

MAY 2021 EDITION



**Legal Awareness
Watch Pakistan**

**Juvenile Justice
NEWSLETTER**

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An initiative by Legal Awareness Watch Pakistan (L.A.W)

Dear Recipient (s),

Through this edition of our newsletter we would like to report that **Volume II** of our research survey titled as *Tracing of Juveniles facing the Death Penalty (DP), and Life Imprisonment (LI)* is completed therefore will be available online, and in printed form by May, 2021. In connection with our research survey in two years we targeted 20 prisons 10 prisons from each province in collaboration with **Marvi Rural Development Organisation (MRDO)**. In 2020 we traced out/identified **87** juvenile offenders- who were then possibly facing the death penalty, and life imprisonment across Punjab, and Sindh owing to inadequate age determination procedure in the criminal justice system of Pakistan. This year we traced out **42** juvenile offenders **21** in each province of which **01** minor facing blasphemy related charges in Punjab none in Sindh. **Volume I** already available online at

www.legalawarenesswatch.com which was completed in year 2020. Moreover, this edition also provides information & news that we collected and found out during our visits to prisons, and field operations across Pakistan.

We wish to receive your feedback as well as comment (s) or constructive criticism on content (s) of this edition *via* email or simply giving us a telephone call so as to make this initiative better in future. Contact details can be found on the title page of this newsletter. *Previous editions of this newsletter available at:* <https://legalawarenesswatch.com/newsletter/>

(Sarmad Ali)

Executive Director L.A.W

Dated: 25th April, 2021



RECENT PAST NEWS:

- I. Child molested & assaulted within **Muzaffar Ghargh District** prison of Punjab province of Pakistan against which Prisons Ministry of Punjab province sought report from the Inspectorate General of Punjab Prisons (I.G.P). (<https://e.jang.com.pk/03-27-2021/lahore/pic.asp?picname=811.png>)
- II. **Shahrukh** (*pseudonym*) having *Christian faith* that received legal assistance from **L.A.W** released on after arrest bail after spending six years in prison on charges of blasphemy. The superior court admitted him to post arrest bail under section 497 of Criminal Code 1898 on the ground that the prosecution had failed to adduce evidence against the juvenile offender. **Shahrukh** was 16-year-old when implicated in blasphemy case by the local cleric of the vicinity where he resided with his family. **Help him for re-building his life after wrongful incarceration. Send your donations to below given details.**
- III. It came to your knowledge that *Superintendent/In Charge Correctional Facility of Hyderabad* (Sindh) refused admitting a juvenile on the ground that it required to have Covid-19 test report of the prisoners dispatched to judicial lockup/custody by courts pursuant to SOPs. Upon denial Investigation Officer (I.O) sought orders from the court that the juvenile offender would be put under the custody of Probation Office of Hyderabad until the time of reception of his Covid-19 report. **Courtesy Deputy Director Probation & Reclamation Department Hyderabad.**
- IV. **L.A.W** applauded the decision of the provincial government of Punjab that allowed male prisoners those sentenced to 10-years or more of incarceration to stay with their wives, and children for three days after every three months for which single bedding suites have been installed in the province Punjab in prisons of Multan, Lahore, Faisalabad, and Rawalpindi. It is not to forget that the model of conjugal rights of prisoners initially introduced in the **Islamic Republic of Iran** and thereafter the *Federal Shariat Court of Pakistan* opined in its one of the judgements in 2008-2009 that prisoners deserved conjugal rights facility behind prisons. (<https://www.pakistantoday.com.pk/2021/04/02/women-prisoners-ignored/>)



- V. This photo postulates social distancing cannot be observed in prisons across Pakistan being over-crowded. The other thing that requires attention: children, and adults seemed housed together in a prison's cell in sheer violation of Juvenile Justice System Act 2018. Stipulations of said law explicitly prohibited detention of juvenile offenders with adults in prisons.



Courtesy: Executive Director L.A.W.

- VI. Authorities' decision not to notify rehabilitation centers and observation homes under Juvenile Justice System Act 2018 is alarming rather rampant ignorance of said law. Children in conflict with law or having committed a penal offence detain in ordinary notorious police stations instead of observation homes during physical custody/when apprehended by police and dispatched to judicial lockups after completion of investigation under **section 167 read along with section 344 of Code of Criminal Procedure (CRPC) 1898** to ordinary prisons that are administered & controlled under the **Pakistan Prison Rules 1978 (Jail Manual)**. **L.A.W** insists that '*Munda Khanna*' (child barrack) within ordinary prisons cannot be considered as rehabilitation centers in true spirit of JJSA 2018 to the reason that those premises will be administered & controlled by the Home Department through uniformed/ prisons police under **Pakistan Prison Rules 1978 (Jail Manual)**.
- VII. Our volunteers paid a jail visit to **Dani** (*pseudonym*) a juvenile facing blasphemy charges on **2nd April, 2021**. He was falsely implicated in blasphemy case by the complainant of the case First Information Report (F.I.R). FIR was chalked out against him, and his mother in 2020. In a bid to save him from barbarism: ***Help us for defending them in court by making donations to below given bank details.***



- VIII.** That the recent death of a 14-year-old child drew strong condemnation across Pakistan. Innocent child was found dead in the police station of West Cantt-Peshawar and as expected, policemen termed the incidence a suicide, while the relatives stated that their child was tortured to death. Section 176 of CRPC 1898 empowers the concerned Ilaqa/Area Magistrate to hold judicial inquiries to find out the actual cause of death in custody of the police. Judicial inquiries for determination of actual cause of death in custody of police had been taken place on numerous occasions, however rarely those inquiries held police officials guilty of custodial death, due to the reason that police officials/accused managed suppressing of incriminating evidence against them or settled with the relatives of the deceased by pressurization and/or harassing them, making the judicial inquiry irrelevant & inappropriate. (<https://www.dawn.com/news/1612546>)
- IX.** Generally, judicial inquiries into custodial deaths had never been fruitful across Pakistan for example, a case of a child named *Muhammad Rizwan*, was extra judicially murdered in Lahore in the area of *Sabzazar* in 2017-while on physical custody with police. Those who were found guilty of his murder in the judicial inquiry were later acquitted of a murder charge by the trial court of Lahore. Moreover, there was an incident that happened near Sahiwal toll plaza, a couple of years ago- where the Counter Terrorism Department (CTD) gunned down a father, mother, and sister in front their children as always, the officials labelled them as terrorists. Those officials had also been acquitted of cold-blooded murders by the trial courts due to insufficient incriminating evidence against them. (<https://dailytimes.com.pk/742269/pakistans-juvenile-justice-system-and-custodial-deaths/>)
- X.** We congratulate our friendly organisation **International CURE** for starting a Pan-Asia newsletter.

END

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