CREDOMUN III



PNA

STUDY GUIDE

Letter from the Secretary-General

It is my team's and my utmost pleasure and honour to host you at the 3rd edition of CREDOMUN as the Secretary-General.

A few days from now, all of you will be walking through the doors of your committees, and while it may seem daunting now, trust me when I say this: it will be one of the most fulfilling experiences of your life.

The three days of the conference are not just about debate, drafting resolutions, or winning awards, but about experiencing something larger than yourself.

This edition of CREDOMUN gives you the platform to explore a wide range of cultures and engage with diverse schools of thought from across the city.

After being honoured with the role of DDG at last edition's conference, I am gratefully excited to host all of you amazing delegates this year as the Secretary-General. This places the utmost responsibility on my team to ensure that you leave this conference having gained something meaningful from it.

While I do not intend to bore you right now whilst you read this note, I must warn you about the time when I will have to give a speech in front of you. At that time, I will take no action to stop myself from being boring and annoying.

Till then, you have everything you could ever need in these study guides and all the time in the world before the eve of the 23rd. I look forward to seeing the ideas you challenge, the solutions you develop, and the memories you create throughout the conference.

With warm regards,
Fazl Abbas
Secretary-General

Letter from The President

Dear Delegates,
It is my humble privilege to welcome you all to the 3rd edition of CredoMUN

CredoMUN has been the focal point of my debating journey, from being a delegate in its 1st edition, then an ACD in its 2nd edition and now the President of the 3rd edition, CredoMUN has truly given me a platform to learn and lead

I have always skipped through the notes in a study guide because why spent time reading the note from someone i dont even know, so please do skip along if I am eating into your limited research time.

The reality is CredoaMUN is truly special because here, delegates can feel at home, debate and have fun, make memories without having to process 5 Bashes at the same time, because at CredoMUN every delegate gets a chance to express themselves, learn how to improve and make unforgettable memories along the way.

As the President of this conference, I promise you all one thing, excellence. Whether it is across exceptional debate, incredible committee topics, or the wonderful people you meet along the way, my team and i ensure that you will be part of the best CredoMUN to date

And if you ever feel overwhelmed by the spectacle, you can always find me practicing a long range volley in our futsal court

Warm Regards,

Saif Khan,
President,
Credo Model United Nations III



Reforming Pakistan's Criminal Justice System

Balancing Public Safety, Due Process, and Institutional Accountability

The central question of the committee is:
How can Pakistan build a criminal justice system that protects the public, holds offenders accountable, and maintains the constitutional rights of every person accused of a crime?
The agenda is not simply about making punishments harsher or reducing crime. It concerns the entire process—from investigation and arrest to prosecution,trial,sentencing, imprisonment,and rehabilitation.

Part I — Understanding the agenda

1. The criminal justice system

The criminal justice system is the network of institutions and laws responsible for investigating offences, prosecuting suspects, determining guilt, imposing lawful sentences, and protecting victims and the public.

Police investigation & Prosecution

Receive complaints, investigate offences, collect evidence and arrest suspects where legally justified. Assessing the evidence and presenting the case on behalf of the state.

Courts, judiciary, Sentencing and corrections

Determine guilt or innocence through lawful, impartial proceedings and then impose lawful sentences and manage prisons, probation and rehabilitation.

- **Oversight and accountability**

Investigate misconduct, review unlawful decisions and provide remedies.

A failure at any stage can weaken the entire system. An investigation built on unreliable evidence may result in a wrongful conviction. A sound case may fail because of delays or poor prosecution. An otherwise lawful sentence may fail to rehabilitate an offender if prison conditions and reintegration support are inadequate.

2. The three pillars of the agenda

Public safety

The state must prevent crime, protect victims, investigate offences effectively, and reduce the risk of repeat offending. How can enforcement become more effective without encouraging arbitrary powers?

Due process

Every accused person must receive the protections required by law, including a fair trial and the opportunity to defend themselves. How can the state punish the guilty while reducing wrongful convictions?

Institutional accountability

Police, prosecutors, prisons, and public officials must act within the law and face appropriate scrutiny for misconduct.

Key question: Who investigates abuse of authority, and how can oversight remain independent?

The central tension is that these objectives can reinforce one another, but poorly designed policies may put them in conflict. For example, detention without adequate safeguards may appear to speed investigations while undermining fair-trial protections and public trust.

Part II — Constitutional and legal framework

Thefollowing provisionsareespecially useful whendelegatescite constitutionalprinciples.Theauthoritative starting point is the Constitution of the Islamic Republic of Pakistan and the federal legislation published

through the Ministry of Law and Justice's Pakistan Code.

National Assembly of Pakistan

3. Essential constitutional articles

Provision	Principle	Relevance to the agenda
Article 4	Treatment in accordance with law	Government action against a person must have a lawful basis.
Article 9	Security of person	Protects life and liberty, subject to the Constitution and law.
Article 10	Safeguards as to arrest and detention	Governs important protections for arrested and detained persons.
Article 10A	Right to fair trial	Expressly guarantees fair trial and due process in criminal charges.
Article 12	Protection against retrospective punishment	Prevents retrospective criminal punishment in the circumstances specified by the Constitution.
Article 13	Protection against double punishment and self-incrimination	Relevant to repeated prosecution or punishment and compelled self-incrimination.
Article 14	Inviolability of dignity	Relevant to treatment in custody and protection against torture for extracting evidence.
Article 25	Equality of citizens	Relevant to equal protection and non-discriminatory administration of justice.
Article 25A	Right to education	Relevant to the wider social factors that influence youth vulnerability and offending.

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The five articles to memorise first

- Article 4: No arbitrary action outside the law.
- Article 9: Security of person.
- Article 10: Safeguards concerning arrest and detention.
- Article 10A: Fair trial and due process.
- Article 14: Human dignity and protection against torture for extracting evidence.

Article 10A was inserted by the Eighteenth Amendment in 2010. It is particularly important to your agenda because it makes fair trial and due process explicit constitutional guarantees.

4. Major criminal justice laws

1. Pakistan Penal Code, 1860 (PPC)
The Pakistan Penal Code (PPC) of 1860 is the foundational criminal statute of Pakistan, establishing the definitions, jurisdictions, and legal penalties for offenses committed nationwide. Inherited from the British Raj—where it was originally drafted by Lord Macaulay as the Indian Penal Code—the document has been heavily amended over the decades to integrate Islamic law concepts such as Qisas (retribution) and Diyat
(blood money) alongside traditional common law. Comprising over 500 sections, the code covers a vast legal spectrum, stretching from general judicial exceptions and criminal conspiracies to explicit definitions of crimes against the human body, property, and public tranquility. Today, it remains the primary mechanism for state prosecution, determining punishments that range from simple financial fines to life imprisonment and capital punishment.

2. Code of Criminal Procedure, 1898 (CrPC)

The Code of Criminal Procedure, 1898 (CrPC) is the primary adjective law governing the mechanics of criminal justice across Pakistan. While the Pakistan Penal Code defines crimes and punishments, the CrPC provides the explicit, step-by-step procedural roadmap for police investigations, arrests, bails, and trials. It establishes the complete hierarchy of criminal courts, outlines the distinct powers of Magistrates and Sessions Judges, and codifies the rights of both the accused and the victims from the initial filing of a First Information Report (FIR) under Section 154 to the final execution of judicial sentences and appeals.

3. Qanun-e-Shahadat Order, 1984

The Qanun-e-Shahadat Order of 1984 (QSO) is the comprehensive statutory law that governs the admissibility and relevancy of evidence in Pakistani courts. Introduced during the Islamisation era of General Zia-ul-Haq the QSO dictates how facts are proved, who can testify, and who carries the burden of proof in both civil and criminal proceedings. It uniquely blends Western judicial principles with Islamic jurisprudence (Fiqh), setting strict criteria for the competence of witnesses (Tazkiyah-al-Shuhood) while modernizing the legal framework to accommodate electronic, forensic, and digital evidence in modern trials.

4. Police Order, 2002

The Police Order, 2002 is the primary regulatory law that governs the organization, duties, and accountability of the police forces in Pakistan. Enacted to replace the colonial-era Police Act of 1861, this law was designed to transition the police from a state-controlled mechanism into a modern, professional, and service-oriented public utility. It introduces major structural updates, most notably the separation of criminal investigation from watch- and-ward operations, and establishes independent civilian oversight bodies like Public Safety Commissions and Police Complaints Authorities to address officer misconduct and corruption. While provinces have applied or modified its provisions differently over the years, the original 2002 framework remains the blueprint for modern democratic policing reforms, explicitly demanding that officers protect human rights, safeguard civil liberties, and treat the public with decorum.

5. Juvenile Justice System Act, 2018

The Juvenile Justice System Act, 2018 (JJSA) is a specialized piece of legislation in Pakistan enacted to provide a distinct, protective, and rehabilitative criminal justice framework for children under the age of 18.
The law explicitly focuses on reformation and social reintegration rather than retribution. It strictly prohibits the death penalty, corporal punishment, and the use of handcuffs on children, mandates that trials be completed within six months, and establishes "Diversion" programs through Juvenile Justice Committees to handle minor offenses outside the traditional court system entirely

5. Additional laws delegates should know

Law	Why it matters
Torture and Custodial Death (Prevention and Punishment) Act, 2022	Addresses torture, custodial deathand custodial rape, including investigation, prosecution and punishment. Section 3 addresses the inadmissibility of statements extracted through torture.
Legal Aid and Justice Authority Act, 2020	Establishes a framework for legal, financial and other assistance to poor and vulnerable people in criminal cases.
Probation of Offenders Ordinance, 1960	Provides a legal basis for probation in eligible cases, offering an alternative to imprisonment subject to applicable law.
Prisons Act, 1894	An important statutory basis for prison administration, alongside applicable provincial laws and prison rules.
Pakistan Prison Rules, 1978	Set out detailed rules concerning prison administration and the treatment and management of prisoners. Their application and amendments should be checked for the relevant province.
Anti-Terrorism Act, 1997	Relevant to the handling and trial of terrorism-related offences, including the relationship between special procedures and ordinary criminal justice safeguards.
Federal Investigation Agency Act, 1974	Provides the statutory framework for the FIA and its functions within federal investigative jurisdiction.
National Accountability Ordinance, 1999	Relevant to accountability proceedings involving corruption and misuse of public office.

Important distinction: a law's existence versus its implementation

Do not assume that passing an Act automatically means every provision is fully implemented throughout Pakistan. Delegates should distinguish between:

1. Whether the law exists?
2. Whether the relevant institution has been established?
3. Whether the necessary rules, funding, staff and training are in place?
4. Whether citizens can access the protections in practice?
5. Whether there is reliable oversight of implementation?

Part III — The major problems facing criminal justice reform



6. Police reform and investigation

The police are usually the first state institution encountered by a person reporting a crime or being investigated for one. The quality of police work therefore affects both public safety and the fairness of subsequent proceedings.

Issues for debate

Delays or obstacles in registering and investigating complaints.
Inadequate forensic facilities, investigative training or evidence preservation.
Political or other improper interference in police work.
Allegations of unlawful detention, intimidation or custodial abuse.
Weak complaint-handling and disciplinary systems.
Limited public confidence in law enforcement.

Questions to be answered

1. How should a citizen challenge a refusal to register a complaint?
2. Who should investigate an allegation of misconduct by a police officer?
3. How can police independence be protected without eliminating accountability?
4. Which reforms should be implemented nationally, and which should be adapted provincially?

7. Arrest, remand, bail and pre-trial detention

A person accused of a crime has not necessarily been convicted. Pre-trial detention is therefore a particularly important area for balancing public safety against liberty and the presumption of innocence.

Core concerns

- Whether the grounds for arrest are communicated as required by law.
- Access to a lawyer and the ability to challenge detention.
- Delays in producing accused persons before the appropriate court.
- Long periods in detention while trials remain pending.
- Inconsistent or poorly explained bail decisions.

Legal anchor: Articles 9 and 10 of the Constitution, together with the relevant provisions of the Code of Criminal Procedure, 1898. Article 10A also matters because detention and trial procedures must be consistent with fair-trial guarantees.

8. Delayed trials and access to justice

A delayed trial can harm both sides: an accused person may remain under restrictive conditions for a prolonged period, while victims and witnesses may wait years for a resolution.

Potential causes to investigate

- Heavy court caseloads.
- Shortages of judges, prosecutors or court staff.
- Repeated adjournments.
- Delays in forensic reports and witness attendance.
- Incomplete investigation files.
- Difficulties serving notices and coordinating between
- institutions. Inadequate access to legal representation.

Possible legislative and administrative responses

- Better case-management systems and digital scheduling.
- Clearer rules governing adjournments, consistent with fair-hearing
- requirements. More judges and trained court personnel where workload data
- demonstrates a need. Improved coordination between investigators,
- prosecutors and forensic services. Legal-aid services for eligible people who
- cannot afford representation.
  Public reporting of case-processing times and pending-case trends.

9. Prosecution and the quality of evidence

- Poor coordination between investigators and prosecutors.
- Incomplete or inconsistent case files.
- Weak witness protection.
- Forensic delays or insufficient technical capacity.
- Mishandling of physical and digital evidence.
- Inadequate safeguards against fabricated or coerced evidence.

10. Torture and custodial abuse

Custodial abuse is a direct concern for constitutional dignity, reliable evidence and institutional accountability.

Pakistan's Torture and Custodial Death (Prevention and Punishment) Act, 2022 is an important law to study. It addresses the investigation and punishment of specified offences and provides that statements extracted through torture are inadmissible under Section 3.

Questions for the committee

How can detainees report abuse safely?
How should complaints against officers be investigated independently?
What safeguards are needed to preserve evidence of alleged misconduct?
How can officials who report wrongdoing be protected from retaliation?
What remedies should be available to victims?
How should false complaints be addressed without discouraging genuine reporting?

11. Juvenile justice

Children accused ofoffencesrequire special safeguards. The Juvenile Justice System Act, 2018 provides a distinct framework,includinglegal assistance, juvenile courts and diversion mechanisms. Its amended text should be consultedwhendrafting proposals.

Areas for reform

- Reliable age determination.
- Timely access to legal representation.
- Separation from adult detainees, as required by applicable law.
- Diversion from formal proceedings where legally available and appropriate.
- Education, rehabilitation and reintegration.
- Protection of a juvenile's identity and privacy.
- Training for police, prosecutors, judges and correctional staff.

The policy remainsonhowtoprotect the public and respond appropriately to serious offending while recognising the distinctlegaland developmental position of children.

12. Victims' rights and public confidence

Criminal justice reform must protect victims as well as accused persons.

- Accessible complaint and support services.
- Clear information about case progress.
- Protection from intimidation and unlawful retaliation.
- Privacy safeguards for vulnerable victims.
- Appropriate support and referral services.
- Fair and timely proceedings.
- Transparent complaints processes for misconduct by public officials.

Part IV — Federalism and the powers of the PNA

13. Which level of government is responsible?

Pakistan's Eighteenth Amendment changed the legislative framework by abolishing the Concurrent Legislative List. Article 142 of the Constitution is central to understanding legislative competence, including the treatment of criminal law, criminal procedure and evidence in relation to matters within federal legislative competence.

Area	What should be considered
Federal legislation	Whether the proposed law falls within Parliament's constitutional competence.
Provincial legislation	Whether the subject is within a province's legislative authority.
Police administration	The applicable provincial police law, rules and administrative structure.
Prosecution	The relevant provincial prosecution framework and federal jurisdiction where applicable.
Courts	Constitutional jurisdiction, judicial independence and lawful court administration.
Prisons	Provincial administration and the applicable prisons laws and rules.
Federal agencies	Their statutory mandates and limits of jurisdiction.
Funding	Which government is responsible for financing the proposed measure.

14. Legislative and oversight powers

The National Assembly can debate legislation within Parliament's competence, scrutinise government policy, question ministers and use parliamentary committees and budgetary processes.

- Amendments to relevant federal laws where Parliament has competence.
- Improved statutory safeguards for federal investigative agencies.
- Parliamentary scrutiny of relevant federal departments.
- Budgetary proposals for forensic infrastructure and legal-aid programmes within federal responsibility.
- Reporting requirements and performance indicators.
- Intergovernmental coordination, where constitutionally appropriate.

Reform proposals may address court administration, access to justice and procedural law within the constitutionally appropriate process. They should not require judges to decide cases in accordance with a political party's preferences.

15. Brief party Stances

a. Pakistan Muslim League-Nawaz/PML-N (Ruling party / leading the coalition government)

PML-N supports practical, incremental reforms focused on modernising outdated laws (especially the Code of Criminal Procedure), reducing case backlogs, improving case management, and expanding the use of technology and model trial courts. As the party leading the federal government and controlling Punjab, it has backed CrPC amendment proposals (timelines for trials, electronic recording of statements, protections for vulnerable groups) and participates in provincial prison reform commitments. It has also engaged in constitutional-level judicial restructuring (26th and 27th Amendments) aimed at restructuring judicial appointments and creating specialised constitutional mechanisms, while prioritising efficiency and reducing delays over radical institutional overhaul.

b. Pakistan Peoples Party/PPP (Key coalition partner)

PPP emphasises judicial reforms that enhance parliamentary oversight of judicial appointments, improve access to justice, and address systemic delays. It has pushed for greater political input into the Judicial Commission and has historically advocated for constitutional courts or benches to separate constitutional matters from regular caseloads. On criminal justice specifically, PPP supports modernising procedural laws, strengthening prosecution independence, and improving prison conditions, while remaining sensitive to provincial autonomy (especially in Sindh). It generally backs government-led legislative packages on CrPC and related reforms when consensus is reached with PML-N.

c. Muttahida Qaumi Movement-Pakistan/MQM-P (Coalition partner (urban Sindh focus))

MQM-P prioritises speedy and inexpensive justice, reducing under-trial detention, and improving the efficiency of lower courts. It has historically supported simplifying judicial procedures, increasing the number of judges and courts, and abolishing or limiting special courts that it views as prone to political misuse. As a coalition partner, it generally aligns with government reform efforts on criminal procedure while emphasising urban law- and-order concerns and better coordination between police, prosecution, and courts in major cities.

d. Pakistan Tehreek-e-Insaf (PTI) / PTI-backed independents & SIC (Main opposition)

PTI’s stance centres on restoring full judicial independence and ending what it describes as the politicisation and “capture” of the judiciary and investigative agencies. It strongly criticises the 26th and 27th Constitutional Amendments as undermining judicial independence and has called for their repeal. On the broader criminal justice system, PTI highlights issues of selective justice, prolonged political detentions, weak due process, and the need for genuine police and prosecution reforms free from political interference. It frames criminal justice reform as inseparable from protecting fundamental rights, ending arbitrary arrests, and ensuring fair trials for all, including political opponents.

5. Jamiat Ulema-e-Islam-Fazl/JUI-F (Opposition / sometimes swing player)

JUI-F approaches judicial and criminal justice reforms cautiously, insisting on broad political consensus (including opposition parties) for any major constitutional changes. It has participated in negotiations on judicial restructuring but remains wary of amendments that could overly strengthen executive or parliamentary control over the judiciary. On day-to-day criminal justice issues, it tends to support measures that uphold due process and traditional legal principles while opposing reforms it sees as rushed or politically motivated.