

of the Sindh High Court and a member of the Pakistan Bar Council, and his son, following anonymous death threats on which the authorities did not act.

The SR on the question of torture visited Pakistan from 23 February to 3 March 1996, including visits to Islamabad, Lahore and Karachi. The report of the mission (E/CN.4/1997/7/Add.2) includes commentary on: unlawful detention; forms of torture and ill-treatment such as the use of fetters; corporal punishment; other aspects of imprisonment; the situation in Karachi; and the question of impunity.

In setting the context, the report notes that: Pakistan is an Islamic republic whose laws are expected to be, or to be brought into conformity with, the injunctions of Islam; responsibility for internal security rests primarily with the Ministry of the Interior, which exercises overall responsibility for most of the various police and intelligence forces; paramilitary forces, such as the Rangers acting in support of the civil forces in Karachi, are the responsibility of the Ministry of Defence, as are certain intelligence bodies, in particular, Military Intelligence; and, direct responsibility for the police and some investigative bodies, as well as paramilitary forces acting in support of the civil power, is vested in the provincial governments. Mention is made of a decision in 1995 to establish a Ministry of Human Rights which has various investigatory functions, but no apparent authority to compel redress of abuses. Given its limited time of operation, the report suggests that the Ministry's effectiveness, whether actual or potential, cannot yet be assessed.

The report acknowledges that for much of its history, Pakistan has been plagued by violent conflict between different religious, ethnic and political groups and that conditions have been exacerbated by the large flow of weapons into Pakistan through the refugee camps along the Pakistani-Afghan border. The SR acknowledges that many of the factions within the country are heavily armed and pose a genuine threat to internal security and that violent crime is also a serious problem throughout the country, particularly in major urban centres such as Karachi and Lahore.

The need for a visit to Pakistan was based on the fact that the SR had received numerous reports strongly suggesting that torture against persons in the custody of the police, the paramilitary and the armed forces is endemic, widespread and systematic. The information considered alleged that torture was inflicted to obtain information, to punish, humiliate or intimidate, to take revenge or to extract money from detainees or their families. The methods of torture reported include: rape; beatings with sticks, hose pipes, leather belts and rifle butts; kicking with heavy boots; being hung upside down; electric shocks applied to the genitalia and knees; *cheera* (forced stretching apart of the victim's legs, sometimes in combination with kicks to the genitalia); sleep deprivation; prolonged blindfolding; and boring of holes with an electric drill into parts of the victim's body. The SR had also received reports that the police often use excessive and disproportionate force during crowd control operations and, while conducting house-to-house searches in Karachi, the army allegedly rounded up, detained, blindfolded, and beat individuals.

The SR had also received reports indicating that the substantial majority of women held in police custody are

subjected to some form of sexual abuse, including rape; and, further, that registering a rape complaint was difficult because the Islamic Zina Ordinance of 1979 makes it difficult for a woman to meet the evidentiary requirements to establish her case. Failure to establish such a case reportedly exposes the complainant to a potential charge of illicit sexual intercourse, an offence punishable under the Ordinance with 80 lashes or, if the woman is married, with death by stoning. The report notes further that when the alleged perpetrator of rape is a member of the police, army or other governmental official, the police often refuse to register a complaint, or pressure or bribe the victim into dropping the charges.

On the question of unlawful detention, the report cites a number of articles in Pakistan's Constitution which prohibit such detentions and prescribe the conditions for detention. The report observes that, in practice, the authorities do not strictly observe the prescribed limits on detention. The police often hold detainees without charge until they are challenged by a court or detain individuals arbitrarily without charge, or on false charges, in order to extort payment for their release. The likelihood of torture is increased further through other practices such as incommunicado detention and detention in premises not designated for the purpose. In the latter case, the report notes that in such undeclared places of detention, law enforcement personnel are able to commit human rights violations with impunity since legal safeguards against ill-treatment cannot be enforced and detection is unlikely.

In terms of the constitutional and legal provisions related to torture and ill-treatment, the report notes that: the Constitution of Pakistan explicitly prohibits torture under article 14 (2), which provides that "No person shall be subjected to torture for the purpose of extracting evidence"; under the Qisas and Diyat Ordinances, the causing of hurt by any person to extort "any confession or any information which may lead to the detection of any offence or misconduct" is defined as a distinct punishable offence; article 337 k of the Pakistan Penal Code prescribed imprisonment for up to ten years for anyone found guilty of inflicting torture or ill-treatment; and, the Law of Evidence also provides certain legal safeguards against torture. The report observes that despite these legal safeguards, torture, including rape, in the custody of the police, paramilitary forces and the army, as well as in jails, has been widely reported and, in some cases, has resulted in death in custody.

With regard to women in custody, the report refers to a 1994 amendment to the Criminal Procedure Code which prohibits a magistrate from authorizing the detention in police custody of a woman except in cases involving murder or dacoity. The amendment also requires the investigating police officer to interrogate the accused in the prison in the presence of an officer of the jail and a female police officer. The report notes that despite these safeguards, numerous allegations have been sent to the Special Rapporteur, concerning women being held in police custody and raped.

On the question of impunity, the report notes that while the government has taken some positive steps to improve the situation of human rights within the country there appears to be a lack of real political will to address the issue of impunity. The Special Rapporteur notes that no information has been