ADDITIONAL INFORMATION AS WRITTEN SUBMISSION IN RESPECT OF PAKISTAN REPORTS AGAINST TORTURE AND OTHER CRUEL OR INHUMAN, DEGRADING TREATMENT AND PUNISHMENT.

In Pakistan among the most painful and irremediable of violations is torture. In old time it was a secret but in this age of globalization and information technology it is now not a secret art, it has been practicing by law enforcement officials (security forces and police personnel) in Pakistan. Instruments and law for protection of human dignity and condemnatory of torture are many but they lack the effective machinery for enforcing compliance and compensating for breach, and accountability of perpetrators before court of justice in Pakistan.

All too frequently, they simply cannot stop violations; those international instruments implementing and remedial measures which do exist do not appear to have a sufficiently strong and direct deterrent effect. Plainly, in a sphere such as human rights, where violations are in large measure irremediable, in the sense that nothing can ever efface the victim´s memory of suffering-and, in many cases, its scars, physical or psychological- the key is prevention, but unfortunately it is missing in Pakistan.

 Now it is the entrusted responsibility of the elected Committee against Torture as it has jurisdiction to consider communications from a State Party alleging violations by the other State Party. And additional information from NGOs and individuals but what is the status of reports, to be viewed realistically, not romantically. However, Human Rights Council Balochistan France being a responsible non-governmental organization (NGO) submit its additional information in respect of Pakistan `s Report on Convention against Torture CAT as under:

1.    That it is correct.

2.    That it is incorrect, unfortunately Pakistan has badly failed to implement the provisions of Constitution which are related to protect jealously the Fundamental Rights of all its citizens.

3.    That it is correct that Pakistan is party to a number of international instruments so far its implementation is concerned none of them were or are being implemented including CAT.

4.    That it is correct prior to ratifying the CAT and other international human rights instruments have been part of fundamental and substantive law of country, but it is regrettable not to have been properly enforced by administrative and other organs of state.

5.    That it is pertinent to mention here that the declaration on article 20(I) and 30 are the soul of the entire convention, especially, the declaration of Article 20 means that to stalemate and deadlock for further protection and promotion of the Fundamental Rights of the citizens of Pakistan, which are the essence of CAT and without it all the provisions of Convention are of no use. This would be a conflict with the preamble of Charter of United Nation also.

Part one General information

**A. Reporting Methodology**

6.No comments

7.No comments

8. That is incorrect.

**B. Overview of the Existing Legal Framework**

 9. That paragraph 9 is correct to that extend that torture or acts amounting to torture have been criminalized in domestic laws through constitutional laws. But despite of that there has been a regular   and systematic practice of acts of commission of torture across all Pakistan. In a nutshell there are laws but without implementation.

10. That paragraph 10 is also correct that fundamental rights to the citizens are enshrined in the Constitution of Pakistan, it is regret to say without prejudice that the constitution has not been respecting by law enforcement agencies and security forces of Pakistan, and there is a regular flouting of its articles. This is the tragedy with Pakistan. Enforcement of this paragraph is the Achilles heel of constitution.

“The soul of a state is its constitution which has the same power as the mind over the body; for it is that and nothing else which deliberates on everything, which tries to preserve what is good and to avoid disasters. Law, politician, private citizens, all must necessarily take on its likeness and act in accordance with whatever kind of constitution they live under.”

                              —Isocrates: Oration, vii;14

11.Unfortunately in Baluchistan and Sindh in the name of counter-terrorism and national security de facto governments are Core Commander or Inspector General of Frontier Core of Baluchistan and Ranger of Sindh, respectively. Now this culture extended in Lahore and Islamabad enforced disappearance of Salman Haider and other three Bloggers are textbook example. But particularly across the Baluchistan there is serious allegation of third degree culture has been persisted against custodial victim. It is order of the day of extrajudicial-killing or custodial death, enforced disappearance, arbitrarily arresting and torture. For the purpose of perusal, the press conference of Voice for Baloch Missing Persons, the statement of Home secretary Balochistan , the statement of United Nations human rights expert are incorporated herewith

<http://www.dawn.com/news/1305934>

<http://www.dawn.com/news/1229192>

<http://www.un.org/apps/news/story.asp?NewsID=55943#.WKH1AzsrLIU>

12. So far as paragraph 12 is concerned which is pertinent to the provisions of constitution especially, article 4 of the constitution it is correct but no implementation at all. If the provisions of constitution which are already enshrined in constitution are being seriously violated by law enforcement agencies and the order of supreme court has also not been implemented, to only legislation of law without implementation is meaningless. <http://www.pakistantoday.com.pk/2012/05/15/evidence-against-fc-available-in-missing-persons%E2%80%99-case-says-sc/>

Legal Barriers: in Pakistan legal system prohibits torture, the complicated nature of the laws and the multiple sources from which they are drawn make torture and police-abuse claims difficult. One weakness is that there is not a consolidated source of law for the prohibition against torture. Rather, relevant laws are scattered in the Constitution, statutes governing criminal law and procedure, regulations on police and prisons, and executive orders. Relevant statutes, regulations and orders include the Pakistan Penal Code 1860, the Criminal Procedure Code 1898, the Quanun-e-Shahadat 1984, High Court Rules and Orders, Police Order 2002, Police Rules 1934, Prisons Act 1894 and Pakistan Prison Rules 1978. Different sources and provisions of law are relevant at different stages of arrest and imprisonment.

13. It is respectfully submitted that there are more than 20000 thousand innocent citizens up to now their relatives do not know whereabouts their beloved’s are ,which is a crystal clear violation of Article 9 and 10. As we have seen they have been custodial killed or in the name of fake encounter, routinely. It is also incorrect that State does not make law,  which are in conflict with fundamental rights in respect of article 8.The fact is that under article 2A of the Pakistan constitution; the status of Islamic laws are more supreme than secular laws which not only negates a considerable  provisions of Pakistan constitution itself but also there is conflict with bedrock international instruments namely The Universal  Declaration of Human Rights, International Covenant on Civil and Political Rights and the  International Convention on Economic, Social and Cultural Rights constitute a trinity often called the magna carta of humanity.

It is settled law that established principles of international law will be a powerful persuasive factor in interpreting municipal laws. Otherwise, the preamble of the charter which reaffirms ´faith in fundamental rights, the thrust of Art.55 that the U.N must promote universal respect for, and observance of, human rights and freedoms and the categorical commitment in art.56 by the member states they ´pledge themselves, to act jointly and separately for the achievement of these purposes would be verbal vanity, semantic futility and promise of unreality. Any interpretation of national legislation or constitution which advances the cause of human rights and potencies the purposes of international instrument must be preferred to sterile alternative or stultifying negative.

14. That although paragraph 14 is to that extent correct, but not implemented. It is an unfounded claim, actually in the name of counter-terrorism in Baluchistan and Sindh the Ranger and Frontier have been given policing powers, they have not been observing section 103 of Criminal Procedure Code, which is a mandatory provision for privacy of home and dignity of men. Unfortunately, there have been serious allegations against law enforcement agencies (police and security person) officials during raid they loot and plunder the raided houses and kill, badly beat, torture the innocent peoples destructed the inhabitant houses without military justification.

15.It is correct law is there but due to non-compliance of the law enforcement agencies precisely reason that in Pakistan police and security persons are above the law. With us it is tragedy in our country there is no rule of law.

There is a comprehensive report by Justice Project Pakistan on the torture by the police in Faisalabad, Pakistan.

 <https://www.law.yale.edu/system/files/documents/pdf/JPP_Launch_Report_050514.pd>

16.That it would be pertinent to mention here that in Pakistan there are a plenty of laws but without implementation, there to claim that The Police Order of 2002 imposes penalties etc are merely verbal vanity, which are very far from reality.

17. It is only in letter but not in spirit, eventually in Pakistan there is an alarming situation of law and order due to which the policing authorities have been transferred to security forces. In Sindh, Rangers and Frontier Core in Balochistan. It is pertinent to mention here that that the security forces have not been respecting the fundamental rights of citizen, which are enshrined in constitution and criminal procedure code. In this regard a report from human right watch is mentioned in the link below for further awareness.

<http://www.bbc.com/news/world-south-asia-14321389>

18. That it is correct that Supreme Court, established under the Constitution is the apex court of country, it is also correct in each province there is a High Court and one for Islamabad Capital. It is regrettable to state here that the apex Court and High Courts were or are badly failed to safe guard the fundament rights of citizens. After 21st constitutional amendment the matter is further worst, on the pretext of National Action Plan(NAP)military courts were established which is absolutely against the spirit and needs of 21st century, in this the age of human rights. But the judiciary of Pakistan validated the notorious constitutional amendment, which totally violates the fundamental rights which are enshrined in constitution. Fortunately, the legislation contains a sunset clause of 2 years from the date of enactment, which was expired on 6th January 2017. The government is once again trying to reinstate the military courts. Similarly, another key anti-terrorism law also expired last year without succeeding arrangement, the laps of jurisdiction of military courts. Our civilians are a step in right direction. The need of hour is that the government should without further delay to reform the Anti-Terrorism Act 1997.

19. That that is correct the judiciary is mandated to uphold the fundamental rights of citizen as being the custodian of constitution. As we observed that in our country, parliament and judiciary had eroded their sphere of administrative and judicial powers and further strengthen and empowered the security establishment and betrayed with their entrusted responsibilities and mandate, on the mounting pressures from security establishment in the name of so-called national security. It is also correct that the Supreme Court has constitutional jurisdiction under article184(3) to take up case exercising its Suo Moto Powers and the High Court has respective jurisdiction under article 199 of the constitution. But million-dollar question is that, without any prejudice, whether they have dare to exercise the vested jurisdiction against security agencies who consider them the guardian of state and they are above to law and constitution.

Ministry of human rights Pakistan endorsed the human rights watch investigation and published this report on BBC.

<http://www.bbc.com/news/world-asia-38454483>

20. That it is correct there are established cell but question again that who can bring the perpetrators to justice in accordance to law and constitution.

**Part two Implementation of specific provision of the Convention.**

**Article1: Definition of Torture**

21. We partially concur with that paragraph 21 but as far as consequences are concerned, it is not result oriented in the interest of people due to barriers.

22. It is also correct that Pakistan has established an institution namely National Action Plan, in conjunction with National Internal Security Policy 2014-2018 for the sake of eradication of terrorism and strengthen an environment for basic human rights but the reality is revealed by the supreme court commission in respect of slaughtering of lawyers in Quetta dated 8th August 2016, by Justice Qazi Faez Isa. The institution has totally failed and there is no coordination between the intelligence agencies and provincial and Federal governments. That the fundamentalist Lashar-e- Jangju has declared the terrorist attack on lawyers, Police Training Centre Quetta and Norani at Khuzdar.  After having gone through the report. It has been alleged that the fundamentalists and extremists have been protected and therefore the constituted NISP, which totally failed according to honorable justice Qazi Faez Isa report.

<http://www.supremecourt.gov.pk/web/user_files/File/QuettaInquiryCommissionReport.pdf>

23.That is correct that there are considerable numbers of provisions which are already enshrined in the Pakistan Constitution(COP)prior to ratifying the CAT on 23 June 2010.But neither prior to ratification nor after the relevant provisions are being properly implemented.

24.That the claim of the state is verbal and romantic in practice the police used third degree to accused person to extract confessional statement, in these day policing authorities have been given to Ranger and Frontier Core, they have not been educated and trained, they are dealing the accused persons as culprits which is in toto working against the spirit of the articles of CAT, Constitution Pakistan and Crpc.

For the purpose of brevity, go through the below link

<http://www.bbc.com/news/world-south-asia-14321389>

25. That so far, the judgements of supreme court of Pakistan are concerned, there may be such judgement but the living standard of Pakistani community is so low that a common person cannot approach to knock the door of supreme court. As far as the provision of Article 14 of Pakistan is concerned, we have already thoroughly discussed it in detail. The matter is not statute, the vital issue in Pakistan is implement of the constitution and statute, which is missing.  Crucial example is the custodial killing of Aftab Ahmed, the coordinator of senior MQM leader, Dr Farooq Sattar who died on May 3 while held in custody by the Rangers in Karachi.

 <http://dailytimes.com.pk/pakistan/02-Jun-16/torture-rampant-in-pakistan-jails-police-cells-rights-experts>

26. AS far as Article 14 and Article 7 of ICCPR are concerned, both are compatible, but there are lot of irregularity and illegality in violation of above referred provisions of municipal law and international instrument…….

27.   No comments

28. That it is correct there are legal frameworks against torture and it is also correct to some extend constitution and chapter XVI of the Pakistan Penal Code [“section 299-338-H deals with Offences Affecting the human body and provides severe penalties to various kinds of injuries inflected by anyone to another person”]. Similarly, chapter XVI-A of PPC deals with Wrongful Restraint & Wrongful Confinement [“section 339-377 while chapter XXII deal with Criminal Intimation Insult and Annoyance”]. But there is a gap in theory and practices in Pakistan, powerful institution are and persons are not accountable and they enjoy all kinds of impunity, we can say in our country there is no uniformity of law. Textbook example is General(r) Pervaz Musharaf he was nominated in assassination of Benizar Bohttu and Nawab Mohammed Akber Khan Bugti cases, even his name was reflected in Exit Control list .As we seen how the government and judiciary power were influenced and he fled from country . So far the as the Wrongful Restraint and Wrongful Confinement are concerned those who have been forcibly kidnapped are in illegal custody of security forces, the commission and omission come in one way or other with the definition of Wrongful Restraint and Wrongful Confinement.

29. We concur, therefore no need of comments.

30. We concur.

31. We are concurred.

32. We partially agree so far chapter IX of PPC, yet the rest is only imaginary without implementation. Therefore, we do not agree due to entrenched culture of corruption and undue influence and bad governance.

33. We appreciate the initiative of Supreme Court in this case. Only by referring a single case of Supreme Court in a Suo Moto notice is not sufficient because the inmates who are in various jail, they are facing a miserable lives. The staff including jail superintendent are involved in illegal gratification and beating the prisoners with mala fide intention for only purposes to get money. Unfortunately, it is an established culture Pakistan.

34. It is also correct in respect of substantive law namely PPC and Police Order but the procedure law has flaws and due to these flaws, imprisonment rules are not being implemented effectively. Generally, the prisoners lives in Pakistan is miserable. Hardly few cases have been decided against the jail staffs but the majority who are facing miserable condition and lives in jail. There is no result oriented remedy for them ,until and unless the implementation of laws.

 **Article 2: Prevention of Torture**

35. Unfortunately, in the constitution of Pakistan and Criminal Procedure Code of Pakistan there is no such preventive provision of torture. Therefore, it is incorrect that In Pakistan the law enforcement officers and armed personnel are accountable before the law, rather it is mockery with law in Pakistan, the crucial example is the statement of Human right ministry of Pakistan that highlighted over 1000 dumped bodies that were extra judicially executed, appeared in a prominent newspaper named BBC on 28th December 2016. The report is mentioned below in the link.

<http://www.bbc.com/news/world-south-asia-14321389>

36. It is categorically denied, the armed personnel and law enforcement agencies are enjoying all kind of impunity in the all forms of atrocity including torture as a state policy, whereas there is a report of UN groups, wherein the finding committee also established that the state policy in promotion of torture were endorsed. The link about the UN subcommittee 2012 is mentioned below

 <https://tribune.com.pk/story/440082/missing-persons-un-fact-finding-mission-points-finger-at-agencies/>

37.That it is correct that there is a number of sections within PPC.As there are concrete evidences that during investigation many accused persons have been torture and killed and women were raped.

38. That the Anti-Terrorism Act is seriously flawed as it contravenes several legal safeguards of the Pakistan constitution and Pakistan law as well as international human rights standards. It invites serious human rights violations by placing wide powers in the hands of law enforcement personnel who are known for their frequent recourse to torture and extra-judicial executions. The special courts established under the Act are unable to provide the same legal safeguards as regular courts, as many of them are explicitly suspended. Political prisoners are likely to be subjected to unfair trials and people are at risk of being sentenced to death in manifestly unfair trials.

39.It is an enormous setback in Pakistan the civilian institutions dysfunction due to the civilian government shifted their inheritance jurisdiction to Military Personnel, they do not respect the prescribed rules and regulation. There are concrete evidences in Baluchistan that the Armed Forces abusing the poling powers, custodial killing the detainees and ruthlessly torturing inmates, which is absolutely the violation of constitution, and international human rights standards especially CAT.

40. That it is regrettable to state here that Law implementation is missing, the law enforcement agencies whether they belong to Police department or Armed Forced are not following the law, due to which a negative culture has been developed, precisely because in our country there is no rule of law, at all. Whereas in this age of Human Rights the rule of law requires compliance by the state with its obligations in international law as in national. In prevailing scenario in our country neither international humanitarian and human rights laws nor the laws of own land are being respected and enforced.

41.That arbitrarily arrest is the order of the day in Pakistan recently Salman Haider a professor and human rights activist of Fatima Jinnah women university Islamabad and other bloggers were abducted allegedly by security forces, their sins were that the always participated with the demonstration of those whom beloveds were enforced disappearance by the security forces, and have secular approaches now they themselves are missing. Which is crystal clear violation of arts. 10 and 10A of Pakistan condition as well art.2 of the CAT.

42.That it is correct that in context of Habeas corpus, the constitutional remedy is available to all High Courts by virtue of Article 199 of Pakistan Constitution, but matter is same the courts have no courage to order the perpetrators to produce the detainees before the courts and there are orders of the courts which were frustrated. The plea of security forces is national security and counter-terrorism. And applying Cicero´s phrase ´Salus Populi Suprema Est Lex(the safety of people is the supreme law),while the law and constitution are designed to survive and remain in force in extraordinary times .As we had seen the law enforcement agencies are seriously flouting art.10(2) of the constitution that the innocent persons are not being produced before the competent court more within 4 or 5 years after having arbitrary arrested or enforced disappearance .Which is also violation of provisions of CAT .It would be pertinent to mention here that Pakistan accepted the recommendation made during its 2012 Universal Periodic Review to make the practice a distinct crime, and reiterated that the crime of enforced disappearance be expressly include in Pakistan criminal code. But it is regrettable that Pakistan did not comply with its pledge. Although it is an additional return submission of Pakistan reports on CAT, as additional information in our side, but the establish practice is that after ratifying the convention the state party under article 19 shall submit its reports to committee, through the Secretary General of the United Nations within one year .Since Pakistan has submitted its report in ordinate delay ,hence the reports come and will be dealt with according to the mechanism of Universal Periodic Review jurisdiction of UN. Precisely, therefore this forum has jurisdiction to ask Pakistan to implement its commitment made in 2012 UPR and to enshrine the International Convention for the protection of All Persons from Enforced Disappearance in its criminal jurisprudence justice system.

<http://www.dawn.com/news/1309275/world-focus-on-disappearances>

43.That there may be in a particular case, a prisoner or accused person has got a relief but general public have been deprived from their constitutional and legal rights which are enshrined in constitution and law due to implementation. Crucial example is of BNM leaders from a lawyer´s chamber just after attending the case before Anti-Terrorism Court in Turbat on 03 April 2009.They were sitting in their lawyer´s law chamber where security forces at gun point abducted the 3 leaders. The lawyer rushed to Police station to register an FIR against them but police were reluctant to register it, then he filed an application under section 491 of the Code of Criminal Procedure before Additional Session Judge Turbat and the application was not entertained on the pretext that the court has no Heabus Corpus jurisdiction. For the purpose of perusal, a relevant link has been herewith attached below.

<http://www.idhae.org/uk-page4.1.asia.pak15.htm>

44. That it may be in a special case but where there the perpetrators are omnipotent or powerful, it will be difficult for commoner of Pakistan to get relief. Therefore paragraph 44 is incorrect.

45.It is incorrect.

46. That there is law, but are not being implemented, just on 08.01.2017, the security forces have arbitrary arrested more than 100 people including women and children in Jafarabad District in Balochistan. It is also worthwhile to state here that before two weeks from Bolan Baluchistan many women were arbitrary arrested, which negates the instance of government report, rather the misdeed of security forces in abduction of women come within the ambit of sex-slavery, which is a clear crime against humanity.

47. That without prejudice exaggeration, we have to say that there are approximately 20000 thousand innocent citizens that are in illegal custody of security forces in Baluchistan without any specific charges. In District Khuzdar, a mass grave was discovered, more than hundred dead bodies were recovered, the relatives of missing persons understand these were the bodies of the missing person who have been custodial killed, which reveals the atrocities of law enforcement agencies rather security forces.

Relevant link about the missing person 2016 is mentioned below:

<https://balochhumanrights.org/?page_id=340>

48. That it is correct the referred article of constitution is related to due process and fair trial and we also concur that with referred to sections 177 to 365 Cr.PC, but tragedy with us is that the relevant law is not been properly implemented. Then how one prudent mind can imagine the torture to be prevented. Therefore torture is an entrenched culture in Pakistan.

49. That these issues have already been discussed.

50. That so far Prison Act of 1894 and Prisoners Act 1900 are concerned, they are there but the situation of jails in Pakistan are not satisfactory. It is also correct that there is a Pakistan Prisons Rules1978 also known as “Jail Manual “and in this context to refer Benazir Bhutto case, who was a popular leader of Pakistan. Our government should be honest and transparent to tell the committee of what is happening in rural and country side inhabitants of Pakistan in Jail.

51. It is correct that the police have not vested with right to eliminate any person, the police are practicing in such a manner that there are bulk of cases where the police have taken away the lives of innocent persons during investigation and police custody. This shows the highhandedness and excess of the police in Pakistan. The textbook example is the killing of Aftab Ahmed as mentioned before as well. So far the causing of death in encounter is concerned, there are many custodial killings in Baluchistan and the enforcement law agencies, which show that they were killed in the encounter, which is a flagrant violation of constitution of Pakistan and law, as well as the Article of CAT.

52. So far the mandate of the inspectorate has categorized in 4Cs. There are thousands of missing persons and their whereabouts are unknown. The inmates are the people who are in illegal custody of law enforcement agencies. They have not been properly taken care of. Their accommodation, health and other amenities are unknown. The few who have been released by security forces, they have been badly beaten and tortured, they were not provided with the basic needs. It would be relevant to mention here that there are 2 kinds of jails in Pakistan namely regular and irregular lockups and jails. The regular jail and lockups are being supervised by provincial government and there is to some extend motivation for inmates through ethical moral and vocational teaching. On the contrary, those in irregular jails and lockups under the custody of security forces, no cure or care is provided, rather they have been badly tortured in an inhuman manner.

53. The system of prisons and living condition of the inmates are not in line with international standard and practice, rather the conditions are miserable.

54. It is an established mechanism and therefore not disputed.

55. It is correct that there must be jail committee in each district, but practically it has been constituted a few committees, which are not properly functioning.

56. Partially correct.

57.So far physical injuries of inmates are concerned during their investigation, the inmates are too afraid of pointing out the offender, due to high handedness and accesses of staff, however medical staff is available for their treatment, but not ready to give certificates to inmates against the jail staff.

58. It is not disputed.

59. Unfortunately, in Pakistan the women prisoners are not safe and there are serious allegations against jail staff for women rape.

60. It is correct that there is specific space for women and juvenile inmates, but they have been supervised by jailers who are mostly men, therefore there are allegations of inappropriate behavior against women and even women being raped.

61. It is incorrect that there are mostly women assistant superintendent, rather they are men, especially in rural regions, run the affairs of women prison under the direct control of superintendent prison.

62. It is not disputed.

63. It is not disputed.

64. It is not disputed.

65. It is correct that under section 399 of the Cr.PC that provides that the youthful offenders instead of being in criminal jails, may be confined in reformatories. The reformatories are not established by the provincial government where they can be given suitable education and occasional training.

66. It is not disputed.

67. It is partially correct.

68. It is not disputed.

69. It is correct.

**Article 3: Non-refoulement**

70. It is incorrect, Pakistan has violated Article 3 of CAT in cancellation and extradition of Sharbat Bibi, who was an Afghan citizen.

71. No comments

72. No comments

73. No comments

74. No comments

**Article 4: Torture as a Criminal Offence**

75. So far as criminal offences are concerned, in latterly they have been criminalized, but implementation is questionable due to police corruption and nepotism in Pakistan where it is a common practice that the vulnerable people cannot register a case against the offender without giving illegal gratification to the officer of police station.

76. The comments and reply of paragraph 76 in one way or other is related to paragraph 75, therefore the comments and reply of 75 to be treated as reply to 76 also.

77. So far provision of various statute and law are concerned, they are there, but the vulnerable people of Pakistan has no access to police station and to knock the door of court for justice due to corruption and expensiveness of litigation.

78. No comments.

79. There is no effective legal mechanism in Pakistan to prevent Torture, Custodial Death and Custodial Rape. There are thousands of cases, which have been custodial killed in Balochistan and tortured and the perpetrators have not been brought to justice yet.

**Article 5: Jurisdiction**

80. It is incorrect. Unfortunately, in territorial jurisdiction of Pakistan, in majority of the province except Punjab, the fundamental rights are enshrined in Chapter 1 of Pakistan constitution, which are not being enforced and rather suspended for example if a person was enforced disappeared, his/her relatives go to police to register a complaint against the security forces for abducting their beloved ones, but the police is reluctant to register a criminal case as well as the victim´s relatives knock the door of high courts and the courts are also helpless in providing relief to the victims .Whereas the court being the custodian of the Constitution must jealously safeguard the right of citizen constitutionally.

81. The comments of paragraph 80 to be parts and parcel paragraph 81 as well.

82. No comments.

83. No comments.

84. No comments.

**Article 6: Detention Preliminary Inquiry in Case of Extradition**

85. No comment.

86. No comments.

87. No comments.

**Article 7: Prosecution of Individual, not Extradited**

88. It is correct that the constitution contains several provision that secure the right to a fair trial, but implementation is questionable. Pakistan has been seriously violating Article 9 Article 10 and 10A in respect of enforced disappearance of Salman Haider on 06-01-2017. Relevant link is mentioned below from a well-known newspaper namely The Guardian.

<https://www.theguardian.com/world/2017/jan/10/pakistan-military-critics-dissapearances-dissent-crackdown?CMP=share_btn_fb>

89.No comments.

90. It is vehemently refuted due to non-compliance of statute, law and corruption.

**Article 8: Extraditable Offences**

91. No comments.

92. No comments.

93. No comments.

94. No comments.

95. No comments.

96. No comments.

**Article 9: Mutual Legal Assistance**

97. No comments.

98. No comments

99. No comments.

100. No comments.

**Article 10: Education and Information Regarding Prohibition of Torture**

101. So far paragraph 101 is concerned, to extent of law, it is correct, but the gist of Article 10(I) is that each state party shall ensure that education and information regarding the prohibition against torture or fully included in the training of law enforcement personnel, civil or military, medical personnel public official and another person. Without to prejudice the clusters of Article 10(I) is missing by the hands of law enforcement personnel (police official and armed official).

102. That there has been established National Police Academy but its branches have not been established District or Division wise, due to lack of capacity building and training the police has not been equipped with modern devices .

103.no comments.

104.It is correct; to the extend the Panjab Code of Conduct for Panjab Police Officers. The reports are silent in respect of other three provinces. It would be relevant to mention here that the behavior of Panjab Police is very negative generally speaking is that there is in Panjab state within state or police state. In Pakistan the police handle the law according to the suit will of politician or use law for their person gains, precisely reason, there is no good governance and no rule of law in Pakistan.

105.Tragedy with us is that the institutions are not running according to prescribed rules and regulations, the root cause of all menace prevailing in Pakistan is that there is no rule of law, the law must afford adequate protection of fundamental human rights and dignity. In our country Constitution, Laws and International Conventions are not living instruments, rather the law enforcers and enforce the law for their personal interests and gains in the shape of corruption or discretionary policy which has been formulated at the sweet will of politicians.

106. That it is incorrect by virtue of The Police Order 2002, there was a transformed of the police culture from a `force` to a `service`. Rather the status que of the Great British colonial legacy is sustained. Police is not friendly due to non-compliance of law and lack of accountability, corruption and defective policy of politicians.

107. No comments.

108.In Pakistan 3rd degree exercise of investigation is common, physical remand means in Pakistan the police are legally entitle to beat and torture the accused person in police custody and to extract evidence or create fears in the mind of accused so that he bribes the investigating officers.

**Article 11: Interrogation Rules and Methods.**

108.It is exactly correct under art.14(2) of the Constitution the use of torture for purposes of extract evidence is prohibited, but what is happing in ground reality. The case of Nuaman is notable example.

http://tribune.com.pk/story/370212/third-degree/

109.Unfortunately the law enforcement in Pakistan unbridled, in Pakistan history perpetrator has not been brought to justice, there is culture of impunity because they are not accountable to their misdeed. Therefore, paragraph 109 is incorrect.

110.Law is there, but the crying of vulnerable people are or were that the implementation has not been taken place.

111.No comments

112.No comments

113. No comments

114.The condition of children and women is far worse than expectation. No education facility for children. The women are treated beyond the law and threatened by the jail authorities. Overcrowding almost is a solo big problem in jail system in Pakistan. Ultimately, minor offenders are easy to be indulged in the drug addiction. Meanwhile negligence or, oversight, on the part of jail staff leaves inmates, particularly the younger ones at the mercy of sexual predators. The inhuman and degrading treatment caused overcrowding corruption and nepotism in Pakistan, which has undermined the minimum standard prescribed under international instruments confirms the fundamental human rights.

**Article 12: Prompt and Impartial Investigation**

115. It is an admission of the government of Pakistan, which reveals the atrocity of the law enforcement agency.The One-million-dollar question is that the accused had suffered agony through inquiry and investigation for a period of six years. Why the court has not punished the concerned authorities? Why the accused person was not compensated according to law? Why the investigating agencies were not asked about the precious period the accused spent without any fault on his part due to mala fide acts of them, there was no framed charges against the perpetrators. Whereas in report in various paragraph there is reference constitution and law if the law enforcers violate the law the perpetrators would be brought to justice. It is a crucial example.

116.It is categorically denied.  Whether the in paragraph

 the honorable Sindh High Court had taken any measure against the perpetrators, or the higher authorities has taken any departmental disciplinary action, no not at all.

117.No comments

118.No comment.

119.It is incorrect. There are thousands of innocent citizens who are in illegal custody of law enforcement officers, rather security forces, their whereabouts are unknown. The textbook example is the abduction of Salman Haider and 3 other activists. The reason for their enforced disappearance is that they rose their voice against China Pakistan Economic Corridor (CEPEC) and rose voice for the missing persons of Balochistan. They have not been provided the opportunity to consult lawyers and meet their family, which are provided in Article 10(I) of the constitution, whereas it is also mandatory that one person was arrested and he must be informed about his/her arrest and within 24 hours he/she must be produced before a competent court. As we observe, there are innocent citizens of Pakistan who are under the illegal custody of security forces and who have not been produced within 2-3 years. Rather they have been killed in the name of fake encounter and custodial killing.

120. No comments.

121. As we already have discussed about children and women miserable condition in prisons in paragraph 114.

**Article 13: Right of Complaint**

122. It is correct that in constitution and criminal Cr.PC, there are provision in non-cognizable offence where any person can file a complaint or non-cognizable offence, he/she can register a first information report to a police station, but without illegal gratification and bribe, neither magistrate register complaint nor police register any FIR.

123. It is impossible that a common person can file or bring a complaint against a government servant due to fear and highhandedness where a commoner neither have the courage nor can he bear the expenses to file a complaint against the government servants.

124. The function of justice office is very poor and not satisfactory. Due to deficit of trust in the judicial system of Pakistan, an aggrieved person doesn’t trust his grievances to be redressed.

125. The police order of 2002 has not been practically implemented.

126. It is pertinent to mention here that in one hand the government is once again after clause of sunset of military court on 06-01-2017 and have been preparing and manipulating all parties to further give the power to military court, precisely the reasons are that in the normal courts, the witnesses and prosecution witnesses are not protected and on other hand, in this paragraph claiming that under section 21 ATA provides that special court may give orders regarding the protection of witness, it is the plea of government which is self-contradictory.

127. Although the province Sindh has passed a witness protection act in 2013, but the other provinces and Fata territory, the same mechanism is not available therefore, the protection and security of prosecution witnesses in Pakistan is critical.

**Article 14: Right of Redress, Fair and Adequate Compensation and Rehabilitation**

128. It is incorrect that there is a workable mechanism in Pakistan, which provides compensation, rehabilitation or redress the grievances of someone who has been tortured.

129. No comments.

130. No comments.

131. Very rarely.

132. There is no such effective mechanism, which can take measure against police´s highhandedness, a magistrate is also lukewarm to lodge against the highhandedness, accesses and torture committed by the enforcement agencies including the police.

133. No comments.

**Article 15: Statement obtained as a Result of Torture**

134. So far law is concerned, it is correct, but there is no remedial implementation and disciplinary actions against the perpetrators.

135. It is correct. No comments.

136. No comments.

137. Not being implemented at all.

138. No comments.

139. No comments.

140. No comments.

141. It is the need of our each and every district that the government should establish forensic labs so that the investigating authority utilize the modern tools and technology, but unfortunately, there are insufficient forensic labs for this purpose, which is mandatory.

**Article 16: Acts of Other Cruel, Inhuman or Degrading Treatment or Punishment**

142. No comments

143. Partially correct.

144. So far the standing law is concerned, it is correct, but cruel, inhuman and degrading treatment or punishment is order of the day with accused persons who are under investigation in police or security forces custody. The condition of women is far worse than expected. Women are treated behind the law and threatened by the jail authority.

145. No comments.

146. Conclusively, due to lack of implementation of Constitution, law and international instruments, the state has failed to protect the citizens from the prevailing highhandedness, accesses, impunity and atrocity of law enforcement agencies, police officials or armed officers. In this age of human right and enlightenment, the fundamental rights of the citizens of Pakistan are being infringed due to lack of accountability , rule of law, transparency, good governance, nepotism and corruption.