

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

14 January 2016

### PAK105368.E

Pakistan: Police corruption; authorities responsible for receiving complaints against the police, including effectiveness; procedures to submit a complaint against the police (2012-January 2016)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Overview

According to sources, police in Pakistan are corrupt (US 25 June 2015, 1; AP 30 Mar. 2013; Professor 9 Dec. 2015). In correspondence with the Research Directorate, a representative in Pakistan from Transparency International (TI), an organization established in over 100 countries that "work[s] with partners in government, business and civil society to put effective measures in place to tackle corruption" (TI n.d.), stated that the police are ranked as one of the most corrupt institutions in Pakistan (TI 4 Dec. 2015).

According to sources, poor working conditions (TI 2014, 101; USIP 2014, 4; Asia Society July 2012, 26) and economic difficulty are contributing factors to police corruption (ibid., USIP 2014, 4). According to a 2012 report entitled *Stabilizing Pakistan Through Police Reform*, published by Asia Society[1], in larger cities, due to economic factors "police are forced to live in slums on the periphery" of the city, which exposes them to criminal influences in their neighbourhood (ibid., 27).

Examples of police corruption include:

- Collecting bribes (ibid.; Professor 9 Dec. 2015; US 25 June 2015, 36);
- Extrajudicial killing (ibid., 2; Freedom House 2015; AHRC 2013, 140);
- "Torture" (US 25 June 2015, 6; AHRC 2013, 139) or "use of force to obtain confessions" (USIP 2014, 2); and
- Collecting protection money from criminals and illegal operations (TI 4 Dec. 2015).

In a telephone interview with the Research Directorate, a professor with the Department of Sociology and Criminal Justice at the State University of New York, Oneonta, stated that Punjab is the "worst" region for police corruption, especially "custodial killings," which are incidents whereby individuals are killed in police custody, but the death is blamed on an outside "encounter" such as resisting arrest (Professor 9 Dec. 2015). According to the US Department of State's *Country Reports on Human Rights Practices for 2014*, citing the Pakistani NGO Society for Human Rights and Prisoners' Aid (SHARP), over 400 civilians were killed "after encounters with police," and most of these deaths were in the Sindh and Balochistan provinces (US 25 June 2015, 2). Citing the same NGO, the report further states that there were more than 7,800 cases of police "torture" in Pakistan in 2014, an increase from the 7,200 reported cases in 2013 (ibid., 7).

Sources state that political interference in the police force is a problem (US 25 June 2015, 11; Professor 9 Dec. 2015; *Dawn* 24 Feb. 2015). Sources further state that political leaders use the police as a tool for their own gains (ibid.; USIP 2014, 2; TI 4 Dec. 2015) and that officer selection and promotion is based upon

political patronage (*Dawn* 24 Feb. 2015; USIP 2014, 3; Asia Society July 2012, 25). According to sources, there is a lack of political will to address corruption within the police (AP 30 Mar. 2013; Freedom House 2015; USIP 2014, 10).

## **2. Police Complaints Mechanisms**

### **2.1 National Anticorruption Bureau (NAB)**

Sources state that the NAB is the "highest level" (US 25 June 2015, 36) or "apex" (TI 2014, 159) anti-corruption body in Pakistan; and that they have their own accountability courts to deal with cases before the NAB (*ibid.*, 161). According to the Transparency International- Pakistan Representative, individuals can file a complaint against the police through the NAB (TI 4 Dec. 2015). According to their 2014 report, TI states that individuals can report "incidents of corruption" to the NAB through email, phone, or voice message (TI 2014, 171) and can make use of their hotline, which was established in 2007 (*ibid.*, 174). Further and corroborating information on the procedures for filing a complaint with the NAB could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Professor, NAB is more involved in "white collar crime and high-dollar cases," rather than individual complaints against police (9 Dec. 2015). The 2014 annual report of the NAB states that a "[h]igh priority is assigned to cases of heavy amounts and where [the] public at large is affected" (Pakistan 2014, 52). According to Freedom House, the NAB "has made little progress in tackling official graft" (Freedom House 2015). TI states that the "informer's identity" is kept secret, however, "whistle-blowers are afraid to come forward" and consider themselves "at risk as the protective provisions are not practiced" (TI 2014, 171).

Without providing further detail, the annual report of the NAB lists the following statistics for 2014:

- Received 18,818 complaints, plus a backlog of 1,179, for a total of 19,997 complaints (Pakistan 2014, 51). Of these, "19,989 were processed (converted into complaint verifications/inquiries, linked with cases, referred to departments etc.)" (*ibid.*).
- Processed 1,517 inquiries and of those, finalized 585 (*ibid.*, 45).
- 467 investigations were carried out, with 188 finalized (*ibid.*, 46).

### **2.2 Public Safety Commission**

According to a 2014 report produced for the Centre for International and Strategic Analysis (SISA), an organisation that produces international and geopolitical analysis for both public and private sector clients (SISA n.d.), the Police Order of 2002 included plans for provincial and federal-level police complaints authorities, however, "the supervisory mechanisms at the district, provincial and national levels remained in limbo" (Farooq and Zaidi June 2014, 26). The same source states that district Public Safety and Police Complaints Commissions (DPSPCCs) "have had almost a negligent existence" and establishing their provincial counterparts, the Provincial Public Safety and Police Complaints Commission (PPSPCC), has been "very poor" (*ibid.*). The 2012 Asia Society publication states that the "External Oversight Committee and credible independent accountability system introduced by Police Order 2002 have not been implemented" (Asia Society July 2012, 27).

*The Express Tribune*, a Pakistani newspaper affiliated with the global edition of *The New York Times* (*The Express Tribune* n.d.), reports that the Public Safety Commission was established in the Khyber Pakhtunkhwa (KPK) province to "register complaints of citizens against police officers," but that it has been "non-functional" since 2007, when the last local government ended their term (*The Express Tribune* 9 Sept. 2015). The same source further states that, according to a former district Public Safety Commission chairperson in KPK province, "the public has no platform to register their complaints" (*ibid.*).

### **2.3 Police Department Complaints Mechanisms**

According to the TI- Pakistan representative, individuals can file a complaint against the police with the police departments (TI 5 Dec. 2015). According to its 2014 country report, TI states that "[t]here is no specific unit within [the] police" dedicated to investigating corruption related charges (TI 2014, 104).

According to the Professor, the KPK police have established an initiative whereby individuals can electronically register a complaint against a police officer (Professor 9 Dec. 2015). Without providing further detail, the Professor stated that there is a follow-up on the complaint, that complainants can provide witnesses, and that the system is "mostly effective" (*ibid.*). *Dunya News*, a Pakistani news channel, reported in April 2015 that citizens in Punjab province "can now register their complaints [against police] simply by sending SMS to a specific number" and that the Punjab police were in the process of finalizing a system that would allow citizens of the province of Punjab to register complaints via text message to a "mobile complaints cell" to be established in the Inspector General's office (*Dunya News* 1 Apr. 2015). After a complaint is

submitted, a reply is sent to the sender's cellphone "with the receipt of the complaint and a token number of the complaint, through which the status of the complaint could be tracked" (ibid.). *Dawn*, an "internationally known newspaper" based in Karachi (CSIS 9 Dec. 2010, 1), reports that the Central Police Office in Islamabad had set up a "complaint cell where citizens can lodge complaints against police...through email, fax, SMS (short messaging service), telephone" or in person (*Dawn* 15 July 2015). Citing a police source, *Dawn* further reports that the submitted complaints "will be registered at a computer" with databank software (ibid.). Further information on the mobile complaint units could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.4 Judiciary

According to sources, corruption and a lack of independence is a problem for the judiciary in Pakistan (US 25 June 2015, 16; AHRC 2013, 139). Freedom House states that the "broader justice system is marred by endemic problems including corruption, intimidation, a large backlog of cases, and insecurity" (Freedom House 2015). *Country Reports 2014* states that a "lack of rule of law," including a "lack of due process, poor implementation and enforcement of laws," was amongst the "most serious human rights problems" in Pakistan (US 25 June 2015, 1). The same source further states that individuals can seek "redress in civil courts against government officials" for denial of human rights, however, civil courts "seldom, if ever, issued official judgements in such cases, and most cases were settled out of court" (ibid., 18). A 2013 report by the Asian Human Rights Commission (AHRC), an NGO that promotes and raises awareness of human rights in "the Asian region" (AHRC n.d.), states that investigations and prosecutions are inefficient, and when alleged offenders are brought to court, violations go "unpunished, especially where those responsible are state agents or members of powerful groups" (ibid. 2013, 139).

The Professor stated that the courts are able to initiate prosecution independently (*suo motu*) "should something come to their attention that is of great social importance" (9 Dec. 2015). *Dawn* similarly reports that the use of "suo motu by the Supreme Court of Pakistan" is when "a judge accepts a case on its initiative," which addresses "issues left untouched by the elected branches," such as initiating a public trial of a group of Rangers "who shot and killed Sarfraz Shah on videotape in Karachi" (*Dawn* 31 Aug. 2011). The same source reports that article 184(3) of the Pakistani Constitution allows the Supreme Court to "take suo motu action whenever there is a possible violation of fundamental rights" (ibid.).

Information on the procedures to file a complaint against police with the judiciary could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 2.5 Ombudsmen

According to the World Bank, Pakistan has "12 independent ombudsman institutions" (World Bank 20 May 2014). According to the 2014 TI report on Pakistan, the Ombudsman is an official, appointed by the president "with a significant degree of independence," and is primarily responsible for assessing, evaluating, investigating, redressing and rectifying "any injustice caused to a person through maladministration" at either the federal or provincial level (TI 2014, 133).

According to the website of the Federal Ombudsman of Pakistan [*Wafaqi Mohtasib*], they can receive complaints concerning "any case of 'maladministration' in any Federal Government Agency" but they cannot assist in cases of "matters that are sub-judice, external affairs, defence matters, [or] service matters" (Pakistan n.d.). A complaint can be filed in person, by mail, email, through their website, or by fax (ibid.). The complaint must be filed within 3 months of the incident, and while exceptions to this can be made, they are "rare" (Pakistan n.d.). Upon filing a complaint and verifying that it falls within their jurisdiction, an investigation is initiated, and should the Ombudsman find the agency guilty of maladministration, "he will send his recommendations to the agency" (ibid.). If the agency has not implemented the recommendations when the Ombudsman follows-up, "he will file a formal reference to the President of Pakistan, who may...give further direction to the agency directly" (Pakistan n.d.). The Ombudsman aims to resolve complaints within 3 to 6 months, and if the complainant is unsatisfied with the decision of the Ombudsman, he or she can "make a representation to the President of Pakistan within 30 days of receipt of the decision" (ibid.). Statistics on police complaints made to the Ombudsman could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The World Bank states that the Ombudsman institutions in Pakistan face "significant weaknesses," including low capacity, resulting in an inability to meet performance standards, as well as insufficient "human and technological resources to address complaints" (World Bank 20 May 2014).

## 2.6 Citizens Police Liaison Committees (CPLC)

The website of the CPLC states that they are a public-private partnership between citizen volunteers and law enforcement agencies, whereby citizens provide assistance to victims of crime and provide technical support to law enforcement agencies (CPLC n.d.a). The CPLC has six district offices in Karachi, one district office in Hyderabad, a head office in Sindh Governor House, and a district office in Sukkur is under development (ibid.).

In 1998, all CPLC offices established a police complaint cell, including taking information on "[e]xcesses committed by police" (CPLC n.d.b). Without providing further detail, the source states that the CPLC has "played a pivotal role" in releasing detainees "kept under illegal detention by any police official" (ibid. n.d.c). According to their 2014 report on Pakistan, TI states that the Citizens Police Liaison Committees (CPLCs) are "directional and recommendatory in nature" (TI 2014, 110). Further and corroborating information on the role and efficacy of the CPLC in addressing complaints against the police 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.

### Note

[1] Asia Society is an educational organisation, established in 1956, that promotes "mutual understanding and strengthening partnerships among peoples, leaders and institutions of Asia and the United States" (Asia Society n.d.)

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**Internet sites, including:** Amnesty International; Associated Press of Pakistan; eoi.net; Factiva; Human Rights Watch; International Crisis Group; *Jane's Intelligence Review*; Pakistan – National Police Bureau; United Nations – Office of the High Commission for Human Rights, Refworld.

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