**[Political prisoner?](https://www.dawn.com/news/1774159/political-prisoner)**

[Dr Niaz Murtaza](https://www.dawn.com/authors/385/dr-niaz-murtaza) Published September 5, 2023

IN 2019, I wrote, under the same title, a [column](https://www.dawn.com/news/1474883) on whether Nawaz Sharif was a political prisoner under the then PTI-establishment hybrid regime. Events since then have shown the weak basis of his convictions. But such is the merry-go-round of politics that I must now write to see whether Imran Khan today is a political prisoner under the PDM-establishment-caretaker hybrid regime. Ironically, PTM leaders may be perpetual political prisoners under all hybrid regimes given their unwillingness to compromise on their principles and strike a deal.

The Council of Europe defines political prisoners as those jailed by rulers via unfair trials due to political enmity, eg, M.K. Gandhi and Nelson Mandela. It may seem odd to call our flawed politicians so. However, credible sources labelled lesser mortals like Brazil’s Luiz Inácio Lula da Silva and Malaysia’s Anwar Ibrahim so too. Stature and perceived dishonesty matter not under global definitions, but only whether a person is being punished due to political reasons via dubious means.

Many say Nawaz Sharif had disputes with the security establishment on ties with India and jihadis, which is cited as a reason behind his dubious disqualification. Many say Imran Khan, too, irked the establishment on appointments and governance, which resulted in the end of its political support for him, leading to his fall.

Some say the frictions between Sharif and the establishment related to foreign and security blunders, while those with Khan related to his mercurial actions. But even such pundits feel that Khan’s legal woes relate more to his fallout with the establishment than the weight of his alleged crimes.

Like Sharif, he, too, has been [disqualified](https://www.dawn.com/news/1769083) for mis-declaring his assets. With Sharif, the guilty verdict was deemed dubious as it related to receivable assets which are treated as such only under accrual accounting but not under the equally legal cash accounting system. With Khan, the [verdict](https://www.dawn.com/news/1768528/imran-arrested-after-islamabad-court-finds-him-guilty-of-corrupt-practices-in-toshakhana-case) may be correct as he did mis-declare some gift assets. Still, many find the punishment (disqualification and incarceration) very harsh, as the mis-declaration hid no major crime; they feel that a fine would have been enough punishment.

Many feel a fine would have sufficed in Imran Khan’s case.

Many also highlight [process issues](https://www.dawn.com/news/1771864/sc-spots-procedural-defects-in-imrans-conviction) during the trial even though they may not change the final verdict. Oddly, online research suggests that Pakistan and Thailand are perhaps the only states that disqualify and jail politicians for an asset mis-declaration even if it hides no major crime. It is hoped that these issues will be considered at appeal stage.

Some other cases against Khan seem weak too. The [cipher case](https://www.dawn.com/news/1773063/special-court-extends-imrans-judicial-remand-till-sept-13-in-cipher-case) charges him with leaking official secrets. Diplomatic ciphers are all categorised as secret documents but many, perhaps most, don’t necessarily carry major secrets whose deliberate leakage can harm Pakistan and benefit its enemies.

One may argue, in fact, that its reported contents show the haughty ways in which US treats us. The question arises in rational minds whether a person can be tried for leaking state secrets when actually no secret was leaked and there was no harm done. To many, it seems like a politically motivated trial. True, just as rational minds question the strength of the state’s cipher case against Khan, they question the strength of his cipher [US conspiracy story](https://www.dawn.com/news/1682104) too. But even so, that is a political rather than legal issue.

Accusations that the May 9 mayhem aimed to cause a mutiny seem farfetched too to many. How could admittedly condemnable street protests cause a rebellion within, even in Lahore, let alone nationally? Many say it was a law and order issue and those engaging in serious crimes like arson and assault must be tried through civilian courts for those specific crimes, while those guilty of lesser crimes like trespassing can be fined. But there seems little justification for [cases in military courts](https://www.dawn.com/news/1755878). Thus, today, the leaders of both the largest political parties stand dubiously disqualified from politics for irking the establishment. Scores of PTI workers are [languishing](https://www.dawn.com/news/1773585) unfairly in jail.

While the fortunes of these larger parties fluctuate depending on whether they are the establishment’s *ladla* or pet child, or not at any given time, other leftist activists like [Ali Wazir and Imaan Mazari](https://www.dawn.com/news/1771196) remain permanent *sautelas* (stepchildren). The only temporary and partial respite they get is when the powers that be are distracted enough to clamp down on the increasingly frequent rebellion by a former right-wing favourite.

Thus, it appears to many that Pakistan’s justice system is being manouevred to commit injustices against political opponents rather than delivering justice to the people.

*The writer is a political economist with a PhD from the University of California, Berkeley.*

[**murtazaniaz@yahoo.com**](http://mailto:murtazaniaz@yahoo.com)

**Twitter:** [**@NiazMurtaza2**](https://twitter.com/NiazMurtaza2)

*Published in Dawn, September 5th, 2023*