

THREE-DAY TRAINING PROGRAM ON COUNTER TERRORISM FINANCING & CIRCUMSTANTIAL EVIDENCE FOR PROSECUTORS OF ANTI-TERRORISM COURTS (FROM 12-14 JANUARY 2022)



Background Context

Under the PACT Project Sindh, Sindh Judicial Academy (SJA) in coordination / collaboration with National Counter Terrorism Authority (NACTA) and United Nations Office on Drugs & Crime (UNODC) has been working on various activities / projects for capacity building in support of bringing essential reforms in criminal justice system.

Prosecutors of Anti-Terrorism Courts of Sindh are performing key roles in the fight against Counter Terrorism Financing. With above context, the need of a training for the capacity building of Prosecutors consonant with Pakistan's broader Counter Terrorism Financing & Circumstantial Evidence approach was realized.

Brief Introduction of Training

In line with above mandate, a Three-Day training program on “**Counter Terrorism Financing & Circumstantial Evidence**” for Prosecutors of Anti-Terrorism Courts was organized from 12-14 January 2022. In this inter-active / practical training session, total 15 Assistant Prosecutor Generals (APG) attended.

During the three days training program, all the important sessions / lectures were delivered by **Mr. Muhammad Shahid Shafiq** (District & Sessions Judge / Senior Faculty Member, Sindh Judicial Academy). Whereas, the reps of NACTA and UNODC also

participated and assisted in continuation of discussion.

Salient Proceedings

On Day-01, **Mr. Farhan Ali Nawazish** (Program Officer, UNODC) and **Ms. Sania Rubab** (Representative, UNODC) conducted the inauguration session including registration and attendance of participants, recitation and Pre-Assessment. Thereafter, a welcome note was also conducted and participants were provided with an overview of the AML Case Management.

First session was conducted on the following topics:

- Terrorism Financing
- Money Laundering

Second session was conducted on the following topics:

- Proscribed Organizations in Pakistan
- Domestic Compliance/Response to the Sanctions Implementation under the 1267 Regime
- Sanctions Measures that may be imposed against Proscribed Organizations and Proscribed Individuals under the 1267 regime
- Exemptions from Sanctions Measures

Third session was conducted on the following topics:

- De-listing Procedure
- Penalties for Sanctions Violations
- Sanction Measures under UNSCR 1373
- Measures for Combating Money Laundering under Anti-Money Laundering Act (AMLA) 2010

Fourth session was conducted on the following topics:

- Role of Authorities in Countering Financing of Terrorism
- Framework Defining Roles and Functions of Entities under UNSCR 1267
- Asset Freeze
- Role/Jurisdiction of each Agency in Compliance with UNSCR 1373 under the ATA 1997
- Coordination amongst the LEAs under the AMLA 2010 and ATA Regime
- Definition of Terrorism
- Foreign Terrorist Fighters (FTFs)
- Measures Undertaken against Terrorist Property

On Day-02, recap of Day-01 was jointly conducted by **Mr. Farhan Ali Nawazish** (Program Officer, UNODC) and **Ms. Sania Rubab** (Representative, UNODC).

First session was conducted on the following topics:

- Difference between Money Laundering and Terrorism Financing
- The interplay of International Human Rights Laws and AML / CTF
- International Legal Framework of AML / CTF
- Domestic Legal Framework and the interplay with Human Rights
- Raising Funds
- Movement of Funds through Money Laundering
- Modes of Movement of Funds

Second session was conducted on the following topics:

- Proceeds of Crime
- Knowledge

- Amendments to AMLA, 2010
- Regulations issued by CTF/AML Regulator Authorities
- Jurisdiction of Courts under AMLA 2010
- Anti-terrorism Act, 1997
- Powers under the ATA
- Lodging of an FIR
- Collection of Evidence
- Evidence Obtained from Modern Devices

Third session was conducted on the following topics:

- Obtaining Additional Records (21EE) / AMLA 2010 / Anti-terrorism Act, 1997 / Investigation for Fair Trial Act, 2013
- Identification Parade Proceedings
- Maintaining a Police File and a Judicial File
- FATF Mutual Evaluation Report on Pakistan
- Types of Special Investigation Techniques in use in Pakistan
- Joint Investigation Teams (JITs)
- Checking of Assets without Notification to the Owner

Fourth session was conducted on the following topics:

- Case Management
- Case Information Management System
- Evidence
- Scope of the Mutual Legal Assistance Act, 2020
- Groundwork for Requests

On Day-03, recap of Day-02 was jointly conducted by **Mr. Farhan Ali Nawazish** (Program Officer, UNODC) and **Ms. Sania Rubab** (Representative, UNODC)

First session was conducted on the following topics:

- Definition of Evidence
- Primary and Secondary
- Best Evidence Rule
- Direct and Indirect Evidence
- Oral and Documentary Evidence
- Jurisprudence on Oral and Documentary Evidence

Second session was conducted on the following topics:

- Legal Framework of Evidence
- Definition of circumstantial evidence
- Principles of circumstantial evidence
- Relevance of circumstantial evidence in terrorism cases
- Constituents of circumstantial evidence and chain of evidence including case studies
- Categories of circumstantial evidence and their evidentiary value

Third session was conducted on the following topics:

- Issues with Call Data Record (CDR)
- Illegalities Committed During Recording of Judicial Confessions
- Failure to Produce Relevant Circumstantial Evidence and Production of Material Witnesses
 - Inconsistencies in Statements of *Mushir-nama* Witness and Statement of Investigation Officers
- Power to Examine the Accused

Fourth session was conducted on the following topics:

- Hearsay Evidence & the Principle of 'Res-Gestae'
- Opportunity and State of things
 - Inferences of Guilt from Circumstances
- Use of Circumstantial Evidence to Introduce Relevant Facts
- How Information Acquired from the Accused can be Used
 - Forensic Evidence: Relevance in Terrorism Cases
- Evidentiary Value of Confessions

At the end of training, participants were awarded with certificates.

