



Attack on transgender persons in Peshawar

An HRCP fact-finding report (September 2022)

Introduction

On 11 September 2022, four transgender persons and a man were seriously injured in an exchange of fire. In order to investigate all aspects of this violent incident, given the context of violence against transgender persons in Khyber Pakhtunkhwa (KP), the Human Rights Commission of Pakistan (HRCP) felt the need to conduct a fact-finding mission. The mission comprised KP vice-chair Akbar Khan, HRCP member Sarfraz Khan, and HRCP staff members Isma Khan and Shahid Mehmood. The mission started its fact-finding exercise on Thursday 15 September 2022.

Details of the incident

According to news reports, as well as the first information report (FIR) filed on 11 September 2022 at around 12:30 AM, the accused, Noman Sikandar (resident of Shah Masoom Kotwali), Ijaz (resident of Gulbahar) and Joji (resident of Rehman Baba) allegedly fired on a car near Kabootar Chowk on Ring Road. There were five people in the car: four transgender persons named Hasina Pathani, Dolphin Ayan, Naina and Sheena, and a driver named Faizan. All these people were injured in the firing and taken to Lady Reading Hospital by police officers who arrived at the crime scene. Three of the transgender persons and the driver were discharged from the hospital the same day, after being given the necessary medical aid. The fourth, Naina—whose condition was serious—was admitted to the hospital and later shifted to the intensive care unit (ICU).

Fact-finding exercise

Meeting with KP Human Rights Department

Following the incident, the fact-finding mission held a meeting with the director of the Human Rights Department, Kashif Kamal, and deputy director, Maqsood Khan on 15 September 2022. The mission was told that the department could take suo moto action on any such incident and could also help the victim file an FIR in case the police refused to do so. However, they did not have complete information on the incident in question, other than newspaper reports; accordingly, the department could not take legal action unless someone specifically requested this. According to the director, the department had not received a single request pertaining to violence against transgender persons since it was set up.

Meeting with Peshawar police

The fact-finding team then held a detailed meeting with the senior superintendent of police (SSP) of operations of the Peshawar police. The staff of the Paharipura Police Station (under whose jurisdiction the crime scene falls), including the deputy superintendent of police (DSP), inspector, sub-inspector, and station house officer (SHO) were also present. The conversation was not confined to the incident in question, but also extended to violence against transgender persons in KP in general.

According to the police staff present, around 12:30 on the night of 11 September, they received information that a car had been attacked near Kabootar Chowk, following which the police immediately reached the crime scene and recovered 40 bullets. The SHO told the team that, according to eyewitnesses, there were three transgender persons in the attacker's car, apart from the three men accused of firing on the vehicle. While the accused managed to escape, no arrests had been made yet. The police immediately shifted the injured to Lady Reading Hospital. The SSP further said that different teams had been formed to raid the homes of the perpetrators, but the premises were found locked. He claimed they would soon arrest the accused.

According to the police staff, incidents of violence against transgender persons usually involve their own 'boyfriends' (or '*marrakab*' in Pashto) because they allegedly keep changing boyfriends for the sake of money. A member of the mission pointed out the prevailing perception that transgender persons were often tortured by their own families in the name of honour, to which one of the police officials replied that only one such case had occurred in the last 22 years, in which one transgender person was killed by their family.



Regarding the 11 September incident, the SSP said that the injured transgender persons had initially been reluctant to file an FIR, but listed the names of the accused in an FIR after some persuasion from the police; all the transgender persons involved recorded their statements.

The police claimed that transgender persons in KP had become an ‘organised mafia’ since receiving coverage in both the mainstream and social media. Moreover, 15 to 20 cases of harassment against transgender persons—such as extortion, sexual abuse and threats—were reported to the police daily. They added that most transgender persons in Peshawar would gather at Iqbal Plaza in Faqirabad at night (some of them reside there) where people came to see them in what would become a kind of ‘carnival’. The police officials claimed to have written three letters to the deputy commissioner asking for Iqbal Plaza to be sealed in order to prevent any incident of violence. However, they had not yet received any instructions from the deputy commissioner’s office.

The police also told the mission that transgender persons invited to sing and dance for an audience earned up to PKR200,000 to 300,000 from each event; every time a *khwaja sirah* person celebrated a birthday, they collected up to PKR1 million to 2 million, with hundreds of thousands of rupees spent on such functions. The police claimed that, compared to other provinces, where transgender persons were mostly seen begging for alms, transgender persons in KP were relatively well-off with not a single one seen begging. The SDPO (DSP) of Faqirabad Model Police Station further alleged that transgender persons in the province also gave protection to drug dealers and mafias.

The SSP Operations assured the fact-finding team that the inspector general of the KP police had issued special instructions for the arrest of the perpetrators.

Meeting with staff at Lady Reading Hospital

The fact-finding team also visited the hospital to speak to the victims. Arzoo Khan, a member of the Police Dispute Settlement Committee and president of the Manzil Foundation, a transgender rights organisation, was present to help the team speak to Naina. However, Naina was unable to speak due to her injuries. The team then met physiotherapist Zoya Siddiqui who was overseeing Naina’s treatment. She said that Naina had received four bullet injuries on her left and right shoulders and on her upper legs: her femur had been damaged and one of her kidneys severely affected. The doctors had wanted to operate on her, but before the operation, Naina had refused to undergo the dialysis necessary beforehand. There was no doctor present at that time to explain her condition further.

The team also met the director of Lady Reading Hospital, Brigadier (Retd) Dr Muhammad Abrar Khan. According to him, Naina had been shifted to the ICU due to her critical condition, but she was now out of danger and a security official from the police was also present to protect her. The team was told that Naina was being provided treatment free of cost.

When the team tried to learn more about the incident from Arzoo Khan, she claimed to be completely unaware of the perpetrators nor did she reveal their names. The team then asked her to connect them to the other transgender persons injured in the incident, but Arzoo Khan called the next day (Friday 16 September 2022) to say that they had refused to meet the team or give any statement. On Monday 19 September 2022, Arzoo Khan told HRCP’s regional coordinator that Naina had strictly refused to meet HRCP or any other NGO. However, Arzoo Khan agreed to come to HRCP’s Peshawar office the following day.

Meeting with Arzoo Khan at HRCP’s Peshawar office

A detailed meeting was held between Arzoo Khan and two members of the fact-finding team, Shahid Mehmood and Isma Khan, at HRCP’s Peshawar office on 20 September 2022—the other members of the mission could not attend. Another transgender person named Ruby and their assistant Nabil were also present at the meeting. According to Arzoo Khan, the transgender persons injured in the firing had been invited to dance at a wedding in Charsadda but the performance had been cancelled because a large crowd had gathered at the venue, leaving the victims feeling unsafe. They were on their way to Peshawar after leaving the wedding; the incident in question took place as soon as the car reached Kabootar Chowk. Arzoo Khan alleged that Naina had a long-standing dispute with the perpetrators: prior to this incident, they had attacked her performances multiple times.

Ijaz, one of the accused and allegedly the leader behind the attack, had demanded that Naina give him access to a junior member of her team, Roshni, for physical relations. Unless she obliged him, he would forcibly collect PKR8.5 million (she did not make it clear why this exact sum was demanded) from her. Naina had rejected his



demands and filed a report against Ijaz, who was then arrested by the police, convicted and jailed. After spending 10 months in jail, Ijaz had sent a jirga (moderators) from the jail to settle the matter with Naina, saying that he was ready to give up his demands and reach an agreement, presenting his brother Muslim Khan as a guarantor. Owing to fear and pressure, Naina agreed to a settlement with the accused in front of the jirga, following which Ijaz was released from jail—one week before the incident in question. Within this week, he had begun threatening Naina again, after which she had once again filed an FIR against Ijaz. However, according to Arzoo Khan, the police did not take any action after the FIR was registered.

Arzoo Khan claimed that, whenever transgender persons went to dance at social gatherings, they would inform the police in advance and present copies of the host's national identity card as a guarantee at the police station. She alleged that the police used this information to extort money from transgender persons after every function. The police had prior information about Naina's dance performance but the group had been targeted nevertheless. Arzoo Khan said that it was the police's responsibility to provide security to transgender persons and that the incident had occurred due to the incompetence of the police.

Conclusion

After taking stock of the situation and having spoken to most of the parties concerned, HRCP's fact-finding team concluded that the 11 September incident was a consequence of a personal and prolonged dispute between Naina and the accused, Ijaz, who had been demanding that Naina let him have a relationship with her junior team member, Roshni. It is possible that the time he spent in prison due to this dispute angered Ijaz, who then took revenge by opening fire on Naina and her team. However, based on their observations, especially the prejudices of the police, which is supposed to investigate such cases without bias, the fact-finding team would like to make some short-term and long-term recommendations to address the incidence of violence against transgender persons.

Recommendations

1. It is the responsibility of the police to arrest the accused in the 11 September incident as soon as possible and take action according to the law.
2. Gender sensitivity among the police towards transgender persons is extremely low. They need immediate and effective training. Although there are gender equality cells and human rights cell at the Central Police Office in Peshawar, incidents of violence against women and transgender persons occur frequently. Both these institutions should fulfil their responsibilities effectively.
3. The police should be discouraged from extorting money from transgender persons and penalised for doing so.
4. The KP provincial cabinet has drafted a bill to address transgender persons' welfare but this has not yet been passed by the assembly. The bill should be passed without wasting any more time so that projects for the welfare of transgender persons can start.
5. Religious political parties are trying to make the federal Transgender Persons (Protection of Rights) Act 2018 controversial by spreading disinformation about the act. This is an opportune time for the provincial assembly to stand up for provincial legislation on the subject.
6. The government should conduct HIV/STD tests among transgender persons regularly, given their vulnerability to such diseases, especially among trans sex workers.
7. The KP Child Protection and Welfare Commission—a provincial government institution—should start registering transgender persons below 18 years of age.

Disclaimer: This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of the Human Rights Commission of Pakistan and can under no circumstances be regarded as reflecting the position of the European Union.

