

The Imperative Role of the Superior Judiciary & Law Enforcement Agencies in the Rise of Terrorism in Pakistan and Its Eradication

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Abstract: *This article shows how important the higher courts and law enforcement agencies were in the rise of terrorism in Pakistan and how important they are in getting rid of it. The goal of the abstract is to give a short summary of the topic and the main points that are talked about in the full paper. Pakistan's national security, peace, and socioeconomic growth have all been threatened by the rise of terrorism. This paper looks at the many ways the Supreme Court, law enforcement agencies, and the rise of terrorism in the country are connected. Supreme Court and High Courts are important parts of the superior court. They are in charge of interpreting and applying the law. But a number of things have made it harder for them to fight terrorists. These reasons include slow justice, not enough resources, and not enough building up of people's skills. The paper talks about how important it is for the legal system to learn more about counterterrorism tactics, speed up court cases, and work more closely with law enforcement.*

Key Words: Government initiatives, Law enforcement agencies, and obligatory vanishing

Introduction

Several things and events in Pakistan's past can be linked to its terrorism. In the 1980s, during the Soviet-Afghan War, Pakistan and other countries, including the United States, helped Afghan mujahedeen troops fight against the Soviet Union. People in different parts of the world who were radicalized by this war joined the fight against the Soviet Union. So, Pakistan became a place where radicals could learn, find new followers, and spread their ideas. Another important change was the rise of ethnic killings in Pakistan. Tensions between different religious groups got worse, which led

to specific attacks, bombings, and the rise of radical groups with religious goals. These groups used social, economic, and political problems to their advantage, which led to more violence and separation. The way Pakistan's society and government worked on the inside also made terrorism grow. Extremist ideas spread easily because of a weak government, corruption, differences in social rank, and a lack of rule of law. Militant groups took advantage of these weaknesses and used people and places on the outside to get what they wanted. The Supreme Court and High Courts of Pakistan, as well as law enforcement

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agencies like the police, spy agencies, and anti-terrorism units, are very important for dealing with the issues that terrorism brings. But over time, they have become more involved and had more of an effect. During the early years of terrorism's rise, there were big holes in the law system and court processes that made it hard to fight it. There were holes in the law, there were no anti-terrorism courts, and there weren't enough investigators, so it was hard for the legal system to find terrorists. Because they knew how serious the fear of terrorism was, the higher courts took action to deal with it. The judiciary was very important for finding out how to understand and enforce anti-terrorism laws, making sure terrorists got a fair trial, and keeping the rule of law in place. Some important decisions made by the Supreme Court and High Courts led to the development of special courts that deal with terrorism. These courts made it faster to try terrorists and easy to put them in jail. To keep up with the changes in terrorism, law enforcement agents also went through a lot of changes. Intelligence organisations got better at fighting terrorism, sharing information, and working with partners in other countries. With the help of paramilitary troops, the police went after terrorist networks and destroyed their structures and caught key members. Pakistan has made a lot of progress in fighting terrorism because the higher courts and law enforcement have worked together. There have been fewer attacks that get a lot of attention, and key militant bases have been destroyed. Extremist networks have been broken up, and their ways of making money have been looked into. But problems still exist. Terrorism can't be stopped without a full plan that includes law enforcement and security measures, but also looks at the root causes, like social and economic inequality, schooling, and changing people's beliefs. It is always hard to find a good balance between the need for safety and the need to protect civil freedoms and human rights. Terrorism is now a big threat to the safety and stability of Pakistan. It slows down Pakistan's social and economic growth and makes a lot of people suffer. The rise of terrorism in the country calls for a close look at

what has caused it to grow and how the highest court and law enforcement agencies have both made it worse and tried to stop it. The goal of this paper is to show how important these groups are in the fight against terrorists and how their jobs are linked. Pakistan has had to deal with a lot of problems because terrorist groups from both inside and outside the country work there. Because terrorism is so complicated, it needs a multi-pronged response that includes not only the work of security forces but also the work of the legal and judicial processes that keep the rule of law in place. The highest courts are the Supreme Court and the High Courts. They are the last word on what is right and wrong, and they play a key role in figuring out how to interpret and apply anti-terrorism rules. But the court system has to deal with a number of problems that make it less able to handle terrorism cases. Some of these problems include delays in the legal system, not enough resources and buildings, and the need to learn more about how to fight terrorism. Also, legal loopholes and complicated processes have sometimes made it hard to prosecute and convict terrorists, letting them get away with crimes. Law enforcement agencies like the police, intelligence services, and paramilitary forces are in charge of keeping the peace, protecting people, and fighting terrorism. These groups are very important for stopping terrorist acts and responding to them, as well as for gathering information and doing investigations. Their success is important for breaking up terrorist networks, stopping strikes, and making sure people are safe and secure. But groups that keep the peace also have problems that make it hard for them to do their jobs well. There isn't enough money or training, and they need new ways to investigate and share knowledge. It is also important for different agencies to work together and organize to deal with the complicated web of terrorist networks in the country. This paper will look at the complicated relationship between Pakistan's top court, law enforcement, and the rise of terrorism in that country. It will look at the problems with the system and the weaknesses in institutions that have helped terrorists grow.

It will also look at what worked and what didn't work when the courts and law enforcement tried to stop terrorists. The paper will talk about how important it is to change how the courts and cops work so that they can handle terrorism cases better and more effectively. It will try to get special courts set up to deal with terrorism, cases to be settled quickly, and stricter rules against terrorism. People will also talk about how important it is for countries to work together and share information to stop international terrorism.

Research Methodology

Research can be defined as the process of systematically gathering data with the goal of providing answers to questions and explanations of problems.

Philosophical Foundations

Research in the social sciences typically adheres to one of two distinct philosophical approaches. The positivist philosophy places an emphasis on scientific information, which can be obtained through the use of questionnaires and other senses. Before settling on definitive research questions and goals, hypotheses are put through their paces. The researchers have provided their representation of the post-positivist norms. The researcher approached the study via the lens of post-positivism in terms of her philosophical approach.

Research Approach

In the field of social sciences, research can be carried out using a variety of methodologies; nevertheless, the expert in question has utilized the inductive methodology in order to carry out research on the matter at hand.

Research Methods

There are many different ways to do research in the area of social science. These include qualitative, quantitative, and mixed approaches. The academic used the qualitative method for this particular piece of study. Research methods show how to do research in

an organized and organized way. They help scientists organize their work and make sure that data is gathered, analyzed, and interpreted in a way that makes sense. This methodical technique makes the research better and more reliable as a whole.

Data Collection

Part of getting data is figuring out the limits of the study, doing unstructured or semi-structured observations and interviews, and gathering written and visual materials. Also, you need to figure out the best way to write down the facts. The research study about people who were taken away against their will in Pakistan used both first-hand and second-hand information. Collecting data is the first step in analyzing and making sense of it. It includes gathering information and observations in a planned way that is important for answering research questions or achieving research goals. Without complete and accurate data, the results of the study may not be reliable and may not give any useful insights.

In the process of analysing data, one step is to figure out what word and image-based data mean. It includes getting the data ready for analysis, doing a lot of research, and learning more about the data. The scholar uses "content analysis" to look at secondary data and "thematic analysis" to look at source data.

Limitations of the Study

The judicial system has been an extremely extensive phenomenon. Because there are so many ideas and factors associated with the judicial system, it is impossible for a researcher to take into account all of these aspects of the judicial system. The researcher has no control over the data that is provided by non-governmental and governmental agencies because the researcher relies on them.

Delimitation of the Study

The judicial system is an essential component of any functioning democracy and has always been an essential component of the

government. The academic has focused an entire study on the phenomenon of enforced disappearance in Pakistan, as well as the role that law enforcement agencies and the Supreme Court play in the phenomenon.

Data Analysis

In the Muhabat Shah case, which involved missing people, the court stressed lawfulness. The court's interpretation of Article 9 of the Constitution links the right to life to the protection of all lives. In response to this ruling, the administration of Pakistan rejected the agreement against enforced disappearances, aimed at preventing unauthorized changes to people's identities. The government initiated an investigation to safeguard the responsible law enforcement agencies, as per expert opinions. When approximately 197 families of enforced disappearance victims in Baluchistan sought justice in court, their cases were referred to the highest court of the province to halt the further investigation. Another case from Baluchistan highlighted the issue of forced disappearances, implicating the Baluchistan administration. Due to the politically motivated nature of these disappearances, the relevant security services were not informed. The majority of the 321 new cases on the list originated in Sindh, and the United Nations Working Group on Missing Persons criticized the Pakistani government for not complying with the treaty on enforced disappearance. The agreement was established to address the problem of unexplained disappearances. The working group's reports identified India as the most violent nation in the world, citing over 8,000 extrajudicial murders in Kashmir, and pointed out insufficient records in other countries like Pakistan, Sri Lanka, and Nepal.

Several nations' responses to this issue have fallen short of expectations, including Pakistan, which still operates under outdated regulations from 1859 and 1860. Since 2016, the Investigative Commission on Enforced Disappearance has added 728 names to its list of missing persons, causing significant concern for the government. Abdul Wahid Baloch, a

social activist from Baluchistan, was among those captured by the Rangers. The citizens have lodged complaints against Supreme Court decisions, and the mentioned panel failed to resolve 1,300 cases in six years. Locals captured by law enforcement during SWAT operations in KPK led to the establishment of a commission to investigate their whereabouts, but the public deemed its work inadequate in light of the Supreme Court's rulings.

Zeenat Shehzadi's inexplicable disappearance in Lahore has raised concerns, and the chairman of Pakistan's human rights commission stated that NGOs in the country have been blaming the government while downplaying the actual number of terrorist attacks against the government. On the other hand, authorities in Baluchistan are suspected of killing numerous individuals, whose bodies have been discovered. In 2006, Pakistani families petitioned the court for the safe recovery of their missing loved ones, leading to Chief Justice Iftikhar Muhammad Chaudhry taking the responsibility to locate them. The number of missing individuals continued to grow, with Baluchistan being the most affected region. A court order mandated the formation of a committee to investigate their whereabouts.

The administration has recognised disappearances but failed to prevent them, citing international conventions and the constitution. Despite these disclosures, authorities have taken little action. Article 4 of the US Constitution guarantees equal protection and lawful treatment to all. The Supreme Court of Pakistan investigated 600 missing person cases, with Chief Judge Iftikhar Chaudhry recognising that many disappeared for security or political reasons involving security forces. The 2009 Lawyers' Movement played a significant role in judicial reform, leading to the emergence of the term "judicial activism" and creating tensions between the government and the judiciary, resulting in the placement of superior court judges, including the chief justice, on administrative leave. The concept of suo motu cases, often relying on

Article 184(3) of the Constitution, has been adopted by the courts.

Conclusion

The court has the important job of protecting people's rights and making sure they are not held against their will or robbed of their basic freedoms, like the right to life and liberty. Article 9 of the constitution says that no one should be taken from their home against their will. This task comes from the court's desire to give people access to justice. Articles 8-28 of the Pakistani constitution say that everyone has the right to a fair hearing and the freedom to go to court if their rights are violated. For people to trust and believe in the justice system again, the Supreme Court of Pakistan must protect these constitutional guarantees, whether the complaints come from regular people or the government. In conclusion, it is hard to say enough about how important it is for Pakistan's highest court and law enforcement to deal with the rise of terrorism and get rid of it. Pakistan's past and the problems it has with fighting terrorism show how important it is to use a method that is complete and has many parts. From this study, it's clear that the highest court is very important for making sure people are held responsible, getting fair trials, and keeping the rule of law. Setting up anti-terrorism courts and finding out how to interpret and apply anti-terrorism laws has helped a lot with convicting terrorists and breaking up their networks. In order to keep up with how terrorism is changing, law enforcement groups have changed. Intelligence agencies have gotten better at fighting terrorism, and police and paramilitary forces have done targeted operations that have destroyed terrorist tools and caught key terrorists. Terrorism has been fought and the world has become better because of these steps. But there are still problems that need to be fixed, and that will take a long-term plan. Finding a balance between the need for security and the need to protect civil rights, closing the gap between rich and poor, and fighting extremist views are all ongoing problems that need to be solved. The ideas give

a plan for how the highest courts and law enforcement officers can do their jobs better in the fight against terrorism. Some of the most important things that need to be done are improving the courts, changing the laws, sharing information, getting people involved in their communities, working with other countries, improving social and economic conditions, and making public-private partnerships.

Recommendations

The way this sensitive problem is being treated right now is unfair and needs to be fixed right away. The government needs to pass the needed criminal authority rules quickly to stop people from being taken away against their will. Article 6 of the International Convention for the Protection of All Persons from Enforced Disappearance, which was signed in 2006, says that those in charge of enforced disappearance must be held accountable for breaking the law and not supporting the rule of law. As the International Convention for the Protection of All Persons from Enforced Disappearance from 2006 says, it is very important that everyone suspected of or participating in a case involving a missing person be brought before a court to tell their side of the story. Article 10:1 of the Convention makes it clear that this rule must be followed when lost people are involved. The judges should be able to: Make it easier for the top courts, like the Supreme Court and High Courts, to deal with terrorism cases. This can be done by giving judges and court workers special training, making sure there are anti-terrorism courts, and making sure there are enough resources for justice to be done quickly and well. Laws against terrorists are always being looked at and changed to make sure they work and keep up with new threats. Fill in any holes in the legal system so that law enforcement and the courts can fight terrorists better. Make sure the law protects people's rights while also giving law officers the tools they need to fight terrorists. Improve the ability of intelligence groups to quickly and correctly find out about terrorist activities. Make it easier for intelligence

agencies, law enforcement agencies, and foreign partners to work together and share information in order to stop terrorist networks that work across borders. Invest in tools and technology that will help you gather, analyse, and share knowledge better. Encourage the community to get involved and come up with plans to fight extremist ideas through education, awareness campaigns, and rehabilitation schemes. Social and economic problems that can help spread terrorism should be talked about and accepted, especially among marginalised groups. Help projects that promote religious tolerance, talk between people of different faiths, and cultural exchange. Fighting terrorism will be easier if we work together with other countries. Share best practices, knowledge, and other skills with partner countries to stop transnational terrorist networks. Stop terrorist groups from getting money and people to join them by working together, building people's skills, and sharing information. Give the police the money, tools, and training they need to fight terrorists effectively. Make the police, paramilitary forces, and anti-terrorism groups stronger so they can respond quickly to threats, do complete investigations, and catch terrorists. In law enforcement, pay attention to being efficient, taking responsibility, and respecting people's rights. We need to fix the social and economic problems that lead to terrorism and make government work better if we want to stop it from happening. Invest in

education, job training, and job-creation projects to help people and places that extremists can easily target. Reduce poverty and strengthen social ties by encouraging economic growth in places that aren't as well off. Pakistan should try to fight terrorism by getting help and backing from other countries. Get money for projects that teach people new skills, improve facilities, and work on social and economic problems to reduce extremism. International partners should give Pakistan professional help, training, and money to help it fight terrorism. Encourage the public and private sectors to work together to find solutions to terrorism-related issues. Encourage government agencies, civil society groups, academic institutions, and private companies to work together to come up with new ideas, share information, and come up with effective plans to fight terrorism. Set up a full method for keeping track of and judging how well steps taken to stop terrorism are working. Evaluate the effects of policies, projects, and interventions on a regular basis to find ways to improve and make changes based on the facts. Assess the changing threat environment on a regular basis so that you can be ready for new terrorism trends and respond quickly and flexibly. By doing what is suggested, Pakistan can improve the role of the highest court and law enforcement agencies in fighting terrorism, support lasting peace, and create conditions that are good for long-term security and growth.

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