



**LEGAL
AID
OFFICE**



**COMMITTEE FOR THE WELFARE OF PRISONERS
- LEGAL AID OFFICE (CWP-LAO)**

ANNUAL PROGRESS REPORT

**1ST JULY 2017 TO
30TH JUNE 2018**



This report is published by the

Committee for the Welfare of Prisoners - Legal Aid Office (CWP-LAO)

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EXECUTIVE SUMMARY

The Committee for Welfare of Prisoners is a government founded not for profit Committee that operates under the Chairpersonship of Justice Nasir Aslam Zahid. The Committee's work is undertaken under the Legal Aid Office project (CWP-LAO). Its primary objectives include: to provide free legal aid and representation to underprivileged prisoners, especially women and juveniles across Sindh; to work for the welfare of prisoners and improve prison living conditions; and recommend policy reforms to support Sindh's criminal justice system and to reduce the burden on and de-congest the overcrowded and under-resourced prison system.

The CWP-LAO is funded by the Women Development Department (WDD), Government of Sindh for provision of legal aid and rehabilitation services to four juvenile prisons and four women prisons across Sindh; and by the Home Department, Government of Sindh for provision of legal aid and services to twelve adult male prisons across Sindh.

During the project cycle from 1st July 2017– 30th June 2018, CWP- LAO team has fulfilled all of its targets and has had the following successes:

- 807 legal aid clinics were conducted (achieving 161 % of its annual target).
- 2,571 interviews were conducted with inmates, including the provision of on the spot legal advice (achieving 168% of its annual target).
- 1,456 Vakalatnamas were signed and filed in courts (Achieving 146 % of its annual target).
- 441 bail orders were granted to inmates.
- 1,339 cases were disposed of (achieving 268 % of its annual target).
- 6 prisoners were provided with surety amounts.
- 2 free legal advisory camps were organized for old age/senior citizen prisoners and young prisoners between the ages of 18-20 years in Central Prison Karachi and District Prison Malir-Karachi respectively.
- CWP-LAO organized a four-day Training of Trainers (ToT) on the "Paralegal Program" for CWP-LAO staff. In the second phase of the Prison Paralegal Trainings, 78 convicted inmates were trained as paralegals in Central Prison Karachi, Hyderabad and Sukkur. The certified paralegal graduates have also started legal awareness sessions with new UTPs.
- Paralegal Certificates Award Ceremony events were organized in Central Prison Karachi, Hyderabad and Sukkur, through which 78 successful participants of the "Paralegal Graduate Course" were awarded with certificates.

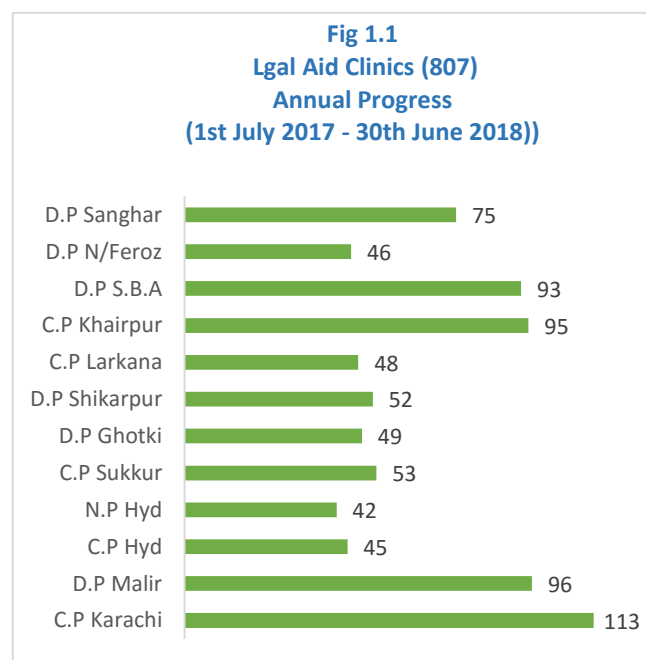
- IEC material for prisoners and their rights was developed and published and distributed in 12 adult male prisons of Sindh.
- Paralegal Baseline Survey was conducted in Central Prisons Karachi, Hyderabad and Sukkur to assess the legal knowledge of intended trainees of the paralegal sessions, to allow for assessment in the next project cycle.
- A research study on Rehabilitation Programmes in Prisons in Sindh has been conducted and will be shared with CWP within this month.
- The data collection of **Prison Condition's Survey** of 20 prisons was completed in which all 12 adult male prisons where CWP-LAO has a presence were covered. This data has been analysed and shared with the CWP at its 3rd Quarterly Meeting. IG Prisons has followed up individually with each prison on good practices and gaps identified.

LEGAL AID

Prisoners are provided legal aid, services and facilitation through the activities of legal aid clinics; conducting interviews of inmates; provision of free legal advice; provision of free legal representations in courts; and provision of surety amount for underprivileged prisoners.

Legal Aid Clinics

Legal Aid Clinics are held regularly in the prisons for Under Trial Prisoners (UTPs). The objective of legal aid clinics is to provide an introduction to the basic legal information required by the UTPs and to introduce CWP-LAO's free legal services for poor and underprivileged inmates if any of them wish to use their services. The clinics are organized twice a week with new and old UTPs at 12 male adult prisons of Sindh. During the project cycle of reporting year (July, 2017 - June, 2018), CWP-LAO team of advocates organized a total of 807 clinics (achieving 161% of the annual target) (Fig. 1.1).



Free Legal Aid Services

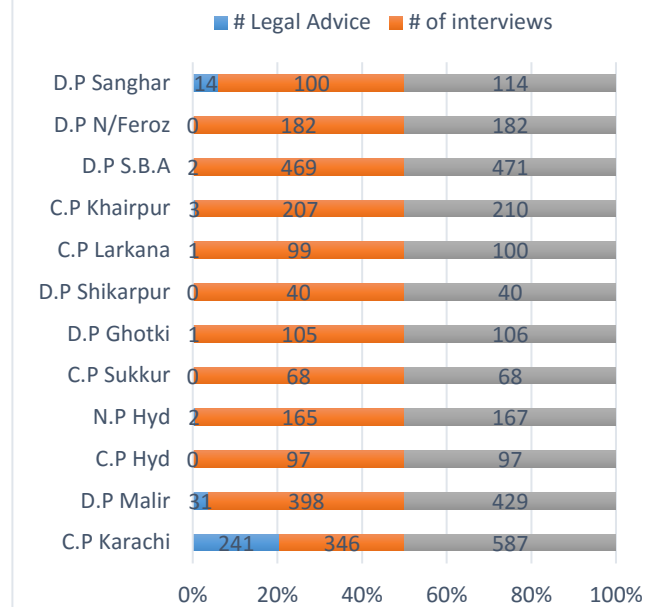
The CWP-LAO advocates provide two kinds of free legal aid services: legal advice and legal representation. The advocates take up cases of prisoners who approach them for their services and represent them in the court. Thereafter, they provide regular updates to prisoners on their individual cases. They also ensure the prisoners are aware of laws, procedures and other legal information relevant to their cases to allow for prisoners to be more empowered and so that they are able to take more informed decisions on their cases.

CWP-LAO lawyers also conduct Legal Aid Clinics and interviews with new UTPs and discussions with other prisoners to provide them on the spot legal advice or provide them legal information advice at a later stage.



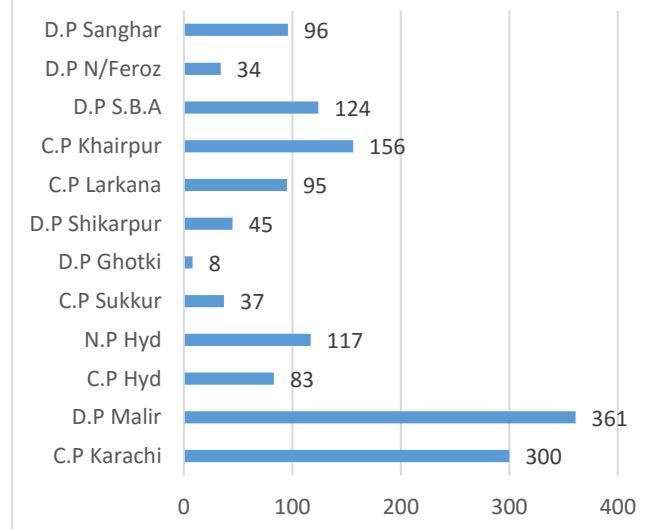
During the project cycle CWP - LAO advocates conducted a total of 2,571 interviews (achieved 168 % of the annual target). CWP-LAO advocates represented and filed a total of 1,456 (Fig 1.2) inmate's

Fig 1.2
(2276) Interviews and (295) Free Lgal Advice
(2571)
Annual Progress
(1st July 2017 - 30th June 2018)



Vakalatnamas (achieving 146 % of the annual target) in courts during the project cycle. (Fig.13)

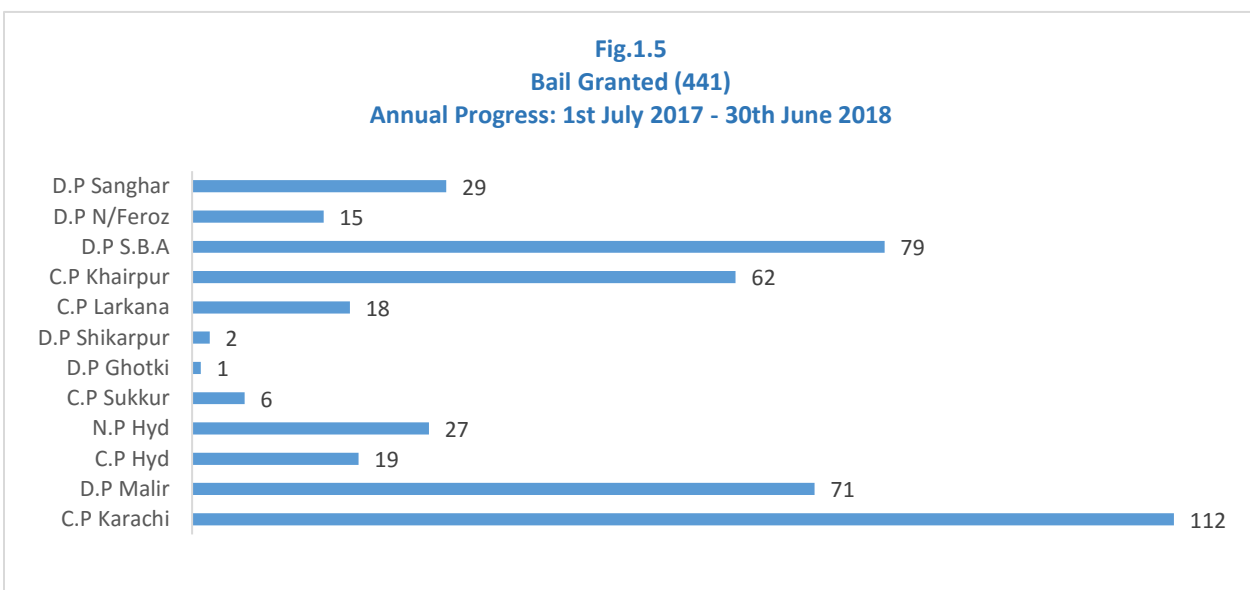
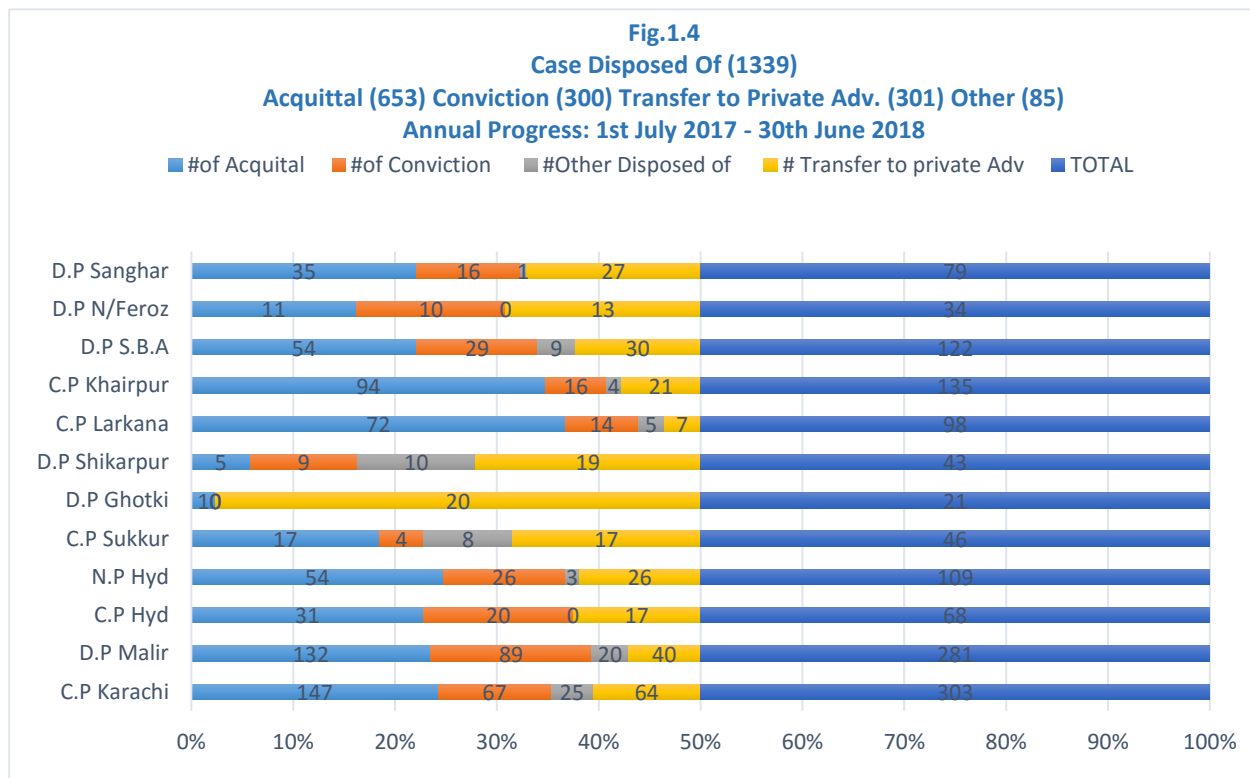
Fig.1.3
Cases Represented in Courts (1456)
Annual Progress
(1st July 2017 - 30th July 2018)



Resolution of Cases

CWP - LAO advocates had the following successes during the project cycle: 1,339 (268 % of the annual target) cases were disposed of (Fig 1.4) out of which, 653 cases (49%) were acquittals on merit; 300 (22%) were convictions on merit or by pleas of guilt; and 301(23%) cases were

transferred to private advocates and 85 cases (06%) were disposed of on other grounds (proceedings were stopped, cases were compromised, probation, Vakalatnama withdrawn, accused absconded); 441 bail applications were granted to inmates (Fig.1.5).



Success Story: Disposal of Criminal Case in 3 Months

Moharam was a UTP at the Special Prison Nara, Hyderabad. He was arrested from his village Basher Brohi. He stated that the police had created a false case against him and his co-accused Manthar. Due to his poor economic condition and inability to hire a private advocate, CWP-LAO took up his case.

The CWP-LAO lawyer, Muhammad Aamir Qureshi took the case to trial and during cross-examination of the complainant was able to confirm that the complainant was unable to support the version of events narrated in the FIR. Thus, the prosecution was unable to prove the case against Moharam. The case was dismissed and Moharam was acquitted and released. The entire case took 3 months from the period of filing the Vaqalatnama, which is an achievement in the congested court, notorious for delays.

Success Story: Return of a Prisoner to India

Jitendra, an Indian national was of approximately 15 years of age when he accidentally crossed the Pakistan-India border in 2013. He was arrested by the Pakistani Rangers on August 12, 2013. He was kept in Hyderabad jail after being sentenced to a one-year imprisonment by the court and shifted to Karachi on completing his jail term in 2014. However, he was not released due to lapses in the process of his identification from the Indian Government.

CWP-LAO came across Jitendra during its Free Legal Advisory Camp in District Prison, Malir four years after his sentence had ended. Jitendra, now a 19-year-old, is a patient of sickle cell anemia. Although he received monthly blood transfusions, he could not walk unassisted or speak properly.

CWP-LAO made contact with colleagues across the border, contacted the Indian High Commission in Pakistan and relevant Government authorities in Pakistan to try to speed up his identification process. After approaching all of these individuals and authorities, a successful identification was made and the go ahead to release and return Jitendra to India was given.

When CWP-LAO's Manager Litigation Advocate Mr. Altaf Khoso, told Jitendra that he was going home, he looked shocked and then happy. "We showed him a video of his mother. He recognized her. But when we told him that his father has passed away, he broke down," Jatindra told Executive Director, CWP-LAO and member of CWP Barrister Haya Zahid "Mujhe jaldi ghar bhej do (please send me home fast)," he murmured. CWP-LAO sought his release at the earliest possible and organized his travel expenses. He was seen off at Karachi airport by Justice Nasir Aslam Zahid, Chairperson CWP, then flown to Lahore, from where he was handed over to Indian authorities at Attari border. Jitendra finally reached his native village, Barghat, where he got a grand welcome from his community and his mother and sister.

CWP-LAO demonstrated that through persistence and good intentions, no challenges were unsurmountable in helping a young man. This has resulted in the invitation from India to Justice Nasir Aslam Zahid, Advocate Altaf Khoso and Barrister Haya Zahid to visit India later this year to meet with Pakistani prisoners in Indian jails to collaborate in working towards their release.

Free Legal Advisory Camps: CWP-LAO's team of advocates organized 02 Legal Aid Camps on a large scale for old age/senior citizen prisoners and young prisoners between the ages of 18-20 years in Central Prison Karachi and District prison Malir-

Karachi respectively. The beneficiaries of these camp were 42 UTPs and convicts (above 60 years old) in Central Prison Karachi; and 39 prisoners (between the ages of 18-20) at District Prison, Malir. Legal advice was provided and legal aid was given to those who needed it.

CAPACITY BUILDING

Prison Paralegal Programme

CWP-LAO recognizes that there is a lack of facility available for new UTPs and other prisoners to have access to regular and basic legal information. CWP-LAO also believes that enhancing the legal empowerment of prisoners and their welfare is a part of their rehabilitation process.

The Prison Paralegal Programme has responded to this gap by training convicts as paralegals, who assist in running information sessions in their prisons. The

pilot programme is being conducted in Women Prison, Karachi, and under Home Department funding in Central Prison Karachi, Central Prison Hyderabad and Central Prison Sukkur.

The primary intention of this is to create a sustainable mechanism of legal awareness within the prison through the training of convicts as paralegals. The convicts are provided training and resources for this purpose, and in turn are rewarded by remissions and the sense of purpose and fulfillment. For prisoners, there is a readily available resource within the prison to provide them basic legal information.

Paralegal Training of Trainers (TOT)

CWP-LAO successfully organized a four-day Training of Trainers (ToT) on the "Paralegal Program" for CWP-LAO staff. The ToT created 20 trainers who went on to provide training to prisoners in the chosen districts. The training provided the trainees with training skills and substantive knowledge on legal empowerment of prisoners on legal rights, remedies and procedure.

The sessions were based on modules developed for this training of: interactive learning methodology and understanding the purpose of legal empowerment. The entire training modules used a prescribed set of 8 lesson plans.

Prison Paralegal Trainings

Based on a pre-established criterion, interest and ability, convicts fulfilling the necessary qualifications to become potential paralegals were trained by CWP-LAO advocates in Central Prison Karachi, Central Prison Sukkur and Central Prison, Hyderabad. The legal awareness programme, through modules of eight training sessions i.e. a total of 16 hours, was conducted which included topics of constitution, fundamental rights, criminal law, criminal procedure, family law and inheritance, probation and parole. Every session was organized with role play

activities to understand case histories as well as skills on conducting exercises of interactive teaching among the participants.



Voices of the Convict Paralegals: Nadeem

I am Nadeem, a 40-year adult prisoner. Five years ago, I was arrested in a case under section 6/9C of the Control of Narcotics and Substances Act and am now I am a Prisoner in Central Prison Karachi. I hold an MBA from Punjab, Pakistan and before arrest, I was working as a small businessman in Punjab-Pakistan. In the initial days in the barrack of the Prison, I felt like I was in hell and could die. Luckily CWP-LAO selected me as a Prison Paralegal. This resulted in a major life change in my prison life and gave me greater purpose.

At first, I thought that I am a businessman not a paralegal, so this is not my work, but my thinking changed when I met Mr. Asim Khan, another convict who had been working as a paralegal for 3 years. He mobilized me and told me about the role and work of a prison paralegal. I was inspired and I was accepted this offer, realizing that it would help me develop into a successful prison community member.

When I attended the Prison Paralegal Training in paralegal room, I was inspired with the training methods and way of teaching. Now in prison, being a paralegal is a source of pride. Every prisoner and the prison official knows me and respects me and recognizes me as a respectable prison member and comes to me for help and advice.

This training changed the way of my prison life, now I was aware of my case and trial and conduct awareness sessions and provide support to new under trial prisoners. I can honestly say I am very proud of being a paralegal and getting basic legal knowledge and also giving awareness to others. Every Prisoner and Prison Official I come across tells me "I'm a role model for others".

The criterion for paralegals included the need to have a minimum education of middle level, must not be involved in heinous crimes, shall have conviction for up to 7 years and should be willing to carry out the program voluntarily.

Prison Paralegal Sessions

A total of 78 inmates were trained as Paralegals in the above-mentioned prisons. Following this training CWP-LAO organized another two-day training on interactive methods with paralegals who were selected to run Paralegal Sessions with other prisoners.

These paralegals conduct awareness sessions for all new entrants in to the prison. All new arrivals attend a 2-hour legal awareness session that covers fundamental rights, criminal trial and sentencing and prison rules. Paralegals also connect prison inmates with legal advice and legal aid providers and other state and non-state service providers.

Currently, these selected paralegals are engaged in organizing weekly session with old and new inmates at Central Prison Karachi, Sukkur and Hyderabad under the supervision of CWP-LAO advocates.

Success Story: International Recognition

The CWP-LAO's prison paralegal program was shortlisted as a finalist from over 200 applications from around the world for the Grass Roots Justice project for the Nomboniso Nangu Maqubela Memorial Prize for Scale and Sustainability. The CWP-LAO prison paralegal programme is featured on the Namati website and is accessible at: <https://www.justiceprize.org/scale-sustainability.html>

The prison paralegal program has achieved a great deal of sustainability by employing three specific non-monetary measures. The program relies on volunteer paralegals selected from convicts that participate in the CWP-LAO legal awareness programs and meet specific criteria related to education and communication abilities, nature of offenses, time remaining in prison, and willingness to participate.

The CWP-LAO prison paralegal program is convict led and convict run with support provided by lawyers that volunteer their time in addition to their legal duties. The program also aims to motivate paralegals by helping them appreciate the importance of assisting new entrants in to prison by relating to their own experience of first arriving at the prison. And finally, participation in the prison paralegal program also results in the paralegal receiving a reduction in their sentence through the use of a legal provision in the prison rules that allows the prison administration to provide a remission in punishments based on good behavior.

Paralegal Award Certificate Ceremonies

Paralegal Certificates Award Ceremony events were organized in Central Prison Karachi, Hyderabad and Sukkur, through which 78 successful participants of the “Paralegal Graduate Course” were awarded certificates.

UNODC's Prison Good Will Ambassador Mr. Shahzad Roy, Chairperson for the Committee for the Welfare of Prisoners Justice Nasir Zahid, IG Prisons Mr. Nusrat Mangan and DG Sindh Judicial Academy Justice Arif Khilji were the guests of honor at the passing out ceremony of the batch of 26 convict prison paralegals at the Central Prison Karachi. The paralegals showcased the legal awareness through a theatrical performance and other prisoners presented songs and displayed their art work.

In Central Prison Hyderabad, a batch of 26 convicted prisoners were awarded paralegal certificates on 26th April, 2018. DIG Prison Hyderabad region Mr. Muzafar Alam Siddiqi, Jail Superintendent Mr. Shahnawaz Saand, Manager Litigation - CWP LAO Advocate Altaf Khoso attended the event.

In Central Prison Sukkur, 26 successful paralegals received paralegal certificates from Mr. Muzaffar Alam Siddiqui, DIG Prison Sukkur, Mumtaz Ahmed Raja – Superintendent, Central Prison Sukkur & Special Prison Sukkur and Mr. Altaf Hussain Khoso Litigation and M&E Manager CWP – LAO. Muzaffar Alam Siddiqui announced 30 days remission of the newly graduated paralegal convicts.

Celebration of Eid



CWP-LAO believes it is important to keep up the spirits of the inmates and try to provide some distractions for them. Accordingly, Eid celebrations were held in 11 of the adult male prisons across Sindh, with the exception of Sukkur (The Superintendent required written notification by IG Prisons, which could not be received in time). The prisoners appreciated the small celebrations in their prisons.

Success Story: CWP-LAO A Unique Public Private Partnership

The New York University School of Law during its annual conference titled 'Reimagining Justice: Realizing Human Rights through Legal Empowerment' in New York, highlighted the CWP- LAO as a unique public private partnership case study example which defies barriers to accessing justice for prisoners and provides lasting change for the most vulnerable and marginalized people. Barrister Haya Zahid, Executive Director, CWP-LAO, member, CWP, represented the Committee at the conference.

RESEARCH & PUBLICATIONS

Development and publication of research and IEC material is an integrated objective of the proposed project. This has assisted in a greater analysis and data on the prison system and criminal justice system and its mechanisms. IEC material contributes to the legal empowerment of prisoners through dissemination of information amongst inmates on prison rules, prisoners' rights and the fundamental rights.

Dissemination of IEC Material

The awareness of inmates through the publication and dissemination of IEC material was one of the integral part of the program towards the legal awareness of inmates, through which a set of four brochures based on prison rules, the right of remission, right of appeal and the right of meeting were handed over and distributed among inmates and displayed in 12 adult male prisons of Sindh.

Prison Conditions Survey

The data collection of annual prison conditions survey of 20 prison was completed which included 04 women and 04 juvenile facilities in Sindh. The data was collected based on pre-prepared tools including an observational survey, interview questionnaire and focus group discussion questions. For this purpose,

Superintendents, prison officials and prisoners were all included in data collection, alongside observations of the CWP-LAO staff.

The data was collected by CWP-LAO staff between February – April 2018. The data was collated, analyzed and presented to the CWP in April 2018. The main findings of the survey on each individual prison were shared with IG Prisons, who has met with individual Superintendents and provided feedback and follow-up for improvement.

Paralegal Baseline Survey

A paralegal baseline survey was conducted to identify the current knowledge base of trainees. This baseline will provide the measurable standard for a project

assessment of the paralegal programme to be conducted in the next project cycle.

Sentencing in Pakistan

The research paper on “Sentencing in Pakistan” was completed under this project. The paper looked at judgments, precedents and analyzed the reasoning provided for sentencing used by Pakistani courts. It was presented at the 3rd Sindh Judicial Academy Conference held on 13th January 2018 in Karachi.

Study on Rehabilitation of Prisoners in 12 Adult Male Prisons

The Prison Department, Government of Sindh has taken several initiatives with the intention of working towards rehabilitation of prisoners as opposed to purely a correctional focus. This paper aims to describe and assess the rehabilitation framework within Sindh’s

CHALLENGES

Challenges to the implementation of the project include the following:

- The CWP- LAO advocates are made to wait for some time for the arrival of UTPs to participate in legal aid clinics in the prisons;
- Delay in the sharing the lists of convicts by the Prisons for the selections of paralegals;
- Cancellation of activities due to jail visits of government officials and or security reasons; and
- Delay in release of funds resulting in delay of activities.

adult male prisons to provide a contextual understanding of the applicability of prevailing criminological rehabilitation models. Pakistan’s prison environment significantly differs from a western context, notably because the majority of prisoners are under-trial, and may remain under-trial and imprisoned for up to a decade before they are released or convicted. This paper seeks to provide an analysis of this framework, with recommendations for the Prison Department on how to create a sustainable rehabilitation programme in Sindh.

Draft and Amendment of Prison Law and Rules

The process of analyzing the existing prison law and rules and international laws was completed. CWP-LAO is part of the Government Committee along with the Prison Department and Sindh Judicial Academy which is in process of re-drafting the Prison law and Rules.

PICTURE GALLERY

LITIGATION

FREE LEGAL AID



PARALEGAL
PRISON PARALEGAL
PROGRAM



CP-KARACHI



CP-HYDERABAD



CP-SUKKUR



OLD AGE CAMP

FREE LEGAL AID CLINIC

