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jeudi 27 mai 2010, par [AHRC](#) (Date de rédaction antérieure : 25 mai 2010).

ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAMME

Urgent Appeal Case : AHRC-UAC-070-2010

25 May 2010

PAKISTAN : A couple is death marked by a jirga court chaired by a policeman

ISSUES : Violence against women ; honour killing ; torture ; police negligence

Dear friends,

The Asian Human Rights Commission has received information that a couple have been declared 'Karo-Kari' and sentenced to death by an illegal tribal court, but cannot get protection or redress from the Pakistan authorities. The tribal court was allegedly chaired by the bride's uncle, a policeman, and includes her father, who is also an officer. Two attempts have already been made to abduct the couple, and the groom's home has been violently attacked and burned, with his young brother and sister both injured. Three of his family members were illegally detained and tortured by local police for more than two weeks. Despite this, all efforts to register complaints with the local police stations have reportedly been blocked, except for the complaint by the bride's father against her new husband.

No criminal investigation has been launched in the case and all routes taken by the victims to bypass the police via the Sindh High Court have proven futile. No perpetrators have been arrested and the couple remains in hiding. The relatives of the groom are also still in danger in their village, where they are being widely subjected to a social and economic boycott.

CASE NARRATIVE :

According to the information we have received, on 11 April 2010 a number of police officers in Khaipur Mirs, Sindh province participated in a jirga (a non-legislative tribal panel) of Drigh caste elders, who sentenced 21-year-old Azra Ali Drigh to death. We are told that Ms. Azra wished to marry outside of her tribe and had refused a suitor arranged for her by her family. At the head of the panel was her uncle, who allegedly holds two names and two positions : as a police officer with the

Agar police he is known as Abdul Qadir Drigh, and as jirga chairman or Sardar in his village of Razi Dero in Taluka Gambat, as Abdul Wahid Drigh. Please be aware that jirgas were ruled as illegal and unconstitutional in the province by the Sind High Court in 2004.

As noted in a later application sent to the High Court, other police officials were among the thirty or so persons in the jirga, including Azra's paternal uncles Sikander Drigh (an assistant sub inspector) and her father Abdul Rehman. Her paternal uncle Abdul Lateef Drigh and maternal uncle Sadoro Drigh were also present. It was ruled that Azra was Kari (black or 'marked') and would be sent to a village around 60km away (Fazal Mohammad) to be executed.

However she was able to escape from a toilet on 19 April during a purification trip to a shrine with her male relatives (the shrine of Pir Naro Sain). She reports that she managed to take a train to Karachi, 500km away, to find her boyfriend, Mr. Nasim Ali Joyo, who worked there for a telecommunications company. The couple were married the next day by Justice of the Peace and first class Magistrate Mr. Shafi Mohammad Memon. Both swore an oath that they were marrying of their own accord - a legal requirement for marriage in Pakistan.

On the day of Azra's escape Abdul Qadir Drigh and a number of his brothers filed an First Information Report (FIR No. 19/2010) with their colleagues at Agar police station ; it was filed against Nasim for Azra's abduction. In another jirga held by Drigh family heads on 21 April, the couple were both then 'marked' as Karo Kari, indicating that they are depraved and should be killed when found. Other villagers were instructed to socially and economically boycott the rest of the Joyo family.

On 21 April a group of unknown men with various weapons attacked the Joyo household and assaulted all of its inhabitants, including the groom's mother, his 13-year-old sister and 15-year-old brother, who sustained injuries to the head and body. The men allegedly delivered threats from the Drigh family, set the house alight and stole valuables. They did not discover the location of the groom and reportedly continued on to the house of his sister, where they abducted her husband, Mr. Aijaz Samoo, and took him to the Agar police. The police detained him, and later Mr. Ali Hassan Mallah and Mr. Waheed Samoo - the groom's other brother-in-law and cousin - without any warrant or charges. The men were then detained until 5 May inside the station, during which they report suffering violent beatings and abuse during interrogations. Police continuously asked for the location of Nasim.

In the meantime Azra and Nasim had filed an application with the Chief Justice of the Supreme Court relating to the illegal jirga and the illegal arrests. On 23 April they filed a petition in the Sindh High Court with the same charges (No. B-1197/2010), in an attempt to have an FIR filed against the police and tribal elders responsible. On 27 April a double bench of the Sindh High Court ruled in their favour. It ordered the District Police Officer (DPO) of Khairpur Mirs to release the three illegally held men, and to file the Joyo family's FIR. However no FIR was filed and the men were not released until 5 May. They report that they were forced to pay large bribes to the police officers before their release.

On 7 May we are told that Azra and Nasim were ambushed in a Shah Faisal colony market place in Karachi, some 500 kilometers from their village, by two of the woman's maternal uncles and some of her family members based in the city, carrying firearms ; the couple managed to escape.

Nasim's mother reportedly tried to file their FIR in Agar again on May 10 after the High Court ruling. The FIR mentioned the ransacking and burning of her house and the illegal detention and torture of her family members. She reports that Station House Officer (SHO) Ghulam Haider Haider Mangi refused to file the FIR, suggesting that he was not powerful enough to do so. She complained

at the office of the DPO on 12 May and filed another application. This was forwarded by the DPO to the SHO at Agar, who again reportedly refused to comply. Nasim then filed another application with the Sindh High Court on 13 May. On the day of the first hearing, 18 May, the issue of the false FIR, taken against the Joyo family members was raised. The SHO claimed that it had been dropped by police.

The hearing continues, however an FIR has not been successfully registered by the Joyo family with the Agar police, and no investigation has therefore been launched into the criminal acts committed by either the civilians – the attack on the Joyos, arson and theft – nor the Agar police officers accused of corruption, the obstruction of justice, illegal detention and torture.

The involvement of police officers in illegal jirgas and its extrajudicial death sentences has also not been reported on, or considered, and awaits a thorough investigation.

ADDITIONAL INFORMATION :

In Pakistan honor killings are known locally as Karo-Kari, and usually involve the community-sanctioned and perpetrated murder of a family or clan member who is considered to have brought dishonor upon the family, clan, or community. Considered a form of domestic and gender-based violence, honor killings most often involve women, and are related to perceived causes of shame such as an alleged infidelity, or other culturally challenging behaviors like a 'love' marriage. However such cases have also included disputes over land, money and authority.

The sentence is decided upon and meted out entirely outside of the law in jirgas, court-like gatherings of tribal men. These have been declared illegal by the superior courts of the country, including the Sindh High Court.

According to the Human Rights Commission of Pakistan, an NGO, during the year 2009 around 647 women and 250 men were killed in such circumstances, however many cases go unreported. During the first four months of this year 36 women and 10 men have been reportedly killed in the name of Karo Kari ; many more are in hiding due to threats related to such illegal rulings.

To find the many cases of honour killing reported on by the AHRC, please visit the urgent appeal website and use the keyword search function. These include : [Pakistan: A young couple is in hiding after a tribal court sentenced them to death for their inter-tribal marriage](#) ; [Pakistan: Three more women allegedly buried in same way as five women buried in Balochistan](#) ; [Pakistan: A girl is mauled by dogs and later killed on the pretext of an honour killing](#)

SUGGESTED ACTION :

Please write to the authorities demanding that for an immediate probe to be launched by the provincial government into the participation of police officers in Jirga courts. A criminal investigation must also be carried out by the DPO or the Inspector General of the Sindh Police, into the grave allegations of torture and illegal detention committed by Agar station police officers, as well as their continued and willful disregard of High Court orders. Please also ask for criminal cases to be effectively opened and investigated into the attacks on the Joyo family, and see that the government provides immediate and effective protection and assistance for the threatened couple, currently in hiding.

The AHRC has writes a letter to the UN special rapporteurs on torture and on violence against women, its causes and consequences.

To support this appeal please click here :

SAMPLE LETTER :

Dear _____,

PAKISTAN : A couple is death marked by a jirga court chaired by a policeman

Names of victims :

1. Miss Azra Ali Drigh, 21, daughter of Ali Mardan Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
2. Mr. Naseem Ali Joyo ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province

Names of alleged perpetrators :

1. Sikander Drigh, Assistant sub inspector, of Agar police station and paternal uncle of Azra Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
2. Abdul Rehman, police officer at Agar police station and father of Azra Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
3. Sardar Abdul Wahid Drigh, alias Abdul Qadir Drigh, police officer at Agar police station and paternal uncle of Azra Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
4. Abdul Lateef drigh, paternal uncle of Azra Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
5. Sadoro Drigh, maternal uncle of Azra Drigh ; resident of Village Razi Dero, Taluka Gambat, Khaipur Mirs district, Sindh province
6. Ghulam Haider Haider Mangi, Station House Officer of Agar police station, Taluka Gambat, Khaipur Mirs district, Sindh province

Date of incident : 11 April 2010

Place of incident : Village Razi Dero, Taluka Gambat, Khaipur Mirs district and Shah Faisal Colony, Karachi, Sindh province

I am writing to voice my deep concern regarding information that a couple have been declared 'Karo-Kari' and sentenced to death by an illegal tribal court, but cannot get protection or redress from the Pakistan authorities. I understand that orders from the High Court of Sindh are being willfully disregarded by the police officers involved.

According to the information that I have received, on 11 April 2010 a number of police officers in Khaipur Mirs, Sindh province participated in a jirga of Drigh caste elders, who sentenced 21-year-old Ms. Drigh to death. At the head of the panel was her uncle, who allegedly holds two names and

two positions : as a police officer with the Agar police he is known as Abdul Qadir Drigh, and as jirga chairman or Sardar in his village of Razi Dero in Taluka Gambat, as Abdul Wahid Drigh. I believe it is significant to note that jirgas were ruled as illegal and unconstitutional in the province by the Sind High Court in 2004.

As noted in a later application sent to the High Court, other police officials were among the thirty or so persons in the jirga, including Azra's paternal uncles Sikander Drigh (an assistant sub inspector) and her father Abdul Rehman. Her paternal uncle Abdul Lateef Drigh and maternal uncle Sadoro Drigh were also present. It was ruled that Azra was Kari (black or 'marked') and would be sent to a village around 60km away (Fazal Mohammad) to be executed.

However I am told that she was able to escape on 19 April during a purification trip to a shrine with her male relatives and traveled to Karachi, where she married her boyfriend, Mr. Nasim Ali Joyo, there the next day by Justice of the Peace and first class Magistrate Mr. Shafi Mohammad Memon.

On the day of Azra's escape Abdul Qadir Drigh and a number of his brothers filed an First Information Report (FIR No. 19/2010) with their colleagues at Agar police station ; it was filed against Nasim for Azra's abduction. In another jirga held by Drigh family heads on 21 April, I understand that the couple were both then 'marked' as Karo Kari. Other villagers were instructed to socially and economically boycott the rest of the Joyo family.

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In the meantime Azra and Nasim had filed an application with the Chief Justice of the Supreme Court relating to the illegal jirga and the illegal arrests. On 23 April they filed a petition in the Sindh High Court with the same charges (No. B-1197/2010), in an attempt to have an FIR filed against the police and tribal elders responsible. On 27 April a double bench of the Sindh High Court ruled in their favour. It ordered the District Police Officer (DPO) of Khairpur Mirs to release the three illegally held men, and to file the Joyo family's FIR. However no FIR was filed and the men were not released until 5 May. They report that they were forced to pay large bribes to the police officers before their release.

On 7 May we are told that Azra and Nasim were ambushed in a Shah Faisal colony market place, in Karachi, some 500 kilometers away from their village, by two of the woman's maternal uncles, and some of her family members based in the city, carrying firearms ; the couple managed to escape.

Nasim's mother reportedly tried to file their FIR in Agar again on May 10 after the High Court ruling. The FIR mentioned the ransacking and burning of her house and the illegal detention and torture of her family members. She reports that Station House Officer (SHO) Ghulam Haider Haider Mangi refused to file the FIR. She complained at the office of the DPO on 12 May and filed another application. This was forwarded by the DPO to the SHO at Agar, who again reportedly refused to comply. Nasim then filed another application with the Sindh High Court on 13 May, which is being heard.

An FIR has still not been successfully registered by the Joyo family with the Agar police.

It is clear that an immediate probe must now be launched by the provincial government into the participation of police officers in Jirga courts, since all other avenues utilized by the victims appear to be blocked. A criminal investigation is long overdue, under the DPO or the Inspector General of the Sindh Police, into the grave allegations of torture and illegal detention committed by Agar station police officers, as well as their continued and willful disregard of High Court orders. Criminal cases must also be effectively opened and investigated into the attacks on the Joyo family.

Please also see that immediate and effective protection and assistance is arranged for the threatened couple, currently in hiding, who have so far been entirely thwarted and left vulnerable by the failure of the legal system.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO :

1. Mr. Syed Yousaf Raza Gilani
Prime Minister of Pakistan
Prime Minister House
Islamabad
PAKISTAN
Fax : + 92 51 9221596
E-mail : secretary cabinet.gov.pk

2. Syed Qaim Ali Shah
Chief Minister
Karachi, Sindh Province
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3. Mr. Syed Mumtaz Alam Gillani
Federal Minister for Human Rights
Ministry of Human Rights
Old US Aid building
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4. Mr. Muhammad Ayaz Soomro
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5. Chief Justice of Sindh High Court
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Thank you.

Urgent Appeals Programme
Asian Human Rights Commission (ua.ahrc.asia)