

CRIMINAL JUSTICE: A STATICAL OVERVIEW

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Abstract

Custodial deaths are common in Pakistan. In custodial deaths autopsy becomes a necessary part of investigation. In this retrospective study, statistical overview was done to analyze the prevalence pattern of custodial related deaths, whose autopsies were conducted at three major medico legal centers of Karachi, Pakistan. (Abbasi Shaheed Hospital, Civil Hospital and Jinnah Hospital) There were 96 cases of custodial related deaths all were male except 3 females. Majority were in the age group of 22 to 42 years of age. Around 67% cases died due to unnatural cause i.e. Blunt trauma, Suicide/Hanging, Throttling, Intoxication, Electric Shock in which blunt trauma cases were in highest percentage (56%). 25% deaths were due to natural causes like Myocardial infarction (MI), Hepatitis, Tuberculosis (TB), Kidney failure and High grade fever. MI and TB were the major causes of natural death in custody. Sudden and unexpected death in custody is very common due to police torture and torture by other law enforcement agencies. Most of the time this is the allegation being put on the above mentions agencies by delay in providing emergency care, is one of the commonest allegations by the relatives against these authorities.

In this study we have analyzed the pattern of custodial deaths that has been brought to the mortuary for medico-legal autopsy. The data suggested that proper care and health facilities should be provided to prisoners. All the prisoners should be checked for any contagious and/or infectious diseases before their transfer in lockups. The strict measures should be taken to reduce the morbidity and mortality in the custody.

Keywords:

Custodial death, Torture, Victim.

Introduction.

Healthcare and happiness is a right of every person regardless of a profession and conditions of living. Slaves and prisoners have equal rights of health as other people in the community. It is the duty of state to provide good quality and cost effective health facility to everyone. The Council of Europe's Committee of Prevention of Torture have set health related gold standards for prisoners (Abbing HR, 2013). According to Oxford dictionary custody means "protective care or guardianship of someone or something" Custodial death is defined as the death occurring in some form of detention, when a person's freedom of movement is been restricted by law enforcement agencies (Mirza FH, et al., 2012). Due to the confidentiality, restriction of media access, misconduct of Police, very little data and very few papers are available on this hot topic and exact number and causes of death in custody are not known but it is a common problem all around the world especially in developing countries where people do not know their rights so human rights violation is ubiquitous (Bansal YS, et al., 2010). Death in custody is considered as a very sensitive issue as the alleged prisoner was solely dependent on the custodial authority. Usually the sudden and unexpected death in custody is commonly considered with allegation of police misconduct, such a death in custody could be due to natural or unnatural causes of natural deaths may be due to any disease which was already existing prior to custody and may have increase and proved fatal. Unnatural cause of death, such as torture, suicides, injuries by fellow inmates, head injury, injuries to the vital organs is reported (Mirza FH, et al., 2012). According to the various studies death in custody is not always unnatural as general believe but can be due to various other reasons.

It is a matter of concern that should be observed and reported publically to show the reality of custodial violence including torture and death in the lock ups to safeguard any abuse of power against the custody. The main objectives of this study were to know and analyze the trends of custodial violence/ deaths in Pakistan, methods of torture and physical and psychological affects over the victim and to identify the methods and measures for combating the effects of custodial death. In present study all the cases of custodial deaths are retrospectively analyzed which came to the three major centers of Karachi for post mortem examinations during the period of year Feb-2010 to Feb 2015.

Methodology

The Study is a retrospective demographic study on the causes of deaths occurring in police custody in Karachi. It is a 5 years study from February, 2010 till February, 2015. Total cases reviewed were all together 96 for signs of torture, manner, cause and history of disease. The data was collected from doctors conducting autopsies of custodial deaths as an expert on behalf of Health Department, province of Sindh, Govt. of Pakistan at three major centers of Karachi (Abbasi Shaheed Hospital, Civil Hospital and Jinnah Hospital)

Results

The results of the study conducted from February 2010 to February 2015 in Karachi shows that the highest percentage of deaths in custody occur in 2012 i.e., 20.8% as shown in table no. 1. The cases were divided in different age groups and majority were in the age of 22 to 42 years. The highest deaths (21.8%) in custody was found in the adult age group of 26 to 30 years old. Very few cases of age 50 plus were found which were majorly of natural deaths (Table no. 2). Figure no. 1 shows that there were only 3% death of females prisoners occur in custody and remaining were all males. It was found that 66.67% cases of death in custody were due to unnatural deaths and 25% were natural and the exact reason of around 8.3% deaths was not known as shown in figure no. 2. The data on the reasons of death in custody (Table no. 3) shows that there were various methods of torture used which were found fatal and lead to death. The hard and blunt injuries (56%) was the major cause of death in police custody followed by intoxication (4%), suicide/hanging (3%), electric shocks (2%) and throttling (1%). The cases which were declared as natural deaths, myocardial infarction was the main reason (8%). The second highest cause was Tuberculosis (7%) followed by Hepatitis (4%), Kidney failure (3%) and high grade fever (2%) respectively.

Discussion

Pakistan is fighting war against terrorism. More or less all people are on threat causing the increase in stress level (Ahmed, A., et al., 2011). Stress and independency causes the police to be violent when dealing prisoners. When the victim is interviewed in police custody the torture continuous some kind of bad relationship developed between the victim and the torturer leading to feeling of fear, helplessness and dependence. Few of the victims prefer to get rid and go for suicide. Those who receive severe torture may show external and/or internal injuries causing damage to the internal vital organs and sometimes it proves fatal. Certain psychological reactions are noted because of re-experience of the trauma, flashbacks, emotional numbness and major depression, suicidal tendencies all this cause under post-traumatic stress disorders. In this study, it is found that highest percentage of deaths in custody were among adults of the age 26 to 30 might be due to aggressive nature of adults (Saleem N., et al., 2013). It was found in this study that 66.67% cases of death in custody were due to unnatural deaths which is a huge amount and shows the carelessness of police man as well as high officials of the country. From the literature it is estimated that cases of custodial death in USA are 3 deaths per year (Grant JR et al., 2007), in India it is 14 deaths per year (Rajesh B et al., 2005). According to National Death in Custody Program (NDICP) in Australian states, reports total no of deaths in custody range between 79-85 deaths each year from 2000- 2011. These are the figurative statics from some part of the world while the realities would be more intense even in Pakistan. According to one of the study conducted from 2005-2010 in Karachi, Pakistan, 61 custodial deaths were reported. 95.1% were males and 9.4% of the custodial deaths were females. Majority of the deaths were natural (59%) mostly due to coronary artery diseases while unnatural deaths were 41%. Most of them were because of homicidal reason (Mirza, FH et al., 2012). The government of Pakistan has not undertaken the reforms necessary to address the prevalence and severity of police violence. The police often face no consequences and enjoy impunity for their abusive conduct. This lack of accountability not only robs victims of justice, but also perpetuates the pattern of police violence by keeping

offending officers in the force and signaling to others that such behavior is acceptable (Lyneham M and Chan A 2013)

As there are many articles available on the prevalence of different diseases all around the world but very little data is available on the disease load in prisoners. Knowledge of this can be helpful in earlier diagnosis, prevention of other prisoners from contagious diseases and the maintenance of prisoner's health. The government of every country should provide access to scientist in these areas so that they can pool of different diseases in different jails. A prisoner released from jail may infect whole family. The information available in literature is not enough set any hypothesis. Reporting of deaths in custody either natural or unnatural will be helpful to drag the attention of high officials towards the seriousness of this issue (Fruehwald S and Frottier P., 2002).

Conclusion

Torture should be avoided under all circumstances. The government should take the responsibility to take legal, social, medical and psychological need of the victim of police violence and their families while the investigation is ongoing. Measures should be taken to provide a safe environment at the time of interrogation in police custody, following of code of conduct by the police.

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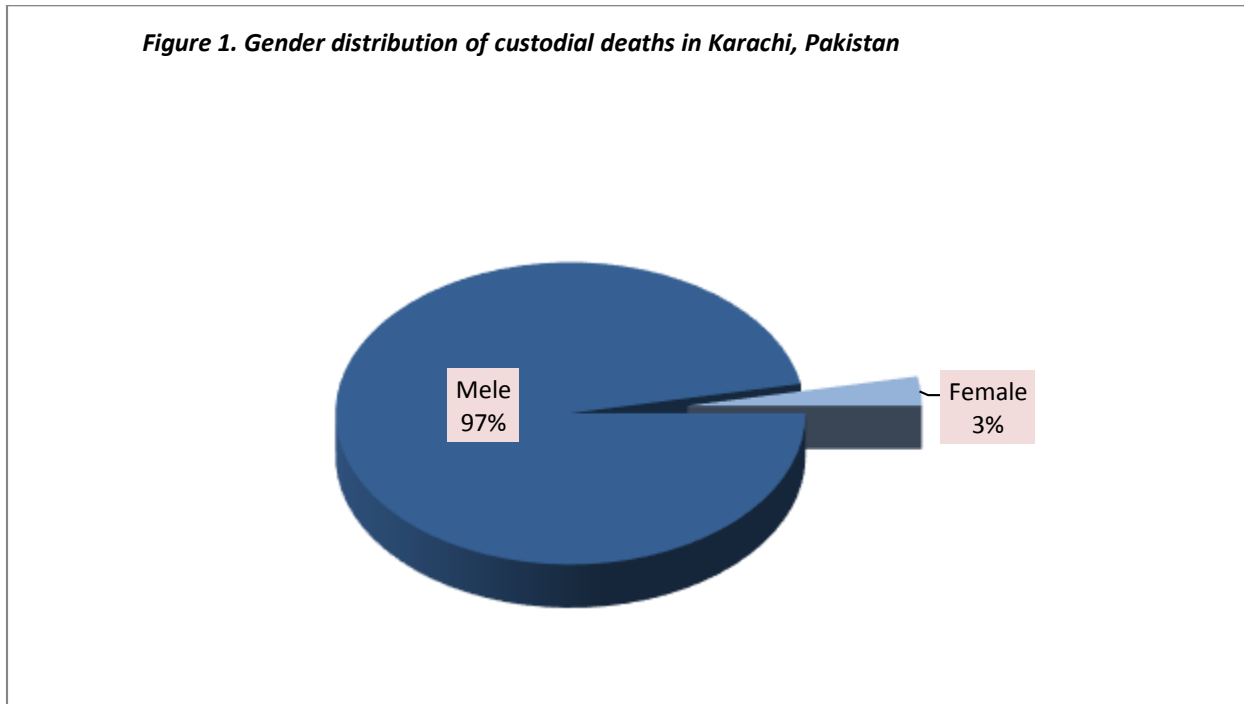
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Table: 1 Case of deaths distribution occurring in police custody in Karachi, Pakistan from Feb: 2010 to Feb: 2015

YEAR	CASES	PERCENTAGE
February 2010	16	16.67
2011	18	18.75
2012	20	20.83
2013	19	19.79
2014	17	17.71
February 2015	06	6.25
Total cases	96	100

Table 2. Age Distribution of custodial deaths occurring in police custody in Karachi, Pakistan

AGE GROUP (YEAR)	CASES	PERCENTAGE %
18- 20	6	6.25
21-25	11	11.46
26-30	21	21.88
31-35	18	18.75
36-40	16	16.67
41-50	10	10.42
51-55	06	6.25
56 and above	08	8.33
Total cases	96	100.00



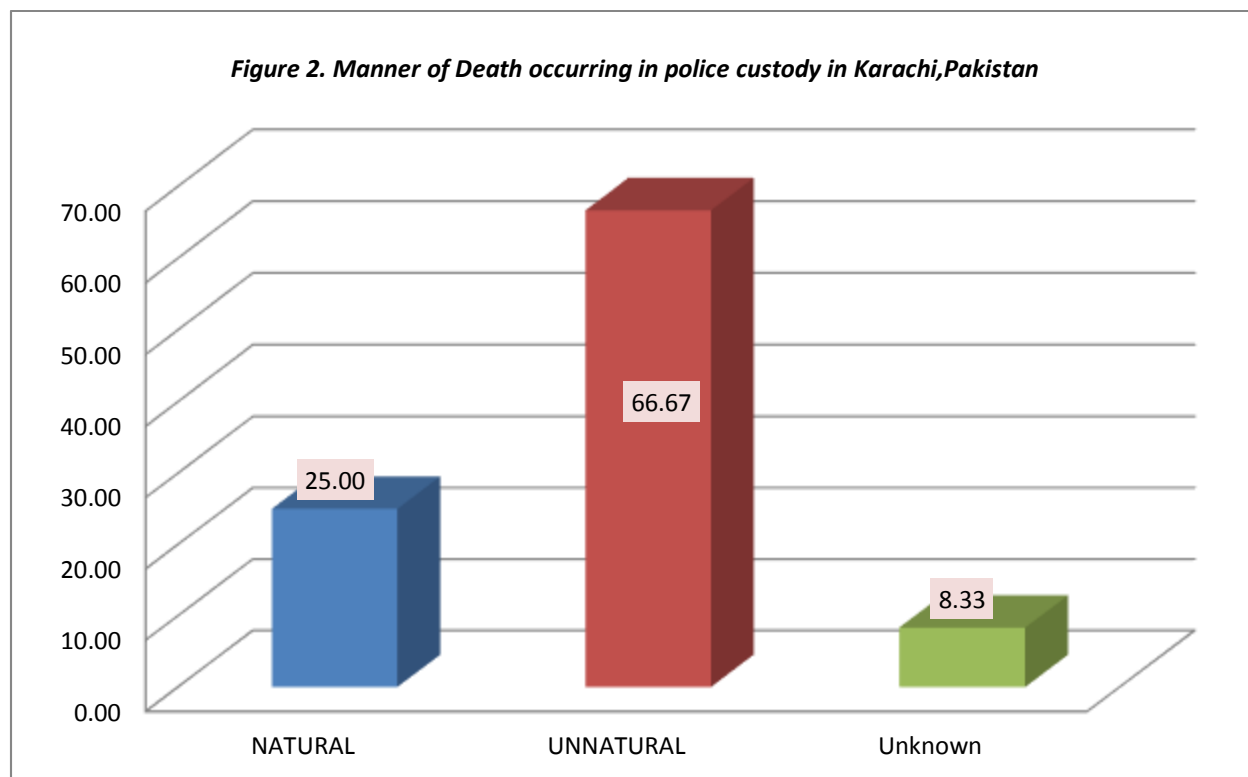


Table 3. Cause of Death occurring in police custody in Karachi, Pakistan from Feb: 2010 to Feb: 2015

NATURAL CAUSE OF DEATH	CASES	PERCENTAGE
M.I	8	8.33
Hepatitis	4	4.17
T.B	7	7.29
Kidney failure	3	3.13
High grade fever	2	2.08
UNNATURAL CAUSE OF DEATH		
Hard & blunt injuries	54	56.25
Suicidal/ hanging	03	3.13
Throttling	01	1.04
Intoxication	04	4.17
Electric Shock	02	2.08
UNKNOWN CAUSE OF DEATH	8	8.33