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Gilgit Baltistan (Pakistan) - Urgent Action: "I, therefore, urge you to take action to immediately release Baba Jan and the other defenders, and withdraw the trumped up charges against them"

Saturday 18 June 2016, by [AHRC](#) (Date first published: 16 June 2016).

PAKISTAN: Appellate Court upholds 40 years' sentence for human rights defenders to bar Baba Jan from elections

Dear Friends,

The Asian Human Rights Commission (AHRC) has received updated information that the Supreme Appellate Court of Gilgit Baltistan (GB), a newly occupied territory of Pakistan federation, has hurriedly upheld the sentences of 12 human rights defenders for 40 years, with a fine of Rupees 500,000 each, to debar their leader, Mr. Baba Jan, from the general elections. The cases against the human rights defenders were based on trumped up charges of terrorism, rioting and assault. The appellate court has totally ignored the decision of the Election Tribunals, which allowed Baba Jan to contest the elections from prison.

UPDATED INFORMATION:

On 9 June 2016, the Supreme Appellate Court of Gilgit-Baltistan (GB) sentenced Baba Jan and 11 other human rights defenders and activists of the Awami Workers Party (AWP) to 40-year prison terms in a case based on trumped up charges of terrorism, rioting and assault.

The court was hearing the state's appeal against the GB Chief Court's decision that acquitted Baba Jan and others of these charges. The Chief Court had set aside Baba Jan and others' convictions in the matter by an anti-terrorism court in September 2014.

Their 'crime' was that they had raised their voices for the thousands of families affected by the massive landslides of 2010. The landslides had caused an artificial release lake in the Attabad area of Hunza in 2010, rendering homeless thousands of families. Baba Jan and other activists had mobilised the people of the region, holding scores of demonstrations, to seek fair compensation and social support for these families.

At one of these demonstrations, a police contingent had opened indiscriminate fire at the protesters, killing two locals, Sher Afzal and his father. It is important to note that the report of a judicial

commission formed to probe the matter and place responsibility for the killings has yet to be made public. The reluctance of the authorities concerned to release the report highlights their malafide intentions in the matter.

Baba Jan and his colleagues were arrested during a protest against the killing of the two locals on 11 August 2011, when the Chief Minister of Gilgit and Baltistan was visiting the area (For further details, please see: AHRC-UAC-149-2011. Following the arrest, he was detained for two years during which he, along with two more activists of the Pakistan Labour Party, were brutally tortured by the police and military intelligence, the ISI.

The timing of the June 9 verdict raises suspicions about its fairness and impartiality. Baba Jan was scheduled to contest a by-election for Hunza-6 constituency in the Gilgit-Baltistan legislative assembly on 28 May 2016. Three days ahead of the scheduled election, Baba Jan's campaign team comprising local leadership of the AWP GB had led a massive rally of his supporters including scores of women and youngsters.

On the same day, Zafar Iqbal of the Pakistan Peoples' Party (that governed GB before the current PML-N led government) had approached the Supreme Appellate Court seeking directives for Baba Jan's disqualification on grounds that he had been convicted by an Anti Terrorism Court. It is widely known in the Hunza-6 constituency that Iqbal is working in collusion with the PML-N contestant, a son of the GB governor and a member of the traditional ruling family of the region.

Completely ignoring the fact that Baba Jan's conviction had been overturned by the Chief Court, the Appellate Court directed that by-elections be postponed till a decision was reached in the GB government's appeal against the Chief Court's decision. This was unexpected, since the Election Tribunal of the GB had already accepted Baba Jan's nomination papers and allowed him to contest the election from jail.

The Supreme Appellate court's verdict is a blatant act to sabotage his election campaign against political rivals belonging to the ruling PML-N. Mr. Jan is being punished for representing and voicing the concerns of GB's working class.

The judicial bigotry and prejudice of favoring the ruling elite is an attempt to sabotage the wishes and aspirations of the local populace, who favor and sympathise with Baba Jan. The judiciary which should be a bastion of equality and equity is itself allowing the usurpation of basic human rights. How can the people of GB expect justice from the institution which itself is not just and neutral?

Constitutionally, GB is not a part of Pakistan. It was given the status of a province with limited self-governance in 2009, including the right for the people to elect their representatives to the GB legislative assembly. However, the Pakistani federal government remains in control of all major decisions related to the region. The judges to the Chief and the Appellate Courts are appointed by the Pakistani prime minister. Whosoever comes to power in Pakistan co-opts local elites and remotely controls the region through them.

ADDITIONAL INFORMATION:

In August 2011, 25 out of the 457 families whose land was affected by the formation of Attabad Lake took to streets in Aliabad. Police wanted to disperse the protesters to clear Karakoram Highway for Chief Minister Mehdi Shah who was visiting the valley. Hence tear gas was used and gunshots were fired. During the firing Sherullah Baig and his son Afzal Baig were killed, further agitating the protesters who then torched government offices and looted a police station in Aliabad. Baba Jan was arrested and tried by the Anti Terrorism Court on charges of sedition, when all he had done was

agitate against police excess.

For two years Baba Jan was in jail and denied bail. An international campaign for his release supported by intellectuals such as Noam Chomsky and Tariq Ali, and protests far afield as Holland and Japan and locally in Lahore, Islamabad and Gilgit were finally successful in getting him bail. During those two years he was tortured on three occasions along with Iftikhar Hussain, who has been in jail for four years and has also been sentenced to life imprisonment in the same case. Meanwhile, the DSP that ordered the firing has been promoted.

SUGGESTED ACTION:

Please write letters to the authorities calling them to immediately release Baba Jan and 11 other defenders and withdraw the case filed on trumped up charges. The state must also make public the judicial inquiry report and penalize the policemen responsible for the killing of two locals during the 2010 demonstration.

Please also denounce the continuous marginalization of human rights defenders in Gilgit.

The AHRC will write a separate letter to the UN Special Rapporteur on the Situation of Human Rights Defenders calling for his intervention into this matter.

To support this case, please click here:

<http://www.urgentappeals.net/support.php?ua=AHRC-UAU-012-2016>

SAMPLE LETTER:

Dear _____,

PAKISTAN: Appellate Court upholds 40 years' sentence for human rights defenders to bar Baba Jan from elections

Name of victim:

1. Baba Jan, son of Abdullah Baig, resident of Gilgit Baltistan
2. Iftikhar Hussain, son of Muhammad Ishaq, resident of Gilgit Baltistan
3. Irfan Ali, son of Arman Shah, resident of Gilgit Baltistan
4. Aleemullah Khan, son of Taighoon Shah, resident of Gilgit Baltistan
5. Sher Khan, son of Hamadullah Baig resident of Gilgit Baltistan
6. Rashied Minhas Anees, son of Abdul Mateen, resident of Gilgit Baltistan
7. Sarfaraz, son of Ghulam Musa, resident of Gilgit Baltistan
8. Musa Baig, son of Abdul Rehman, resident of Gilgit Baltistan
9. Shukrullah Baig, son of Amanullah. resident of Gilgit Baltistan

Names of alleged perpetrators:

1. Government of Gilgit and Baltistan
2. Appellate court of Gilgit and Baltistan

Date of incident: June 9, 2016

Place of incident: Hunza, Gilgit and Baltistan

I am writing to voice my deep concern that the Supreme Appellate court of Gilgit Baltistan (GB), a newly occupied territory of Pakistan federation, has hurriedly upheld the sentences of 12 human rights defenders for 40 years, with a fine of Rupees 500,000 each, to debar their leader, Mr. Baba Jan, from the general elections. The cases against the human rights defenders were based on trumped up charges of terrorism, rioting and assault.

The appellate court has totally ignored the decision of the Election Tribunals, which allowed Baba Jan to contest the elections.

The courts in GB are directly controlled by Pakistan where the ruling party of PM Nawaz Sharif does not want to lose the elections of GB.

According to the information I received that on 9 June 2016, the Supreme Appellate Court of Gilgit-Baltistan (GB) sentenced Baba Jan and 11 other human rights defenders and activists of the Awami Workers Party (AWP) to 40-year prison terms in a case based on trumped up charges of terrorism, rioting and assault.

The court was hearing the state's appeal against the GB Chief Court's decision that acquitted Baba Jan and others of these charges. The Chief Court had set aside Baba Jan and others' convictions in the matter by an anti-terrorism court in September 2014.

Their 'crime' was that they had raised their voices for the thousands of families affected by the massive landslides of 2010. The landslides had caused an artificial release lake in the Attabad area of Hunza in 2010, rendering homeless thousands of families. Baba Jan and other activists had mobilised the people of the region, holding scores of demonstrations, to seek fair compensation and social support for these families.

I am appalled to know that at one of these demonstrations, a police contingent had opened indiscriminate fire at the protesters, killing two locals, Sher Afzal and his father. It is important to note that the report of a judicial commission formed to probe the matter and place responsibility for the killings has yet to be made public. The reluctance of the authorities concerned to release the report highlights their malafide intentions in the matter.

Baba Jan and his colleagues were arrested during a protest against the killing of the two locals on 11 August 2011, when the Chief Minister of Gilgit and Baltistan was visiting the area (For further details, please see: AHRC-UAC-149-2011). Following the arrest, he was detained for two years during which he, along with two more activists of the Pakistan Labour Party, were brutally tortured by the police and military intelligence, the ISI.

The timing of the June 9 verdict raises suspicions about its fairness and impartiality. Baba Jan was scheduled to contest a by-election for Hunza-6 constituency in the Gilgit-Baltistan legislative assembly on 28 May 2016. Three days ahead of the scheduled election, Baba Jan's campaign team comprising local leadership of the AWP GB had led a massive rally of his supporters including scores of women and youngsters.

On the same day, Zafar Iqbal of the Pakistan Peoples' Party (that governed GB before the current PML-N led government) had approached the Supreme Appellate Court seeking directives for Baba Jan's disqualification on grounds that he had been convicted by an Anti Terrorism Court. It is widely known in the Hunza-6 constituency that Iqbal is working in collusion with the PML-N contestant, a son of the GB governor and a member of the traditional ruling family of the region.

Completely ignoring the fact that Baba Jan's conviction had been overturned by the Chief Court, the Appellate Court directed that by-elections be postponed till a decision was reached in the GB government's appeal against the Chief Court's decision. This was unexpected, since the Election Tribunal of the GB had already accepted Baba Jan's nomination papers and allowed him to contest the election from jail.

The Supreme Appellate court's verdict is a blatant act to sabotage his election campaign against political rivals belonging to the ruling PML-N. Mr. Jan is being punished for representing and voicing

the concerns of GB's working class.

This is very sad for me that the judicial bigotry and prejudice of favoring the ruling elite is an attempt to sabotage the wishes and aspirations of the local populace, who favor and sympathise with Baba Jan. The judiciary which should be a bastion of equality and equity is itself allowing the usurpation of basic human rights. How can the people of GB expect justice from the institution which itself is not just and neutral?

Constitutionally, GB is not a part of Pakistan. It was given the status of a province with limited self-governance in 2009, including the right for the people to elect their representatives to the GB legislative assembly. However, the Pakistani federal government remains in control of all major decisions related to the region. The judges to the Chief and the Appellate Courts are appointed by the Pakistani prime minister. Whosoever comes to power in Pakistan co-opts local elites and remotely controls the region through them.

I, therefore, urge you to take action to immediately release Baba Jan and the other defenders, and withdraw the trumped up charges against them. Furthermore, steps should also be taken to end the continuous marginalization of human rights defenders in Gilgit.

Lastly, please ensure that the judicial inquiry report into the killing of two locals during the 2010 demonstration is made public, and that the police officers responsible are held accountable.

Yours Sincerely,

PLEASE SEND YOUR LETTERS TO:

1. Mr. Mian Nawaz Sharif
Prime Minister
Prime Minister House
Islamabad
PAKISTAN
Fax: +92 51 922 1596
Tel: +92 51 920 6111
E-mail: secretary cabinet.gov.pk or pspm pmsectt.gov.pk

2. Chief Minister of Gilgit Baltistan
Chief Minister's Secretariat, Gilgit
Tel: +92-5811-920573
Fax: +92 5811 50-201
Email: info gilgitbaltistan.gov.pk

3. Mr. Justice Tahir Shahbaz
Registrar
Supreme Court of Pakistan
Constitution Avenue, Islamabad
PAKISTAN
Fax: +92 51 9213452
Email: mail supremecourt.gov.pk

4. Federal Minister for law, justice and human rights
Ministry of Law, Justice and Human Rights
Old US Aid building
Ata Turk Avenue
G-5, Islamabad
PAKISTAN
Fax: +92 51 9204108
Email: contact molaw.gov.pk

Thank you.

Urgent Appeals Programme

Asian Human Rights Commission (ua ahrc.asia)

View online : [To send a letter](#)

P.S.

* Asian Human Rights Commission

G/F

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