

Detained and disregarded

A survey of prisons in Pakistan



Human Rights Commission of Pakistan

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Introduction

The four key objectives of the prison system are believed to be retribution, incapacitation, deterrence and rehabilitation. In Pakistan, the focus has almost exclusively been on the retributive aspect of putting persons behind the bars.

Lack of high tech security measures and trained personnel has meant that attempts at incapacitation have been marred by serious lapses as evident in the jailbreaks in Bannu in 2012 and D I Khan in 2013, in which many high profile terrorists managed to escape. The deterrence factor, meant to discourage society from committing crimes, perhaps only applies to the weak and the powerless. Prisons across the country are filled to the brink with men and women belonging to disadvantaged classes. Provisions in the criminal law such as Diyat allow people of means to escape punishment for their crimes by paying compensation to the victims' families. Rehabilitation, believed to be the central purpose of confinement, is not a priority. Most prisons had no schools or vocational centres. Copies of the Quran were found in every barrack. No other books were made available to the prisoners. They were made to live in dismal cramped quarters and provided unhygienic food. Cruel punishments and bribes were some of the problems noted in all prisons in the country, large or small. The only discourse heard during the years concerning prisons focused on stricter rules, more security and curtailment of freedoms.

A survey found that a myriad of problems plagued the prison system in Pakistan. A majority of prisons housed prisoners almost twice the capacity. Lack of alternative punishment options meant that those accused or convicted of petty crimes also ended up in prisons, exacerbating the already acute problem of overcrowding. As many as 68% of the detainees in jails in Punjab, Balochistan, Sindh, Khyber Pakhtunkhwa (KP) and Gilgit-Baltistan, numbering 53,345 by the end of 2013, were under-trial detainees. In the 22 jails across KP, there were 8,139 detainees, 5,217 of them under trial, against the authorised capacity of 7,982. In Balochistan's 11 jails, 2,862 prisoners were detained against the capacity of 2,585.

The problem was most acute in 32 prisons of Punjab where 48,225 detainees were cramped in a space meant for only 21,527. Out of the total (48,225), as many as 31,401 detainees were under trial. In Sindh, there were 18,726 total prisoners, 15,248 of them under trial, against the total prison capacity of 12,416. Protracted trials and the practice of detaining entire villages without conviction not only amounted to denying justice to the victims but also caused overcrowding. Many prisoners had completed their jail terms but had not been released because they could not afford to pay fines. In 2012 the advisor to the prime minister on human rights observed that funds allocated to the ministry for paying fines had largely gone unspent because the Home Department had failed to send lists of deserving prisoners required for the release of funds. By the end of 2011, only Balochistan had managed to submit a list after which Rs 1.07 million were released by the Human Rights Ministry.

HRCP fact-finding missions

As part of a nationwide survey of prisons in Pakistan, fact-finding missions comprising senior HRCP staff visited select jails to ascertain the general condition of prisons and prisoners. HRCP had conducted a similar study in 1996 and published a report in Urdu. The missions conducted in 2013 and 2014 were aimed at finding out whether the recommendations made earlier had been heeded and complied with. The missions found that the situation was as deplorable as was reported almost two decades earlier.

The HRCP teams visited Adiala Jail, Sahiwal Jail and the jail at Mandi Bahauddin in Punjab, the Hyderabad Central Prison, Nara Jail and Women's Police Station, Hyderabad, in Sindh, three jails in Charsadda, Kohat and Buner and two judicial lock-ups in Swabi and Nowshera in Khyber Pakhtunkhwa, and Mastung and Nushki jails in Balochistan. The teams consisted of lawyers, doctors and HRCP members and staffers. Permission letters for these visits were hard to obtain and often delayed the visits by many months. No HRCP team was allowed to visit internment centres in KP or any prisons in FATA. Some permission letters were revoked after a few visits due to allegedly deteriorating security situation. Surprise visits were not allowed and during the visit, team members could not make rounds or conduct interviews with the detainees in privacy. A majority of the interviews were conducted in the presence of at least one jail staff which had obvious implications. Despite these hindrances, HRCP teams were able to visit and survey 13 jails in all four provinces of Pakistan.

Statistics

Prisoners in Pakistan 2013

Region	No of Prisons	Authorised capacity	Total prisoners	Under-trial
Punjab	32	21,527	48,225	31,401
Khyber Pakhtunkhwa	22	7,982	8,139	5,217
Balochistan	11	2,585	2,862	1,288
Sindh	25	12,416	18,726	15,248
Gilgit Baltistan	7	700	266	191
Total	97	45,210	78,218	53,345

Women and juveniles in prisons

Region	Women	Juveniles	Total prison
Punjab	838	783	48,225
Khyber Pakhtunkhwa	121	196	8,139
Balochistan	39	107	2,862
Sindh	168	313	18,726
Gilgit Baltistan	2	0	266
Total	1,168	1,399	78,218

Condemned prisoners in Pakistan

Sr No	Province	Number of condemned prisoners
1	Punjab	5,907
2	Khyber Pakhtunkhwa	206
3	Balochistan	90
4	Sindh	450
5	Gilgit-Baltistan	15
	Total	6,668

Population in prisons visited by HRCP

Prison	Authorised Capacity	Actual Population
Judicial Lockup Nowshera	130	205
Judicial Lockup Swabi	130	317
District Jail Buner	145	126
District Jail Kohat	340	337
Sub Jail Charsadda	120	182
Central Jail Hyderabad	1527	2127
Special Prison Nara	300	337
Adiala Jail	2000	4,400
Central Jail Mastung	70	38
Central Jail Nushki	300	104

Trends

The authorities were reluctant to disclose information about small-scale prison breaks in their prisons. Some jailbreaks were, however, sensational enough to get extensive media coverage. In March 2011, seven prisoners died while 40 were injured during a riot at the Hyderabad Central Jail. Tensions had been brewing for some time due to the replacement of the superintendent and the subsequent changes introduced in the prison rules. On March 16, the prisoners revolted when they were not served their morning tea. The authorities sent representatives of three political parties to negotiate with the prisoners. While the negotiations were going on, the police started an armed operation inside the jail. The prisoners retaliated by pelting stones and taking up to six jail officials hostage. The fire from the police killed seven prisoners and injured 40 others but the police denied this. The operation was a blatant use of excessive force against prisoners who were only demanding their rights. The Sindh High Court ordered an inquiry but its findings were never made public.

The security lapses which occurred inside prisons as well as during journeys between jails and courts seriously brought into question the ability of the jail authorities to ensure the security of criminals. On August 13, 2011, militants on motorbikes and a car shot down three policemen and fled with two prisoners while they were on their way to the Khyber College of Dentistry from Central Prison, Peshawar. Earlier in the same month, four prisoners escaped from a jail van in Rawalpindi by cutting through the van's wooden floor.

In April 2012, around 400 to 500 militants stormed the Central Prison at Bannu with guns, grenades and rockets and freed some 384 prisoners, including 20 death row convicts and a prisoner charged with attempting to assassinate former President Pervez Musharraf. In the following days four top officials, including the Inspector General (IG) of Prisons of Khyber Pakhtunkhwa, were removed from their posts while 67 escaped prisoners were re-arrested. However, little was done to ensure that such incidents did not recur. In July 2013, 70 Taliban militants attacked the Dera Ismail Khan Central Jail and freed over 250 prisoners. Twelve people, including four jail wardens, were killed in the attack. The militants also slit the throats of four prisoners belonging to the Shia sect.

Most of the observations made in HRCP's original prison report published in 1996 still hold true. As mentioned in the 1996 report, 'Dar-o-Rasan ki Azmaish', no lady doctors were still present in any of the jails surveyed by HRCP two decades later. Psychologically disturbed and mentally challenged prisoners were not kept in psychiatric wards or given proper medical attention. Instead, they were bunched together in a single separate cells inside the jails. HRCP's previous report also commented extensively on unhygienic food lacking in nutrition and the persistent problem of over-crowding. Almost two decades after the first HRCP report, the prisoners mentioned exactly the same problems, such as the difficulty in visiting the latrine at night since the floor of the barracks was covered with sleeping prisoners. HRCP had also suggested that handcuffing of prisoners was an inhumane practice which needed to be abolished and that death row prisoners should be

allowed to intermingle with other prisoners, but such suggestions remained unheeded.

The menu had been standardized in all the jails in the country promising the prisoners chicken and beef twice a week and a breakfast of egg and flat bread.

Menu according to jail manual

Days	Afternoon (Lunch)	Evening (Dinner)
Saturday	Chicken	Vegetable
Sunday	Vegetable	Pulses (<i>Masur Dal</i>)
Monday	Pulses (<i>Dal Chana</i>)	Meat (Beef) / Potato
Tuesday	Pulses (<i>Dal Mash</i>)	Potato / Egg
Wednesday	Chicken	Vegetable
Thursday	Pulses (<i>Dal Chana</i>)	Rice / Meat (Beef)
Friday	Pulses (<i>Sofaid Dal</i>)	Pulses (<i>Dal Mong</i>)

Incidents of discovering impurities, including human flesh, in food served at the jails were reported frequently. In April, 2011, a prisoner sought registration of a criminal case against jail authorities for allegedly torturing him after he refused to dispose of pieces of human flesh found in his food. In December 2012, the Food Department of the Punjab Government conducted food inspection at camp and central jails and found traces of sand and rotten vegetables in the food. The menu was standardized but no measure was taken in the wake of critical reports to ensure good quality of the food served to the prisoners.

Prison conditions
Khyber Pakhtunkhwa

There were 8,139 prisoners in 22 jails across Khyber Pakhtunkhwa, of which 121 were women and 196 were juveniles. Women and juveniles thus made up 3.8% of the total jail population in Khyber Pakhtunkhwa. Of the 8,139 detainees, 5,217 were under trial, almost 64%. The total capacity of the 22 prisons was 7,982 and they held 157 prisoners more than the capacity. Khyber Pakhtunkhwa had a total of 206 condemned prisoners in its jails.

Judicial lock-up, Nowshera



HRCP's fact finding mission seen here with the deputy superintendant of Judicial Lockup, Nowshera, and other prison staff

The HRCP fact finding team comprising Shahidullah Jan, Provincial Coordinator, Khyber Pakhtunkhwa, Irshad Ahmad, Regional Coordinator, Zaheen Ullah, District Monitor, and Shahab Khan, Advocate, visited the judicial lock-up, Nowshera, in March, 2014. The team interviewed two jail personnel the deputy superintendent and a medical technician and 30 male prisoners.

Statistics of prisoners at judicial lock-up, Nowshera:

Convicted prisoners

	Male	Female
Simple Imprisonment	03	Nil
Rigorous imprisonment	01	Nil
Total	04	Nil

Other prisoners

	Male	Female
Under trial	93	Nil
Under investigation	89	Nil
Prisoners on probation	01	Nil
Detained under MPO	01	Nil
Total	184	Nil

Juveniles

	Male	Female
Total	13	Nil

Constructed in 1918, the judicial lock-up in Nowshera is located about 300 metres from the Grand Trunk Road and is spread over an area of 4.13 kanals. At the time of the survey, it had 205 prisoners against an accommodation for 130. Each of the five barracks four for males and one for juveniles -- had the capacity to accommodate 20 to 25 persons but it had 40 to 45 prisoners. The judicial lock-up did not have any barrack for females since they were always shifted to Central Jail, Peshawar. There were no foreign or non-Muslim prisoners.

The inmates had no complaint against the prison authorities. No evidence of torture was found. The prisoners said the prison timetable was followed strictly. There was no educational or vocational training facility at the lock-up.

The condition of the dispensary was satisfactory but there was a need for a greater variety and better quality of medicines. The facilities available at the dispensary were free of charge for the inmates but shortage of beds was a serious problem. The dispensary had only two beds. Every week a medical, chest and skin specialist visited the jail for regular checkup. First aid treatment was available 24 hours a day seven days a week.

The jail authorities said the deputy superintendent had designated a leader in each barrack to be approached by prisoners to forward their complaints to them. In case there was no leader, there were guards on duty at all times and the inmates could knock the barrack's door for assistance. The prisoners expressed their satisfaction with the complaints mechanism and said they could also send written complaints to the jail authorities.

The inmates expressed satisfaction with the facilities at the lock-up. There were no restrictions on physical exercises during the designated times. The complaints generally made by inmates concerned the quality of the food, the lack of hot water in winter and lack of accommodation. The juvenile prisoners, however, demanded some sports equipment and a television set.

After interviewing inmates and the jail authorities, the HRCP team recommended construction of female barracks, the dispensary's renovation and extension, and supply of better quality medicines.

Judicial lock-up, Swabi



HRCP's fact finding mission interviewing superintendant of Judicial Lockup, Swabi, in his office

The HRCP team consisted of Saleh Zada, HRCP Council member, Shahid Ullah Jan, Provincial Coordinator KP, Irshad Ahmad, Regional Coordinator, and Nazia Shah, human rights activist. The team visited the judicial lockup on March 14, 2014 and met Muhammad Anwar Kakakhel, Superintendent, and Irfan Ali, the Medical Technician at the lockup.

Swabi's judicial lockup, located adjacent to old district courts, was constructed in 1864. In 1996, when HRCP conducted its last prison survey, the judicial lockup was spread over six kanals with construction on four kanals. In the 2014 survey, it was found that despite a significant increase in the number of inmates, the total area of the prison had

shrunk to three kanals. The authorized accommodation of the prison was 130 with three barracks for men, and one barrack each for juveniles and females. The number of inmates at the lockup was 317, 144% higher than the capacity. A single barrack had the capacity of 20 to 25 but around 50 inmates were cramped inside.

Statistics of prisoners at Swabi Judicial Lockup (Male, Female, Juveniles):

Convicted prisoners

	Male	Female
Simple imprisonment	07	Nil
Rigorous imprisonment	04	Nil
Total	11	Nil

Other prisoners

	Male	Female	Total
Under trial	160	08	168
Under investigation	119	Nil	119
Prisoners on probation	01	Nil	01
Under sec 3 MPO	01	Nil	01
Total	281	08	289

Juveniles

	Male	Female
Total	17	Nil

The HRCP team interviewed 40 male and eight female prisoners. No proper system of segregation was observed in the prison as under-trials were sharing accommodation with convicts and drug addicts. Owing to a lack of space and small number of bathrooms, some inmates said they couldn't take a bath on time. Others complained that since at night

the entire floor of the barracks was occupied by sleeping inmates, access to washrooms was restricted. They accused the authorities of failing to provide hot water for bathing in winter. The jail authorities recommended an urgent renovation and extension of the building.

The prisoners also spoke out against the jail authorities' behaviour. They said they were forced into labour and jail maintenance work. If they refused they were treated harshly. The prisoners were allowed to cook their own meals and most of them availed of this option, stating that the food offered in the jail lacked nutrition and was tasteless, a complaint which had been registered two decades earlier as well.

The jail dispensary had only one bed and the medicines available were insufficient and of low quality. Due to overcrowding, inmates did not have timely access to a health practitioner. There was no female doctor in the lockup and if a female inmate required medical attention, the constable had to call the medical technician. If the medical technician was unavailable or failed to provide relief, the female inmates were referred to the district hospital. The detainees included five children; two boys and three girls, one of whom was born while the mother was in jail. The latter said she was taken to the district hospital where she gave birth to her child. She did, however, express concern over the lack of facilities like milk and proper medical care for the children in the jail. The female inmates said there was no proper place for them to meet their relatives in adequate privacy.

The juvenile section in the prison was relatively better organised and cleaner than the rest of the jail because it was not overcrowded. This section had separate washrooms and toilets and no adult convict could enter except with the special permission of the jail authorities. Some juvenile pointed out that certain fair skinned detainees had been sexually assaulted and abused by the jail staff in exchange for some concessions. However, no conclusive evidence to support this allegation was offered.

From Monday to Friday the prisoners were allowed to meet their relatives. The relatives were allowed to provide the inmates with items of everyday use, as long as they were not listed as illegal. A meeting room was available in the lockup with two doors; one opened in the jail and the other outside. However, arrangements for privacy were inadequate. The jail did have its own public call centre for the inmates to call their families. The standard rates set by the government were charged. Since prisoners rarely had a source of income, paying even a minimal amount to be able to contact family proved difficult for most of them.

The prisoners expressed satisfaction with the transport service provided by the jail for court hearings. The vehicles were provided on time and hearing dates were rarely missed.

When asked about the complaint mechanism in the jail, the jail authorities reassured the HRCP team that if the prisoners needed medical attention they had easy access to the officer on duty. Also, some select prisoners known for their good behaviour were made

responsible to coordinate between jail authorities and the prisoners in case of medical emergencies. The prisoners however complained that the help they sought was usually delayed, especially in cases of medical emergency. There was also no mechanism to convey written complaints.

Since most prisoners were under trial and did not remain in the lockup for long, there was no educational or vocational training facility. The prisoners who got a conviction were shifted to Haripur, D.I.Khan or Peshawar jail.

The HRCP fact-finding mission recommended that:

1. More facilities be provided to the children accompanying their under-trial mothers.
2. The dispensary be upgraded and supplied with a wider variety of medicines.
3. The building needs more barracks and it should be renovated immediately.
4. More privacy be ensured in the meeting room for the convenience of female prisoners.
5. Illiterate prisoners who had problems in proceeding with their cases, be given legal assistance.
6. The salaries of the prison staff need to be raised and made on a par with those of the police force.

District jail Dagger, Buner



HRCP's fact-finding team in a meeting with deputy superintendant of District Jail, Dagger

The HRCP fact finding team comprising Shahidullah Jan and Irshad Ahmad visited the District Jail, Dagger, on March 18, 2014. The team met deputy superintendent, assistant superintendent and a medical technician.

The District Jail, Dagger is situated at about 300 metres from the main city and adjacent to District Police Lines, Buner. Constructed in 1990 as a sub-jail, it was upgraded to a district jail in 2013. The total area of the jail was six kanals with an authorized accommodation for 145 prisoners. There were six large barracks, four for males, one for juveniles and one for females.

Population statistics:

Convicted prisoners

	Male	Female
Simple imprisonment	05	Nil
Rigorous imprisonment	06	Nil
Total	11	Nil

Other prisoners

	Male	Female	Total
Under trial	104	05	109
Under investigation	Nil	Nil	Nil
Prisoners on probation	Nil	Nil	Nil
Under sec 3 MPO	Nil	Nil	Nil
Total	104	05	109

Juveniles

	Male	Female
Total	06	Nil

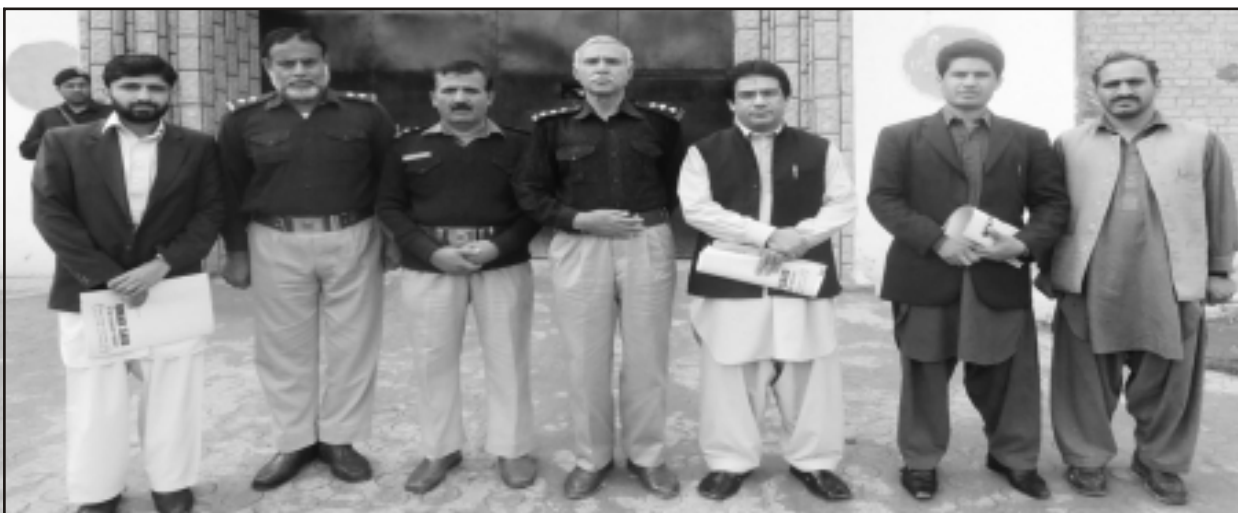
The prisoners expressed satisfaction with the condition of the prison and their treatment. They followed a strict timetable and were allowed leisure time as well. No incident of torture was reported to the HRCP fact-finding team. Since the population of the prison was lower than the sanctioned capacity, the jail was comparatively well managed.

The dispensary lacked sufficient number of beds and quantity of medicine. It was said that medical, ENT, chest, child, and skin doctors visited the jail every week and first aid was available 24 hours a day seven days a week. In HRCP's original prison report published in 1996, it was mentioned that there was an urgent need for a proper hospital in Daggar Jail since the dispensary was ill-equipped to handle the large number of patients. Two decades later the prisoners were still demanding the same basic rights for themselves.

Regarding the complaint mechanism, the jail authorities said no prisoners were assigned extra duties as barrack leaders. The jail staff was always available in case of complaints or emergencies. The prisoners confirmed this but added that there was no mechanism for forwarding written complaints.

There was no school or vocational training institute in the Buner jail. However, a centre provided religious education. The prisoners were satisfied with the facilities to meet and call their relatives. There was also an efficient transport service available for prisoners to attend hearings at courts. The recommendations by the HRCP fact-finding mission included better equipped dispensary, more privacy for female inmates in the meeting rooms, and legal aid for poor and illiterate prisoners.

District jail, Kohat



HRCP's fact-finding mission with the Superintendant and other jail officials of District Jail, Kohat

The HRCP fact finding mission, comprising Shahid Ullah Jan, Provincial Coordinator Khyber Pakhtunkhwa, Irshad Ahmad, Regional Coordinator, and Rashid Ali,

Advocate, visited the District Jail, Kohat on March 21, 2014. The mission met Sardar Zaman Babar, Superintendent, and Murad Khan, Deputy Superintendent. The HRCP team interviewed 40 male prisoners and all six juvenile prisoners.

The District Jail, Kohat is situated on the main road to Bannu and at a distance from Kohat City. According to the jail superintendent it was constructed in 1990. The jail area is about 472 Kanals, almost 70 percent of which has been converted into an internment centre in control of the army. The authorized accommodation of the jail is 340 with five barracks for males and one for juveniles. The population of the jail at the time of the mission was 337. There are no barracks for females. They were shifted to the Central Jail, Peshawar. Those sentenced to more than five years also were shifted to the Central Jail, Peshawar.

Population statistics:

Convicted prisoners

	Male	Female
Simple Imprisonment	07	Nil
Rigorous imprisonment	39	Nil
Total	46	Nil

Other prisoners

	Male	Female
Prisoners charged under 40 FCR	14	Nil
Facing trials to sessions Court	132	Nil
Prisoners charged under 7 ATA	36	Nil
Prisoners of tried by Magistrate	92	Nil
Total	274	Nil

Juveniles

	Male	Female
Total	17	Nil

Upon arrival at the Kohat district jail, the HRCP mission members were made to wait outside for at least 40 minutes while the army personnel questioned them. The mission members were told to park their car outside and were driven inside in an official army vehicle. Once inside, they were forbidden from visiting the internment centre. There was no record of the number of prisoners inside the internment centre, which was separated from Kohat District Jail by concrete walls and barbed wire.

The jail dispensary had eight beds which were insufficient to meet the needs of the prison population. The jail authorities said that prisoners in good standing were given extra responsibilities to coordinate between prisoners and the jail authorities. The prisoners interviewed disagreed and expressed dissatisfaction with the complaints mechanism. They said that issues were not resolved in time and written complaints were not entertained. There were no schools or vocational training centre in the jail.

Although the prison population was below the prison capacity, the male prisoners complained of overcrowding and long delays in receiving medical attention. The prisoners maintained that their problems were mainly due to the presence of the army and their stringent security protocols. The security personnel questioned the relatives who came to visit them and made it difficult for the prisoners to visit courts for hearings. Since there was no record of the inmates confined within the internment center, the HRCP mission members were unable to verify whether they had appeared before court even once.

Owing to the high security in the prison, prisoners faced difficulties in times of medical emergencies. Leaving the premises during emergencies was difficult, especially at night.

HRCP appreciates the security concerns of the internment centre authorities. They have to be extra-cautious while allowing movement of people near their centre. Still, ways must be found to ensure that the jail detainees do not suffer any erosion of their rights because of proximity to the internment centre. The policy of establishing internment centre on jail premises needs to be reviewed.

Sub-jail, Charsadda

The HRCP mission members, Shahid Ullah Jan, Irshad Ahmad, Khalid Khan, HRCP Representative, Hidayat Ullah, District Monitor Bajaur, visited the Charsadda sub-Jail on March 24, 2014. The mission met with Mr Sikander, the Deputy Superintendant, and Abdul Tawab, the medical technician.

The sub-jail is on the main road to Peshawar and adjacent to the City Police Station, Charsadda, and District Courts. According to the Deputy Superintendent of the jail it was constructed in 1915. The area of the jail is about 5 kanals. The authorized accommodation of the jail was 120 with four barracks for male and one for female prisoners. The sub-jail did

not have any barrack for juveniles as they were detained at the Central Jail in Peshawar. While the sanctioned accommodation of the prison was 120, the population at the time of the mission's visit was 182. While a single barrack's capacity was 20 to 25, each had a population of 40.



HRCP's fact-finding mission with the main gate of Sub-Jail Charsadda in the background

Overcrowding caused skin diseases and hygiene problems. There was no gradation and distinction among convicts and under-trial prisoners and drug addicts.

The jail dispensary had one bed and the medicines were of low quality while the furniture was old and dilapidated. Access to doctors was also difficult owing to overcrowding. In case a female prisoner faced a medical emergency, she could be referred to the district hospital. One female prisoner delivered a child at the District Hospital about nine months prior to the mission's visit but there were no proper arrangements or facilities like vaccinations and postnatal care in the jail.

The prisoners expressed dissatisfaction with the complaints mechanism, stating that their issues were not resolved on time. Also, since the prisoners were under trial, there was no school or vocational training institute.

Population statistics

Male	Female	Total
175	07	182

Prison conditions
Sindh

As of September 2, 2014, there were 18,726 prisoners in the 25 jails in Sindh (5 central, 11 district, 14 Institutes for young offenders, one special jail, three for women, and one open), with total authorised capacity for 12,416, or 50.8% more than the total prison capacity. The convicts totalled 3,307, including 31 women; there were 450 condemned prisoners including two women; 15,248 were under trial, 168 detainees and 3 civil prisoners.

Only 18% (less than one-fifth) of the prisoners were convicts while 82% (more than four-fifths) of them were under trial. There was not a single prisoner in the Badin open jail. There were 32 babies with their mothers in the three women's prisons.

Central jail, Hyderabad



HRCP's fact-finding mission comprising activists and female lawyers with jail staff at Hyderabad Central Jail

A team consisting of eight members visited the Hyderabad Central Jail on November 19, 2013. The team members were Mr Jamil ur Rehman, HRCP member, Mr. Ayoob Laghari, journalist, Ms. Rani Tabassum, HRCP member, Dr. Zafar Abbasi, Health Educator, Lala Abdul Haleem Sheikh, HRCP Correspondent in Hyderabad, Mr. Abbas Gadi, High Court Advocate, Mr Ashothama, HRCP Coordinator, and Mr Muhammad Ali, rights activist and lawyer.

The team met Senior Superintendent, Mr. Younas Masih. According to him the prison was constructed in 1894. The constructed area stretched over 40 acres and it had 42 barracks and 234 cells. The women's prison, juvenile prison, offices, hospital, and kitchen occupied 11 barracks. The authorised capacity of the prison was 1,527 prisoners but there

were 2,127 of them when the HRCP team visited the jail. The prison had a considerable non-Muslim population but they had no separate praying area. The superintendent said 1,871 prisoners were admitted to the jail in the year 2013. However, the record of prisoners released in 2013 was not available

Category of prisoners	Ordinary class	Superior class	Total
Convicts	895	03	898
Condemned	155	00	155
Under-trial prisoners	1,063	01	1,064
Civil prisoners	00	00	00
Detainees	00	00	00
Foreign nationals (Convicts)	03	00	03
Foreign nationals (under trial)	00	00	00
Foreign nationals (Detainees)	00	00	00
Total	2116	04	2,120

Each barrack had the capacity to house 50 persons while a cell could hold five to seven prisoners. However, each barrack at the Hyderabad Central Jail was occupied by 60 to 65 persons. Originally the hospital had 40 beds but, due to lack of funds and maintenance, the number had fallen to 17 beds.

The team visited the barracks, about 20 cells and areas for condemned prisoners, bund ward, meeting place, kitchen, filtration plant, telephone booths, library and all the different departments of the hospital.

The prisoners were allowed to take more than one bath in a day. No prisoner complained of nonavailability of water for bathing or in using the washrooms. There was no

designated area for exercise. The hospital had a dental section, an OPD and emergency room, pharmacy, sinologist's room and immunization centre. The hospital had an X-ray machine, Ultrasound machine, Dental Unit, HIV centre and a mini lab. The Casualty Medical Officer (CMO) informed the team that the Out Patient Department (OPD) was frequented by 100 prisoners per day on an average. The hospital had three doctors besides the CMO and they served six hours a day. Psychologists were also in contact with the CMO.

On the initiative of the Punjab chief minister, a Prison Hospital Hepatitis Control Programme was launched. In this centre each prisoner was screened for HIV and Hepatitis and the name of anyone who tested positive was added to the patients' list. Once the treatment was completed, the hospital issued the prisoners a discharge card. In case the prisoners were released before the completion of the treatment, they were issued a card with the patient's history and advice for further treatment.

Only one death was reported in the Hyderabad prison in 2014 which was described as suicide. The CMO said he had also treated prisoners tortured in lock-up but denied that prisoners were tortured in the Hyderabad prison. All prisoners were screened upon arrival.

The team found the barracks clean and the walls whitewashed. There was little space between beddings in the barracks a result of overcrowding. Sleeping places were merely concrete slabs along the walls and there were no wooden beds or straw beddings. Each barrack had about 10 to 12 fans which were deemed sufficient by the visiting HRCP team. At the time of the visit, the filtration plant was not operating. Upon inquiry the jail staff revealed that it was due to the lack of water in the underground tank at that time.

There was no proper segregation of prisoners and under-trial and convicted prisoners were herded together. Only the most dangerous criminals were kept in separate cells. Those convicted or accused of blasphemy were not separated from other prisoners. However, one non-Muslim accused of blasphemy was kept in a separate cell owing to the growing threats and cases of vigilante justice within the prison walls.

The prisoners could meet their relatives in a special room. The prisoners and their visitors had a glass wall and iron bars between them and they could communicate with each other only through an intercom system. This meant that the prisoners were not offered any privacy while meeting their relatives. The authorities gave each prisoner half an hour for a meeting and the visitors had no problem with the system. Each prisoner could meet his relatives once every week.

The superintendent told the team there was a riot in 2012 during which the prisoners destroyed one wall of the prison. At the time of the HRCP visit two years later, the wall had still not been repaired. Asked about the cause of the riot, the superintendent mentioned withdrawal of extra privileges provided to prisoners by police officials in violation of the jail manual. He said that numerous riots occurred in the prison and the jail walls were repeatedly destroyed. However, the boundary wall had never been breached. Prisoners were able to make weapons in the workshops within the jail and use them during escape attempts.

The jail authorities said there was no proper mechanism of complaints but they took rounds of the barracks frequently and heard the prisoners' complaints. When the prisoners were asked about their right to lodge complaints against unlawful treatment, they remained silent. One aged prisoner said they were unaware of their rights.

Many prisoners complained that they had completed their jail terms but were unable to pay the fine and thus were languishing in the jail. They pleaded for some arrangement to help them discharge their liability so that they could go home.

There were three teachers in the prison and one Hafiz-e-Quran but a proper mechanism for education up to a certain level was lacking. There was one library in the prison managed by a prisoner with books in Urdu and Sindhi, including Islamic books. All the books had been donated by civil society organisations. There were no books or other material on the rights of the prisoners. There was no vocational training institute but the prisoners were taught skills on the job in the prison workshops.

Special prison Nara, Hyderabad



Prisoners often had to rely on their own ration of food and water because of inferior quality prison food

The Nara District Jail is one of the oldest prisons in Sindh. In 1873, the King Jail, as it was known then, was granted 87.5 acres of land in Deh Met Khan. It was situated to the south-east of the city. The jail was largely redesigned in 1942 and named Nara Jail, covering 14 acres.

The Nara jail was visited by a four-member team: Professor Badar Soomro, HRCP Council Member, Mr Asghar Laghari, activist, Mr. Ashothama, HRCP Coordinator Special Task Force Hyderabad, and Mr. Mehran Mallah, media consultant. The team met the Superintendent Mr Younas Masih, who by this time had been transferred from the

Hyderabad Central Jail, and the Assistant Superintendent, Mr. Nabidad Zardari.

The prison held 337 prisoners, five of them were convicts and the rest under trial, and the jail 37 more than the jail capacity. The team found the prison neat with well kept gardens and trees. Each barrack had six to 14 ceiling fans and a TV set.

There was no water filtration plant and motors were used to extract groundwater for drinking. The prisoners complained of abdominal pains and digestive disorders owing to lack of clean drinking water. There were no water heaters for the winter season which made bathing difficult. The prisoners also complained about mosquitoes and that the jail authorities failed to provide mosquito nets or anti-mosquito spray.

The prisoners were allowed outside the barracks only twice a day even in winter when prisoners wanted to sit in the sun.

There was no separation of prisoners based on their status. There was only one separate barrack for the elderly. Non-Muslim inmates had no place of worship designated for them.

The team found the dispensary well staffed and clean. There were three doctors and three dispensers in the prison. In the OPD, 20 to 25 prisoners were checked every day. The doctor said that most of the patients suffered from water-borne diseases and malaria. None of the six patients present in the dispensary made any complaints.

Some prisoners wanted their cases transferred to their home districts since they had been separated from their families and their lawyers. The prisoners could only communicate with their visitors on an intercom through a glass window with iron bars. Each prisoner was allowed 20 to 25 minutes per week for a telephone call and was charged Rs 30.

There was no proper complaint mechanism and the superintendent listened to complaints during his daily round of the barracks. There was a computer section and a section for stitching with sewing machines but these were not operational due to lack of funds and trainers.

Women police station, Hyderabad

Ms Tabassum, Advocate and Ms Ghufrana, HRCP activist, visited the Women's Police Station, Lateefabad, Hyderabad on December 21, 2013. Since the SHO of the station, Halima Chandio, was not present, the team only met Head Constable Naeem Ahmad. According to the head constable the budget of the police station was grossly inadequate. Out of nine employees only four were present at the time of the visit.

The SHO's office had an attached bathroom and a kitchen which were in a dilapidated condition and unclean. Lockup number 1 was locked and was in use by the

station staff. It had one bed and a cabinet. In lockup number 2, there was one unclean makeshift bed on the floor and a bathroom. A third room was kept for storage of weapons. The station clerk explained that in the year 2013, 15 to 20 women were sent to the police station but later they were shifted to women's jail. The women's jail was responsible for food and transportation of the women confined at the police station.

The entire building was dilapidated and unclean. The small garden outside the station was littered with piles of garbage. The clerk informed the team that the police station did not have a vehicle even. The building also housed an anti-encroachment office and the office of Citizen-Police Liaison Committee.

Prison conditions
Punjab

Punjab's 32 jails were by far the most saturated with 48,225 prisoners against a capacity for 21,527 detainees. Of the 48,225 prisoners, 31,401, or 65% were under trial, 838 were women and 783 juveniles. Women and juveniles made up 3% of the total prison population in Punjab. Punjab also housed the largest population of convicted prisoners in the country 5,907.

Adiala jail, Rawalpindi



The Central Prison, Rawalpindi, better known as Adiala Jail, was built in 1996. Situated on the outskirts of Rawalpindi, it served both Rawalpindi and Islamabad. The building was in a much better condition than other prisons in the country. The walls were made from baked bricks instead of mud and were being whitewashed when the HRCP team arrived. A six-member team headed by HRCP Co-Chairperson Kamran Arif visited the Jail on December 18, 2013. The other members were Ms Nasreen Azhar, HRCP Council member, Ms Nazoora Ali, HRCP member, Mr Mushtaq Awan, Advocate, Mr Aftab Alam from ActionAid Pakistan, and Mr Muhammad Asif, Programme Officer at HRCP Centre for Democratic Development.

The barracks, especially the one housing death row prisoners, were unclean. There was a faint smell of burned incense, possibly to dispel any lingering smells in the kitchens and washrooms. Overcrowding had taken its toll on the inmates, the staff and the facilities in more ways than one. The prison's capacity was 2,000 while it held 4,400 inmates, more than two thirds of them under trial.

In the previous years there had been media reports about abuse and torture at the Adiala Jail. Prisoners went so far as to call it a mini Guantanamo Bay. On December 1, 2013, a prisoner in Room 2, Barrack 3 committed suicide by hanging himself in the

washroom, allegedly due to abuse by the authorities. There was no follow-up of the case. According to Global Foundation, a human rights organisation based in Pakistan, 11 prisoners died in 2013 in Adiala Jail alone. The reasons cited were violent behaviour of the administration, maltreatment, and scarcity of medical facilities.

Earlier in June 2012, a condemned prisoner was killed by inmates from the psychiatric ward. An inquiry by a sessions judge was ordered but it was difficult to verify whether those responsible were tried or whether measures were taken to prevent recurrence of such incidents.

Different newspapers had reported the existence of a punitive practice known as Mulahiza (presentation) that had continued since the British period. Each new entrant was made to stand on two bricks and look into the window of the Jail Superintendent's office. He then had to shout out his name, his father's name and his crime. All the while jail authorities hurled abuses at the prisoner and often beat him.

At the time of the visit in December, security appeared to be a major concern after the Taliban attacks on the Bannu and D. I. Khan prisons. Rangers and Elite Police had been deployed around the prison. Light Machine Guns (LMG) were mounted on some watchtowers and mobile jammers were also installed.

The HRCP team was not permitted by the Senior Superintendent to visit the area where high profile and blasphemy accused prisoners were held. The team was also not allowed to see the rigorous punishment area, known locally as a 'Chakki'.

At the entrance, no security procedure was followed and the HRCP team was allowed inside unhindered. After a meeting with the senior superintendent, the team was told that a deputy superintendent would accompany the team during the visit and only the female members of the team would be allowed to visit the women's barracks.

The jail had two workshops; one for tailoring and the other for carpet weaving. The jail authorities explained that the carpets were sold to government servants while the clothes were worn by the prisoners themselves.

Concerning the food, the SSI explained that the food provided to the prisoners was according to schedule and the standard menu was followed. Two members of the HRCP team, who were able to elude their guides, managed to visit the barracks upstairs. These team members discovered that instead of the vegetables and chicken promised to the prisoners, they were being fed dry roti (flat bread) and a watery dish of pulses with excess of chillies in it. The prisoners indicated that this was the usual state of affairs. The meals were served at odd times with breakfast at 6 am, lunch at noon, and dinner between 3 pm and 4pm. After dinner the prisoners were locked up in their barracks till the next morning. The jail authorities said that a water filtration plant had been installed to provide prisoners with safe drinking water.

In stark contrast to the news reports about treatment of prisoners at Adiala, the convicts expressed complete satisfaction with the behaviour of the jail authorities and the facilities provided to them. Their complaints revolved mostly around slow court procedures and frequent adjournments. Two foreign female inmates, one from Gambia and the other from Turkey, protested against their treatment and against their embassies for abandoning them.

The DSI led the team to a predetermined barrack which looked recently cleaned. The prisoners were made to sit in two rows along the walls for the visitors. Their bedding, covered with blankets, was neatly stacked next to the walls. The presence of numerous buckets, stoves and raw vegetables confirmed that majority of the prisoners were cooking their own food. The prisoners could buy the raw materials from the jail canteen but complained that items were charged at exorbitant rates. They suggested that there should be a utility store for inmates in every large jail.

The Adiala jail maintained two separate cells for prisoners on death row; one for those whose sentence was yet to be confirmed by the high court and the other for those whose death sentence had been confirmed. The HRCP team was allowed to visit one of the cells holding the unconfirmed death row convicts. On an average, these death row inmates had been waiting for confirmation of death sentence for five to nine years. A prison cell designed to house one person had at least seven prisoners. The washroom had a low ceiling and no door. The prisoners had erected a makeshift curtain with towels for privacy. All the prisoners shouted a yes in unison when inquired about police torture during lockup at the police station. They had all been tortured severely during investigations.

The team met one condemned prisoner who had been incarcerated for 28 years. Of the 28 years, 23 were spent in a death cell. His clemency petition had not yet been refused by the president owing to the unofficial moratorium on death penalty in Pakistan. They also met two prisoners older than 73 years of age who were eligible for reprieve but had not been released.

The team also found multiple members of the same family in the death row cells due to the local practice of implicating entire families in murder cases. Since during investigation the police was unable to separate the guilty individual(s), the entire family was tried and sent to the prison.

The jail hospital appeared clean and had laboratories, an operation theatre, a pharmacy, several inspection rooms, a Tuberculosis room, a heat stroke management room and an in-patient ward. The paramedic staff was present 24/7 while two medical officers were on duty every day between 9 am and 2 pm. The pharmacy was ill equipped but the pharmacist and the deputy superintendent claimed that all prisoners were provided all required medications on time. The prisoners tended to disagree and informed the team that they purchased their medication from outside. All inmates were screened for HIV, AIDS, hepatitis and TB upon arrival. At the time of the visit, 34 inmates had been diagnosed with AIDS in Adiala Jail.

All prisoners in the juvenile section were under preventive detention. When the team arrived they were sitting cross legged with their eyes fixed on the floor. When asked whether they had any complaints, they all replied in the negative in unison.

The superintendent and the deputy superintendent told the team that juveniles' education consisted of two hours each day for literacy and religious education. During interviews, the juveniles disclosed that they were only being imparted religious education. Also, the team failed to see any books or notebooks in the cells. The juvenile section had three small workshops; one for basic skills training in handling electric appliances, a tailoring workshop and a computer lab with out of date computers. One cupboard in the computer lab with a few story books and textbooks was described as the library. The books, computers and teachers had been provided by organisations such as Jamaat-ud-Dawa and Women's Aid Trust.

Crime	Number of Women Prisoners
Murder	25
Theft	12
Drug trafficking	32
Kidnapping for ransom	10
Hudood Ordinance	08
Miscellaneous	08
Total	95

The team was informed that children who were drug addicts were kept separately in the hospital for a few days until they were detoxicated. Afterwards they were made to join the others in the main juvenile prison.

In the women's section, 95 women were still facing trial while 50 had been convicted. The women were also accompanied by 19 children, all of whom were under six years of age. A majority of the women were accused of smuggling drugs.

The team found the women to be unnaturally quiet and sitting in an organised manner on their bunk beds. When inquired about any complaints they might have, they all replied in the negative. The HRCP team was told that some times several women had been imprisoned along with their families. In one instance, seven members of family were imprisoned at Adiala.

Convicted women were housed separately. Four of the convicted prisoners were juveniles, including a 16 year old girl convicted for murder. There was thus no separation of female juvenile and adult prisoners.

Four foreign women were held separately in a cramped room; one from Gambia, another from South Africa, the third from Turkey, all three of whom had been accused of drug smuggling, and the fourth from Azerbaijan. The Gambian woman had a small child with her and had been in prison for several years. In a separate cell was an Indian woman from Delhi who had been in prison for two years. She cried incessantly for her four children back in India and claimed she had got on to the wrong bus and ended up in Pakistan. She had partially lost her memory due to depression and could not remember her address in Delhi.

Skill training in the female wards was limited to embroidery and beadwork. Seven condemned prisoners, one with a three-year-old boy, were living in two small cells and were allowed outside for one hour each in the morning and in the evening.

The women's area included a dispensary, a delivery room and a children's playroom that had some toys donated by philanthropists and was under the supervision of the female Deputy Superintendent. During office hours, a female doctor and a female health worker were on duty and were available on call after duty hours. Two babies had been delivered in the jail health facility. The senior superintendent mentioned the need for a trained psychologist who could hold psychotherapy sessions with the prisoners.

The jail authorities' main concern was overcrowding. Since Adiala was a maximum security prison, it was deemed unnecessary to send to jail persons arrested for minor offences like vagrancy and not being in possession of an identity card. The senior superintendent said that of the 50 new arrivals on the day, 30 to 32 of them should have been released by the police station staff.

It was also pointed out that the fines recovered under Control of Narcotic Substances Act (CNSA) for setting up and running drug addicts' rehabilitation facilities were received by the Anti Narcotics Force. However, no such facility had been established. Also, quite a few persons were arrested when their cheques were dishonoured under Sec 499-F of the Pakistan Penal Code, which was a purely civil matter. The senior superintendent also mentioned the need for monitored public call offices in the prison for prisoners' use.

The team recommended that overcrowding could only be addressed by using bail provisions in the criminal law. Also, it was necessary to revisit the law on vagrancy. In spite

of the Women's Protection Act in force since 2006, eight women prisoners were held under the Hudood laws.

Central jail, Sahiwal

The Sahiwal Jail was constructed in 1873. It is one of the largest jails in Pakistan. The visit to the jail was arranged in October 2013 jointly by HRCP and AGHS Legal Aid Cell, with Campaigns Coordinator Rafia Asim representing HRCP. The team visited the juvenile and women's barracks only.

At the time of the visit, the jail was experiencing 12 to 14 hours of electricity load-shedding every day. The women's ward was overcrowded and littered with clothes and garbage. Makeshift beds were stacked one on top of the other making the woman on the lower bed unable to even sit upright. On top of this, each bed was shared by two to three women. The women's barracks held the under-trial and convicted prisoners separately. The women were accompanied by numerous small children. An instructor visited the women's ward every day to teach the prisoners sewing and knitting.

The juvenile wards were clean and the bunk beds there well spaced. The juveniles were seated on their beds in an orderly manner with their tickets in hand. A local organisation had donated a TV set and a room cooler. The beds and the toilets were found clean but the washroom had low walls and there was minimum privacy. According to the jail authorities two juveniles had escaped from the prison in 2006. The school built in the juvenile section had lower walls and was in the outer section of the prison. While studying, the two juveniles managed to escape and had not been caught again. The solution, instead of improving security, was to close down the school indefinitely.

The clinic in the jail had one doctor, three dispensers and one nurse. A psychiatrist called every Friday while a dentist came every Monday and Thursday. The in-house doctor informed the team that the children were regularly vaccinated and had recently received vaccination for measles. The anti-dengue campaign continued the year round with indoor sprays, nets and separate beds available for dengue patients. The dispensary consisted of 10 to 12 beds and at the time of the visit, two patients had been admitted. Up to 10 HIV cases had been reported in the prison, all of whom were males. Four months prior to the visit, a complete HIV AIDS screening of the entire jail population had taken place. Gynaecologists were said to be available in the women's section though the team did not see a clinic or a doctor in the female ward during the visit.

The case of a prisoner who was serving a 50-year sentence at Sahiwal Jail was reported in the media in 2011. He was accused of being an accomplice in a case of robbery and murder, though the main accused had escaped any punishment after the president granted his mercy petition. This prisoner, who had no family to speak of, had been in jail for 20 years, the longest sentence at Sahiwal Jail. It was reported that he was 17 years old when he was tried and due to an argument with the judge, was handed down a 50-year sentence. The warrant officer at the Sahiwal Jail said he would be released if only someone

was willing to fight his case. This prisoner, another victim of speedy trials, never had a fair and proper defence. According to an HRCP spokesperson, the prisoner should have been released on humanitarian grounds alone.

District jail, Mandi Bahauddin

An HRCP team comprising Ms Anum Malik, a child rights specialist at HRCP Lahore, and Ms Rafia Asim, Campaigns Coordinator, HRCP, Lahore, visited the District Jail in Mandi Bahauddin in September 2013.

The HRCP team was welcomed at the prison without any security protocols. No metal detectors or scanners were in use. The handbags of the HRCP team were not checked either.

At the time of the visit the Superintendent, Mr Naveed Ashraf, was on leave. The deputy superintendent received the HRCP team and briefed them about the jail affairs.

There had been no riots in the prison for the last 10 months. All prisoners were allowed newspapers but at their own expense. The jail authorities claimed that the food chart decided by the Punjab government was being thoroughly followed and that all classes of prisoners received the same food. There was a functional water filtration plant on the jail premises. A police van would take the prisoners to courts for their hearings. The authorities conducted surprise checks frequently for drugs and cell phones.

At the jail dispensary a medical practitioner was available on call. It was also pointed out that the office of the mobile emergency service 1122 was nearby and their response time was two minutes. All prisoners had been screened for HIV and scabies. A dengue awareness campaign was carried out on the orders of the Punjab government and anti-dengue sprays were available.

The HRCP team visited the juvenile section and found it dingy and unclean. There were no proper beds and the inmates had to sleep on thin mattresses on the floor. The juveniles appeared meek and refused to raise their eyes as they spoke during interviews. The authorities informed the team that the bedding, utensils and clothes had been provided by the prisoners' families. The juveniles had a TV and a ludo set for entertainment. A few donated books were available along with two computers; both outdated. There was a school named Rah-e-Haq for juveniles where subjects ranging from Quran to English, Maths, Computer etc were taught. The school was run by an organisation called Faizan-e-Quran Foundation.

Prison conditions
Balochistan

There were 2,862 prisoners in 11 prisons across Balochistan, against the authorised capacity of 2,585, 1,288 of whom 45 p.c of the total were under trial. There were 39 women prisoners, 107 juvenile and 90 condemned prisoners.

Central jail, Mastung

A visit to the Central Jail at Mastung was conducted by HRCP's Quetta office on December 20, 2013. The team comprised Mr Fareed Ahmad, HRCP Coordinator, Mr Rauf Agha, HRCP member, Mr Farooq Kubdani, HRCP member and Mr Muhammad Shoaib, Journalist and HRCP member.

The jail was established in the 1960s and was declared a central jail in 1971. The total capacity of the prison was 70 while its population at the time of the visit was 38. During 2013, 179 convicts had been sent to the jail while 150 were released.

The security system at the jail was poor. It had no security cameras and no flood lights. Despite this, in response to a query the jail authorities claimed that the prison had no history of riots or jailbreaks. The prison was clean and the prisoners' accommodation satisfactory. There were two fans in each room but the cells lacked proper heating facilities. There was, however, no separation of under-trial and convicted prisoners in the barracks. Unlike most prisons, in Mastung Jail the prisoners were allowed outside their barracks in the veranda from 7 am to 5 pm. The jail did not have a juvenile or female barrack.

The prisoners were generally found unaware of their rights. All under-trial prisoners had case tickets which were duly updated. No proper system of filing and lodging complains was in force. Thus it was not surprising that no complaints had been lodged with the authorities in 2013. A sessions judge visited the jail in the last week of every month.

There was no dispensary or clinic in the jail and all cases which required emergency medical attention were referred to the District Hospital. No regular medical examination was conducted at the jail either. Necessary special arrangements had not been made for drug addicts and prisoners with psychological disorders. The prisoners complained about the quality as well as the quantity of food. Each prisoner was roughly receiving 58 grams of meat per week. Most prisoners were obliged to cook their own food.

Each prisoner was allowed to meet his family once a week for 20 minutes. A telecom facility was available which was used during the meetings. There was no public calling booth in the prison which meant that only in emergencies were prisoners allowed to use the phone in the superintendent's office.

The jail had no educational or vocational training facility. No books were available either except for a few copies of the Quran that were placed inside every barrack. One teacher was available to impart Islamic education to those who were interested in free lessons.

The total number of jail staff was 58 but only ten residential quarters were available. The employees complained that their promotions had been pending for the last 20 years. The HRCP team suggested that the prisoners be allowed to engage in recreational activity. There should also be an adult literacy programme since majority of the prisoners at the Mastung Jail believed that they could benefit from education if authorities were willing to provide them with books and tutors.

District jail, Nushki

The HRCP Quetta office conducted a fact-finding mission at the Nushki Jail in December 2013. The members of the mission were Dr Faiz Hashmi, Medical Officer, Fareed Ahmad HRCP Coordinator, Shams ul Mulk HRCP activist, Mr Saifullah Advocate, Sultan Tareen, UNICEF trainer, and Muhammad Saeed, HRCP Core Group Nushki Coordinator.

The Nushki Jail was established in 2009 and had a capacity of 300. At the time of the visit, the total population of the prison was 104 which made it one of the few under populated prisons in the country. Of the 104 prisoners, 70 were Afghan nationals, 23 of whom were convicts and 11 were under trial. There were no prisoners on death row. There were two vehicles available to take the under trials to court. In the year 2013, 252 prisoners were admitted to Nushki Jail while 148 were released.

The Nushki jail building was in a dilapidated condition with walls cracked and many doors broken. There was sufficient space in the barracks but the beds were unclean. There were four to five fans per barrack but there was no proper system of heating. This was brought up as a serious issue of concern for the prisoners as even the summer months in Nushki were cold and a proper heating system was essential. The prisoners were allowed outside in the sun for exercise between 7 am and 5 pm after which they were locked up till the next day. The juveniles were separated from adults but convicts and the under-trial prisoners were locked up together in the male barracks.

The jail authorities showed the team the complaints register but the fact that no complaint had been registered in 2013 indicated a lack of effectiveness of the complaint mechanism. During interviews the prisoners showed ignorance of the existence of any complaints mechanism and stated that they usually forwarded their complaints to the sessions judge during his visits to the jail in the first week of every month.

The administration also claimed that the jail had no history of riots or jail-breaks. The level of security at the prison indicated otherwise, as the CCTV cameras were not functional. The HRCP team was specifically asked not to bring cameras or take any photographs during their visit.

There was a small clinic inside the jail with four beds but no in-house doctor. A dispenser gave medicines to prisoners for common illnesses. In emergencies, a patient was shifted to the district hospital. There were no special arrangements for drug addicts and mentally challenged prisoners.

Each prisoner was allowed one meeting with family per week which lasted between 20 to 30 minutes. Some relatives of the prisoners complained that they had to pay bribes to meet the prisoners. The jail did not have a public phone and in case of urgent need, the superintendent's phone was used.

In the juveniles section there were 19 prisoners, 17 of whom were Afghan nationals. There was no educational facility for the prisoners. There were no books, nor was there a library where the prisoners could read. There was a copy of the Quran in each barrack though. There were no non-Muslim prisoners in the jail.

The food provided to the prisoners was deemed unsatisfactory by the team as it lacked nutrition. Only 58 grams of meat was provided per week. Not only was the quality of the food inferior but the prisoners also complained of its meager quantity. Most prisoners preferred to cook their own food.

The team recommended that a qualified medical officer should be present in the jail at all times. Also, the prisoners should be given formal and technical education so that they could become useful members of society once they were released. The private sector should be encouraged to set up small cottage industries in jails and pay reasonable wages to the prisoners. Official visitors should make periodic surprise visits to the jails to ensure good administration. The prisoners should be allowed to keep books, paper, pen, radio and wristwatches. The jail manual required immediate amendments to bring it up to date.

Findings

- Of all the jails visited by HRCP, a majority suffered from over-crowding. In Punjab, the jail population was more than twice the capacity. Majority of the problems in prisons like high incidence of skin diseases, unhygienic conditions and lack of adequate resting areas, resulted from over-crowding. The jail administration repeatedly argued that persons charged with petty crimes ought not to be sent to jails and there was a need to find alternative methods of punishment to lessen the burden on prisons in Pakistan. Timely justice and expeditious trials would also ensure that prisoners did not languish in jails for years and thus contribute to the problem of over-crowding.
- Different organizations and experts have been calling for an overhaul of the prison statutes and rules for decades but the issue persists. Harsh punishments including whipping and putting bar fetters are still legal. Also, human rights organizations have been calling for extension in the total time given to death row convicts to walk outside their cells but the time remains half an hour in the morning and evening each.
- The fact finding teams found that despite the standardization of the menu, the quality of food had not improved. Many prisoners preferred to cook their own food since the jail food was generally found to be tasteless, full of spices and lacking in nutrition. The dishes of pulses were watery and the flat-bread was generally found to be stale and crusty.
- The number of under trial prisoners constituted a majority of all prisoners in jails across Pakistan. Of the 78,218 total prisoners in all jails, 53,345 were under-trial, approximately 68%. Such figures highlighted the poor rate of conviction and unnecessarily long detention of under-trial prisoners.
- Lack of trained staff in jails compromised the rehabilitative function of the prisons. Jail staff was inadequately trained to handle emergency situations like attempted jailbreak. Many prisoners complained of jail administration misbehaving towards them. The HRCP teams also noticed the discourteous manner in which prisoners were spoken and referred to.
- Despite a decline in recent years in deaths occurring inside prisons, some deaths, due to natural and other causes, were reported in the media. In none of the cases was a judicial inquiry called for or its report made public. If the news of a suicide or death in prison was printed in the media, only the jail administration's explanation of events was called for.
- Some good initiatives, like the Hepatitis Control Program launched in jails in Punjab, were introduced in the last few years to ensure better health of the prisoners. Anti-

Dengue campaigns were also carried out across Pakistan with sprays and nets readily available in jails. However, the jail hospitals and dispensaries left much to be desired. Of the 12 jails visited by HRCP teams, none had sufficient amount or variety of medication. The dispensaries were critically under-staffed and ill-equipped with as few as 3 beds for a prison population of 300. The in-house doctors put the number of patients visiting each day in central prisons at 100 but the supply of medication was severely lacking. Prisoners complained of long waiting lists and inferior quality of medication.


- The juvenile wards were relatively better maintained and well spaced. Their beddings and sitting area were found to be clean and tidy. Their wards were generally equipped with television sets, bracket fans and sports equipment donated by different charity organizations and NGOs. The HRCP team, however, received complaints of sexual abuse in at least one prison in KP and impolite behavior by the jail authorities towards the juvenile prisoners generally.

Recommendations

1. Overcrowding at prisons, especially in Punjab, has reached critical levels. Instead of sending persons convicted of petty crimes to prisons, the judicial system should devise alternatives to custodial punishment which may include community service. There should be inclusive public discourse on these alternative punishments and their effectiveness.
2. It should be ensured on priority basis that each prison shall be provided a qualified in-house medical officer, nursing staff and essential medicines at all times. Prisoners with serious illnesses should be referred to appropriate hospitals for tests and treatment without delays.
3. Special measures should be taken to ensure the rights of the children of incarcerated parents. These children should perhaps be accommodated in Borstal institutes in a nurturing environment. Different child rights groups and civil society have unanimously called upon the government to establish Borstal institutes for convicted juveniles where they can be properly trained and educated separately from adult detainees and outside the prison environment. The victimization of children in prisons involving sexual harassment and abuse should result in disciplinary proceedings against the authorities or persons involved.
4. Girls should be kept in separate barracks from adult convicts since juveniles are more vulnerable to criminal influences they encounter in the adult barracks.
5. There should be a proper system in all prisons to redress written complaints. It should be ensured that the system does not permit partisan decisions. The complainant shall have the right to remain anonymous and the committee formed to address complaints should include independent and well reputed citizens.
6. Due to widespread corruption, the smuggling of cell phones inside prisons is rampant. The jail authorities and experts believe that perhaps the only solution is to install mobile signal jammers in at least prisons where high profile prisoners are detained. However, easily accessible public call offices (PCO) should be installed in all prisons to eliminate the need for prisoners to smuggle cell phones. These PCOs should provide reasonable privacy and the costs should be affordable.
7. At the time of the surveys in 2013-14, condemned prisoners were only allowed half an hour each in the morning and evening to walk outside their death cells. HRCP recommends that the duration of this time be extended to one hour and the rule pertaining to the use of handcuffs should be restricted for dangerous criminals and terrorists only as it was against the dignity of the human being.
8. Prisoners should be helped to meet their counsel and arrangements should be made to provide legal aid for poor prisoners.

9. A judicial inquiry should be immediately conducted by the additional district and session judge in case of suicide or death of any prisoner.
10. Efforts should be made to detain and imprison convicts in or near their places of residence to ensure that their families could meet them without incurring high travel costs.

Appendix



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

NO _____
Dated 28-02-2014

To,

The Superintendent
1. District Jail Kohat
2. District Jail Daggar (Buner)
3. Sub Jail Charsadda
4. Judicial Lockup Swabi
5. Judicial Lockup Nowshera

Subject: - PERMISSION REQUEST FOR HRCP TEAM TO VISIT DISTRICT JAILS OF KHYBER PAKHTUNKHWA.

Memo;

I am directed to refer to the subject and to convey that the competent authority is pleased to allow HRCP Team to visit your Jails in different scheduled dates, to know the condition of Male/Female and Juvenile prisoners confined therein, subject to foolproof security clearance of the visitors under your strict supervision. In addition, the Superintendent Jail concerned should personally monitor this assignment.

I am further directed to convey that the visitors may be restricted to 3 to 4 members / persons.

Indst No. 4939 /

Copy of the above is forwarded to the Provincial Coordinator Khyber Pakhtunkhwa HRCP House # 18-BB/20, Park Road University Town Peshawar for information with reference to his letter dated 26-11-2013. He is requested to inform the Superintendent Jail concerned prior to visit the jail to enable him to make arrangements for the purpose.

ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

ASSISTANT DIRECTOR (ADMN)
FOR INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

