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The Legal Framework of Anti-Terrorism Laws in Pakistan

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ABSTRACT

This article analyses the legislative framework regulating anti-terrorism legislation in Pakistan and assesses its implications for human rights including the efficacy of counter-terrorism initiatives. It delineates the historical evolution of Pakistan's counter-terrorist laws, namely the Anti-terrorist Act of 1997, which instituted special courts, expanded detention powers, and provided an expansive definition of terrorism to combat escalating militancy and sectarian bloodshed. Although these policies aim to enhance national security and expedite justice, the chapter underscores substantial problems related to due process, judicial monitoring, and the safeguarding of fundamental rights. The report also examines following legislative and institutional developments, including the establishment of National Counter Terrorism Authority (NACTA), the national action plan, military tribunals, and recent modifications shaped by international agreements such as Financial Action Task Force (FATF) regulations. along with civil society actors.



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Introduction:

Adventure to evolution along the road against challenges in national security that needs to be maintained, Pakistan's counterterrorism law has been evolving steadily. However, this evolutionary process raises serious questions with regard to its appropriateness with fundamental human rights. The first measures of draconian counterterrorism in Pakistan, which provide very generous powers to law enforcement agencies, military courts, and intelligence-regulatory institutions, were instituted under the Anti-terrorism Act (ATA), 1997. In both the positive and the negative, however, they have clearly blurred the often-needed dividing line between national security and constitutional freedoms, its bearing on guarantees of a fair trial, freedom from arbitrary detention, and safeguards against torture. Therefore, the center of all debates regarding the counterterrorism measures of the state in Pakistan has always remained at those tensions between state security and rights of individuals (Khan, A. (2024). In Pakistan's anti-terrorism framework, it is compared with the international best practices and the specificities, in particular of the UK. It is only within the framework that the country's advantages and disadvantages could be comprehended. The UK has had a long experience of its own terrorism threats; however, counterterrorism laws like the Terrorism Act 2000, Counter-Terrorism and Security Act 2015, and Investigatory Powers Act 2016 have all been passed through a process that has given stronger checks from judiciary authorities. Various kinds of complaints have been raised on issues like the criticism of powers of surveillance and stop-and-search practices. However, it should be compared with that benchmark of oversight, proportionality, and greater accountability (Ahmad, B. 2021). This comparison shows important gaps in the law of Pakistan, that is, limited parliamentary oversight and weak judicial review, together with obstacles to due process. These factors create a need to investigate how reforms to its anti-terrorism laws could be introduced in Pakistan to ensure that they comply with international standards of human rights while still providing for effective security measures (Roberts, C. M. (2022).

Historical View:

Throughout history, Pakistan had its fair share of changing laws based on its own laws in the arena of anti-terrorism. The criminal justice system was initially based on the Pakistan Penal Code of 1860, which was a colonial law for common crimes, whereas there were no laws regarding the nuanced nature of

terrorism that is organized today. By the end of the decade, special antiterrorism legislation came into being only in certain temporal domains when the most proactive facet of the state began to show concern about it in the 1990s. This effort resulted in the consideration that increased sectarian violence, ethnic militancy, and cross-border terrorism have evoked. Thus, in 1997, Pakistan had its first real anti-terrorism law: the Anti-Terrorism Act (ATA) 1997-an epoch-making law intended for the control, prevention, and punishment of terrorism, sectarianism, and related crimes. With the enactment of the ATA, there was a watershed moment in which the general criminal regimes were displaced by special statutory mechanisms (Iqbal, D. (2020)). Many temporary and ineffective laws, including the Suppression of Terrorist Activities Acts (1975, 1987, 1990, and 1992), had failed to create any uniform legal framework and more importantly any sustainable method of dealing with terrorism before the 1997 ATA came into being. It was at a time of heavy bloodshed in operations on sectarian lines and a politically unstable environment, empowering law enforcement agencies, setting up Anti-Terrorism Courts (ATCs), and providing for fast-track trials under the ATA. This definition used a very broad sense including that of acts creating fear or insecurity in the minds of the public, destruction of property, and violence against persons in the security forces, or attempts to threaten or coerce the government. Though intended to encompass horrific violence with a political motive, it's entirely unnecessary broad definition will act as a double-edged sword, allowing manipulation for cases which have only a slight nexus with terrorism (Ullah, E. (2019)). This enactment has given rise to Anti-Terrorism Courts, which were supposed to facilitate quick and fair justice in cases of terrorism. Such courts have been authorized to conduct in-camera trials, protect witnesses, and bar frivolous delays. However, over time, they have been inundated and have breached due process. There have been many constitutional challenges to the ATA, including one important case in which the Supreme Court ruled in favour of the parallel judicial system being subjected to the mainstream legal and constitutional framework in *Mehram Ali v. Federation of Pakistan* (1998). Thus, the ATA was amended so as to retain the procedural congruence with the Code of Criminal Procedure and Qanun-e-Shahadat (Mir, F. Z. (2023)).

The definition of terrorism under the ATA has been widely received with condemnation among legal and human rights activists. It includes political violence and bombings but also includes kidnapping for ransom, robbery with violence, and property destruction. In essence, these are just cases and much less than anything more ordinary-than-an-personal-crime being pursued through an anti-terrorism charge, thereby defeating the very essence of counterterrorism law and causing inefficiency in its application to a range of acts that weren't really harming national security. Other critics claim that this illegal exploitation has turned many, especially protestors and political-opposed communities, into illegitimate criminal

persons. The establishment of the national-counter terrorism authority on account of the NACTA Act of 2013 has been one of the most significant institutional developments in Pakistan in the framework of counter terrorism. NACTA is the apex body that coordinates the development of national counter-terrorism strategies, policies, and threat assessments. It ensures coordination among the various counter-terrorism entities like police, military, FIA, and provincial CTDs. The NACTA Board of Governors comprises high-ranking officials of the civil and military order, facilitating coordination at all levels (Riaz, H. (2020). The September 2014 attack on the Peshawar Army Public School had the immediate spur of establishing the National Action Plan (NAP), a national strategy with 20 broad points redefined by the state counter-terrorism. NAP touches upon the banning of militant groups, regulation of madrasahs, countering hate speech, choking financing for terrorism, and border management, to mention a few. Perhaps most remarkably, it resulted in the 21st Constitutional Amendment to set up military courts for the trial of civilians engaged in acts of terrorism. While these courts were seen as a short-term need, they have been at the center of heavy criticism for their opacity, lack of respect for appellate mechanisms, and subversion of the civilian judiciary (Noor, J. (2018). Alongside the NAP, PPA in 2014 gave extensive powers to the law enforcement and intelligence agencies: warrantless searches, preventive detention up to 60 days, and extended powers for surveillance. Although it was brought in mainly for operational purposes, it faced severe backlash on grounds of violation of fundamental rights, due process, and privacy. The law in vague terminology was open to misuse to allow security agencies to arrest people without credible evidence or any kind of judicial oversight. The law was about expired or abrogated since 2016; however, the legacy of expanded presidential power remains in being (Tariq, K. (2024).

The ATA has gone through a slew of amendments in the year 2020 at government behest against the backdrop of increased international interest in terror financing, the obligations cast upon Pakistan under FATF. Violation of UN Security Council resolutions was made an offense, while increased financial monitoring and investigative measures like undercover operations and interception were all encouraged. The enactments bar designated persons from entering any bank accounts, using any financial services, or traveling outside the country. This is a clear commitment of Pakistan concerning the non-state actors and their linkages (Sheikh, L. (2021). The above is an easy saying to say that the laws can be implemented, but many inherent difficulties exist within it. There has not been much effort made in freezing the assets of sanction groups and tracing how this was done in Pakistan; however, the application of these efforts has been a bit patchy. Most of these banned organizations still perpetrate their activities in this country under some other names or through charitable trusts or political fronts. Overall ineffectiveness exists in prosecuting and condemning the big terror financiers or heads, which actually make the whole credibility

of the legal framework diminish. Deeper reforms in institutions along with some independent monitoring mechanism are some recommendations made by international partners, including the UN and FATF, in an ongoing discussion (Haq, M. S. (2019). The less gladdening of the counter-terrorism policy's blotches on Pakistan is the possibility that they may be abused for political purposes. Amnesty International and other human rights organizations report a number of violations under the anti-terrorism provisions, whereby peaceful protestors, journalists, and political opponents have been targeted. For instance, activists are charged under terrorism laws for attending a rally or for making comments via social media regarding government policies. In lesser cases are probably most appalling instances of minors being charged under the ATA, leading to massive uproar and calls for the reform of the legislation (Siddiqui, N. R. (2020).

Pakistan took an institutional leap forward in May 2025 when it launched the National Intelligence Fusion and Threat Assessment Centre (NIFTAC) under NACTA. Soon, NIFTAC will connect about 50 federal and provincial-level agencies for intelligence sharing, real-time threat assessment, and coordinated counter-terrorism responses, with provincial versions termed PIFTACs to be set up. It would have stymied progress in all these areas if this landmark success in solidifying inter-agency integration would have instead, created intelligence silos. The end products of such progress would alter the contemporary landscape of Pakistan's intelligence architecture and evidence-based decision making for counter-terrorism purposes (Farooq, O. (2023). All of a sudden, a new-formed Federal Constabulary has been established in Pakistan by the government, to replace the Frontier Constabulary already in existence. This new force has been given extraordinary powers to carry out internal security, border management, and riot-control operations. It's well trained, modern, disciplined, and stabilization capable, but drumming up adverse comments from observers, who may believe that these troops will be mostly anticipated against political protests, especially in Pakistan since it has a great history of using paramilitary forces against civil liberties. It should be legislated with clear-cut definitions that control its own enforcement structures and very high accountability standards. Pakistan thus far is bound in its ICCPR obligations and all such provisions, if enacted, threaten to undermine a lot of the ICCPR obligations of Pakistan. Many civil society organizations and legal experts have argued for exhaustive consultations to be held before anything of this nature is passed, and they have also warned that any unrestrained executive action would endanger the rule of law altogether (Khan, P. (2022).

The continuing case of overspreading jurisprudence seems to have evolved into a veritable orgy. So-called anti-terrorism laws should not have been applied in order to protect civil rights. The Nigerian civil service

had their accounts locked, their operations suspended, and ultimately, defendants were indeed not able to defend themselves in the civil action. The proposed law enshrined abuse of anti-terrorism laws without, it appears, any safeguards in the procedural sense, generating weak enforcement and abuse of human rights, which has deeply dented the integrity of the entire system. It opened the floodgates to cases where offenses were otherwise far-fetched, lending NGO-type work to and some dissident voices of a civil disposition (Malik, Q.-u.-A. (2021)). Future counter-terrorism strategy must, therefore, rely on precision, proportionality, and legality. The definition of terrorism should relate only to reasons threatening national security and civilian life. Due process will definitively protect suspects' rights, while any detention shall have stringent tests of necessity if carried out at military or paramilitary facilities. Corral this consideration regarding capacitating investigations, prosecutions and judicial oversights. Only through such an equal and principled approach can Pakistan generate an effective counter-terrorism regime normatively democratic and rights-based.

Impact on Human Rights:

Land such opposition honor those motherland martyrs, who died due to terror act. Antiterrorism Act regionalized by 1997 is an important legislation part of the antiterrorism framework dealing at a higher level in Pakistan. This was enacted in response to the rise of increasing militancy and sectarian carnage during the decade of 1990s. Main tenets of ATA are special courts, expanded powers of detention, and a well-extended definition of crimes with a nexus to terrorism. These were intended to ensure speedy and robust justice to bear on all cases related to terrorism. Nonetheless, through the years, these provisions drew heavy criticism, from legal scholars, human rights organizations, and sometimes even internationally observed accountability mechanisms, as infringing both on human rights. These laws are perceived to be too much extensive in emotion of being unconstitutional; due process protects and guarantees, including freedom of expression and a fair trial, amounting to protection against arbitrary detention in their applicability (Ahmed, R. (2024)).

It has defined terrorism as one of the definitions most pertinent to the ATA 1997, and the word always attracts scathing criticism for its vague and too-wide connotation. It is actions intended to intimidate the public or the government or bring about a sense of fear in society. Pragmatic though this definition may seem, it appears to have allowed law enforcement agencies and prosecutors to lodge anti-terrorist charges even where the offenses are nothing but the usual criminal ones or political dissent. Even the highest courts in Pakistan have warned that there is no murder case that is linked to terrorism; conversely, the

ATA has been misused in such cases. The more this misapplication is resorted to, the less it will dilute the seriousness of bona fide terror offenses and subject the accused to penalties that are much more serious, with fewer safeguards attached to them in procedural law and with much harsher sentencing statutes. Preventive detention is another highly debated provision in the ATA along with curses for introducing amendments that allow detention without even formal charges before a court for 90 days. The so controversial Protection of Pakistan Act (PPA) 2014-lapsed but remains a serious legislative precedent-studded so far by clandestine detentions and reversal of burden of proof, effectively declared guilt unless proven that innocence was proven by the accused. These powers in detention are most usually exercised without adequate scrutiny from the judiciary, and hence the individual is susceptible to abuses and torture and disappearance. The Human Rights Commission of Pakistan (HRCP) and the International Commission of Jurists (ICJ) condemn this provision within the ambit of violation of international human rights law, including responsibilities under ICCPR, attributions under International Covenant on Civil and Political Rights (Jabeen, S. (2018)). Apart from such broad detentions, it has also established Anti-Terrorism Courts (ATCs) which serve as such special courts with expeditious trials, usually to the detriment of due process. So, these courts have the privilege of anonymous witnesses and limited access to counsel, while in-camera proceedings restrict the ability for the accused to present a full defense case. The intended outcome is to expedite the delivery of short but sought-after justice in high-profile terrorism cases. Nonetheless, questions have been raised about both the independence of such courts and the fairness of their proceedings. Further, the ATC judges work under executive pressures; do not have the tenures granted normal judges in ordinary courts; are, therefore, more vulnerable to influence. Moreover, transforming a person from ATCs to higher courts is futile most of the time due to procedural barriers and delays-another infringement that the accused will have to complain about concerning his or her right to a fair trial (Aziz, T. (2019)).

The growing alarming dimension in Pakistan's anti-terrorism regime has been towards the militarization of justice: that is allowing military courts to try civilians. Under the 21st Amendment to the Constitution following the 2014 attack on the Army Public School, military courts were given jurisdiction over civilian persons charged with terrorism-related crimes. Trials in military courts are exempt from public scrutiny; the accused is commonly deprived of access to counsel of his or her choosing and not granted a right of appeal to civilian courts. This particular measure has been coined as timely and appropriate so as to correspond with a very unique security situation. Critics have proposed this as one of the civil legal frameworks in order to escape from constitutional safeguards and allege that there is much room open by misuse by political opponents and dissidents (Hashmi, W. K. (2017)). JITs, or Joint Investigation Teams,

euphemistically called so, are bodies constituted by personnel recruited under anti-terrorist legislation emanating from all intelligence and law enforcement agencies such as police, ISI, FIA, IB, etc. It was meant to coordinate among different agencies in the establishment of JITs; however, there have been instances where such JITs have functioned in an opaque environment with little to no public transparency and accountability. One could also see in politically sensitive cases that the JITs are viewed more as bludgeons than neutral investigative agencies. In this backdrop of politically sensitive cases, the non-existence of legal structures under which evidence is gathered provides an opportunity for the coercive extraction of evidence that leads to forced confessions or false incrimination. The problem gets worse under the 2009 amendment to the Anti-Terrorism Act that further legitimizes the extrajudicial confession by allowing statements made under coercion to be admitted in evidence.

In Pakistan, erosion of the freedom of expression, assembly, and association is one of the most disturbing outcomes of the said laws. Journalists, political activists, and human rights defenders are sitting under the anti-terrorism laws for being part of protests, reporting on sensitive matters, or condemning state institutions. The Pashtun Tahafuz Movement (PTM) is a peaceful rights-based movement seeking rights for the Pashtun communities, which has, however, faced repeated crackdowns under terrorism laws. Leaders and participants were arrested and tried in anti-terrorism courts for supposedly inciting hatred or threatening public order; these activities were, however, mere expressions of peaceful dissent. The civil society, media, and democratic discourse have, almost, disappeared under the chilling effect of weaponized anti-terrorism laws against dissenters. Contrarily, it is far too disappointing in terms of being able in the first place to either recognize these effects or to try and alleviate them for already vulnerable groups like these ethnic minorities, women, and children. The reports for Baluchistan and KPK, and particular pockets of Sindh, are harsh and glaring indeed, for they reflect the acts of disappearances, torture in detention and extrajudicial killings. One sad and rare much-hyped case exposed the outrage from civil society over the terror charges against a child for sharing a video of a protest on social media in August 2025. Such cases have been very revealing of the sways and the grossly disproportionate application of counterterrorism laws. Either breaking laws or getting involved in some sort of crimes is possible with two things: the segregation of interest and general resentment that creeps into the hearts of every community (Sultana, Y. (2022)).

Pakistan is legally bound under international human rights law to uphold due process, dispense justice, and rid itself of torture and arbitrary detention, yet such legal standards contradict the existing anti-terrorism law framework. For many years now, Human Rights Watch and Amnesty International, along

with other concerned NGOs, have repeatedly urged Pakistan to change or repeal laws that violate human rights in the name of counter-terrorism. The ICJ has also called on the country to ensure that counter-terrorism laws are precise, narrowly defined, and consistent with the rule of law in its evaluation. Not surprisingly, the lack of any serious reform since then bears testimony of an uncorrected imbalance between security interests and human rights. Recent legal investigations are one of the few domestic checks on the formidable powers the king enjoys. In the landmark Mehram Ali case in 1998, the Supreme Court held that anti-terrorist courts were to operate within the Constitution and cannot override due-process guarantees. Evidently, such a judgment might not in itself go quite far in curtailing obvious excesses by the executive branch. Considering the amendments to existing laws that evermore seem to provide greater powers to the state at the expense of accountability, such judgments could hardly tame glaring executive excesses (Malik, A. R., & Iqbal, N. (2019).

The next step is timely and also needed anti-terror reforms. Firstly, there should be an express clear and narrow definition of terrorism which excludes from it non-violent protests, dissent, and common crime. Preventive detention should be subject to strict judicial oversight with clear timelines and mechanisms of review. Thirdly, no military courts should be allowed to try civilians, and all such prosecutions for terrorism shall be done in constitutionally independent civilian courts. Lastly, the amendments having rebuttal of presumption shall be withdrawn and any law allowing for extra-judicial confession shall also be withdrawn in order to secure the right to silence and presumption of innocence (Noor, B. (2020). Setting up Joint Investigation Teams to ensure transparency and accountability under civilian oversight, they are also likely to lay down provisions of law against enforced disappearance, namely criminalization of actions and establish independent monitoring of such bodies. In the end, civil society, lawyers, and human rights experts should take part in drafting and reviewing counter-terror laws to ensure that security is balanced with human dignity. In conclusion, while the terrorist threat does exist and remains ever-present in Pakistan, it must never be meant to jeopardize the fundamental rights of the citizens through the legal avenues available for counter-terrorism (Edwards, C. J. (2021). Somewhere, laws promulgated by the Anti-Terrorism Act of 1997, modified as necessary, in conjunction with other policy frameworks, especially the Protection of Pakistan Act, create an environment in which state power cannot only overwhelm but also conveniently nullify considerations of individual liberty and justice. Indeed, in Pakistan, anti-terrorism laws will permit arbitrary arrests, torture of individuals, suppression of opposition, and contemptuous attacks on constitutional as well as international human rights. Any honest declaration of the establishment of a secure and democratic society in Pakistan can lead to an amendment of the counter-terrorism laws to comply with standards of legality, necessity, proportionality, and accountability.

The way forward will be characterized by the strengthening of democracy, more civil liberties, and justice through a fair process, less by repression (Shah, D. (2023)).

Implementation Gaps:

The laws about anti-terrorism in Pakistan are almost entirely based on the Anti-Terrorism Act of 1997 (ATA), which has been set up to curb the increasing menace of terrorism in the country. Nevertheless, most amendments to the ATA by additional laws failed to seal the chasms between intended and actual results. Even today, there are fissures in the forms of old definitions, a lack of coordination between law enforcement and intelligence agencies, weak investigative capacity, misuse of laws, judicial backlogs, and human rights violations. Indeed, each of these questions implies that broad and fundamental aspects of the entire legal and institutional framework need to be reviewed (Khan, E. R. (2018)). The definition of terrorism under the Anti-Terrorism Act (ATA) has always been a highly contested subject. With repeated amendments widening the scope of the definition—such as the significant amendments in 2013 and 2020—the ambit of the term has been extended to include many instances of extortion, robbery, and property damage that, by any measure, are not recognized as terrorist acts under international law. The inherent vagueness of the definition has allowed the enforcement agencies to apply the label of terrorist loosely to every personality behind an ordinary crime. Backward should probably pass far beyond this. The reverse has also laid great emphasis on real terrorists and therefore clogged the ATCs with inappropriate cases (Mehmood, F. (2022)).

- Many of the programs fighting terrorism have structural difficulties. The National Counter Terrorism Authority (NACTA), which had been set up in 2013 as the center counter-terrorism coordinating agency, is, in fact, almost ineffective in providing working arrangement conditions for the effective integration of intelligence and operations on an input-output basis along the national and provincial levels. Near to real cooperation does not exist between federal agencies, especially the Federal Investigation Agency (FIA), Financial Monitoring Unit (FMU), and provincial Counter Terrorism Departments (CTDs). In addition, lack of cooperation in joint intelligence sharing and counter-terrorism perspectives fragment certain components of the response to terrorism threats and negate the larger impact of counter-terrorism efforts (Mir, G. A. (2020)). Weaknesses that often halt investigations and prosecutions also tend to exacerbate or compound, in other words, the capacity crisis. In most instances, law enforcement agencies do not conduct trainings, provide tools, or provide relics of forensic support that are absolutely needed

today to investigate crimes. Consequently, many incriminating evidence finds their way into cases pertaining to terrorism, or are imported as quite circumstantial or incomplete pieces of evidence. A lot of evidence is mainly succumbing to oral testimony, which is quite open to intimidation and, eventually, the retraction of witnesses. The absence of a good forensic architecture; in this case, set up modern laboratories and digital investigation units lowers the entire quality of evidence gathering. As it goes on decimating the conviction rates while further improving the acquittals rates, further sharing many terrorism suspects back into the extremist networks they came from to continue their activities because many people today have shown gross disrespect for the law from which inefficient state capacity keeps incapacitating such people who pose very serious danger to society (Abbas, H. Z. (2019).

- Judges of the Anti-Terrorism Court are yet another group wherein the implementation of law disappointed. Despite the provisions of the ATA for speedier trials of terrorism cases with a view to the disposal of cases within 7 days, the time limits are seldom adhered to. Most ATC cases are pending for months and even years due to procedural delays, court incapacity, and general inefficiencies in the judicial system. Lawyers exploit every gap and apply for adjournment repeatedly. The available settings are very few to hold either the defense or the prosecution to account for undue delay in trial proceedings. The recent statistics from various provinces show that there are thousands of terrorism cases pending in the ATCs with a marginally higher than 11% conviction rate. This speaks of a justice system already rapidly decaying and raises serious concerns as to whether it is fit to dispense justice in such cases. Charged with some acts of resistance that in many instances; could not even legally or morally qualify as terrorism, were non-violent youths, peaceful demonstrators, and even persons standing in political dissent. In fact, one of these was a case in which a minor was charged with committing an online offense dealing with a speech posted under the Anti-Terrorism Act (ATA). Similarly, the political rivals put on trial in Anti-Terrorism Courts (ATCs) have made very loud noises over politicization in the judiciary. This misuse violates fundamental rights, undermines the legitimacy of anti-terrorism laws themselves, and contradicts their very purpose to combat real terrorist threats (Raza, J. A. (2023).
- From time to time, Pakistan has been thinking about setting up military courts for the prosecution of the terrorism cases, it wants to use this as a means of compensating for the inefficiency as perceived in the civilian judicial system. While these courts are faster, and can be inefficient due to procedural delays, they have raised human rights concerns because of their no transparency and the lack of due process principles. Civilian trials in military courts are in most cases not in accordance with international fair trial standards, and any accused person does not enjoy the right

to a public trial, the counsel of choice, or the ability to appeal before a civilian bench. Critics argue that reliance on military courts, rather than being an answer, is a symptom of how these courts have failed to be reformed (Mirza, K. S. (2024).

- Another significant implementation gap concerns weak enforcement of anti-terror financing laws. Although Pakistan has passed legislation in line with FATF recommendations, rates of conviction regarding terror financing are low to a shocking degree. Very few suspicious transaction reports submitted by financial institutions are actively investigated. Investigation and prosecution of the link to terror-financing charitable or religious organizations have not been done effectively, allowing extremist networks to keep receiving funds through informal or disguised channels. Lack of capacity and coordination among financial regulators and enforcement agencies restricts the efficient enforcement of anti-terror financing laws (Qureshi, L. H. (2018).
- Radicalization and recruitment by extremist groups are emerging threats that remain poorly addressed under the present legal framework. The ATA does not have comprehensive provisions to deal with online radicalization, hate speech, and propaganda by extremists. While social media today is an effective means of recruitment and indoctrination, Pakistan's laws do not provide for such systematic redress on the issue. Furthermore, community-based interventions toward de-radicalization or prevention are either woefully underfunded or entirely missing from the state counter-extremism strategy (Afzal, M. (2020).
- The absence of witness protection programs severely compromises the prosecution of terrorists. Affronted witnesses retract their statements or at times refuse to give them altogether. Insufficient funding has led to small actions in a few provinces where there is a witness protection law which can be enacted to fulfill the service. Rarely do prosecutors feel they have an opportunity to secure cooperation of key witnesses who have not yet been offered protection. The numbers of such acquittals keep rising. On top of that, because of very poor case management and documentation systems, which normally would have ended in faulty, unattended, or delayed documentation by the time it becomes important, there is much leeway for crime suspects to escape from justice (Khan, N. S. (2019).
- Both the evidence act and the rules of procedure have not changed much to take into account modern standards for investigations and prosecutions. Courts thus rely chiefly on confessions and eye-witnesses while disregarding or downgrading forensic or digital evidence. Such out-dated reliance would hamper effective justice delivery in terrorism cases where forensic analysis, surveillance footage, and digital footprints are paramount. Some legal reforms do not correspond

with advances in technology, but perhaps even more striking is the lack of or insufficient training of judges, prosecutors, and defense lawyers in dealing with complex terrorism-related evidence (Singh, O. P. (2022)).

This period has to cover the introduction of public accountability and post-legislative review mechanisms as institutions designed to bridge the gap. Most laws are made or amended these days based on the occurrence of some event once, largely under international pressure, with little or no stakeholder consultation or forethought. After a while, very little is then done to effect follow-up effects or barriers or necessary amendments. Indeed, the scheme of legal reform is so slow that most times, Pakistan's anti-terrorism rules themselves become outdated and impractical against actual prevailing ground realities (Lodhi, P. M. (2021)). The years of anti-terrorism legislation in Pakistan focus on more serious structural defects that would require a long-term strategic reform agenda rather than random, perhaps ad hoc or sporadic systemic reforms. Among other issues, this includes amending the definition of terrorism in line with international standards; providing that ATCs are meant only for terrorism cases; and appreciating forensic and investigative capabilities. Institutionalizing and providing evidence-based funding for witness protection programs should also be prioritized. Creating a streamlined joint task force or a data-sharing mechanism among law enforcement, intelligence, and regulatory agencies must go hand in hand. The criminal justice system should also maintain speedier trials in cases of terrorism by adopting modern techniques for evidence collection and case management. Counter-Violent Extremism Strategies must basically be viewed from the socio-anthropological as well as ideological paradigms. These programs have to reduce the production of terrorists by de-radicalizing people from factors that predispose them to extremism. Other issues covered under increased accountability of madrassas, banning hate speech, and community-intervention projects on all levels should really be useful in cutting terror supply chains. Much of the effort in fighting terrorism must therefore derive from the criminal justice system and the three arms of government: Judicial, Legislative, and Executive. Military courts must abolish operations, and all cases should be transferred to civil courts or, finally, reconstructed into a body of respected judicial apparatus that would be recognized by all for its very high standards (Khan, R. A. (2023)).

Pakistan has a rich legal structure for anti-terrorism but it lacks delivery, primarily because these laws are poorly implemented and misused. Outdated definitions of crime institutional fragmentation delay investigations and misuse of anti-terrorism legislation to deal with cases in which victims are neither able to get justice nor innocent protected. Indeed, it is not the legislation that is going to win the war against terrorism. It's going to need a coherent and accountable rights-based resolution of legal, operational, and

societal issues. Bridging the divide between legislation and implementation is a legal obligation and a national imperative that warrants the peace, stability, and justice of Pakistan (Khan, S. (2020).

Case Laws and Judicial Review:

Truly, within its own domain of legislation, anti-terrorism laws in Pakistan appear exceedingly complex and contentious, as they encompass wide provisions for safeguarding national interests while leaving intact human rights and constitutional safeguards. Since its inception, the Anti-Terrorism Act of 1997 (ATA) has had considerable royal eminence in the hands of the Pakistan judiciary, to review, interpret and regulate any judicial access to counter-terrorism law reach. An extremely rich body of case law on judicial review has operated to restrain as well as confirm the workings of anti-terrorism measures, thereby placing upon the scale the two perennial tensions of state security imperatives and individual liberties (Mahmood, T. N. (2019). Violence and chaos were at their height when this law was enacted, and it is evidently aimed at providing for an alternative system of justice by way of special Anti-Terrorism Courts for speedy trial of terrorism-related offenses. Various amendments and interpretations later followed. The major point in contention now appears to be the vague and clearly wide definition of "terrorism" as given under Section 6 of the ATA, which has only recently attracted the interest of judicial review. Its Section 6 describes terrorism as "an act, design, or purpose causes death or injury to a person intended either to intimidate or to compel the government or public for a political end." But the breadth of this definition allows for abuse and catches offenses that do not come under an actual terrorist act (Shah, U. F. (2022).

A judicial intervention is the case of **Mehram Ali v. Federation of Pakistan (PLD 1998 SC 1445)** . In this case, the Supreme Court had to consider the constitutional validity of newly set-up Anti-Terrorism Courts. The Court ruled that while the State is competent to design special Laws for contingencies, an encroachment upon the basic structure of the Constitution is impermissible. The Court declared that such courts would have to remain subordinate to the judiciary under Article 175 of the Constitution and would follow the principle of fair trial and due process. Thus, several provisions of the ATA, compromising judicial independence and procedural safeguards, like appointment of judges without consultation with the High Courts and absence of appellate forums, were invalidated by the Court. This case reiterated that special measures are permissible; however, they must follow constitutional mandates (Bhandari, V. P. (2021).

Judicial interpretation concerning the term "terrorism" has been subject to change, in its early days. It was defined in an intent-based manner, and the act was important in itself and, of course, in its result. For

example, in **Ch. Bashir Ahmad v. Naveed Iqbal (2001 SCMR 435)** and **Ahmad Jan v. Nasrullah (2011 SCMR 798)**, the Supreme Court ruled that for any act to amount to terrorism there should be an intention of spreading terror among the public or paralyzing the functioning of the state. Mere personal enmity or grievances, however serious, do not suffice to claim that Section 6 applies. The ratio of these judgments seemed to emphasize the necessity for distinction between a common crime and an act of terrorism to avoid misuse of special anti-terrorism courts for ordinary crimes (Akram, W. (2018).

However, later judicial trends were towards an effect-based approach, where the effect on society is taken to be more decisive than the intent of the actor. In **Mirza Shaukat Baig v. Shahid Jamil (PLD 2005 SC 530)** and **Kashif Ali v. Judge Anti-Terrorism Court (PLD 2016 SC 951)**, the Court maintained that even if the act was not designed to terrorize the public, if it made a sense of fear or insecurity among the people, it might come under terrorism. The same thing happened when, in **Muhammad Farooq v. Ibrar (2010 SCMR 1425)**, a murder committed within the premises of a court was termed terrorism for purely personal motives but more on the basis of the fear it exerted. This thus led to a broad application of the ATA to an extent but was also called out for distorting the principle of proportionality and obscuring lines between terrorism and ordinary criminality (Roberts, X. L. (2020).

Liaqat Hussain v. Federation of Pakistan (PLD 1999 SC 504), a watershed moment in the anti-terrorism judicial response of Pakistan, invalidated the establishment of military courts by the Supreme Court to try civilians under anti-terrorism laws. The court held that without a constitutional amendment, military courts cannot take the place of civilian courts. It thus stressed the primacy of due process and independence of judiciary. This stand has now been diluted, especially within the last few years. In **Said Zaman Khan v. Federation of Pakistan (2016 SCMR 872)**, the Supreme Court upheld the constitutionality of military courts set up under the 21st Constitutional Amendment and the Pakistan Army (Amendment) Act, 2015, as a reaction to the Army Public School attack in Peshawar of 2014. It decided that military courts were, in effect, temporary and necessary in the given scenario, where their establishment was seen as a grave threat to national security (Siddiqui, Y. A. (2021).

In 2023, the question of military trials for civilians resurfaced in a high-profile case related to the May 9 riots. The Supreme Court ruled in a five-member bench, led by Justice Jawwad S. Khawaja, that civilians being tried in military courts were declared unconstitutional under Articles 10 and 10A. However, in 2025, a newly constituted full bench reversed this ruling, upholding the constitutionality of military courts under exceptional circumstances. These judicial U-turns reignvigorated discussions on the subject of

independence of the judiciary particularly when political engineering was alleged in the composition and proceedings of the cases (Khalid, Z. (2024).

The judiciary has also, on occasions, held back executive overreach under the ATA. In **Syed Riaz Hussain Shah v. Government of Punjab (PLJ 2022 Lahore 268)**, the Lahore High Court stated that the ATC had no authority to form a Joint Investigation Team (JIT), as that power vests with the executive under relevant police rules. This ruling carved out the boundary between the executive's investigatory powers and the judicial powers to adjudicate. The same principle was held in **Allah Din v. The State (PLJ 2008 Lahore 565)** by the High Court, laying down that an inordinate delay in trial or appeal under the ATA constitutes grounds for bail and the possibility of unlawful detention (Iqbal, B. N. (2022).

Such corrective judgments notwithstanding, so many cases prove the tendency of the judicial system to yield to executive demands in the realm of national security. The Supreme Court has faced severe chastisement on selective application of constitutional protections. After political demonstrations, charges of terrorism have been leveled against opposition party workers and even minors. Many perceive such an action, rather than a legal one, to be base on political grounds. Cases were registered in Balochistan against such kids for the alleged incitement of violence through their participation in rights rallies; thus, apprehensions were expressed on the abuse of the ATA as a means to criminalize dissent (Mercer, C. J. (2020).

Under the coat of high-profile politics like, **Malik Mumtaz Qadri v. The State (PLD 2016 SC 17)** exemplifies the unfortunate application of anti-terrorism laws. A police guard had killed his Governor for condemning the blasphemy law. Although Qadri's actions were inspired by his religion, the Court concluded that his actions were meant to evoke fear and suppress dissent over a public issue; hence, it was prosecuted under the ATA appropriately. The Supreme Court underscored that the papal glorification of vigilantism and murder justified in the name of religion undermined the authority of the state and created an atmosphere of terror (Mahmood, D. R. (2021).

Amidst it all, serious concerns have been raised regarding the performance of Anti-terrorism Courts. The initial promise of the ATA for speedy justice has been impaired seriously with delays in hearings, absence of witness protection, and shoddy infrastructure. Latest available figures indicate that more than 2,000 cases are pending, which are now at the ATC level across the country, with Sindh and Punjab at the top. Chief Justice Yahya Afridi instituted the reforms, entailing digitization, infrastructure up gradation, specialized training of ATC judges, and forensic laboratories, to modernize justice delivery in the country.

However, these early-stage reforms face institutional inertia and lack of financial resources. Moreover, there have been raised apprehensions regarding violations of fundamental rights, especially regarding the fair trial right (Article 10A), security of person (Article 9), and protection against arbitrary detention (Article 10). According to ATA provisions, confessions made to police officers are admissible, the burden of proof is reversed some times, and bail is not easily accessible. These provisions are against the international human rights standards and have been condemned by organizations such as the International Commission of Jurists (Latif, E. M. (2018)).

The use of anti-terrorism laws in Pakistan has not necessarily been a bright record. Sometimes, courts assert constitutional principles; however, in most cases, courts allow the executive to broaden the definition of such laws for needs other than the legitimate ones of security. Of the many international signs of the recent constitutional amendments and shifting judicial doctrines, the most obvious is the increasingly fragile balance between rights and security. Indeed, the reinstatement of military courts, increasing control of the executive over judicial appointments, and selected activism by the higher judiciary have pointed more toward the quality of retreat from the assertive stance demonstrated in early years (Zia, F. I. (2019)). The Pakistani judiciary has used strangled and choicely twinged words to deny the funding of the legal framework that dealt with anti-terrorism and its review. A few landmark judgments such as Mehram Ali and Liaqat Husain had, to an extent, upheld constitutionalism and civil liberties. However, recent judgments reveal a marked deference to the state and its notions of security. The courts stood tempting close on the line that “divides due process and executive overreach for politically sensitive cases” (Rafi, G. A. (2023)).

Human Rights Violations and Consequences:

Pakistan's counter-terrorism law system has been continuously changing over the past decades, especially with the emergence of threats posed by extremist organizations. The more formally conceived Anti-terrorism Act (ATA) in 1997 was to ensure speedy prosecution and deter against terrorist acts. However, over the years, this framework has grown far wider than its original purpose, granting essentially unlimited powers to law enforcement, often leading to grievous violations of human rights. The paradigm shift in global security after 9/11 and its resulting domestic militancy led, in Pakistan, to the preference for national security as opposed to civil liberties in what is becoming a dangerously invasive legal regime that disregards rights with utter impunity: the right to fair trial, freedom from arbitrary detention, and protection against torture (Noor, H. S. (2020)).

One of the greatest deficiencies in Pakistan's terrorist laws is the wide and indiscriminate definition of terrorism. For instance, Section 6 of the ATA includes as an offense acts that in themselves bear no relation to terrorism, such as damage to property or fears. The lack of explicit wording enables the authorities to categorize just about any kind of dissent-political protests, journalistic reporting, and possible expression of opinion through cyber space-as acts of terrorism. Thus innocent activists and political opponents have been booked under the provisions of anti-terror legislation, doing so to protect actions that should be covered by the constitution. In the year 2025, several members of opposition parties and student groups had charges against them for terrorism-related offenses due to their protests against the government, which invited criticism from civil society and international watchdogs. Abuse of such broad laws has led to, for example, arbitrary arrest, forced disappearance, and extrajudicial killings. In many conflict-ridden areas such as Baluchistan and Khyber Pakhtunkhwa, enforced disappearances are a routine tool of the state's counter-terrorism strategy. Thousands of citizens, in most cases young men, have disappeared at the hands of security agencies without legal warrant and formal charges, leaving families in deep pain and suffering. Those captured spent years or months in undisclosed places, without lawyers or family members, in severe and continuous hospitality, and most of them appear to be tortured. The Commission of Inquiry on Enforced Disappearances has recorded thousands of such cases, many of which remain yet unsolved. This practice is the most profound violation of constitutional guarantees of Pakistan and its obligations, formed by signing treaties such as the International Covenant on Civil and Political Rights (ICCPR), in which it is signatory (Nadeem, I. S. (2022)).

Perhaps the most revolting aspect of the whole anti-terrorism regime in Pakistan is the fact that tortures are utilized in hand for obtaining confessions to be presented as admissible evidence before the Anti-Terrorism Courts (ATCs), which is made possible by the provisions of the ATA. Admission of confessions made before police officers facilitates such kinds of coercion in interrogations. According to testimony by a number of detainees, torture has taken forms of being beaten and electrocuted to psychological torture-all with the aim of confessing to a crime they did not commit. Thus, they spoil the value of the judicial process, lead to the wrongful conviction, and cause further erosion of public trust in the justice system. Despite the ever-writhing demands cast on it by UN and rights groups, Pakistan is still reluctant to introduce comprehensive legislation against torture. Sometimes, existing safeguards are simply not enforced (Ahmed, J. R. (2018)).

An element of concern with respect to due process was the structure and operating processes of the Anti-terrorism Courts. The process basically tends to have something like truncated timelines under which

judges are compelled to give verdicts of trial in about seven days. This is, in practice, creating huge pressure to rush trials at the expense of a full investigation and an adequate defense. Not only that, judges in ATCs are not only devoid of security of tenure but seen as bowing to external influences-whether political or military interest. Trials are held behind closed doors, conduct anonymous witnesses and very limited access to evidence making it virtually impossible for the defense to put up a meaningful rebuttal case (Zuberi, K. A. (2019).

Over time viewed by many as not the greatest instrument for establishing accountability, these anti-terrorism laws are increasingly used to target political dissenters as opposed to real terrorists. One of the most alarming instances of the state overstepping its authority using anti-terrorism laws occurred in 2025, when, in Baluchistan, a seven-year-old child was charged under the Anti-Terrorism Act for posting a social media video demeaning the military. Although this event was dismissed after public anger broke out, it served to highlight the foundational defects and retributive nature of the said law. Such abuse of law was highly condemned by the Human Rights Commission of Pakistan and international bodies like Amnesty International, citing it as a gross violation of children's rights and a disturbing sign for the shrinking space for expression. The weaponization of the ATA against members of former Prime Minister Imran Khan's party in the aftermath of the protests further demonstrates the manner in which anti-terrorism laws have been routinely applied to stifle political opposition (Qadir, L. F. (2021).

Comments from the international community about military interference in the justice system make it worse; military courts were constituted through the 21 Constitutional Amendment as a temporary measure for trying terrorists in 2015. These courts have remained unaffected through in-camera trials without the defense counsel's access, leading to verdicts passed with little or no visibility. In 2024, proposals made by the government sought to increase military jurisdiction even further with the provision allowing up to three months' detention of persons by the armed forces without a warrant solely based on suspicion that they may be involved in terrorism. This patent violation of the judicial temperament is not a constitutional norm and could possibly institutionalize human rights abuses in the name of national security (Rehman, M. U. (2020).

One of the great effects of these human rights violations has been to delegitimize the structures of law in Pakistan. As due process and judicial independence erode, citizens moved to a credibility crisis in which courts, especially ATCs and military tribunals, were seen as extensions of executive power and not as impartial arbiters. This fuels further alienation in the marginalized communities, as the rule of law gets compromised by this. In a conflict area, specific to Baluchistan and former FATA regions, many perceive

the campaign of the state, dubbed as counter-terrorism, as a campaign of collective punishment which, in turn, would radicalize youth rather than curb extremism. The more legal instruments are viewed as oppressive rather than as protectors of rights, the less equipped they become as sources of justice. Under international pressure, Pakistan is being compelled to improve its anti-terrorism laws concerning human rights standards. Through the GSP+ framework, the European Union has advised Pakistan to respect civil liberties, cautioning that continued violation could lead to a withdrawal of trade benefits. Human Rights activists in these reports have been something akin to banging on Pakistan's failures in ensuring a fair trial and preventing torture and protecting freedoms of expression. Notably condemned are the military courts sentencing civilians, including political figures, just as the US, UK, and other allies have issued warnings that such practices stand in opposition to democratic norms (Latif, O. S. (2019)).

Conclusions:

The anti-terrorism laws in Pakistan have evolved over the years owing to the growing threat of terrorism. The main legal framework is the Anti-Terrorism Act (ATA) of 1997 in regard to anti-terrorism laws. Over the years, the laws have conferred additional power of preventive detention, special courts, and expanded definitions of terrorism to law enforcement agencies. Such overexpansion helps in the definition of terrorism and blurs the lines between common crime and terrorism, which raises very real concerns regarding arbitrary application and misuse of that law, especially in politically sensitive cases or civil dissent cases.

Since the very purposes of national security and counter-terrorism are already presumed to be present, the legal framework in Pakistan pertaining to anti-terrorism is often subject to criticism with regard to certain human rights such as the right to a fair trial, freedom of expression, and due process. The dreadful special anti-terrorism courts operate in an uncontrolled manner. Inadequate definitions provide for broad formulation of how a law might be interpreted or applied. The glaring structural aberrations present an urgent need to reform Pakistan's counter-terrorism framework according to international human rights standards. Such a comprehensive framework would bolster both the legitimacy and effectiveness of counter-terrorism measures in the country. In addition, it would further strengthen the rule of law and democratic accountability.

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