

## 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**