

Strengthening Pakistan's Counter-Terrorism Criminal Justice System: Institutional Gaps, Prosecution Challenges, and Policy Reform

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Abstract

Terrorism has remained one of Pakistan's persistent national-security and governance challenges. Although Pakistan has developed extensive counter-terrorism legislation, specialized institutions, Anti-Terrorism Courts, the National Counter Terrorism Authority (NACTA forthwith), and the National Action Plan (NAP), significant weaknesses remain in converting counter-terrorism operations into sustainable criminal-justice outcomes. The supplied research identifies poor intelligence-police coordination, defective investigations, inadequate forensic facilities, weak prosecution, witness intimidation, judicial insecurity, insufficient counter-terrorism financing controls, and shortcomings in the Anti-Terrorism Act (ATA), 1997. This paper revisits these issues through secondary data and literature published up to 2024. It argues that Pakistan's principal challenge is not simply the ability to arrest or disrupt terrorist actors, but the ability to transform intelligence into admissible evidence, evidence into effective prosecution, and prosecution into timely and credible judicial outcomes. The paper recommends intelligence-to-evidence protocols, specialized investigation and prosecution units, stronger forensic capacity, comprehensive witness protection, judicial security, clearer terrorism legislation, stronger financial investigations, and measurable implementation mechanisms for the NAP and Revised NAP.

Keywords: Pakistan; terrorism; counter-terrorism; criminal justice system; Anti-Terrorism Act; prosecution; Anti-Terrorism Courts; National Action Plan; forensic evidence; witness protection

Introduction:

Previous research for this study identifies a persistent gap between counter-terrorism operations and successful criminal-justice outcomes. It argues that arrests alone do not resolve terrorism when investigations are defective, evidence is weak, witnesses are intimidated, prosecutors lack capacity, and courts face security and procedural constraints. Tariq (2019) identifies ambiguity in the definition of terrorism under the ATA as a source of jurisdictional difficulty. Shad and Iqbal (2021) argue that Pakistan has historically relied more heavily on a war model than a criminal-justice model of counter-terrorism. Imran and Idrees (2021), Wattoo (2022), Umar and Khan (2022), and Imran and Nordin (2023) similarly identify weaknesses in legislation, investigation, prosecution, evidence, and adjudication. The central argument of this

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paper is that sustainable counter-terrorism requires an effective chain from intelligence to investigation, evidence, prosecution, adjudication, and enforcement of judicial outcomes.

Statement of the Problem:

Pakistan possesses a substantial counter-terrorism architecture, including the ATA, Anti-Terrorism Courts, NACTA, provincial Counter Terrorism Departments, security institutions, financial-control mechanisms, and the NAP. Nevertheless, the supplied research identifies a persistent arrest–conviction gap. Major problems include legal ambiguity, weak intelligence–police coordination, inadequate investigation, insufficient forensic capacity, weak police–prosecutor coordination, witness intimidation, threats to judges and prosecutors, inadequate financial investigation, trial delays, and incomplete criminal-justice reform.

Research Objectives:

- i. To examine institutional weaknesses affecting Pakistan’s counter-terrorism criminal-justice system.
- ii. To analyze obstacles affecting investigation and prosecution of terrorism cases.
- iii. To examine the impact of legal ambiguity on Anti-Terrorism Courts.
- iv. To assess the importance of forensic evidence and investigative capacity.
- v. To examine witness and judicial protection.
- vi. To assess the criminal-justice dimensions of the National Action Plan.
- vii. To propose reforms for strengthening Pakistan’s criminal-justice response to terrorism.

Research Questions:

- i. Why does Pakistan continue to face difficulties in achieving sustainable counter-terrorism outcomes despite extensive security operations and legislation?
- ii. What are the principal weaknesses in terrorism investigation and prosecution?
- iii. How does ambiguity in the ATA affect terrorism trials?
- iv. How do deficiencies in forensics and witness protection affect prosecution?
- v. To what extent does the NAP address criminal-justice weaknesses?
- vi. What reforms can strengthen the counter-terrorism criminal-justice system?

Methodology:

This study uses a qualitative secondary-data research design. It does not use primary interviews, questionnaires, or field observations. The previous research documents are used as the principal historical and conceptual source and are supplemented by peer-reviewed journal articles, Pakistani legislation, NACTA policy documents, and relevant institutional literature published. The analysis is thematic and focuses on legal framework, intelligence and investigation, forensic evidence, prosecution, judicial capacity, witness protection, counter-terrorism financing, and implementation of the NAP. Because national terrorism-prosecution data are not consistently available in a standardized public database, the paper identifies institutional patterns rather than claiming a definitive national conviction-rate series.

Evolution of Pakistan's Anti-Terrorism Legal Framework:

Literature traces the development of Pakistan's specialized anti-terrorism framework from the Suppression of Terrorist Activities (Special Courts) Act, 1975, to the Anti-Terrorism Act (ATA), 1997, reflecting the state's efforts to establish a specialized legal and judicial mechanism for dealing with terrorism. The ATA introduced Anti-Terrorism Courts (ATCs) and has subsequently undergone numerous amendments in response to changes in the nature, organization, financing, and methods of terrorist activity (Government of Pakistan, 1997). While these reforms demonstrate the state's willingness to adapt its counter-terrorism legislation to emerging security threats, the repeated expansion and modification of the legal framework have also created interpretive and jurisdictional challenges. In particular, uncertainty regarding what constitutes a terrorist act and which cases fall within the jurisdiction of ATCs can complicate investigations, prosecutions, and judicial proceedings.

Tariq (2019) argues that ambiguity within the legal framework can contribute to jurisdictional disputes and undermine the objective of speedy trials, while Wattoo (2022) similarly highlights weaknesses in the definition and application of terrorism-related provisions. Such concerns are important because overly broad or inconsistently applied definitions may bring ordinary criminal matters within the specialized terrorism framework, while overly narrow interpretations may exclude conduct that presents genuine terrorist threats. The effectiveness of Pakistan's anti-terrorism regime therefore depends not merely on the existence or expansion of legislation, but on the clarity, consistency, proportionality, and effective implementation of that legislation. Greater precision in statutory definitions, clearer jurisdictional boundaries, consistent judicial interpretation, and stronger procedural safeguards could help reduce delays and institutional disputes while ensuring that serious terrorism cases are dealt with efficiently without compromising fundamental principles of due process.

Intelligence–Police Coordination:

Previous research identifies weak coordination between intelligence agencies, police, investigators, forensic institutions, and prosecutors as a major obstacle to effective counter-terrorism prosecution in Pakistan (Khattak & Meraj, 2022). Intelligence agencies may generate valuable information concerning suspected terrorist activity, networks, financing, movement, or planned attacks, but intelligence information is not automatically equivalent to evidence that can be presented and tested in a criminal trial. UNODC's analysis of terrorism cases in Khyber Pakhtunkhwa found instances in which police received intelligence concerning suspects, but the information was not sufficiently developed into corroborating evidence capable of supporting prosecution. In some cases, courts questioned the evidentiary basis for arrests made based on "spy information," illustrating the practical distinction between intelligence that can guide an investigation and evidence that can establish criminal responsibility. Similarly, Zaidi (2016) and Ali et al. (2022) in their analysis of 235 Anti-Terrorism Court judgments, identify weak investigative capacity, limited use of forensic evidence, and inadequate coordination between police and prosecution as important factors contributing to unsuccessful terrorism prosecutions in Pakistan.

This problem may be described as an intelligence-to-evidence gap (Hassan et al., 2023): intelligence can initiate an investigation, but investigators must independently verify the information through legally authorized investigative techniques, documentary records, witness testimony, financial trails, digital material, physical evidence, and forensic analysis. The problem

is particularly significant where intelligence agencies must protect confidential sources and methods, because the information supplied to investigators may contain sensitive material that cannot simply be disclosed in open court. International scholarship on intelligence-to-evidence systems similarly emphasizes the need to develop institutional mechanisms that allow intelligence to inform criminal investigations while maintaining source protection, disclosure obligations, and fair-trial requirements (Forcese, 2018; Murray & Huzulak, 2021). Pakistan therefore requires formal protocols through which intelligence leads can be documented, assessed, corroborated, and transferred into an investigation without compromising intelligence sources or the legal rights of accused persons. Such procedures should include clear responsibility for initiating investigations, standardized information-sharing mechanisms, secure databases, appropriate documentation of intelligence inputs, and coordination between intelligence officers and trained investigators.

The role of prosecutors is equally important because evidence collection and case preparation should not be treated as separate stages. NACTA reports that it developed an Investigator–Prosecutor Cooperation Standard Operating Procedure 2019, specifically to promote the involvement of prosecutors from the inquiry and investigation stage, rather than waiting until the challan is submitted to court. Dedicated prosecutors have also been attached to provincial Counter-Terrorism Departments and trained in terrorism financing investigations and prosecution. This institutional arrangement recognizes that prosecutors can identify evidentiary deficiencies at an early stage and advise investigators on issues such as witness statements, documentary evidence, digital evidence, chain of custody, forensic requirements, and the legal elements that must ultimately be proved. NACTA itself identifies inadequate use of modern forensic investigation, insufficient infrastructure, delays, and weaknesses in witness protection as continuing problems within Pakistan’s criminal justice system (NACTA, 2019–2024).

Effective coordination should therefore be understood as a continuous institutional chain rather than a simple exchange of information between agencies. Intelligence should generate investigative leads; investigators should independently corroborate those leads; forensic specialists should scientifically examine physical and digital evidence; prosecutors should review the evidentiary and legal sufficiency of the case before trial; and courts should evaluate the resulting evidence according to established standards of criminal procedure. The absence of coordination at any stage can weaken the entire process. As the U.S. Department of State observed in its assessments of Pakistan, sporadic information-sharing, limited technical capacity, inadequate prosecutorial involvement during investigations, and jurisdictional divisions among security institutions have historically impeded effective investigation and prosecution of terrorism cases (UNODC, 2022-2024; United States Department of State, 2015 & 2016). Thus, improving Pakistan’s counter-terrorism performance requires a transition from an agency-centered model toward an integrated intelligence-investigation-prosecution framework. Such a model would preserve the operational value of intelligence while ensuring that arrests and prosecutions are ultimately supported by independently corroborated, lawfully collected, and judicially admissible evidence. This would strengthen both the effectiveness and legitimacy of Pakistan’s counter-terrorism criminal justice system.

Investigative and Forensic Capacity:

Terrorism cases frequently involve complex and interconnected forms of evidence, including digital communications, financial transactions, explosives, weapons, surveillance

footage, biometric material, mobile devices, and the activities of multiple suspects. Such cases therefore require investigative techniques that go well beyond conventional reliance on witness statements, confessions, or basic documentary evidence. Research on Pakistan's criminal justice system has identified weaknesses in crime-scene management, investigative training, technical resources, and forensic capacity as important obstacles to successful terrorism prosecutions. A study of crime-scene investigation in Pakistan, for example, found that police personnel often lack adequate training and equipment for the systematic identification, collection, preservation, and documentation of evidence (Associated Press of Pakistan, 2024; Ali et al., 2022; UNODC, 2022-2024). Similarly, Imran and Nordin (2023) argue that delays and weaknesses in the production and construction of evidence contribute substantially to the high acquittal rate in terrorism cases. These weaknesses demonstrate that the effectiveness of counter-terrorism investigations depends not only on identifying suspects but also on building a scientifically and legally sustainable evidentiary case.

Pakistan should therefore continue expanding specialized forensic and technical capabilities in areas such as DNA profiling, ballistics, explosives analysis, digital forensics, mobile-device examination, CCTV and video analysis, geospatial intelligence, and financial investigation. Digital evidence is increasingly important because terrorist organizations can communicate, organize, recruit, transfer funds, and coordinate activities through mobile phones, social-media platforms, encrypted applications, and other digital systems. Financial investigation is similarly essential because tracing transactions, assets, intermediaries, and sources of terrorist financing can reveal relationships that may not be apparent through conventional investigation. Recent UNODC capacity-building activities in Pakistan have accordingly emphasized electronic and digital evidence, crime analytics, financial intelligence, countering terrorist financing, explosive-related investigations, case management, and crime-scene expertise (UNODC, 2017; Associated Press of Pakistan, 2024). The development of these capabilities should, however, be accompanied by standardized procedures for evidence collection, packaging, storage, transportation, and documentation. Pakistan's forensic authorities already emphasize documentation, secure packaging, preservation of digital material, and continuous chain-of-custody records, demonstrating the importance of procedural consistency in maintaining evidentiary integrity.

The broader objective should be to develop an integrated forensic-investigative system in which investigators, forensic scientists, intelligence agencies, prosecutors, and specialized counter-terrorism units work together from the earliest stage of a case. Investment in laboratories alone is insufficient if crime scenes are improperly managed or evidence is contaminated, poorly documented, or submitted late for examination (Bashir et al., 2019). Likewise, sophisticated digital-forensic capacity will have limited value if investigators and prosecutors are not sufficiently trained to interpret and present the resulting evidence in court (Khattak & Meraj, 2022). Police reform research in Pakistan has similarly identified inadequate forensic and information-technology capacity, weak investigation, and insufficient collaboration between departments as continuing structural problems. Consequently, Pakistan's counter-terrorism strategy should emphasize continuous professional training, standardized forensic protocols, accredited laboratories, secure evidence-management systems, interoperable databases, and closer investigator-forensic scientist-prosecutor cooperation. Strengthening these components would help transform investigative leads into reliable, admissible, and scientifically supported evidence, thereby improving the probability of successful and sustainable terrorism prosecutions while reducing dependence on weak or contested forms of proof.

Prosecution and the Arrest–Conviction Gap:

An arrest is an operational outcome, not a judicial finding of guilt. The ability of law-enforcement agencies to identify, detain, and arrest suspected terrorists is important for immediate security purposes, but the criminal-justice process ultimately depends on whether the state can establish guilt through admissible and credible evidence. In Pakistan, research has repeatedly identified weak investigation, incomplete case files, inadequate forensic and documentary evidence, limited prosecutorial capacity (Khattak & Meraj, 2022), witness-related problems, and security threats as factors that can contribute to the failure of terrorism cases in court. Zaidi (2016), based on an analysis of 235 Anti-Terrorism Court judgments and discussions with relevant stakeholders, found that weaknesses existed across the police, prosecution, and judicial components of the criminal-justice system rather than within a single institution. He particularly emphasized poor investigative capacity, limited use of forensic evidence, weak coordination between police and prosecution, and difficulties in producing witnesses and evidence before the courts. This suggests that counter-terrorism effectiveness should not be assessed primarily through the number of arrests or cases registered, but also through the quality of investigations, the evidentiary strength of cases, and the ability of prosecutors and courts to convert investigations into lawful and sustainable convictions.

Within this framework, prosecutors should play a much more active role from the early stages of complex terrorism investigations. Rather than becoming involved only after the police have completed the investigation and prepared the challan, prosecutors can provide early legal guidance concerning the elements of the offence, evidentiary requirements, witness statements, documentary and digital evidence, chain of custody, and the admissibility of forensic material. NACTA has already recognized the importance of this approach. Its Investigator–Prosecutor Cooperation SOP, developed in 2019, was intended to ensure the engagement of prosecutors from the inquiry and investigation stage and before the evidentiary scrutiny that occurs when a case is submitted to court (NACTA, 2019–2024). NACTA also reports that dedicated prosecutors have been attached to Counter-Terrorism Departments and trained in terrorist-financing investigations and prosecution. The broader principle is that prosecution should be integrated into investigation rather than treated as a separate stage of the criminal process. Early prosecutorial participation can identify evidentiary weaknesses while there is still an opportunity to correct them, reducing the likelihood that cases will collapse because of procedural errors, missing documentation, inadmissible evidence, or failure to establish essential elements of the offence (NACTA, 2024).

Specialization is particularly important because terrorism cases increasingly involve areas that demand expertise beyond conventional criminal prosecution. Prosecutors dealing with such cases should possess specialized knowledge of terrorism legislation, digital evidence, terrorist financing, forensic science, organized criminal networks, and procedures for handling classified or sensitive information. They should also be able to work effectively with investigators, intelligence agencies, forensic experts, and financial-intelligence authorities. Imran and Nordin (2023) emphasize that responsibility for successful terrorism prosecution is shared among police, prosecutors, and judges, meaning that improving one institution while leaving the others unchanged is unlikely to produce sustainable results. A coordinated system should therefore establish specialized investigative and prosecutorial teams, continuous professional training, standardized case-review mechanisms, and regular communication between prosecutors and investigators (Tariq & Rani, 2015). This would help move Pakistan's counter-terrorism system from an arrest-centered approach toward an evidence-based criminal-justice model in which

operational success is ultimately measured by the ability to produce fair, timely, and legally sustainable judicial outcomes.

Anti-Terrorism Courts and Judicial Security:

Anti-Terrorism Courts (ATCs) were established under Pakistan's Anti-Terrorism Act, 1997 to provide specialized and comparatively speedy adjudication of terrorism-related offences (Government of Pakistan, 1997). The rationale for specialization is that terrorism cases can involve complicated factual patterns, organized networks, sensitive evidence, vulnerable witnesses, and significant security risks that may require procedures and expertise different from those used in ordinary criminal cases. However, specialization of the forum does not by itself resolve weaknesses arising at earlier stages of the criminal-justice process. Umar and Khan (2022), in their study of sectarian-terrorism cases in Punjab, found that vague anti-terrorism laws, security concerns affecting judges and witnesses, and weaknesses in prosecution and judicial performance were associated with slow convictions and extensive acquittals in ATCs. Their findings indicate that the effectiveness of specialized courts depends upon the quality of the investigation, clarity of the applicable law, competence of prosecutors and judges, and the ability of witnesses and judicial officers to participate without intimidation. This is also consistent with research on police capacity in Punjab, which identifies shortages in professional and technical capacity, inadequate resources, and institutional constraints as factors affecting the enforcement of anti-terror laws and the investigation of sectarian crimes (Umar, 2022).

Judicial security is particularly important because terrorism prosecutions can create direct risks for judges, prosecutors, witnesses, investigating officers, and defence lawyers. Where participants fear retaliation, intimidation, or physical attack, the ordinary functioning of the trial process can be disrupted. Witnesses may become reluctant to testify, judges may require enhanced security arrangements, hearings may be delayed or transferred, and judicial officers may face pressures that affect the efficient administration of justice. Umar and Khan (2022) specifically identify the terrorization of judges and eyewitnesses by sectarian actors as a factor contributing to slow convictions in Punjab's ATCs. Pakistan's continuing concern with sensitive terrorism trials is also illustrated by the debate over proposals for "faceless courts" in 2023, which sought to protect the identities of judges, witnesses, lawyers, and investigating officers in highly sensitive terrorism cases (The News International, 2023). The proposal itself demonstrates the extent to which security concerns have become intertwined with the administration of terrorism justice, although questions of transparency, fair-trial guarantees, and judicial independence must be considered whenever exceptional arrangements are proposed. Judicial protection should therefore be understood as a substantive component of counter-terrorism policy rather than simply an administrative or logistical responsibility. Physical security, secure court premises, witness-protection mechanisms, confidential handling of sensitive information, and appropriate relocation or protection measures can help ensure that terrorism cases proceed without intimidation while preserving the integrity of the judicial process.

At the same time, improving ATC performance requires more than increasing security. Courts must possess adequate human resources, legal expertise, case-management systems, forensic understanding, and technological capacity to assess increasingly complex evidence. This was explicitly recognized by the Khyber Pakhtunkhwa Judicial Academy in its 2024 specialized training for ATC judges, prosecutors, and investigators (Khyber Pakhtunkhwa Judicial Academy, 2024). The programme focused on factors affecting ATC performance, including investigation, evidence collection and preservation, forensic science, witness protection, trial

management, terrorist financing, inter-agency communication, and judicial efficiency (Altaf et al., 2024). The emphasis on bringing judges, prosecutors, and investigators together is significant because weaknesses in one part of the system can undermine the performance of the others. Moreover, Pakistani courts have demonstrated that specialized jurisdiction cannot substitute for legally sufficient evidence: in a 2020 Sindh High Court decision, the court set aside an Anti-Terrorism Court conviction after concluding that the prosecution had failed to establish the case against the appellants and held that the conviction was inconsistent with constitutional protections (Sindh High Court, 2020). The broader lesson is that ATCs should be strengthened as part of an integrated criminal-justice system rather than treated as a stand-alone solution to terrorism. Their effectiveness depends on clear legal definitions, competent investigation, scientifically supported evidence, capable prosecution, protected witnesses and judges, efficient trial management, and respect for due process. Specialized courts can facilitate faster and more expert adjudication, but they cannot compensate for deficiencies in the evidentiary and institutional foundations upon which successful prosecutions ultimately depend.

Witness Protection:

Witness intimidation can seriously undermine terrorism prosecutions because the success of a criminal case often depends on the willingness and ability of witnesses to appear before the court and provide credible testimony. Witnesses may refuse to testify, disappear, become hostile, withdraw earlier statements, or alter their accounts when they face threats from terrorist organizations, sectarian groups, organized criminal networks, or other influential actors. These risks are particularly acute in terrorism cases because witnesses may be required to identify suspects, describe terrorist activities, explain organizational relationships, or provide evidence concerning attacks and financing networks. Pakistan's experience demonstrates that the problem is not limited to ordinary witnesses; judges, prosecutors, investigating officers, and their families may also face intimidation or physical threats (Altaf et al., 2024). Umar and Khan (2022), in their examination of sectarian-terrorism cases in Punjab, identify threats and insecurity affecting eyewitnesses and judicial actors as factors that can contribute to delays and weak case outcomes. The resulting problem is not simply that individual witnesses are unwilling to cooperate; rather, insecurity can weaken the evidentiary foundation of an entire prosecution.

An effective witness-protection framework should therefore operate from the earliest stages of a sensitive investigation and continue throughout the judicial process. Protection measures may include confidentiality of personal information, secure transportation to and from court, controlled access to witness-related records, emergency police protection, relocation to another locality when threats are severe, and alternative arrangements that reduce unnecessary exposure during proceedings. Financial and social support is also important because relocation or prolonged security arrangements can disrupt employment, education, housing, and family life. Protection should consequently extend, where necessary, to immediate family members whose safety may be used as leverage against the principal witness. UNODC (2008 & n.d.) emphasizes that effective witness protection requires a structured risk-assessment process, appropriate protective measures, confidentiality, and institutional capacity rather than relying solely on ad hoc police protection. Pakistan's National Action Plan framework also recognized witness protection as part of broader criminal-justice reform, reflecting the understanding that successful counter-terrorism requires more than arrest and prosecution at the operational level.

Pakistan's institutional response has included legislation and provincial initiatives intended to provide stronger protection to witnesses and other participants in high-risk cases. The

Sindh Witness Protection Act, 2013 (Government of Sindh, 2013), for example, provides a statutory framework for measures such as protection of identity, relocation, and other forms of assistance for protected persons. Punjab subsequently introduced the Punjab Witness Protection Act, 2018 (Government of Punjab, 2018), providing for protection measures for witnesses, victims, and other relevant persons involved in criminal proceedings. The existence of these laws is significant, but their practical value depends upon funding, trained personnel, confidential procedures, inter-agency coordination, and the capacity to implement protection quickly. A witness who receives protection only after a threat has materialized may already have been intimidated or forced to withdraw from the case. For this reason, risk assessment should begin when investigators identify witnesses whose testimony is central to a terrorism investigation.

Witness protection should therefore be regarded as essential security infrastructure rather than as an optional administrative facility. A sophisticated investigation can still fail if a key witness is killed, intimidated, disappears, or becomes unwilling to testify. Similarly, judicial protection must be understood as part of the same security architecture because judges and prosecutors cannot conduct terrorism trials effectively when they themselves face credible threats. The objective should be to create a continuum of protection linking investigators, prosecutors, judges, witnesses, and their immediate families. Such a system would improve not only the personal security of participants but also the credibility and reliability of terrorism prosecutions. Ultimately, the effectiveness of Pakistan's counter-terrorism criminal-justice model depends upon its ability to create conditions in which witnesses can provide evidence freely, judges can adjudicate independently, and prosecutors can present cases without intimidation. Without those conditions, specialized courts, improved investigation, and stronger legislation may still fail to produce durable judicial outcomes.

Counter-Terrorism Financing:

Terrorist organizations require sustained financial resources to recruit personnel, transport operatives, acquire weapons and explosives, maintain communications, produce propaganda, and support operational activities. Their financing can originate from a variety of legal and illegal sources and may be deliberately fragmented across individuals, businesses, intermediaries, and jurisdictions. In Pakistan, terrorist-financing risks have included proceeds from criminal activities, kidnapping for ransom, extortion, illicit trade, commercial enterprises, informal money-transfer mechanisms, and support originating outside the country. The significance of these channels is that the financial dimension of terrorism often extends beyond the individual who directly commits an attack. Financial facilitators, intermediaries, front companies, donors, fund collectors, and persons responsible for transferring or concealing funds can form an important part of the wider terrorist network. Pakistan's NACTA has therefore identified counter-financing of terrorism as a core component of the national counter-terrorism framework and emphasizes inter-agency coordination among law-enforcement agencies, provincial Counter Terrorism Departments, the Financial Monitoring Unit, regulators, and other relevant authorities.

Pakistan has developed a substantial legal and institutional framework for addressing terrorist financing, including the Anti-Terrorism Act, 1997 (Government of Pakistan, 1997), the Anti-Money Laundering Act, 2010, and related financial, banking, and sanctions mechanisms. NACTA's published legal framework specifically identifies the ATA and AML legislation alongside other instruments relevant to combating terrorist financing. The country has also introduced a dedicated policy for financial investigations of terrorism cases (Financial Action

Task Force, 2018; 2020; 2021). NACTA's policy, approved and circulated in January 2019, (NACTA, 2019a & b), requires law-enforcement agencies to undertake parallel financial investigations in terrorism cases, encourages access to a wide range of financial information, promotes risk-based investigative methods, and provides for assistance from agencies such as the Federal Investigation Agency, Financial Monitoring Unit, and financial regulators. It further provides for inter-agency and international cooperation and has encouraged provincial CTDs to establish specialized counter-financing units. This institutional development is important because financial investigation should not begin only after a terrorism case has already been established. It should commence alongside the primary investigation so that investigators can identify sources, transfers, facilitators, beneficiaries, assets, and organizational links at an early stage.

Following financial trails can provide evidence that is difficult to obtain through conventional investigative methods. Bank records, suspicious transaction reports, money-transfer records, company ownership information, property transactions, mobile-payment activity, cross-border transfers, and records associated with informal value-transfer systems can help investigators establish relationships between apparently separate individuals and entities. A financial investigation may therefore reveal the structure of a terrorist network even when direct evidence concerning operational activities is limited. It can also provide corroborating evidence for other forms of proof: for example, a financial transaction may reinforce evidence concerning communication between suspects, travel patterns, procurement of equipment, or the provision of logistical support. FATF's evaluation of Pakistan emphasized the importance of ensuring that law-enforcement agencies investigate the widest possible range of terrorist-financing activity, pursue designated persons and those acting on their behalf, strengthen inter-agency cooperation, and ensure that financial investigations lead to effective prosecutions and sanctions (Financial Action Task Force, 2018). Pakistan subsequently made substantial progress in strengthening its AML/CFT framework; the 2021 follow-up assessment records improvements in several areas of technical compliance, although it also confirms the continuing importance of effective implementation (Financial Action Task Force, 2020; 2021; NACTA, 2021).

The major challenge, therefore, is to move from a primarily regulatory approach to a fully integrated financial-investigation model of counter-terrorism (Asia/Pacific Group on Money Laundering, 2019). Investigators should routinely consider financial intelligence at the beginning of terrorism investigations, while prosecutors should assess whether financial records can establish elements such as knowledge, intent, facilitation, association, or the provision of material support. Financial investigators should work closely with intelligence agencies, police, CTDs, forensic specialists, prosecutors, and judicial authorities so that financial information can be lawfully obtained, authenticated, interpreted, and presented as admissible evidence. NACTA's policy already moves in this direction by making parallel financial investigations a requirement for Joint Investigation Teams in terrorism cases and by encouraging cooperation with financial authorities. Such an approach can also support asset tracing, freezing, and confiscation, thereby disrupting terrorist networks beyond the immediate perpetrators. FATF has repeatedly stressed that identifying and freezing terrorist assets, preventing access to financial services, and taking enforcement action against terrorist-financing violations are essential elements of an effective counter-financing framework. Consequently, financial investigation should be regarded not as a separate regulatory exercise but as an integral component of terrorism investigation and prosecution. Tracing money can identify facilitators, uncover otherwise hidden relationships, corroborate other evidence, and ultimately assist the courts in establishing the broader organizational and financial structure that sustains terrorist activity.

National Action Plan and Revised National Action Plan:

Pakistan's 20-point National Action Plan, (NACTA, 2014) approved in December 2014, included "revamping and reforming the criminal justice system" and measures addressing terrorist organizations, financing, counter-terrorism capacity, and extremism. The Revised National Action Plan 2021 explicitly includes follow-up of counter-terrorism cases in courts, CTD capacity building, countering violent extremism, and reforms in the criminal justice system. These policy documents therefore recognize that counter-terrorism cannot be sustained exclusively through kinetic measures. Shad and Iqbal (2021), however, argue that practical implementation historically emphasized the war model more than criminal-justice reform.

Intelligence-to-Justice Framework for Counter-Terrorism in Pakistan:

The proposed **Intelligence-to-Justice Framework** conceptualizes counter-terrorism as a continuous institutional chain in which intelligence must ultimately be converted into lawful, independently corroborated evidence and sustainable judicial outcomes. The framework moves beyond an arrest-centered conception of counter-terrorism by connecting intelligence gathering with investigation, forensic verification, prosecution, adjudication, and the long-term disruption of terrorist networks. A weakness at any stage can reduce the effectiveness of the entire process.

Stage	Core Function	Key Institutions/Actors	Principal Output	Major Risk
Threat Identification	Detect terrorist threats, individuals, networks, financing, communications, and planned activities	Intelligence agencies, NACTA, CTDs, police, financial-intelligence bodies	Intelligence leads and threat assessments	Inaccurate, incomplete, or poorly shared intelligence
Investigation	Convert intelligence leads into a lawful criminal investigation	Police, CTDs, investigating officers, intelligence agencies	FIR, investigative record, witness and documentary evidence	Poor investigation, weak coordination, procedural errors
Corroboration & Forensic/Digital Evidence	Independently verify intelligence through scientific, documentary, digital, financial, and physical evidence	Forensic laboratories, investigators, digital-forensics units, financial investigators	Admissible and independently corroborated evidence	Evidence contamination, weak chain of custody, inadequate technical capacity
Prosecution	Assess evidence, establish legal elements, prepare and present the case	Specialized prosecutors, investigators, financial investigators	Complete prosecution case and legally sustainable charge	Late prosecutorial involvement, incomplete evidence, weak case construction
Independent Adjudication	Determine guilt or innocence through an impartial judicial process	Anti-Terrorism Courts, judges, defence counsel	Reasoned judicial determination	Judicial intimidation, procedural delays, jurisdictional uncertainty
Judicial Outcome & Network Disruption	Implement convictions/acquittals while identifying wider terrorist structures and preventing recurrence	Courts, law-enforcement agencies, intelligence agencies, financial authorities, corrections	Conviction/acquittal, asset confiscation, network disruption, intelligence feedback	Failure to exploit judicial findings for broader network disruption

Conceptual Flow: Threat Identification → Investigation → Corroboration & Forensic/Digital Evidence → Prosecution → Independent Adjudication → Judicial Outcome & Long-Term Network Disruption

The framework should also operate as a feedback loop, rather than as a purely linear process:

Judicial Outcome → Lessons/Intelligence → Future Threat Identification

This means that information obtained during investigation and trial—including financial relationships, communication patterns, forensic findings, organizational structures, and judicial findings—should feed back into intelligence and future investigations.

Explanation of the Framework:

- i. **Threat Identification:** The process begins with the identification of terrorist threats through intelligence collection, surveillance, financial intelligence, informants, communications analysis, and inter-agency information sharing. At this stage, intelligence should be treated as a lead rather than conclusive proof. Its primary purpose is to identify persons, networks, transactions, locations, or activities that require further investigation.
- ii. **Investigation:** The second stage converts the intelligence lead into a formal criminal investigation. Investigators must independently verify the information through lawful investigative procedures, witness statements, documentary records, physical evidence, financial records, communications data, and other relevant sources. The central objective is to ensure that an arrest is supported by an evidentiary foundation capable of being examined in court.
- iii. **Corroboration and Forensic/Digital Evidence:** This is the critical bridge between intelligence and admissible evidence. DNA, ballistics, explosives analysis, mobile-device examination, CCTV, geospatial information, digital communications, financial transactions, and other forensic material can independently corroborate intelligence. Proper documentation and chain-of-custody procedures are essential because evidence that cannot be authenticated or whose integrity is questionable may have limited value in court.
- iv. **Prosecution:** Prosecutors should be involved before the investigation is formally completed, particularly in complex terrorism cases. Their role should include reviewing evidentiary sufficiency, identifying missing elements of the offence, advising investigators on admissibility and procedure, and ensuring that the case establishes the necessary connection between the accused and the alleged terrorist activity. Specialized expertise should cover terrorism law, digital evidence, terrorist financing, forensic evidence, and organized criminal networks.
- v. **Independent Adjudication:** The fifth stage transfers responsibility from investigation and prosecution to an independent judiciary. Anti-Terrorism Courts can provide specialized expertise and relatively speedy adjudication, but their effectiveness depends on the quality of the evidence presented before them.

Judicial independence, witness protection, judicial security, fair-trial guarantees, and clear jurisdictional rules are therefore essential.

- vi. **Judicial Outcome and Long-Term Network Disruption:** The process should not end with conviction or acquittal. A successful conviction can provide opportunities for asset confiscation, identification of accomplices, disruption of financial networks, and further investigation of terrorist organizations. Even an acquittal can reveal weaknesses in investigative procedures or evidentiary practices that should inform institutional reform and future investigations. In this sense, the judicial outcome becomes a source of intelligence and institutional learning.

Central Proposition:

The framework can be summarized through the following proposition: Intelligence does not equal evidence, and arrest does not equal conviction. Effective counter-terrorism requires the systematic conversion of intelligence into independently corroborated evidence, legally sustainable prosecution, and impartial judicial determination.

Accordingly, the overall effectiveness of Pakistan's counter-terrorism system can be expressed as: Effective Counter-Terrorism = Intelligence + Investigation + Corroboration + Prosecution + Judicial Independence + Network Disruption

The framework also demonstrates that failure at any single stage can affect the entire chain. Weak intelligence may produce the wrong investigative target; weak investigation may fail to generate evidence; weak forensic capacity may prevent corroboration; weak prosecution may result in an incomplete case; and judicial insecurity or procedural deficiencies may prevent a credible trial. Thus, the principal policy objective should be to strengthen the connections between institutions rather than improving each institution in isolation.

Findings:

First, Pakistan's counter-terrorism challenge is institutional as well as operational. Although security agencies have developed significant operational capabilities, weaknesses in coordination, information-sharing, investigation, prosecution, and judicial processes can undermine the effectiveness of these efforts. Legal ambiguity can further contribute to jurisdictional disputes, procedural delays, and uncertainty regarding which institution should take responsibility at different stages of a terrorism case. Such problems become particularly significant when cases involve multiple agencies, complex financial networks, digital evidence, or activities that cross provincial and territorial boundaries. Therefore, an effective counter-terrorism framework requires not only strong intelligence and law-enforcement operations but also clearly defined institutional responsibilities and stronger coordination among police, intelligence agencies, prosecutors, forensic institutions, and the judiciary.

Second, investigative and forensic weaknesses can prevent valuable intelligence from being transformed into admissible evidence. Intelligence may identify a suspect or indicate terrorist activity, but courts require evidence collected and presented according to legally established procedures. Deficiencies in forensic capacity, evidence preservation, chain-of-custody procedures, digital investigation, and professional investigation can therefore weaken otherwise credible cases. Prosecution should be involved at an earlier stage so that investigators can receive specialized legal guidance on evidence collection and case preparation. At the same

time, witness protection and judicial protection are essential for ensuring credible and impartial trials, particularly in terrorism cases where intimidation and security risks are significant. Specialized anti-terrorism courts can improve efficiency and expertise, but they cannot compensate for weak investigations or insufficient evidence. Pakistan's own National Action Plan documents recognize criminal-justice reform as an important component of counter-terrorism, indicating that military and security responses alone are insufficient. Consequently, the traditional war-oriented model of counter-terrorism should be complemented by a stronger criminal-justice model capable of converting intelligence into legally sustainable prosecutions, protecting participants in the justice process, and ensuring durable convictions through fair and credible trials.

Policy Recommendations:

- i. Establish an intelligence-to-evidence protocol.
- ii. Strengthen provincial Counter Terrorism Departments with specialized investigators and forensic personnel.
- iii. Institutionalize early police–prosecutor case review.
- iv. Develop comprehensive witness-protection mechanisms.
- v. Provide dedicated judicial and prosecutorial security.
- vi. Modernize forensic and digital-evidence infrastructure.
- vii. Clarify the statutory definition and jurisdiction of terrorism.
- viii. Integrate financial investigation into terrorism cases.
- ix. Establish a secure national terrorism-case database tracking FIR through appeal.
- x. Introduce measurable indicators for NAP implementation, including investigation, prosecution, trial duration, conviction/acquittal outcomes, financial investigations, forensic turnaround, and witness protection.

Conclusion:

Pakistan's counter-terrorism experience demonstrates that security operations alone cannot provide sustainable outcomes. The supplied research identifies weaknesses in investigation, intelligence coordination, evidence, prosecution, witness protection, judicial security, financing controls, and legislation. Literature available through 2024 continues to identify many of these same challenges. Pakistan's NAP and Revised NAP also recognize criminal-justice reform as part of counter-terrorism policy. The central requirement is therefore to complement security operations with a stronger criminal-justice model. The strategic objective should move beyond arresting suspects toward building legally sustainable cases that dismantle terrorist networks, disrupt their financing, produce credible judicial outcomes, and strengthen public confidence in the rule of law.

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