



**COMMITTEE
FOR THE
WELFARE OF
PRISONERS**



**JULY-SEPTEMBER 2019
ISSUE NO. 01**

NEWSLETTER

MR. NUSRAT MANGAN

MESSAGE FROM THE INSPECTOR GENERAL, PRISONS



The Prisons Department, Government of Sindh and the Committee for the Welfare of Prisoners – Legal Aid Office (CWP-LAO) have worked together for 15 years. This fruitful collaboration has contributed to decongesting prisons across Sindh through the provision of free legal aid to those most vulnerable in the criminal justice system. In addition to free legal aid to women, juveniles, and adult males, CWP-LAO also works for the welfare of prisoners, the improvement of prison living conditions, and policy reform in close collaboration with the government. Our central goal is to reach every individual, who is confined in Prisons and in need of legal assistance, reformation and rehabilitation. We do so by aiming to prevent future crime and giving them the tools necessary to take better control of their lives in a sustainable way. The Prisons Department is proud to collaborate with the CWP-LAO to achieve these goals and looks forward to this continued partnership thriving in the future.

KASHMIR DAY CELEBRATIONS

CWP-LAO celebrated 72 years of Independence with the resident children in the Early Learning Centre of the Hyderabad Women's Prison. To rejoice and celebrate, the children displayed their artwork and drawings and sang patriotic songs. The occasion was also used to focus on the importance of showing solidarity with Kashmiris and to express support with Kashmiri brethren in their just struggle for self-determination. The celebration concluded with a cake-cutting ceremony with the children and some of the prison staff.



EDITORIAL

CHAIRPERSON, COMMITTEE FOR THE WELFARE OF PRISONERS - LEGAL AID OFFICE

Committee for the Welfare of Prisoners - Legal Aid Office (CWP-LAO) has been a pioneer in facilitating legal aid and representation to underprivileged under trial prisoners in the province of Sindh. I was appointed as its Chairperson, after my retirement from Supreme Court of Pakistan, for this ambitious endeavor and embarked upon the journey by setting up in 2004, the LAO project, with my wife, Dr. Farhat Zahid.

Since 15 years of operations, the LAO has, under the auspices of the committee, grown from a presence in one prison facility to providing legal aid in 25 prisons across Sindh (including women, juveniles and adult males).

It has indeed been a memorable journey of piloting new and old ideas. Due to the efforts and dedication of our team, CWP-LAO has not only helped in providing speedy justice to underprivileged individuals but has also streamlined procedures and improved conditions of the jails and worked for the welfare of prisoners and children living with their mothers in prisons.

The success of CWP-LAO is due to the dedicated lawyers and its staff which makes the organization function in the best possible way. My vision and its implementation is solely based on the full-time dedication of the staff.

The main objective of the CWP-LAO is to improve access to justice for prisoners and is built around the belief that free legal aid is a fundamental right, as well as the right to fair trial and representation before the court. The Committee is a successful example of a public-private partnership in Sindh.

Over these years, we have been supported by the Government of Sindh. Throughout the journey, there have been periods of shrinkages in operation due to funding uncertainties. Nevertheless, CWP-LAO has stayed operational and has only grown stronger with every challenge faced. CWP-LAO work is not only confined to providing legal aid to prisoners but it also works with Government of Sindh by providing them with our legal expertise in reviewing laws, rules, regulations and policies relating to prisoners and prisons, and further, repeal, amendment or new legislation, if needed. CWP has most notably made vital contributions towards the revision of the prison law in Sindh and is working on drafting the prison rules.

My message to the young public defenders in the



field is that you are working with individuals who are facing criminal accusations that may lead to years of imprisonment. Your job as a public defender is to guide your clients through the legal maze that we call the criminal justice system. The attribute of a good lawyer is to protect and defend his or her client in accordance with law and justice. Lastly, one should always uphold and defend human rights and fundamental freedoms recognized by national and international laws.

My late father, Mr. Zahid Husain, first Governor of State Bank of Pakistan, had always taught us siblings three words to live by in life, i.e. hard work, hard work and hard work. If you want to succeed in anything in life, may it be career or in general, hard work is always the baseline of great achievements. You may rise slowly, but you are sure to succeed.



A GLIMPSE OF LAO-CWP ACTIVITIES THIS QUARTER

PRISON PARALEGAL PROGRAM

Our experience shows that most individuals come to prison with little to no legal knowledge about the crimes they are accused of committing, bail application procedures, punishments if convicted, and the daily administration of prisons. CWP-LAO's Prison Paralegal Program, conceived in 2014, fills this gap. The program's goal is to create a sustainable mechanism that would legally empower all new prison inmates with knowledge of their basic rights and entitlements. Convicts in prison ("prison paralegals") are therefore trained by CWP-LAO advocates in substantive areas of the law, including criminal law, prison rules, fundamental rights, criminal trial process, as well as other relevant civil laws such as property law and family law. The paralegals are then equipped with the knowledge and skills needed to assist incoming inmates, educating them, and making them aware of their rights.

From July 2019 to September 2019, prison paralegals have provided legal information to 626 fellow inmates

In sessions that are supervised by CWP-LAO advocates. The programme is currently operational in the Women's Prison in Karachi, and the Central Prisons in Karachi, Hyderabad, and Sukkur. For their service to the prison community, paralegals are rewarded with remissions and also a sense of purpose and fulfillment. Incoming prisoners benefit, as well, by having access to readily available resource to provide them with basic legal information.

PRISON PARALEGAL MARIAM HELPS CONVICT OBTAIN B-FORM FOR HER SON

A single mother sentenced to life imprisonment faced multiple denials of her son's birth certificate (B-Form) because she was not able to physically appear before NADRA. The absence of a B-Form prevented him from continuing his education. Paralegal Mariam took it upon herself to facilitate a resolution to the problem. In collaboration with



CWP-LAO and prison officials, a special request was submitted to NADRA and ultimately, the convict mother's data was taken from the Women's Prison directly to resolve the issue.

LEGAL AID AND ADVISORY CAMPS

Our team of experienced advocates organize Legal Aid and Advisory Camps across prisons as a means of providing specialized legal information to inmates and assessing whether they require legal representation in court, or legal assistance of any other kind. This quarter, CWP organized

23 camps in 23 prisons which were attended by 651 inmates.



The team of advocates conducted sessions on topics of the constitution, fundamental rights, criminal law, criminal procedure, family law, inheritance, probation and parole and cyber-crime.

SHAHZAMAN PANHWAR

PARVEEN

When CWP-LAO took on Parveen's case, she had been incarcerated for six years in the Women's Prison in Karachi on charges of a murder she did not commit. Parveen came from a poor family of eight siblings and was married off to a man twenty years her senior when she was herself twenty years old. Her husband already had four children from a deceased wife, and Parveen became a mother overnight to all four children, and she later gave birth to a daughter. Her husband was killed and after that, her step-children forced her to marry again. When Parveen attempted to assert her rights to her deceased husband's assets, her step-children became belligerent and falsely implicated her in their father's murder. Parveen had hired a private advocate but her case was delayed and justice was denied due to his apathy and incompetence.

She was beginning to lose hope of ever leaving prison when other inmates recommended CWP-LAO's advocate, Ms. Noor-ul-Sabah. Ms. Sabah took Parveen's case and aggressively pursued her rights in court. Based on her zealous representation, the judge recognized that the charges against Parveen were false and acquitted Parveen, who was finally able to leave prison and be reunited with her family again.



Advocate Noor-ul-Sabah

SAIMA

Saima is a thirty one year old woman implicated in a murder she says she did not commit. She was pregnant with her seventh child and had been in jail for six months when a CWP-LAO advocate took on her case. Saima is from Sahiwal and worked as a maid for a meagre monthly wage of Rs.5000 prior to arrest. She was married to her cousin at the age of fifteen to a man who earned a similarly low daily wage. Neither she nor her husband could afford legal assistance, so she was languishing in jail while being nine months pregnant and due to deliver at any moment. Her physical and mental health was affected by this, and the fact that she would worry constantly about her other children who she missed and longed to see. After engaging CWP-LAO advocate, Ms. Noor-ul Sabah, her was

bail application allowed in the sum of Rs. 100,000. Ms. Sabah successfully filed a bail reduction application and the amount was reduced to Rs. 50,000. Justice Nasir Azlam Zahid took extra efforts to expedite the provision of this amount to ensure Saima's release. Within 2 days of the announcement of the reduction, she was able to leave prison. She has now safely delivered her baby, and is regularly appearing for her hearings.



Advocate Zaheer Ahmed Bhatti

FINANCIAL ASSISTANCE FOR AHMAD

Ahmad, a twenty-six-year-old had been jailed in Dadu's District Prison for two-and-a-half years. He was convicted for causing hurt/injury and in a typical example of how the criminal justice system discriminates against the poor, Ahmed was ordered to pay an amount of Rs. 100,000 as compensation, barring which he would have to spend another three years in prison. Ahmed comes from an impoverished background and was unable to furnish this amount. CWP-LAO conducted a background check and placed this amount with the court in order to secure Ahmad's release. Having served his sentence, he has now been reunited with his family and is living a law-abiding life. Advocate Mr. Zaheer Ahmed Bhatti played a leading role in his release.



Advocate Shahid Hussain Bangwar

RAHEEM

Fifty-year-old Raheem was arrested for possession of an unlicensed weapon. He was sent to the Malir District Prison in Karachi which houses more than 4,000 adult male prisoners. LAO-Advocate Mr. Shahid Hussain Bangwar successfully filed a bail application which was granted with the sum of Rs. 30,000 as surety. Raheem could not afford this amount, and he was also severely medically unfit and suffering from diabetes. The CWP-LAO advocate effectively pursued the case and managed to have non-bailable arrest warrants issued against all witnesses. He examined the witnesses from the prosecution side and on the same date the statement of accused was recorded and final arguments were heard. As a result, Raheem was acquitted and has been able to return home to his loved ones who can tend to him now.

MODEL COURTS EXPEDITING JUSTICE FOR JUVENILES

Faraz a juvenile under the age of 15, was arrested for drug possession and confined in the juvenile jail, Karachi. The case was clearly fabricated and had no merit. The case delayed for around two months because of numerous judicial transfers, however, CWP-LAO advocate, Mr. Waqar Mallah, was able to proceed with it when it reached the model courts, after which the case proceeded on a daily basis. All prosecution witnesses were examined in one day and the statement of the accused was recorded within 2 days. On the basis of this expedited trial and the efforts of Mr. Mallah, Faraz was acquitted and the case disposed of within 15 days in the model court.



Advocate Waqar Mallah



Advocate Faisal Siddiqi

HASEENA SALEEM

Haseena, a sixty four years old woman, was incarcerated for four years in the Women's Prison in Karachi when she reached out to the CWP-LAO for legal assistance after her appeals before both the High Court and Supreme Court were rejected. She was a widower, raising two daughters and caring for her sight impaired brother through working in a garment factory where she earned 8,000 rupees a month. Life was very hard but she and her daughters lived with dignity. She was falsely accused by her neighbours when her daughter turned down a marriage proposal from their side. She was travelling in a public bus from Karachi to Sukkur for medical treatment when the bus was stopped by the excise police officials for random patrolling and checks. The FIR that was registered narrated that 4 packets of "Charas" were recovered from Haseena's hand bag which she vehemently denied. She claimed that she was

framed due to the ensuing animosity between her neighbours and her family. In the end, she was convicted and imprisoned with a sentence of 8 years and a fine of 70,000 rupees.

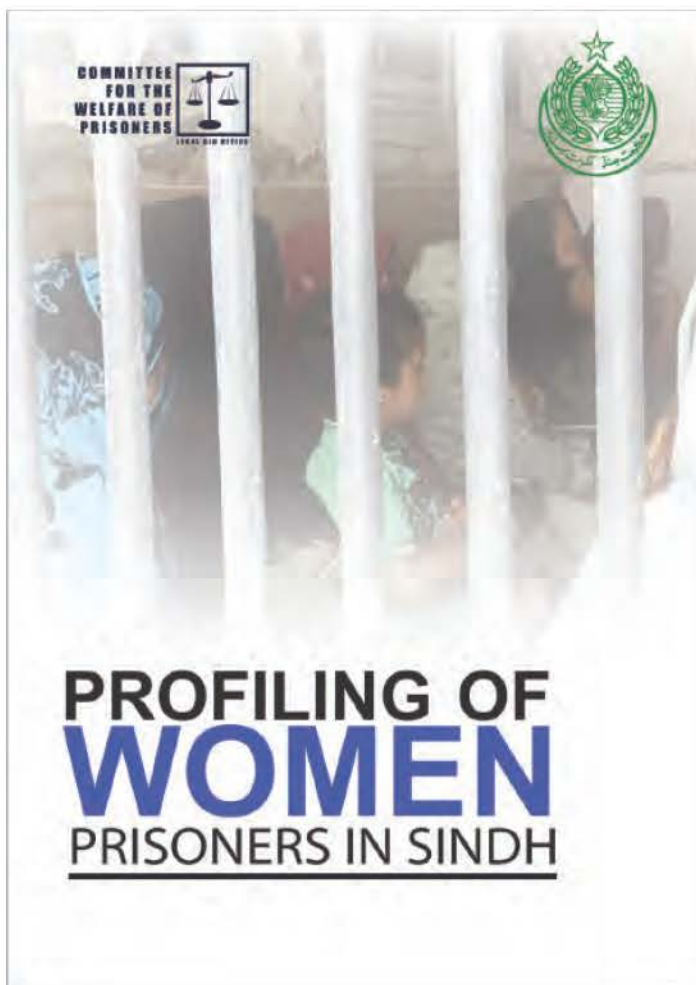
After being imprisoned, her daughters were unable to afford even the meagre cost of visiting their mother in prison for the past four years. She had not laid eyes on her daughters despite the fact that she was incarcerated in a prison in the same city where they live. Haseena worried for their safety and was constantly wondering about their wellbeing.

After her appeals to the High Court and Supreme Court were both rejected she requested the CWP –LAO to assist her in her final review petition before the Supreme Court. The CWP-LAO referred the case to its pro-bono referral partner, Mr. Faisal Siddiqi, a well-known advocate known for his commitment to human rights and public interest litigation. He represented Haseena in Islamabad before the Supreme Court and was successful in the review petition. Haseena is now back with her daughters and brother.

RESEARCH AND ADVOCACY

Part of CWP-LAO's mandate is to assist Government policy-making through empirical research studies that highlight gaps in the criminal justice system. This past year, CWP-LAO undertook an in-depth profiling of the women prison population in Sindh to provide the government and other stakeholders with insight into the socio-demographics of this population and crime patterns. The study revealed interesting patterns and trends, and can be accessed on the LAO website at:

<https://www.lao.org.pk/wp-content/uploads/2019/08/Profiling-of-Women-Prisoners-in-Sindh-by-CWP-LAO.pdf>



LITIGATION SUCCESSES

This quarter, our team of dedicated advocates represented **2,802** clients who would have been otherwise unable to afford legal representation; disposed of **2,531** cases of which **654** were acquittals. In addition, **895** individuals were released on bail.



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