



CPD Newsletter

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FOREWORD

I am glad to introduce the fifth edition of newsletter of Centre for Professional Development of Public Prosecutors (CPD).

Punjab Criminal Prosecution Service (PCPS) is an integral part of Criminal Justice System, the purpose of which is to deliver justice for all by convicting & punishing the guilty and protecting the innocent. The role and task of the prosecutor is to prove without any reasonable doubt that the suspect has committed the crime and this aim can be achieved only by imparting professional training to the prosecutors, apprising them of the latest precedent law, refreshing their knowledge and developing their professional skills.

I am pleased that Centre for Professional Development of Public Prosecutors (CPD) is doing its work efficiently despite limited resources. I commend the CPD team for introducing E-CAPRI; the online training system that has enabled dissemination of knowledge through distance learning.

I congratulate the CPD team for their efforts in imparting professional training of international standards to the prosecutors and endeavoring to transform CPD into a world class Professional Development Organization.

This newsletter is a vital tool of information and knowledge sharing. Prosecutors must contribute to this newsletter and encourage the development of an environment for knowledge and experience sharing.



Nadeem Aslam Chaudhary
Secretary, Public Prosecution
Department

NEWS BRIEF

Fourth Alumni Conference of NPC Participants

The fourth annual reunion dinner of the National Prosecutors Course (NPC) Alumni was hosted by the British High Commission (BHC) from 16 to 18 November 2018 in Islamabad. It was an opportunity for the



prosecutors across Pakistan to reconnect and to discuss matters of mutual interest. The event is reminiscent of the training courses delivered by the Counter Terrorism Associated Prosecutorial Reform Initiative (CAPRI) Programme of the BHC to the prosecutors of Punjab, KPK, Sindh and Baluchistan from 2013 to 2017. Mr. Nadeem Aslam Chaudhary, Secretary Public Prosecution Punjab, Mr. Ihtasham Qadir Shah, Prosecutor General Punjab, and Mr. Oliver Homewood, Head of CAPRI, attended the event. Nadeem Chaudhry engaged with participants and shared his ideas on enhancing the quality of prosecution input. The Prosecutor General Punjab reiterated the need for amendments in the criminal substantive and procedural law to streamline the prosecution process. The participants found this occasion very rewarding. The participants thanked Mr. Sam Makkan and Mr. Shahid Ali Bacha from the BHC for arranging the wonderful event.



Inauguration of Promotion Linked Training for Assistant District Public Prosecutors

Prosecutors are now required to successfully participate in an approved training course to become eligible for promotion to a higher rank under the new policy issued by the government. The promotions of Assistant District Public Prosecutors (ADPPs) to the position of Deputy District Public Prosecutors (DDPP) and of Deputy Prosecutor General (DPG) to the position of Additional Prosecutor General (APGs) are on hold since they have not completed the



required training courses. The Secretary PPD directed the CPD to expedite the development and delivery of these training courses to allow the prosecutors to meet this new requirement. Since this training was not part of the CPD training calendar and therefore was not budgeted for, the CPD staff have had to make extra effort to ensure that the two training courses, one for the ADPPs which is for 06weeks and other for the DPGs which is for 12 weeks, were held in December. Mr. Chaudhry Zaheer ud Din inaugurated the training for the ADPPs.

Secretary PPD's Visit to CPD

The Secretary PPD visited the CPD on 30 November 2018. The Deputy Director, CPD informed him about the current training programmes and use of modern learning techniques at CPD. He met with the staff and reviewed the quality of the delivery of the training services. He was impressed by the E-CAPRI initiative and showed a resolve to upgrade it. He acknowledged the support of BHC in installing this system. He distributed certificates among the participants of the 4-day Witness Protection and Advocacy Skills course.

Video Link Conference

The Secretary PPD conducted a meeting with District Prosecutors of 36 districts. He expressed his concern about the delays in the timely prosecution of cases and the difficulties faced by the victims and witnesses as a result of these delays. He said that prosecutors should conduct effective scrutiny to remove the defects in police reports. He encouraged the prosecutors to share their problems with him and to propose measures to address any gaps in the existing processes. The prosecutors welcomed the opportunity to engage with the Secretary PPD and to provide their feedback on the prosecution policies.

IAP Webinar on Human Trafficking

CPD arranged for 19 prosecutors to participate in a webinar conducted by the International Association of Prosecutors (IAP) entitled "Combatting International Human Trafficking: Challenges, Opportunities, and Technologies". The participants enjoyed the learning experience and found the course very interesting and productive.

Regional Training in Multan

CPD conducted two (2-days) training courses for the prosecutors working in the Multan region. The courses focused on enhancing the skills of prosecutors and increasing their understanding and knowledge on certain aspects of criminal procedure. The courses delivered at the regional level, allowed prosecutors of different ranks to share the challenges specific to the particular region and discuss and recommend solutions to address the challenges.





LEGAL DEVELOPMENTS

Terrorism: Definition and its Perspective

The term “terrorism” has been used in different legislations in Pakistan. It seems to have been first used in the preamble of the Suppression of Terrorist Activities (Special Courts) Act 1975, which was promulgated to counter sectarian violence. It was defined for the first time in the Anti-Terrorism Act, 1997.

The word “terror” has its roots in Latin word “terrere” which means “to frighten”. It was used in 501 BC when the warriors of Cimbri tribe created a panic in Rome and a state of emergency had to be announced. Terrorism is a concept which denotes the creation of horror/terror with the objective of spreading fear among the general public and to disturb the peace.

Terrorism is the calculated use of violence (or the threat of violence) against civilians in order to achieve goals which may be political, religious or ideological in nature; this is done through intimidation or coercion or by instilling fear.

In landmark case of Mehram Ali (1998), the Supreme Court observed that the scheduled offences of Anti-Terrorism Act, 1997 must have nexus with the object of the Act. In another landmark judgment (the Liaqat Hussain Case (1999), the Supreme Court held that a civilian cannot be tried by military courts under the Pakistan Armed Forces (Acting in Aid of the Civil Power) Ordinance, 1998. The Ordinance was repealed and an amendment was made to the definition of “terrorist act”.

In the year 2001, the Anti-Terrorism Act, 1997 was amended. The term “terrorist act” was replaced with “terrorism” with altogether different definition. Section 6 was amended and the words “use or threat”, “design to coerce and intimidate or overawe government”, “fear or insecurity in society” and “threat for the purpose of advancing religious, ethnic or sectarian cause” were added. Further amendments were made in the definition clause in Section 6(1) (b) and in Section 6(1) (c). Section 6(2) (ee), 6 (2) (O), Section 6 (3-A), Section 6(7) (a) & (b) were also amended. The Supreme Court of Pakistan has held in the Mirza Shaukat Baig case (2005) that the current definition is exhaustive.

Globally, there is no exhaustive definition of terrorism. Terrorism is basically a phenomenon which has no formal definition, but the expression terrorism may be defined as “an act which creates terror in the mind of others”. Different psychological and physical factors affect impact of terror. Terrorism is defined by the legislation of different states as per their prevailing circumstances—the same is the case with Pakistan. It is observed in the legislative history of Pakistan regarding terrorism that all laws were promulgated to control the then prevailing situations which were considered as terrorism.

Currently, terrorism is not limited to ethnic, religious, or sectarian riots or insurgency. It varies from person to person and from situation to situation, so it is highly improbable to create a definition of the word “terrorism” for all times. Normally it is considered that terrorism is an act to challenge the writ of the Government and integrity of the State, even sometimes freedom movements are also labelled as terrorism. Terrorism is actually use of violence by a group or organisation, less in number, in order to enforce their ideology by creating fear in the general public.