



Repatriating Prisoners

Why in news?

\n\n

Pakistan recently releases Indian prisoner Hamid Nihal Ansari after 6 years in Pakistani jail.

\n\n

What is the background?

\n\n

- \n
 - Hamid Nihal Ansari, an engineer from Mumbai, left India for Kabul for employment and then was reported "missing" since 2012.
- \n
 - He reportedly became friendly with a Pakistani girl on social media and reached Kohat in Khyber Pakhtunkhwa to save her from a forced marriage.
- \n
 - On November 12, 2012, he crossed over from Afghanistan border in Jalalabad to Peshawar in Pakistan where he was arrested by Pakistan intelligence.
- \n
 - Pakistan had alleged that he was an "Indian spy" who illegally entered the country, and accused him of involvement in anti-state crimes by forging his documents.
- \n
 - Though subsequent investigations proved his innocence on all charges other than entering Pakistan illegally, the authorities there put him through a trial in a military court.
- \n
 - Accordingly, he was tried by a military court in Pakistan on charges of espionage in 2012 and was given a three-year sentence in December 2015.
- \n
 - Pakistan had also not responded to many requests by India for consular

access, which was a violation of the Vienna Convention on Consular Relations.

\n

- His sentence was ended recently and the Peshawar high court had given a one-month deadline to the Pakistan government to complete formalities for Ansari's repatriation.

\n

- However, legal experts have argued that he should have been freed earlier as he had already spent three years in jail at the time of his sentencing.

\n

\n\n

What does the incident show on the bilateral relations?

\n\n

\n

- To its credit, the Ministry of External Affairs applied sustained diplomatic pressure on Islamabad.

\n

- It has consistently demanded information on Mr. Ansari's whereabouts and then for a fair trial and consular access, which was never granted.

\n

- The Government of Pakistan must also be commended for expediting Mr. Ansari's release after he completed his sentence on December 15, although it had received another month from a Peshawar court to finish the formalities.

\n

- India would do well to acknowledge the Pakistan government's gesture in releasing him.

\n

- Also, credit goes to citizens' groups in both countries that helped the family, particularly lawyers and human rights activists in Pakistan who have ensured Mr. Ansari's release.

\n

- Thus, the repatriation of Hamid Nihal Ansari is cause for cheer on the otherwise bleak landscape of India-Pakistan relations.

\n

\n\n

What should be done?

\n\n

\n

- Both India and Pakistan must dedicate themselves to freeing hundreds of

other prisoners who remain in each other's jails.

\n

- Many of the prisoners have completed their sentences but await long processes of identification and repatriation.
- According to government figures, Pakistan holds 471 Indian prisoners while India holds 357 Pakistani prisoners.
- A large number of them are fishermen who inadvertently trespassed into each other's waters.
- Thus, the two countries must revive the biannual meetings of the Joint Judicial Committee on Prisoners as agreed to a decade ago, which has not met since 2013.
- Its last recommendations, that women and children as well as prisoners with mental health issues be sent back to their countries on humanitarian grounds, are yet to be implemented.
- Holding these prisoners as hostages only result in bitter bilateral ties and prolongs the misery of their impoverished families.
- Thus, a more humane approach on the treatment and repatriation of prisoners needs to be adopted by both these countries.

\n

\n\n

\n\n

Source: The Hindu

\n\n

\n\n

\n



IAS PARLIAMENT

Information is Empowering

A Shankar IAS Academy Initiative