



FEDERAL OMBUDSMAN OF PAKISTAN

**WAFAQI MOHTASIB REPORTS ON PRISONERS WITH
SPECIAL REFERENCE TO
CHILDREN AND WOMEN PRISONERS**



**REPORT ON CENTRAL JAIL ADIALA
RAWALPINDI**

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Composition of the Advisory Committee of Wafaqi Mohtasib on Prisoners with Special Reference to Children and Women Prisoners – Visit to Central Jail Adiala, Rawalpindi

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|------|---|------------------|
| i. | Mr. S. M. Tahir, Senior Advisor to Wafaqi Mohtasib,
Former Federal Secretary | Convener |
| ii. | Hafiz Ahsaan Ahmed Khokhar, Senior Advisor to
Wafaqi Mohtasib, Advocate Supreme Court of Pakistan,
Former Chairman Customs Tribunal | Member |
| iii. | Mr. Shah Mahboob Alam, Advisor to Wafaqi Mohtasib
Former Joint Director, Intelligence Bureau | Member |
| iv. | Mr. Khushdil Khan Malik, D.G. Wafaqi Mohtasib Sectt.
Former Joint Secretary (Law)/D.G. NACTA
Ministry of Interior | Member/Secretary |
| v. | Ms. Zariyab Musarrat, Director Wafaqi Mohtasib Sectt.
Formerly Associated Press of Pakistan | Member |
| vi. | Ms. Rafia Bano, Dy. Director Wafaqi Mohtasib Sectt.
Formerly Educationist | Member |



FEDERAL OMBUDSMAN OF PAKISTAN

**WAFAQI MOHTASIB SECRETARIAT
ISLAMABAD**

Subject: Wafaqi Mohtasib Reports on Prisoners with Special Reference to Children and Women Prisoners
Report on Central Jail Adiala Rawalpindi

PURPOSE OF THE VISIT

The Honourble Supreme Court of Pakistan vide Order dated 28-05-2015, passed in the suo moto case No. 1 of 2006 discussed the role of the Wafaqi Mohtasib offices not only in addressing the complaints of common citizens against the Federal Agencies but also to identify systemic failures in the Criminal Justice System and the prisons. Having conducted a detailed review of the Ombudsman Offices' mandate and powers, the Hon'ble Supreme Court made the point that "the Ombudsman offices besides addressing individual complaints must address systemic failures that are the root cause of mal-administration and formulate and enforce standards of good administration". The apex court, therefore directed that the Ombudsmen offices may form Standing Committees and Inspection Teams to examine the systemic failures in the system and make recommendations to rectify such failures and set good administration standards that if breached would be deemed to be mal-administration.

2. In pursuance of the direction of the Honourable Supreme Court, Mr. M. Salman Faruqi, Federal Ombudsman of Pakistan (Wafaqi Mohtasib) constituted an Advisory Committee under the provisions of Article 18 of Establishment of the Office of Wafaqi Mohtasib Order of 1983.

3. The members of the Committee were mandated to visit Central Jail Adiala Rawalpindi to observe the following aspects of the jail and the prisoners:-

- a. The plight of prisoners languishing in jails.
- b. The provision of facilities in accordance with law and jail manual.
- c. The efforts of jail administration for curbing incidents of torture on prisoners.
- d. The provision of facilities for visitation of family members of prisoners.
- e. The security/transportation/proper handling of prisoners in court premises.

4. The Members of the Advisory Committee of the Federal Ombudsman visited Adiala Jail from 9:00 am to 11:30 am on 25-06-2015. They were briefed by Mr. Mushtaq Ahmed Awan, Superintendent Jail, in his office about the history of the establishment of Rawalpindi jail, security arrangements at different levels, health and sanitation facilities, capacity of the prison and actual number of inmates and arrangements for the visitors coming to jail to meet their relatives in the jail. The superintendent jail also briefed the members of the Committee about the facility of a 55 bed hospital equipped with essential facilities.

5. The members of the Advisory Committee discussed the following vital issues with the Superintendent Jail:-

a. **Implementation of Prison Manual**

Pakistan Prison Rules 1978 (Prison Manual) is an important document which lays down procedures/functions to ensure good standards to overcome systemic

failures and dysfunction in the jails. This Manual stresses on the visits of senior government officials for corrective and remedial measures wherever acts of mal-administration are noted and systemic failures identified. The jail administration must ensure implementation of Jail Manual in its' letter and spirit.

b. External Oversight Mechanism

i. The attention of the Superintendent Jail was invited towards External Oversight Mechanism introduced to identify systemic failures in the Criminal Justice System and the prisons, with particular reference to the periodical visits by the Hon'ble District and Session Judges, Hon'ble Judges of the High Court to Adiala Jail. To a question posed to the Superintendent Jail, he informed that periodical visits were made by the Hon'ble Judges of High Courts and District and Session Courts but could not provide details of such visits during the last 2/3 years and information about release of detainees/prisoners involved in petty crimes including teenager male/female prisoners.

ii. Periodic visits of judicial magistrates to jail, specially to women jail and juvenile barracks, will reduce overcrowding and pressure on jail administration as some prisoners under trial may be released as they might have passed/completed period of sentence in view of their crime.

c. Computerization of Data

The Committee suggested that the data of the jail prisoners should be computerized i.e. from the date of entry in jail till the date of release or conviction after trial. Mr. Awan informed that the jail was moving towards computer regime and all the data relating to the prisoners as well as the visitors will be computerized. The importance of transparency and access to information standards was also emphasized for the benefit of common citizens at large and the prisoners in particular. The Committee suggested that this important data must include the number of prisoners

who have completed their sentence but not released due to non-payment of diat or fine. Independent data of women, children and old age prisoners should also be made available. It was further suggested that the date of each hearing in the Courts should also be made available against the name of prisoners to keep complete track of their trial.

d. **Staffing Position**

i. The staffing position of jail was quite deplorable. There was no increase in manpower strength proportionate to high increase in number of prisoners over and above the authorized capacity.

ii. Many important positions like Women Medical Officer, Nursing Assistant, Dispensers, X-Ray Machine Attendant, Lady Dispenser, in the Jail Hospital are lying vacant. According to the figures provided by the jail administration, 193 posts out of sanctioned strength of 709 are vacant, thus badly affecting the overall performance of one of the most important prisons in the Punjab province. The provincial government needs to be approached to not only fill up the vacant slots immediately through direct recruitment or on deputation basis, but also to sanction additional posts in different cadres to cope with the challenges arising out of excessive number of prisoners.

6. After briefing, the members of the Advisory Committee of the Wafaqi Mohtasib took round of the following important areas of the prison:-

i. Kitchen

ii. Industry

iii. School

iv. Juvenile Barrack

- v. Hospital
- vi. Jail of prisoners condemned to death
- vii. Telephone booths
- viii. Women Barrack

7. The following areas need immediate attention of the relevant authorities to alleviate problems faced by the inmates of the jail for ensuring better health, vocational education and sanitary standards:-

a. **Capacity of the jail**

The Adiala jail constructed in year 1986, over an area of 75 acres, has the capacity of housing 2,056 prisoners but the actual number of prisoners in the jail was 4,748. This overcrowding was due to the following reasons:-

- i. About 16,00 prisoners belonging to Islamabad courts had been kept in this jail because there is no jail in Islamabad Capital Territory.
- ii. Under trial prisoners confined to the prison on petty crimes of small thefts, scuffles etc.
- iii. High number of foreign nationals convicted/under trial.
- iv. Large number of under trial prisoners.
- v. Restriction on inter-provincial transfer of convicted prisoners.

b. **Important data about prisoners**

Some important data about the prisoners, male and female, in Adiala Jail as provided by Jail Administration, is appended below:-

<u>Category of Prisoners</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
Condemned	409	06	415
Convicts	1,233	52	1,285
Under Trial	2,946	102	3,048
Total	4,588	160	4,748

The alarming figure of 3,048 prisoners, male and female, under trial in the courts, needs immediate attention. If the trials of these prisoners in the courts are completed expeditiously, their number may fall down, thus reducing the extra-burden on the jail administration.

c. Death Cells and High Risk Barracks

i. Another major issue being faced in the jail is over population of prisoners in death cells. It is suggested that the prisoners convicted for death sentence may not be shifted to death cells on conviction from trial court as it is to be confirmed by High Court and Supreme Court. They should be shifted to death cells only a few days after rejection of the last appeal.

ii. The extra legal facilities being provided to terrorists and hardened criminals out of few and to other rich convicts and under trials needs to be addressed by developing internal checks.

d. Kitchen

As the prison is overcrowded more than 15,000 breads (chapatis) are baked every day. Special congenial arrangements are suggested for the food and persons working there.

e. **Jail Industry**

It consists of few trades like carpet weaving, stitching of clothes, nawar/patti weaving, electric motor winding and steel fabrication. These trades are considered to be insufficient in view of thousands of prisoners housed therein. The jail industry is being run by an NGO called Women Aid Trust (WAT). There is a strong need to enhance the number of trades with the cooperation of Skill Development Center (SDC) or TEVTA so that the prisoners, after completing their punishment in jail, may be able to earn their livelihood in a respectable manner.

f. **Juvenile Barrack**

In the juvenile jail many teenager prisoners including the Afghan nationals complained that they were kept in the jail for the last many months without proper trial. Many out of them were languishing in the jail because neither they had any contact with their parents nor the legal aid in the shape of lawyers had been provided to them. Therefore suitable arrangements may be made by the District Justice Coordination Committee for early trial and for provision of legal aid.

g. **Health & Sanitary Condition**

i. It was observed that the bathrooms/toilets were not sufficient to meet the requirement of such large number of prisoners. Although a philanthropist according to the Superintendent Jail, had constructed some toilets but there was need to construct more in the hospital as well as in the juvenile barrack and industry.

ii. According to the data provided by the jail authorities, some important positions in the hospital were lying vacant. All the vacant positions in the jail

including the hospital should be filled by suitable professionals as early as possible for ensuring high level of service delivery. District Health Officer and Medical Superintendent of DHQ must pay visits to the jail on fortnightly basis.

h. Transportation of prisoners to district courts

Every day hundreds of prisoners ranging from 150-400 are transported to different courts in Rawalpindi and Islamabad for trial purposes. The movement of these prisoners which include high profile prisoners also, is fraught with serious dangers because while being transported in prison van, they can be an easy target by the terrorists. The jail authorities and the management of courts should make the best use of information technology and make arrangements for trial of the prisoners through video link/conferencing in special cases which should be identified at the earliest by the District and Session Judge and the Home Department. All facilities regarding jail trial and video link must be provided by the Law Department and Home Department of Government of the Punjab. This aspect may be reviewed by the District Criminal Justice Coordination Committee in their regular monthly meeting.

i. Women Prison

i. The part of the prison housing women, and their children and teenager girls needs immediate attention of the officials at the helm of affairs, with a view to extending fair justice to such prisoners languishing in the jail. The female members of the Committee namely Ms. Zariyab Mussarat and Ms. Rafia Bano, during their visit to women barrack observed that 159 women with 47 children were in the jail. There were some teenager girls who had been imprisoned due to petty crimes of stealing small amounts or a few pairs of clothes. They had neither any contact with their parents nor any hope of

release from jail due to absence of legal aid. This class of prisoners is most pitiable because they keep on languishing in the prison without any proper facility to plead their cases. Some male and female volunteer lawyers/legal aid providers, can come forward to plead the cases of such women prisoners in the jail. Special designated Judges i.e. Additional Session Judge, Civil Judge may entrust the trials of women and pay regular visits to the women barracks. Jail authorities through District Administration must try to get the contacts of their relatives, in case it is not available, so that they can follow up the case of such prisoners in relevant courts.

ii. There were fifteen foreign women prisoners in the jail. Most of them were arrested on the charge smuggling of narcotics. They belong to Phillipines and Nigeria.

iii. A foreign female prisoner from Turkey informed that she had been in the jail for the last ten years but the Turkish Embassy had not so far contacted her for assistance. The particular of the prisoner can be forwarded to Turkish Embassy in Islamabad through Foreign Office.

iv. One woman prisoner from Lahore informed that she was arrested under Haddood Ordinance. Many months have passed but her family/relatives have not contacted her. She requested that efforts should be made to arrange her meeting with her relatives.

v. A female prisoner informed that she had been released on bail but was kept in jail because she could not arrange any surety/Machalakas.

j. **Formal education for women**

Some women prisoners, including teenager girls, expressed their desire to pursue formal education. Presently there is no arrangement to provide them

quality education in the jail. The administration of Adiala Jail may like to discuss this matter with AIOU for putting in place an arrangement for education through Distant Education System.

k. **Foreign Prisoners**

There are 95 foreign prisoners including 69 convicted prisoners housed in the jail. They are not only a big burden on the jail but also, some times, cause problem for other prisoners. Their particulars may be provided to their respective Embassies/Consulates through Foreign Office to enable them to apply for consulate access, so that their future is decided according to relevant laws and Conventions.

l. **Visit by Family Members of Prisoners**

The system of arranging meetings of convicts or under trial prisoners with their relatives needs to be improved to reduce complaints at the lower level. According to the Superintendent Jail, presently it takes above 2-3 hours for visitors to meet with their relatives in jail.

8. In view of the above, the Committee has decided to constantly monitor the performance and working of jail authorities and other relevant government departments including Ministry of Interior. Such visits will be undertaken in other jails of Pakistan with the coordination of Ministry of Interior and relevant provincial departments.

OUR GRATITUDE

We are highly grateful to the Ministry of Interior and Mr. Mushtaq Ahmed Awan, Superintendent of Adiala Jail and his colleagues for arranging our visit to the Jail on 25th June, 2015 and for comprehensive briefing on the performance of the Jail and also for facilitating visit to its different areas. Preparation of this Report would not have been possible without their timely cooperation.