority. Between January to March, we successfully organized 21 free legal advisory camps in 23 prisons across Sindh. The camps witnessed active participation of 586 under-trial prisoners including adult men, women, and juvenile prisoners who benefited from free legal advice.



## Partnership with Nai Zindagi:

The Committee is eager to announce its partnership with Nai Zindagi. Nai Zindagi provides a range of rights and need-based services to marginalized people who use drugs and those associated with them, in particular, their spouses/sexual partners and families.

Through this partnership, the Committee will provide legal representation to persons who use drugs (PWUD) prisoners in prisons across Sindh.





**R**ashid Kakhi looked for a sunny spot on a cold winter morning in the District and Session Court Sukkur while waiting for his son's case hearing. Rashid had two children, both under the age of 18. Farooq, his oldest, was in prison for the last 4 months.

Farooq was a student in 9th grade at a local school and his routine was similar to an average 16-year-old. He would go to school, come back home, attend tuition, play cricket with his friends in the evening, and go to bed early to wake up and repeat.

Farooq and his friends got into a meaningless argument during a game of cricket one evening. At some point, Farooq realized that nothing would come out of a heated argument so he decided to make his way back home. The same night, police raided Farooq's home.

Farooq's father, Rashid, repeatedly told the police that his son was asleep in his room because he had school in the morning. The police officials claimed that Farooq had been involved in a robbery. Despite resistance from Farooq's father, the police stormed into his room to arrest him.

Rashid said that the police had also staged an encounter and shot Farooq. Farooq sustained bullet injuries on his leg. Rashid claimed that Farooq is a victim of false accusations made by his influential friends after their argument in revenge.

Abbas has a similar story of false accusations. Abbas set up a soup stall during the winter season. He had a few police officials as regular customers. In the beginning, Rashid would serve them free of cost. He said serving them free of cost meant he would lose out on 500 - 600 PKR every day. When this became a habit, Abbas mustered the courage to ask the officials to pay. A few days later, Abbas was 'picked up' by the police officials while he was on his way to shop for regular groceries. Abbas has been booked under a false case for possession of gutka.

Abbas had just had a baby boy, 2 days prior to his arrest, his father is handicapped and none of

his family has been able to visit him in prison or court. Rashid is being represented by the Committee's lawyer who hopes to have Rashid acquitted of the false charges

Under section 182 of the Pakistan Penal Code, a person who provides "False information with the intent to cause a public servant to use his lawful power to the injury of another person shall be punished with imprisonment of either description for a term which may extend to:

- (a) Seven years in case the offense in which false information is given in punishable with death;
- (b) five years in case the offense in which false information is given is punishable with imprisonment for life; or
- (c) one fourth of the longest term of imprisonment or with fine as is provided for the offense in which false information is given and such an offense is not covered under clause (a) or clause

(b). "It is unfortunate that despite appropriate laws for false accusations, people continue to use false accusations against their opponents to settle their personal scores. Even if the accusations are later proved baseless, the accusers escape appropriate punishment.

**\*pseudonym used to protect privacy.**

Fatima Farooqui

# Justice SUCCESS **STORIES**

## Alam\*

**A** 13-year-old Alam began working as a daily wage laborer at a meager 500 PKR to contribute towards household expenses. He was booked in a false narcotics case after he refused to pay gratification to police officers.

Unable to afford private legal representation, he reached out to the **Committee's lawyer, Waqar Mallah**. His vakalatnama was filed on 19th September 2022. As case proceedings began, a bail application was filed and granted. Alam was acquitted of all the charges by the court on 5th January 2023.



Advocate Waqar  
Mallah

\*pseudonym used to protect privacy.

## Hafeez Khan\*

**H**afeez had four dependents in the family. As the sole breadwinner, Hafeez would make 10,000 PKR a month as a laborer.

Hafeez was booked in a false case of theft and faced imprisonment in District Prison Malir, Karachi. Since Hafeez could not afford a private lawyer, his vakalatanama was filed by the **Committee's lawyer, Mr. Abid Ali Jatoi** on 9th December 2022.

Case proceedings began and a total of four witnesses were examined in court. One of these witnesses recorded his statement in favor of Hafeez. This was enough to prove Hafeez's innocence. Hafeez was acquitted of all the charges on 21st January 2023. Effective legal representation saved Hafeez from facing imprisonment which may have extended up to 7 years and a fine.



Advocate  
Abid Ali Jatoi

\*pseudonym used to protect privacy.



Law Department  
Government of Sindh

24/7 Helpline 0800 70806  
**SLACC**  
Sindh Legal Advisory Call Center

Speak to a qualified & high-court  
registered lawyer - TOLL FREE number:

**0800 - 70806**



# Justice SUCCESS STORIES

## Khanam Bibi\*

**K**hanam moved to Karachi from Faisalabad after she got married. In Karachi, she lived with her husband, three children, and her husband's cousin. Khanam's husband's cousin was in the city to look for work.

Unfortunately, Khanam's husband passed away due to a heart attack. Khanam's brother-in-law was, however, convinced that Khanam had relations with the cousin and had killed her husband with the cousin. Her brother-in-law filed an FIR and Khanam was arrested for allegedly murdering her husband.

Khanam was imprisoned in the Women's Prison Karachi where she met with the Committee's lawyer, Ms. Noor-ul-Sabah. Khanam's financial situation deteriorated after her husband's passing, and with her in prison, the family had no economic resources to pay for private legal representation. Her vakalatnama was filed by **Ms. Noor-ul-Sabah** on 12th March 2018.

Case proceedings began and the court conducted an assessment of all case records such as challan, evidence, statement of accused, and final arguments of both sides. The court concluded that several ambiguities were found in the prosecution and the witness's statement on the basis of which the prosecution completely failed to prove their case.

Khanam's son was an eyewitness to the scene. He told the court that his father fell as a result of a heart attack and hit his head on a cemented edge on the floor due to which he also suffered severe head injuries. Additionally, an FIR against Khanam was lodged four days after her arrest.


Based on the evidence, the court declared Khanam innocent on 14th January 2023.



Advocate Noor-ul-Saba

\*pseudonym used to protect privacy.

## GET IN TOUCH!

 +92 21-35634112-5

 info@lao.org.pk

 /LegalAidOffice Pakistan

 Block C, first floor, FTC building, Shahr-e-Faisal, Karachi.