

Plight of Baba Jan

W N Gomes

Prominent human rights defenders, Mr. Baba Jan, a socio-political activist, chief of Progressive Youth Movement, Mr Iftikhar Hussain, and Mr Ameer Khan along with two more activists of Pakistan Labour Party were brutally tortured by the police and military intelligence, the ISI, during jail custody. Baba Jan and his colleagues were arrested during the agitation against the killings of a father and his son by the police officials, including the direct shooting by a high official, the deputy superintendent of Police, Mr Babar during a protest on August 11, 2011 on the issue of settlement of the victims of the Attabad lake when the chief minister of Gilgit and Baltistan was visiting the place.

Very recently the jail authorities had taken the initiative to shift Baba Jan and his four co-workers to Gilgit sub jail which is located at the top of a mountain where the temperature is almost constantly below freezing. The reason behind shifting Baba Jan and his comrades was that some of the other accused persons in the jail who were involved in the sectarian killings of Shiites and others were lodged in the Gilgit jail and they were intentionally mixed with the normal prisoners. They were spreading sectarian hatred within the jail with the patronage of the jail authorities. Baba Jan and his fellow activists were resisting the sectarian division within the prison and on many occasions succeeded in preventing the killings of persons from other sects. This put out of favour with the jail authorities and local administration of Gilgit. Also the government was not happy with the actions of the activists of the Labour Party and its youth organization for agitating against the increasing interests of the USA in the area which is on the border with the People's Republic of China.

Before shifting the victims to the sub-jail Baba Jan was taken out two times from the jail by the police and military officials including men from state intelligence agency. He was interrogated by different intelligence officials who tortured him. He was pressurized to halt his and his group's activities in the Gilgit district.

On April 28, 2012, in the early morning, when military men and police came to shift him his friends tried to resist the move as they feared that, they will be abducted and killed in fake encounter. The police and military men tortured and beat them severely before throwing them into police vans who took them to the sub-jail. During the ill-treatment Baba Jan's hand and several of his toes were fractured. To humiliate him his head was shaved. He was hung upside down and beaten. Also Iftikhar Hussain and Ameer Khan were badly tortured in a similar manner. To-date they have not been provided with any medical treatment.

A massive landslide occurred on July 4, 2010 near the Attabad village in Hunza Valley, causing a heavy loss of life and property. The landslide blocked the River Hunza, which resulted in the formation of a lake, besides inundating about a two-kilometre long stretch of

road. The Attabad Lake and the damaged road network of KKH have proven to be a major obstacle for trade between Pakistan and China. The completion of the two projects is a key to utilising the existing trade and energy potential of Gilgit-Baltistan.

Baba Jan was well known for his campaign of "Attabad Lake" which came into existence earlier in year 2010 when a mountain came down into the Hunza River and that has brought into existence of the Lake. Due to the change village after village was submerged. In total, over 1000 were displaced and over 25,000 were cut off from the rest of the country.

Pro-government people with the direct help of military had deprived the victims of "Attabad lake" from the compensation and for their right demand for compensation people were protesting .But police opened fire on protesters when they were protesting against the government for not doing justice in the disbursement of compensation due. After the killing of the young son the father pleaded with the police not to use live ammunition against the protester however, the police shot him dead without warning.

Prominent American linguist, philosopher, historian and activist Noam Chomsky and British Pakistani military historian and political campaigner Tariq Ali wrote open letters demanding the release of Baba Jan Hunzai. Jail authorities have denied access to the counsel for the activists Advocate Ehsan Ali. This is a clear violation of the rights described in "Pakistan prison rules". The torture issue on Baba Jan and others in this incident provides a bleak picture of the breakdown of the rule of law system in Pakistan. It also reflects that torture is now endemic around the country and it is possible for military intelligence personnel to commit torture with full impunity.

Rules 776 to 809 of the Pakistan Prison Rules, 1978, deal with the issue of medical treatment. Under Rule 787, "...in each prison a hospital for the treatment of sick prisoners is required to be established. In case of illness, the prisoners should be admitted in hospital for proper treatment. Rules also provide for proper medical care and special diet to the patients during their illness."

In absence of the criminalization of torture, the law enforcement agencies are able to use torture with impunity. The Pakistan government should instigate immediate reforms in Pakistan's prison system. Baba Jan's detention highlights the corruption and dysfunctional nature of the prison system which is linked to the breakdown of the rule of law in Pakistan. For years, thumbing their noses at the criminal justice system, the military has detained hundreds of people on suspicion of terrorism which includes a large number of political dissidents and others opposed to the policies of the military, particularly in Balochistan, Khyber Pakhtunkhwa (KPK) and the Federally Administered Tribal Areas (FATA). They have applied inhuman methods including torture, collective justice and extrajudicial killings. Now the military has crossed the line by entering the jails to torture political activists. □□□