

KONTEKST:

Potrebno utvrditi slučajeve torture i drugih nehumanih ili degradirajućih postupaka tokom pritvora počinjenih od strane pripadnika bezbednosnih snaga u Pakistanu, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Pakistana, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Tortura i drugi nehumani ili degradirajući postupci tokom pritvora počinjeni od strane pripadnika bezbednosnih snaga u Pakistanu

ODGOVOR:

Bezbednosne službe često zlostavljaju i muče pojedince u pritvoru.^{1 2} Sa druge strane, krivični zakon definiše samo „povredu“ i ne određuje mučenje kao krivično delo, što dovodi do atmosfere nekažnjivosti.^{3 4 5}

Mučenje osoba u pritvoru je rasprostranjena pojava širom Pakistana.⁶ Broj slučajeva mučenja osoba u pritvoru se svake godine povećava, a prema podacima za 2011.godinu, u periodu od januara do decembra iste godine zabeleženo je preko 8 hiljada slučajeva mučenja lica u pritvoru.^{7 8}

Metode koje bezbednosne službe Pakistana koriste su: udaranje pendrecima, stvaranje opekotina uz pomoć cigareta, izolacija, električni šokovi, uskraćivanje hrane i sna.^{9 10} Ponekad mučenje rezultira ozbiljnom povredom, čak i smrću.^{11 12}

¹ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

² US Department of State: Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

³ US Department of State Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

⁴ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

⁵ Pakistan Penal Code/ Chapter II: General explanations, <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, pristupljeno

⁶ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012

⁷ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

⁸ US Department of State: Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

⁹ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

¹⁰ US Department of State: Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

Jedan od slučajeva mučenja koji su privukli veliku pažnju medija i nevladinih organizacija je slučaj mučenja pandžabskog pesnika Muhammada Anwar Sahara do smrti prilikom saslušanja u policijskoj stanici u septembru 2011.godine.¹³ Naime, Muhammad Anwar Sahar je pozvan da da izjavu u policijsku stanicu Langrana, da bi nekoliko dana kasnije policija obavestila o njegovoj smrti.¹⁴ Na telu žrtve je nađeno 29 tragova mučenja, pri čemu su mu i nokti na rukama bili počupani.¹⁵

Prema navodima nevladinih organizacija, gotovo svaka policijska stanica ima svoje sopstveno „odeljenje za mučenje“.¹⁶ Vojne snage imaju svoje sopstvene „ćelije za mučenje“ u kojima se pritvorena lica nalaze izolovana i po nekoliko meseci.¹⁷ Nевladine organizacije su u 2011.godini iznele dokumentovane tvrdnje da na teritoriji Pakistana postoji najmanje 52 vojna centra za pritvaranje u kojima se sprovodi mučenje pritvorenih lica.¹⁸

U nekoliko slučajeva, policajci i pripadnici vojnih snaga su sprovodili mučenje nad licima i na javnim mestima, kako bi stvorili atmosferu straha u društvu.¹⁹

Postoje podaci o slučajevima da su pripadnici policije učestvovali u silovanju žena, kao i da su pripadnici obaveštajnih službi silovali žene za vreme saslušanja.^{20 21 22}

Vlada čini malo toga da kazni odgovorne.^{23 24 25}

¹¹ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

¹² US Department of State: Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: / c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

¹³ Asian Human Rights Commission: The state of human rights in Pakistan in 2011/ Torture in Pakistan, - http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-008-2011/at_download/file, pristupljeno 24.12.2012.

¹⁴ Asian Human Rights Commission: The state of human rights in Pakistan in 2011/ Torture in Pakistan, - http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-008-2011/at_download/file, pristupljeno 24.12.2012.

¹⁵ Asian Human Rights Commission: The state of human rights in Pakistan in 2011/ Torture in Pakistan, - http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-008-2011/at_download/file, pristupljeno 24.12.2012.

¹⁶ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012

¹⁷ Asian Human Rights Commission: The state of human rights in Pakistan in 2011/ Torture in Pakistan, - http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-008-2011/at_download/file, pristupljeno 24.12.2012.

¹⁸ Asian Human Rights Commission: The state of human rights in Pakistan in 2011/ Torture in Pakistan, - http://www.humanrights.asia/resources/hrreport/2011/AHRC-SPR-008-2011/at_download/file, pristupljeno 24.12.2012.

¹⁹ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012

²⁰ US Department of State: Country Report on Human Rights Practices for 2011- Pakistan/Section I: Respect for the Integrity of the person, Including Freedom from: / c.Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment, 24. Maj 2012. - http://www.ecoi.net/local_link/217677/324307_en.html, pristupljeno 19.09.2012.

²¹ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.jun 2012. - http://www.ecoi.net/file_upload/90_1339140574_ukba-2012-06-07-pakistan.pdf, pristupljeno 14.09.2012

²² Observe Pakistan: Empowerment is real honor for women, 21.februar 2012. - <http://observe-pakistan.blogspot.com/2012/02/empowerment-is-real-honor-for-women.html>, pristupljeno 12.10.2012.

²³ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

²⁴ Asian Human Rights Commission: Pakistan: Government purposely avoids making law against the torture in the country, 24.jun 2011. - <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-088-2011>, pristupljeno 12.10.2012.

Vlada Pakistana je ratifikovala međunarodnu Konvenciju protiv torture (Convention against torture), ali je gotovo odmah stavila rezerve na brojne članove, što je dovelo do obesmišljavanja ratifikacije ovog međunarodnog sporazuma.²⁶ U junu 2011.godine, pakistanske vlasti su povukle određeni broj rezervi koje su uložile na prethodno spomenutu Konvenciju, ali nije došlo do primene povlačenja tih rezervi u praksi.²⁷

KOMENTAR/ZAKLJUČAK:

Iz svih prethodno navedenih tvrdnji jasno je da je mučenje osoba u pritvoru od strane pripadnika bezbednosnih snaga veoma rasprostranjena pojava u Pakistanu. Takođe se nameće zaključak da država ne čini dovoljno da kazni počiniocima ovog nasilja.

²⁵ Zee news: South Asia: 'Pak giving impunity to people inflicting torture', 26.jun 2011. - http://zeenews.india.com/news/south-asia/pak-giving-impunity-to-people-inflicting-torture_715356.html , pristupljeno 12.10.2012.

²⁶ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.

²⁷ UK Border Agency – Home Office: Country of origin information (COI) report: Pakistan / Security forces/ Human rights violations by government forces/ Torture, 7.decembar 2012. - http://www.ecoi.net/file_upload/90_1354876278_coir-pakistan-final-ukba-2012-12-07.pdf, pristupljeno 24.12.2012.