

Balochistan's Prisoner of Conscience

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NELSON MANDELA WHO was arrested in 1964 was convicted of sabotage and treason and sentenced to life imprisonment by the Apartheid regime of South Africa. But the world's most respected and admired statesman who later won the Nobel Peace Prize was fortunate that his trial was not held inside the prison. No anti-terrorism court tried him nor was he thrown into an iron cage.

Mandela and his companions were tried in a proper court room. His wife, mother, friends, journalists and supporters were allowed to witness the court proceedings.

Though the Apartheid regime employed the worst form of racial discrimination against native South Africans, no political activist of the ANC went missing or disappeared during the struggle against the racist regime. But Akhtar Mengal, a well-known and respected Baloch nationalist, has not been so lucky. For some people in Balochistan he has the status that Mandela had in South Africa.

He has been kept in solitary confinement in Karachi since December 2006. Akhtar Mengal has not been tried in an open court. His trial is conducted inside the prison. No one except one person from his family is allowed to witness the court proceedings. Mr Iqbal Haider, secretary-general of the Human Rights Commission of Pakistan, witnessed the first hearing of his trial in Karachi prison on special request, and this is what he saw: Mr Mengal was brought into the courtroom and shoved into an iron cage with bars all around that stood in a corner away from his counsel.

Akhtar Mengal is not the only political prisoner from a smaller province who has been humiliated or treated as a second class citizen. A number of Baloch, Sindhi and Pashtun leaders have been detained and humiliated repeatedly in the last 60 years.

Veteran Baloch nationalist Sardar Attaullah Mengal, Nawab Khair Bux Khan Marri, Khan Abdul Wali Khan, Mir Ghous Bux Bizenjo, Sher Mohammed Marri and Mir Gul Khan Naseer have spent years in prison for being insubordinate to the establishment. Akhtar Mengal, president of the Balochistan National Party (BNP) and former chief minister of Balochistan, has been under detention since Nov 2006, and has been denied justice through delaying tactics. Mengal has not been arrested under corruption charges nor has he been charged with misuse of power. He is not an industrialist who is a bank defaulter. Neither has he been involved in any land scam like many other pro-establishment politicians of the country. He is facing trial for the brief abduction of two undercover agents of security agencies.

Mengal's prolonged detention, mortification and the delay in the dispensation of justice has exposed the inequality that characterises the Pakistan's legal system. They also point to the inability of courts to act independently without being influenced by the powers that be.

'The Constitution guarantees that all citizens are equal before law and are entitled to equal protection of law. However, the Baloch have not been treated according to national and international laws. Constitutional guarantees and the courts have failed to protect their fundamental rights.

Akhtar Mengal along with 500 BNP activists was arrested in Nov 2006, a day before President Musharraf's visit to Balochistan. The mass arrests were aimed at stopping the BNP from protesting peacefully against the military operation, widespread arrests of activists and their enforced disappearance.

According to Mr Mengal, his family had been receiving threatening phone calls since the beginning of the military operation in the province. Due to the gravity of the threats he would personally drop his children to school. On April 5, 2006, some unknown persons followed his car presumably to kidnap his school-going children. He stopped his car and asked them who they were. They refused to give any satisfactory answer. Considering this a security issue, Akhtar Mengal's security guards picked up the two riders of the motorcycle and took them back to the Mengal residence intending to hand them over to the police. At this stage, the two admitted to being army personnel.

Almost immediately, a large party of law-enforcement agency men arrived on the spot and took away their two colleagues who had been picked up, and laid siege to the house and its occupants.

On the intervention of the Sindh chief minister, it was agreed that no case would be filed if Mr Mengal's guards who were involved in the case were handed over to the police for questioning. At a later stage, it was discovered that a havaldar of the Pakistan army had filed an FIR against Akhtar Mengal and his four guards, who were voluntarily handed over to the police. Yet Akhtar Mengal remained free till Nov 28, 2006, when the Balochistan police arrested him, along with senior members of his party.

Since then, all proceedings are being conducted in camera. Repeated humiliation of the Baloch and their political representatives will intensify the animosity felt by the troubled Baloch population. The judiciary's tilted role and the unproductive hearings of the ATC have already shattered the credibility of the bench,

Akhtar Mengal, as a senior leader of a political party, is entitled to all basic rights and facilities. But he has been denied basic legal and human rights because of his political affiliations. The large number of political activists in Balochistan, who have been detained and denied legal and prison rights, are entitled to just treatment in accordance with UN conventions. The government of Pakistan must abide by the laws of the country and international law and respect the rights of the Baloch. There should be an end to the injustice, intimidation and harassment being meted out to them.

US civil rights leader Martin Luther King had stated in a letter from Birmingham jail to his friends, 'injustice anywhere is a threat to justice everywhere'. □□□