Pakistan: First Information Reports (FIRs) (2010-December 2013)
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1. Definition and Function

Sources report that the First Information Report (FIR) is the "basic document" used to report a crime (USIP May 2013, 7) or the "first step to launching the criminal investigation process" (Pakistan 11 Dec. 2013). Specifically, the Punjab Police website defines an FIR as "an account of a cognizable (i.e. over which police has jurisdiction) offence that is entered in a particular format in a register at the police station" (Punjab n.d.c). Similarly, the Islamabad-based Centre for Peace and Development Initiatives-Pakistan (CPDI-Pakistan), an independent and non-partisan group that promotes citizenship rights in Pakistan (CPDI [2006], 4), produced a booklet in 2006 titled First Information Reports (FIR) (A Guide for Citizens) that explains that the FIR is the "written document prepared by the police when they receive information about the commission of a cognizable offence," usually lodged by the victim or someone on their behalf (ibid., 1).

A cognizable offence is one in which the police may arrest a person without a warrant (ibid.; Lawyer 18 Dec. 2013). CPDI-Pakistan says that the police are "authorized to start investigation into a cognizable case on their own and do not require any orders from the court to do so" ([2006], 1).

1.1 Process Following FIR Registration

Sources report that once an FIR is registered, police must begin an investigation of the case (CPLC 16 Dec. 2013; Pakistan 11 Dec. 2013). An investigation report must be supplied to the court within 14 days of FIR registration (ibid.; HRCP 17 Dec. 2013). Two sources report that an FIR allows police to detain a suspect in custody for 24 hours, after which a magistrate can order an extension, if police can provide reasons to keep the suspect in custody (US 19 Apr. 2013, 14; Pakistan 11 Dec. 2013).

The Punjab Police website reports that there were 332,728 "cases registered" in 2013 (January to October) in the province, which resulted in 242,611 cases being Chattaned [Challan being the investigation report that is submitted to the district court (ibid.)], and leading to 49,642 convictions (Punjab n.d.b).

CPDI-Pakistan indicates that, in accordance with Section 157 of the Code of Criminal Procedure, "police may not investigate a complaint even if you file an FIR" when the police make the determination that:

1. The case is not serious in nature;
2. The police feel that there is not enough ground to investigate;
3. The police resources are already over-committed in investigating more serious offences. ([2006], 2)

The same source indicates that police must "record the reasons for not conducting an investigation" and inform the complainant (CPDI-Pakistan [2006], 2). Similarly, Amnesty International (AI) notes that, although police are obliged to register an FIR, police have "no obligation to investigate the incident" (AI Nov. 2012, 71). AI further notes that, for the police, "clear guidelines for making such a decision do not exist" (ibid.). As a result, AI continues, "throughout Pakistan, FIRs are often either not filed by police or poorly prepared" (ibid.).
2. Registration Procedures for the FIR

Section 154 of the Pakistan Code of Criminal Procedure describes the FIR procedure (CPDI-Pakistan [2006], 2; CPLC 16 Dec. 2013). Section 154 reads:

154. Information in cognizable cases. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribe in this behalf. (Pakistan 1898, Section 154)

Sources report that any person with knowledge of a cognizable offence can file an FIR (CPLC 16 Dec. 2013; CPDI-Pakistan [2006], 1) either in writing or orally, or by telephone (ibid.). Sources report that the police may also initiate an FIR themselves, without an identified complainant (ibid.; Pakistan 11 Dec. 2013). Sources report that the FIR can be filed at the police station (ibid.; Punjab n.d.c) or to an "officer on patrol" (ibid.).

Sources report that police will examine the case before determining whether to register the FIR and, where police determine a cognizable offence has been committed, they must register the FIR (CPLC 16 Dec. 2013; Pakistan 11 Dec. 2013). In correspondence with the Research Directorate, a Karachi-based lawyer indicated that, if police determine that no crime has occurred, they may refuse registration (Lawyer 18 Dec. 2013). In a telephone interview with the Research Directorate, an official at the High Commission of Pakistan in Ottawa said that the police may refuse registration on the basis of an inquiry prior to registration (11 Dec. 2013).

The 2006 CPDI-Pakistan booklet on FIRs adds that complainants may ask police to read the information recorded in the FIR register back to them, that the complainant must sign the FIR or give a left thumb impression after being satisfied that it is a correct record, and that upon completion, complainants have the right to a copy of the FIR free of cost (2). Similarly, according to the website of the Punjab Police, officers receiving an oral report "shall reduce it to writing and cause it to be recorded in the FIR register" (Punjab n.d.c). The Punjab Police website goes on to say that "[a] certified copy of the FIR, signed by an officer bearing the stamp of the police station is to be provided to the person who reports the crime" (ibid.).

Sources report that police may only register an FIR in their own jurisdiction, where the commission of the offence took place (CPDI-Pakistan 18 Dec. 2013; HRCP 17 Dec. 2013). Sources report that the same procedures for filing an FIR are used throughout Pakistan (Lawyer 18 Dec. 2013; CPDI-Pakistan 18 Dec. 2013; Canada 19 Dec. 2013).

2.1 Online FIR Submission Procedures and FIR Registration

Two sources indicate that the public online submission of FIRs is available only in Khyber Pakhtunkhwa Province (Pakistan 11 Dec. 2013; CPDI-Pakistan 18 Dec. 2013). Sources report that online submission of FIRs was made available in Khyber Pakhtunkhwa Province as of July 2013 (Plus News Pakistan, 16 July 2013; The Express Tribune 10 July 2013). The form to make an FIR submission is available on the Khyber Pakhtunkhwa Police website (Khyber Pakhtunkhwa n.d.a).

The Khyber Pakhtunkhwa Police website provides a chart that illustrates the procedure for online FIR submission, whereby a submission is made via the online form, then submitted to the Committee for Online FIR Management (CONFIRM), which submits "only genuine" FIRs to police for registration (ibid. n.d.b). The Express Tribune quotes a high ranking police official in July 2013 explaining the Khyber Pakhtunkhwa online submission process, whereby complainants fill out a submission form online, after which the complainant’s identity is confirmed by NADRA, the National Database and Registration Authority (The Express Tribune 10 July 2013). The complaint is then scrutinized by an official at the indicated police station, who presents the report to a board of officials, and if the submission is declared valid, an FIR is launched at that station (ibid.). The newspaper also noted that the system was available on an "experimental basis" and that "filling the form does not mean an actual FIR is automatically registered" through the online system, reporting that, of 1,277 FIRs submitted, only 70 were deemed "genuine" (ibid.). According to the representative of CPDI-Pakistan, it is not possible to comment on the effectiveness of online submissions, as the system only became available in summer 2013 (18 Dec. 2013).

The website of the Punjab Police also has an online complaints form which provides an option for making FIR-related submissions, such as FIR registration or cancellation, and FIR-related queries (n.d.a). The website of the Karachi Police has a Complaint Cell page to submit online complaints of crimes (Karachi n.d.a). Online FIR submission forms could not be found on the websites of the Sindh Police, Balochistan Police and Islamabad Capital Territory Police.

3. Format and Appearance of an FIR

The official at the High Commission of Pakistan in Ottawa indicated that information in the FIR includes a narrative of the events by the complainant, the law applicable to the offence, the complainant's contact...
information, the FIR identification number, the date and year of registration, and the police station where the FIR was filed (11 Dec. 2013). In correspondence with the Research Directorate, the Chief of the Citizens Police Liaison Committee (CPLC) in Karachi, an "operationally independent" volunteer organization (n.d.a) that, among other things, assists with FIR registration and police complaints (n.d.b) provided a simulated example of the FIR format used in Karachi, which requires

- FIR number
- police station where registered
- district/town
- date and time of the incident reported
- date and time of the report made to police
- name and address of the reporting person
- summary of the case, applicable section of the Pakistan Penal Code, and listing of any lost items
- place of the incident and distance from the police station
- investigation officer and details of delay (if any)
- signature of the reporting person
- signature of the duty officer. (16 Dec. 2013)

The FIR is completed by hand by police in Urdu (Pakistan 11 Dec. 2013; Lawyer 18 Dec. 2013) or the local language, such as Sindhi or Pashto (ibid.). Sources report that computerization of FIRs and electronic versions are being introduced (HRCP 17 Dec. 2013; Lawyer 18 Dec. 2013), but this development is occurring in main cities, and is still "the exception" (ibid.). The Express Tribune reported in 2012 that 45 police stations in Karachi had been networked and courses on "how to register" FIRs in computers were being held (3 Sept. 2012). Sources reported in late 2013 that Jhang District in Punjab Province had become the first district in Pakistan in which all FIRs are reportedly recorded by computer and tracked through an online system from investigation to trial (CPDI-Pakistan 12 Nov. 2013; The News International 3 Dec. 2013).

Sources report that the type of information to be included in an FIR is largely the same across Pakistan (Pakistan 11 Dec. 2013; Lawyer 18 Dec. 2013; HRCP 17 Dec. 2013).

Sources indicate that it is the right of the complainant to receive a copy of the FIR free of cost (CPLC 16 Dec. 2013; CPDI-Pakistan [2006], 2; Lawyer 18 Dec. 2013). Information varied on which other persons receive copies of FIRs upon registration. In telephone interviews, the official at the High Commission of Pakistan in Ottawa and a representative of the Human Rights Commission of Pakistan (HRCP) both stated that copies of the registered FIR would be provided to the complainant, the police station, the district court, and the accused person (Pakistan 11 Dec. 2013; HRCP 17 Dec. 2013). The HRCP representative added that copies are also sent to the District Police Officer (DPO), Regional Police Officer (RPO), and the Provincial Police Officer (PPO) (ibid.). The lawyer in Karachi indicated that copies would be provided to the complainant, and sent to the court having jurisdiction over the area, and to the office of the District Magistrate (central office) (Lawyer 18 Dec. 2013). He also noted that "the accused is not given a copy under the Rules, but they can obtain one from the court under court order," and that generally the accused obtains a copy from the duty police officer by paying him "courtesy money" (ibid.).

4. FIR Challenges

According to the Director General of the National Police Bureau, cited in a 2011 report by the Human Rights Commission of Pakistan, non-registration and false registration are the "main problems" with FIRs (HRCP Jan. 2011, 136). The representative of the HRCP stated that non-registration and false registration are "common problems due to police corruption, inefficiency, and lack of accountability" (ibid. 17 Dec. 2013).

4.1 Reports of Non-Registration of FIRs

Sources report that the non-registration of an FIR is an offence and can be cause for disciplinary action against a police officer (CPDI-Pakistan [2006], 1; Pakistan 11 Dec. 2013), such as suspension or loss of rank (ibid.). In contrast, other sources report that there is "no repercussion" for non-registration (HRCP 17 Dec. 2013) or that the officer would not be "dismissed or fined" even if the court orders the FIR registration (Lawyer 18 Dec. 2013). The lawyer indicated that police may document the reason for non-registration if the complaint is in writing, but "otherwise they may simply decline to give the reason" and expressed the view that police are "very arbitrary" and "uncooperative" (ibid.).

The lawyer stated that there are "thousands" of complaints of non-registration every year (ibid.). Statistics from 2013 on the number of complaints of non-registration of FIRs could not be found; however, according to the 2009 Annual Report of the Lahore High Court, as reported by the HRCP, there were 139,537 complaints of non-registration of FIRs in Punjab Province in 2009 (Jan. 2011, 3).

The Free and Fair Election Network (FAFEN), a coalition of 42 civil society organizations promoting democratic accountability in Pakistan (FAFEN May 2012, 10), prepared a report based on visits to 100 police stations in 56 districts of Pakistan, throughout the provinces of Punjab, Balochistan, Sindh, and Khyber Pakhtunkhwa, from January to March 2012 (ibid., 1). The report found that police had
sought money for registering FIRs (at 17% of stations); 
sought non-fiscal benefits for registering FIRs (13 %); 
sought logistical support for investigating cases (22%); 
avoided registering FIRs (11%); 
asked complainants to bring stationary (pen and paper) before registration of a FIR (10%) (ibid., 4).

According to the CPLC, police employ "delaying tactics" in registering FIRs (16 Dec. 2013). According to the representative of CPDI-Pakistan, police "do not demand for compensation expressly in most of the cases" but that "people know that refusal means to pay the bribe" (18 Dec. 2013). Similarly, in a report on the Pakistan Police, the United States Institute for Peace (USIP), a non-partisan group funded by the US Congress to promote peace-building and conflict-management (USIP May 2013, 2), says that, based on interviews with officers,

[...]the most common public complaint about the Pakistani police involves the difficulty of filing a first information report (FIR), the basic document required to register a case or report a crime. Registering an FIR obligates the police to investigate a complaint, but getting the police to accept an FIR from an average citizen generally requires the intervention of a senior police officer or influential person and the payment of a bribe. (ibid., 7)

The US Department of State's Country Reports on Human Rights Practices for 2012 reports cases in which authorities did not file FIRs when adequate evidence was given unless they were paid a bribe (19 Apr. 2013, 14).

Plus News Online, a Pakistani news website, reports that, in reference to Khyber Pakhtunkhwa Province, "[h]undreds of crimes go unreported everyday as the station house officers refuse lodging FIRs so the seniors [of the police force] would not know what is really going on in the limits of his police station" (Plus News Pakistan 16 July 2013). Similarly, USIP indicates that, in Punjab, a "major" reason that police do not register FIRs is because individual police stations are evaluated on the number of cases filed, and that "[s]uch filings negatively affect district crime statistics, add to the workload of overburdened investigators, and create public expectations that action will be taken" (May 2013, 7). Similarly, other sources say that non-registration occurs because "police do not want to hold responsibility for a large number of cases" (CPDI-Pakistan 18 Dec. 2013) or "spoil their record" (HRCP 17 Dec. 2013).

4.2 Registration of False FIRs

The HRCP representative described false registration as a "common problem" and that bribery of police to register false FIRs is a "common occurrence" (17 Dec. 2013). Similarly, the May 2013 report by USIP about Pakistan police found that

[a] significant percentage of FIRs also involve false charges, as the persons filing them seek advantage in a personal dispute. Most often, one party makes a fraudulent complaint in a dispute over a bad loan, land ownership, or sale of a defective item. The person filing the complaint accuses the other party of committing a crime-stealing the money, land, or item-to force the other party to resolve the dispute on favorable terms. FIRs may also incriminate the other party's relatives and friends to prevent them from offering support. Legal constraints on filing false FIRs are weak and routinely ignored. The practice is further encouraged by the common police practice of arresting the accused before investigating the complaint to determine its validity. (7)

The representative of CPDI-Pakistan indicated that registration of false FIRs by police occurs because people want to "victimize someone or settle a score" (18 Dec. 2013). According to the lawyer, in a number of cases, false FIRs are lodged due to "personal enmity" or in some cases by government or police officials in order to "harass" opponents (18 Dec. 2013). Country Reports 2012 signalled reports that authorities had "filed FIRs without supporting evidence to harass or intimidate detainees" (US 19 Apr. 2013, 14).

5. Procedures for Complaint of Non-registration and FIR-related Difficulties

Sources report that, if police refuse to register an FIR, the complainant can approach higher levels of police (Pakistan 11 Dec. 2013; HRCP 17 Dec. 2013). According to the 2006 CPDI-Pakistan booklet that provides information about the FIR process to citizens, if an FIR is not registered,

1. You can meet the District Police Officer (DPO) or Capital City Police Officer (CCPO) or other higher officers like Deputy Inspector General (DIG) of police and Provincial Police Officer (PPO) and bring your complaint to their notice.

2. You can send your complaint in writing and by post to the DPO, CCPO, DIG or PPO concerned. If the DPO, CCPO, DIG or PPO is satisfied with your complaint, he shall order the registration of FIR.

3. You can file a complaint to the District Public Safety and Police Complaints Authority in your district.

4. You can file a private complaint before the court having jurisdiction. (3)

Sources corroborate that a person may petition the courts to have the FIR registered; however this would require a lawyer (Pakistan 11 Dec. 2013; HRCP 17 Dec. 2013). CPDI-Pakistan indicated that, when filing a petition, hiring a lawyer is not mandatory, but people do so "usually," so as to avoid the risk that their petition will be
dismissed (18 Dec. 2013). The HRCP indicated that the effectiveness of approaching the courts for registration depends on factors such as available resources and support, as the process may require hiring lawyers (17 Dec. 2013). The CPLC chief indicated that a person can file a complaint with higher police authorities, file a petition with the courts, or approach the Police Complaint Cell of the CPLC offices (16 Dec. 2013). The HRCP representative expressed the view that the police complaints commission is "not a functional body" (17 Dec. 2013).

For detailed information on police corruption in Pakistan, including the procedures for submitting complaints against police and the effectiveness of complaint procedures, refer to Response to Information Request PAK103867.

6. FIR Management, Sharing and Validity

Sources report that police stations maintain a record of the FIRs registered with them (Canada 19 Dec. 2013; CPDI-Pakistan 18 Dec. 2013), that FIR record management is at the police station level, and also includes entry of the FIR into a register book kept at the station (ibid.). Sources report that there is no national tracking system or database for FIRs (ibid.; Pakistan 11 Dec. 2013; CPLC 16 Dec. 2013). There is no systematic sharing of FIRs across different jurisdictions (ibid.; Pakistan 11 Dec. 2013), because FIRs can only be accessed manually (CPLC 16 Dec. 2013). In correspondence with the Research Directorate, an official at the Canadian High Commission in Pakistan indicated that FIRs are generally not shared between districts and provincial police, and that only in high profile or sensitive cases, where police want to make an arrest in the jurisdiction of another force, would they share such information and obtain cooperation of the other province's police (Canada 19 Dec. 2013). The lawyer said similarly that FIRs are not shared "as a routine" but can be shared if requested by police or court through written request (18 Dec. 2013).

Sources say that FIRs are valid throughout Pakistan (Lawyer 18 Dec. 2013; HRCP 17 Dec. 2013), meaning police can arrest someone in another district but would need permission from that district court to do so, and would seek assistance from local police (ibid.).

7. Access to Copies of an FIR

According to the official at the High Commission of Pakistan in Ottawa, access to copies of FIRs is restricted to those affected by the FIR and, in order to obtain a copy, a person would need to file a written request at the police station where the FIR was registered, stating the reason why a copy is needed (11 Dec. 2013). In contrast, the CPLC chief stated that any person can obtain a copy of a previously filed FIR "through the courts" (16 Dec. 2013). The representative of CPDI-Pakistan indicated that for copies, the practice of paying illegal compensation at the police station or prosecution branch is a "common problem" (18 Dec. 2013). Similarly, the lawyer indicated that to obtain a copy of an FIR, a person can submit an application to the court having jurisdiction over the case, though he added that copies would come "at considerable cost" (Lawyer 18 Dec. 2013), and that court staff may not issue a copy without "courtesy money" (ibid. 19 Dec. 2013). The HRCP representative indicated that it is the right of the complainant and the accused to receive a certified copy of the FIR, and in order to obtain a replacement copy, a person would apply to the DPO, fill out an application, and pay the legal fee, though they may also be asked to pay a "bribe" (HRCP 17 Dec. 2013). He further indicated that "anyone can obtain copies of FIRs in this way" (ibid.). The HRCP representative described an uncertified copy as having no legal value and no official stamp; it would be obtained by paying a "bribe" to the court clerk or DPO, while a certified copy bears the stamp of the court or the police official and is obtained by filling the application and paying the legal fee (ibid.).

7.1 Obtaining Copies Through a Proxy Within Pakistan

Without providing details, the official at the High Commission of Pakistan in Ottawa indicated that, if a complainant is not able to go to the police station in person, they can send a letter to the station through a lawyer, explaining their request and indicating the reason why a copy of the FIR is needed (11 Dec. 2013). In contrast, regarding use of a proxy, the CPLC chief said, "any person can get a copy of a previously filed FIR in Pakistan through courts of law," though details on this procedure were not provided (16 Dec. 2013). The representative of CPDI-Pakistan similarly stated that it was possible for a proxy or any other person to apply to obtain a copy of an old FIR by filing an application at the police station or prosecution branch (18 Dec. 2013). The HRCP representative also indicated that someone can send a lawyer or proxy representative to the DPO to fill the application and pay the legal fee using a "stamp paper" (17 Dec. 2013). For detailed information on obtaining copies of FIRs from abroad using a proxy, refer to Response to Information Request PAK103835.

8. Identity Documents and the FIR

8.1 Need for Police Report for Replacement of Documents

According to the lawyer, different government departments or authorities have different requirements in different situations. For example Passport Office and [NADRA] would require a copy of report recorded by Police called "Roznamcha" ... before they
issue another Passport or CNIC. In case a document has been stolen, then an FIR, would be needed because stealing comes within the scope of a crime. (Lawyer 19 Dec. 2013)

The same source indicated that "police generally discourage recording that these are 'stolen'"(ibid.). According to the HRCP representative, a person would need to register and present an FIR for lost or stolen documents in order to have them replaced (17 Dec. 2013). The website of the Pakistan Directorate General of Immigration and Passports indicates that a police report is to be lodged at the nearest police station in the event of a lost passport (n.d.).

According to USIP, a common public complaint is difficulty with routine police procedures "such as providing a police report of a lost document, as government regulations mandate .... Citizens complain that such procedures always involve prolonged waits and bribes" (May 2013, 7). Corroborating information about difficulties in obtaining a police report for lost documents could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

8.2 Impact of an FIR on Acquisition of Identity Documents

According to the lawyer, registration of an FIR against a person would be unlikely to affect that person's ability to obtain identity documents (19 Dec. 2013). According to the representative of CPDI-Pakistan, involvement in a criminal case will not deprive a person of obtaining identity documents (18 Dec. 2013). The official at the Pakistan High Commission in Ottawa indicated that police in different regions may not be aware of FIRs and that it would be unlikely to affect one's ability to obtain a CNIC or passport (11 Dec. 2013). The representative of the HRCP indicated that having an FIR registered against someone might impact their ability to obtain identity documents, "depending on the type of FIR that has been registered against them, for example, if someone has had a politically motivated or sectarian-based FIR falsely registered against them" (17 Dec. 2013). The official at the High Commission of Pakistan noted that FIRs for fraud may impact someone's access to banking services (11 Dec. 2013).

8.3 Impact of an FIR on Exit from Pakistan

Sources report that having an FIR registered against a person would be unlikely to prevent them from leaving Pakistan, unless the government or the court has ordered a person's name to be put on the Exit Control List (Lawyer 19 Dec. 2013; CPDI-Pakistan 18 Dec. 2013; HRCP 17 Dec. 2013), which is maintained by the Ministry of the Interior and issued to all national exit points (ibid.). The HRCP representative indicated that FIRs at the district level or local matters would be unlikely to impact a person leaving Pakistan (ibid.). The representative of the HRCP noted that with the "right connections" anyone can be put on the Exit Control List, though should that person be able to "pay enough" they can still exit the country (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Canada. 19 December 2013. Correspondence from an official at the Canadian High Commission in Islamabad to the Research Directorate.

Centre for Peace and Development Initiatives Pakistan (CPDI-Pakistan). 18 December 2013. Correspondence from a representative to the Research Directorate.


Citizens Police Liaison Committee (CPLC). 16 December 2013. Correspondence from the Chief in Karachi to the Research Directorate.


Additional Sources Consulted

Oral Sources: Attempts to contact the following were unsuccessful: Citizens Police Liaison Committee – Lahore; High Court lawyer in Pakistan; Pakistan – Consulate General in Toronto, Islamabad Capital Territory Police, Khyber -Pakhtunkhwa Police, Punjab Police, Sindh Police; Roshni Helpline. The Free and Fair Election Network Pakistan was not able to provide information within the time constraints of the Response.

Internet sites: Asian Human Rights Commission; Aurat Foundation Pakistan; Awaz Foundation Pakistan; Business Recorder; Citizens Police Liaison Committee – Lahore; Daily Times; Dawn; Eci.net; Fédération internationale des ligue de droits de l'homme; Forced Migration Review; Freedom House; Human Rights Watch; International Crisis Group; Pakistan – Balochistan Police, Bureau of Statistics, Federal Investigation Agency, High Court of Sindh Province, Islamabad Capital Territory Police, Lahore High Court, Malakand Police, National Police Bureau, Sindh