
SC asks ministry to give details of military courts sentences

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ISLAMABAD: The Supreme Court asked the ministry of defence on Wednesday to submit a statement containing details about the sentences awarded by military courts.

The court gave the directive during a hearing of the federal government's appeal against a Nov 2018 verdict by the Peshawar High Court (PHC) that had set aside all convictions pronounced by military courts.

The court should include particulars like the date of arrest of a convict, nature of allegations against him, the date of commencement of his trial as well as evidence presented before the trial court that led to his conviction over terrorism-related charges, the court said.

The directive was issued by a three-judge Supreme Court bench, headed by Justice Mushir Alam. The other two judges on the bench are Justice Muneeb Akhtar and Justice Aminuddin Khan.

The bench has taken up over 70 appeals moved by the defence ministry against the PHC judgement.

The high court had ruled that the convictions by military courts were wrongful and based on ill-will.

The apex court had stayed the PHC order with a directive to the jail superintendents concerned to halt the release of the accused awarded different sentences, including death.

On Wednesday the apex court also ordered Additional Attorney General Sajid Ilyas Bhatti, who represented the federal government, to provide advance copies of the chart and evidence against an accused to lawyers representing a number of respondents (convicts).

Advocate Aftab Yasir, Zulfikar Ali Bhutta and other lawyers appeared before the court to argue that the defence ministry had not attached any record along with its appeal regarding details of the convicts who were charged with terrorism.

The lawyers contended that the lack of record showing evidence against the accused smacked of mala fide on the petitioner's (defence ministry) part. They recalled the high court had held that the accused were not provided the right to fair trial during proceedings at trial courts.

Barring confessional statements recorded by the accused, no other evidence was ever presented during their trials, the counsel alleged. The lawyers argued an accused could not be awarded capital punishment merely on the basis of a confessional statement.

They also complained that no family was ever informed about the arrest or trial of an accused.

In its 173-page judgement, the Peshawar High Court had rejected confessional statements of the convicts after highlighting flaws.

It questioned whether the right to fair trial under Article 10-A of the Constitution was extended to the convicts or not.

The bench observed that all judicial confessional statements recorded in Urdu were "in one and the same handwriting and in one specific tone/style".

Moreover, the questions put to all accused were the same and even the replies given were the same, the verdict had said.

The perusal of entire record in each and every case would show that no convict was ever mentioned by name or nominated in any of the report made by the prosecution, the PHC had said.

There was no FIR or any authentic report prepared by the Pata/ Fata authorities, according to the judgement.

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