

From Force to Service under the Shadow of Terror: Legal Mandates, International Charters, and Field Realities of the Khyber Pakhtunkhwa Police

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Abstract

This paper examines the complex legal and operational framework surrounding counter-terrorism operations and human rights protections in Khyber Pakhtunkhwa (KP), Pakistan. Operating at the geographic epicenter of the post-9/11 "War on Terror," the KP Police faced unprecedented asymmetric threats while attempting to conform to international human rights standards, specifically the International Covenant on Civil and Political Rights (ICCPR). This study analyzes how Pakistan's national counter-terrorism architecture—characterized by statutory hyper-legislation comprising 26 general and special laws—interacted with fundamental constitutional rights and police operational realities. Through a critical analysis of key statutory developments, including the Anti-Terrorism Act (ATA) 1997, the Actions (in Aid of Civil Power) Regulations (AACPR) 2011, and the provincial KP Police Act 2017, the paper evaluates the structural paradox of mandating a civilian force to maintain public order and human rights protections while simultaneously engaging in kinetic counter-militancy warfare. Furthermore, the paper interrogates the institutional training environment at the Police Training College (PTC) Hangu, revealing a significant pedagogical gap between abstract, cognitive human rights education and practical field-level operationalization. The findings indicate that while legislative instruments like the KP Police Act 2017 and specialized training modules attempted to balance state security with civil liberties, emergency legislative powers and extreme operational stress created parallel legal systems that routinely diluted procedural safeguards. The study concludes by offering policy insights for aligning frontline counter-terrorism policing with democratic, human-rights-compliant standards in post-conflict environments.

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Introduction

UN, UDHR, and the Issue of Positive and Negative Rights

Human rights literature divides human rights into two major classes: (i) positive rights and (ii) negative rights. Negative rights are usually understood as the rights of non-interference from others, particularly states. It includes rights such as freedom of speech, movement, thought, expression of opinion, freedom of association, right to vote, right to liberty, right to property etc. (Henn, 2019). Almost all civil and political rights are negative in nature. Positive rights require

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others, particularly states, to act or provide something so as for individuals to entertain those rights (Bradley, 2010). It includes rights such as the right to education, health, employment, income, pleasure, etc. Almost all social, cultural, and economic rights are positive rights. For more simplicity, the classes of rights are termed as welfare rights and liberty rights. Some scholars criticize the strict dichotomy of rights and assert that most rights have both positive and negative components (Breakey, 2015).

The two World Wars compelled the nations of the world to take radical measures for protecting future war and lasting peace in the world. This resulted in the establishment of the United Nations Organization in 1945. The UN, as mentioned in its Charter, aimed at achieving four goals (UN Charter, 1945):

1. save succeeding generations from the scourge of war,
2. reaffirm faith in fundamental human rights,
3. establish conditions for justice,
4. promote social progress and a better standard of living.

To achieve the aforesaid objectives, the UN came up with treaties, conventions, and declarations to be signed and ratified by the nation states. One of the first UN documents on human rights was the Universal Declaration of Human Rights adopted by the General Assembly on 10th December 1948.

The UDHR lists 30 general human rights. It distinguishes neither between positive and negative rights nor between welfare and liberty rights. The declaration did not bound the state parties to modify their domestic legislation and institutions for ensuring UDHR. It was only a statement of principles (Hernández, 2019). Nonetheless, issues soon arise as to what rights should be implemented first. The political and ideological differences between those who initially formed the UN did not let human rights be fully adopted until 16 years after (in 1966). For the socialist bloc, led by USSR, Cuba and China, the social, cultural and economic rights were significant while freedom and liberty etc. were secondary in nature. For the capitalist bloc, led by the US and Western Europe, the civil and political rights were significant while social, cultural, and economic rights were secondary. This ideological difference over what rights to come first lead to the enactment of two international covenants of International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Social, Cultural, and Economic Rights (ICESCR) in 1966.

The positive and negative divide in rights has also influenced many other related fields of human rights. Peace and conflict studies are heavily influenced by such concepts. Johan Galtung, known as the father of modern peace, studies, distinguishes between positive and negative peace (Hansen, 2016). For him, negative peace is the absence of violence. However, for a lasting peace, much more is required, i.e. positive peace. Positive peace is healthy relations between human beings, respect, harmony and equality amongst human beings.

ICCPR ensured, to a great extent, protection of negative rights, civil and political. ICSECR ensured, to a great extent, protection of positive rights. The ICCPR and ICESCR were enacted by UN before the 1973 constitution of Pakistan. Therefore, these international instruments also influenced the constitution of Pakistan which was drafted in 1973. Pakistan ratified ICSECR in 2008 and ICCPR in 2010. However, even before that, most of ICCPR provisions were reflected in the Chapter 1 of the Constitution of Pakistan which mentions 20 fundamental rights of the citizens of Pakistan. Those rights represent parts of ICCPR and ICESCR.

2 ICCPR, Terrorism and Human Rights

Amongst all the international treaties, the most significant in terms of counterterrorism is the International Covenant on Civil and Political Rights 1966. The ICCPR guarantees the negative rights (civil and political in nature) of the people. It consists of six parts and 53 articles. Part I consists of only Article 1 that guarantees the right to self-determination to all the people of the world. It also includes disposing of natural wealth and resources of people. People, in the covenant, refer to the state parties or the states. Part II which consists of articles 2-5 talks about equality of men and women in all civil and political matters.

Part III is the most significant chapter of the covenant as most of its articles are directly relevant to the current research. The chapter consists of articles 6-27. It talks about right to life, prohibition of cruel, inhuman, and derogatory punishment, prohibition of slavery and slave trade, right to liberty and security of person, prohibition of arbitrary arrest and detention, right to proper procedure of law (art-09), human treatment for those deprived of liberty (art-10), right to liberty, freedom of movement, right to fair trial and public hearing, independent and impartial tribunal, right to be presumed innocent until proven guilty, right to recognition as a person, right to privacy, unlawful interference in family, home, honour, freedom of thought, conscience, and religion, freedom of opinion and expression, prohibition of war propaganda and hateful material, right to peaceful assembly, freedom of association and the right to form trade unions, right to form a family and marriage, special rights of the child, right to vote, right to equal protection of the law, special protection for minority rights.

Part IV consists of articles 28-45. This chapter talks about human rights committee and its operations. It establishes the UN Commission on Human Rights and how it should operate. Part V consists of two articles 46 and 47 and talks about how the articles of this covenant shall be interpreted. Part VI consists of articles 48-52 and provides for adaptation procedure of the covenant (International Covenant on Civil and Political Rights, 1966).

As Pakistan became signatory to the ICCPR much later, in 2010, it still influenced domestic legislation and institutions. In particular, the Constitution of Pakistan 1973 seems to share multiple similarities with ICCPR provisions. Right to life (article 6 of ICCPR) is guaranteed in article 09 of the Constitution. Freedom from torture, cruel and degrading treatment (article 7 of ICCPR) is guaranteed in article 14(a) of the Constitution. Freedom from slavery and forced labour (article 8 of ICCPR) is guaranteed in article 11 of the Constitution. Right to liberty and security of person (article 9) is safeguarded in article 10 of the Constitution. Right to fair trial (article 14 of ICCPR) is protected in 10A of the Constitution (it was inserted after Pakistan ratified the covenant in 2010). Freedom of movement (art.14), freedom of thought, conscience, and religion (art.18), freedom of expression (art.19), right to peaceful assembly (art.21), freedom of association (art.22), equality before law (art.26) are also provided in the Constitution of Pakistan via articles 115, 20, 19, 16, 17, and 25 respectively.

The reason ICCPR seems to have influenced the Constitution of Pakistan even before Pakistan formally ratified the Covenant is owing to the post WWII philosophy of respect for human dignity and human rights. However, the Constitution of Pakistan provides for restriction of many civil and political rights in times of emergency (Articles 233-235). It is the provisions in Articles 233-235 that allows the state to restrict much of the civil and political rights in its counterterrorism operations.

3. ICCPR and Counterterrorism in Khyber Pakhtunkhwa

Article 09 of the Convent needs special attention in terms of counterterrorism, police, and human rights. It prohibits arbitrary arrest and detention, requires that anyone arrested to be informed of charges, gives the right to be brought before the judge, and challenges the lawfulness of detention.

There are five clauses in Article 9. Clause 9.1 prohibits arbitrary arrest or detention and deprivation of liberty. In counter-terrorism operations, it happened most of the times. Article 9.2 states that anyone who is arrested shall be informed of the reason for his/her arrest and what charges are pressed against him/her. In counterterrorism operations, many who got arrested remained disappeared and that neither them nor their family members were informed of the whereabouts or the charges against them. Article 9.3 provides for the right to appear before a judge or other officer of the law who holds judicial powers. It prohibits keeping persons in custody beyond a reasonable time. As mentioned under comments on 9.2, this clause has been reported to be violated in counterterrorism operations. Article 9.4 talks specifically about detention and that anyone who is detained must be brought before a judge who might decide whether to put the person under detention or order his/her release if detention is not found lawful. In counterterrorism cases, many are not brought to the court or presented before the judge to decide their detention. Lastly, article 9.5 talks about compensation for those who have been unlawfully detained. No such case has been reported in KP as of yet.

Many of the provisions in Article 09 of ICCPR or Fundamental Rights in the Constitution did not hold during counterterrorism operations in Pakistan. Prohibition from arbitrary arrest and detention, requiring that anyone arrested to be informed of charges, giving the right to be brought before the judge, and lawfulness of detention were found by many international human rights bodies to be violated in Khyber Pakhtunkhwa (Amnesty International, 2012).

The most active period of terrorism in Pakistan was between 2002 to 2013. During this time, multiple counterterrorism operations were carried out including Operation Al-Meezan (2002-2006), Operation Kalosha (2004), Operation Sher Dil (2008) in Waziristan. The terrorist groups spread from erstwhile FATA to provincially administered tribal areas such as Swat, Dir, Shangla, Buner, and Malakand. Known as Operation Rah-e-Haq, the first full-fledged counterterrorism operation in settled parts of Khyber Pakhtunkhwa was carried out between 2007-08 in Swat. The operation was launched with the help of local police. Another operation, Operation Rah-e-Rast, was carried out in 2009 to clear Swat valley out of militants. During these counterterrorism operations, many individuals were arrest: Some hardcore militants who carried arms against the state, and some only those who, willingly or unwillingly, provided some form of logistic support to the militants. There was a need to reduce support for terrorist in any form. This necessitated establishment of deradicalization centers where psychological, religious, and moral counseling could be carried out. This resulted in establishment of internment centers in 2008 across KP, mostly in former FATA but also in settled districts.

The most significant part of the deradicalization program was the religious counseling. On religious fronts, the counterterrorism operations were not holding much ground as the religious scholars of Pakistan have not yet fully committed against terrorism. Since terrorist envelop their message in religious tone, there were no strong religious voices to condemn terrorist incidents. It was Dr. Tahir ul Qadri, the founder of Minhaj ul Quran Foundation, who issued a 600 pages Fatwa in March 2009 against terrorism and suicide bombing in Pakistan that provided a stronger religious counter-narrative against terrorism in Pakistan (Qadri, 2010). This helped strengthen the deradicalization programs and internment centers. However, voices were raised against the

human rights violations during counterterrorism operations. Many missing people were reported in the media and in the court of law.

The counterterrorism operations resulted in the arrest and detention of a large number of individuals in internment centers. Initially, the internment centers had no legality, however, in 2011, the Actions (in Aid of Civil Power) Regulations (AACPR) provided some legality to the internment centers. The AACPR provided extensive powers to law-enforcement agencies, including police, allowing them to detain persons allegedly involved in terrorism (in any manner), for an indefinite period of time without trial. However, the Regulations does provide for observance of some human rights, e.g. prohibition of torture during internment period, and constitution of oversight board to periodically review the condition of interns and internment center (Chapter VI, articles 14, 15).

Counterterrorism operations resulted in enforced disappearance of thousands of people. In response to international and local pressure, the Federal Government of Pakistan constituted a Commission of Inquiry into Enforced Disappearance (COIED) in 2011. Its mandate, amongst others, was to, “trace the whereabouts of allegedly enforced disappeared persons” and “fix responsibility on individuals or organizations responsible.” After the constitution of COIED, many enforced disappearance cases were brought to Peshawar High Court. In 2013, the Peshawar High Court was told that 643 of the missing persons were in the internment centers of Mohmand, Khyber, Kurram, Waziristan, Bajaur, Swat, Lakki Marwat, Kohat, and Malakand (Shah, 2013).

The issue of torture and abuse during the counterterrorism were also reported by media and international human rights organizations. The 2012 Amnesty International report titled “The hands of cruelty” Abuses by Armed Forces and Taliban in Pakistan’s Tribal Areas” reported a story of Mr. Noor who got arrested in Malakand. The report narrates:

The first time I got a slap I was already in a state of shock, I don’t remember for how long they kept on beating me after that but when they stopped I was already lying on the floor and my whole body was aching with pain. I was crying because of the pain, anger and shame. They again asked me to tell the truth and tell them about my contact with the Taliban. I couldn’t say anything at first then a soldier came near me and hit me very hard on the head with his open hand and screamed, “talk!” I again swore upon Allah and said I was innocent and had nothing to do with the Taliban, but they again started hitting me. I don’t know when they stopped and took me back to the room and pushed me in. It felt like an eternity but it was probably about two or three hours later. All night I couldn’t even lie down on my back, all my body was in pain. That night was the most terrible night of my life. I have never even seen an animal beaten the way I was beaten (p.20).

Although ICCPR, the ATA, the AACPR, the CrPC, and the Constitution of Pakistan prohibit torture and other degrading treatment, such tortures and inhuman treatment often went unpunished, claims Amnesty International (2012).

Uptil now, this chapter provided little background of the legal framework for counterterrorism in Pakistan. the following section provides a detailed overview of the counterterrorism legislations and also provides some commentary on the issue of human rights.

4. Pakistan’s Legal Framework for Counterterrorism

Besides the Constitution, Pakistan has a complex legal framework for counterterrorism with respect to the role of Police. There are three major policing laws with respect to Khyber Pakhtunkhwa: (i) The Police Act 1860, (ii) The Police Order 2002, and (iii) The KP Police Act 2017.

There was no mention of the word ‘terrorism’ in The Police Act, 1860 as well as in the Police Order 2002. On the other hand, the KP-Police Act, 2017 mentions in Article 4 (Duties of Police) that “subject to law, it shall be duty of every police officer to (e) counter militancy and terrorism.”

The subject of terrorism is specifically covered in the Anti-Terrorism Act, 1997 (ATA) which came into force on 20th August 1997 for the prevention of terrorism, sectarian violence and for the speedy trial of heinous offences and for matters connected therewith and incidental thereto. However, before the ATA, the subject of terrorism was covered under different legislative frameworks.

During the military regime of General Ayub Khan (1956-69), there existed multiple laws to deal with special law and order conditions e.g. in case of need. Such laws including The Security of Pakistan Act (1952), the Defense of Pakistan Ordinance (1955), and the Defense of Pakistan Rules (1965), were frequently used against political forces for the political objectives.

During the 1970s, the government of Zulfikar Ali Bhutto faced turbulent political opposition and nationalist movements in NWFP and Baluchistan, responding to which his government decided to undertake all necessary steps to suppress the political violence and separatist movements. In October 1974, Bhutto regime promulgated an ordinance under which special courts were established to curtail the acts of “sabotage, subversion and terrorism”. Later, the ordinance was approved by the Parliament as a regular law in the form of The Suppression of Terrorist Activities (Special Court) Act, 1975. The STA was repealed on 15th August 2001 when the President of Pakistan promulgated the Ordinance No. XXIX of 2001.

Terrorism and related activities are dealt with by many general and multiple special laws. Table-1 lists the general and special laws dealing with terrorism. Around 26 legislations deal with terrorism and related activities in Pakistan. within this complex legal framework, the issue of counterterrorism and balancing human rights also became quite complex.

Pakistan’s legislative response to internal insecurity has produced a dense, layered legal landscape characterized by the co-existence of standard criminal procedure and extraordinary executive powers. Table-1 categorizes the general and special statutes that together constitute the national counterterrorism legal framework within which the KP Police operated.

Table 1: Special and General Laws for Counterterrorism in Pakistan

S#	Special Laws	General Laws
1	Suppression of Terrorist Activities (Special Courts) Act 1975	Police Act 1861 (Nowhere-mentioning of Terrorism)
2	Special Courts for Speedy Trial Ordinance 1977	Arms Act 1858
3	Disturbance in Terrorist Affected Areas (Special Courts) Ordinance 1990	Pakistan Penal Code 1860
4	Special Courts for Speedy Trial Ordinance 1990	Explosive Act 1884
5	Transfer of illicit Arms Act 1991	Telegraph Act 1885
6	Special Courts for Speedy Trial Act 1992	Post Office Act 1890
7	Anti-Terrorism Act 1997	Code of Criminal procedure 1898
8	Money Laundering Act 2010	Constitution of Pakistan 1952.
9	Counter Insurgency (In Aid of Civil Power) Regulations 2011	Defense of Pakistan Ordinance (XXIII) of 1955
10	Defence of Pakistan Ordinance 2013 and Defence of Pakistan Act 2014	Defense of Pakistan’s Rules 1965
11	Pakistan Electronic Crime Act 2016	Pakistan’s Arms Ordinance 1965

		Constitution of Pakistan's Rule 1971
		Ordinance 2002 (Nowhere- mentioning of word Terrorism)

disruption, arson, sabotage, extreme violence or destruction of properties and communications, or other heinous offences

The legislative mapping presented in Table 4.1 demonstrates the structural hyper-legislation that has characterized Pakistan's security governance. The operation of 26 distinct general and special laws created a highly fragmented legal regime. This statutory proliferation is analytically significant because it provided law enforcement agencies with expansive discretionary latitude to bypass standard procedural protections guaranteed under the Code of Criminal Procedure (CrPC) 1898. By invoking special statutes such as the Anti-Terrorism Act (ATA) 1997 or the Actions (in Aid of Civil Power) Regulations (AACPR) 2011, executive agencies could routinely extend detention periods, alter rules of evidence, and restrict constitutional bail rights. Rather than establishing a coherent, human-rights-compliant framework, this statutory complexity effectively institutionalized a parallel justice system, leaving frontline police officers caught between conflicting legal standards and eroding judicial oversight over executive actions.

4.1 The Evolution and Structural Mechanics of the Anti-Terrorism Act (ATA) 1997

The promulgation of the Anti-Terrorism Act (ATA) 1997 marked a watershed moment in Pakistan's legal history, formally establishing a parallel judicial and investigative architecture designed to circumvent the perceived delays and procedural rigors of the conventional criminal justice system. Conceived under the government of Prime Minister Nawaz Sharif primarily to address escalating sectarian violence, the ATA created specialized Anti-Terrorism Courts (ATCs) empowered to conduct summary, expedited trials. However, over the subsequent two decades, the statute underwent at least sixteen statutory amendments, transforming it from a specific tool against sectarian militancy into an expansive, catch-all security regime.

An analysis of these legislative modifications reveals three distinct evolutionary phases, each reflecting specific state imperatives and generating direct consequences for human rights and police practice:

1. Phase I: Operational Expansion & Over-Broad Definitions (1997–2002)

The initial wave of amendments—most notably the Presidential Ordinances of 1998, 1999, and Ordinance XXXIX of 2001—focused primarily on broadening the statutory definition of terrorism and expanding executive powers of search, seizure, and arrest. Following the post-9/11 spillover of transnational militancy into Khyber Pakhtunkhwa, Ordinances VI, CXXIV, and CXXV of 2002 explicitly aligned domestic law with international security mandates. Crucially, Ordinance CXXV of 2002 introduced the "Fourth Schedule," a preventative surveillance mechanism allowing the state to restrict the movement, financial activities, and civic liberties of suspected individuals based merely on executive suspicion rather than judicial conviction. While these measures enhanced police operational reach, they simultaneously diluted fundamental constitutional guarantees against arbitrary state interference.

2. Phase II: Structural Consolidation & Special Powers (2004–2014)

The second phase of amendments reflected the state's attempt to legalise extraordinary investigative techniques as kinetic conflict intensified across KP and FATA. The Anti-Terrorism (Amendment) Acts of 2004 (Act X and Act II of 2005) introduced provisions targeting money laundering and terror financing, bringing domestic legislation into partial alignment with international conventions. As insurgent violence reached unprecedented levels between 2009 and 2013, the legislature passed the 2013 and 2014 Amendment Acts. The 2013 Act responded directly to the extreme physical risk faced by judicial actors, introducing statutory provisions for witness, judge, and prosecutor protection. The 2014 Second Amendment Act, passed in the wake

of escalating urban attacks and the subsequent 2014 Army Public School massacre, further expanded law enforcement powers to conduct electronic surveillance, intercept communications, and shift the burden of proof onto the accused in specific circumstances, fundamentally altering traditional standards of criminal jurisprudence.

3. Phase III: Post-APS Modernization & Financial Surveillance (2016–2020)

The final statutory evolution, embodied in the 2016 Amendment and the Third Amendment Act of 2020, modernized the investigative toolkit of law enforcement agencies. Driven largely by international compliance imperatives imposed by the Financial Action Task Force (FATF), the 2020 amendments codified sophisticated investigative methods, including undercover operations, covert communication interceptions, and controlled delivery operations specifically tailored to dismantle terror financing networks.

From an analytical standpoint, the evolution of Section 6 of the ATA 1997—which defines the substantive offence of "terrorism"—illustrates the central conceptual dilemma of the thesis. Through successive amendments, Section 6 expanded to encompass not only acts involving explosive devices, targeted killings, and armed resistance, but also broad categories of public disruption, extortion (**bhatta**), unauthorized FM radio broadcasting, property damage during protests, and severe violence against public servants. By defining terrorism through a combination of the **means used** (explosives, firearms) and the **intended outcome** (creating fear, coercing the state, or advancing an ethnic/religious cause), the statute inadvertently created immense legal elasticity. As analyzed in Section 4.4.2, this elasticity allowed frontline police officers to routinely classify conventional, heinous street crimes as acts of terrorism, severely clogging Anti-Terrorism Courts and undermining the theoretical integrity of both conventional and extraordinary criminal justice frameworks.

4.2. Human Rights and ATA

Since the ATA provides more power to police and law-enforcement agencies, it resulted in unnecessary application of ATA to some common law crimes. Between 2008 and 2013, there were about 82,000 (Ali, 2013) reported cases of kidnapping/abduction and by classifying all those acts as terrorist acts or heinous offences, they were adjudicated by the Anti-Terrorism Courts, which made these courts ineffective in the disposal of such a large number of cases.

In order to further specify terrorism cases and separating common law crimes, the Ghulam Hussain vs the State case is a landmark judgment by the Supreme Court of Pakistan, authored by Justice Asif Saeed Khosa, which lays down a conclusive and narrow scope of the definition of terrorism and its application with respect to criminal cases. The police as well as other law-enforcement agencies dealing with terrorism are often blamed for enhancing the nature and scope of ordinary crimes to the level of terrorism and implicate ordinary criminals as terrorists. The Court, while ruling in favor of the latter approach, has put an end to the wide discretion that was used by the police, government, and the public in general while invoking the ATA 1997. This arbitrary discretion was used even in cases of property damage, personal enmity, and other violations of law which were ordinary in nature.

The Supreme Court in Ghulam Hussain vs. The State, which was brought before the court in its appellate jurisdiction. The Ghulam Hussain case is a seminal judgment of the Supreme Court of Pakistan, which lays down a clear and precise definition of terrorism and removes the uncertainty in determining the scope of the definition of terrorism.

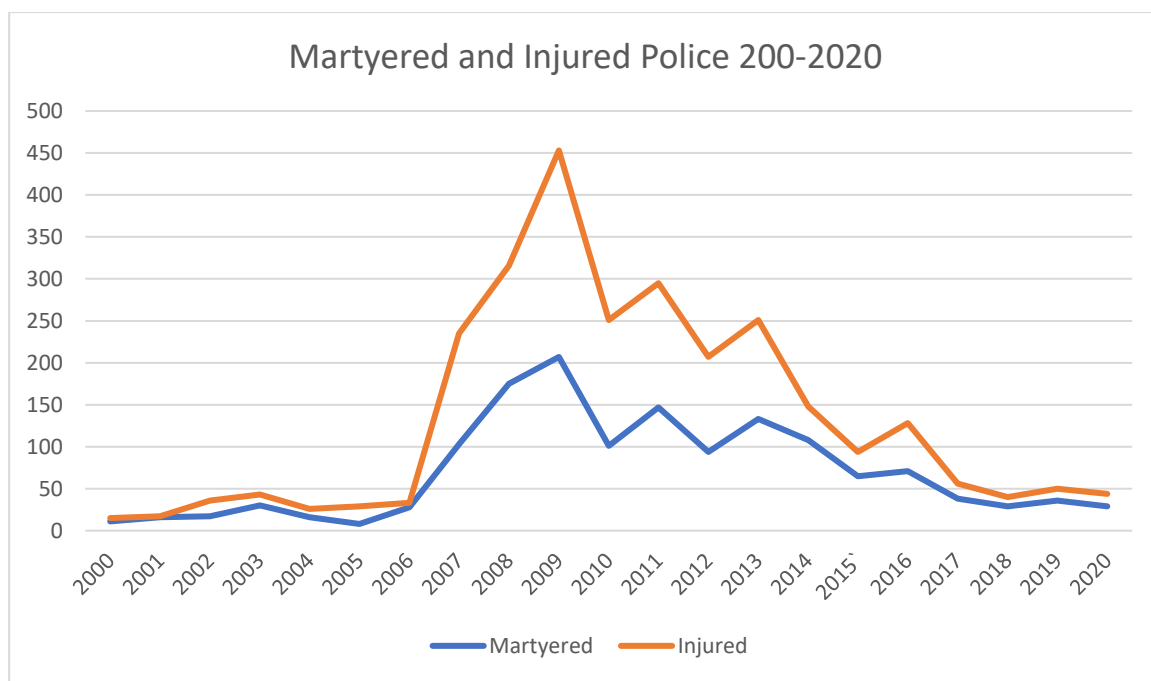
Justice Khosa, in his opinion, goes beyond the scope of Section 6 of the ATA 1997 and recommends the legislature to further amend the ATA in two ways: firstly, he recommends that the preamble should be changed to only include acts of terrorism and not trials for other heinous crimes and secondly, he endorses the removal of Schedule III from the Act which pertains to the list of offences triable under the ATA 1997. Following an amendment in 2004, 'kidnapping for ransom' and 'abduction' were added to the Third Schedule of the ATA 1997. Such acts may be heinous in nature, but cannot be deemed to be terrorist acts unless they are conducted to further an

ideological, political, or religious cause. As mentioned previously, between 2008 and 2013, there were about 82,000 reported cases of kidnapping/abduction and by classifying all those acts as terrorist acts or heinous offences, they were adjudicated by the Anti-Terrorism Courts, which made these courts ineffective in the disposal of such a large number of cases.

5. KP Police Act 2017 and Human Rights

The counterterrorism operations resulted in not only curbing terrorist activities in KP but also resulted in multiple casualties for the police. Graph-1 shows a lower level of police casualties between 2000 and 2005. Police casualties sharply rose-up between 2006 and 2008. It started declining from 2009 onward. Since then, there has been continuous decline in police casualties.

Graph-1: KP Police Officers Martyred/Injured (2000 To 2020)



Source: Office of the Inspector General Police, CPO, KP

A detailed discussion on changing police response has been made in another chapter. But the reducing police casualties have been associated to the effective counterterrorism measures by the state apparatus including the police. The previous lines mention that the voices for human rights violations in counterterrorism operations were raised in the media and by the national and international human rights bodies. KP has made attempts to balance counterterrorism with respect for human rights. One of the major legal measures taken by KP police was enactment of KP Police Act in 2017.

In all the police laws and Police Rules the Khyber Pakhtunkhwa Police Act 2017 is the most recent and well-framed Police law. The act describes responsibilities and duties of the Police in detail, and a good deal of job description is outlined for the Police. This comprehensive assignment includes duties and responsibilities both to counter terrorism as well as up-hold and protect the human rights of the citizen. The legislative effort to balance counter-militancy mandates with constitutional rights guarantees culminated in the passage of provincial law. Table-2 outlines the

comparative statutory provisions contained within the Khyber Pakhtunkhwa Police Act 2017, illustrating how human rights protections and counterterrorism duties were codified side-by-side.

Table 2: Human Rights & Counterterrorism in KP Police Act 2017

Police Act 2017	Provisions related to human rights	Provisions related to counterterrorism
Section 03	Deal with decorum and courtesy toward the public. Identify and assist vulnerable individuals—especially the poor, disabled, or lost children. Protect individuals, particularly women and children, in danger of physical harm. Protect the life and property of minorities and places of worship.	
Section 04	As officers of police (1) subject to law it shall be the duty of every police officer to:- Protect life, property, honour, and liberty of citizens. Ensure custodial rights and privileges of detainees are protected. Ensure that the information about the arrest of a person is promptly communicated to the person of his choice. Take charges of lunatics at large to prevent them from causing harm to themselves or other members of the public and their properties. Prevent harassment of women and children in public places. Every police officer shall make every effort to :- Provide relief to people in distress situation particularly in respect of women and children. Provide assistance to victim to road accidents. Assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate compensation claims	Maintain public order and security; preserve and promote public peace. Counter militancy and terrorism. Identify and cooperate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities. Assist in preventing members of the public from exploitation by any person or organized groups.

The statutory juxtaposition illustrated in Table-2 encapsulates the core operational paradox evaluated throughout this thesis. The KP Police Act 2017 places an explicit legal duty on frontline officers to respect human dignity, protect vulnerable populations, and ensure custodial rights (Articles 3 & 4), while simultaneously mandating that same force to "counter militancy and terrorism" (Article 4[1][e]). While this dual mandate represents a progressive legislative intention to civilize the police force, its practical operationalization faced severe structural hurdles. As demonstrated in Table 4.2, while counterterrorism functions were supported by specialized, highly resourced, and independent units like the CTD and Elite Force, protection of human rights possessed no dedicated, resourced structural wings within the operational police hierarchy. Consequently, rights protection remained an abstract administrative expectation imposed on ordinary station-level officers, whereas counterterrorism operated as an urgent, heavily funded institutional imperative.

These performance prescriptions side by side show that the framers of the said law were cognizant of the fact that the role of the Police has extensively been changed in the wake of war on terror and the public has been loudly demanding the protection of human rights in an atmosphere of enhanced consciousness and greater media awareness. Table-2 indicates that regards for human dignity and helping the victims and offenders as human beings are given greater importance and priority in the Police Act 2017. One of the reasons for this greater importance is that militancy and terrorism are dealt by many other law enforcement agencies and the police have also a separate, resourceful and independent wing for this purpose. On the contrary, protection of human rights have no special units within or without the police. Therefore, provisions of human rights are greatly mentioned in the duties and responsibilities of ordinary police.

6. Human Rights and Police Training and Education

Besides KP Police Act 2017, multiple human rights courses were also included in the police course at Police Training Colleges.

The old police laws and rules don't mention anything about the subject of human rights in the police training curriculum. This movement started with full consciousness and commitment after the new law of Police Order 2002. Though no separate subject of human rights laws was fully incorporated into any of the training programmes at the Police Training College, yet topics and essays related to human rights were included, from time to time, in the basic and in-service professional training courses. A separate module on human rights was designed by the researcher but it is still not implemented by the CPO. However, the various human rights laws, acts, covenants, protocols or legal and constitutional provisions relating to human rights are incorporated in various subjects and courses in the Police Training College, Hangu, the only prime institution of police learning and training in the province. Table-3 summarizes all such human rights provisions given in the police training courses.

To assess whether statutory rights guarantees translated into operational competence, it is necessary to examine the institutional training environment. Tables-3, 4, and 5 summarize the human rights course modules integrated into the curricula for Advanced/Upper courses, Intermediate/PASI courses, and Recruit/Lower courses at the Police Training College (PTC) Hangu.

Table 3: Human Rights Contents in Police Officers Courses

Lower Course	Upper Course
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<i>ects related Human Rights Sections/Module</i>	<i>ects related Human Rights ions/Module</i>
roduction to Human Rights	ersal Declaration Charter of Human Rights }
ba Hajjatul Wida (Last sermon of the Holy het Hazrat Muhammad, Peace be upon him)	lamental Human Rights in Islam and titutional Concept
ter of Magna Carta of the year 1215	cture of rights
ersal Declaration Charter of Human Rights }	
les Related to Basic Human Rights in stitution of Pakistan 1973.	
ection of Vulnerable group (Marginalized ps i.e Religious minorities, Transgender etc)	
nic ethics	
ic Relations	

An analytical interrogation of the training curricula detailed in Tables 4.3, 4.4, and 4.5 reveals a critical pedagogical gap within the KP Police educational architecture. While the inclusion of modules on the Universal Declaration of Human Rights (UDHR), constitutional rights, Islamic ethics, and historic charters (such as Magna Carta and Khutba Hajjatul Wida) represents a welcome conceptual shift, the instructional format remains overwhelmingly theoretical, historical, and abstract. Across all ranks—from senior DSPs in the Advanced Course down to newly inducted Constables in the Recruit Course—the curricula emphasize rote cognitive familiarity with international instruments rather than practical, scenario-based operationalization. Frontline officers are given minimal practical instruction on how to execute lawful searches under tactical stress, how to conduct non-coercive interrogations of terror suspects, or how to maintain procedural compliance during high-intensity cordon-and-search operations. This pedagogical disconnect directly explains the central empirical finding of Chapter 6: while officers demonstrate high abstract awareness of human rights terms, their field-level practices remain dominated by survival-oriented, informal, and extra-procedural habits.

With respect to training, the officers at Police Training College include the participants of the Advance Course and Upper Course. In advance course, most of the participants aspirant Deputy Superintendents of Police (DSPs), those would overlook a police circle that consists of multiple police stations. Their course usually lasts forty-five (45) days. It has specific contents/subjects of human rights e.g. introduction to human rights, UDHR, Fundamental Human Rights in the Constitution, Charter of Magna Carta, Islamic Ethics, Public Relations, minority rights, and the last sermon of the Holy Prophet Muhammad (PBUH). The Upper course participants are aspirant Inspectors of police usually posted to look after a police station as Station House Officers. Their course includes subjects on UDHR, Fundamental Human Rights in the Constitution, and a subject on structure of rights. Structure of rights in the course refers to the list of human rights provided for all human beings.

These human rights subjects ensure that the police officers have an advance level of knowledge on human rights and that as a police officer, their duties include ensuring those rights are protected.

The intermediate course participants also undergo some human rights subjects. Table-4 provides some details on the human rights subjects for intermedia course participants. The term PASI refers to Probationer Assistant Sub-Inspector. They are police employees who have been inducted directly into this role through Khyber Pakhtunkhwa Public Service Commission. Mostly, PASI are

relatively more educated than their counterparts (ranker ASI). The PASI undergoes through a course period lasting from 12 to 14 months.

Table 4: Human Rights Contents in Intermedia Courses

Intermediate Stage	Lower Stage
<i>Subjects related Human Rights Sections/Module</i>	<i>Subjects related Human Rights Sections/Module</i>
Universal Declaration Charter of Human Rights 3	Universal Declaration Charter of Human Rights 3
Intermediate Course	Fundamental Human Rights in Islam and Constitutional Concept Structure of rights
Universal Declaration Charter of Human Rights 3	Constitutional Concept of Basic Human Rights Charter of United Nation

The subjects include UDHR, fundamental rights in the constitution and in Islam, basic human rights, and the UN Charter. These course contents ensure that the newly inducted police officials have an understanding that besides crime fighting, their role also includes ensuring protection of human rights.

Table 5: Human Rights Contents in Lower and Recruit Courses

Lower Course	Recruit Course
<i>Subjects related Human Rights Sections/Module</i>	<i>Subjects related Human Rights Sections/Module</i>
Universal Declaration Charter of Human Rights 3	Universal Declaration Charter of Human Rights 3
Fundamental Human Rights in Islam and Constitutional Concept Structure of rights	Fundamental Human Rights in Islam and Constitutional Concept Structure of rights
Constitutional Concept of Basic Human Rights	Constitutional Concept of Basic Human Rights
Charter of United Nation	Charter of United Nation
	Constitution of Pakistan and Basic Human Rights

The lower ranks of police include Constable and Head Constable. The constables undergo through Recruit course; this is a basic course lasting for about four (04) months. Recruits are exposed to human rights subjects of UDHR, fundamental rights, rights in Islam, types of rights, basic human rights, and others. Likewise, the Lower course participants are aspirant Head Constables. They also undergo a similar course subject to ensure that the courses of human rights that they were exposed to during their recruitment period remain intact (see Table-5).

The subjects of human rights in the course contents of various police ranks were included as a balancing strategy to counterterrorism and respect for human rights. They are attempting to make human-rights-friendly police in KP.

Conclusion

The national and international legal framework governing counter-terrorism and human rights provides indispensable parameters for state behavior, seeking to ensure that state efforts to neutralize violent extremism do not erode fundamental human liberties. Following the post-9/11 spillover of asymmetric violence into Khyber Pakhtunkhwa, the initial policing response operated under severe operational confusion, lacking both statutory clarity and specialized tactical orientation. While structural overhauls like the Police Order 2002 attempted to institutionalize a democratic, public-friendly service model, they failed to offer operational mechanisms for confronting active armed insurgency. Over time, the state adopted an increasingly hardline, kinetic posture—yielding a measurable decline in terrorist incidents and police fatalities, but simultaneously triggering widespread allegations of severe human rights violations, enforced disappearances, and custodial abuse.

In response to domestic judicial scrutiny and international human rights mandates (such as the ICCPR), the KP Police attempted to deploy a "balancing strategy" aimed at reconciling security operations with fundamental rights safeguards. This progressive intent culminated in the passage of the landmark KP Police Act 2017, which explicitly codified human rights protections alongside the statutory duty to counter militancy and terrorism.

However, a critical analytical interrogation reveals that this balancing strategy remains hampered by a profound structural asymmetry. While counter-terrorism functions were backed by specialized, independent, and heavily resourced operational wings—such as the Counter Terrorism Department (CTD) and Elite Force—human rights protections possessed no dedicated, resourced structural wings within the operational police hierarchy. Consequently, rights compliance remained an abstract administrative expectation imposed on ordinary, station-level police officials, whereas counter-terrorism functioned as an urgent, heavily funded institutional imperative.

This structural disconnect is further compounded by an instructional gap within the institutional training environment at institutions like the Police Training College (PTC) Hangu. Although human rights modules spanning international charters (UDHR), historic protocols (Magna Carta, Khutba Hajjatul Wida), and constitutional guarantees were integrated across all training tiers, the pedagogical approach remains overwhelmingly theoretical, historical, and abstract. Rote classroom learning has failed to impart practical, scenario-based operational skills—such as executing lawful searches under tactical stress or conducting non-coercive interrogations—leaving frontline officers to fall back on survival-oriented, informal, and extra-procedural field habits during high-stakes operations.

Furthermore, as demonstrated by the landmark Supreme Court ruling in *Ghulam Hussain v. The State*, the over-broad expansion of Section 6 of the Anti-Terrorism Act 1997 created immense legal elasticity, allowing ordinary heinous crimes to be routinely misclassified as acts of terrorism. This systemic over-reach not only severely congested Anti-Terrorism Courts but also fostered an environment where standard procedural protections guaranteed under the Code of Criminal Procedure (CrPC) were routinely circumvented.

Ultimately, the empirical and legal evaluation of Khyber Pakhtunkhwa's policing response demonstrates that statutory declarations and abstract training modules alone cannot bridge the gap between state security imperatives and human rights protections. Achieving a sustainable democratic policing model in post-conflict environments requires moving beyond symbolic legislative balancing toward three concrete structural imperatives:

1. **Structural Parity:** Establishing dedicated, fully resourced Human Rights and Internal Accountability Wings within the police structure that possess oversight authority equal to specialized counter-terrorism branches.
2. **Pedagogical Re-Engineering:** Shifting police training from abstract, cognitive lectures toward mandatory, scenario-based field simulations focused on lawful search, non-coercive interrogation, and forensic evidence collection under conflict stress.
3. **Procedural Integrity:** Restricting the application of extraordinary security laws (such as the ATA and AACPR) strictly to ideologically motivated terrorist acts, thereby eliminating parallel legal regimes that bypass standard criminal procedures and erode constitutional judicial oversight.

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