

Fair Trial Rights under Military Jurisdiction: Constitutional and International Perspectives from Pakistan and the UK

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ABSTRACT

The rule of law and right of a fair trial and judgment forms the cornerstone of constitutional democracy. The eighteen amendments of constitution of Pakistan, Article 10A (2010) shipped the process from a judicial principle into a constitutional guarantee. This study aims to examine how these constitutional guarantees operate in practice when civilians are tried in military courts, using a comparative approach. However, the chronic trial of civilians before military courts continues to this guarantee. Basically, this is designed for maintaining discipline for the military, but these courts have enlarged their jurisdiction and include civilians blamed of terrorism also do wrong offences against state security. This study shows how Pakistan resolves its military jurisdiction through international obligations and national constitution to ensure a fair trial. This study examines Pakistan's legal and constitutional framework, as well as Britain's neighboring Findley. International human rights level Article 14 of the International Covenant on Civil and Political Rights and the general recommendation of the United Nations Commission on Human Rights 32. The study shows Pakistan's main structural defects: the discreet methods, command influence, weak appeal rights, the absence of civilian oversight and explanation for legislation, and gaps in judicial and institutional processes. Comparative study with the British demonstrates that operational discipline and judicial freedom can coexist within constitutional checks. This article shows the reform structure proposing self-reliance appellate procedure, and also show governance reforms, and the supervision of parliament to match Pakistan's military lawfulness with domestic fair trial and international fair-trial standards. It thus recommends an independent appellate process, enhanced civilian oversight, and stronger parliamentary supervision to align Pakistan's military justice with domestic and international fair trial standards.

Keywords: Article 10A Fair Trial · Military Justice · Civilian Oversight · Human Rights Pakistan · United Kingdom

INTRODUCTION

Normally the right to a fair trial is not a legal formality but it shows the good governance and constitutional foundation of legitimate governance [1]. It shows that the government uses the power under the law, not the individual discretion. In constitutional democracies, this right has two purposes: the protection of individual freedom and also keep the government power in check due process [1]. As famously stated in *R v Sussex Justices, ex parte McCarthy* (1924 1 KB 256), "Justice should not only be done but should manifestly and undoubtedly be seen to be done." The justice must not be done, also seen the Public to be done. When Pakistan amended Article 10A in eighteen amendments in 2010 to show his commitment due process the national law brings in line of Article 14 of ICCPR.[1] However, this progress clashed the military justice system often operates beyond civilian judicial control. Pakistan enduring a legal tension the constitutional guarantees and anything happens in practice remains lasting challenges for Pakistan.

The Military courts, originally established for the maintenance and discipline of the armed forces, but later on its expanded in 2015 to check and balance civilians charged of terrorism under the Twenty-First Amendment and the Pakistan Army (Amendment) Act 2015 [2]. Pakistan Army Act 1952 (Sections 2 and 59). Islamabad:

Government Printing Office. [2]. The government of Pakistan say that the trial is very important for the protection of the country but the human rights organization, amnesty international and international commission of jurists said it went against the international agreement and it's broke the Pakistan constitution [3].

Court switched between supporting and opposing the trial. The Supreme Court initially upheld the temporary necessity of such trials in *District Bar Association Rawalpindi v Federation of Pakistan* (PLD 2015 SC 401) [4], but later the supreme court started questioned their constitutionality in rulings on the 2023 and 2025 military trial cases [4]. The main issue is: how Pakistan gives a guarantee everyone gets fair trial in Article 10A when civilians fall under military jurisdiction?

The article say that the fair legal procedure needs to work together with military for efficiency. Comparative experience, particularly the UK reforms after *Findlay v United Kingdom* (ECHR 1997 No. 30), shows that judicial independence and civilian oversight can coexist with operational discipline [5]. Similarly, UN Human Rights Committee General Comment No. 32 (2007) say that the military courts should be used for special cases but also mention that it will supervise by civilian court [6]. This system closely examine that how Pakistani military justice system work it also examine the weakness and also compare to the international standard and also give a reform to make sure fair trial rights to protect under constitution.

LITERATURE REVIEW

Historical And Legal Evolution of Military Justice in Pakistan

The foundation of Pakistan's military justice system began under the British Indian Army Act of 1911, which prioritized command authority over judicial autonomy [7]. Pakistan's Army Act of 1952 adopted a similar framework continuing the earlier model by allowing commanders to control prosecutions, select judges as well as the confirmation of verdicts While this arrangement was effective in wartime conditions it clashes with the ideals of democracy and constitutional fairness.

According to Article 8(3)(a) of the 1973 Constitution laws concerning the armed forces are shielded from judicial review of fundamental rights, but only to the extent that they deal with maintaining discipline. The provision implies that military jurisdiction to those who serve within the armed forces. Article 245 authorizes the armed forces to aid civil power; but does not permit it to take the place of civilian courts. [8]. Hence, the trial of civilians before military courts contradicts the spirit and purpose of the Constitution.

Prior to the inclusion of Article 10A, became part of the Constitution Pakistani courts upheld fair-trial rights through their own interpretations of the law. In *State v Dost Muhammad Khan* (PLD 1977 SC 1), the Supreme Court linked fairness to "lawful process" [9]. In *Benazir Bhutto v Federation* (PLD 1988 SC 416), fairness was seen as part of political legitimacy. Later, in *Mehram Ali v Federation* (PLD 1998 SC 1445) and *Liaquat Hussain v Federation* (PLD 1999 SC 504), The Court declared unconstitutional whose structure compromised their independence and impartiality [10].

With the passage of the Eighteenth Amendment in 2010, Article 10A making the right to a fair trial an explicit and enforceable constitutional right.[1] The Supreme Court in *Suo Motu Case No. 4 of 2010* (PLD 2012 SC 553) defined fair trial as requiring independence, openness, and adequate defense opportunities [11]. These match the standards of Article 14 ICCPR and Article 6 ECHR.

In response to the 2014 Army Public School Tragedy Parliament passed the 21st Amendment and the Pakistan Army (Amendment) Act 2015, which expanded military jurisdiction to include civilians accused of terrorism.[2]. Though temporary, the Supreme Court allowed it in *District Bar Association Rawalpindi v Federation* [12]. After it expired in 2017, civilians were still tried under the 1952 Act [13]. In 2023 and 2025 again revived and face the trial alleged terrorism [14,15].

These developments reflect Pakistan's ongoing struggle to balance national security with constitutional rights. Although certain improvements have been made, military courts still fall short of meeting recognized fair-trial standards at both the domestic and international levels.

The following section identifies the major deficiencies in Pakistan's military justice system that prevent the realization of Article 10A guarantees and thereby address the core question of how Pakistan ensures fair trials for civilians before military courts.

Key Deficiencies in Pakistan's Military Justice System

To evaluate whether Pakistan's current system upholds its constitutional promise of fair trial under Article 10A, this section examines the core weaknesses in its military justice framework.

Experts and human rights bodies have found several continuing flaws in Pakistan's military justice system. It has serious weaknesses that limit the protection of fair-trial rights. One of the main concerns raised by many observers is that military trials are not transparent.[16] These trials are generally conducted behind closed doors; neither the public nor the press is allowed to observe them. [16,17]. The families of those on trial are often not informed about hearing schedules, who will represent the accused, and what the final verdict is.[18] For the national security, such violations of fundamental laws of open court justice, so it protects vital fairness and institutional balance. For the public potency, it undermines the confidence in the justice system, creating perceptions that it is unfair or influenced by bias.

Moreover, the serious thing is that the defendant has very little and small access to lawyers. The lawyer needs to get permission from the military to represent the client in the military court [18]. This kind of limitation abates the independence of defense and also shows indirect control of legal typify in the autonomy of military officers. Reports by Amnesty International (2023) and the International Commission of Jurists (2025) reveal repeated situations where lawyers could not meet their clients privately and were given limited time to prepare their cases. [16,19]. Such actions weaken the accused's ability to defend themselves effectively and go against international human rights rules that guarantee access to legal help.[25]

A further serious flaw is the absence of an impartial appeal process. At present, appeals from military court judgments go only to the Chief of Army Staff [13]. Since the appeal is handled by the same institution that holds the trials, there is no outside review or impartial examination of the verdicts.[20]. Civilian courts, on the other hand, have several layers of appeal, which help prevent unfair or mistaken judgments. Without such an appeal process, in military courts, it amounts to a serious denial of fair procedure and the right to an impartial review.

The influence of commanding officers further reduces and undermines the credibility and impartiality of military courts. Judges, prosecutors, and reviewing officers all belong to the same chain of command; their judgments may be affected, whether intentionally or not, by pressure from superior officers [21]. The Judge Advocate General's Branch, which manages legal matters in the military, operates under the Ministry of Defense rather than the judiciary, leaving little space for independence.[22] Because the military's command and judicial functions are closely linked, conflicts of interest that go against the Constitution and international fair-trial standards.

Over the years, Pakistan has repeatedly used military courts for political purposes, which has become a repeated pattern in Pakistan's history.[23] Military courts have reappeared in periods of political turmoil, such as in 1977, 1999, 2015, and 2023, to try not only terrorists and security suspects but also political opponents and civil activists.[24]. Such practices blur the boundary between protecting national security and the use of military justice for political purposes. Using the military again and again shows that the court is not independent and increases fears of political control over military justice.

Collectively, the main problem is restricted legal representation, lack of transparency, absence of freely review, political misuse, which shows a deeper structural, command influence weakness in the military justice system. The

present military legal framework remains inconsistent in Pakistan to give with the Constitution's guarantees that to ensure fair trials and an independent judiciary. The literature repeatedly stresses legal and institutional reforms that is without meaningful, the violation of national and international human rights in military courts.

To explore possible solutions to these structural flaws, the next section examines how the United Kingdom reformed its own military justice system to meet fair-trial standards.

British Experience and Lessons for Pakistan

It is easy to control the domestic military justice system like the United Kingdom also possible to keep the military system strong without compromising constitutional values or human rights. In 1990s the British military justice system same to the present military justice system of Pakistan, The full control of senior officer over prosecutions, the approval of sentences and trials. At the time all the function is under the higher command power, instead of to work as an independent in court system. This process is eventually difficult by human rights and the European Court of Human Rights (ECHR) for violating Article 6 of the European Convention on Human Rights and set out the principles of independence and fairness.[25]

A changing point came with the landmark case *Findlay v United Kingdom* (1997) [25], after this case, the European Court of Human Rights say that the British court-martial system did not meet the impartiality standards and also the independence and it violating by Article 6 of the European Convention on Human Rights. The judiciary think that the commanding officer have a control in court martial and the choice of prosecutor, to give a final judgment to be seem unfair. This kind of control make the trials unfair and created the perception its means that the justice was control by military and it is not on the basis of law. The *Findlay* ruling acted that the United Kingdom need to reform the military justice system under the human rights standards.[25]

In response to this ruling the United Kingdom implemented the legal reforms and the human rights review later, which resulted in the enactment of the Armed Forces Act 2006 [26]. Under this Act, the UK added the different service laws of the army, navy, and air force into one consistent legal system and to make sure civilian oversight and compliance with the European Convention on Human Rights. A series of major reforms followed. The first is that to appointment of civilian judges for preside over courts martial, and also removing judicial authority from the military command structure. secondly Authorized a neutral body to replace prosecutions previously controlled by commanders guaranteed that prosecutorial decisions were free from superior officers' approaches.[42] The third reform make the Court Martial Appeal Court, staffed by civilian appellate judges, to review military convictions and sentences and ensure an impartial external appeal process. The Fourth is the trial will be in public ally and more transparent, and also to be publishing court judgments, while national security cases keeping confidential at last, the system came under parliamentary review, all the reports need to present

before the Parliament, to make sure accountability. [25] Together, British military justice system changed these reforms into a model that balances respect for discipline with the protection of human rights. The new system ensures fair trial and an independent judiciary service members were granted, and maintain the full respect for international human rights law. To enhance the public trust in fairness and Parliamentary oversight and greater public access have openness of the system.[43]

Now for Pakistan it is very clear lessons from United Kingdom's to improving its own military justice system. The first lesson is that the military justice respects the constitution and still maintain strong discipline. To enhance judicial independence and minimize the impact of command authority appointing civilian judges to courts martial on trial outcomes. Second, to make independent military prosecution authority to pursued on legal merits and rather than command influence. Third, Civil–Military Appeals Court setting up retired Supreme Court and High Court judges would introduce the independent oversight missing from Pakistan's military justice framework [25] Fourth, publishing military court judgments as sensitive information hidden to protect national security, it makes the system more transparent and increase public trust. Lastly, UK is a model the parliamentary reports, would build stronger oversight and reinforce accountability within Pakistan's democratic institutions.

When the military and human rights work together that will strength it is the experience of United Kingdom rather, they complement and reinforce one another: the justice system is transparent and independent, earns more respect from both the military and the public. Adopting reforms such as judicial independence, civilian oversight, open procedures Pakistan will go toward a military justice system consistent with international standards.

These lessons from the UK reforms demonstrate how constitutional democracies can reconcile military discipline with human rights obligations. Building on this model, the next section situates Pakistan’s practices within the broader framework of international human rights law.[44]

International Human Rights Framework

International human rights law focus on every trial is fair and everyone treated equally and stay independent these are the clear rules. Article14 of the International Covenant on Civil and Political Rights (ICCPR) states that everyone is equal before the law and guarantees a fair hearing by an independent and impartial tribunal created by law [27]. These guarantees extend to every person, not just members of the military, and serve as the basis of fair-trial practices in modern legal systems.

The UN Human Rights Committee, in General Comment No. 32 (2007), the use of military courts for civilians should be extremely limited, and allowed only when ordinary courts are unable to function [6]. Even in those rare cases, The Committee maintains that even when military courts try civilians, their decisions should be reviewed by civilian courts to uphold judicial independence and avoid abuse of authority.

Around the world both international and regional human rights bodies share the view that civilians should not be tried in military courts. The Inter-American Court of Human Rights, the African Commission on Human and Peoples’ Rights, and the European Court of Human Rights all agree that putting civilians on trial in military courts violates their right to a fair and impartial hearing [28–29]. The courts highlight that military justice exists to maintain discipline in the armed forces and not to substitute or override the civilian judicial system.

Recent reports by Amnesty International (2023) and the International Commission of Jurists (2025) reaffirm international fair-trial standards and point out Pakistan’s continuing violations. [3, 19]. Both groups report that Pakistan’s military courts still work in secret restrict independent legal defense, and deny effective appeals, all of which breach international fair-trial norms.

This comparison shows that, the United Kingdom has managed to reconcile military discipline with humanrights obligations, Pakistan’s system is still marked by command control and secrecy.

Standard	United Kingdom (After 2006)	Pakistan (2025)
Independence	Independent prosecutors; civilian judges	Within the military structure
Public hearing	Mostly open	Fully secret
Right to counsel	Free and unrestricted access	Requires military approval
Appeal & Oversight	Civilian appellate court with parliamentary and judicial review	Chief of Army Staff; no external review

Table 1. Comparison of Military Court Fair-Trial Standards in the United Kingdom and Pakistan

To comply with Article 14 of the ICCPR, harmonize its judicial practices into conformity with international fairtrial norms Pakistan have also need to reform its military justice system.[32] The main reform is: to secure

judicial independence with civilian input allowing public trials except in real security cases to make sure unrestricted access to the counsel, establishing an independent appellate court, and adding parliamentary review and judicial oversight.

These reforms would restoring public confidence and also make Pakistan's military justice system with international legal standards, to stronger reputation of the armed forces, and reaffirming Pakistan's dedication to constitutional democracy and human rights.

Reform Proposals

Military justice system of Pakistan needs deep and high-level reforms. The study will show the weaknesses, policy mechanisms, judicial oversight and institutional structure in the legal framework. The main aim of reforms is to put Pakistan's military justice system with constitutional protections discussed in Articles 8, 10A, and 245, the international commitments under Article 14 of the ICCPR.[32] The below outline is a broad to promote fairness, transparency, and accountability legal framework while preserving the discipline essential to military operations.

Legislative Steps

Democratic and constitutional oversight need reform in the military justice system through legislation to make it modern.

1. Limit military trials to service members [30].

It is the authority of Military courts only over members of the armed forces and individuals formally governed by military law. It is going against to putting civilians on trial in military courts, it violates internationally and constitutionally human rights norms. For the clarification of military jurisdiction need amendment in Pakistan Army Act 1952, also need to open civilian court review and stop the trial of civilians except in rare wartime emergencies.

2. Create a Civil–Military Appeals Court with retired judges [31].

when the military court give convictions the parliament should create an independent appeals body to provide impartial review. The body need the retired judge of Supreme Court and High Court, to maintain consistency with the Constitution's due-process protections.

3. Repeal clauses that block civilian court review [32].

The sections of the Army Act which bar the regulations of Supreme Court or High Courts from reviewing military court decision it weaken the judicial independence. the section needs to remove and restore to give full access to the Supreme Court's and High Courts' jurisdiction under Articles 184(3) and 199, ensuring that military courts function within continuously subject to constitutional oversight.

4. Publish military-court judgments (with security redactions).

Transparency is the main part of reform. Make online database to publish finalized military court judgments, there is sensitive data removed for national security reasons. Public availability of military court judgments in the presences of public to strengthen legal oversight and reduce the chances of political interference in military courts.

5. Apply the Qanun-e-Shahadat Order 1984 to military proceedings.[41]

Pakistan's general Law of Evidence must adhere in military court to guarantee that all testimony, documents,

and confessions are judged by fair and consistent standards. This step would help and harmonize military justice procedures and stope forced confessions with those of the civilian judiciary.

6. Present annual reports on military justice to Parliament.

To present an annual report to Parliament outlining the total number of cases tried, The Ministry of Defense should be required by law convictions, acquittals, and appeals awaiting resolution. A special Parliamentary Committee to examine guarantee transparency and sustained institutional oversight.

6.2 Judicial and Institutional Reforms

legislative changes must be underpinned by empowered judicial and institutional structures that cultivate autonomy to enhance professional competence, and accountability.

1. Supreme Court monitoring of Article 10A enforcement [29].

The Supreme Court of Pakistan should regularly check the implementation of Article 10A to ensure that the military courts to safeguard fair-trial guarantees by using Suo motu powers or hearing constitutional petitions, the Supreme Court can play a proactive role in ensuring that military trials follow fair-trial principles.

2. High Court review panels for military cases [33].

Each High Court should constitute a dedicated panel of judges to review military court cases involving civilians. Such panels would safeguard fundamental rights are upheld and that no military court decision goes against the Constitution.

3. Inclusion of civilian lawyers in the Judge Advocate General's Branch [34].

The inclusion of qualified civilian lawyers in the Judge Advocate General's Branch (JAG) would improve legal standards and promote independence. Their involvement would bring in new perspectives minimize the impact of command hierarchy on legal decision-making.

4. Establish a Military Legal-Aid Fund.

The government should create a Legal Aid Fund provide defense lawyers to people facing military trials. Implementing this measure would create a more equitable system for equal access to justice for all individuals.[45]

5. Create a bipartisan Parliamentary Oversight Committee.

To make a committee and put the representation of government and opposition to promote oversight. This committee will check and balance fair- trial standards and also examine the annual reports.[46]

6.3 Human Rights and Policy Reforms

Outside the realm of law and institutional structures and need to pursue broader culture in Pakistan and show transparency, and human rights within society.

1. Launch a National Fair-Trial Policy.

It is the duties of government to improve National Fair trial rules and make sure the fairness of institutions and give the education to officer under the human rights law to handle ethical investigation practices and proper handling of evidence.[47]

Update the ICCPR Optional Protocol.

Pakistan needs to upgrade the First Optional Protocol to the ICCPR. Allow direct suit in UN Human Rights Committee for accountability and human-rights protection. Taking such a step affirm Pakistan's adherence international norms of transparency and fairness and accountability.[35]

2. Allow civil observers in selected trials.

Need the organization and civil society for human rights to check some military court sessions and observe check and balance in military courts.[48]

3. Promotion of public awareness of fair-trial rights.

The promotion of fair trial in public is the duties of government to aware through, media, and educational institutions. A justice system grounded on the basis of human rights protection then the nation will go in the sides of stability.[45]

CONCLUSION

The fundamental challenge for Pakistan is to face national security. the article 10A of constitution is clearer and give the guarantee of fairness when the military court established on the basis of 21 amendment Pakistan Army (Amendment) Act 2015 as an exceptional response to terrorism to exercise the civilian in military court. It violates the principal of constitution and the separation of powers protected by Articles 4, 9, 25, and 175(3).[36] In the supreme court reaffirmed in 2023 and 2025 judgment show that the trial of civilian in military is against the constitution guarantees and it is the breach of international obligation Article 14 of the ICCPR, the article makes sure the rights of fair trial and promote impartial public hearing. The supremacy of constitutional and executive authority breaks the ongoing practice of civilians in military courts.

The Comparison provides a good result compelling evidence and persuasive guidance for meaningful reform. This case *Findlay v United Kingdom* (1997) change the United Kingdom judiciary system to reformed the Armed Forces Act 2006 and later ECHR jurisprudence judicial independence reinforces military discipline and effectiveness within the military structure. International precedents, *Castillo Petruzzi v Peru* (1999) [37] Judgments such as *Castillo Petruzzi v Peru* (1999) Infront of Inter-American Court and *Law Society of Zambia v Zambia* (2018) The jurisdiction over civilian in military rejected the African court and recognized that it is totally against international human rights and fair trial guarantees.[38] For the maintenance, constitutional supervision and human rights principles was affected the military orders. Pakistan, need to follow the same reforms and also connect international legal commitments.

Pakistan needs concert reform to algin military justice system with international human rights system and constitutional principles. The power of military court is to deal armed forces personnel offences intrinsically related to military discipline, to intend f Sections 2 and 59 of the Pakistan Army Act 1952.[39] Military Courts Appeals Act (2025) to ensure fairness, transparency, impartial review and procedural oversight and integrity in military justice proceedings. To stronger joint parliamentary committee and compose it government and opposition parties make sure the fair trial and also review the annual report. The judge should be well qualified civilian lawyer and finically supported by legal Aid Scheme, arranged the training courses about human rights law, evidentiary discipline, and ethical investigative conduct. Point out a civil society and human rights to observers' military trials, under suitable security protocols to enhance transparency, confidence of public administration of justice.

For the sustain of fair trial and human rights right principal Pakistan need institutional and legal reforms. The awareness of public about fair trial and human rights protection is a duty of government through, media platforms, and educational institutions, rather than undermines, national security Pakistan's resolve to align its

justice framework with international mechanisms of accountability, Ratification of the First Optional Protocol to the

ICCPR and consolidation internal reform for rights-based legal order.[32] A justice system promotes the national unity and politically and social stability. To make independent institute its means that to promote accountability [40], The commitments international law Pakistan can move toward safe side. Ongoing Pakistan needs national security not from exceptional measures but in justice system the supremacy of constitution.

Standard / Element	UK (After Armed Forces Act 2006)	Pakistan (Current Framework, 2025)	Practical Reform Lessons for Pakistan
Judicial Independence	Civilian judges preside over courts-martial; command authority excluded from judicial decision-making.	Military officers act as judges; command influence remains strong.	Appoint civilian or retiredjudicial officers to ensure separation of command and justice functions.
Prosecution Authority	Independent Service Prosecuting Authority under civilian oversight.	Prosecutors operate within military hierarchy.	Establish a separate Military Prosecution Service answerable to Parliament or judiciary.
Transparency & Public Access	Hearings generally public; judgments published except in security-sensitive cases.	Trials held in secret; verdicts rarely disclosed.	Publish redacted judgments and permit limited media or civil-society observation.
Right to Counsel	Unrestricted access to legal representation; government funded legal aid available.	Counsel access requires military permission; limited preparation time.	Guarantee full, private access to defense lawyers; create a military legal-aid fund.
Appeal Mechanism	Court Martial Appeal Court composed of civilian judges; further appeal to higher civil courts possible.	Appeals lie to Chief of Army Staff; no independent civilian review.	Form an independent Civil Military Appeals Court staffed by retired High-Court/Supreme-Court judges.
Parliamentary & Civilian Oversight	Annual parliamentary reports and external audits enhance accountability.	Minimal legislative or public scrutiny.	Mandate annual reporting to Parliament and empower a bipartisan oversight committee.
Human-Rights Compliance	Fully aligned with ECHR Article 6 standards.	Repeatedly criticized by ICCPR monitoring bodies for secrecy and lack of independence.	Harmonize with ICCPR Article 14; strengthen cooperation with UN treaty bodies.

Table 2: Key Contrasts Between Pakistan and United Kingdom Military Justice Systems with Reform Insights

BIBLIOGRAPHY

1. Constitution of the Islamic Republic of Pakistan. (2010). Eighteenth Amendment Act (insertion of Article 10A: Right to Fair Trial). Retrieved from <https://pakistancode.gov.pk/pdf/files/administrator7f0dbe8685623b719ab97d92804b108b.pdf>
2. Government of Pakistan. (2015). The Twenty-First Amendment Act, 2015. Islamabad: Government Printing Office. Retrieved from <https://pakistancode.gov.pk>

3. Amnesty International. (2015). Pakistan: Military courts – justice or revenge? Retrieved from <https://www.amnesty.org/en/documents/asa33/001/2015/en/>
4. Supreme Court of Pakistan. (2015). District Bar Association, Rawalpindi v. Federation of Pakistan (PLD 2015 SC 401). Retrieved from <https://caselaw.shc.gov.pk/caselaw/view-file/MTQ1MDMwY2Ztcy1kYzgZ>
5. European Court of Human Rights. (1997). Findlay v. The United Kingdom (Application No. 22107/93). Retrieved from <https://www.refworld.org/jurisprudence/caselaw/echr/1997/en/14353>
6. United Nations Human Rights Committee. (2007). General Comment No. 32: Article 14 – Right to equality before courts and tribunals and to a fair trial. Retrieved from <https://documents.un.org/doc/undoc/gen/g10/102/94/pdf/g1010294.pdf>
7. Government of India. (1911). British Indian Army Act 1911. London: His Majesty's Stationery Office. Retrieved from <https://archive.org/details/in.ernet.dli.2015.278547>
8. The News. (2023, June 12). Military trial of civilians. Retrieved from <https://www.thenews.com.pk/print/1079501-military-trial-of-civilians>
9. Dawn News. (2012, date unknown). State v Dost Muhammad Khan (PLD 1977 SC 1) & fair-trial jurisprudence in Pakistan. (Note: full case text).
10. Supreme Court of Pakistan. (1998–1999). Mehram Ali v. Federation of Pakistan (PLD 1998 SC 1445); Liaquat Hussain v. Federation of Pakistan (PLD 1999 SC 504). Islamabad: Supreme Court Reports. Retrieved from <https://pakistancode.gov.pk>
11. Supreme Court of Pakistan. (2012). Suo Motu Case No. 4 of 2010 (PLD 2012 SC 553) – definition of fair trial.
12. Supreme Court of Pakistan. (2015). District Bar Association, Rawalpindi v. Federation of Pakistan (PLD 2015 SC 401). Retrieved from <https://caselaw.shc.gov.pk/caselaw/view-file/MTQ1MDMwY2Ztcy1kYzgZ>
13. Government of Pakistan. (1952). Pakistan Army Act, 1952 (Sections 2 and 59).
14. The News. (2023, October 23). A year after SC annulled military courts, civilians await justice. Retrieved from <https://www.dawn.com/news/1866943/>
15. The Express Tribune. (2025, January 07). Can civilians be tried under Army Act? Supreme Court seeks clarity. Retrieved from <https://tribune.com.pk/story/2520562/apex-court's-cb-seeks-clarity-on-civilians-beingtried-under-army-act>
16. Amnesty International. (2023, May 22). Pakistan: Civilians must not be tried under military laws. Retrieved from <https://www.amnesty.org/en/latest/news/2023/05/pakistan-civilians-must-not-be-tried-under-militarylaws/>
17. International Commission of Jurists (ICJ). (2023). Military justice system: A glaring surrender of human rights in Pakistan. Retrieved from <https://www.icj.org/pakistan-military-justice-system-reflects-a-glaring-surrender-of-human-rights/>
18. International Commission of Jurists (ICJ). (2015). Pakistan – The trial of civilians by military courts (Advocacy Analysis Brief). Retrieved from <https://www.icj.org/wp-content/uploads/2015/04/Pakistan-Q-and-A-Military-Courts-Advocacy-Analysis-Brief-2015-ENG.pdf>
19. Human Rights Watch. (2024, December 18). Pakistan: Military courts lack transparency and due process. Retrieved from <https://www.hrw.org/news/2024/12/18/pakistan-military-courts-lack-transparency-and-due-process>
20. Dawn News. (2025, September 21). SC upholds military trials of civilians, seeks independent right of appeal. Retrieved from <https://www.dawn.com/news/1891532>
21. Pakistan Today. (2025, September 22). Supreme Court upholds military trials, demands legislative right to appeal. Retrieved from <https://www.pakistantoday.com.pk/2025/09/22/sc-upholds-military-trials-of-civilians-seeks-independent-right>
22. The Express Tribune. (2025, January 7). Can civilians be tried under Army Act? Supreme Court seeks clarity. Retrieved from <https://tribune.com.pk/story/2520562/apex-court's-cb-seeks-clarity-on-civilians-beingtried-under-army-act>
23. Business Recorder. (2025, May 8). SC allows civilians' trial in military courts. Retrieved from <https://www.brecorder.com/news/40361637-sc-allows-civilians-trial-in-military-courts>

24. The Express Tribune. (2025, January 7). Can civilians be tried under Army Act? Supreme Court seeks clarity. Retrieved from <https://tribune.com.pk/story/2520562/apex-court's-cb-seeks-clarity-on-civilians-beingtried-under-army-act>
25. European Court of Human Rights. (1997). Findlay v. The United Kingdom (Application no. 22107/93),
26. Judgment of 25 February 1997. Retrieved from <https://hudoc.echr.coe.int/eng?i=001-58031>
27. United Kingdom Government. (2006). Armed Forces Act 2006 (Chapter 52). Retrieved from <https://www.legislation.gov.uk/ukpga/2006/52/contents>
28. Ministry of Defence (UK). (2017). The Armed Forces (Court Martial) Rules 2009 – Updated Guidance. Retrieved from <https://www.gov.uk/guidance/the-armed-forces-court-martial-rules>
29. House of Commons Defence Committee. (2021). Fairness, Justice and the Armed Forces: An Update (HC 90, Session 2021–22). Retrieved from <https://committees.parliament.uk/publications/7879/documents/81813/default/>
30. United Nations Human Rights Committee. (2007). General Comment No. 32: Article 14 – Right to equality before courts and tribunals and to a fair trial. Retrieved from <https://documents.un.org/doc/undoc/gen/g10/102/94/pdf/g1010294.pdf>
31. United Nations Human Rights Committee. (2007). General Comment No. 32: Article 14 – Right to equality before courts and tribunals and to a fair trial. Retrieved from <https://documents.un.org/doc/undoc/gen/g10/102/94/pdf/g1010294.pdf>
32. Parliament of the United Kingdom. (2023). Annual Armed Forces Covenant Report 2023. Retrieved from <https://www.gov.uk/government/publications/armed-forces-covenant-annual-report-2023>
33. Unid Nations. (1966). International Covenant on Civil and Political Rights (ICCPR) – Article 14. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civiland-political-rights>
34. Inter-American Court of Human Rights. (2004). Case of Cantoral Benavides v. Peru, Judgment of December 3, 2004. Retrieved from https://www.corteidh.or.cr/docs/casos/articulos/seriec_100_ing.pdf
35. African Commission on Human and Peoples' Rights. (2000). Media Rights Agenda v. Nigeria, Communication No. 224/98. Retrieved from <https://achpr.au.int/en>
36. Office of the United Nations High Commissioner for Human Rights (OHCHR). (2020). Individual Complaint Procedures under the Human Rights Treaties. Geneva: OHCHR. Retrieved from <https://www.ohchr.org/en/treaty-bodies/individual-communications>
37. Constitution of the Islamic Republic of Pakistan. (1973). Articles 4, 9, 25, and 175(3) – Fundamental Rights and Separation of Powers. Retrieved from <https://pakistancode.gov.pk>
38. Castillo Petruzzi et al. v. Peru. (1999). Judgment of the Inter-American Court of Human Rights, Series C No. 52. Retrieved from https://www.corteidh.or.cr/docs/casos/articulos/seriec_52_ing.pdf
39. Law Society of Zambia v. Zambia. (2018). Judgment of the African Court on Human and Peoples' Rights (Application No. 006/2015). Retrieved from <https://www.african-court.org/cpmt/details-case>
40. Pakistan Army (Amendment) Act. (2015). An Act to amend the Pakistan Army Act, 1952, to provide for the trial of certain offences relating to terrorism by military courts. Retrieved from <https://pakistancode.gov.pk>
41. United Nations Human Rights Committee. (2007). General Comment No. 32: Article 14 – Right to equality before courts and to a fair trial. Retrieved from <https://documents.un.org/doc/undoc/gen/g10/102/94/pdf/g1010294.pdf>
42. Qanun-e-Shahadat Order. (1984). Law of Evidence Order (President's Order No. 10 of 1984). Retrieved from <https://pakistancode.gov.pk/pdf/files/5b5d56dbaea3d8c3d4b71b43b507e15e.pdf>
43. Crown Prosecution Service. (2018). Service Prosecuting Authority: Structure and Function. Retrieved from <https://www.gov.uk/government/organisations/service-prosecuting-authority>
44. Ministry of Defence (UK). (2018). Manual of Service Law (JSP 830), Volume 1: Legal Framework. London: MOD. Retrieved from <https://www.gov.uk/government/publications/jsp-830-manual-of-service-law>
45. United Nations Human Rights Committee. (2007). General Comment No. 32: Article 14 – Right to equalitybeforecourtsand to a fair trial. Retrieved from <https://documents.un.org/doc/undoc/gen/g10/102/94/pdf/g1010294.pdf>

46. United Kingdom Ministry of Defense. (2022). Legal Aid in the Service Justice System: Policy Guidance (JSP 838). Retrieved from <https://www.gov.uk/government/publications/jsp-838-legal-aid-in-the-service-justice-system>
47. House of Commons Defense Committee. (2021). Fairness and Effectiveness in the Armed Forces' Service Justice System. London: UK Parliament. Retrieved from <https://committees.parliament.uk/work/511/fairnessand-effectiveness-in-the-service-justice-system/>
48. Council of Europe. (2019). European Guidelines on Ethics and Conduct for Law Enforcement Officials. Strasbourg: Council of Europe Publishing.
49. Organization for Security and Co-operation in Europe (OSCE). (2012). Trial Monitoring: A Reference Manual for Practitioners. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR). Retrieved from <https://www.osce.org/odihr/trial-monitoring-reference-manual>