

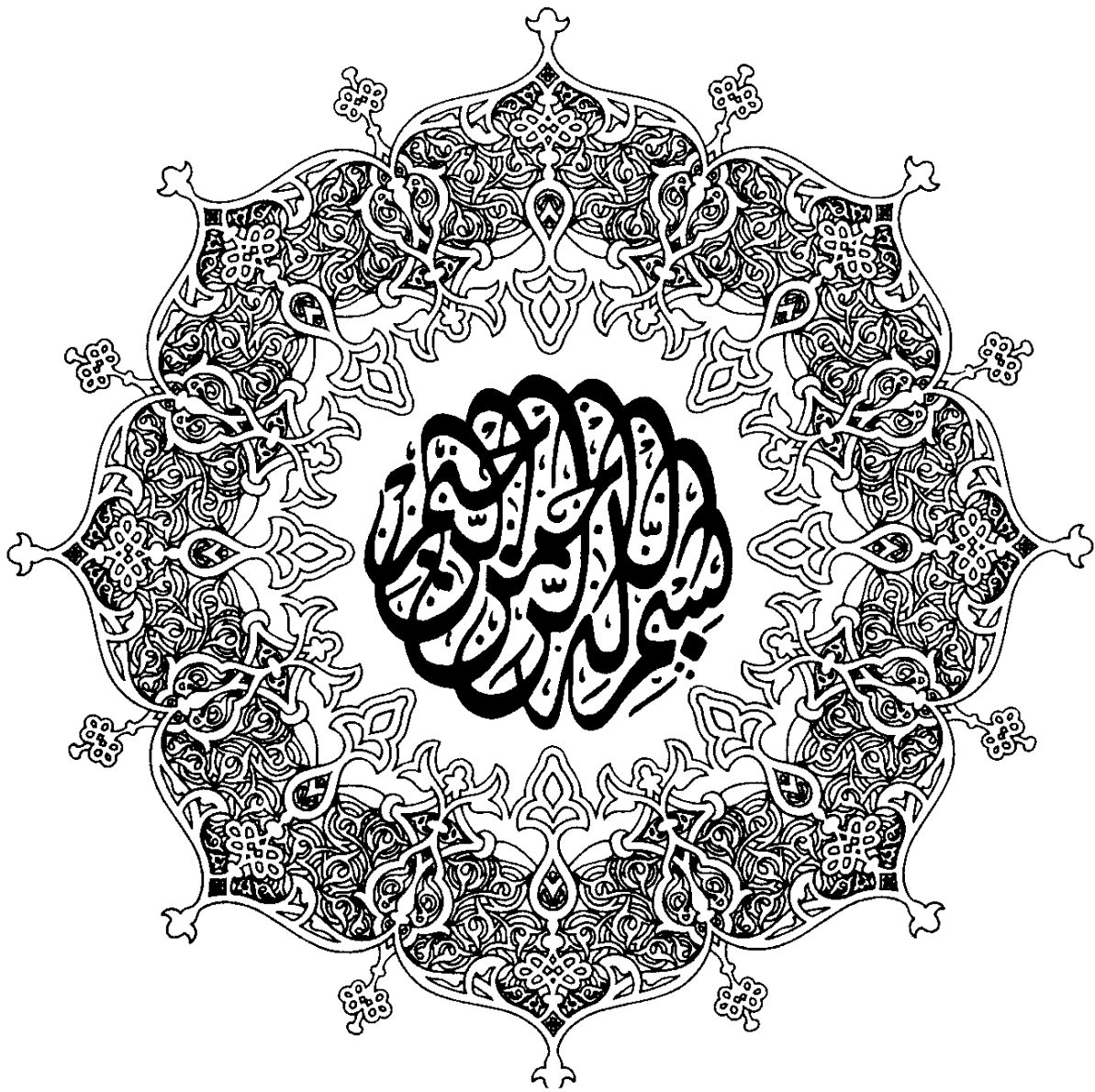
2013

One-Day Workshop On Prison Laws And Its Compatibility with Human Rights



Prepared by: Qazi Ataullah

Finalized by: Dr. Khurshid Iqbal



پرندے کی فریاد

آتا ہے یاد مجھکو گزرا ہوا زمانہ وہ باغ کی بہاریں وہ سب کا چھپانا
آزادیاں کہاں وہ اب اپنے گھونسلے کی اپنی خوشی سے آنا اپنا خوشی سے جانا
گلتی ہے چوٹ دل پر آتا ہے یاد جس دم شبنم کے آنسوؤں پر کلیوں کا مسکرانا
وہ پیاری پیاری صورت وہ کاشی سی صورت آباد جس کے دم سے تھا میرا آشیانا

آتی نہیں صدائیں اس کی مرے قفس میں

ہوتی مری رہائی اے کاش میرے بس میں

کیا بد نصیب ہوں میں گھر کو ترس رہا ہوں ساتھی تو ہیں وطن میں میں قید میں پڑا ہوں
آتی بہار کلیاں پھولوں کے پنس رہی ہیں میں اس اندھیرے گھر میں قسمت کو رو رہا ہوں

اس قید کا ابھی دکھڑا کے سناؤں

ڈر یہیں قفس میں میں غم سے مر نہ جاؤں



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Foreword

It is a great honor for me to foreword this report on one-day workshop on “Prison Laws And Its Compatibility with Human Rights”. A total number of 26, justice sector personnel including jail superintendents, probation and parole officers, prosecutors, jail doctors and psychiatrists, across the province, participated. Thus, the Academy has marched a step further by extending its programs, to the other departments of justice sector.

Keeping in view the alarming violation of human rights in prisons, jails and internment centers and maltreatment of the concerned authorities therein, the Academy targeted the officials who are, by some way or other, related to penitentiaries and confinement centers. Barrister Dr Adnan, Director Research delivered lecture on “*Prisons: Legal Framework and Human Rights*”. Qazi Ataullah Director Instructions delivered lecture on “*Prisoners Treatment; International Standards*”. The presentation slides of both lectures form part of this report.

I am pleased to say that the appreciation-worthy attitude and high level enthusiasm of the participants helped us achieve the objectives of the workshop. I expect positive change in behavior of all participants in general and in the conduct of correction officials in particular.

Hayat Ali Shah

Director General

Concept Note

<i>Title</i>	<i>Seminar on the Prison Laws and their Human Rights Compatibility</i>
<i>Venue</i>	KP Judicial Academy
<i>Conceived by</i>	<i>Qazi Ataullah, Director Instructions KP Judicial Academy</i>
<i>Date</i>	<i>14th October 2013</i>

In modern world, prison is inevitable for states. Maintaining of public peace and ensuring of rule of law is the prime responsibility of the state. So for smooth running of state affairs, the torture. If it turns, the state authorities would commit the same aggression for which the culprit was being to be so punished. It necessitates the need of such prison laws which not only actualize the objective of sentence but to safeguard the rights of the convicts as well. Being a human, their inherent dignity must be ensured through proper legislation, in accordance with the provisions of Universal Declaration of Human Rights of UNO.¹ International Covenant on Civil and Political Rights (ICCPR) 1966, to which Pakistan became signatory on 17th April 2008, also bounds all the state parties to stop the human rights violation in prisons.²

The violation of human rights, within the four corners of the jail, is not the tragedy of our present day states only; it has rather roots in human history. Rulers in the past, both Muslim and Non-Muslim have humiliated the prisoners and detainees through their unjust, inhuman, barbarous and stone-hearted reprimands. The abusive, degrading and dangerous conditions of the prisons remained an additional torment.³

¹ See Articles 1-11 of the Declaration, available at <http://www.un.org/en/documents>.

² See Part III, Articles 9,10 International Covenant on Civil and Political Rights. The Covenant was adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) 16December 1966.

³ As a handful out of a heap, in (640-616 BC), Ancus Marcius, the fourth king of Rome, had constructed a dark, damp and foreboding subterranean structure that can be even visited today. The prison rooms were dark, wet, and stinking. One could hear the prisoners' cries and complaints about starvation, nakedness, lice, darkness, bats, and insects. The prison "al-Dimas" built by Hajjaj bin Yusuf (661 AH-714 AD) was roofless and the prisoners remained exposed to all bad weathers. Hajjaj used to subject the prisoners to eat the animals' manure and drink water mixed with salt and ashes. He kept in prison fifty thousand men and thirty thousand women together, all of them being naked, and all of them died of excessive torturous treatment. Amongst the female prisoners, sixteen thousands were virgin. [See for more details "Roman Prisons" available at <http://www.unrv.com>, See also Al-Damiri Kamaluddin,

The situation is not different today. It has rather become worst as compared to the past. The prisoner's abuse is common; the same maltreatment but with a different *modus operandi*. Even in developed countries, abuse of the prisoners is called "routine"⁴. In the near past, what happened in *Abu Ghuraib*, Guantanamo Bay and Bagram Prison reflects the true picture of maltreatment of prisoners at the hands of officials hailing from societies, commonly known as cultured and civilized. On and off, physical, physiological and sexual abuse of prisoners is reported. The way in which prisoners of World Wars were treated by the Allies is a permanent scar on the face of human history. On the other hand, what Nazis had done with prisoners, particularly female, in concentration camp "special blocks" is also shameful. Nevertheless, the tyranny is not confined to the aliens only, the condition of prisoners in Texas, Virginia and Pennsylvania is not less sorrowful.⁵ What is being justified under the pretext of "enhanced interrogation techniques" and "Alternative Set of Interrogation Procedures" is gross dreadful violation of human rights. What is not uncommon is the use of cultural or physical humiliation, emotional strain, exhaustion, and controlled drowning, asphyxia, and electrocution. Prisoners are also subjected to beatings, prolonged "stress positions" that keep the body in a state of strain and stress, and the use of blood-shedding weapons and blood-thirsty dogs. Close confinement, solitary prolonged confinement, extreme reduction of diet, uncertain bans on visits and communication with family members and close friends and forced unpaid labor are the techniques of physical and mental violence.

To deprive a person from movement at option is itself violation that has been accepted exceptionally in situations of no escape. Nonetheless, legal deprivation of liberty of movement never means deprivation of detainee of his other fundamental liberties. The state is responsible to safeguard the human rights of the prisoners; to provide adequate medical care, healthy environment, sufficient diet and opportunities for reading, writing and taking of exercises. Overcrowding should be avoided by constructing spacious jail buildings with sufficient light and air arrangements. Correction/jail officials should be properly trained with special focus on

Hayat ul Haiwan (Karachi: Dar ul Ishaat, 2008) 1:417,418. See also Khalid Sindawi, *Prisons and Prisons in Islam*, available at <http://www.gsm.>].

⁴ Fox Butterfield, "Mistreatment Of Prisoners Is Called Routine in U.S", available at <http://www.nytimes.com>

⁵ Ibid.

human rights.⁶ Their focus should be on safety, reform and rehabilitation instead of violence, degradation and humiliation. The issue of solitary confinement in too small tinny cells, the co-inhabitation of adult and chronic detainees with juvenile and petty offenders and the non-separation of prisoners suffering from serious mental, viral and epidemic diseases are some of the areas that need special and immediate attention.

In Pakistan, the situation turns uglier. The condition of the prisons is better unsaid. The number of jails is already insufficient. The buildings are too old to answer the needs of the day. Most of them are even incapable to be repaired. A considerable number of prisons, such as prisons in Swat, Muzaffarabad, AJK (State), Abbotabad and Battagram have collapsed in deadly earthquake of 2005. Consequently, in a prison like Peshawar jail, nearly three thousand detainees are kept while its capacity can hardly allow twelve hundred. In thickly populated districts like Noshehra, Swabi, Malakand and Tank etc, instead of regular jails, only cramped judicial lock ups are available where convicts and accused of serious offences could not be kept. It results in their transfer to other districts, creating problems in attendance in courts, causing hardships to their visitors and counsel. Above all, in a terror-hit country, security risk is always there. Attacks on prisons and on vehicles carrying prisoners are common. No borstal house has been built so far. Walls, floors and roofs of jail buildings are safe havens for poisonous insects. We see that in 1993, in sub-jail of Karak, a snake bit a detainee. Medical facilities are inadequate. Instead of mere medical officer, every jail must have a post of medical specialist. Almost each superintendent jail is complaining of shortage of medicines. Jail doctor beseeches for supply of essential medical equipments. Female prisoners need, at times, female doctor. This necessitates her permanent posting. Our jail lacks this facility. Traditional cooking methods, worthless quality of food material, non-availability of pure and clean water, too small number of baths and defective drainage system add to the sufferings of poor prisoners. The chilling-heart stories of the internment centers have also become talk of the town. Abuse of power of jail authorities is a separate fatigue.

⁶ All public officials, law enforcement officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment shall be fully informed and educated about the prohibition of torture and ill-treatment. Article 10, United Nation Convention against Torture (UNCAT)

Keeping in view the above facts and situations, the KP Judicial Academy has arranged a one-day workshop on the subject, in collaboration with World Bank, to check out the compatibility of current Prison laws with human rights. Pakistan has a number of prison laws. Key laws are as follows:

- Jail Manual (In Urdu)
- Pakistan (Exchange Of Prisoners) Ordinance, 1948
- Prisoners Act, 1900
- Prisons (North-west Frontier Province) (Amendment) Act, 1996
- Probation of Offenders Ordinance, 1960
- Probation of Offenders (Amendment) Ordinance, 2002
- Punjab Borstal Act, 1926
- Reformatory Schools Act, 1897
- State Prisoners Act 1858
- KP Borstal Institutions Bill 2011

The workshop, the first of its kind, would explore the ailing provisions of the prison laws, jail manuals and determine the ways for further improvement. Key topics for discussion would include:





- Jail buildings; Overcrowding and its Effects
- Imprisonment as Punishment; A Historical Perspective
- Need of training for Correction Officials
- Need for revisiting prison laws and jail manuals
- The significance of course for ethics of detainees
- Prisons, need of improvement in hygienic conditions
- Abuse of power by jail officials
- Human Rights violations in jail.

We expect the recommendations of the seminar would be a milestone in ensuring the protection of civil rights of prisoners. The activity would also pave the ways for further work on the subject.

Qazi Ataullah

Director Instructions

Synopsis of Presentations

<p style="text-align: center;">بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ</p> <h3 style="text-align: center;">Treatment of Prisoners: International Standards</h3> <p style="text-align: right;">By Qazi Ataullah, Director Instructions</p> 	<h3 style="text-align: center;">Prisoner's Rights; International Standards</h3> <p>▶ Standard: [it shows the level of quality. A behavior that is morally correct, logically desirable and socially acceptable is standard behavior. Behavior is the manner in which a person treats the others.] Here it would mean a set of rules ensuring the quality of treatment prisoners.</p> 
<h3 style="text-align: center;">Why standards?</h3> <p>▶ [Deprivation of persons of liberty of movement, being in custody of others having authority, in a place usually kept hidden from public scrutiny, amount to the abuse of powers and frequent violation of human rights. So a situation like this cannot be left unnoticed and the custodial authorities should not be left unbridled.]</p> 	<h3 style="text-align: center;">International Standards:</h3> <p>▶ these are standards developed by international Standard organizations. International standards are available for consideration and use on different topics and areas such as health, education, water, food, labor and medicine etc. One prominent organization is the International Organization for standardization.</p> <p>▶ In case of prisoners, international standards would mean treating of prisoners in accordance with rules recognized and accepted to international community, the rules that have been embodied in international treaties, declarations, conventions and covenants.</p> 
<h3 style="text-align: center;">Contemporary concentration; effects of World Wars</h3> <ul style="list-style-type: none"> ▶ Widespread spread deportations ▶ Wanton murders ▶ Systematic use of violence ▶ Confiscation of properties ▶ Non recognition and mighty denial of civil rights ▶ Abuse of prisoners, particularly prisoners of war 	<h3 style="text-align: center;">International instruments on rights of prisoners</h3> <ul style="list-style-type: none"> ▶ Apart from instrument on human rights, the following are available on the subject. ▶ Standard Minimum Rules for the Treatment of Prisoners ▶ Basic Principles for the Treatment of Prisoners ▶ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment ▶ United Nations Rules for the Protection of Juveniles Deprived of their Liberty ▶ Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ▶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ▶ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) ▶ Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ▶ Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ▶ Safeguards guaranteeing protection of the rights of those facing the death penalty ▶ Code of Conduct for Law Enforcement Officials ▶ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials ▶ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 

Difference between jail, prison and judicial lock ups.

- ▶ Jail is a confinement center for under-trial detainees and convicts [also includes persons convicted by authorities other than judicial] up to one-year imprisonment. Prison holds convicts. Judicial lock ups are confinement centers where persons are kept in custody by judicial authority such as custody before release on bail, and all custodies following judicial remand. Nonetheless, the phrase does not appear in PPR. It would be appropriate to call the inmate "detainee" at the pre-conviction stages and "prisoner" if and when convicted. Related words are: Reformatory, Penitentiary, Correction centers and Concentration Centers.

Who is a Prisoner?;

- ▶ literally any imprisoned person. A detainee;
- ▶ A person deprived of liberty particularly liberty of movement against his will by confinement, captivity or physical restraint.
- ▶ A person detained in legal custody by a lawful [judicial or other] authority.
- ▶ Previously, the person who commits a felony [serious crime such as murder and rape] as compared to demeanor.
- ▶ An imprisoned person as a result of conviction
- ▶ In our discussion, a prisoner would mean a person held in custody. The other less-known terms include captive, hostage, con, culprit, internee, inmate, lifer and jailbird.

STANDARDS

- ▶ Entry
- ▶ Proper registration
- ▶ Information of his identify
- ▶ Reason for his commitment
- ▶ Committing authority
- ▶ Timing details of his admission and release
- ▶ Inventory of belongings [valuables or drugs]

Classification & categorization

- ▶ Agewise
- ▶ Genderwise
- ▶ Casewise
- ▶ healthwise
- ▶ Trialwise
- ▶ Offensewise

Accomodation

- ▶ Separate room, cubical or box
- ▶ Dormitory
- ▶ Health requirements
- ▶ Air
- ▶ Heat
- ▶ Light
- ▶ Ventilation
- ▶ Good sanitary installations
- ▶ Adequate arrangements for bathing and shower

Food & water

- ▶ Adequate both for health and strength
- ▶ No defect in nutritional requirement
- ▶ Well prepared
- ▶ Well served
- ▶ Clean water
- ▶ Omni availability of drinking water

Medical facilities

- ▶ Availability of a qualified medical officer [medical specialist]
- ▶ Dental officer
- ▶ Psychiatric services for mental sufferings
- ▶ In-time and dignified transfer of prisoners to specialized institutions or civil hospitals
- ▶ In prison hospitals, Ensuring of all pharmaceutical supplies, equipments, apparatuses, machines and all modern devices of medical physics.
- ▶ Availability of pathological essentials.
- ▶ Removal and transfer of insane persons to specialized institution.

Women

- ▶ Female medical officer
- ▶ Dental officer [female]
- ▶ Pre-natal and post natal treatment and care in a dignified manner
- ▶ Dignified transfer to maternity centers, hospitals and labor rooms
- ▶ No mentioning of jail in birth certificates
- ▶ nursery staff for infants

Clothing and bedding

- ▶ Not degrading if not graceful
- ▶ Suitability to climate and weather
- ▶ Acceptability to religion
- ▶ Fitness for health [allergy consideration]
- ▶ Clean by proper and regular washing
- ▶ Separate and clean bed and bedding.

Outside contacts

- ▶ Communication and Visits
- ▶ ; family members
- ▶ Close relatives
- ▶ Reputable friends
- ▶ Diplomatic representatives [foreigners]
- ▶ Newspapers, journals, lectures, wireless transmissions
- ▶ Library
- ▶ Religious leader/representative
- ▶ Religious practices
- ▶ Information of critical illness/death of near relative and arrangements to go to his bedside.

Removal & Transfer

- ▶ Less exposure to the public eye
- ▶ Conveyance with sufficient light and adequate ventilation
- ▶ No excessive number in a vehicle
- ▶ No expenses on prisoners
- ▶ The Process and purpose should be made known to the prisoner.
- ▶ Information to Spouse/ close relative/nominee

Work and Labor [sentence serving]

- ▶ No labor of afflictive nature
- ▶ Agreeability to physical and mental fitness
- ▶ Usefulness of the work
- ▶ Steps for body protection and safety of health
- ▶ Vocational trainings.

Presentation-II

<p style="text-align: center;">Prisons: Legal Framework & Human Rights</p> <p style="text-align: center;">By Dr. Adnan Khan, Barrister at Law, Director Research</p>	<p style="text-align: center;">Background of Present Laws</p> <ul style="list-style-type: none"> • Prison system inherited as a colonial legacy • The system was used by the colonial masters for suppressing the political opponents and threat to the Crown • Jails served as means to detain freedom fighters & regime defiants along with criminals
<p style="text-align: center;">Background of Present Laws</p> <ul style="list-style-type: none"> • Regulation III of 1818 promulgated <i>(For the confinement of an individual against whom there may not be sufficient ground to institute any judicial proceeding).</i> • The Prisons Act 1894 was passed <i>(Deals with establishment, maintenance, duties of prisons and admission, discipline, rights and obligations of prisoners)</i> 	<p style="text-align: center;">Background of Present Laws</p> <ul style="list-style-type: none"> • The 1932 Jail Manual received the assent of the Governor in council of Punjab on 31st December 1932. • All the rules framed in the Manual are under the authority of section 59 of the Prisons Act 1894.
<p style="text-align: center;">Prison Act 1894 Deals with:</p> <ul style="list-style-type: none"> • MAINTENANCE OF PRISONS • OFFICERS OF PRISONS & THEIR DUTIES • ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS • DISCIPLINE OF PRISONERS • FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS <i>(31. Maintenance of certain prisoners from private sources. 32. Restriction on transfer of food and clothing between certain prisoners. 33. Supply of clothing and bedding to civil and unconvicted criminal prisoners).</i> • EMPLOYMENT OF PRISONERS 	<ul style="list-style-type: none"> • HEALTH OF PRISONERS <i>(37. Sick prisoners. 38. Record of directions of Medical Officers. 39. Hospital)</i> • VISITS TO PRISONERS • OFFENCES IN RELATION TO PRISONS • PRISON-OFFENCES

<p style="text-align: center;">International Obligations</p> <p style="text-align: center;">International Covenant on Civil & Political Rights:</p> <p>Article 10</p> <p>1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.</p> <p>2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.</p> <p>3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.</p>	<p style="text-align: center;">International Obligations</p> <p style="text-align: center;">UN Rules (eg UN Standard Minimum Rules for the Treatment of Prisoners 1955)</p> <ul style="list-style-type: none"> • <i>Right to Life:</i> <i>Duty to take all reasonable measures to protect life and to investigate deaths promptly and independently</i> • Freedom from Inhuman and Degrading Treatment: Relevance to prison conditions, health (HIV/AIDS, drugs), overcrowding and in-cell sanitation, treatment of those at risk • Right to fair procedures
<p style="text-align: center;">International Obligations</p> <ul style="list-style-type: none"> • Right to Privacy/Family Life Right to correspond/visit with legal advisers and family - limits must be in accordance with law and proportionate to the needs of security – blanket censorship not allowed • Special standards apply to Children Detention as a last resort, right to special treatment, right to education including emerging right to rehabilitation 	<p style="text-align: center;">Problems faced by our prisons in 21st Century</p> <ul style="list-style-type: none"> • No comprehensive statutory framework governing prisoner's rights • The Pakistani Constitution – non interventionist policy • No legislation so far to meet the minimum standards • Increasing number detained before trial • Failure to separate remand from committed prisoners • Continuing imprisonment of children under 18 years in prisons • No independent complaints mechanism to investigate individual issues and grievances • Powers of visitors not specified properly • No effective process of investigation following deaths in custody

Curriculum Vitae's of Resource Persons

Dr. Adnan Khan

Curriculum Vitae

Adnan Khan

Kamarbagh, College Colony, Saidu Sharif, Swat

Email: akhan@lincoln.ac.uk, **Tel:** 03469415233

DOB: 10/01/1980

Academic Qualification

2012 **Bar Transfer Test**, Kaplan, UK

2012 **Qualified Lawyer's Transfer Test**, Kaplan, UK

2011 **PhD Law**, University of Lincoln, UK

2004 **LLM International Law**, University of Hull, UK

2003 **LLB (Hons) Shariah and Law**, International Islamic University Islamabad, Pakistan

2002 **MA Politics**, University of Peshawar, Pakistan

2001 **BA Law and Politics**, University of Peshawar, Pakistan

Present Position

Director Research & Publication, KP Judicial Academy

Work Experience

- Lecturer Business Law, National College of Business & Management Sciences Islamabad from Feb 2004 to Jan 2005.
- Advocate High Court registered with KPK Bar Council since 02/12/2004.
- Civil Judge-cum-Judicial Magistrate KPK Judiciary from March 2006 to Feb 2012
- Public Service Interpreter at police stations registered with Cintra Ltd. Cambridge since April 2009.
- Legal Executive, SABZ Solicitors Manchester since April 2012.

Membership of Professional Body

- Law Society of England and Wales as Solicitor of the Supreme Court.
- KPK Bar Council as Advocate of the High Courts.
- In the process of registering as a Practising Barrister with Bar Standard Board.

Research work

- Successfully completed PhD dissertation on Blasphemy laws.
- Successfully completed LLM dissertation on Corporate Laws.
- Passed all the module essays each of approx. 5000 words on Comparative Company Law, International Law of Trade and Development, Multinational Corporations and the Law, International Environmental Law, Public International Law Human Rights Law during LLM at Hull University.

Publications

- **“The Extent of Sovereign Immunity under our Legal Edifice”** in the process of publication.
- **2008“Movement for Restoration of Judiciary in Pakistan”** Conference Publication in annual research conference, University of Lincoln, Dec 2008.
- **2007 “Role of the Bench Bar Liaison Committee in the Administration of Justice”** Conference Publication at the annual conference of judges from NWFP Judiciary, Swat, Nov 2007.
- **2003“Climate Change Conventions: How effectively do they address the Issues?”** Conference Publication, University of Hull, Feb 2003.
- **2003“The Concept of Corporate Personality in Islamic Law”** Conference Publication, University of Hull, June 2003.
- Recently compiled Annual Report for the Peshawar High Court Peshawar.

Computer Skills:

Have a sound knowledge of MS Word, Excel, Power Point, Internet Programs, Search Engines, Windows and other software installations, Adobe etc.

Language Skills:

Proficiency in English, Arabic, Urdu and Pashto

QaziAttaullah

Curriculum Vitae

Qazi Attaullah

Shah Dehrai Tehsil Kabal, District Swat

Email:qaziofmalakand@gmail.com. **Tel:** 03005740081

DOB: 4 Feb 1968

Academic Qualification (Post Hifz of Quran al Kareem)

2012 **PhD Islamic Law & Jurisprudence** International Islamic University Islamabad (Thesis Writer)

1996 **LLM Shariah & Law**(*Gold Medalist*) International Islamic University Islamabad

1992 **LLB (Hons) Shariah & Law**(*Distinction*) International Islamic University Islamabad

1990 **BA** University of Peshawar

1988 **Shahadat al Ala'mia**(*MA Islamiyat-cum-Arabic*)Wifaaq al Madaris Multan

1988 **Dars e Nizami**(*Graduation in Islamic Sciences*) Mazhar al Uloom, Mingora Swat

Present Position

AlaqaQazi/Civil Judge-cum-Judicial Magistrate KPK Judiciary

Work Experience

- Lecturer Islamic Studies, Army Public College Peshawar from April 1994 to June 1995.
- Extra Assistant Commissioner/AlaqaQazi (Criminal) Government of NWFP From July 1995 to May 2004
- Civil Judge-cum-Judicial Magistrate KPK Judiciary from June 2004 till date
- Visiting Resource Person at Various Institutions including Federal Judicial Academy Islamabad.

Professional & Vocational Trainings

- Thirty Seventh Shariah Orientation Course (In Country and abroad) July 1997 to October 1997, Shariah Academy IIU Islamabad
- Pre Service Training (Attachment) at different Session Divisions of KPK June 2004 to August 2004
- Four Weeks Training for Newly Appointed Judicial Officers at Federal Judicial Academy Islamabad, April 2005

Research work

- PhD dissertation on Alternative Dispute Resolution in progress
- Successfully completed LLM dissertation on the concept of Trial in Absentia

Computer Skills:

Have knowledge of MS Word, Power Point, Internet Programs, Search Engines, Windows and other software installations, Adobe etc.

Language Skills:

Proficiency in:

1. English
2. Arabic
3. Urdu
4. Persian
5. Pashto

Countries Visited:

1. Saudi Arabia
2. Sudan
3. Egypt
4. Jordan

Recommendations

At the end of the workshop, all the three groups of participants presented their views. The salient features of their presentation form the following recommendations.

- Protection of health is a fundamental right. Nonetheless, protecting health without providing hygiene facilities is futile. Government should focus its attention on both. Trainings may be arranged for prisoners regarding personal cleanliness such as taking regular bath, use of tooth brush or *miswak*, wearing of clean clothes, proper nail cutting and the like. On the other hand, the government should provide adequate food, clean drinking water, and dormitories with required ventilation and sufficient light, for it is better to care than cure.
- Need-based supply of food and other necessities should be ensured. Equity should override equality in this regard.
- To avoid stress, anxiety and other psychological problems and to ensure the mental health of the prisoners, arrangements for recreation facilities should be made on priority basis.
- Overcrowding, on one side creates law and order situations, and on the other side causes hygienic problems, hence it should be avoided at once. New and spacious jails must be built. In the transitional period, reasonable and secure buildings should be hired from private sector.
- Probation and release on parole bring dual benefits. They help in rehabilitation of the prisoners as well as reduce the population of jails. This practice may be encouraged.
- Proper supply of medicine should be ensured. Centralized hospitals with all facilities should be built inside the jails for quick relief. Both male and female medicine specialists must be appointed. Dental surgeons and psychiatrists may also be posted.
- Proper trainings with special focus on human rights should be periodically arranged for correction officials. These trainings must be given due consideration in promotion as well transfers and postings of such officers. For such trained officials, incentives in shape of allowances and advance increments may be announced.
- The government must constitute a panel of advocates to provide free of cost legal aid to the needy and poor prisoners.

- In order to stop wanton treatments in prisons, special legislation should be made.
- Proper enforcement of prison laws should be ensured.
- Borstal houses should be built as early as possible. Practice of keeping juveniles in *Mundakhanas*⁷ must be prohibited. For transitional period, buildings, sufficient in all respects, should be hired from private sector.
- Jails and prisons must necessarily be separated.
- For women, separate jails as well as prisons should be built. Number of the female staff should be increased. Pre and post-natal facilities should also be arranged. Nurse staff for sucking babies and other children is also necessary.
- In order to protect the productivity of inmates, particularly the young prisoners, vocational centers should be established in each jail and prison.
- Unpaid labor is to be strongly prohibited and reasonable amendments in the relevant laws should be made.
- Procedure of visits is irritating. To make it simple and easy, necessary steps should be taken. Visits of family members, children and spouses must be rationalized.

⁷ *Munda* means boy and *Khana* means a house, thus *Mundakhana* refers to a specified room for keeping teenager prisoners inside a jail.

List of Nominated Participants

<i>SNo</i>	<i>Name</i>	<i>Designation</i>	<i>Department/Organization</i>
01	<i>Rashida Bano</i>	<i>ADJ & ASJ</i>	<i>Judiciary</i>
02	<i>Mr. Inmaullah Wazir</i>	<i>ADJ</i>	<i>-d0-</i>
03	<i>Mr. Kashif Nadeem</i>	<i>ADJ</i>	<i>-d0-</i>
04	<i>Mr. adil Akbar Khan</i>	<i>JM</i>	<i>-d0-</i>
05	<i>Mr. Muhammad Fiaz</i>	<i>JM</i>	<i>-d0-</i>
06	<i>Mr. Zafar Ullah</i>	<i>JM</i>	<i>-d0-</i>
07	<i>Mr. Sayyed Afsar Shah</i>	<i>Probation Officer</i>	<i>Reclamation & Probation KPK</i>
08	<i>Mr. Zafar Iqbal</i>	<i>Probation Officer</i>	<i>Reclamation & Probation KPK</i>
09	<i>Mr. Raza Muhammad</i>	<i>Probation Officer</i>	<i>Reclamation & Probation KPK</i>
10	<i>Mr. Amir Ud Din</i>	<i>Probation officer</i>	<i>Reclamation & Probation KPK</i>
11	<i>Miss .Rozina wahab</i>	<i>Probation officer</i>	<i>Reclamation & Probation KPK (f) mardan</i>
12	<i>Mr. Alamzeb khan</i>	<i>Public Prosecutor</i>	<i>Reclamation & Probation KPK</i>
13	<i>Mr. Sangeen shah</i>	<i>Public Prosecutor</i>	<i>Reclamation & Probation KPK</i>
14	<i>Mr. Nasir Khan</i>	<i>Public Prosecutor</i>	<i>Reclamation & Probation KPK</i>
15	<i>Mr. Pervez Elahi</i>	<i>Public Prosecutor</i>	<i>Reclamation & Probation KPK</i>
16	<i>Mr. Farih Ullah</i>	<i>Public Prosecutor</i>	<i>Reclamation & Probation KPK</i>

17	<i>Mr. Musharaf Shah</i>	<i>Senior Medical Officer</i>	<i>Home Department</i>
18	<i>Miss. Chand Hakeem</i>	<i>Psychologist</i>	<i>Home Department</i>
19	<i>Miss. Hasfa Afridi</i>	<i>Psychologist</i>	<i>Home Department</i>
20	<i>Miss. Aisha Rahat</i>	<i>Psychologist</i>	<i>Home Department</i>
21	<i>Miss. Aisha Ahmad</i>	<i>Psychologist</i>	<i>Home Department</i>
22	<i>Mr. Muhammad Ayub</i>	<i>Senior Assistant Superintendent</i>	<i>Home Department</i>
23	<i>Mr. Muhammad Anwar</i>	<i>Deputy Superintendent</i>	<i>Home Department</i>
24	<i>Maqsood Ur Rehman</i>	<i>Deputy Superintendent</i>	<i>Home Department</i>
25	<i>Amina Rafiq</i>	<i>Advocate High Court</i>	<i>Judiciary</i>
26	<i>Said Nazeer</i>	<i>Lawyer</i>	<i>D0</i>

Group Photo



KHYBER PAKHTUNKHWA JUDICIAL ACADEMY
One Day Seminar on Prison Laws and their Human Rights Compatibility

12 October, 2013.