

EFFECT OF THE ECHR AND ICCPR ON FAIR TRIAL RIGHTS IN PAKISTAN

Dr. Muhammad Iqbal

PhD Law, Director Academic and Program, Punjab Judicial Academy

c.muhammadiqbal@gmail.com

Corresponding Author: *

Dr. Muhammad Iqbal

DOI: <https://doi.org/10.5281/zenodo.21977420>

Received	Accepted	Published
19 February 2025	03 April 2025	12 April 2025

ABSTRACT

The article explores how the international fair trial standards, especially the International Covenant on Civil and Political Rights (ICCPR) and the case law of the European Convention on Human Rights (ECHR), have affected the legal system and judicial practice in Pakistan. In the case of Pakistan, it is a state party to the ICCPR and is subject to its obligations under international law, but has adopted a "dualist" approach, meaning that the treaties need to be incorporated in the country through the adoption of domestic legislation. Although the ECHR doesn't have a binding effect on Pakistan, it can be used as a rich source of comparative jurisprudence for Pakistan's courts to draw upon, especially in Article 6. The article suggests that international standards have left an indelible imprint on the constitutional process in Pakistan, including the addition of Article 10A in the 2010 18th Amendment to the constitution that explicitly states the right to a fair trial and due process. However, provisions in the ICCPR have increasingly been used as an interpretative tool in the interpretation of the constitution in Pakistan by the superior courts. The conclusion of the article is that international standards have influenced the use of the vocabulary of fair trial in Pakistan and the constitutional structures, but sustained institutional investment, especially at the district judiciary, strengthening of the delivery of legal aid, improvement of forensic capacity and consistent application of due process principles at all stages of criminal proceedings can bring about meaningful reform.

Keywords: Fair Trial, Pakistan, ICCPR, ECHR, Article 10A, Due Process, Pre-trial Detention, Legal Aid

1 Introduction

An important right guaranteed to citizens by a legal system is the right to a fair trial, as it is the process by which the coercive power of the state is held to account, restrained and examined. The absence of a true right to a fair trial leaves all the other rights that the individual enjoys his rights of liberty, of property, of reputation, and even his right to life at risk of being violated at the will of the state whenever it acts against him in the criminal process (Munir, 2020). Fair trial, in this context, is not just one among so many rights but

rather a structural requirement of the rule of law it is the guarantee upon which all other guarantees rest (Saleem, 2025). The significance of this promise is even greater in Pakistan because of its specific characteristics in the criminal justice system. During investigation, a high rate of pre-trial detention is typical; inadequate legal representation and limited institutional capacity; and the courts are clogged with a large and growing number of pending cases. In this background, the constitutional and international protections of a fair trial become more than just

abstract or symbolic pledges; they become standards by which the day-to-day functioning of the criminal justice system can be assessed, and against which the ongoing deficiencies of the system will become apparent (Clooney & Webb, 2021).

Two documents have played a significant role in shaping international fair-trial and punishment standards over recent decades: the European Convention on Human Rights (ECHR), opened for signature by the Council of Europe in 1950, and the United Nations International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly in 1966. Article 14 of the ICCPR sets out the core elements of a fair trial in considerable detail, including equality before courts and tribunals, the right to a competent, independent and impartial tribunal, the presumption of innocence, and minimum guarantees for anyone charged with a criminal offence (Clooney et al., 2021). The European Court of Human Rights has, over more than seven decades, developed one of the world's most extensive bodies of fair-trial jurisprudence through its interpretation of Article 6 of the ECHR, including the right to legal representation. These instruments occupy very different legal positions in relation to Pakistan, and that distinction must be made clear at the outset because it shapes the analysis that follows. Pakistan acceded to the ICCPR on 23 June 2010 and therefore became a state party with international legal obligations, subject to several reservations entered at the time of ratification (Majeed et al., 2022). By contrast, the ECHR is a regional instrument open only to Council of Europe member states; Pakistan is not a member and cannot become a party to it. Accordingly, the European Court's jurisprudence has no binding force in Pakistan. Its value for this article, and for fair-trial discourse in Pakistan more broadly, is persuasive rather than compulsory: it offers one of the most sophisticated accounts of fair-trial principles available and may inform Pakistani courts, legislators and reformers without carrying independent legal authority (Mehmood et al., 2024a).

This article focuses on the following research problem: To what extent has there been any

impact of the international standards, including the ICCPR's standards, as well as comparative standards based on the jurisprudence of the ECHR, on the domestic laws of Pakistan and judicial interpretations, and whether they have led to any meaningful improvements in the practice? And whether the gap between the formal declaration of these standards and their application in practice is significant or not?

2 Constitutional and Legal Framework of Fair Trial Rights in Pakistan

2.1 Evolution of Fair Trial Protection in Pakistan

Until 2010, the Constitution of Pakistan did not have an explicit and standalone guarantee of the right to a fair trial. This absence does not mean that there is no protection at all that is relevant. From the very beginning, the Constitution of 1973 has made it clear that nobody can be deprived of their life or liberty except in accordance with the law, and from this, Pakistani courts have taken the elements of what would become known as due process (European Court of Human Rights, 2025b). Article 12 guaranteed that a person would not be subject to retrospective criminal prosecution, and Article 13 guaranteed they were not subject to double jeopardy nor forced to engage in self-incrimination. Article 25 guaranteed equality before the law, which obviously had relevance with regard to equality of arms between prosecution and defense. (European Court of Human Rights, 2025a).

Pakistan had ratified the Universal Declaration of Human Rights since 1948, which also guarantees the right to a fair and public hearing before an independent and impartial tribunal, but the corresponding constitutional provision in its domestic laws was comparatively underdeveloped for over six decades. Many of the legal observations during this period pointed to the lack of an express constitutional counterpart to the international commitments Pakistan had made, especially after Pakistan ratified the ICCPR in 2010; the instrument's guarantees of fair trial are more detailed than presently enshrined in the constitutional text (Mehmood et al., 2024).

2.2 Article 10A of the Constitution and Due Process Guarantees

The Eighteenth Amendment of the Constitution, 2010, which added Article 10A, was a significant step towards determining a person's civil rights and obligations, or in any criminal charge against him, he shall have the right to a fair trial and due process. In the years since 2010, however, Pakistani courts have applied Article 10A increasingly as an interpretative anchor, explicitly and implicitly resorting to, or drawing from, the wider, international understanding of fair trial as contained in, for example, the ICCPR to provide it with substance. This has involved a recognition that the due process of law extends not just to the nature of the trial itself, but to the conduct of the investigative process which leads to the trial, that there is a need for legal representation in order for any meaningful hearing to take place, and that the unreasonable delay in bringing an accused to trial itself is a violation of the fairness of the trial (Shaikh, 2022). Of particular interest is the interplay between Article 10A and other guarantees of fair trial, as the effective enjoyment of fair trial requires the interplay of a number of distinct guarantees with Article 10A.

2.3 Fair Trial Rights under Pakistani Criminal Procedure and Evidence Law

The fundamental rights are the rights that are guaranteed to individuals and receive their meaning through the common criminal procedural and evidentiary rules. The Code of Criminal Procedure was inherited from the British era and has been significantly modified in Pakistan, governing the procedure of arrest, investigation, remand, bail, trial, and appeal. The provisions regarding the right of the accused to be informed of the grounds of arrest, an arrested person to be brought before a magistrate within twenty-four hours, and the procedure to be followed in granting bail have a direct impact on the pre-trial aspect of fair trial. The right to counsel in Pakistani criminal proceedings is guaranteed in Section 340 of the Code, and in the High Court Rules that provide for state-funded legal representation in capital cases (Committee, 2023).

The evidentiary system, regulated by the Qanun-e-Shahadat Order (QSO) 1984, and with the presumption of innocence and the burden of proof on the prosecution as cornerstones, is rich in provisions for examining and cross-examining witnesses, which are fundamental to the equality-of-arms aspect of fair trial. Convictions by the trial courts may be appealed to the High Courts, and in appropriate cases, to the Supreme Court, adding yet another layer of protection, as errors including those resulting from violations of the fair-trial standard can be detected and rectified post-conviction. It's worth recalling that more than once in cases involving legal representation for indigent accused individuals, the Supreme Court itself has explained its reasoning on the subject (Pakistan, 2022).

Supreme Court in 2007 ruled that the state has a constitutional duty to protect, respect, safeguard and facilitate the exercise of fundamental rights and that this duty also encompasses the provision of legal assistance for the accused who are poor and indigent, inasmuch as a fair trial cannot be said to have occurred when an accused is unrepresented by counsel, whether of his choice or appointed by the state. The reasoning for this decision also takes a comparative and international look at the issue of the 'essential character' of legal representation to a fair hearing, early and important examples of which can be seen in the Pakistani courts' engagement with comparative and international fair-trial reasoning in the context of strengthening the domestic guarantee (Qayum & Ahmad, 2022).

3 Influence of the ICCPR on Fair Trial Rights in Pakistan

3.1 Article 14 of the ICCPR and the International Standard of Fair Trial

Article 14 of the International Covenant on Civil and Political Rights has been the most detailed codification of fair-trial guarantees in international human-rights law. It makes everyone equal in the presence of the courts and tribunals, and guarantees a fair and public hearing by an independent, competent and impartial tribunal, for the determination of any criminal charge or for the exercise of the rights and obligations of a party

to a suit at law (Kasuri, Abbas, et al., 2024). It also guarantees that a person charged with a crime is presumed to be innocent until proven guilty according to the law, and outlines specific safeguards for anyone charged with a crime: the charge must be made shortly and fully; they must be given a reasonable opportunity to prepare a defense and to communicate with their own counsel; they must be tried without unnecessary delay; they must be tried in their presence, and have the opportunity to defend themselves before the court or through legal representation of their own choosing, with legal assistance provided if they do not have sufficient means and if justice requires it; they must be given the opportunity to examine, or to have examined, the witnesses against them, and to have the witnesses examined, the same is to be true of them; they must have the free assistance of an interpreter when necessary; and will be neither compelled to testify against himself or herself nor to make a confession of guilt (Kasuri, Mahmood, et al., 2024).

This list of guarantees, therefore, is in fact an internationally negotiated list of elements that can constitute the minimum required to provide a fair trial, irrespective of the nature of a state's law or legal tradition, whether common law, civil law, or a mixed system (as in Pakistan). The importance of ICCPR for Pakistan is that, unlike the ECHR, ICCPR is an instrument to which Pakistan is directly bound under the terms of international law, having ratified the Covenant on 23 June 2010. This is a significant difference between the ICCPR and the ECHR both in terms of its status in international law vis-à-vis Pakistan and its impact (Pakistan, 2024).

3.2 Presumption of Innocence, Legal Representation and Equality of Arms

The three principles which are of particular importance for their practical application in the Pakistani context are: presumption of innocence, right to legal representation and equality of arms. The presumption of innocence is also explicitly reflected in the evidentiary system in Pakistan and strengthened by the guarantee of due process in Article 10A, which now puts the burden of proof in the whole criminal process on the prosecution.

This, in theory, is in line with the ICCPR standard. Yet in practice, the protective effect of presumption is very much reduced in the face of the harsh facts of pre-trial detention, as explained in the following section; in this sense, a person detained pre-trial is in a sense punished before the trial proceedings are conclusive (Mahmood et al., 2024).

However, even if the legal rights to free legal assistance are present, the ability to access it is also limited. Also, although there is no single clause of Article 14 explicitly dedicated to equality of arms, the principle is implicit throughout and remains at the center of the Covenant's idea of fairness, so that the prosecution and defense must be brought to a leveled procedural playing field, with equal access to evidence, expert assistance and time to prepare. The imbalances in resources and investigative capacity between the prosecution (which is supported by police and, often, forensic and prosecutorial infrastructure) and the defense (in particular, if the accused is destitute and must depend on the limited and strained legal-aid system or on less experienced counsel) create a structural imbalance that undermines equality of arms in Pakistan. (Wilson-Kovacs et al., 2023).

4 The ECHR and Comparative Standards of Fair Trial

4.1 Article 6 of the ECHR and the European Concept of a Fair Trial

In terms of the European Convention on Human Rights, Article 6 provides that everyone has the right to a 'fair and public hearing' of their civil rights and obligations or of any criminal charge within a reasonable time before an independent and impartial tribunal established by law. While everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law under Article 6(2), Article 6(3) outlines minimum defense rights that are similar to Article 14 of the ICCPR: to be informed promptly of the accusation, to have adequate time and facilities for the preparation of a defense, to defend oneself in person or through legal assistance, to examine witnesses, to have the free assistance of an interpreter (Smith et al., 2024).

The difference between Article 6 and Article 14 of the ICCPR is not really one of substance, since the guarantees are broadly similar, but is rather in the extremely detailed body of jurisprudence developed by the European Court of Human Rights in their application of Article 6 over the past 71 years or more. The Court has repeatedly stated that the right to a fair trial is of such importance in a democratic society and to the object and purpose of the provision that a limitation of that right would be inconsistent with the purpose of the provision and the object of the right (Lee & Saraiva, 2025). This has been the case since the Court's decision in *Delcourt v. Belgium* (1970) and has been expressed in different ways in its subsequent case law (Wixted & Mickes, 2025).

4.2 Major ECHR Principles: Public Hearing, Reasonable Time, Defense Rights and Independent Courts

Several strands of ECHR jurisprudence are relevant to this comparative analysis. On access to court, the European Court's landmark decision in *Golder v. the United Kingdom* (1975) held that Article 6(1) implicitly protects the right of access to a court even before proceedings are formally commenced. The Court found that denying a prisoner the opportunity to consult a solicitor about bringing proceedings against the state violated that right (Jackson & Summers, 2022). The principle was developed further in *Airey v. Ireland* (1979), where the Court held that, in sufficiently complex proceedings, access to court may be merely "illusory" unless practical legal assistance is available. Together, these decisions establish a principle directly relevant to Pakistan's legal-aid challenges, discussed in section five: a formal right of access to justice has little value unless individuals have the practical means to exercise it (Ambos, 2021).

In *Kudla v. Poland* (2000), the European Court held that excessive delay in judicial proceedings can itself breach the reasonable-time guarantee under Article 6(1), apart from any other defect in the proceedings, and that states must provide an effective domestic remedy for such delay (Thaman, 2023). This reasoning has clear implications for the later discussion of Pakistan's judicial backlog,

because it shows that delay may amount to an independent violation of fair-trial rights. The Court reached another important conclusion in the Grand Chamber judgment in *Salduz v. Turkey* (2008), holding that access to a lawyer should, in principle, be available from the first police interrogation of a suspect, and that statements obtained in custody without legal assistance may prejudice the fairness of the trial as a whole (Hodgson, 2021).

This principle complements the broader fair-trial theme discussed above in relation to Article 10A of Pakistan's Constitution: investigative fairness forms part of trial fairness and should not be treated as a separate or lesser concern. Finally, decisions such as *Engel v. the Netherlands* show that Article 6 protection is substantive rather than merely formal. A state cannot avoid its fair-trial obligations simply by labeling punitive measures as "administrative" or "disciplinary" rather than criminal (Ziegler, 2022).

5 Practical Impact and Challenges in Pakistan

5.1 Delayed Justice, Pre-Trial Detention and Access to Legal Counsel

As seen from the previous sections, the reality of fair trial in Pakistan is far removed from what is doctrinally stated, especially in the context of pre-trial detention. According to the Prison Data Report based on official data provided by prison departments of the provinces, as of 2024, Pakistan's prison system had 102,026 inmates in 128 operational prisons, which translates to the prison system as a whole being about 152% filled, with some individual prisons being much more than that (Karlsson, 2022). In 2024, the under-trial prisoners (those being held in custody before the case is decided) made up 73.41 percent of the total prison population, up from 66 percent in 2017 and much higher than around 27 percent of all prisoners globally who were reported as under-trial prisoners in the same period. (McKeever et al., 2022).

These numbers have implications for the fair trial rights of prisoners. Beyond the human rights issues of prolonged, unadjudicated detention, these effects include the significant issue of prison overcrowding, which itself poses other human

rights concerns about conditions of detention, as well as the practical challenges of overcrowding for the state in providing proper access for detained accused persons with their legal counsel (Gao, 2022). The disparity between the formal provisions of legal aid and its effective delivery is a genuine and serious disparity of justice that is affecting equality-of-arms and effective-representation principles enshrined in Article 14 of the ICCPR jurisprudence (Mujuzi, 2023).

5.2 Judicial Independence, Evidence and Equality of Arms

The institutional framework of the criminal justice system in Pakistan can be analyzed as a mixed picture with regard to judicial independence. the issue of fair trial, the weaknesses of evidence collection and disclosure compound the equality-of-arms. Currently, forensic capacity is inequitably distributed in Pakistan, and, in many districts, is limited, such that the evidentiary burden on the prosecution is often placed on the shoulders of the witness, confessional evidence or police record of investigation, the reliability of which is also subject of much debate in comparative criminal-justice literature. (McEvoy, 2023).

5.3 Challenges in Implementing International Fair-Trial Standards

Based on the above analysis, there are several main reasons identified that are holding the implementation of the international standards of fair trial in Pakistan at bay in its home system. Since inadequate judicial, prosecutorial, and support staff are one of the primary causes of the delays reported above, it is paralleled by the lack of resources to provide forensic services, legal aid, and prison facilities. The remaining fair-trial guarantees, however, are poorly realized in practice due to investigative and prosecutorial shortcomings, such as inadequate forensic resources and non-standard disclosure (Mumford et al., 2024).

Conclusion

Stronger implementation of Article 10A requires the superior courts to continue, and where appropriate expand, their use of ICCPR standards and relevant ECHR reasoning to give practical

meaning to the guarantee of due process. This approach is already visible in Pakistani jurisprudence and remains necessary to strengthen Article 10A's operation in practice (Saleem, 2025). Unnecessary pre-trial detention should also be reduced through more consistent application of existing bail provisions and greater judicial reliance on alternatives to remand for non-violent and first-time offenders.

Article 14 of the ICCPR and the comparative reasoning developed under Article 6 of the ECHR can help make fair-trial protections effective from the earliest stage of an accused person's contact with the justice system, rather than only at the appellate stage. Stronger disclosure and evidentiary procedures, including improved forensic capacity and clearer pre-trial disclosure duties for the prosecution, would directly support equality of arms (Kasuri, Abbas, et al., 2024). Continued, careful and appropriately bounded comparative use of the jurisprudence of the ECHR by the superior courts and more awareness of ICCPR principles amongst the legal profession and trial courts would contribute towards the continued deepening of Pakistan's engagement with international fair-trial standards. The ECHR has no binding force in Pakistan, but it has nonetheless added a store of comparative reasoning on the right to access the court, the consequences of delay, and the right to counsel during the investigation that will enhance Pakistani fair-trial jurisprudence (Fradella, 2023). The present article has considered how international fair trial norms, such as those of ICCPR and jurisprudence under the ECHR, have affected the domestic legal landscape and judicial practice in Pakistan. The adoption of rights is an ongoing process, with ICCPR as the source of most of the terminology and international context that led to the adoption of fair trial and due process in the Constitution in 2010. ICCPR provisions have been increasingly used as interpretive tools in constitutional adjudication.

REFERENCES

- Ambos, K. (2021). Fair Trial Rights in International Criminal Procedure. *Criminal Law Forum*, 32(3), 455.

- Clooney, A., & Webb, P. (2021). *The Right to a Fair Trial in International Law*. Oxford University Press.
- Clooney, A., Webb, P., & Nelson, M. (2021). *The Right to a Fair Trial under Article 14 of the ICCPR: Travaux Préparatoires*. Oxford University Press.
- Committee, U. N. H. R. (2023). *List of Issues in Relation to the Second Periodic Report of Pakistan (CCPR/C/PAK/Q/2)*.
- Committee, U. N. H. R. (2024). *Concluding Observations on the Second Periodic Report of Pakistan (CCPR/C/PAK/CO/2)*.
- European Court of Human, R. (2025a). *Annual Report 2024*.
- European Court of Human, R. (2025b). *Guide on Article 6 of the Convention – Right to a Fair Trial (Civil Limb)*.
- European Court of Human, R. (2025c). *Guide on Article 6 of the Convention – Right to a Fair Trial (Criminal Limb)*.
- Fradella, H. F. (2023). A Synthesis of the Science and Law Relating to Eyewitness Misidentifications and Recommendations for How Police and Courts Can Reduce Wrongful Convictions Based on Them. *Seattle University Law Review*, 47(1), 1.
- Gao, W. (2022). The ECHR in action: its applicability and relevance for arbitration. *The International Journal of Human Rights*, 26(9), 1608-1629. <https://doi.org/10.1080/13642987.2022.2054991>
- Goss, R. (2023). The Disappearing 'Minimum Rights' of Article 6 ECHR: the Unfortunate Legacy of Ibrahim and Beuze. *Human Rights Law Review*, 23(4), 1-23. <https://doi.org/10.1093/hrlr/ngad024>
- Hodgson, J. (2021). Fair Trial Rights and the Europeanisation of Criminal Justice. *European Law Review*, 46(5), 621.
- Jackson, J. D., & Summers, S. J. (2022). The Internationalisation of Criminal Evidence and Fair Trial Rights. *International Journal of Evidence & Proof*, 26(4), 301.
- Karlsson, H. L. (2022). The Emergence of the Established "By Law" Criterion for Reviewing European Judicial Appointments. *German Law Journal*. <https://doi.org/10.1017/glj.2022.74>
- Kasuri, M. R., Abbas, S., & Mahmood, T. (2024). Adversarial and Inquisitorial; Two Rival Models of Criminal Procedure and Theory of Convergence: An Appraisal. *Journal of Law & Social Studies*, 6(1), 73. <https://doi.org/10.52279/jlss.06.01.7384>
- Kasuri, M. R., Mahmood, T., & Rasool, F. G. (2024). Enhancing the Scope of Investigation in Pakistan's Criminal Justice System: A Comprehensive Case Study. *Pakistan JL Analysis & Wisdom*, 3, 164.
- Khabirpour, N. (2025). A Tale of Two Cases and a Story Yet Untold: Access to Justice and Legal Advice under the Civil Limb of Article 6 ECHR. *The Modern Law Review*, 88, 527-556. <https://doi.org/10.1111/1468-2230.12937>
- Kovera, M. B. (2024). The Role of Suspect Development Practices in Eyewitness Identification Accuracy and Racial Disparities in Wrongful Conviction. *Social Issues and Policy Review*, 18(1), 125. <https://doi.org/10.1111/sipr.12102>
- Lee, J., & Saraiva, R. B. (2025). Cross-Cultural Research in Eyewitness Identification: Exploring Criterion Differences Between South Korean and UK Eyewitnesses in Lineups. *Applied Cognitive Psychology*, 39. <https://doi.org/10.1002/acp.70050>
- Leloup, M. (2021). Who Safeguards the Guardians? A Subjective Right of Judges to their Independence under Article 6(1) ECHR. *European Constitutional Law Review*, 17(4), 581-606.
- Mahmood, T., Rasool, F. G., & Ullah, E. (2024). Advancing Justice Through Technology: A Comparative Analysis of Data-Driven Approaches to The Burden of Proof in Criminal Cases in The USA and Pakistan. *Journal of Asian Development Studies*, 13(3).

- Majeed, N., Khan, A. N., & Asif, A. (2022). The Requirements of a Fair Trial in International and Pakistani Legal Framework: A Critical Analysis. *Pakistan Languages and Humanities Review*, 6(1). [https://doi.org/10.47205/plhr.2022\(6-1\)17](https://doi.org/10.47205/plhr.2022(6-1)17)
- McEvoy, G. (2023). Language proficiency and the right to an interpreter when accessing a fair trial. *Translation & Interpreting*, 15(2), 142-156. <https://doi.org/10.12807/ti.115202.2023.a09>
- McKeever, G., Royal-Dawson, L., Kirk, E., & McCord, J. (2022). The snakes and ladders of legal participation: litigants in person and the right to a fair trial under Article 6 of the European Convention on Human Rights. *Journal of Law and Society*, 49(1), 71-92. <https://doi.org/10.1111/jols.12344>
- Mehmood, K., Sultan, M. S., & Azeem, H. M. (2024a). An Analysis of Pre-Trial Fair Trial Rights and International Standards. *Annals of Human and Social Sciences*, 5(2), 627-637. [https://doi.org/10.35484/ahss.2024\(5-II-S\)59](https://doi.org/10.35484/ahss.2024(5-II-S)59)
- Mehmood, K., Sultan, M. S., & Azeem, H. M. (2024b). An Analysis of Pre-Trial Fair Trial Rights and International Standards. *Annals of Human and Social Sciences*, 5(2), 627. [https://doi.org/10.35484/ahss.2024\(5-II-S\)59](https://doi.org/10.35484/ahss.2024(5-II-S)59)
- Mujuzi, J. D. (2023). The accused's right to be tried by a competent, independent and impartial tribunal: The drafting history of Article 14(1) of the International Covenant on Civil and Political Rights and how it has been implemented in practice. *Problemy Prawa Karnego*, 7(2), 1-40. <https://doi.org/10.31261/ppk.2023.07.02.03>
- Munir, B. (2020, December 30). An assessment of right to fair trial under the Constitution of Pakistan, 1973: A comparative study of the US and Pakistan. *Global Strategic & Security Studies Review*, 5(4), 31-39.
- Mumford, J., Atkinson, K., & Bench-Capon, T. (2024). Annotated insights into legal reasoning: A dataset of Article 6 ECHR cases. *Argument & Computation*, 15(2). <https://doi.org/10.3233/aac-240002>
- Pakistan, G. o. (2022). *Second Periodic Report of Pakistan under the International Covenant on Civil and Political Rights (CCPR/C/PAK/2)*.
- Pakistan, H. R. C. o. (2025). *State of Human Rights in 2024*.
- Pakistan, N. C. f. H. R. (2024). *Report to the UN Human Rights Committee: Pakistan and the International Covenant on Civil and Political Rights*.
- Project, W. J. (2024). *WJP Rule of Law Index 2024*.
- Qayum, S., & Ahmad, H. (2022). The Right of an Accused to a Fair Trial in Criminal Administration of Justice: Testing the Fairness of a Murder Trial in Sessions Court in District Shangla of Khyber Pakhtunkhwa. *Pakistan Journal of Criminology*, 14(3), 101.
- Shaikh, K. (2022). The Right to Fair Trial in Pakistan: An Analysis of its Implementation and International Recognition. *Available at SSRN 4526164*.
- Saleem, M. M. (2025). Right to Fair Trail under Article 10A: Practical Implementation in the Criminal Justice System of Pakistan. *ACADEMIA International Journal for Social Sciences*, 4(2). <https://doi.org/10.63056/acad.004.02.1199>
- Samartzis, A. (2021). Weighing Overall Fairness: A Critique of Balancing under the Criminal Limb of Article 6 of the European Convention on Human Rights. *Human Rights Law Review*, 21(2), 409-432. <https://doi.org/10.1093/hrlr/ngaa062>

- Seale-Carlisle, T. M. (2024). Improving the Diagnostic Value of Lineup Rejections. *Cognition*, 252. <https://doi.org/10.1016/j.cognition.2024.105917>
- Smith, A. M., Ying, R. C., Goldstein, A. R., & Fitzgerald, R. J. (2024). Absolute-Judgment Models Better Predict Eyewitness Decision-Making Than Do Relative-Judgment Models. *Cognition*, 251. <https://doi.org/10.1016/j.cognition.2024.105877>
- Stoykova, A. (2021). Digital Evidence: Unaddressed Threats to Fairness and the Presumption of Innocence. *Computer Law & Security Review*, 42. <https://doi.org/10.1016/j.clsr.2021.105575>
- Stoykova, R. (2023). The Right to a Fair Trial as a Conceptual Framework for Digital Evidence Rules in Criminal Investigations. *Computer Law & Security Review*, 49. <https://doi.org/10.1016/j.clsr.2023.105801>
- Stoykova, R. (2024). A New Right to Procedural Accuracy: A Governance Model for Digital Evidence in Criminal Proceedings. *Computer Law & Security Review*, 55. <https://doi.org/10.1016/j.clsr.2024.106040>
- Thaman, S. C. (2023). Comparative Criminal Procedure and the Right to a Fair Trial. *International Journal of Law, Crime and Justice*, 73, 100578.
- Van de Graaf, C. (2021). Procedural fairness: Between human rights law and social psychology. *Netherlands Quarterly of Human Rights*, 39(1), 11-29. <https://doi.org/10.1177/0924051921992749>
- Vogiatzis, N. (2022). Interpreting the Right to Interpretation under Article 6(3)(e) ECHR: A Cautious Evolution in the Jurisprudence of the European Court of Human Rights? *Human Rights Law Review*, 22(1). <https://doi.org/10.1093/hrlr/ngab027>
- Wilson-Kovacs, D., Helm, R., Grown, B., & Redfern, L. (2023). Digital Evidence in Defence Practice: Prevalence, Challenges and Expertise. *International Journal of Evidence & Proof*, 27.
- Wilson, B. M., Seale-Carlisle, T. M., & Colloff, M. F. (2024). Feeling the Future of Eyewitness Research. *Cognition*, 251. <https://doi.org/10.1016/j.cognition.2024.105879>
- Wixted, J. T., & Mickes, L. (2025). Suspect Identification Accuracy from Lineups, in the Lab and in the Field. *Cognitive Research: Principles and Implications*, 10. <https://doi.org/10.1186/s41235-025-00670-1>
- Won, Y. M. (2022). The Right to a Fair Trial under the International Covenant on Civil and Political Rights. *Seoul International Law Journal*, 29(1), 175-240. <https://doi.org/10.18703/silj.2022.06.29.1.175>
- Ziegler, K. S. (2022). Human Rights Treaties and Domestic Courts: The Continuing Influence of International Fair Trial Standards. *Human Rights Law Review*, 22(4), 745.
- Zimmerman, D. M., & Rodriguez, D. N. (2024). Legal Actors' and Laypersons' Utility Judgments of Eyewitness Lineup Procedures and Outcomes. *Law and Human Behavior*, 48(2), 117. <https://doi.org/10.1037/lhb0000555>