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IRB – Immigration and Refugee Board of Canada

Pakistan: Prevalence and availability of fraudulent documents, including affidavits and court documents (2017-January 2020) [PAK106394.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

In correspondence with the Research Directorate, a Country of Origin Information (COI) Expert on Pakistan from Cedoca, the research unit of the Belgian Office of the Commissioner General for Refugees and Stateless Persons (CGRS), speaking on their own behalf and based on knowledge obtained through a 2017 fact finding mission in Pakistan and written sources, stated that fraudulent court documents are not more prevalent in different areas of Pakistan, and further explained that in rural areas fraud may occur due to "less functioning courts and notary offices" and that in cities fraud can occur "if you have money or can influence people working in the courts or notary offices" (COI Expert 9 Dec. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Media sources indicate that Maryam Nawaz, the daughter of former Pakistan Prime Minister Nawaz Sharif, submitted in 2017 fraudulent documentation about offshore companies to the court relating to her father's corruption investigation (BBC 12 July 2017; *Gulf News* 28 July 2017; *The Globe and Mail* 28 July 2017). Sources also report that questions were raised about the authenticity of the no-objection certificate (NOC) submitted by current Prime Minister of Pakistan, Imran Khan, relating to a construction case being heard by Pakistan's Supreme Court in 2018 (*The News International* 1 Mar. 2018; *The Express Tribune* 28 Feb. 2018; *The Nation* 1 Mar. 2018). Information on the outcome of these cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The COI Expert stated that court documents, affidavits, newspaper articles, identity documents and "especially" education documents can be fraudulent (COI Expert 9 Dec. 2019). Similarly, Australia's Department of Foreign Affairs and Trade (DFAT), in a country information report on Pakistan, indicates the following:

Fraudulently altered or counterfeit school records, birth certificates, death certificates, medical records, bank records and other documents are common. Local sources report instances where influential people have paid news organisations to publish false stories. (Australia 20 Feb. 2019, para. 5.74)

2. Court Documents and Affidavits

Sources report that there is corruption in the judiciary in Pakistan (Freedom House 2019, Sec. F1; US 13 Mar. 2019, 36). In its country report on Pakistan, Australia's DFAT indicates that "[b]ribery" is "prevalent in law enforcement, procurement and provision of public services" (Australia 20 Feb. 2019, para. 2.19). The US Department of State's *Country Reports on Human Rights Practices for 2018* states that "[m]any lower courts remained corrupt, inefficient, and subject to pressure from wealthy persons and influential religious or political figures" (US 13 Mar. 2019, 14). The COI Expert on Pakistan stated that

corruption is a widespread problem in Pakistan and it is easy and almost "risk-free" to bribe officials at all levels of the Pakistani administration, including in relation to the issuance of documents (including court documents).

According to sources consulted during a Fact Finding Mission (FFM) to Pakistan in April 2017, it occurs that court documents are found to be not genuine. The same sources furthermore explained that it is not difficult to bribe a judge and especially the clerks of the courts. Court documents and especially court orders can be fraudulent. (COI Expert 9 Dec. 2019)

The COI Expert further explained that paper used for court documents is distributed through stationary shops and "through sellers of these documents in the courts. This is a risk because of the fact [that] sellers can be easily influenced to distribute court paper to people who do not have a court case running against them and to people who will forge court cases" (COI Expert 9 Dec. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the COI expert, court documents can be written in Urdu or in English, and "[m]isspelling in stamps and official documents is not necessarily a sign of fraud" (COI Expert 9 Dec. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Further information specific to affidavits could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. First Information Reports (FIRs)

According to the COI Expert, even though the paper used for FIRs [documentation used to report a "cognizable" offense (US 13 Mar. 2019, 11)] is distributed directly to the police from the provincial governments, FIRs can be forged or the content can be adapted (COI Expert 9 Dec. 2019). US *Country Reports 2018* indicates that FIRs can be

filed "without supporting evidence in order to harass or intimidate detainees" (US 13 Mar. 2019, 11). In its country report on Pakistan, Australia's DFAT states that FIRs "use standard forms with the relevant information written in by hand, and are relatively simple to counterfeit. Reports exist of police accepting bribes to verify fraudulent FIRs" (Australia 20 Feb. 2019, para. 5.73).

For further information on FIRs, see Response to Information Request PAK106395 of January 2020.

4. IDs and Travel Documents

Australia's DFAT reports that it is relatively easy to use "fraudulent (altered or counterfeit) feeder documents" to obtain "genuine documents, such as CNICs [Computerised National Identity Cards] and passports" and that these fraudulently obtained, genuine documents are "generally preferred over counterfeit documents" (Australia 20 Feb. 2019, para. 5.71). Media sources report that Pakistan's Interior Ministry informed the Senate that Pakistan's National Database and Registration Authority (NADRA) had detected over 58,000 fake national identity cards in its database in 2018 (*Dawn* 27 Jan. 2018; *The Express Tribune* 28 Jan. 2018; *Pakistan Today* 27 Jan. 2018). The *Express Tribune*, a daily English language newspaper based in Karachi, reported that over 155,000 fake CNICs, including 603 illegally issued to foreign nationals, were identified and seized during a re-verification process (*The Express Tribune* 30 Apr. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Australia's DFAT reports that birth certificates are issued by NADRA, local union councils or hospitals, with "fraudulently obtained, fraudulently altered or counterfeit certificates" still being available from hospitals (Australia 20 Feb. 2019, para. 5.48, 5.72). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. Real Estate Documents

As cited in a report on a COI meeting on Pakistan that was hosted by the EU's European Asylum Support Office (EASO) in October 2017, Shehryar Fazli, Senior Analyst and Regional Editor at International Crisis Group, estimated that there were over one million civil court cases related to land disputes ongoing in Pakistan, comprising 60 to 80 percent of all civil cases (EU Feb. 2018, 37). In its 2019 report, Freedom House states that "organized crime, corruption, a weak regulatory environment, and the subversion of the legal system often render property rights precarious" (Freedom House 2019, Sec. G2). Media sources report that properties of Pakistanis living abroad have been possessed through forged documents by other people (*Dawn* 13 Apr. 2017; *The News International* 10 Apr. 2018), with the land or property "grabbers" knowing the resulting court action will take an extended period of time (*The News International* 10 Apr. 2018). As cited in the EASO meeting report, Shehryar Fazli explained some of the issues with land documentation as administered by local revenue officials (*patwari*) in Pakistan:

The sources of the patwari's influence are paper records. Only until very recently and that too, only in two provinces, have we seen computerization of land records. There are a couple of documents that are worth noting. One of them is called the 'jamabandi', which is the record that establishes the right to property; and then there is the 'intaqalaat', which is the registration of that land. These are two very fraught processes to establish the right to a particular piece of land. As I said, lack of digitalization and deeds, inaccurate or fraudulent land records, erroneous boundary descriptions that create overlapping claims, and multiple registrations to the same land by different parties. Because the patwari is the ultimate arbiter of these things at the local level – you can always go to the courts, but your case is going to take 25 years to resolve – because of the patwari's role in settling these matters, that official's power is disproportionate and we have even had an instance of a patwari, who – let me stress again – is a very low level official, becoming a senator because of ultimately being able to either buy his seat or having enough politicians who own him favours to then give him a party ticket.

The most elusive document with respect to land is called the 'fard'. This is the certificate of possession, and it serves a range of purposes: guarantee for furnishing bail in court cases; proof of permanent residence in order to obtain a domicile certificate, as well as loans from financial institutes; proof of changed ownership through inheritance; and recording the ownership of land through sale, purchase, mortgage, lease or gift. The sole authority is with the patwari to grant this document. Unsurprisingly, people seeking a fard are vulnerable to extortion. Those who fail to get one will find it very difficult to maintain a healthy economic life, even if they were to move to another part of the country. Bribes paid to the patwari vary according to an individual's finances and the kind of documents required. (EU Feb. 2018, 38)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6. State Response

Chapter XI of the *Pakistan Penal Code* addresses false evidence and offences against public justice, chapter XVII addresses offenses against property, and chapter XVIII addresses offences relating to documents and to trade or property marks (Pakistan 1860). A copy of these chapters of the *Pakistan Penal Code* is attached to this Response.

Further information on the state's response, including information on the implementation of the applicable legislation, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Centre for Peace and Development Initiatives; lawyer in Pakistan who practices in the area of family law and related documents; lawyer specializing in Pakistani law; lawyer with the Lahore Bar Association; Pakistan – Consulate General of Pakistan in Toronto; Pakistan High Court advocates; professor of law with a background in human rights in Pakistan; UN – legal officer at the UNHCR.

Internet sites, including: Cornell Law School; Denmark – Danish National ID Centre; ecoi.net; Factiva; GlobalLex; International Commission of Jurists; INTERPOL; Pakistan – Federal Investigation Agency; Research Society of International Law; Transparency International; US – Law Library of Congress; World Bank.

Attachment

Pakistan. 1860 (amended 2012). Chapters XI, XVII and XVIII. *Pakistan Penal Code (Act XLV of 1860)* (<https://www.refworld.org/pdfid/485231942.pdf>). [Accessed 10 Dec. 2019]

ecoi.net summary:

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