

# Pakistan: NAB versus human rights

Wednesday 27 January 2021, by [REHMAN I. A.](#) (Date first published: 15 October 2020).

**THAT the National Accountability Bureau has little respect for human rights is widely known. The extent to which human rights are violated by NAB can only be established by documentation, a process in which this institution is obviously not interested. Surprisingly, NAB victims too have not attempted a record-based assessment of this important institution's performance. In this situation a fact sheet prepared by former senator Sehar Kamran can only be welcomed. The first shocking fact presented in this report is that NAB is allegedly responsible for causing 12 deaths.**

— Aslam Masood was extradited to Pakistan from Saudi Arabia in February 2019. It is said that grilling by NAB caused him to suffer cardiac arrest and he died in NAB custody.

— Aijaz Memon suffered a heart attack in Sukkur jail and died in a hospital nearly three months after being taken into custody by NAB for embezzlement.

— Advocate Zafar Iqbal Mughal was arrested on Oct 11, 2019. His health deteriorated over 86 days in NAB detention. He was transferred to a hospital where he died four days later.

The number of people who have died in NAB custody is frightening.

— Raja Asim remained in NAB custody for five years during which time his trial had not concluded. Delay in providing treatment for pneumonia is said to have caused his death in NAB custody. His death, it is alleged, was announced after a delay of five days.

— Retired Brig Asad Munir committed suicide to escape humiliation by NAB. In his suicide note he requested the country's chief justice to take notice of NAB authorities' conduct "so that other government officials are not convicted for the crimes they had not committed".

— Muhammad Nasir Sheikh of KDA was arrested in November 2015. Held without prosecution for more than three years, he died of cardiac arrest while in NAB custody.

— Prof Dr Tahir Amin of BZ University, Multan, failed in his bid to commit suicide and later on died in NAB custody.

— Qaiser Abbas was arrested in August 2018. On complaining of pain in his heart he was rushed to a hospital on Oct 1, 2019. He died the same day while still in NAB custody.

— Chaudhry Arshad of Rawalpindi suffered a heart attack during interrogation by NAB and died in its custody.

— Muhammad Saleem of the Lahore Development Authority was arrested in September 2017 and sent to jail on judicial remand. When his health deteriorated he was shifted to a hospital where he died while still in NAB custody.

— Prof Javed Ahmad was arrested by NAB and sent to Lahore camp jail on judicial remand. He died in the jail. Post-death photographs showed his body still wearing chains.

— Abdul Qavi of KDA was arrested in November 2015. He died in Karachi Central Jail two years later while in NAB custody.

This is a frightening account of NAB victims' mortality rate and one wonders whether it is matched by any accountability institution in the world. This by itself calls for a judicial probe to determine the legitimacy of NAB procedures and their admissibility in any system of civilised justice. In most cases NAB's claims on its victims fall in the category of civil liability for which special and humane procedures were devised by the colonial rulers. The defaulters were kept in detention for periods not exceeding 14 days at a time at special detention centres outside the prison system.

One of the most fundamental objections to the NAB procedures is the use of detention to gather evidence against the detainees. The bail plea of Mir Shakilur Rahman was opposed during the early phase of his detention on the ground that evidence against him was still being collected. There are similar stories of numerous other victims of NAB's arbitrary procedures. The common factor is the use of detention and torture to gather evidence.

NAB has been able to get away with blue murder on the strength of the myth that all means adopted to fight corruption are fair and that the ends justify the means. These myths are used by vindictive minds to justify torture to obtain evidence and secure convictions. While cases of successful prosecution are publicised nothing is said about the sharks that are left untouched. If such practices are continued for long, the corruption of the anti-corruption brigade will dwarf the corruption of the people chosen through a highly selective process.

There is great weight in Sehar Kamran's argument that NAB's actions violate a number of constitutional guarantees of human rights. These are contained in: Article 8 that holds laws inconsistent with fundamental rights to be void; Article 9 that guarantees security of person; Article 10 that offers safeguards against arbitrary arrest and detention; Article 12 that bars retrospective punishment; Article 14 that affirms inviolability of dignity of person; and all the articles that protect the basic freedoms. Above all, NAB tactics fall foul of Article 14 (2) that bars torture to extract evidence as most of the evidence used by NAB is allegedly extracted through torture.

Quite a few extremely harsh strictures have been passed on NAB by the National Commission on Human Rights, the Supreme Court and almost all the high courts. That these admonitions have had no effect on NAB suggests the state's complicity. Thus the state becomes answerable for all the human rights violations committed by NAB. It is a responsibility any civilised government will be loath to accept.

Tailpiece: Many voices were raised last week for the release of Baba Jan, the hero of not only Gilgit-Baltistan but the whole of Pakistan, but not as loud as his status as a prisoner of conscience and the scale of injustice done to him demand. His continued imprisonment as a result of conviction for a concocted offence is a stigma Pakistan cannot live with. The state must redeem its prestige by withdrawing all cases against him.

[Click here](#) to subscribe to ESSF newsletters in English and or French. You will receive one email every Monday containing links to all articles published in the last 7 days.

---

**P.S.**

Dawn

<https://www.dawn.com/news/1585155>