

# Human Rights & Terrorism in Pakistan

Human Rights in the administration of Justice.  
Training of Trainers 25<sup>th</sup>-26<sup>th</sup> February, 2014.  
Khyber Pakhtunkhwa Judicial Academy

Justice Yahya Afridi  
Administrative Judge Anti Terrorism Courts Khyber Pakhtunkhwa.

## Detailed Statement For the Year 2013

S #	Name of ATC	Previous Pendency	Institution	Transfer In	Total for Disposal	Disposed of	Transferred Out	Balance	Disposal Detail	
									No. of cases acquitted	No. of cases in which accused is convicted
1	Peshawar-I	11	112	0	123	106	4	13	10	6
2	Peshawar-II	11	131	0	142	130	2	10	16	21
3	Peshawar-III	7	128	0	135	119	9	7	23	1
4	Mardan	12	156	1	169	151	0	18	11	14
5	Abbottabad	8	21	0	29	12	5	12	2	2
6	Swat-I	44	27	2	73	63	3	7	40	8
7	Swat-II	8	9	22	39	33	2	4	24	0
8	Swat at Kanju (Camp Court)	17	4	7	28	26	0	2	17	1
9	Dir Lower (Timergara)	28	72	0	100	82	3	15	25	2
10	Swat-IV-Matta	25	74	0	99	89	7	3	34	4
11	Buner	0	5	0	5	5	0	0	2	0
12	Kohat	20	107	0	127	103	2	22	22	4
13	D.I.Khan	1	36	0	37	33	3	1	22	3
14	Bannu	9	79	0	88	75	8	5	21	1
<b>TOTAL</b>		201	961	32	1194	1027	48	119	269	67

## Consolidated Statement for the year 2013

<b>Pendency</b>	<b>Institution</b>	<b>Transf er In</b>	<b>Total for Disposal</b>	<b>Dispos ed of</b>	<b>Trans ferred Out</b>	<b>Balance</b>	<b>No. of cases acquitt ed</b>	<b>No. of cases in which accused is convicted</b>
201	961	32	1194	1027	48	119	269	67

# ATC Cases under the Explosive Substances Act for the year 2013

Name of District	Institution	Disposed of	Transfer Out	Current ESA Pending cases
Peshawar	20	20	-	0
Swat	138	186	5	19

# Anti Terrorism Act, 1997

## Move Forward

1. Scheduled offence; Membership, Uniform, Funding, etc.
2. Observation of suspected Organization and Persons under observation.
3. Power to arrest , extra territorial scope; persons and property.
4. Joint Investigation Team, Area of Cordon for Investigation; defective investigation penal consequences, use of Armed Forces and Civil Armed Forces.
5. Physical remand.
6. Confession before police.
7. Place of sitting of Court.
8. Preference over other Criminal Trials.
9. Day to day proceedings.
10. Trial in Absentia -No bail.
11. Appeal to be decided within seven days.
12. Protection to Judges, witnesses, Prosecutors.

# Need for Further Reform ?

## Section 21

Protection to Judges, Counsel, Public Prosecutor, witnesses and persons concerned with Court proceedings.

- (1) The Court may, subject to the availability of recourses, make such necessary orders or take such measures, as it deems fit, within available recourses, for the protection of a witnesses, Judges, Public prosecutor, counsel and other persons concerned in proceedings for an offence under this Act, which may also include the following measures.
  - a) Proceedings may be held in camera, or under restricted entry of members of the public, where necessary for the protection of the Judge witnesses or a victim's family members or to prevent persons from crowding or storming the Court to intimate the Judge or to create a threatening atmosphere;
  - b) The names of Judges counsel, public prosecutor, witnesses and persons concerned with Court proceedings shall not be published ; and
  - c) During any inquiry, investigation or Court proceedings, whenever the matter of the identification of the accused arises, adequate protection shall be provided to a witness identifying any accused, in order to protect the identity of the witness from the accused.

- (2) For purpose of protection of the judges, accused, witnesses, prosecutors and defence counsel and any one concerned with the Court proceedings, the Government may adopt such other measures as may be appropriate or may be prescribed and the Armed Forces shall also provided comprehensive protection and security to the Judges, accused, witnesses, prosecutors, investigators, defence counsel and all those concerned in the Court proceedings.
- (3) The Government shall extend protection to a Judge, a counsel, public prosecutor and the witnesses during investigation of an offence and proceedings under this Act, and thereafter, as may be considered necessary.

- ✓ Article-10 A of the Constitution of Islamic Republic of Pakistan, 1973
- ✓ Section-353 of Criminal Procedure Code, 1898
- ✓ Section-512 Criminal Procedure Code
- ✓ Article-47 of Qanun-e-shahadat Ordinance, 1984.