



## **FACT FINDING REPORT**

On

## **Reena Menghwar case**

### **RightsNow Pakistan**

Reena menghwar case is a case of forced conversion or a case of a free will marriage is focus/objective of this fact finding. This case is being discussed in whole Sindh Province, Pakistan and outside as a case of forced conversion of a hindu girl.

This case also came in discussion in Sindh Human Rights Defenders Network group with apprehension that this case may cause conflict between menghwar and khaskhaly communities who are neighbors in Kario Ganhwar district Badin and may lead to a violent conflict between both Khaskhaly (Qasims family) and Menghwar community (Reenas' family). It was also realised that this case has poentia to cause violent conflcit between hindu muslim. In order to answer this issue that whether it is a case of forced conversion or free will marriage a fact finding team of RightsNow Pakistan was sent to Kario Ganhwar to meet Reena, her family, accused Qasim and his brothers, police and civil society of Badin.

Fact finding committee consisting of following legal officers of RightsNow Pakistan team

- |                                    |             |             |
|------------------------------------|-------------|-------------|
| 1. Mehmood Ali Lashari             | advocate    | Member      |
| 2. Ms Naheed Akhter Qaim Khani     | advocate    | Chairperson |
| 3. Muhammad Maaz Mahar (Paralegal) | (Paralegal) | Member      |

The fact finding team visited Kadyo Ghawar District Badin on 28-07-2021 and met with Reena's father of Reena and her uncle namely Hameero. They shared that they are resident of Khaskheli Muhala before the partition. Khaskhaly Muhala where accused Qasim and his family is living. So Qasim and Reena are neighbors.

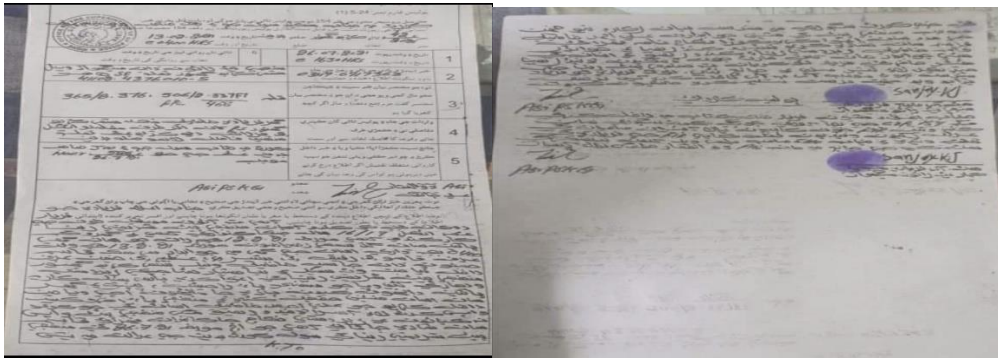


Reena's family shared that on 13.2.2021 at 4 am accused khaskhaly caste namely Qasim, Rafiq, Bashir, Azeem and Juman all brothers entered into house of Reena Menghwar 16/17 years and forcedly abducted her in front of family members including brothers Rajesh and Papu both eye witnesses mentioned into the FIR crime No 42 of 2021 of PS Karyu Gnahwar, District Badin under section 365 B, 506/2, 376 etc ppc. Along with all above accused Ali Ahmed Khaskhaly relative of above accused made fake documents of marriage of Qasim and Reena.

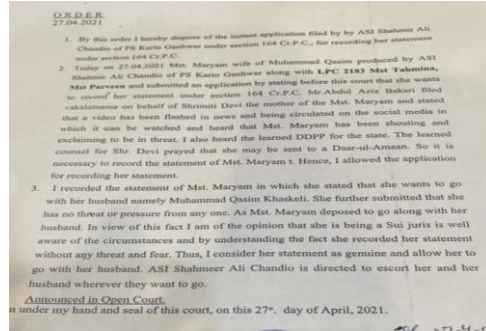
On 26.7.2021 she was produced before Magistrate where Reena said she was abducted by Qasim (alleged husband of Reena) and his brothers mentioned above with the help of Ali Ahmed Khakshaly and she was forced into marriage, where she

was tortured by all and Qasim committed rape with her. Complainant is Sanjay s/o Rano Menghwar brother of Reena Menghwar (abductee).

Reena's family shared that the marriage of Reena was fixed on dated: 14-02-2021 with one of their relative namely Raju R/o Tando Ghulam Ali with Reena and she was happy with this decision. One night before on Mehndi night the sisters of Qasim Khaskheli (who is the husband of Reena) namely Samina and Tahzeen came in night and gave something something to Reena in drink. In this way, they took Reena to unknown place. Parents shared that after that Reena was taken to Samaro Sharif and there she was converted to Islam and married to Qasim again by force. That the parents and relatives of Reena went to Samaro Sharif and met with Pir Ayoub Sarhandi and disclosed him the facts on such he promised that he will ensure Reena's return but according to parents that promised was not fulfilled by Pir Ayub Jan Sarhandi.



This is FIR story narrated by the family of Reena Menghwar which showed this incident as abduction, forced conversion and forced marriage. However, parents of Reena were not willing to let fact finding team to meet her. They said she has gone out of city. Sources shared that parents doesn't want her to meet the fact finding team which may weaken parents narrative regarding Reenas' abduction forced marriage and conversion.



### Magistrate order of 27 April 2021

On 27 April 2021 when Reena's video became viral on social media when she was crying for help while saying she wanted to go to her home. When she was produced before the Magistrate she said she is not under any pressure and she wants to go with her husband Qasim Khaskhaly. This fact parents said happened because of pressure on Reena. Counsel of Reena said it was police malafide and pressure. Counsel also share that it is forced conversion because Reena used to call Qasim brother and use to tie Rakhee on every Rakhsha bandhan.

### Judges' Order:

2nd CJ & JM 2 Badin

That after on 26-07-201 Sht: Reena produce before the 2nd Civil Judge & JM Badin where she requested to go with her parents and further submitted that she did not convert to Islamic faith and false documents were prepared by her alleged husband and learned Judged order to lodged FIR against the culprits of incident.

That after the FIR Crime No: 42 of 2021 of PS-Kario Ganhwar has been registered against the 5 Accused namely 1-Muhammad Qasim 2- Rafiq 3- Basheer- 4- Azeem and 5- Juman from which 4 are arrested and 1 is absconder namely Basheer.

### Accused & Police Version:



Accused Qasim shared that he and Reena are and were neighbors. He and Reena used to like each other and when Reena's marriage was being arranged by her parents she herself came to my house which is close to her house and then we got married.

She came to my house on 13.02.2021 Qasim shared. Later we went to Pir Ayub Jan Sarhandi where she was converted to islam by her own will for marriage and Nikah was solemnized. Her new muslim name became Maryam.

Accused Qasim shared Reena before this statement has already recorded her all statements in his favour in front of Magisterate and High Court and old FIR lodged against me was quashed/cancelled after Reena's statement recorded in the High Court. Same Badin police escorted us to house which has lodged FIR against us now.



*Reenas video came on social media in which she was saying that she wants to go to her father and won't return.*

Regarding her video he said this video came may be due to dispute of females in the family or family dispute inside the house, which compelled her to cry which came in video but it has nothing to do with abduction, forced conversion or forced marriage.

Police said this was case of free will marriage because the FIR of Reena's abduction lodged against Qasim by parents quashed by the Sindh High Court on her statement there. And she was let to accompany to her husband Qasim (present accused) to his home as his wife Maryam.



Certificate of Conversion issued by Pir Ayub Jan Sarhandi which Reena says is forged

### Civil Society:

Ram Kolhi, Counsel of Reena's family call it kind of forced version. According to him, Reena was instigated for marriage by Qasim Khaskhaly also known as Kabootarbaz and his sisters and taken to Samaru for marriage. Talked to Krishan Sharma, Mukesh Menghwar, human rights defenders belong to Badin and Tharparkar shared that Reena's case is a free will marriage not forced conversion.



Pictures of Reena & Qasim after they married.

### Discussion, Analysis & Conclusion

In a hearing on 27 April, the family's lawyer (co-) Ram Kolhi, said when her statement was recorded she was under pressure and the court could not find that pressure.

Question arises, if there were pressures, threats to Reena that kept her silent and forced to give statement in Qasim's favor as her husband then why she broke her silence in the same court now. On April 27, 2021 she said she wanted to go with her husband.

She also gave statement before the High Court regarding her consent for marriage due to which FIR crime No: 7/2021 under section 365-B was cancelled as mentioned above.

Her 164 CrPC before the court was without pressures, fears and her statement before the Hyderabad High Court in favor of Qasim khakshaly husband recorded before.

Her pictures with Qasim during the period of February and July 2021 shows she was happily married with Qasim Khaskhaly but later due to different family culture back ground and pressures from family of Qasim regarding her religion compelled her to leave Qasim's home.

Police (SIP, SHO level) is very clear on this case and says this is case of free will marriage and conversion, not abduction, forced marriage or forced conversion. They have also shared all background of the case with the Court where accused Qasim and his brothers' bail is being heard.

Abduction story of complainant and family of Reena regarding her abduction by two sisters of Qasim seems shaky. Particularly when guests were at Reenas' home at the night on which her abduction is being reported.

Reena was living with Qasim from Feb till now which is close to the house of Reena's family so the story of abduction, forced conversion and forced marriage is not believable particularly when whole neighborhood says they have wedded happily.

If the documents of conversion, marriage were forged then why case is not filed against the Pir of Samaro.

**RightsNow Pakistan** fact finding team and team which discussed the case believes that Reenas' case is a free will marriage, and conversion was done because motive was marriage on which both Qasim and Reena agreed. She

was not abducted but she went to Qasim's home by her own will and wish. Case filed against Qasim and his brother under section is false.

On case of conversion we are of the view that it's not voluntary change of faith because in free will marriages girl of hindu or Christian faith are always pressurized to convert for marriage so in this sense if we give choice to a girls in such cases they would always stay with their same faith but still wish to marry with boy of the different faith.

**Recommendation:**

- One JOINT fact finding of civil society, national human rights institutions, journalist report human rights cases, women groups, in such cases assisted by police and other concerned departments like judiciary, prosecution can help in reaching to conclusion.
- Media reports different versions as they are narrated to them or reported to them. Media should also report versions of all involved parties to remove clouds from a case and to find the truth. Investigative journalism should be encouraged.
- Police in such cases, should not register another FIR of the same offence in which already one FIR of the same case is cancelled after victims' statement before the court. However, police must initiative an inquiry into the matter, collect all evidences from all sides, parties and reach to conclusion of whether FIR should be lodged or not.
- Police should thoroughly investigate the case and look into all aspects of the case including if the girl has any threat from anyone or parents of the boy's family, any debt issue, any pictures videos of girl in possession of boy, or mental health check up of the girl.



- Courts may consider one important aspect of such case that mostly girls of different faith when they come into court for statement or recovered by the police, their mental health should be checked and they should be kept in the Dar ul Aman/safe house for a proper and stable statement. This is provision of Sindh Child Marriage Restraint Act 2013 as well.
- Current FIR also seems a formality by the police to dispose off the case and release the pressure police faces. Otherwise, one FIR regarding forged documents should also have been registered against the person who did free will or person who did conversion.
- Cases like Reena may spoil the other cases of forced conversion of girls belongs to community of different faiths so truth must be discovered and shared with the society interest of justice.
- Implementation of all pro women laws including domestic violence prevention act 2013 and rules and newly elected police law.
- Federal & Sindh Government should enact law prevent punish forced conversion law and meanwhile direct authorities/police/district administration not to allow any private person to conduct cases of conversion in the province.
- Action should be taken against those individuals who are encouraging individuals to instigate women of different faith to convert and marry.
- An state institution should be establish to conduct conversion under state authority with proper, legal procedure so citizens of different faith should not feel threatened.

Advocate Mahmood Lashari Member SIGNED

Advocate Naheed Kaimkhani Chair SIGNED

Maaz Mahar Paralegal SIGNED

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## Media Reporting

### Swarjiya

<https://swarajyamag.com/insta/pakistan-hindu-girl-who-was-kidnapped-and-forcefully-converted-to-islam-seen-crying-for-help-to-no-avail>

Asianews.it Reported on 28.7.2021

<http://www.asianews.it/news-en/In-Sindh,-Hindu-woman-kidnapped-to-be-forcibly-married-is-freed-53748.html>

Express Tribune reported

<https://tribune.com.pk/story/2297163/court-orders-return-of-forcibly-converted-girl-to-husband>

Dawn news

<https://www.dawn.com/news/1637056/badin-court-orders-hindu-woman-be-returned-to-parents-custody-after-alleged-forced-marriage-torture>

Organizer reported:

<https://www.organiser.org/Encyc/2021/7/27/Reena-Meghwar-another-Hindu-woman-forced-to-marry-in-Pak-court-intervenues.html>

<https://www.ucanews.com/news/hindu-girl-back-home-after-forced-marriage-in-pakistan/93465#>

UCA news reported on 27 July 2021

Reena Meghwar reunites with family, still facing threats

<https://voicepk.net/2021/08/reena-meghwal-reunites-with-family-but-says-still-facing-threats/>

<https://tribune.com.pk/epaper/news/Karachi/2021-04-28/MzZlYjY5ODMxNTVINmY3ZjkwOWQ4NTMzZjIwYTNlZDAuanBlZw%3D%3D>