

Pakistan: Pandemic prisoners

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THAT prisons in Pakistan are overcrowded is no secret. Prisons being unsanitary and disease-ridden is another familiar story across the country. Prisoners living in difficult conditions is a known but easily forgettable fact. Prisons are kept out of sight, and prisoners even more so. In a world distracted by a pandemic, prisoners are often the last to be considered. Lockdowns, after all, are nothing new to them.

Yet what happens behind prison walls is of great consequence to the world beyond them.

Prisoners of the Pandemic, a joint report by Amnesty International and Justice Project Pakistan, has measured the full weight of the decisions made by Pakistani authorities, including the judiciary, in response to the challenges of the Covid-19 outbreak in jails. The research confirms the instinct that a rickety prison infrastructure cannot safely endure a contagious, potentially deadly disease that has claimed over 1.5 million lives globally.

Every public health recommendation to prevent contracting Covid-19 — washing hands, wearing masks, keeping physical distance — is practically impossible to implement in overcrowded, unsanitary and under-resourced jails. Prisoners in Pakistan have reported sleeping in shifts because there isn't enough room in cells for them all to lie down at the same time. Others have described becoming sick from drinking the water they are also expected to wash with. Most rely on their families to bring them essential medication. At the beginning of the pandemic, health workers were photographed wearing plastic bags in lieu of PPE. Prisons could hardly expect adequate supplies of masks if hospitals couldn't.

People in detention are being dangerously exposed.

And so, the authorities recognised that special protective measures were needed for prisons — above all, a big reduction in the prison population to avoid spreading the virus within their walls.

Something activists had worked relentlessly for years began to happen. A national conversation around overcrowding in prisons generated momentum, right from the magistrate courts to the Federal Ministry of Human Rights. According to media reports, at least 20,000 prisoners across Punjab were scheduled to be released.

Similarly, the Sindh government prepared a list of 512 prisoners to be released, including individuals who had been detained for petty crimes, people who had served out the majority of their sentences, older prisoners, and some women and children. Sindh Chief Minister Murad Ali Shah approved a summary to release “thousands of prisoners” temporarily, for at least three months after securing guarantees from them. The Islamabad High Court ordered that prisoners awaiting trial who were held for non-prohibitory offences be released on bail.

Minister for Human Rights Shireen Mazari tweeted that she had requested the attorney general of Pakistan to submit her legal brief, underscoring the need to release at-risk prisoners, to the Supreme Court.

However, the Supreme Court's intervention on March 30 put a halt to the countrywide momentum and stalled efforts to release people from detention. Its rebuke to the lower courts' decisions to release prisoners on bail in light of the Covid-19 pandemic curbed all these moves, and even the Supreme Court's request to prison authorities to prepare lists of at-risk prisoners who could be eligible for release were not submitted.

Compounding the problem even further, a lockdown imposed from April to June 2020 — followed by court holidays — also forced courts to severely limit operations. As fewer bail hearings were taking place, the period between April and August saw prison populations rise from 73,242 to 79,603, in effect worsening the overcrowding situation.

Then in September, Prime Minister Imran Khan himself weighed in, calling for the release of detained women who were under trial, convicted of minor offences, or had served most of their sentences. He asked for the implementation to be swift. However, it has been over three months and no lists have been submitted and no women have been released from prison.

A series of failures in the early stages of the pandemic meant that the goal of reducing overcrowding in prisons was spectacularly missed. As we find ourselves in the throes of a second, more deadly wave, people in detention are being dangerously exposed and at the mercy of bureaucrats who have failed to prioritise their lives.

It should not take the death of prisoners to inspire action to protect those who are often forgotten. People in detention are wards of the state, which has an obligation to uphold their rights to life and health. If that is achieved through the submission of lists of prisoners at risk to the Supreme Court, better resource distribution, using non-custodial sentences, or even upending the very system that bloats prison populations, it must be done — with urgency.

Anything short only masks the problem.

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