

Pakistan: ICJ denounces the revival of military trials of civilians

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Legislation adopted today by the Pakistani Parliament allowing civilians to be tried by military tribunals in secret proceedings is a serious blow to human rights and rule of law in the country, the ICJ said.

“The nationwide concern at a number of recent attacks in the country seems to have once again been misdirected toward a seriously flawed counter terrorism strategy that weakens the rule of law and the struggle for justice,” said Sam Zarifi, ICJ’s Asia director.

“Pakistan must reject this counter productive strategy and instead strengthen its judicial process and law enforcement in line with its domestic law and international obligations,” he added.

The Pakistani Parliament voted to amend the 1973 Constitution and the Army Act, 1952, to again allow military tribunals to try civilians who allegedly belong to “a terrorist group or organization misusing the name of religion or a sect” and are suspected of committing a number of offences, including: abducting any person for ransom; raising arms or waging war against Pakistan; causing any person injury or death; using or designing vehicles for terrorist attacks; creating terror or insecurity in Pakistan; and attempting, aiding or abetting any of these acts.

The use of military courts to try civilians is inconsistent with international standards.

The ICJ has also [documented](#) serious fair trials violations in the operation of military courts from January 2015 to January 2017, including: denial of the right to counsel of choice; failure to disclose the charges against the accused; denial of a public hearing; failure to give convicts copies of a judgment with evidence and reasons for the verdict; and a very high number of convictions based on “confessions” without adequate safeguards against torture and ill treatment.

“Militarizing the judicial process will not lead to justice and it will not effectively counter terrorism; this is the lesson from around the world,” Zarifi said. “It has not proven to do so in Pakistan in the past, and there is nothing to indicate that it will do so now.”

“Instead, secret military trials of civilians that flout even basic fair trial guarantees will further erode the rule of law and weaken the government’s role in providing justice and protecting the rights of people in Pakistan,” he added.

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Background

Military courts constituted under the 21st Amendment convicted 274 people in the two years during which they were in operation, from 7 January 2015 to 6 January 2017.

Of those 274 convictions, 161 people were sentenced to death and 113 people were given prison sentences. At least 21 people given death sentences have been executed by hanging.

The enabling legislation for these courts lapsed on 6 January 2017 pursuant to a two-year sunset clause.

The ICJ opposes the use of the death penalty under any circumstances as a violation of the right to life and freedom from cruel, inhuman or degrading treatment.

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