

REVIVAL OF MILITARY COURTS IN PAKISTAN:

Violation of Human Rights - A Myth or Reality



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The material and information in this study is our original work. We have not previously presented any part of this work elsewhere for any other degree. Where material has been used from other sources it has been properly acknowledged / referred.

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ACKNOWLEDGEMENT

“...the beauty of the destination is half veiled and the fragrance of the success half dull until the traces of all those enlightening the path are left to fly with the wind spreading word of thankfulness...”

We are very thankful to Almighty Allah who gave us the opportunity, courage and insight to explore more knowledge to complete this whole and for His blessings that have brightened in all parts of our life and our parents whose prayers always supported us in every task.

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We also take this opportunity to express our sincere gratitude to our family for their constant support and encouragement throughout the course of this research project.

DEDICATION

To armed forces of Pakistan,

Human right activists,

Our parents,

And all of our friends,

Without whom none of our success would be possible

LIST OF ACRONYMS

AAG	Additional Attorney General
ATA	Anti-Terrorism Act
ATC	Anti-Terrorism Court
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CRC	Convention on the Rights of Child
CRPC	Criminal Procedural Code
DAG	Deputy Attorney General
FGCM	Field General Court Martial
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
ICJ	International Commission of Jurist
ICSECR	International Covenant on Social, Economic and Cultural Rights
IHL	International Humanitarian Law
ISPR	Inter-Services Public Relations
JJSO	Juvenile Justice System Ordinance
JPP	Justice Project Pakistan
NAP	National Action Plan
NCPO	National Council on Peace and Order
PHC	Peshawar High Court
PPC	Pakistan Penal Code
PPP	Pakistan People Party
PTI	Pakistan Tehreeq-i-Insaaf
QSO	Qanoon-e- Shahadat Ordinance
UCMJ	Uniform Code of Military Justice
UDHR	Universal Declaration of Human Rights

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ABSTRACT

Military courts were formulated to counter certain nature of offences related to terrorism subsequently military courts in Pakistan were given the wide powers to try civilians through 21st Constitutional amendment by achieving certain amendments in the Pakistan Army amendment Act 1952 (2015). A research study was carried out to somehow answer with the best of our knowledge and ability to inform people regarding the establishment of the military courts and the aim behind granting military courts the vast powers over the civilians and to answer the question raised by the human right activists regarding the fundamental rights infringement like fair trial etc. by the military courts.

The secondary data collection approach was used in the research project. After 21st Constitutional amendment subsequently, when the military courts were granted the extension through 28th Constitutional amendment, then the problem stirred and the chaos started, numerous questions were raised; most prominently regarding the Constitutionality of the military courts and it is believed that the military courts invades the fundamental rights enshrined in the Constitution of Pakistan 1973 especially the fair trial right. In the research project all such issues are addressed which results in the neutrality and the military courts were granted the Constitutional backup by the august courts; when these issues were raised before the courts and military courts does not infringe any fair trial right as they ensures the evidence to be collected according to the procedure of the ordinary courts, as military courts were established to conduct speedy trials but somehow it do curtail some of the necessary fundamental rights like by conducting the secret hearing etc.

Keywords: Military courts, Human rights