**A new chapter**

BY S A R A H B E L A L 2021-02-11

IT`s taken a long road to get here. Yesterday (Wednesday), the Supreme Court of Pakistan passed a landmark judgement commuting the death sentences of two mentally ill prisoners stating that such inmates are unable to comprehend the rationale behind their execution and thus should not be hanged. The apex court also set detailed guidelines for establishing medical boards, amending prison rules, and reforming the mercy petition procedure.

This is a historic judgement because it will not just benefit Kanizan Bibi and Imdad Ali who have respectively spent 30 and 20 years on death row, but all those mentally ill people who are not just prisoners of their minds. All those who languish behind bars awaiting death when what they really deserve is a chance at life.

Mental health in Pakistan is in dire straits.

Around one-third of the country`s population suffers from some sort of psychosocial disability. And yet, it is widely misunderstood, stigmatised, and ignored. Nowhere is the plight of the mentally ill more starkly evident than in our jails, where most indigent prisoners come into contact with very basic mental health services for the very first time. And our jails are full of indigent people. Where death-row cells have been occupied by those who have no perception of time or space such as Imdad Ali.

Where prisoners have fallen mute under the burden of their disability, disease and grief such as Kanizan Bibi.

They and their loved ones have waited invariably and suf fered unimaginably. Others before them were even less fortunate. After Pakistan lifted the moratorium in late 2014, the country carried out a spree of executions.

Some severely mentally ill prisoners also met their fate at the gallows, in outright contravention of local and international laws.

Munir Hussain, the 100th prisoner to be executed by Pakistan after the lifting of the moratorium on the death penaltyin 2015, had no recollection of his arrest. When his family came to meet him prior to his execution, he had no recollection of them either. The law, which was meant to protect him, failed him instead. It also failed my second-ever client after founding Justice Project Pakistan, Khizar Hayat, who passed away in March 2019 shackled to a hospital bed in Lahore, but onlyaftersufferingimmeasurablyandalmost beaten to death by fellow inmates.

Pakistan gained nothing by imprisoning these men on death row for decades. Society at large wasn`t safer and no deterrent purpose was fulfilled by executing someone who had no idea who they were and what they`d done.

Hayat, whose name in Arabic literally meanslife,was deprivedof the opportunityto defend his own at every stage of the criminal justice system. Despite having been diag-nosed with `treatment-resistant` paranoid schizophrenia and suffering from delusions and psychosis, four execution warrants were issued against him before he eventually succumbed to his own afflictions. His case was clubbed with the other three prisoners in 2018. Had he been alive today, his mother Iqbal Bano would have rejoiced. But it`s already too late for that.

My colleague Maryam and I met Iqbal Bano during our visit to Kot Lakhpat Jail in 2010.

She walked up to us, grabbed my arm and asked if we were lawyers. She then took us straight to meet her son, saying we must help him.

In his late 40s at the time, Hayat had just been assaulted by his cellmates. He had a scar running from his forehead down to his cheek.

Here was a man who clearly could not protect himself. And the system that was meant to protect him had f ailed. His bloodied face bore testament.

Nine years later, as he lay on his deathbed, having survived four execution warrants,Iqbal Bano called me to tell him she couldn`t bear to see her son`s suffering anymore. That perhaps it was better that he died. Perhaps it wouldn`t have been this way if the state hadn`t lef t him to the mercy of his fellow prisoners.

This indgement isan opportunity for the system tliat has f ailed countless Khizar Hayats to correct itself.

Being mentally ill and poor means you will be less able to access mental health services. This in itself is not a crime. But it will make you far more likely to be convicted of one.

During the hearings for this case, the honourable judges referred to American law and jurisprudence, citing the cases of Ford vs Wainwright and Panetti vs Quarterman that both touch on the competency of a person for execution. The court also reaffirmed our international obligations under the International Covenant on Civil and Political Rights.

As the young poet Amanda Gorman recently said, there`s always light if only we`re brave enough to see it, if only we`re brave enough to be it. The Supreme Court has proven the latter. And with this, I`m hopeful that a new chapter will begin. One that lets a little light into the lives of those we`ve already shut all doors for. The writer is the executive director of Justice Project Pakistan.

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