

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 119 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to publish the following Ordinance:—

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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Islamabad, the 9th February, 2018

No. F. 2(1)2018-Pub.— The following Ordinance promulgated by the President is hereby published for general information:—

ORDINANCE No. II OF 2018

AN

ORDINANCE

further to amend the Anti-terrorism Act, 1997

WHEREAS it is expedient further to amend the Anti-terrorism Act, 1997 (XXVII of 1997) for the purposes hereinafter appearing;

AND WHEREAS, the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(57)

Price: Rs. 2.00

[5239(2018)/Ex. Gaz.]

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Anti-terrorism (Amendment) Ordinance, 2018.

(2) It shall come into force at once.

2. **Amendment of section 11B, Act XXVII of 1997.**—In the Anti-terrorism Act, 1997 (XXVII of 1997), herein after referred to as "the Act", in section 11B, in sub-section (1), after clause (a), the following new clause shall be inserted, namely:—

"(aa) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or".

3. **Amendment of section 11EE, Act XXVII of 1997.**—In the Act, in section 11EE, in sub-section (1), after clause (a), the following new clause shall be inserted, namely:—

"(aa) listed under the United Nations (Security Council) Act, 1948 (XIV of 1948); or".

MAMNOON HUSSAIN,
President.

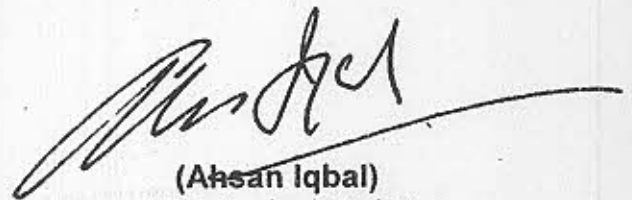
KARAMAT HUSSAIN NIAZI,
Secretary.

GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR

STATEMENT OF OBJECTS AND REASONS

The Anti-Terrorism Act, 1997, though comprehensive in its scope lacks direct reference regarding certain individuals and entities that come under jurisdiction of the United Nations Security Council Resolutions. In addition, when Anti-Terrorism Act, 1997 is invoked against such persons, the national courts in Pakistan demand evidence of wrongdoing. In the absence of such strong evidence, designated individuals have been released by courts several times. In the case of United Nations (Security Council) Act, 1948, there is no requirement of evidence since they have already been designated / proscribed by United Nations Security Council and Pakistan is obliged to take action against them as part of its international obligations.

2. The United Nations (Security Council) Act, 1948 and relevant SROs issued by Ministry of Foreign Affairs which provides for listing of all the persons under the Security Council sanctions regime. Reference of United Nations Security Council Resolution in Sections 11B and 11EE of the Anti-Terrorism Act, 1997 is required so that the Federal Government can take action against a person or organization, as the case may be solely based on United Nations Security Council Resolution. Though the aforesaid sections clearly provides that information received from international institutions is valid information and, can be made grounds / evidence for proscription before courts of law wherein new clause (aa) in Section 11B and a new clause (aa) in Section 11EE in Anti-Terrorism Act, 1997 may be added to tackle the issues.


(Ahsan Iqbal)
Minister for Interior