

Fair Trial Rights of the Accused: Evaluating Compliance with International Human Rights Standards in Pakistan

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Abstract

Fair trial is the root of the tree of criminal justice system, and the rights of the accused are its fruits. As the seasons change, these rights continue to evolve and expand. International human rights standards, articulated through various treaties and conventions, obligate states to uphold and ensure these rights. This paper seeks to answer whether the rights of the accused in criminal justice system of Pakistan meet the human rights standards of fair trial set by various international instruments and treaties. Through extensive qualitative study of related legal instruments at both national and international levels, landmark case laws, and local practices, this research comprehensively explores the alignment of national legal framework and practices pertaining to fair trial rights with international human rights standards. The research concludes that procedural laws require amendments to protect fair trial rights from the inception of a criminal case to its conclusion, as per international human rights standards and best practices. This study contributes to the ongoing discourse on rights of accused and the promotion of fair trial rights in Pakistan, through providing valuable insights for our representatives, practitioners, and academics who are devoted to improve and strengthen the criminal justice system.

Keywords: Criminal Justice System, Fair Trial, Rights of Accused, Human Rights, International Human Rights Standards

1. Introduction

In the legal systems worldwide, laws have evolved from their inflexible and ruthless nature towards a more humane characteristics through fair trial rights (FTR) which were part of all legal systems (Stone, 2018, P 103). Numerous law codes besides theories have been developed in this regard

throughout history to uphold the FTR including the Justinian Code (Pringsheim, 1940); the Magna Carta with its article 29 which emphasizes the FTR for both accused and society as a whole (Jegede, 2010); Bill of Rights (Jaehyun, 2023). FTR are facing challenges in Pakistan, though they have been provided by the law, yet there are violations of these rights (Iqbal, 2020). Further, the FTR are widely recognized as an essential for successful criminal justice system (CJS) because these are evident and unquestionable values in criminal proceedings, human rights, and even in our daily life. (Trechsel, 1997). FTR are guaranteed by numerous international legal documents (Amnesty International, 2014): including Universal Declaration of Human Rights (UDHR) - Article 10; International Covenant on Civil and Political Rights (ICCPR) - Article 14(1); European Convention on Human Rights (ECHR) - Article 6(1); American Convention on Human Rights (ACHR) - Article 8; African Charter on Human and Peoples' Rights - Article 7

The legal framework for FTR at national level includes various domestic and international legal instruments. At the local level, the Constitution of Pakistan provides for the FTR specifically in its Article 10A. The scope of FTR have been interpreted by the judges through various landmark cases. At the international level, Pakistan is a signatory to various human rights treaties that recognize the FTR as a fundamental right; therefore, they also play effective role in enforcement of FTR. In addition, various procedural laws also ensure the FTR: primarily it includes the Code of Criminal Procedure (CrPC) and the Qanun-e-Shahadat Order (QSO). Despite availability of these legal backings, the implementation of FTR has always been a challenge for our state (Iqbal, 2020). There is always a need to further strengthen the legal framework in order to implement FTR as per international human rights standards in Pakistan (Shaikh, 2022).

The scope of FTR is evolving alongside the development of laws. However, certain fundamental rights are integral to FTR and cannot be compromised. They are the minimum standards that are required to ensure fairness (Scott Jr, 1956). These include the right to a public hearing, the presumption of innocence, information of the charges, suitable time and resources to prepare a defence, the right to counsel and mandatory legal representation, the right to an interpreter, the right not to be tried under retroactive legislation, the right not to be tried for a crime for which pardon has been granted, the right to remain silent, the right to be existing at trial, the right to have all defences considered, and the right to have all reasonable doubts determined in their favour, among others. (Giwa, 2023).

The FTR are fundamental pillars of CJS. They ensure the rights and liberties within of accused with CJS worldwide. As a signatory to several international human rights treaties and conventions, our state is obliged to defend and guarantee FTR to its citizens. The courts are also obliged to interpret FTR keeping in due regard to these international directions (*Mubarak Ali alias Makhan v. Govt. Of the Punjab 2023*). Therefore, there

is a need to thoroughly examine how well national legal framework and practices of Pakistan are aligned with international human rights standards regarding the FTR. This research aims to assess compliance of FTR with these standards through the analysis of relevant legal instruments, landmark case laws, and domestic practices. Furthermore, this study will also identify the scope of FTR, besides the challenges, gaps, and opportunities for its improvement in national legal framework.

2. Importance of the study

This academic work holds significant importance for quite a lot of reasons. Initially, it intends to examine the FTR in Pakistan within the context of international human rights standards, which has not been done before. Through analysis of major legal national and international instruments, case-laws, and domestic practices, this study will shed light on the extent to which our national legal framework is aligned with international obligations to secure FTR for the accused. Secondly, this study will help in identification of challenges and opportunities in implementation of FTR. This work will provide a comprehensive picture of the FTR issues that are required to be improved. Furthermore, this study will also unearth potential avenues in the realm of legal world for enhancement of the scope of FTR in Pakistan. The recommendations obtained from this study can be used as a guide for forthcoming legal reforms, policy changes, and capacity-building measures in order to strengthen the CJS.

3. Research Methodology

Regarding research in this study, the primary method which is used is qualitative research. Researchers argue that the legal analysis cannot always be described as a "methodology" in the traditional scientific sense because it predominantly uses descriptive, exploratory, and explanatory approaches. These various approaches are interacted synergistically to do a deeper understanding of the legal studies (Iqbal, 2020). And for this purpose, in this research, the traditional 'black letter' methodology will also be used which focuses on the 'letter of the law'. This approach emphasis on descriptive analysis of legal rules which are found in primary sources (Henskens, 2005; Tyler, 2017). Further, this doctrinal study is considered as a core skill for law students (Bartie, 2010; MD, 2019), and an intuitive feature of legal studies (Hutchinson, 2013). This study also concentrated on the authoritative sources, particularly land-mark case laws, not only from national forums but also from foreign jurisdiction, in it.

4. Fair Trial Rights of Accused

Fairness is a fundamental value in criminal trials; it stresses that public functionaries must try their level best to treat all citizens, including accused persons, equally relating to their adherence to criminal law. The FTR are guide to control the actions of police and investigators initially, then they also influence the conduct of prosecutors and judges in taking their decisions

whether to pursue, modify, or drop charges, or to consider alternatives (Lippke, 2019). McDermott observed that general theories of fairness lead to principles such as equality, impartiality, and consistency. However, the notion of a 'fair trial' is distinct from the broad notion of 'fairness' (McDermott, 2016, p 31-32). Scholars largely agree on the legal standards required for a trial to be deemed fair. For example, Hildebrandt identified six core guarantees of FTR: the right to a public trial, the right to confront evidence, the connected right that rulings will be grounded only on evidence heard in court, the right to equality, the presumption of innocence, and the right to an autonomous and neutral courts (Hildebrandt, 2006). Trechsel also listed generally recognized essentials of FTR, including the right to an autonomous court, public and expeditious trial, the presumption of innocence besides freedom from self-incrimination, the right to challenge prosecution evidence in addition to present a defence, the right to be informed of the charges, the right to appeal, etc (Trechsel, 1997). These FTR are also available in international trials (Clapham & Schabas, 2016). However, for this study, we will divide these rights into three parts: pre-trial, during trial, and post-trial.

5. Pre-Trial Rights

The pre-trial section of CJS is a serious phase that launches the basis for a trial. Many rights are involved in this stage. They play a vital role in protecting the truthfulness and impartiality of future trial records. These include the right to liberty, information, legal counsel, appearance before a judge, bail, time for preparation of defence, etc. Adherence to these rights is essential. These rights defend accused persons from uninformed confinement, and also safeguard FTR under judicial oversight (Mehmood et al., 2024).

5.1. Prohibition of Arbitrary Arrest

Though to run the CJS, investigation agencies are required physical body of the accused persons to complete the investigation, however, the courts of law have interpreted that this power cannot be used arbitrarily or mechanically. The courts have held that public functionaries working on behalf of the state must not use their powers of arrest on the mere report or on a complaint. These powers if exercised for collateral purpose which is not conceived by the law, and not in the interest of justice, then use of these powers shall be considered as malafide. Then the courts of law can review these powers (*Saad Sumair v. NAB PLD 2022*). The freedom from arbitrary exercise of powers of arrest has been designated as the primary right in the context of fair trial in UDHR, article 3 and ICCPR, Article 9(1). The constitutional provisions in our national CJS also follows these international guidelines in its Arts. 9 and 14(1). In these situations, the courts are obliged to strictly scrutinize the case. The principle of balance, rationality, and need should serve as the criterion in order to validate any denial of liberty (*Khawaja Salman Rafique and another v. NAB 2020*).

5.2. Information of allegations

In the antique inquisitorial procedure, accused were merely required to answer questions without knowing the nature and scope of the suspicions against them. This contrasts with the modern view which is based on human rights law; wherein, the accused are autonomous actors in the CJS but active participants in their defence. And for an accused to effectively defend himself he must be aware of the charges against him. Scholars argue that this right to be informed is closely tied with the right of hearing. It is a vital element of FTR (Weigend et al., 2017). The European Court of Human Rights also emphasized that provision of detailed information about the charges and potential legal characterizations is *sin qua non* for conducting a fair proceedings (*Pelissier and Sassi v. France 1999*). ICCPR, article 9(2) also guide that for FTR it is imperative that accused under arrest or detention are expeditiously apprised of the grounds which are justifying their apprehension or confinement. In compliance with international guidelines, article 10 of the Constitution of Pakistan ensures this right for the accused. However, our procedural law does not provide such right from the time of arrest of the accused. Procedural laws in the context of FTR are required to be reviewed and amended (Hafeezullah Ishaq, 2014).

5.3. Access to counsel

In a landmark case the Supreme Court of U.S. has observed that it is constitutional requirement to provide lawyers to criminal accused persons who are unable to afford their own (*Gideon v. Wainwright, 1963*). The court observed that the right to have a attorney is the most important right for an accused person because it impacts their ability to use any other rights they have. At the trial level, an accused cannot have a fair trial unless they have a lawyer (Backus & Marcus, 2018). This right is also guaranteed by Article 10(1) of the Constitution of Pakistan. If such an accused person does not have a attorney of their selection, they are entitled to competent allocated counsel at no cost, when it is necessary for the interests of justice (Geneva, 2007). The Indian Courts also affirmed that a FTR encompasses provision of proper opportunities to accused persons, as given by law, to establish their blamelessness (*Rattiram v. The State of M.P. through Inspector of Police AIR 2012*). It is the intrinsic responsibility of the trial court to provide legal aid.

5.4. Legality of Arrest

This right to contest the legality of confinement is a recognized right as an essential part of FTR. It is protected in a number of worldwide human rights tools (Lazarus, 2016), including the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the UDHR, the ICCPR, and the ECHR. In Pakistan this right is accessible under section 491 CrPC and under Article 199 of the Constitution. This is now well-thought-out one of the unchallengeable rights of every national of Pakistan, under article 4, and 9 particularly (Sultan et al., 2024).

5.5. Appearance before judge and time for accused to prepare his case

In the context of FTR, ICCPR, Article 9(3) guides that suspect persons held in pre-trial detention have the right to have their proceedings led in reasonable time. If the authorities fail to bring a person to trial within a reasonable time, then they own the right to be free from detention pending their trial, mostly in the form of bail (Zahoor et al., 2022b, 2022a). Further a suspect also has the right to be afforded sufficient time for preparation of defence. This right recognizes the importance of ensuring a level playing field and allowing accused persons to effectively exercise their right to be heard and present their case before a court of law (Clooney & Webb, 2021, p. 257). Various universal standards, including Article 9(2) of the ICCPR emphasis on provision of detailed information and time for their defence preparations (Gentimir, 2005; Paraschiv, 2023). As for our national CJS the CrPC though provides the chapter of Sessions Trial but it does not offer any distinct self-regulating provision which particularly deals with the right to suitable time and facilities to make a defence.

Furthermore, it is pertinent to mention here that the CrPC is required to be amended to align with the international developments. The Indian CrPC in its sections 50 and 50A ensure that an accused person is promptly informed of the grounds for their arrest and he is provided with comprehensive details of the offence; therefore, it is of the essence that the our CJS is also revised to uphold alike rights of accused.

6. Trial Rights

In the pursuit of justice FTR holds utmost significance in a CJS. The purpose of trial is to reach at the truth: no conviction, and no acquittal (Summers, 2023). FTR play their role during trial at many stages. Yet we will touch only those which are in aligned with international standards. Following are those stages:

6.1. Equality before the law and courts

In the context of FTR the assurance of equality in the CJS assumes a multifaceted nature: it covers not only equality before law but also parity in procedural treatment by the courts. This is a universally accepted position: ICCPR, Article 14(1) and 26 (Akther & Nordin, 2014). Our Constitution under article 25 also ensures this this right. In CJS this right is also recognized even in bail matters (*Fida Hussain v. The State 2002*)

6.2. Trial by a competent, independent and impartial tribunal established by law

This is another comprehensive aspect of FTR that the tribunal or court responsible for rendering verdicts in a case must be duly recognized by law, and it possess the qualities of competence, independence, and impartiality (Vitkauskas & Dikov, 2012, p. 45). Furthermore, the court must be competent: it must have the necessary knowledge, skills, and expertise to

effectively proceed the case (*Basic Principles on the Independence of the Judiciary*, 1988). Independence is another fact which guarantees that the court is operating autonomously. Impartiality, on the other hand, also requires the tribunal or court to approach the case with an open and unbiased mind. ICCPR, Article 14(1) also obliges states that for a fair opportunity of hearing, an impartial and competent adjudicatory tribunal or forum is necessary. Our CrPC is silent to ensure this right.

6.3. Public hearing

This right is another central aspect of the FTR. It plays a significant role in upholding public confidence in the CJS. This right promotes transparency, accountability, and ensures that justice is administered openly, and it is an internationally accepted norm of fair trial: ICCPR, Article 14(1) (Rasteh et al., 2023). However, this right is subject to certain exceptions: such as for the convenience of a high court judge, or when it serves public interest, national integrity, secrecy, decency, or morality (*Khurshid Haider v. Syed Saeed Ahmad, District and Sessions Judge, Central Karachi 1999*). These exceptions are also internationally accepted. These circumstances include cases involving sensitive moral issues, the maintenance of public order inside the court, national safety concerns, safety of the lives of the parties involved, etc (See, Article 14(1) of the ICCPR, Article 8(5) of the American Convention, Article 13(2) of the Arab Charter, Article 6(1) of the European Convention). CrPC also ensures public hearing, however, it does not provide exceptions comprehensively; therefore, it needs amendments to cover the whole topic.

6.4. Prospective application of laws and double jeopardy

These are two important safeguards against unfair prosecution. They ensure that people are not punished for acts that were not illegal when they were committed (Sanz-Caballero, 2017), and that they are not tried twice for the same offence. Both principles contribute to the fundamental right to a fair trial by ensuring that individuals are not unfairly burdened or exposed to excessive punishment for their past conduct. Article 12 and 13 of our constitution covers these principle. This principle is based on the idea that people should not be punished for things that they did not know were wrong. It also helps to ensure that people are not subjected to excessive punishment for their actions (*Nabi Ahmad v. Home Secretary 1969*). Moreover, 'double jeopardy' is deeply rooted in the Anglo-American system. It ensures that the state should not have the opportunity to repeatedly seek the conviction of an accused: thereby subjecting them to humiliation, financial burden, and distress (Das, 2008).

6.5. Presumption of innocence and proof beyond a reasonable doubt

This is another universally accepted aspect of FTR (See, Article 11 of the UDHR, Article 14(2) of the ICCPR, Article 40(2)(b)(i) of the Convention on the Rights of the Child, Article 18(2) of the Migrant Workers

Convention, Article 7(1)(b) of the African Charter, Article 8(2) of the American Convention, Article 16 of the Arab Charter, Article 6(2) of the European Convention, Principle 36(1) of the Body of Principles, Article XXVI of the American Declaration, Article 66 of the ICC Statute). This principle is *sin qua non* for FTR (Kosonoga, 2015). The landmark case of *Woolmington* established the principle of the presumption of innocence for common law jurisdiction and also clarified the scope of burden of proof in criminal cases. This case has had a profound impact on CJS (Glover, 2023). Pattenden observed that Justice Cory of the Supreme Court of Canada has aptly covered the second aspect of this right, with following principle:

1. The criterion of proof beyond a reasonable doubt is closely tied to the central principle of the presumption of innocence in all criminal trials.
2. The burden of proof always rests on the prosecution and does not shift to the accused.
3. A reasonable doubt is not grounded on compassion or predisposition but on logic and good judgment.
4. It is logically linked to the evidence presented or the nonappearance of evidence.
5. It does not require verification to an unqualified certainty, and it is not a doubt that is unreal or frolicsome.
6. More than mere probability of guilt is required for a conviction. If the jury concludes that the suspect is perhaps guilty but retains any reasonable doubt, the accused must be acquitted (Pattenden, 1998).

6.6. Protection from self-incrimination

This right is another fundamental aspect of FTR (Vatjus-Anttila, 2024). It protects individuals from being forced to provide evidence that could incriminate themselves. Universally this right has now a universal acceptance (See, Article 14(3)(g) of the ICCPR, Article 40(2)(b)(iv) of the Convention on the Rights of the Child, Article 18(3)(g) of the Migrant Workers Convention, Article 8(2)(g) and (3) of the American Convention, Article 16(6) of the Arab Charter, Principle 21 of the Body of Principles, Section N(6)(d) of the Principles on Fair Trial in Africa, Article 67(1)(g) of the ICC Statute). Mark observed that the key features of this right as has been developed by the ECHR includes: it is a procedural right, not a substantive right; it is not absolute; it is strictly connected to the right to FTR; and that its infringement can lead to a desecration of Article 6 of the ECHR (Berger, 2006).

6.7. Trial without delay

Article 21 of the Indian Constitution, the Sixth Amendment to the American Constitution, and Articles 4, 9 and 14 of the Pakistani Constitution provides the right to be tried in reasonable time (Krishnan & Kumar, 2011). This principle is also widely recognized at the international level (See,

Article 14(3)(c) of the ICCPR, Article 40(2)(b)(iii) of the Convention on the Rights of the Child, Article 18(3)(c) of the Migrant Workers Convention, Article 7(1)(d) of the African Charter, Article 8(1) of the American Convention, Article 6(1) of the European Convention, Article 67(1)(c) of the ICC Statute). In this context, the Supreme Court of India detected that the slow-motion syndrome on CJS poses a significant challenge to ensuring FTR; expeditious justice delivery is an integral aspect of social justice (*Babu Singh v. State of UP 1978*). In a report the researchers examine the problem of delays in trial in India. Pakistan is also coping with the similar issues. The authors note that the average time to trial in India is over 10 years. They also examined the factors that contribute to delays in trial in India, including overcrowded dockets, lack of resources, inefficient procedures, and lack of political will. The authors recommend amendments in laws to explicitly guarantee the right to a speedy trial (Rehn et al., 2011).

6.8. Trial in presence

This allows the accused to participate fully in trials so that they can challenge the evidence against them. This right is preserved in many worldwide human rights legal tools (See, Article 14(3)(d) of the ICCPR, Article 18(3)(d) of the Migrant Workers Convention, Article 16(3) of the Arab Charter). Though some argue that trials in absentia can be a useful tool in certain cases, such as when the accused is a fugitive or when they are unable to attend the trial for some other reason, however, it should only be used as a last resort, and that the accused should be given the opportunity to participate in the trial to the greatest extent possible (Ioan-Paul, 2019). In our CJS section 353 of the CrPC mandates that all evidence must be taken in the presence of the accused. Though the Section 512 of the CrPC, along with Articles 46 and 47 of the QSO allows for the consideration of depositions recorded during abscondence, but the general rule of recording evidence in the presence of the accused should be followed whenever possible (*Parveen Bibi v. ASJ 2020*)

7. Post-Trial Rights

After the trial, it is vital to ensure that accused persons are afforded FTR to guarantee a just and transparent CJS. This aspect includes certain rights.

7.1. Public judgment with reasons

The public nature of judgments in CJS ensure FTR. it allows the public to hold the judiciary accountable. It promotes transparency and the trustworthiness on the CJS. This right is also internationally accepted one (See, Article 14(1) of the ICCPR, Article 6(1) of the European Convention, Section A(3)(j) of the Principles on Fair Trial in Africa, Articles 74(5) and 76(4) of the ICC Statute, Article 22(2) of the Rwanda Statute, Article 23(2) of the Yugoslavia Statute; See Article 8(5) of the American Convention). Section 353 of Indian CrPC and 360 of Pakistani CrPC deals with this right.

Section 366 prescribes the procedure for judgments delivery. It must be pronounced either immediately in open Court or at a later time, with prior notice provided to the parties or their legal representatives, in the language understood by them; unless the accused's presence was exempted and the sentence entails only a fine or an acquittal, it is required that the accused be present for the delivery of the judgment. However, this right is subject to exceptions. The ICCPR allows for this exception: in the interest of juvenile, matrimonial disputes or the guardianship of children. Further, reasons-based judgment is also universally accepted principle (See, A(2)(i) of the Principles on Fair Trial in Africa, Article 74(5) of the ICC Statute). Therefore, it is stressed by the courts that litigants expect patient and judicious treatment of their cases, with proper adjudication through speaking orders (*Mollah Ejahar Ali v. Government of East Pakistan and others 1970*).

7.2. Fair punishments

Punishment must be fair, just, and proportionate to the crime. It should be legal, based on the law; non-discriminatory, not influenced by race, religion, gender, or other protected characteristics. Therefore, the courts use discretion under the umbrella of 'quantum of sentence'. The CrPC is silent in structuring this discretion. However, the courts must consider theories of punishment and the background of offenders when awarding sentences.

7.3. Appeal, Review and Revision

The right to have a verdict and sentence reread by a higher court of law is basic feature of FTR and it is enshrined in a number of international human rights instruments (See, Article 14(5) of the ICCPR, Article 40(2)(b)(v) of the Convention on the Rights of the Child, Article 18(5) of the Migrant Workers Convention, Article 8(2)(h) of the American Convention, Article 16(7) of the Arab Charter, Article 2(1) of Protocol 7 to the European Convention, Section N(10)(a) of the Principles on Fair Trial in Africa, Article 81(1)(b) and 81(2) of the ICC Statute). In our CJS, appeal is a statutory right (*Habib Bank Ltd v. The State 1993*). Likewise, revision is also statutory, however, its scope is limited than appeal. Review is also a statutory right and it is more limited than appeal and revision. In Pakistan, the Courts now firmly maintain that the CrPC does not contain any specific provision for review. Criminal courts are not empowered to alter, amend, reopen, or review a criminal case after its final decision (*Lal Habib v. Tahir Aziz 2016*). This scenario can be reviewed by legislators to expand the scope of review in CrPC.

8. Conclusion & Recommendations

In the current era of civilization, it is universally acknowledged as a fundamental principle that an accused should not be subject to punishment unless he has been afforded a just trial and his guilt has been established through such proceedings: FTR (Brooks, 2017). Fairness is a relative

concept; yet, it is possible to identify and examine the fundamental and essential characteristics that constitute a fair trial (Kelkar, 1993, p 345), that has been attempted to be done in this research work.

The FTR have been enshrined in international standards and also in the Constitution of Pakistan, yet its aspects are hidden at different legislative instruments. The research is an attempt to examine its aspects and the compliance of our CJS with international human rights standards. This study has touched various aspects of FTR, including pre-trial rights, rights during trial, and post-trial rights. Through the analysis of our CJS, practices, and case-laws, this study has highlighted the importance of FTR in national and international standards.

Moreover, this study acknowledges that FTR is still under development, however, it also recognizes the long journey that Pakistan has taken to incorporate it into its legal framework in 2010 under article 10-A. This constitutional provision has elevated FTR to the status of a fundamental right, and thereby it has enhanced its scope as well. This work can be used as a comprehensive exploration and analysis of the FTR.

In the end, it is recommended that FTR should be protected from the moment of occurrence until the final verdict of conviction or acquittal. Though information regarding the registration of criminal case is one of FTR. However, in our CJS at the pre-trial stage, the accused and their counsel are not provided with a copy of the FIR. Legal counsel is also not available during identification parades, investigations, or when recording confessional statements, whereas in the FTR the accused has a right to be defended by a legal counsel at every stage. Therefore, these aspects should be included in the CrPC. Moreover, the Constitution of Pakistan 1956 required the immediate production of the accused upon arrest, but this provision is absent in the Constitution of Pakistan 1973 (Iqbal, 2020). Instead, a mandatory 24-hour investigative period is granted, during which the accused may only be presented before the magistrate in the last 10 minutes. This 24-hour period is sufficient for human rights violations. This aspect should be covered through amendments. Furthermore, no Miranda warning is given at the time of arrest, as it is mandatory in the United States. Our CrPC too should include such warnings. Further, ordinary courts have 14 days, while special courts have 90 days, to complete the investigation. Our CrPC is not in consonance with special laws. No legislation or rules for food, medicine, or family meetings for accused at pre-trial stage is available in Pakistan. We need amendments. Moreover, last but not least issue of FTR for our citizens/litigants is that they are unable to understand the language of courts which is English. This is a practical issue not the legal one. It also affects FTR. A lack of understanding of the trial language or insufficient interpretative support, leads to detrimental effects such as misinformation of charges, self-incrimination, an incompetent defence, and sometimes trial delays (Namakula, 2022). Therefore, they need an interpreter (Stone, 2018)

or amendments to cover their language issues (Brown-Blake, 2006; Namakula, 2014).

These highlighted issues, while not an exhaustive list, would act as vital steps in the quest of justice. Revamping the conditions of FTR in our CJS requires a multi-pronged approach that goes beyond government action alone. The responsibility falls on both the state and society to meet the expectations of rights of accused (Al-Subaie, 2013).

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