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Pakistan

Politics dictates justice in Gilgit Baltistan

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On 9th June 2016, the Supreme Appellate Court of GilgitBaltistan sentenced Baba Jan and 11 other political activists 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 to acquit Baba Jan and others of these charges. The Chief Court had set aside Baba Jan and others' conviction 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 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, SherAfzal and his father. It is important to note that the report of a judicial commission formed to probe the matter and fix 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.

The timing of the June 9th 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 May 28, 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 G-B 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 ATC. It is widely known in the Hunza-6 constituency that Iqbal is working in collusion with PML-N contestant, a son of the G-B 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 G-B government's appeal against Chief Court's decision. This was not unexpected since the Election Tribunal of the G-B had already accepted Baba Jan's nomination papers and allowed him to contest the election from jail.

The Hunza 6 constituency is an important part of the G-B region. The constituency is located on the Pakistan-China border and serves as a main link between the two countries. With the launch of the \$46 billion Pakistan-China Economic Corridor (CPEC), the importance of this road link will multiply manifold for the two states and their private capitalists.

In this backdrop, it is very clear that the PML-N led federal government is extending its patronage to the traditional elite of Hunza (GB governor) to prevent the possibility of a candidate with mass public support to enter the G-B legislative assembly. The government and its capitalist allies know very well that Baba Jan will bring with him the concerns of the working men and women of the region to the assembly otherwise dominated by the elite and not allow any corruption in the multibillion dollar project.

Politics dictates justice in Gilgit Baltistan

The government has already witnessed overwhelming support for Baba Jan in the June 2015 general elections. Baba Jan had defeated two of the three candidates affiliated with mainstream political parties, standing second only to the PML-N candidate who was backed by networks of patronage extending from Hunza to the federal capital of Islamabad.

Since then, mass support for Baba Jan's candidacy has further increased. All public opinion surveys done in the constituency indicate a land slide victory for Baba Jan.

After losing mass support in favour of an ordinary working class hero, the government was clearly looking for an alternative to keep him out of the electoral race. The only way to do so was to use the courts to uphold his conviction in a case based on trumped up charges.

There were three judges in the Appellate bench that upheld Baba Jan's conviction on June 9th, including a chief justice who hails from Karachi, capital city of Pakistani province of Sindh. It was a split decision, with two judges in favour and one against the sentence. The Chief Court bench that had overturned the ATC's judgment and acquitted Baba Jan and others comprised top judges. So in fact, three top judges have declared Baba Jan and others innocent and two have taken a political decision enabling the administration to keep Baba Jan out of the electoral race.

To link the holding of the elections with a decision yet to be taken is against all established norms of justice. The election commission is supposed to judge a candidate's credentials at the time of the filling of nomination papers. When Baba Jan filed his nomination papers there was no conviction against him. His nomination papers were rejected by the returning officer but the decision was overturned by an Election Tribunal, allowing him to contest the elections.

Baba Jan's ordeal has exposed the colonial nature of administration in the region. 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.

The elected assembly of 34 members hardly has any decision making power. It is an impotent body.

The AWP leader was contesting the upcoming election for raising of these and other issues concerning the working men and women of the region in the assembly.

The administration should beware that by putting Baba Jan and other activists behind bars it will not succeed in silencing them or controlling the movement of working men, women and children that they have helped build in the region. Baba Jan and others' sentences will not be accepted by the people who have developed a connection with their struggle, reflected in the widespread popularity of the slogan Teri Jan Meri Jan, Baba Jan Baba Jan, (Your dearest and Mine, Baba Jan Baba Jan).

They compare Baba Jan and others with South African revolutionary Nelson Mandela and other political prisoners who chose incarceration but never compromised on their ideas of freedom and equality.

The AWP Pakistan and AWP GB have announced a mass campaign against the Supreme Appellate Court's decision.

Politics dictates justice in Gilgit Baltistan

The major demands of the campaign are: Baba Jan and other's immediate release, cancellation of the case filed on trumped up charges, publication of judicial inquiry report and punishment for policemen involved in the killing of two locals during a 2010 demonstration.

Baba Jan's sentence has created a massive wave of sympathy for socialist ideas and for the AWP's political programme among the working men and women of the region.

The campaign against the sentence will build on this support and further popularise progressive ideas and the party's programme.