Repatriating Prisoners

Why in news?

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

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What is the background?

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- Hamid Nihal Ansari, an engineer from Mumbai, left India for Kabul for employment and then was reported "missing" since 2012.
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- He reportedly became friendly with a Pakistani girl on social media and reached Kohat in Khyber Pakhtunkhwa to save her from a forced marriage.
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- On November 12, 2012, he crossed over from Afghanistan border in Jalalabad to Peshawar in Pakistan where he was arrested by Pakistan intelligence.
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- 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.
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- 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.
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- 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.
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- Pakistan had also not responded to many requests by India for consular access, which was a violation of the Vienna Convention on Consular Relations.
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- 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.
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- 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.
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What does the incident show on the bilateral relations?

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- To its credit, the Ministry of External Affairs applied sustained diplomatic pressure on Islamabad.
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- It has consistently demanded information on Mr. Ansari’s whereabouts and then for a fair trial and consular access, which was never granted.
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- 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.
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- India would do well to acknowledge the Pakistan government’s gesture in releasing him.
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- 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.
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- Thus, the repatriation of Hamid Nihal Ansari is cause for cheer on the otherwise bleak landscape of India-Pakistan relations.
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What should be done?

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- Both India and Pakistan must dedicate themselves to freeing hundreds of other prisoners who remain in each other’s jails.
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- Many of the prisoners have completed their sentences but await long processes of identification and repatriation.
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- According to government figures, Pakistan holds 471 Indian prisoners while India holds 357 Pakistani prisoners.
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- A large number of them are fishermen who inadvertently trespassed into each other's waters.
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- 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.
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- 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.
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- Holding these prisoners as hostages only result in bitter bilateral ties and prolongs the misery of their impoverished families.
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- Thus, a more humane approach on the treatment and repatriation of prisoners needs to be adopted by both these countries.
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Source: The Hindu

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