

PAKISTAN

Definition and Prosecution of Terrorist Acts

Pakistan's Anti Terrorism Act of 1997 defines terrorism as the use or threat of action that:

- causes death or is likely to endanger a person's life;
- Involves grievous violence against or harm to a person;
- Grievously damages to property;
- Incites hatred and contempt on religious, sectarian or ethnic basis to stir up violence or cause internal disturbance;
- Involves any form of mischief to spread panic;
- Involves firing on religious congregations, mosques, churches, temples and all other places of worship;
- Creates a serious risk to safety of the public or is designed to frighten the general public and disrupts civic life;
- Involves burning of vehicles or any other serious form of arson;
- Involves extortion of money or property;
- Seriously interferes with communication systems;
- Involves coercion or intimidation of a public servant in order to force him to discharge or to refrain from his lawful duties;
- Involves serious violence against a member of the public force, armed forces, civil armed forces or a public servant.

The Anti Terrorism Act of 1997 also makes it an offense to coordinate, direct, organize or train individuals to carry out terrorist acts with firearms, explosives, chemical or biological weapons. Said offences are punishable by seven years' imprisonment.

The Pakistan Penal Code allows Pakistani courts to try Pakistani nationals and foreign nationals who commit terrorist offenses both within the borders of Pakistan as well as beyond.

Prevention of Terrorism – Security Measures

Pakistan is a Federation made up of many provinces which have the responsibility for maintenance of law and order in consultation with the branches of the federal government. At the federal level, the Ministry of Interior issues broad policy guidelines and conveys the decisions of the Federal Cabinet. The Pakistani Ministry of the Interior has established a National Crisis Management Centre to facilitate communication between government agencies. Provincial governments have established similar centers. Both federal and provincial centers are interlined for real time collection and collation of information of all incidents occurring in any part of Pakistan. This information is collected by the Centers and disseminated to agencies such as Crime Investigation Departments, Intelligence Agencies, Frontier Corps, Rangers and Anti Narcotics Force.

To curb arms trafficking, the Pakistani government is implementing a long-term arms recovery program. The aims of said program is to disarm citizens of illegally held weapons and eliminate the illicit trade in small arms and light weapons. Re-registration of arms will be started allowing for the creation of a database of arms dealers, computerization of old record of arms licenses, revalidation of existing arms licenses, and finally the introduction of a new license book with security features. Pakistan's national authorities are responsible for the physical protection of the nations nuclear material. To accomplish this, the government has established fail-safe procedures with oversight of highly responsible national organizations. Pakistan is also a State Party to the Chemical Weapons Convention and the Biological Weapons Convention that prohibit the development, stockpiling and use of chemical and biological weapons.

Financing of Terrorism and Money Laundering

The State Bank of Pakistan is responsible for supervising the financial sector and preventing money laundering. It does so by carrying out inspections of individual banks as well as monitoring the performance of every banking company to ensure its compliance with the statutory criteria and banking rules and regulations. The State Bank has also passed regulations mandating that all banks monitor their accounts for suspicious financial transactions and file a Suspicious Activity Report to the police on a regular basis. The National Accountability Bureau, the Federal Investigation Agency, and the Anti-Narcotics Force will investigate suspicious activity.

Pakistan has also proposed a draft law on Anti Money Laundering. This law sets up a National Financial Intelligence Centre that is to be headed by a Director-General appointed by the President of Pakistan. Any offences covered by the Anti Money Laundering Law will be punishable by five years' imprisonment. The Anti Money Laundering law also provides for the seizure of property. Existing law also acts to criminalize the financing of terrorism by defining "terrorist property" and making it a crime to solicit, collect, or use such property for terrorist activities.

Pakistan is also attempting to regulate the Hawalah system of money exchange – a private foreign exchange and money changing business - by the introduction of Exchange Companies in order to provide a proper corporate structure to the money changing business.

Information Sharing

Pakistan regularly exchanges information with all friendly and non-hostile States, whether they are coalition partners and have signed extradition treaties with Pakistan or not. Additionally, as a member of ICPO–INTERPOL, Pakistan maintains liaisons with various departments in Pakistan, national central bureaus of other countries and the Secretariat General of ICPO–INTERPOL. National Central Bureau, Islamabad regularly exchanges information and shares intelligence concerning criminal matters with these bodies.

BIBLIOGRAPHY OF PAKISTANI LAWS

Definition and Prosecution of Terrorist Acts

- Anti Terrorism Act of 1997

Prevention of Terrorism – Security Measures

- Illicit Arms Act of 1991
- Pakistan Penal Code, Section 4
- Pakistan Criminal Code, Section 188

Financing of Terrorism and Money Laundering

- Prudential Regulation No. XI
- Prudential Regulation No. XII
- Rule of Business for Non-Banking Financial Institutions 22
- Banking Companies Ordinance of 1962, Section 40(A)
- Draft Law on Anti Money Laundering
- Anti Terrorism Act of 1997, Section 11F, 11H to 11K
- Foreign Exchange Regulation Act of 1947
- Madresah Registration Ordinance of 2002

Information Sharing

- ICPO – INTERPOL Constitution, Article 32