

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE RAJA FAYYAZ AHMED

MR. JUSTICE CH. IJAZ AHMED

HUMAN RIGHT CASES NOS. 44 OF 2008 & 14 OF 2009.

(Action on press clipping published in the daily Jang, Rawalpindi).

On Court's notice

Mr. Muhammad Yousaf Leghari, AG Sindh
Mr. Sannaullah Abbasi, DIG Larkana
Mr. Pir Muhammad Shah, DPO, Khairpur
Mr. Ghulam Nabi Kerio, SP(Inv) Haiderabad

Date of hearing:

25.05.2009

ORDER

The inquiry report has been filed by the DIG/DPO Police Hyderabad Zone, which contains the findings reproduced herein below:-

“After perusal of case file, hearing both the parties in length and the statements of Gulsher Solangi, father of deceased, Mst. Zikra Solangi, mother of deceased, Asif Solangi, brother of deceased, Hafiz Abdul Hakeem Solangi, Abdul Haleem Solangi both s/o Haji Ahsan Solangi (maternal uncles of deceased) Sarfraz s/o Hafiz Abdul Hakeem Solangi (maternal cousin of deceased) were recorded and all the relevant documents were collected. It has transpired that accused namely Mohammad Ibrahim (confined in Jail) 2. Zamir Ahmed Solangi 3. Karim Bux Solangi 4. Habibullah Solangi (mashir in the case) 5. Shakeel Ahmed Solangi (witness in the case) 6. Parvez Ahmed Solangi (witness in the case) 7. Khajjan Solangi 8. Abdul Sami Solangi including 9. Reimatullah Solangi (complainant of the case) are real accused involved in murder of deceased Mst. Tasleem Solangi and they have all committed offences under Section 302 PPC (Qatl-i-Amd), 201 PPC (Disappearance of evidence), 120-B PPC (Criminal conspiracy), 344 PPC (Wrongful confinement), 109 PPC (Abatement), 148 PPC (unlawful assembly with deadly weapons) and 149 PPC (unlawful assembly with common object).

Hence SIO concerned has been directed to submit the charge sheet against the above cited arrested and absconding accused in the Court of law having jurisdiction”

2. The learned Advocate General Sindh stated that in the light of the evidence recorded in the above said report, the in-complete report/challan for trial of the offence against the accused persons has been submitted in the Court of competent jurisdiction i.e. Sessions Judge Khairpur. However, DPO pointed out that two accused namely Parwez Solangi and Zamir Solangi are at large and proceedings against them under Sections 87 and 88 Cr. P.C. were not commenced. It is noticeable that appropriate action for declaring of the accused as P.Os. before submission of challan was not initiated and the DPO stated that these proceedings were to be taken by the Court after submission of challan. We are not satisfied with the explanation; the investigation officers in this case including the DPO who is supervising the matter have consistently failed to perform their duties at least in this context. Therefore, we call upon all the investigating officers involved in this case including the DPO to explain their position in such behalf.

3. Adjourned to 4.6.2009 for further proceedings. However, DPO, Hyderabad Zone may not attend the Court, unless directed otherwise.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.

Mr. Justice Raja Fayyaz Ahmed

Mr. Justice Ch. Ijaz Ahmed

Human Rights Case No. 44 of 2008

And 14 of 09

(action on press clipping published in the Daily
Jang, Rwp. Dated 10.1.09)

On Court Notice: Mr. Yousaf Leghari, AG. Sindh
 Mr. Sanaullah Abbasi, Dig, Larkana
 Mr. Anwar Subhani, AIG (L)
 Mr. Pir Muhammad Shah, DPO,
 Mirpurkhas

Date of hearing: 04.06.2009

ORDER

We have heard learned Advocate General, Sindh and have also considered inquiry report filed by Mr. Sanaullah Abbasi, DIG, Larkana. A perusal whereof *prima facie* suggests that in the case of murder of Tasleema Solangi, the investigating agency of police had not conducted investigation of the case honestly, obviously for the reasons that there was involvement of influential persons of the area and the accused persons with connivance of the police as well as notables of the area had managed their exoneration of the charge. It seems that the Medical Officer, who had conducted postmortem of dead body of the deceased has not acted fairly, particularly in view of the evidence of two person namely, Ajib Khan Lakho who deposed that he had seen dead body lying in the police station and there was wounds of dog biting on her body, and Abdul Hakeem, who stated that accused persons had disclosed to him that before killing Mst. Tasleema Solangi, the dogs were allowed to bite her.

2. There is another aspect of the case, which itself has two versions with regard to the presence of *Shalwar* on the body of deceased lady. Contradiction is that the lady who gave bath to her as well as the doctor said that there was *Shalwar* on her person but I/O says that her body did not contain *Shalwar*. It is not understandable that even if a lady is being killed by fire arm, she would put resistance which would cause bruises etc. on her body but in this case as per medical report, injury/bruises were found on her person.

3. The roles of Abdul Haq, Civil Judge as well as Akbar Bughar, SP Investigation are also not above board as per Inquiry Report. Therefore, it is a case in which PPO, Sindh is required to investigate the case afresh, personally with the assistance of honest and competent team and before doing the same he would remove all those officers/officials who had been conducting the investigation of the case in any manner, so they may not influence the investigation of the case. While doing so, he would keep in mind the observations made by the Inquiry Officer, Mr. Sanaullah Abbasi and the observations made hereinbefore. If need be, he would also get assistance of Mr. Sanaullah Abbas, DIG for the purpose of reaching to a just conclusion.

4. Unfortunate aspect of the case with regard to conduct of Abdul Haq, Civil Judge can also not be ignored in view of the Inquiry Report supported with the facts available on record, therefore, copy of this order be sent to Registrar, High Court of Sindh for placing the same before the Chief Justice for taking immediate action against him and during pendency of the action, whatsoever considered appropriate by him, this officer shall be shifted from Pir Jo Goth so that he may not influence the investigation. The Home Secretary, who has also received

copy of the Inquiry Report is required immediately to take action against SP, Investigation named herein before.

5. The incident of murder of Mst. Tasleema Solangi has brought bad name for the investigating agency as well as civil society including the judiciary as noted hereinabove, therefore, authorities concerned, are required to take strict action against all the concerned officers/officials without extending them any concession.

6. Let the above exercise be completed by the authorities noted hereinabove, within a period of one month and report shall be submitted to the Registrar for our perusal in Chambers. Adjourned to 27th July, 2009.

Islamabad, the
4th June, 2009
Nisar/ *

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Ch. Ijaz Ahmed
Mr. Justice Jawwad S. Khawaja

Human Rights Cases No. 44/2008 & 14/2009

(Action on press clipping published in the daily Jang,
Rawalpindi dated 10.1.2009)

On Court Notice : Mr. Yousaf Leghari, Advocate General, Sindh

Date of hearing: 27.7.2009

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY CJ - In pursuance of the order of this Court dated 4.6.2009, a report has been submitted by the Provincial Police Officer, Sindh through the learned Advocate General wherein, inter alia, following observations have been made:-

- "a) *The allegation that dogs were let loose on the victim before her murder was probed by the Committee. Apparently this allegation is not substantiated by the available evidence.*
- b) *The controversy regarding disappearance of Shalwar has also been probed by the Committee. Two versions have emerged, the first based on documentary evidence of chain of custody and other supported by oral evidence. The Committee is inclined to place reliance on the documentary evidence. However the grey areas notwithstanding, criminal negligence on the part of the police officers is apparent and accordingly legal and departmental action has been taken against them."*

It is to be noted that the news published in the media regarding letting loose of the dogs on the victim, Tasleema Solangi before her murder, the said allegations have not been proved to be correct. The allegation regarding disappearance of *shalwar* of the deceased has also been probed as noted above. According to the learned Advocate General, except two, all the accused persons have been arrested and

four Police officers have also been proceeded against departmentally under the relevant provisions of law and challan against them has been submitted in the Court of law alongwith other co-accused. Since the controversy in respect of the murder of Tasleema Solangi has been settled in the report and the trial of the case is likely to be commenced, therefore, no further action is called for. Hence these cases are disposed of. Before parting with this order, we appreciate the efforts made by the Provincial Police Officer, Sukkar as well as Muhammad Ramzan Channa, Regional Police Officer, Sukkar, Sanamullah Abbasi, D.I.G.P, Larkana, Abdul Khaliq Shaikh, A.I.G.P., Forensic Division, Sindh, Karachi, Junaid Ahmed P.S.P., S.P. Investigation, Sukkar and Iqbal Hussain Qadir, Addl. S.P. Sukkar. The Police functionaries are required to take interest in all the criminal cases on their own initiative as has been done in the instant case and no doubt, if this practice is followed, there would be every likelihood of controlling/reducing criminal activity.

ISLAMABAD

27.7.2009

Ejaz Goraya

HRC 14 & 44-SJ 2008

وزیر خارجہ پاکستان
راشد پرویز

10-1-2009

30

HRC No.1

سپریم کورٹ تسلیمہ سوئگی فٹل کیس کا سومونو ایکشن لے پاکستان بار کونسل

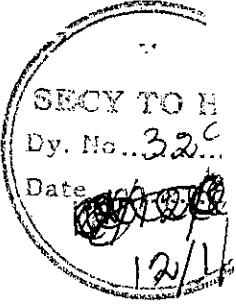
کونسل کی بیرون رٹس کٹینی کا انگریزی آفیسر کی کارکردگی پر عدم اطمینان قابل اعتراضات کریکا مطالبہ

اسلام آباد (پبلک رپورٹ) پاکستان بار کونسل کی بیرون رٹس کٹینی نے تسلیمہ سوئگی فٹل میں انگریزی آفیسر کی کارکردگی پر عدم اطمینان کا اظہار کیا ہے اور مطالبہ کیا ہے کہ اس معاملے میں کسی قابل پولیس آفیسر کو انگریزی کرنے کی ذمہ داریاں سونپی جائیں۔ ابھی تک انگریزی آفیسر کی کارکردگی کا جائزہ لیا گیا ہے اس معاملے میں بہتر کارکردگی کا مظاہرہ نہیں کیا جاسکتا۔

سندھ میں تسلیمہ سوئگی فٹل کیس میں سپریم کورٹ سے سومونو ایکشن لینے کی بھی استدعا کی ہے۔ کٹینی کا اجلاس یہاں چیئرمین راجہ شفیقت عباس کی سربراہی میں منعقد ہوا جس میں فیصلہ کیا گیا کہ کٹینی جڑواں شہرین راولپنڈی، اسلام آباد میں کام کرنے والی این بی اوز کے ساتھ ایک تقابلی ٹیسٹ کریں تاکہ انسانی حقوق کے معاملات پر بہتر درجہ رکھیں۔

پیدا کی جائے۔ کٹینی کے رشتہ کرڈ کی وجوہات جانتے اور اس کا مقابلہ کرنے کے لئے فروری میں ایک سمینار منعقد کرائے گا بھی اعلان کیا ہے۔ بیرون رٹس کٹینی نے فروری کے علاقے میں نئے شہریوں پر اسرائیلی ہتھیاروں کی شدید دست کی ہے اور اس معاملے پر انسانی حقوق کے علمبرداروں کی تجویز ناموں کی اور آئی سی کی تجویز ناموں کی بھی خدمت کی ہے اس معاملے پر دکھاء بیرون رٹس کٹینی کی فروری میں انگریزی کا اور اقرارام متحدہ کو ایک خط ارسال کر چکے۔ کٹینی نے کٹینی صورت حال پیدا کرنے کے معاملے پر بھارتی حکومت کی بھی خدمت کی ہے اور کہا ہے کہ بھارت اس معاملے میں دیا کر ڈا کر رہا ہے۔

کٹینی کے لئے کسی سٹیج کا عمل نہیں ہڈا اور دست کر ڈی کے مقابلے کے لئے انڈیا کو کٹینی تجویزوں سے روکا جانا چاہئے اگرچہ کٹینی کو دکھاء اور تمام افواج پاکستان کا شانہ بٹانہ لڑ چکے۔ اجلاس میں اقرارام متحدہ کے بار جس کے خلاف کونٹریں پر دستخط کرنے پر پاکستان کے کردار کو سراہا گیا اور حکومت سے مطالبہ کیا گیا کہ حکومت اس کٹینی پر عملدرآمد کرے۔



Dyns. 11/PRO/2009 - SCP
Date: 12.1.09

12.1.09

Girl made to face hungry dogs, shot dead

Rauf Klasra

ISLAMABAD: A 17-year old girl - Taslim Solangi - hailing from the constituency of chief minister Sindh Qaim Ali Shah (Khairpur) was murdered in one of the cruelest forms in the name of honour in March this year.

The helpless creature was first made to run before the hungry and furious dogs by the elder of her tribe before they shot her.

This bone chilling murder of a Solangi girl in the name of honour took place in the Hajnah Shah Goth area, which directly falls in the constituency of the CM Sindh. MNA Nafeesa Shah of PPP (daughter of CM Sindh) was elected on women's seat from the same area. The mighty Pir of Pagrao also belongs to the same area.

Talking to The News from Khairpur, one of the former union council

Nazims of the area who refused to be named in the report confirmed the incident but in a very vague way. "Listen, I know what had happened, but I would not share the information with you". Despite repeated requests, he refused to give details of the incident.

He however gave the mobile phone number of some one else related to him and asked this correspondent to "try to get the details from this young man if you could persuade him. This man knows every thing". But, the mobile of this young man was switched off.

Meanwhile, it has been reported that Sain Allad Dad Solangi, the head of the Solangi tribe of the Sindh province is said to have presided over the proceedings leading to the socking murder of the girl of his tribe.

The memories of five Baloch women buried alive in Balochistan are still fresh in the minds of the people and now another shocking case of honour killing has surfaced.

Meanwhile, the Asian Human Rights Commission has claimed in its report that actually this was not the case of honour killing as she was declared 'Kali' only to justify her murder by members of her own family over land dispute.

The report claimed that the jirga was held at Hajnah Shah Goth, Ahmedpur, Pir Jo Goth, Khairpur District under the chairmanship of Sain Allad Dad Solangi.

Talking to The News, Deputy Superintendent Police (DSP) (district Khairpur) Liaqat Abbasi said he was posted in the area on March 17, but he has not heard about any such case. However, he promised to get back to this correspondent on Monday after checking the facts from the concerned police stations.

This correspondent made a call to MNA Nafeesa Shah to know about this case in her area, but the people present at her residence in Khairpur said she was out of Pakistan.

Meanwhile, according to the information released by Asian Human Rights Commission, after a land dispute, Ms. Taslim Solangi, age 17, was pressured to ask her parents to hand over all their property, including six acres of cultivated land and cattle farms to her uncle. On her refusal the perpetrators abducted her father, Gul Sher and detained him at his younger brother's house.

The report said, at the same location on March 7, 2008, Taslim was subjected to the cruelest possible ordeal. She was made to run before a pack of dogs that bit at her legs until, exhausted, she fell to the ground where they continued to maul her. She was subsequently allegedly shot by Zameer Solangi in the presence of her father in order to intimidate him. Also present were Mr. Karim Bukhsh, who is also an uncle of the girl and a councilor in local bodies. It was due to the influence

of these persons that the police took no action in the killing and land dispute.

After two months, in May, Mr. Karim Solangi arranged a jirga in order to justify the killing and obtain impunity for all his brothers.

The jirga was conducted by Sain Allah Dad, a powerful landlord of the Pir Jo Goth. Furthermore, Mr. Abdul Qayyum, a wealthy person of the area, was fined Rs400,000 and threatened by the killers and the elders of the tribe to confess to the crime of having had illicit relationship with Tasleem. He was threatened with death if he refused to do so.

The Asian Human Rights Commission in its press note says that, in the absence of rule of law and a proper prosecution system the powerful people, who are at the same time representatives of people at different levels, are enjoying impunity and using their power against a very marginal section of the society.

"The family of Gul Sher has left their house and village and all his property is under the control of killers. However police and people's representatives have taken no action in their support. The powerful people know that police and law can be purchased at any price so they enjoy the weaknesses of authorities".

The commission has urged the government to conduct investigation into the horrific murder of Ms. Tasleem Solangi on the pretext of honor killing. The dreadful death of this innocent girl was purely for the purpose of grabbing her father's land. This is yet another example of the use of honour killing in order to settle personal disputes, it regretted.