



NEWSLETTER

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Highlights of Success From LAO's Litigation Desk:

769	under trial prisoners were connected with free legal representation in courts
85	bail orders were granted
426	cases were resolved through court orders

GRASS ROOTS JUSTICE PRIZE

Legal Aid Office, Pakistan was a Finalist for The Nomboniso Nangu Magubela Memorial Prize for scale and sustainability in the global 2017 Grassroots Justice Prize Competitions.



Highlights of Success from LAO's Vocational and Recreational Desk:

In collaboration with Karachi United Football Club and with the support of Women Development Department, a friendly Football Match was held between the YOIS Karachi Football team and Karachi United Old Golimar Centre on February 13th 2018. The event was headed by Justice (R) Nasir Aslam Zahid, the Minister for Law and Prisons Mr Zia Ul Hassan Lanjar, Sports Minister, Mr.Sardar Muhammad Bux Khan Mahar, Inspector General Prisons, Mr.Nusrat Mangan.



Highlights of Success From LAO's Legal Awareness and Empowerment Desk:

28 

Adult male convicts were trained and completed the prison paralegal training course from Central Prison Karachi

42 

Old aged prisoners attended a legal aid camp in Central Prison Karachi

39 

Young prisoners attended a legal aid camp in Malir District Prison

40 

Prison Constables from Sukkur, Larkana, Hyderabad and Karachi were provided with training on prison rules and gender sensitization

50 

Female inmates from Karachi Women's Prison have been enrolled in the legal literacy classes provided in partnership with SAHEE



EDITORIAL

Recently, the Legal Aid Office conducted an unusual legal aid camp at the Central Prison in Karachi. The camp, the first of its kind, sought to focus on the 'legal needs' of elderly prisoners who were known as being socially, economically and health-wise at a disadvantage in comparison to other inmates. Whilst the numbers were not surging for the biggest prison in Sindh; which accommodates more than 4,700 prisoners; the 42 prisoners aged 60 years and above that were assembled together portrayed a rather devastating picture. Prisoners too frail and feeble to walk unassisted or sit for more than a few minutes were painstakingly gathered for assessment and interviews. The team went in with the initial objective of gauging legal needs within a constrained definition of 'access to lawyers' and 'court papers'. However, what quickly became palpable was the diversity in competing needs of this vulnerable strata. Figuring out the date for the next hearing in an appeal against their conviction or merely wanting to know how much time they had left for their internment period were simply the tips of the iceberg. One thing was clear, they required information which was conveyed to them in a sensitized, clear and simple manner through face to face contact. Another aspect which was apparent was a general reluctance to question and challenge power dynamics and officials or simply put other prisoners. The onus is on the complaint-maker who is the sole guard for activating enforcement of his or her rights. This prevailing lack of confrontation added another layer of vulnerability for the elderly prisoners. This also became an additional barrier for them in accessing services such as visitation rights, healthcare or legal assistance. It is no surprise that our colonial prisons are ill equipped to deal with the needs of elderly prisoners as these were fortresses built to detain fit and young men. A just system needs to balance its punishment ethos of retribution against the need for showing mercy. Prisons are meant to protect the public from dangerous criminals. The question we need to raise is how many prisoners whose minds and bodies have been whittled away by age continue to pose any real threats to the public? Research indicates that the cognitive abilities of a child may be comparable to those of the elderly so perhaps an upper age limit for criminal culpability similar to a defense of infancy can be considered? Recently, Pakistan and India have agreed to a proposal to release old aged prisoners and those with mental health concerns from each other's prisons on humanitarian grounds. Whilst we adamantly expect the return of our old aged citizens from our neighbors, those incarcerated in their own country continue to live in demeaning conditions with disability, deteriorating health and isolation. A re-creation of our sentencing philosophy is required for a more humane approach that will also prove to be a more cost effective measure for an already overburdened prison system.

Haya Emaan Zahid
Executive Director

SUCCESS STORY FROM THE CENTRAL PRISON, KARACHI

Asim is a 28 year old prison paralegal who has been working with the Legal Aid Society since 2015. Asim attended the paralegal training classes when he was an under trial prisoner in District Prison Malir and showed great enthusiasm and promise as a trainer and over the course of 3 years, Asim has become the most experienced paralegal that LAS has trained and deployed at the Central Prison Karachi.

Asim's family hails from the Swat valley, however his father moved to Khairpur in search of better economic prospects. The family moved from Khairpur to Karachi when Asim was in class 3 and Asim continued his education completing his Intermediate and doing computer courses to get in to a career in IT.

Asim was enrolled in the first year of a Bachelors in Computer Science when he was arrested and put in jail in 2012. Asim was 22 years old at the time. According to Asim the matter relates to a property dispute from back home. When his father passed away in 2007, the family found out that they had substantial property in Swat. The insurgency was in full swing in 2007 and Swat was practically a no-go area, however, Asim returned to Swat to claim his father's property. The property had been claimed by distant relatives. A local influential who refused to recognize the families claim has threatened Asim with dire consequences. Undeterred, Asim pressed his claim and began the process of regularizing the paper work. When the occupiers of the property realized that Asim wouldn't back down, they used their influence to register multiple cases against him. Asim was accused of being their tenant for a property in Karachi which he allegedly forged papers for and tried to sell. Other cases were registered in Karachi, Lahore and Peshawar alleging that Asim was driving a car with fake number plates. All the cases were registered within days of each other and the first FIR was registered against him on 28th March 2012.

Since 2012, Asim has been confined in prison, trying to prove his innocence. He has now been acquitted of all charges against him in Karachi. Asim has also been the victim of a predatory legal profession and has engaged four different lawyers over the course of the first 2 years. Each lawyer charged between twenty and fifty thousand rupees. Eventually fed up with inadequate representation, Asim decided to fight his cases himself. He was acquitted in the last case against him in April 2017 and has been waiting to be transferred to Lahore or Peshawar to face the cases lodged against him there. The Legal Aid Office will be assisting Asim in securing his transfer, which has been pending for no reason for almost a year now.

Asim's involvement in the paralegal program has been very beneficial for the program and for Asim himself. His experience of navigating the legal system on his own has been a big asset for the program.

He credits his ability to argue his own case to his learning about the law from the paralegal training sessions and from his interaction with LAO lawyers who would guide him from time to time. He also feels the program has helped him develop teaching skills and improved his relationship with prison administration. Asim has also been a keen advocate for the program, spreading awareness of the service among prison inmates as well as the prison administration and the media. His commitment to the program is entirely voluntary and is based on his desire to assist others who are in the same position as he once was.

Asim claims the program has been hugely beneficial for new inmates – helping them to come to terms with the new environment. Before the paralegal program, older inmates would help explain the law and other issues to new inmates, however, having a structured program to create basic legal awareness has really helped participants feel more confident and helps give people hope. Improved legal awareness can empower people to seek relief. Access to reliable legal information and advice through LAO lawyers is also an essential service. Most inmates in prison complain about being taken advantage of by their lawyers or not being given updates or explanations about case progress. Some unscrupulous lawyers make big promises and then consistently fail to deliver once they have received fees. In such situations, the paralegal program and access to legal advice can help inmates by either guiding them on procuring legal services or in understanding their cases better.

The paralegal program has a long way to go, and Asim's advice is the program should be spread to reach every prisoner in the province. He says a prisoner is completely cut off from society and compares inmates to a mobile phone from which the sim card has been removed. Over time, relatives visit less frequently and trips to court, the only temporary respite from prison also become less frequent. In such situations, any service that can help people secure early release or a reduction in their sentence, or can make their lives in prison more humane and tolerable is a valuable service to society.

Omar Maniar
Associate Director

SUCCESS STORY FROM KARACHI



The LAS, in partnership with the Human Rights Commission of Pakistan, is providing legal representation to victims of discrimination and marginalization across the province. Many success stories have emerged where the violence faced by vulnerable women have been successfully rectified by resort to the judicial system. One such case came to the LAS from Karachi and it combined elements of domestic abuse, violence, and retaliation. The client consulted with a LAS advocate and was distraught at her plight. She was married in 2015 but her husband displayed a persistent pattern of abuse, threats, and harassment against her. The couple had a three-month-old baby from the

marriage, and the client finally unable to take her husband's abuse, left his home and returned to her parents' house with her baby. This was seen as an act of defiance by her husband, who decided to retaliate against her by appearing at her mother's house and kidnapping her suckling baby. The client attempted to reason with her husband and begged him for permission to see and care for the baby. He refused. His position was further strengthened by the fact that he is an influential person with the ability to intimidate her and leave her powerless. In desperation, the client turned to the police to ask them for assistance, but as is frequently true in gender-based cases, with the added element of the accused's influential position, the police turned her away. Distraught and out of options, she turned to LAS to seek legal advice about her options, if any. LAS advocates immediately filed a habeas corpus application in the district court for recovery of the child, alleging that the mother's fundamental rights were being violated, and further requested that the court require the father and baby's presence in person. The petition also asked the court to provide legal protection to the client and her family members from the threats and harassment of the accused. The court ordered the accused to appear along with the baby, and held that it was the client's right to be united with her baby, and that removing the child from her mother's custody constituted cruelty, especially during the period of Hizanat. The custody of the child was handed over to the mother, and the client filed a statement with the court affirming that the baby was safe with her.

SUCCESS STORY FROM SANGHAR

This story comes from our office in Sanghar which is one of the poorest districts in Sindh and one with a relatively large minority Hindu population. A client came to LAS' Sanghar office to request legal aid because she was poor and had no other alternative. The client was a Hindu woman, married in 2006 who had four children from the marriage. For the past several years, her marriage was characterized by domestic violence, abuse, and harassment from her husband. In this case, her husband's abuse culminated in him throwing her out of the house and snatching two of the couple's young children from her as retaliation. One child is nine years old, and the other is eight years old. He monitored the children's every movement, and forced them to work so he could collect their wages.

Upon his refusal to allow her to meet with her two children, children's mother finally approached LAS for advice and legal assistance. The client's efforts at involving the police were unsuccessful. LAS advocates in Sanghar immediately filed a criminal application in court demanding that the illegal detention of the children be ended and custody rightfully restored to their mother, who was distraught at her inability to rescue the children from their father's wrongful acts.



On direction from the judge, police officials produced the children and their father in court, and judgment was passed in favour of the mother. The court held that she was the biological mother of the two children, and the children rightfully belonged with her. In an atmosphere, where the rights of women are violated with alarming frequency with no legal repercussions for the abuser, these small victories are an important step forward. There is an urgent need for such cases to be taken to court and to hold abusive partners accountable for their behavior.

MY EXPERIENCE WITH LAS

Firasat Rizwana Siddiqui

When I joined Legal Aid Society in July 2015, I was merely a second-year law student, who was still learning about the legal systems of Pakistan. I was completely oblivious to the work I was signing up myself for, but believe me, it was a blessing in disguise for me. Being a student of law, I had never given a thought that development sector could also be an option for me. I was unaware of the need and importance of legal empowerment in society and terms like "Access to Justice", "Rule of Law" were alien to me.

The past three years at LAS were amazing and overwhelming. It challenged me in so many ways, dragged me out of my cocoon and made me reconsider my values. I not only grew professionally, but personally and intellectually as well. It was a great privilege for me to work under the mentorship of Justice Nasir Aslam Zahid, who himself is an institution. Moreover, the trust my supervisors put on me and the opportunities they provided to me were a valuable addition to my professional experience. I got the chance to work in prisons, go into the field, to get trained and to conduct training, as well as to learn from experienced lawyers. My work at LAS made me more creative, open-minded, and adaptable.

In my tenure, I was the part of many projects but one project in LAS that is very near to my heart is the Prison Paralegal Program. The program was designed to raise the legal knowledge and awareness among the inmates of the prisons that will then be able to steer them in the right direction with their trials, and will also enable them to aid other inmates and their communities on their release. I learned about the criminal justice system of Pakistan as well as the system of prisons in Sindh. The program had a huge impact and many success stories; I met many participants who were benefitted from the program. The program made me realized that many so-called 'criminals' in our society are also victims of the legal system too; a lot of them have been involved in crimes due to a general lack of awareness of laws and there is a dire need of imparting legal awareness and civic sense in our masses. LAS provided me the opportunity to work in the field areas too. That was another learning experience for me. While conducting field visits within various districts of Sindh, I had the firsthand experience of the legal challenges faced by the communities in those remote and far flung areas. It made me more sensitive, empathetic and compassionate towards the work we do at LAS. It made me realized that being a legal professional, our role should not be limited to represent people in courts in their legal matters but also to spread awareness among people about their legal rights and responsibilities. Only through legal literacy and empowerment, problems of injustice and inequality can be solved.

Even though my journey with LAS is coming to end, the experience and learning I had in the organization will remain with me for long. The organization has been an alma mater to me and the time I spent here will always be cherished by me.



Highlights of Activities and Updates from LAS

- ★ The LACC received 2,644 registered calls in this quarter and provided these callers with legal advice and information on criminal, civil and public service matters.
- ★ On 21 February 2018, Mr. Abdul Malik Ghauri, Member In-charge of the Federal Ombudsman Office, Karachi provided a guest lecture to the staff of the LACC relating to the functions of the Office of the Ombudsman and the process by which complainants may seek relief in their issues with government agencies.
- ★ The Sindh Judicial Academy (SJA) has officially endorsed LAS' research paper on Delays in the Delivery Of Justice in Civil Cases (Empirical Evidence from Four Judicial Districts in Sindh) which provides an empirical diagnostic study on the bottlenecks in a typical civil trial.
- ★ The field teams have conducted 172 awareness clinics with different communities to create awareness on Alternative Dispute Resolution methods in which 28 clinics were conducted with Union Councils.
- ★ The Program Team conducted a refresher training of members of the field teams on Advocacy and Lobbying Techniques, and on two types of Information, Education, and Communication (IEC) Material which is related to Court Annexed Mediation and on Ombudsman in Karachi.
- ★ LAS has provided free legal representation in courts to 87 community members including 65 women and 1 Transgender person.
- ★ LAS started provision of Legal Literacy Classes in YOIS Karachi as part of its Basic Literacy project which aims to engage with 100 juveniles.

BIDDING FAREWELL

Samar Tareq

The first quarter of 2018 has already left a high watermark in the careers of some of our former team members. The results for the posts of Assistant Prosecutor General, Judicial Magistrate, Assistant District Public Prosecutor were announced and 10 of our former team members qualified and were subsequently notified to take on these new positions. We wish them the very best for the new chapters in their life and are confident that that they will lead and sustain the flourishing of a sensitized and humane approach within the departments that they have joined.

The list of successful candidates:



S.NO	NAME	DESIGNATION	APPOINTED AS	ENGAGEMENT WITH LAO/LAS
01	Ms. Fauzia Yousuf	Senior Litigation Advocate -Section Head	Assistant Prosecutor General	LAO: May 2007-Jan 2018
02	Ms. Rizwana Mughal	Litigation Advocate-CP	Assistant District public Prosecutor	LAO: July 2009-March 2018
03	Ms. Ghazala Parveen Rajpar	Litigation Advocate-DP	Assistant District public Prosecutor	LAO: March 2011-March 2018
04	Ms. Tahira Saayani	Senior Lawyer	Assistant Prosecutor General	LAS: July 2014-Jan 2018
05	Ms. Hina Naz	Senior Lawyer	Assistant District public Prosecutor	LAS: Sep 2014 - March 2018
06	Ms. Benazir Rahim Jamali	Senior Litigation Advocate -SH	Assistant District public Prosecutor	LAO: Dec 2014-March 2018
07	Ms. Faiza Ali	Lawyer	Assistant District public Prosecutor	LAS: August 2015 - March 2018
08	Mr. Hyder Ali	Litigation Advocate- DP	Judicial Magistrate	LAO: Dec 2015- Feb 2018
09	Mr. Sher Muhammed Sehet0	Litigation Advocate	Assistant District public Prosecutor	LAO: Jan 2017- March 2018
10	Mr. Abdul Saleem	Field Advocate	Judicial Magistrate	LAS: May 2017 - March 2018

LEGAL ADVISORY CALL CENTER

The flagship project of LAS, the Legal Advisory Call Center (LACC) achieved the milestone of registering 50,000 calls during this quarter. LACC has thus far provided free legal advice to 50,801 people since its inception on 22nd September 2014.



For Free Legal Advice

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