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Pakistan: Gilgit-Baltistan Supreme Court Urged to rectify verdict against Baba Jan - An update

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Baba Jan's review plea: GB's top court urged to rectify 'floating error' in verdict

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Editor

The top court of Gilgit-Baltistan has adjourned the hearing of a petition filed by Baba Jan, a prominent Leftist political leader of GB, in the court to review its verdict.

On Wednesday, Amjad Hussain, one of the counsels of Jan, presented arguments against the June 2016 verdict of the Supreme Appellate Court (SAP) verdict and the Chief Court verdict.

The SAC had handed down 40 years imprisonment to Jan and 15 others on charges of sedition and violence under Anti-Terrorism Act, setting aside the Gilgit-Baltistan Chief Court (GBCC) judgment. A three-judge bench of the Chief Court had acquitted Jan in 2013.

However, the SAC bench had pointed a 'floating error' in the chief court judgment.

The bench observed that Justice Muhammad Alam, one of the three judges of the Chief Court bench had conducted the judicial inquiry of August 12, 2010, incident occurred at Hunza. Therefore, he was not supposed to sit on the bench that acquitted Jan and others.

Jan's counsel contended that due process was not followed in handing down the life sentence to his client. This floating error should have been rectified during the final verdict of the SAC in June last year. He also argued that this anomaly cannot be kept in the record of the court.

He urged the SAC bench to remand back the case to the chief court for retrial to rectify the 'floating error' and make the judicial inquiry report part of the case.

Chairman of the Supreme Appellate Court, Justice Shamim Ahmed after the argument, said he will decide the case on merit after going through the case record and sought the senior lawyer's help in rectifying the anomaly.

The SAC is likely to hear the case after Eid.

Baba Jan, a member of the Federal Committee of the left-wing Awami Workers Party (AWP), has been behind bars for the last over five years serving a 40 years sentence.

BACKGROUND OF THE CASE

On January 4, 2010, a massive landslide hit Attabad village of Hunza killing 20 people. The landslide that brought down huge boulders and mud blocked Hunza river and created a 23km lake that submerged several villages and displaced hundreds of people.

After months of lukewarm government response to the disaster, Baba Jan organised the internally-displaced people (IDP) to demand the long-delayed payment of compensation for the loss of their dear ones, land, orchards and houses.

On August 12, 2011, the displaced families held a peaceful protest on KKH at Aliabad town of Hunza during a visit of the then Chief Minister Mehdi Shah to Attabad. Police in a bid to disperse the protesters opened fire on IDPs, killing Sherullah Baig and his son Sher Afzal. The incident sparked protest throughout the region, resulting in damages to several government buildings and a police station.

In September 2011 Jan along with over 200 people were booked under the Anti-Terrorism Act. Most of them were exonerated from sedition and rioting charges and released except Jan and his five comrades. They were tortured and denied medical treatment for 16 days and sent to jail.

In the meantime, Chief Court judge Justice Muhammad Alam conducted a judicial inquiry into the killings of the protesters that was never made public until today. And the police officer responsible for the killing of the father and son IDPs was exonerated and promoted.

On June 26, 2012, the SAC accepted the bail plea of Baba Jan, but new charges were filed against him under the ATA relating to the incident of rioting in Gilgit Jail that happened on April 26, 2012.

On July 2, 2012, the court granted bail to two of the Hunza Five — Amir Ali and Rashid Minhas.

On July 20, Jan and Iftikhar were whisked away by JIT from Gilgit Jail that sparked massive protests, campaigns by his party supporters and intellectuals such as Noam Chomsky and Tariq throughout GB, Pakistan and abroad forcing the security agencies to bring them back to the jail. Jan was finally granted bail in 2013.

In 2014, an Anti-Terrorism Court (ATC) gave its final verdict sentencing Jan and 11 others to 71 years each in prison for 'terrorism' and 'arson'. He surrendered himself to the police after the verdict.

In May 2015, Baba Jan contested elections from behind bars for the Hunza-VI constituency of the Gilgit-Baltistan Legislative Assembly seat, on AWP ticket. Despite the fact that he could not personally take part in electioneering, hundreds of people, mostly students and women in droves participated in Jan's rallies and the Hunza Valley witnessed an unprecedented enthusiasm and political awareness among the people.

Ultimately, right-wing conservative Pakistan Muslim League (Nawaz) candidate Mir Ghazanfar, from the centuries-old royal family of Hunza, used millions of rupees in handouts, administrative muscle and pre-poll rigging tactics to ensure his victory, while Baba Jan stood a close second, defeating the candidates of mainstream parties.

In April 2016, when Ghazanfar vacated the seat to assume the post of Gilgit-Baltistan governor, the authorities again did not take any chances with Baba Jan; his candidacy was rejected by the Returning Officer at the ruling party's objection.

In June last year, the Chief Court upheld his conviction and sentenced him to a further 40 years imprisonment. To keep him out of the electoral fray, the SAC upheld the conviction of Jan and 11

others paving the way for his disqualification to contest by-election from Hunza-VI.

JUSTICE DELAYED IS JUSTICE DENIED

Jan filed a review plea in the SAC in August 2016 which was admitted for hearing in October but fixed no date for hearing till May 25. Concerned about the incarceration of Baba Jan and other political prisoners in jail and delay in hearing of the review plea, the AWP organized a countrywide and international campaign on May 23, two days ahead of his case hearing to build a pressure on the GB government, judiciary and Islamabad to release him. The protest demos held in Karachi, Quetta, Lahore, Hyderabad, Larkana, Sanghar, Toba Tek Singh, Multan, Islamabad-Rawalpindi, received tremendous response from party workers, other progressive forces, trade union activists, academics, rights campaigners as well as from abroad.

At least 18 left-wing parliamentarians from France, Germany, Ireland, Switzerland, Tunisia, Malaysia and over 400 prominent individuals from 49 countries signed a petition asking the GB government and Pakistan government to release Baba Jan.

Who is Baba Jan: <https://www.youtube.com/watch?v=iCCk2sxkTDY>

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<http://thehighasia.com/baba-jans-review-plea-gbs-top-court-urged-to-rectify-floating-error-in-verdict/>