



# CPD Newsletter

Edition 3, September 2018

A bi-monthly newsletter for Punjab Prosecutors

## FOREWORD

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It is pleasure for me to express satisfaction to see Centre for Professional Development of Public Prosecutors flourishing as a center of excellence for the trainings of Prosecutors. It is, indeed doing its level best to equip the prosecutors with their professional skills; not only within its indoor premises, but also through one of the mode of distance learning tools i.e. newsletters.

In modern times key to success and its sustenance in any field is due to constant updating of knowledge and skills. In legal arena this feature is 'sine quo non'. A prosecutor needs to be methodical in all aspects of prosecutorial skills to build a flawless case. He has to keep himself abreast with latest developments in law, new trends emerging by way of 'judge made law' (doctrine of precedent). A prosecutor must learn modern techniques to produce best evidence before the courts of law. All these expertise can be achieved by refreshing the knowledge through periodical publication such as newsletters etc.

The efforts of Centre for Professional Development of Public Prosecutors, through newsletters keeps on highlighting the ongoing events and professional activities in the field of law, promoting toward the scholastic and learning approaches of the prosecutors.

It is indeed a matter of delight to write the 'Foreword' for the third edition of 'newsletter'. I also express my heartiest thanks to Secretary Public Prosecution Department for his visionary role in transforming prosecution service into integral and vibrant segment of criminal administration of justice.

**PROSECUTOR GENERAL PUNJAB**

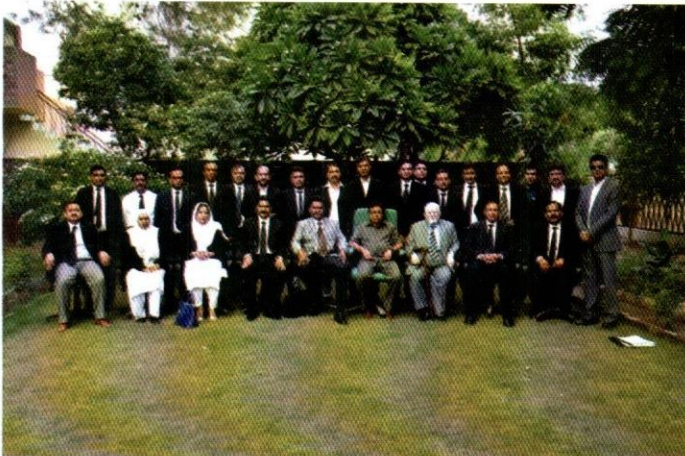
## NEWS BRIEF

### Ch Zaheer takes charge of Prosecutions in Punjab

Mr. Chaudhry Zaheer ud Din has been appointed as the Minister for Prosecution. He has emphasised the resolve of the government to reform the criminal justice system and to reduce the costs of litigation faced by the parties. The minister has vast political and parliamentary experience and has served as Minister in the past. He has shown keen interest in contributing to improving the delivery of prosecution services and upgrading the quality of education for prosecutors through the Center for Professional Development of Public Prosecutors, Punjab. On 26th of September a delegation of CPD staff headed by the Director, called on him to greet him on behalf of CPD and presented him a souvenir.



### Training on Appeals Policy & Criteria



The Public Prosecution Department has recently issued an Appeals policy and published forms to record the reasons for failed cases, which are called Adverse Outcome of Cases (AOC) forms. A training was designed and delivered with the assistance of the CAPRI Programme of British High Commission, to train senior prosecutors of anti-terrorism and regular courts in the application of the appeal policy and use of adverse outcome forms. It comprised of four Training sessions of two days each. It was

attended by Additional Prosecutor Generals, Deputy Prosecutor Generals, District Public Prosecutors and Deputy District Public Prosecutors. The prosecutors learnt how to record information on the AOC forms.



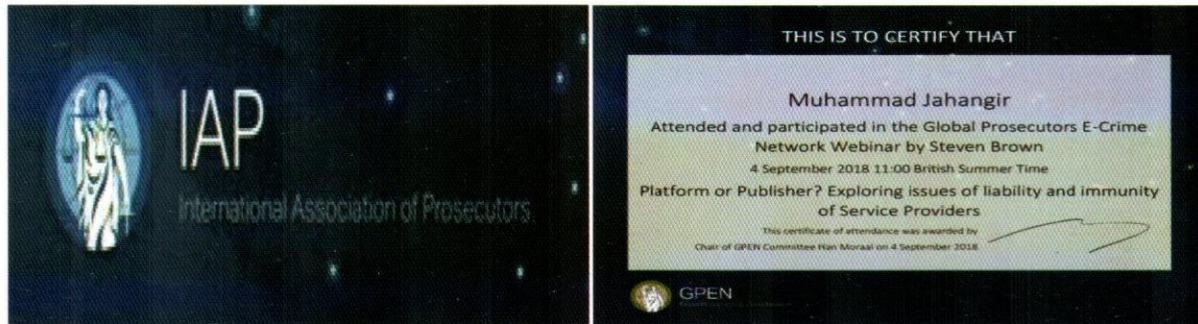
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## Criminal Bar Training Workshops



CPD, in collaboration with CAPRI-British High Commission, Punjab Bar Council and Lahore High Court Bar Association conducted capacity building trainings on Fair Trial-Equality of Arms for defence lawyers. It focused on improving their capacity to represent their clients fairly and effectively and to ensure that their right to fair trial is protected. The participants enjoyed the course and found it extremely useful for the understanding of their roles as defence counsels and their duties to their clients with a view to improve the functioning of criminal justice system.

## Webinar by IAP

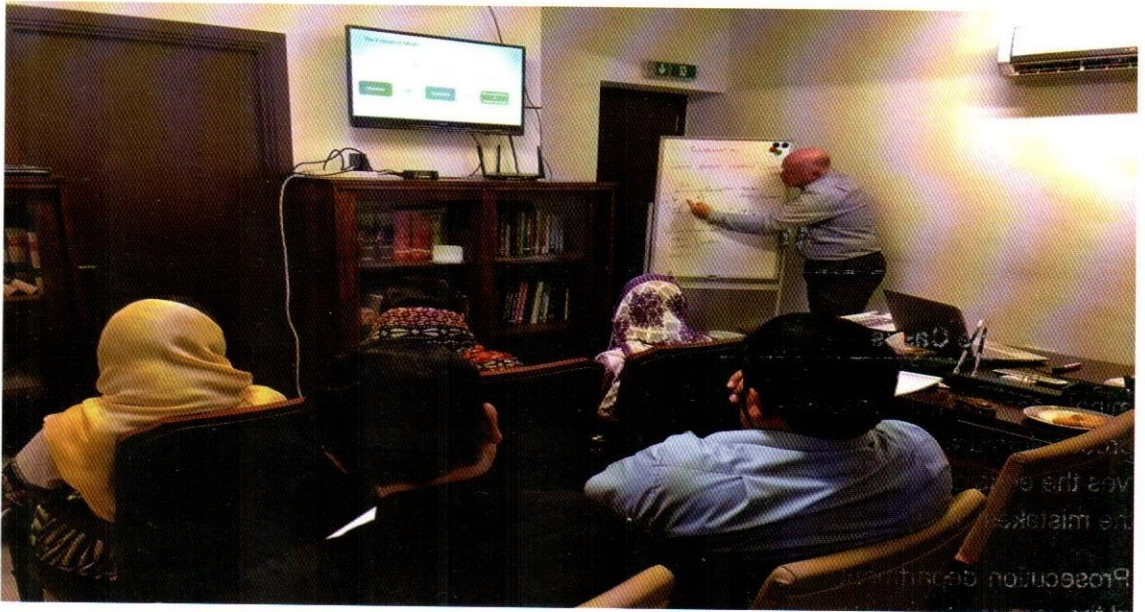


International Association of Prosecution (IAP) has conducted a webinar on Cyber Crimes. CPD arranged the participation of 15 prosecutors from Punjab in the courts. The participants found the course very useful.

## Assessment and Evaluation of CPD

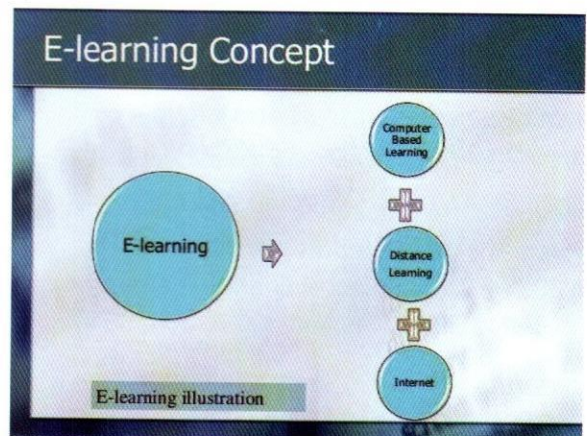
A third-party review of the Centre for Professional Development of Public Prosecutors (CPD) was undertaken by a team of independent consultants between 19 and 23 February 2018 on behalf of CAPRI. The findings were encouraging and confirm that the CPD has evolved significantly from its inception. There has been a significant step-change in the pace of organizational development recently due to institutional and leadership reforms. Change is now being implemented on a variety of fronts, and not merely in one area at a time. Plans for moving into improved facilities will help to address some of the constraints faced by current CPD training facility but a smooth transition is required to ensure that training is not interrupted during the move. Numerous high level recommendations have been highlighted during this review.

## Workshop on Evaluation & Assessment Strategy for CPD Officers



The CAPRI Programme of the British High Commission conducted a workshop on the evaluation & assessment strategy of the training provided by CPD. The Revised Kirkpatrick Model was agreed to be the basis for future evaluations and assessments.

## E-CAPRI- Introducing E-learning for prosecutors



CPD has successfully launched a distant (online) learning program – E-CAPRI. It will enable the prosecutors to attend various online training courses to complement their knowledge and skills. The course has been designed and developed by CAPRI and CPD.

The E-CAPRI offers a suite of 56 modules covering varied areas including Forensic Evidence, Criminal Trial, Police Prosecutor Co-operation, Advocacy, CT Legislation, “Legal “English Drafting, Hate Speech,



Human Rights etc. It also includes recorded lectures on different prosecutions strands. The knowledge of the participants will be tested by questionnaires online.

CPD is grateful to the CAPRI British High Commission for its support. The CPD acknowledges the steer provided by the Secretary Prosecution in modernizing the continuous learning programs of CPD.

## LEGAL DEVELOPMENTS

### Adverse Outcome Cases

A criminal case normally results in a conviction or acquittal of the suspects charged with the offences. The prosecutors are keen on seeking justice. Therefore the outcome is satisfactory for them as long as it serves the ends of justice. However, it is always useful to identify the causes of failed prosecutions so that the mistakes, if any, in conducting prosecutions are not repeated.

The Prosecution department has taken an initiative to introduce the adverse outcome cases forms to record the reasons for acquittal by the concerned prosecutors. The reasons for an adverse outcome in a case could be varied ranging from the resiling or non-appearance of prosecution witnesses to the lack of sufficient evidence. This action will allow the prosecutors to identify and remedy such defects.

As per data collected by Punjab Criminal Prosecution Service Inspectorate for the year **2017**, 15603 cases resulted into acquittal due to deficient evidence (14737 cases triable by magisterial courts & 866 cases triable by sessions court) in Punjab. This ratio is very much alarming as it comes to **20.46%** of the total acquittal cases. This situation is also found in sensitive cases i.e. **Anti-Terrorism cases** (34 cases out of 465 Acquittal Cases - 7%) and **Anti-corruption cases** (104 cases out of 853 Acquittal cases - 12%).

These AOCs have been issued by Prosecutor General Punjab in the form of guidance under Section 10 of the Punjab Criminal Prosecution Service Act, 2006 on 13-08-2018. These guidelines sets out the steps to be taken by prosecutors of all tiers where a criminal case resulted into a discharge or acquittal whether on merit, u/s 249-A Cr.P.C or 265-K Cr.P.C as the case may be.

The prosecutors are required to get the input of police or other agencies/authorities involved in the case. These forms will be piloted in specific categories of cases in the first place. They are Murder Cases (Section 302 PPC), offences of financial nature (Section 406,420,468,471 PPC) and cases of Sexual and gender based violence (Section 336-A, 354, 354-A, 365-B, 376, 377 & 496-A of Pakistan Penal and anti-terrorism cases.

There are three types of forms:

- i. FORM AOC-1: This form is to be completed by the prosecutor who has dealt with the case. This form contains various sections. He/She will submit it to District Public Prosecutor (DPP) and will retain a copy of it on the Prosecution File.



ii. FORM AOC-2: The DPP will complete the form. This form aims at identifying the trends and patterns of adverse outcomes and requires the DPP to set out the remedial action appropriate in the situations. The District Public Prosecutor (DPP) will submit this form to the Prosecutor General Punjab on a periodical basis.

iii. FORM AOC-3: A prosecutor entrusted with the appeals in High Court or the Supreme Court will complete the forms if an appeal filed by prosecution is dismissed in the High Court or in the Supreme Court of Pakistan. The concerned prosecutor will submit this form to the Prosecutor General Punjab and will retain one copy at the office.

The specific guidance on how to complete the forms is written on the forms. This initiative is expected to contribute to improving the quality of prosecutions.