Indian Fishermen in Pakistan's prisons

What is the issue?

Hundreds of Indian fishermen have been languishing in Pakistan's prisons for years with no end in sight.

What is the recent incident?

- Ramesh Taba Sosa, an Indian fisherman, is the latest victim.
- Sosa was arrested in May 2019 when the fishing boat he was in allegedly entered Pakistani waters.
- His sentence in the Pakistani prison ended on July 3, 2019.
- However, not only was he not repatriated, but he was also not given consular access till his death.
- Sosa died in a prison hospital in Malir Jail, Karachi, Pakistan, on March 26, 2021.
- There is no guarantee when his family in Nanavada, near Kodinar in Gujarat, will be able to conduct his last rites.

Why is it so?

- Sosa's case is one more statistic in a long story of insensitivity between the two governments that do not implement agreements.
- India and Pakistan signed the Agreement on Consular Access in 2008.
- Though the deal has a few lacunae, it was significant.
- Section 4 of the agreement said -
    - "Each government shall provide consular access within 3 months to nationals of one country, under arrest, detention or imprisonment in the other country."
- Further, Section 5 of the agreement stated -
    - "Both governments agree to release and repatriate persons within a month of confirmation of their national status and completion of sentences."
- But, in practice, the release is delayed and when dead, the mortal remains of prisoners are not repatriated for months.

How serious is the issue?

- More than anything else, it is an issue of basic human rights.

- Fishermen from the Saurashtra region of Gujarat often get arrested when they unintentionally cross over into Pakistani waters.
- They suffer, and so do their families, who are now even more worried because of the COVID-19 pandemic.
- More than 300 Indian fishermen remain in Pakistan's custody in Malir jail.
- Consular access is an exception.
- Without it, the nationality of the person is not confirmed and the repatriation process cannot begin.
- Though the agreement does not state a time limit, there are numerous instances in which both countries have not confirmed nationality for as long as 18 months.
- During this period, the arrested men languish in jails.
- Ideally, prisoners should be released and repatriated the day they complete their prison sentence.
- But this has happened in just one case, with Hamid Ansari.
    - He was the only person who was released and repatriated on the day of completion of sentence.

What was the measure taken?

- In 2007, India and Pakistan set up a joint judicial committee on prisoners comprising four retired judges from each side.
- The committee used to convene twice a year to meet prisoners.
- It made unanimous recommendations, including on the release and repatriation of fishermen and women prisoners.
- Its last meeting was held in 2013, after which it was discontinued.
- In 2018, efforts were made to revive it, but Pakistan is yet to nominate judges or call for a meeting.

Source: The Hindu

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