

Uzma Ayub

A Test Case for the Commission



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PROVINCIAL COMMISSION ON THE STATUS OF WOMEN,
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Provincial Commission on the Status of Women Khyber Pakhtunkhwa

Report on the Case of Uzma Ayub

Introduction:

On 4 October 2011, the women of Khyber Pakhtunkhwa were jolted by a news item on the case of a teen aged girl who was abducted from her home in the last quarter of 2010 who miraculously escaped from those who were holding her captive at the time, got in touch with her brother telephonically and managed to reunite with her family.

The Provincial Commission convened an emergency meeting on 6th October in which there was participation of the Child Welfare Commission and selected CSOs that are working for the elimination of gender based violence. The important decision that was taken was to have an independent probe into the case and gather information from the concerned court on the case to establish the facts and determine whether it was a case to monitor to know if justice would be received by the aggrieved family. A team of six persons in all, one from the Child Welfare and Protection Commission and a volunteer each from Shirkat Gah, Blue Veins, NET, Khwendo Kor and CRSD was formed to visit the village of the victim. The Manager of SPARC in Peshawar offered to collect details of the court case.

The CSOs met separately as well and confirmed their support to the family as needed.

The team visited Takht-e-Nasrati in Karak on 11 October. The female members met the victim, Uzma Ayub, while the male members met with the male members, community members, neighbours and lawyers.

The findings of the team were detailed and comprehensive. They established beyond doubt that the girl was victim of the most heinous forms of abuse and violence, and that her family had suffered untold pain and suffering. The story has many threads to it and like a fiction story is a case of family quarrels, exploitation of the poor and weak by the better off among the relatives, male lust, and the collusion of the forces of law and order with the stronger element of the society. The forces of law and order have not only turned a blind eye to the tragedy of a family and the ruination of the life of an innocent life but have been openly and actively complicit in it.

The Family of Uzma Ayub:

Uzma Ayub is the only daughter of Ayub Khan of Takhte Nasrati, a one- time Sepoy in the Pakistan Army, now casual labourer. She has six brothers and both parents are alive and witness to the tragedy of the ruined life of their only young daughter. According to her brother she was born in 1994 and at the time of her abduction she was a student of 9th Class. The family is of modest background and meager means of livelihood. They have relatives of stronger social and economic background, including a doctor and a teacher. Dr. Iqbal is one of the accused by Uzma in her statement before the Crimes Investigation Committee.

FINDINGS OF THE INVESTIGATION TEAM

The Beginning of the Saga

The seeds of the ruination of the life of the unfortunate girl, Uzma Ayub, started in 2005 when she was only 13 years of age and studying. There were many twists and turns in the events that engulfed the family of Uzma and ultimately led to her abduction.

In this fateful year for the family, a young boy related to Dr. Iqbal was kidnapped and the family accused Uzma's brother, Alamzeb of the crime. Resultantly, Alamzeb spent 18 months in jail and was ultimately acquitted by the session Judge. The boy was killed by his kidnappers and his body was found in a field.

Marriage Proposal for Uzma from Naseebullah

In another thread in the story, the mother of Naseebullah (a married man but issueless and serving in the Pak Army) asked for Uzma's hand in marriage to her son. Uzma's mother, due to their weak position in the village, did not outright reject the proposal but responded that her daughter was young and studying and she wanted to wait before getting her married. She also stipulated that Naseebullah should take his wife's consent to the second marriage. The wife refused to consent to his second marriage and conveyed this personally to the girl's mother. Naseeb Ullah, the scorned suitor, would figure later when the girl was abducted.

Allegations of Theft of Mobile Phone:

Sometime later, Naseebullah came to Alamzeb house and in a show of camaraderie and no grudges held, invited Alamzeb to a local musical concert, but on his unwillingness, he made another story and got him to come to his "baitak" where there were two other guests, one from the village of Hakeem Khan, ASI, named by Uzma as one of the rapists. Subsequently, he was accused of theft of one of the guest's mobile which was stated to cost Rs. 50,000/-. The person who was supposed to have had his mobile stolen insisted on getting the same mobile

back. Alamzeb kept denying the theft. Alamzeb even responded that he would pay the money if the persons accusing him swore on the Holy Quran over their head that the mobile was stolen.

Fracas at a Football Game:

Another incident of framing Alamzeb was at a football game in the village. A group of people loyal to the family of Dr. Iqbal and apparently with his connivance disrupted the game and started shooting. The men set upon Alamzeb and beat him severely. He also received a bullet in his thigh. Alamzeb was accused of firing and a case registered against him.

Role of the Local Police:

There was a case of the abduction of Principal of a local school and the local people held a rally against the police for his recovery. Hakeem Khan, the ASI, had some persons from the underworld inducted into the rally. The demonstrators were surprised to hear voices that instead of chanting anti-police slogans were in raised in support of the police. The rally was disrupted but the locals were fully onto the tactics of the Police. This incident and other snippets were quoted to the investigation team by an advocate and local persons as evidence of the high handedness of the local police and their open complicity in the cases against Alamzeb and in the abduction of Uzma.

The Day of the Abduction:

Some five days later, Police came in full force in five vehicles and raided the house of Alamzeb. Hakeem Khan, the ASI, and his party made a grand entrance by firing in the air and forcing their way into the house. According to the local informants, the Police did not carry a search or arrest warrant; they were not accompanied by the Malik and a Lady Constable, all legal requirements when a raid is conducted. The Police started throwing articles on the ground. Uzma tried to protect her computer and resisted giving it to the police, whereupon the Police rough handled her. She was seized her by the hair and dragged out of the house. The Police had barged into the house from one door and dragged Uzma through another door at the opposite end of the house. Thus Uzma disappeared until she escaped her captors after a year. Alamzeb was not present in the house at the time.

The Family's Action

Uzma's mother reported the abduction in the local court of Takte Nasrati, an FIR was lodged and orders for the recovery of the girl were issued. When the girl could not be recovered, the FIR was converted into a writ petition in the High Court and the police personnel accused in the FIR (DPO Takhte Nasrati, Thana SHO Mohsin Ali, ASI Hakeem Khan ASI, and ASP Amir) were

made to appear before the Court. They were however released on bail. With the failure to have the girl recovered, the case was transferred to the Crimes investigation Committee.

Narration of her Ordeal of to the Female Investigation Team

Uzma states that she was dragged by the hair into a waiting car, handed over her family's enemies who took her away to an unknown place and locked her in a room. At night several men came into the room, including Dr. Iqbal who gave her an injection and she fell unconscious. She thinks she was shifted two times and every time before the shifting, Dr. Iqbal would give her an injection to make her unconscious. She was sexually assaulted by several men, including Naseeb Ullah, Sardar Ali, Shakeel, Guley, Karim, Qamar Ali, Hakim Khan and Alam Ustad during her incarceration. The last time she was in the custody of two turbaned persons who she suspects of having been sold to. She tried to get their confidence by telling them that she would not escape. One day, they came and informed her that they were taking her to D.I.Khan where she would permanently reside. They got her into a car and on the way they stopped in Bannu for some reason and got out of the car and went away. This proved Uzma's salvation as she got out and ran into a nearby shop. She managed to get to a PCO and telephoned Alamzeb who advised her to reach the Bannu bypass. Uzma had Rs.300/- tied in her "Narha", a common practice in the rural areas and she was thus able to telephone her brother and take a taxi to reach her brother. Alamzeb was able to find her.

Alamzeb took her straight to the Tehsil Court, Takte Nasrati. The enemies tried to obstruct their entry by appearing in a number of vehicles but they managed to make their statement before their arrival. The Judge telephoned the Crimes Investigation Branch and Uzma and family went to Peshawar to have her statement recorded. In her statement she accused Police personnel SHO Mohsin Ali, ASI Hakeem Khan and Amir Ali of sexually abusing her. In all, she named 13 persons as involved in her abduction and rape.

Comments of the Community to the Investigation Team on the Abduction:

An Advocate's statement:

I was the first to know and went with the family to Peshawar and gave the case to Farhana Marwat. It was changed to a writ petition and Justice Dost Muhammad wrote to Mr. Hakeem Khan, the ASI of Takht-e-Nasrati (shoulder promotion) to appear before him. I was the first one to register an FIR of the abducted girl and the case was sent to the Crime Investigation Branch. Hakeem Khan, in revenge, has a false case registered against me and I spent three months in jail. The girl is innocent and has been victimized with the connivance of the police. Hakeem Khan is like Mangal Bagh of Karak.

Second Advocate' Comments:

Police are acting like a mafia. They are fully involved in shady cases. When Uzma, the abducted girl escaped her captors we helped take her to the kutchery. Several vehicles came to the court premises but we managed to produce the victim before the Majistrate before they could intervene. The victim named some police officials and others in raping her.

Community Person:

The allegations against the family and the girl are baseless. She does not have a bad past. Her father is old and the family is poor and live in a mud house.

Conclusion of the Investigation Team:

Uzma Ayub case is a shocking tale of victimization of a poor and vulnerable family. The local police have been framing cases against the brother and harassing those who wanted to help them. Situations were contrived to harass the family and putting a young girl through the worst possible situation. The case should be carefully monitored in the high court.

It is a matter of satisfaction that the government has taken note of the matter and instituted a high level Investigation Committee. It is hoped that the government shall share the main findings of the report with the two Commissions.