

<https://internationalviewpoint.org/spip.php?article5877>



Pakistan

Baba Jan adjournment debate rejected

- IV Online magazine - 2019 - IV528 - January 2019 -

Publication date: Monday 7 January 2019

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The National Assembly Speaker Asad Qaiser has rejected an adjournment motion moved by Ali Wazir, the lone leftist member from North Waziristan, to debate Baba Jan's case in the lower house of Parliament. The motion was also signed by Pashtun Tahafuz Movement (PTM) leader MNA Mohsin Dawar and MNA Riaz Fatyana.

The Speaker has withheld the “adjournment motion as inadmissible under Rules 111 (a) and (c) of the Rules of Procedure and Conduct of Business of the National Assembly”, submitted on November 23, 2018, reads a letter by National Assembly deputy secretary Muhammad Salim to the movers of the motion.

“We want to bring an important issue before the parliament for debate which is about Pakistan and has been debated in the European Parliament and Denmark's parliament. But Pakistan's parliament seems oblivious about it,” the motion reads.

“Baba Jan, a political leader has been incarcerated in jail in Pakistan-administered Gilgit-Baltistan for the last seven years,” the motion further said.

Jan is a member of Awami Workers Party Federal Committee and currently serving life imprisonment along with 15 other activists after being convicted by the top court of Gilgit-Baltistan on trumped-up charges. His review petition against the conviction is pending for hearing in the Supreme Appellate Court of Gilgit for the last two years.

“Although the case is in a court, the Office of the UN Human Rights Council, parliaments of European Union and Denmark as well as the Human Right Commission of Pakistan have expressed their reservations on the basis of which Baba Jan was convicted,” the mover said in his motion.

“Noted human rights defender and HRCP Chairperson late Asma Jahangir, The European Parliament resolution of June 15, 2017, the UN Human Rights Council report on Kashmir and Gilgit Baltistan released on June 15, 2018, and HRCP Report of 2016 have declared the case against Baba Jan bogus. Therefore, the parliament of Pakistan should be informed about the facts of the case”, the motion read.

“According to my information, fact-finding teams of former senators Afrasiab Khattak, Farhatullah Babar, Mushahid Hussain, and Riaz Fatyana had visited Gilgit-Baltistan in 2012 and 2016 in connection with the case. The findings of that mission should also be placed before the parliament,” MNA Wazir said.

The most questionable case

Baba Jan and his 15 comrades were convicted for raising voices for the disaster-hit people and the then government's apathy towards the families displaced as a result of Attabad disaster on 5th January 2010. [\[1\]](#)

On 11th August 2011, over 200 displaced people staged a sit-in in Aliabad Hunza demanding payment of compensation and their resettlement. At that time the then Gilgit-Baltistan Chief Minister Mehdi Shah was scheduled to visit Hunza. The local police in a bid to disperse the protesters opened fire on them, killing an IDP Afzal Beg and his son Sher Afzal that triggered mass protests in many towns of Hunza consequently a police station in Aliabad was

set on fire.

In September 2011, Baba Jan and several activists were booked under terrorism charges and arrested, subjected to third-degree torture by a joint investigation team. While in jail, Baba Jan actively worked for the improvement of conditions in prison and promoting sectarian harmony between prisoners. As a ‘reward’, Jan and four of his fellow party workers were tortured for days and denied medical treatment.

In the meantime, a judicial inquiry report on the killing of the protesters remained unpublished till date.

Progressive parties, student and youth organisations as well as human rights bodies, including the Human Rights Commission of Pakistan, and prominent intellectuals like Noam Chomsky and Tariq Ali have endorsed the campaign by signing a petition. Ultimately Baba Jan was granted bail in October 2012.

Since then, Baba Jan remained active in organizing the people of Gilgit-Baltistan through peaceful means on various issues, including withdrawal of subsidy on wheat in early 2014 and leasing out the region’s natural resources to foreign companies.

On 25th September 2014, an Anti-Terrorist Court sentenced Jan and 13 others to 71 years in prison in three different cases related to the Aliabad riots without considering the judicial inquiry report into the killings. Three of the nominated persons in the FIR were acquitted and two were absconders.

They filed an appeal in the Chief Court of Gilgit-Baltistan against the ATC verdict. A two-judge bench of the court in April 2015 acquitted Jan and others of terrorism and violence charges setting aside the verdict of ATC.

The state filed an appeal against the chief court verdict into the Supreme Appellate Court (SAC). A three-judge bench of the SAC in a two-to-one split verdict set aside the Chief Court’s unanimous decision upholding the ATC judgment.

The SAC also convicted two accused even the lower trial court had not yet convicted them. In total 16 activists including Baba Jan are in jail serving life term and fine of Rs1 million each.

In 2015 Jan contested election for GB Legislative Assembly seat from Hunza from jail as a candidate of Awami Workers Party and became runner-up behind Mir Ghazanfar Ali Khan, the ruling party candidate.

In April 2016, by-elections for the same seat were announced after Mir Ghazanfar Ali Khan assumed the office of GB governor. Once again, Baba Jan stood for election from the AWP platform. The popular mass support for Jan caused much consternation among the mainstream parties including PML-N, PPP, and PTI.

On May 25, three days before the election was to take place, the SAC directed the GB’s Election Commission to postpone the polls until a decision was taken on the government’s appeal against the Chief Court’s decision.

On 9th June 2016, a three-judge bench of the SAC set aside the Chief Court’s verdict and upheld the conviction of Jan and other activists. Although a review petition was filed in the SAC on 27th August 2016 which was admitted on 27th October. However, no date has been fixed for its hearing till today.

Jan and his friends have been convicted under the anti-terrorism law the application of this controversial law in Gilgit-Baltistan has no legal and moral grounds as the region is not a constitutional part of Pakistan.

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Jan's case is an indictment of the system of governance in Gilgit-Baltistan, which continues to be ruled not through any form of popular representation but a coercive neo-colonial state apparatus, where any whisper of dissent is brutally suppressed. It is also a travesty of justice and demands a widespread review of ATC and the abuse of national security legislation to deprive citizens of their basic legal and political rights.

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[1] A massive landslide occurred in this very remote area killing 20 people and destroying 26 houses. Further homes were damaged as a result of the expansion of the lake caused by the landslide.