

SENATE OF PAKISTAN



REPORT OF THE STANDING COMMITTEE ON INTERIOR

**The Anti -Terrorism (Amendment) Bill, 2017 introduced by
Senators Barrister Murtaza Wahab and
Mukhtiar Ahmed Dhamrah @ Aajiz**

Report No.36

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR

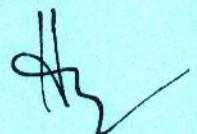
I, Chairman of the Standing Committee on Interior, have the honour to present the report on the Bill titled "The Anti – Terrorism (Amendment) Bill, 2017" introduced by Senators Barrister Murtaza Wahat and Mukhtiar Ahmed Dhamrah @ on 23rd October, 2017" and referred by the House to the Standing Committee on Interior for consideration and report thereof.

2. The composition of the Standing Committee on Interior is as under:-

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Mir Israrullah Khan Zehri	Member
4.	Senator Muhammad Saleh Shah	Member
5.	Senator Muhammad Talha Mehmood	Member
6.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
7.	Senator Dr. Jehanzeb Jamaldini	Member
8.	Senator Chaudhary Tanvir Khan	Member
9.	Senator Muhammad Javed Abbasi	Member
10.	Senator Muhammad Ali Khan Saif	Member
11.	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
12.	Senator Syed Shibli Faraz	Member
13.	Minister for Interior	Ex-officio Member

3. The Bill was taken up for consideration in the Committee meeting held on 14th December, 2017.

4. Senator Barrister Murtaza Wahab Mover of the Bill briefed the Committee that to amend the Anti Terrorism Act, 1997 for the security of witnesses, who feel harassed while giving their testimony. Mr. Muhammad Aslam, Assistant Draftsman, Ministry of Law & Justice, stated that on the same subject a law has been enacted namely "Witness Protection, Security and Benefit Act, 2017", which is in field now. The Special Secretary, Ministry of Interior briefed the Committee that the Bill for protection of witness is in process of drafting. After discussion in detail, the matter was deferred for further discussion.



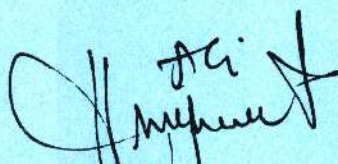
5. Subsequently the Bill was taken up for further consideration in the Committee meeting held on 28th December, 2017. The following Members of the Committee and Mover attended the meeting:-

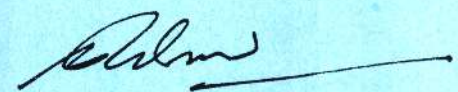
1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
4.	Senator Dr. Jehanzeb Jamaldini	Member
5.	Senator Muhammad Javed Abbasi	Member
6.	Senator Dr. Muhammad Ali Khan Saif	Member
7.	Senator Sardar Fateh Muhammad Muhammad Hassani	Member
8.	Senator Syed Shibli Faraz	Member
9.	Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Mover

6. All Members agreed with the Bill's Statement of Objects and Reasons which sought effective provision for protection of judges, witnesses and persons concerned with the trial of anti-terrorism cases so that they don't feel intimidated while giving their testimony. Instances of court proceedings in Italy (sieged with threats from Mafia) where judges presided over court proceedings behind a curtain to conceal their identity, were brought up for comparison.

7. After extensive discussion the Committee unanimously passed the Bill that sought amendment to the Anti-Terrorism Act, 1997 for the protection of judges, prosecutors, witnesses and persons concerned with court proceedings.

8. The Committee recommends that the Bill titled "The Anti – Terrorism (Amendment) Bill, 2017" as introduced in the Senate may be passed by the House. (Bill as introduced in the Senate is Annexed – 'A').


(HYDER ALI SUNDRANI)
DS/Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman
Senate Standing Committee on Interior

[TO BE INTRODUCED IN THE SENATE]

A

BILL

further to amend the Anti-Terrorism Act, 1997

WHEREAS it is expedient to further amend the Anti-Terrorism Act, 1997 (XXVII of 1997), in the manner, hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** (1) This Act may be called the Anti-Terrorism (Amendment) Act, 2017.

(2) It shall come into force at once.

2. **Insertion of new section in Act No. XXVII of 1997.-** In the Anti-Terrorism Act, 1997 (XXVII of 1997), after section 21A, the following new section shall be inserted, namely:-

"21AA. Protection of Judges, Prosecutors, Witnesses and persons concerned with Court Proceedings.- (1) For the purposes of protecting the Judges, Prosecutors, Witnesses and persons concerned with Court proceedings, the Court may make such necessary orders or take such measures, as it deems fit, which may also include the following:-

(a) Proceedings may be held in camera, or under restricted entry, where necessary, to prevent persons from crowding or storming the Court to intimidate the Judge and/or Prosecutor or to create a threatening atmosphere which may impede the trial;

(b) Witness Anonymity Order may be passed by a Court that requires such specified measures to be taken in relation to a witness in proceedings, as the Court considers appropriate to ensure that the identity of the witness is not disclosed in or in connection with the proceedings. The kinds of measures that may be required to be taken in relation to a witness may include measures for securing one or more of the following:-

(i) That the witness's name and other identifying details shall be withheld or removed from materials disclosed to any party to the proceedings;

(ii) The witness shall use a pseudonym;

- (iii) That the witness shall not be asked questions of any specified description that might lead to the identification of the witness;
 - (iv) That the witness shall be screened so as to prevent his identification; and
 - (v) That the witness's voice is subjected to modulation to any specified extent;
- (c) Live link which refers to a live television link or other arrangements whereby a witness, whilst absent from the courtroom but present at a prescribed location is able to testify and be heard and seen by a Judge. Where a direction for a live link has been given, Cross-examination must be conducted by live link. The Court in furtherance of the interest of justice may order the image and voice of the witness to be morphed so as to protect the identity of the same; and
- (d) Identification Parade shall be carried out by way of witness screening which is the use of screens, curtains or two-way mirrors to shield witnesses and their identity from the Accused and from the public and the media as a means to reduce any potential intimidation and face to face confrontation.

(2) The Court may make such an order only if it is satisfied that the following conditions are met:-

- (a) The proposed order is necessary,-
 - (i) in order to protect the safety of the witness or another person or to prevent any serious damage to property; or
 - (ii) in order to prevent real harm to the public interest; or
 - (iii) in order ensure expeditious trial; and
- (b) Having regard to all the circumstance(s), the effect of the proposed order should be consistent with the Defendant receiving a fair trial.

STATEMENT OF OBJECTS AND REASONS

In order to make effective provision for protection of witnesses and persons concerned with the trial of Anti-Terrorism cases. It is expedient to amend the Anti-Terrorism Act, 1997 so that the witnesses don't feel intimidated, harassed and coerced whilst giving their testimony and are able to testify without being apprehensive of their security in accordance with law.

**SENATOR BARRISTER MURTAZA WAHAB
SENATOR MUKHTIAR AHMED DHAMRAH @ AAJIZ
MEMBERS-IN-CHARGE**