

# **Pakistan: Faisalabad Power Loom Workers Case - A Miscarriage of Justice**

Thursday 1 December 2011, by [ZAHND Cindy](#) (Date first published: 28 November 2011).

**Over 5000 people attended a *jalsa* in Faisalabad on Saturday to denounce the judgement by the anti-terrorist court that sentenced six power loom workers to 99 years each for demanding the implementation of the 17% wage increase announced by the government in 2010.**



*Public rally organised by Labour Qaumi Movement in Faisalabad November 26, 2011.*

Mian Qayyum, chairman of the Labour Qaumi Movement (LQM), a union of power loom workers, organised the rally and addressed an audience of thousands of workers carrying red and green flags, the colours of the LQM. He said that the *jalsa* was a warning for the Faisalabad administration to show them that the struggle will continue until the judgement is reversed. He added that the charges and the sentence were a plot on the part of factory owners, police force, and bureaucracy against the LQM. The LQM has emerged as a powerful force defending workers rights in Faisalabad over the last eight years. Indeed, when we examine the case and judgement in detail Mian Qayyum's assertions seem more than plausible. They have already filed an appeal in the Lahore High Court and are confident that they will win the case.

The six power loom workers - all leaders of the LQM - were sentenced to a total of 594 years in jail for attempting to murder four brothers, owners of a power loom factory. The story started on the 20<sup>th</sup> of July when over 200, 000 power loom workers took part in the strike organized by the LQM to demand the implementation of the 17% wage increase announced by the government. The small factory of the complainants had remained opened despite the strike, which led to a mass of angry workers spontaneously rushing in and fighting with the owners. The workers claim that none of them had weapons, that only the factory owners did and that when they shot, they hit a motorcycle setting it on fire. This, in turn, burned 3000 meters of cloth. The 4 brothers were nevertheless severely beaten up by the striking workers.

An FIR was filed only three days later against 14 leaders of the LQM as well as 150 unknown persons. The lapse was used by the complainants to find out who the leaders of the movement were, to then file fake charges against them. Four of the six accused workers were arrested within two days of the filing of the FIR, all of whom are presidents of local sectors of the LQM - and were important to the then on-going strike. New presidents were appointed in place of those who were

jailed but two months later, two of them were arrested for supposedly being part of the 150 unknown accused. Conveniently for the police and factory owners, any of these 150 unknown accused can suddenly metamorphose into any of the LQM leaders. Gunfire was not mentioned in the first police report but appeared in it three months later only, enabling the prosecutors to invoke Section 7ATA (Anti-Terrorism Act) and proceed with an expedite trial, making the process look more like a frame-up.

On the 31<sup>st</sup> of October, Judge Mian Anwar Nazir from the anti-terrorist court in Faisalabad rendered a Kafkaesque judgement where he declared that the six accused are equally guilty of attempting to murder the four complainants. According to him, it is possible that the six accused have collectively caused 42 different injuries to the four complainants, therefore it is possible to collectively sentence them for each injury caused. Another set of collective sentences related to the vandalizing of the factory makes a total of 594 years of jail to be shared by the six workers.

Judge Nazir bases his judgment on the following proof: the ocular [sic] account of the witnesses, the medical evidence and the evidences of recovery [sic]. On the ocular account, he recognizes himself that “no person from the public except the Pws [prosecution witnesses] who are brothers inter-se have been cited as Pw [prosecution witness].”[sic] But as he says, it is true that “ordinary persons do not like to poke their nose in the affairs of others”. And because Pakistanis are notorious for minding their own business, a special rule applies to the country according to which it is ok if all the witnesses are from the family of the complainants.

The defence says none of the accused were present on the scene, and that two of them were actually 6km away leading a demonstration, when this happened. The defence also highlighted discrepancies between statements of Pws which were recognized by the Judge who said that: “In this regard, it is observed that rule of FALSUS IN UNO, FALSUS IN OMNI BUS [False in one, false in all] does not hold field in Pakistani society. Falsus in one particular, false in all is dangerous for application in the country, because if whole testimony of a witness has to be rejected due to his speaking untruth in one or more particular, he was likely to be dispensed with. Story always has an embroidery though it may be true in main. The main part of the deposition should not be rejected arbitrarily due to falsity on some very or minor point.” [sic] Regarding the medical evidence, his Lordship deemed it unnecessary to ask the doctor who witnessed the gunfire injuries for pictures of the wounds. The evidences of recovery - eventual arms or other incriminating material recovered from the crime scene - are absent but that does not matter for the judge who says that: “the lethargy or malafide of police that it had not secured incriminating articles from the place of occurrence and had not affected the recoveries from the accused may not be allowed to dent the case of prosecution” [sic]. In other words, the fact that there is no evidence of recovery does not matter since there are “confidence inspiring evidences furnished by the four injured Pws who have harboured no grudge, animosity or pique against the accused.” [sic]

Despite the persecutions the power loom workers’ movement in Faisalabad is gaining momentum as the rally I attended showed. Now that they have seen the dawn of a new day (the strike the previous year yielded a pay rise for over 200, 000 workers), the workers are ready to pay the highest price for it. Yet, the burden falls on us to show solidarity. This burden falls on all of us who see their own aspirations for a just society reflected in the struggle of Faisalabad power loom workers.

**Cindy Zahnd**



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**P.S.**

\* From Naked Punch, First Posted: 11-30-11 10:42 AM | Updated: 11-30-11 11:17 AM:  
<http://nakedpunch.com/articles/132>