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OPEN LETTER TO THE MINISTER OF LAW AND JUSTICE ON THE ANTI-TERRORISM ACT AMENDMENT BILL

Hon. Minister of Law and Justice,

I am writing to express Amnesty International's grave concerns about the proposed Anti-Terrorism Act Amendment Bill 2024, which plans to expand the powers of the civilian and military forces to carry out arbitrary administrative detention. Proposed as an amendment to the existing Anti-Terrorism Act 1997, the Bill was presented in the National Assembly on 1 November 2024 by the Interior Minister Mohsin Naqvi and was referred to the National Assembly Standing Committee on Interior for consideration.

Amnesty International calls on the Ministry and Standing Committees to halt plans to pass the Anti-Terrorism Act Amendment Bill 2024 as it does not comply with international human rights law and standards, including the International Covenant on Civil and Political Rights (ICCPR).

The amendment Bill seeks to reinstate the provision of 'preventative detention' introduced through the Anti-Terrorism (Amendment) Act 2014 that was subject to a 'sunset clause' which expired in 2016. The proposed amendments similarly have a two-year validity period, potentially extending to the end of 2026 if passed this year. If allowed to pass, the Bill will vest broad and discretionary powers to 'armed forces', including the military, naval and air forces of Pakistan, and 'civil armed forces', including the Frontier Constabulary, Frontier Corps, Pakistan Coast Guards, Pakistan Rangers or the police, to subject any individual to arbitrary detention, referred to as 'preventive detention', for up to three months. These civil and military bodies would be able to issue detention orders against any person suspected of committing offenses related to the 'security or defence of Pakistan,' 'public order,' or 'maintenance of supplies or services.' Amnesty International is deeply concerned by the involvement of the military in law enforcement operations. In the exceptional circumstances that they are allowed to temporarily support the police, the authorities must remain under the command of civilian law enforcement and ensure that the deployed military officials have received appropriate instructions and training on policing in a human rights compliant way and follow the same international human rights law and standards as law enforcement officials. None of these safeguards are envisioned in the amendment.

Insufficient rights are provided to the detained individuals in the Bill. While Article 10(5) of the Constitution of Pakistan states that all those subjected to 'preventive detention' must be given reasons for their detention within 15 days of the detention and provided the 'earliest opportunity' to challenge the order, reasons for detention can be withheld if the detaining authority believes it is 'against the public interest to disclose.' These discretionary powers run in violation of Pakistan's commitments under Article 9 and 14 of the ICCPR.

Existing overbroad powers under the Anti-Terrorism Act came into focus during recently concluded Pakistan's ICCPR review at the UN Human Rights Committee which highlighted concern "about reports of the disproportionate impact of the application of the law on human rights defenders, members of ethnic and religious groups, journalists, dissidents and activists."¹

Within the existing law, a serious review is needed of the broad definition of 'terrorism' as per the Supreme Court's directions in the Ghulam Hussain v The State case² and sections such as 21(h) which allow for admissibility of confessions obtained in custody, various parts of section 11 which allow for discretionary powers to proscribe individuals and organizations under the Act, and overly broad powers to armed forces and civil armed forces to use lethal force under section 5.

Amnesty International has previously noted that the Act lacks legal safeguards³ and the first and fourth schedule have been used to proscribe peaceful grassroots movements such as the Pashtun Tahaffuz Movement.⁴ Pakistani authorities have arbitrarily detained human rights defenders, particularly Baloch and Pashtun activists, and political opposition such as workers and members of the Pakistan Tehreek-e-Insaf. The proposed detention powers threaten to expand the authorities' ability to continue these violations with increased legal cover.

Amnesty International is also concerned that the Bill has been presented without any consultation with civil society, particularly human rights organizations, who have raised concerns regarding the misuse of anti-terrorism laws. Over the course of the last two years, legislation have been rushed and passed through both houses of Parliament without adequate opportunity for debate and consideration of human rights. In this context, Amnesty International urges the Ministry and the Standing Committees to immediately withdraw the Anti-Terrorism Act Amendment Bill 2024 and instead engage in meaningful consultation with civil society organizations to conduct comprehensive reform of the country's anti-terrorism laws to ensure its compliance international human rights law and standards. I would like to thank you for your attention on this matter.

Yours sincerely,



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