

Case study: Uzma Ayub

Teenage girl's fight for justice after year of captivity and gang-rape

Uzma Ayub, a rape victim from Karak, Khyber Pakhtunkhwa province, gave birth to a baby girl at a local hospital in Peshawar at 11:45pm on 20 January 2012. According to Bilquees Begum, Uzma's mother, a local women's rights organization took the baby from the hospital soon after her birth along with a document signed by Uzma; one family had an agreement with Uzma to adopt her child. Since then however, Uzma has changed her mind and is keeping her daughter with her.

In early October 2010, 16-year-old Uzma, daughter of Mohammad Ayub, a daily wage earner and former sepoy of the Pakistan Army, resident of Marwataan Banda, Tehsil Takhte Nasrati of Karak district, Khyber Pakhtunkhwa province, was abducted when police raided her house together with one army officer in search of her brother, who was wanted by the police in a theft case. Uzma has six brothers and the family is of modest background and meagre means of livelihood. They have relatives of stronger social and economic backgrounds, including a doctor and a teacher.

After her escape a year later on 19 September 2011, Uzma told the media that she had been dragged by her hair into a waiting car on that fateful day, taken to an unknown place and locked in a room. At night several men came into the room, including a Dr Iqbal, who gave her an injection rendering her unconscious. Uzma thought she was moved twice, both times given an injection to make her unconscious. She was later sexually assaulted by several men, including army officer Naseeb Ullah, Sardar Ali, Shakeel, Guley, Karim, Qamar Ali, police officer Hakim Khan and Alam Ustad during her incarceration.

Persons involved in Uzma's abduction and rape

There were three key individuals in Uzma's abduction and repeated rape who made use of the influence and power of the army and police: Dr. Iqbal, who blamed Uzma's brother Alam Zeb for the murder of his son; army officer Naseeb Ullah, who wanted to marry Uzma since she was 13; and ASI Hakim Khan of Karak, whose cruelty was notorious in the area. When powerful people seek revenge on anyone, they take help from Hakim.

In 2005, Dr Iqbal's son was kidnapped and the family accused Uzma's brother, Alam Zeb of the crime. As a result, Alam Zeb spent 18 months in jail and was ultimately acquitted by the session judge. Dr Iqbal's son was killed by his kidnappers and his body was found in a field.

In 2007, army officer Naseeb Ullah's mother, asked for Uzma's hand in marriage to her son. Due to their weak position in the village, Uzma's mother did not 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 Naseeb Ullah should take his first wife's consent to the second marriage. His wife refused to consent and conveyed this personally to Bilquees Begum.

Sometime later, in a show of camaraderie and no grudges held, Naseeb Ullah came to

Alam Zeb's house and invited him to a local musical concert. Alam Zeb was unwilling, but Naseeb Ullah convinced him to at least attend his 'baithak' (a guest room for males) where there were two other guests, one named by Uzma as one of the rapists.

Subsequently, Alam Zeb was accused of stealing one of the guest's mobile phones, said to cost Rs 50,000.00. Alam Zeb vigorously denied the theft, and even responded that he would pay the money if the persons accusing him swore on the Holy Quran that the mobile was stolen.

Another fabricated case was registered against Alam Zeb after a village football game. A group of people loyal to Dr Iqbal's family and apparently with his connivance, disrupted the game and started shooting. The men set upon Alam Zeb and beat him severely. He also received a bullet in his thigh. Alam Zeb was accused of firing and a case was filed against him.

In Uzma's words,

These people kept me at their house, where Mssrs Guleena and Shakeel came and spent some time with me. Then Dr Iqbal came and administered an injection, and I fell unconscious. When I regained my senses, I noticed that I had been shifted to another location. I did not know anybody there. After some time, Qamar Ali (alias Guley) and Karim visited me.

In that house, Naseeb Ullah, Guley's brother visited me and tried to force me to marry him. On the same night Naseeb Ullah's son visited me and raped me. Qamar Ali Khan, Karim and Alam also raped me. Two police officials, one named Hakim, used to frequently visit me to satisfy their lust. I don't know the name of the other cop but can recognise him if he is produced before me.

I charge these persons with ruining my life and making me pregnant. In the house when I was drugged and raped for the second time [by two turbaned men who] told me that I had been sold to them, and they were taking me to Dera Ismail Khan [another city in Khyber Pakhtunkhwa province]. When they stopped at Bannu [a district along the way], I escaped from their captivity.

Uzma managed to escape from the car in Bannu and ran into a nearby shop. She managed to get to a Public Call Office and telephoned her eldest brother, Alam Zeb, who advised her to reach the Bannu bypass. Uzma had Rs 300 tied in her 'narha' (the belt inside the shalwar trousers), a common practice in rural areas, enabling her to pay for the phone call and a taxi to reach her brother.

Alam Zeb found her and took her straight to the Tehsil Court in Takhte Nasrati. There Uzma was able to make her statement before her abductors arrived in pursuit. The judge telephoned the Crimes Investigation Branch and Uzma and her family went to Peshawar to have her statement recorded. In her statement she accused police personnel Station House Officer (SHO) Mohsin Ali, Assistant Sub Inspector (ASI) Hakim Khan, Amir Ali and army officer Naseeb Ullah, among others, of sexually abusing her. In all, she named 13 persons as involved in her abduction and rape.

Uzma also told the provincial high court that she was pregnant. A lady doctor Zakia conducted her medical examination and confirmed her to be six months pregnant.

Complaint procedure

When it comes to cases of rape and abduction of women, it can be seen that the complaint procedure and justice process is far from effective, while the attitude of the court is hardly sympathetic. After Uzma's abduction in October 2010, her mother filed a complaint, to no effect. She then sent an application to the Chief Justice of Peshawar High Court, who converted it into a writ petition in April 2011. On April 5, a two-member bench comprising Justice Dost Muhammad Khan and Justice Yahya Afridi directed the district police to trace the kidnapped girl. The Karak DPO, Sajid Khan Mohmand, appeared before the court and contended that on the complaint of Bilqees Begum, the police had registered an FIR at the Takht-e-Nasrati Police Station in Karak. The police had raided several places but could not recover the girl. He added that four persons earlier charged by the complainant had been granted bail by a local court. In fact, the court subsequently released them on the grounds Uzma was not recovered from their custody.

Alam Zeb Khan, Uzma's brother, told the court that the family had learnt that Uzma had been taken to Quetta by army officer Naseeb Ullah Khan. According to Alam Zeb, although the family had named him the local police did not arrest him. The DPO however, noted that the initial complaint did not mention Naseeb Ullah. The bench then directed the Karak DPO to record a supplementary statement of the girl's brother against Naseeb Ullah in the case, and to contact the station commander of the Pakistan Army in Quetta to search for Uzma and pursue abduction charges against the soldier. April 21 was fixed for the next hearing, but no further proceedings in regard to her recovery or arrest of the army officer were seen.

The Provincial Commission on the Status of Women, Khyber Pakhtunkhwa, issued a fact finding report¹ compiled by a team of different rights organizations including, Child Welfare and Protection Commission, Shirkat Gah, Blue Veins, Khwendo Kor, CRSD and SPARC. The report says that the story has many threads to it and is a case of family quarrels, exploitation of the poor and weak by the better off among the relatives, male lust, 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 an innocent life but have been openly and actively complicit in it.

After Uzma's statement to the media and the vast media coverage into the case, the government formed a high level committee under the provincial home secretary to probe the case. The [committee recommended](#)² the arrest of the police officials and conducting of a DNA test of Uzma and the accused persons after the birth of the child.

Threats and harassment after Uzma's accusations made public

¹ See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-226-2011/pdf/AHRC-UAC-226-2011-01.pdf/>

² See <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-226-2011/pdf/AHRC-UAC-226-2011-02.pdf/>

The police and perpetrators requested the court to grant permission to settle the case outside the justice system. Uzma refused and asserted her conviction that the perpetrators should be prosecuted according to the law. Uzma and her lawyer, Javed Akhter, pointed out that the perpetrators' attempts to settle the case outside the court is tantamount to a confession, and the court should take prompt action against them.

On November 30, about 35 persons arrived at Uzma's house, apparently sent by Pir Mohsin, Ameer Khan, Hakim Khan, and the other perpetrators. They announced that they would pay Uzma whatever compensation she required to settle the case, but she refused any offer of settlement. The delegation consisted of influential elders of the area who were forced by the police to pressure Uzma for settlement.

One day earlier, relatives of Hakim Khan telephoned Uzma and threatened her that if she did not withdraw her case, she would face serious problems.

While the committee under the provincial home secretary recommended the arrest of the perpetrators, the provincial police, government and courts were busy trying to provide impunity to the perpetrators by delaying their arrest, and instead forcing Uzma to settle the case outside the judicial system. In fact, the government even tried to tamper with the committee report, under pressure from the army. The entire state machinery of Khyber Pakhtunkhwa was against Uzma in protecting the perpetrators, perverting the justice system and making a mockery of the law.

Uzma's family, from a poor and illiterate background, also faced pressure and threats from their relatives and fundamentalist Muslim religious groups, to abort the 'illegitimate' and therefore un-Islamic child. The perpetrators took support from Taliban militants to force her family to kill the child in a bid to eliminate the evidence of repeated rape. Local human rights organisations opened an account to raise funds in support of Uzma's legal battle and the birth of her child. Stating that she recognises the right to life and will not kill an unborn child, Uzma noted, "The child is innocent and what sin he/she did, so why should I kill her. No matter what the people will say, but I respect life."

Threats to her lawyers

On October 29, one of her lawyers Mr Irfan Khattak, was arrested and tortured by ASI of Takhte Nasrati police station. According to 'The News', the ASI chased Irfan's car and stopped it at Inzar Chowk, Takhte Nasrati tehsil at 3:30pm. He then took out a copy of the Holy Quran and asked him to take oath on the Quran that from now on he would neither contest the case nor assist Uzma's family in any way. "Hakim Khan first asked me to quit the case. After my refusal, he along with his guard beat me up and then arrested me," said Irfan Khattak.

The ASI then took him to the Takhte Nasrati Police Station and tortured him there. The lawyer said that the ASI released him after the visit of Karak Bar Association President Jan-e-Alam and Takhte Nasrati Sub-divisional Bar President Javed Akhtar to the police station. The lawyer categorically said that he would pursue the case even at the cost of his life and refused to bow down before the torture of the policeman.

The Civil Society of Pakhtun Kha, a local rights group, reported that earlier the police

succeeded to force the victim's first lawyer, Afsar Khan, to quit the case after mentally and physically torturing him.

In addition, two other lawyers, Mr Javed Akhtar, the divisional president of the local Bar Association and Mr Suleman Ghazi, advocate, were harassed by the police and ASI Hakim Khan. The police threatened both lawyers of dire consequences should they pursue the case. Once more, these lawyers stood up to the intimidation and threats of the police.

Although Akbar Ali Shah, Programme Manager Juvenile Justice, KPK, wrote a letter to the Deputy Inspector General (DIG) of Kohat range, informing him of the threats to the victim's family and lawyers, and although on October 26, the DIG instructed the local police to provide protection to Uzma and her family, no protection was provided.

The impotent provincial government is to blame for not initiating any action against the perpetrators. Despite their apparent suspension, the perpetrators were still wearing their uniforms and serving at the police station. They were able to exploit the government's ineptness at protecting its citizens, as well as portraying that holding a minor girl captive and gang-raping her for one year carries no legal consequences.

Threats from the Taliban

In addition, the Taliban also entered the case and supported the perpetrators. They support ASI Hakim Khan in particular, who is alleged to be a Taliban informer in the area. He himself claims that he has the patronage of Mangal Bagh, a Taliban leader wanted in many cases of terrorism, bomb blasts and killings of law enforcement personnel. Some Taliban members belonging to the Wazir tribes approached the family, seeking for a settlement. They said that Hakim Khan is an important member of their group and threatened the family with dire consequences if they refused to sit with them for negotiations. They also threatened to kidnap the younger brothers of Uzma and Alam Zeb. The family feared for the lives of the younger siblings, who stopped attending school.

Alam Zeb's murder

On Friday, December 9, Alam Zeb was shot dead in the Takhte Nasrati court premises, after three police officials Inspector Peer Mohsin Shah, Sub-Inspector Ameer Muhammad and Assistant Sub-Inspector Hakim Khan and another accused Qamar Ali, were produced before civil judge Mr Asif Iqbal and their pleas of bail were cancelled.

According to Alam Zeb's younger brother Zafranullah, after coming out of the court, Alam Zeb asked him to take their mother home and that he would tell him about the hearing later. "When Alam Zeb was about to ride his motorbike, a car hit him and Alam Zeb tried to run away, but Pir Abdul Waheed, the driver, held him and Ibrahim, ASI Hakim Khan's brother, shot him on his head and chest. Alam Zeb was sprayed with five bullets." Nobody stopped the killers, who escaped safely, despite the presence of some 50 policemen and many court staff.

The car that hit Alam Zeb was a slate-coloured stolen car with the fake registration number of 899, and was in the use of the District Police Officer Sajid Mohmand, to bring the perpetrators from jail.

The killing took place days after Uzma rejected another out-of-court deal offered by the accused police officers: about 30-40 elders from ASI Hakim Khan's area Gudikhel, including MPA Shah Abdul Aziz, had come to her house and told her brother Alam Zeb that Hakim Khan, Pir Mohsin Shah and Ameer Khan had confessed their crime before them and were ready to accept the aggrieved family's demands. A call from ASI Hakim Khan was also received by Uzma's family, in which he categorically warned her mother, saying that, "I am anyway in jail, but soon Bilqees Begum will receive a gift from me."

Although Uzma's family and local and regional rights groups had informed the provincial government and police about such security threats, they were totally ignored. One of the reasons for this is the government's lack of concern regarding violence against women, who continue to be seen as secondary citizens in society. While the provincial government calls itself secular, its attitude to women is in fact no different from the Taliban. This is the province where women are still being stoned to death on the accusation of adultery. The highest crime rates against women are recorded in Khyber Pakhtunkhwa province. In the last by-elections of 2011, political parties came to an informal agreement that women cannot cast votes.

Another reason for the government's apathy is that the rule of law is generally undermined in the province by law enforcement authorities and the ruling party. The security of citizens is not an issue of concern.

A few hours before Alam Zeb's murder, there was apparently a police rally against the judiciary and in support of their three colleagues who were arrested for Uzma's abduction and rape in Takhte Nasrati town. When the judiciary became aware of this action, the Peshawar High Court took a suo moto notice in the case and directed the provincial government to ensure the arrest of the accused within three days and the immediate suspension of the relevant District Police Officer (DPO), the highest police officer of the district, as well as to provide Uzma with tight security. The court also directed the Deputy Inspector General of police (DIG), to hold an inquiry into the police rally and submit a report within 10 days. It is thus clear that the court's priorities were to rebut any perceived slight to itself, not serving justice.

Uzma's child

From the very beginning, Uzma had no intention of aborting her baby, even as she was unsure of what to do with the child after birth. Eventually, and with Alam Zeb's support, she decided to bring up the child herself. In an early interview she had said that it was true that the child she was carrying in her womb will always remain fatherless, still what she knew was that she is the mother of the child and the most painful stage is yet to come when the child will ask her this question.

Alam Zeb had said that he would devote his life to help her sister in bringing up the child if she wishes so but after his death Uzma and her family members changed their mind of keeping the child with them. This was due to their poor financial condition and the fear of the conservative Pashtun society which she believes will never accept the child.

After her daughter's birth though, and after feeding her her own milk, Uzma has fallen in love with the baby, and is now keeping her.

Says journalist Farzana Ali Khan,

In Islam a daughter is called as a blessing from Allah but in the Pashtun (Pathan) society she is mostly considered as burden and her birth is mourned. I cannot say whether Uzma is fortunate or unfortunate to have a baby girl but apparently keeping in view the situation of the so called Pashtun society I believe God has sent one more feeble creature to this world to suffer and become a challenge to the conscience of humanity and human rights groups ['Uzma Ayub, the rape victim, gives birth to baby girl: what next?', AHRC-ART-001-2012, 20 January 2012].

Uzma's family is currently living in protective custody, and in need of monetary support. The money provided them by human rights groups was used to pay for legal fees, the funeral arrangements for Alam Zeb and other necessities, and the money promised by the government has yet to be seen. According to SPARC activist Akbar, continuous monetary and other support is important for Uzma and other such victims, as without it they cannot hope to survive and are likely to make a settlement with the perpetrators:

Poverty, incompatible circumstance, non-availability of support and hunger makes people to compromise, which is the main evil in tackling violence against women. In a situation like this I am afraid the family may compromise, as in other similar cases that we experienced. We can only feel the pain, while the victim is standing on a hot ground. We are the supporters and s/he is not only in an uncertain state of mind, but also a young girl, obviously there is a big difference. Now it is up to us—either we make it a history case or a precedent for others, to overcome the main evil of compromise [From email correspondence, 20 February 2012].

The AHRC has long advocated the dual concept of 'protection and participation' in dealing with victims of human rights violations.³ The participation of these victims in human rights movements and struggles is essential for genuine change and for the movement to have meaning to ordinary people. At the same time, their protection is a prerequisite to their participation. Without mental and physical security and stability, they cannot participate effectively.

Local and national civil society groups in Pakistan should continue to support Uzma in her struggle for justice and bringing up her child. Women's groups in particular should strategically campaign for an end to violence against women, for the education of girls and the change of social attitudes towards girl children. The fight begun by Uzma is a significant one, and one that she cannot fight alone. It is now the responsibility of civil society to ensure that the fight goes on.

[Footnote for first page] This article is compiled from numerous documents on the case published by the AHRC, including urgent appeals and statements, as well as

³ See <http://www.ahrchk.net/pub/pdf/protectionandparticipation.pdf> for details.

some updated information. Older material published on this case can be found by searching the AHRC website: www.humanrights.asia.

Timeline of events in Uzma's case

2005

Alam Zeb suspected of kidnapping Dr Iqbal's son

2007

Army officer Naseeb Ullah wants to marry 13-year-old Uzma, but is politely refused. Later, Alam Zeb is accused of stealing an expensive mobile phone, and implicated in false charges of shooting.

October 2010

Uzma abducted from her home. A complaint is filed in court, but no action taken.

April 2011

The complaint is converted to a writ petition and a two-member bench of the Peshawar High Court direct police to trace Uzma. Police claim that several raids were made earlier but Uzma was not found.

Another hearing is set for April 21, but no further action taken.

19 September 2011

Uzma escapes from her captives in Bannu and reaches her brother Alam Zeb.

She records her statement in Peshawar, naming 13 persons involved in her abduction and gang-rape. She is medically examined and pronounced six months pregnant.

October 2011

Uzma's lawyers are harassed and threatened to withdraw from the case.

November 2011

Various delegations (comprising of influential village elders and Taliban militants) arrive at Uzma's house to persuade her to withdraw her case and make a settlement, or her younger brothers would be killed.

Her mother receives a phone call from perpetrator Hakim Khan, informing her she would 'receive a gift soon'.

9 December 2011

A police rally against the judiciary and the arrest of several police officers in Uzma's case is held in Takhte Nasrati town.

Alam Zeb is shot dead in the Takhte Nasrati court premises after a hearing cancelling the bail applications of three perpetrators.

20 January 2012

Uzma gives birth to a baby girl.