

Mohammad Waqar Saleem, a Pakistani national, has spent 6 years in Alipore prison in Kolkata without being able to avail his right to Consular Services. The aggrieved mother has appealed to the Prime Minister, the Union Home Minister and the UPA Chairperson and the West Bengal Chief Minister drawing their attention to the delay in trial.

See: <http://epaper.hindustantimes.com/PUBLICATIONS/HT/HD/2011/11/17/ArticleHtmls/MOTHER-WRITES-TO-PM-Jailed-Pak-citizen-denied-17112011011001.shtml?Mode=1>

Consular Services, in the case of persons arrested or jailed outside their own country, are advanced by the consular representative from the embassy by visiting the national, to correspond and converse with him regarding his legal representation. The Vienna Convention on Consular Relations (1963) which has been ratified by 173 countries, including India, entitles a person arrested, detained or jailed outside their own country to have access to consular representatives.

Though dates for the counseling were allotted as many as fifteen times by the Pakistani Embassy, the Jail authorities failed to send Mohammad Waqar Saleem to New Delhi citing transportation problems. In 2008, India and Pakistan signed an accord which granted consular access to both the countries in each other's jails. Being denied consular services for 6 years is indeed a grave violation of both the Vienna Convention as well as the 2008 Accord.

Access to Consular Services is important for safeguarding the rights of foreign nationals in prisons as these visits are made to ascertain the general welfare of prisoners and to ensure that citizens arrested abroad obtain fair trial rights and are treated humanely while incarcerated. Foreign nationals languish in prisons, many without trial. There are around 761 Pakistani nationals in Indian prisons though many have already completed their sentence! CHRI had filed RTIs in Rajasthan prisons and found that there are 61 foreign nationals in 30 districts of the state. The prisons officials should timely inform the concerned embassy regarding the arrest or detention of the foreign national and to also allow consular access.

<http://paktribune.com/news/Pakistan-India-sign-accord-on-consular-access-to-prisoners-200706.html>