# Inside the Punitive State: Governance Through Punishment in Pakistan

Mainstream Pakistani political parties are complicit in the criminalization of political activity.

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#### Introduction

In the aftermath of former prime minister Imran Khan's arrest on May 9, 2023, an unprecedented wave of anger poured forth onto Pakistan's streets directed primarily at the military, the country's most powerful institution. Thousands of protesters and dissenters were arrested in its aftermath and charged with violating multiple laws—including the Anti-Terrorism Act (ATA), the Maintenance of Public Order Ordinance (MPO), and the Official Secrets Act. After months of intensive policing, surveillance, intimidation, and incarceration, many were released because of a lack of evidence, while others remained in custody and were subjected to harsh legal processes, including trials in military courts.

Over the past two decades, international attention on Pakistan's internal security has focused on violence inflicted by nonstate actors. As a new government takes office this year amid <u>allegations of electoral fraud</u>, and with <u>citizens' trust in state institutions</u> seemingly at an all-time low, many are once again questioning the legitimacy of Pakistan's democracy. This confluence necessitates a critical glance

at state-sponsored repression in Pakistan, the legacies of government's past, and the violence inflicted or facilitated by state actors.

This article explores the contours of state punitiveness in Pakistan. While analysis of state punitiveness has traditionally focused on incarceration and penal practices, more contemporary scholarship has expanded this framework. This article draws upon the multidimensional concept of state punitiveness as conceived by criminologists <a href="Leonidas Cheliotis">Leonidas Cheliotis and Sappho Xenakis</a> in the journal *Punishment and Society*—a notion that goes beyond imprisonment and incarceration to include other methods of punishment, such as policing and surveillance, as well as civil and criminal law. These methods can be used by state agencies and institutions as "punitive instruments" deployed to repress or deter political opposition. In this way, punitiveness becomes a central feature of state repression in the pursuit of political power, incorporating a wide range and variety of "coercive efforts" employed by political authorities to influence those within their territorial jurisdiction."

State punitiveness is a key component of repression in Pakistan and provides a framework for thinking about the intersectionality of law, politics, and coercion. Furthermore, it invites an objective assessment of how punitiveness has persisted in nondemocratic laws, repressive policing, and enforcement institutions, including selective targeting of critics, dissidents, and political opponents with the aim of consolidating political power and regime security through formal processes of punishment.

A comprehensive historical review of all past regimes and their contributions to the burgeoning security state is beyond this article's scope. Rather, it focuses on the most recent terms of Pakistan's two most significant mainstream parties: the Pakistan Muslim League-Nawaz (PML-N) and Pakistan Tehreek-e-Insaaf (PTI), which ruled from 2013–2018 and 2018–2022 respectively.

Over the past decade, elected governments in Pakistan have persistently deployed state punitiveness, calling into question their commitment to democratic processes and practices. They have done so using a plethora of formal and informal tools and technologies connected to the criminal justice system. This

article studies *formal* mechanisms and processes: (1) the use of repressive *legal* tools that criminalize speech, dissent, and activism; (2) the weaponization of hybrid and militarized "civilian" agencies and institutions; and (3) carceral and noncarceral punishment of selected individuals and groups with the aim of criminalizing politics. Taken together, these elements have fueled state punitiveness and exacerbated the criminalization of politics, entrenching authoritarianism and facilitating the overreach of unelected institutions. Many of these methods of control and coercion are not just the prerogative of Pakistan's all-powerful military establishment, which has traditionally been at the center of policy and scholarly analysis on punitiveness in the country. Rather, they are critically produced and reproduced by civilian agencies and civil policing structures that shape politics and the maintenance of preferred political orders. As Cheliotis and Xenakis **remind us**, "punishment is a process carried out . . . by an ensemble of different institutions," and hence contemporary scholarship must move beyond its traditional focus on the military alone. The sustained dependency on governance through punishment in Pakistan, a pattern seen across successive governments, demonstrates colonial continuities in a political order that risks instigating further democratic regression.

### Normalizing Lawfare

#### Countering "Terrorism": The ATA and the PECA

In 1997, Nawaz Sharif of the PML-N came to power as prime minister against the backdrop of raging ethno-political violence in urban Sindh province, rampant allegations of police excesses, and soaring sectarian violence in Punjab. In a bid to quell this "extraordinary situation," his government resorted to an "extraordinary measure." That same year the Sharif government enacted Pakistan's first antiterrorism law, the ATA. This legislation further empowered law enforcement agencies (including the police and paramilitary forces) and created special antiterrorism courts to prosecute those charged with acts of terrorism. However, the crime of "terrorism" remains broadly and problematically defined.

Two decades later, in 2016, another PML-N government under Sharif introduced the Prevention of Electronic Crimes Act (PECA), ostensibly in response to online harassment and hate speech. The PECA, now Pakistan's premier cyber crime law, empowered law enforcement agencies—such as the Federal Investigation Agency (FIA)'s Cyber Crime Wing—to address "growing threats of cyber-crimes." Over time, the PECA became one of the most critical legal frameworks at the state's disposal for muzzling dissent and freedom of the press under the guise of targeting cyber terrorism. <sup>1</sup>

The ATA and the PECA are but two of the repressive, nondemocratic legal mechanisms at the state's disposal to quash dissent, silence critics, and delegitimize political opposition. These laws significantly shape everyday politics and the ability of ordinary citizens to participate in domestic civil life, and are deployed to target journalists, lawyers, academics, activists, and civil society members for merely criticizing state institutions. Such laws enable state repression and facilitate legal violence—a process academics have called "lawfare."

# Conflating Criminality and Resistance: The Sedition Law and the POPA

Crucially, the application of the ATA and the PECA has coincided with the deployment of other colonial-era laws that allow state institutions a panoply of instruments to exacerbate everyday punitiveness. These laws include Section 124-A of the Pakistan Penal Code (the sedition law), Section 144 of the Criminal Procedure Code, and the MPO. Collectively, these frameworks have curbed free speech, stifled media and the sharing of information, and restricted public assembly and helped criminalize dissent and activism.

Previous PML-N and PTI governments failed to limit the applications of these laws or restrain relevant agencies from abusing them. In doing so, they built upon preexisting colonial and militarized governance practices, such as the conflation of dissent, opposition, and resistance with criminality, subversion, terrorism, and other anti-state behaviors.

For example, the sedition law was originally enacted to criminalize speech undertaken by revolutionaries campaigning against imperial rule in colonial South Asia. After independence, Pakistan's rulers retained the law of sedition, using it to constrict the speech of a range of actors, including rights activists and academics. Under Imran Khan's PTI government, for instance, the government registered sedition cases against individuals affiliated with the Student Solidarity March, a movement demanding democratic rights for students, such as the restoration of student unions, (including academic-turned-politician Ammar Ali Jan and student activist Alamgir Wazir) and activists affiliated with the Pashtun Tahaffuz Movement (PTM), which calls for the protection of human rights for Pakistan's Pashtun population (most notably civil rights activist Manzoor Pashteen), among others.

During the most recent term of the PML-N government, sedition was applied more circumspectly. Instead, the Sharif-led government deployed anti-terrorism legislation, including the ATA and the Protection of Pakistan Act (POPA), against its political opponents. In 2014, the PML-N government amended the ATA to further empower a paramilitary policing force in Karachi, the Sindh Rangers (one of the paramilitary arms of the Pakistan Army). At the time, the megalopolis was undergoing a major security program, termed the Karachi Operation. Under the ATA amendments, the rangers were granted special policing powers, including the ability to detain suspects for ninety days without charge. These powers emboldened the rangers in their actions against organized criminal groups and militants in Karachi and allowed for the systematic policing and punishment of the city's primary political party at the time, the Muttahida Qaumi Movement (MQM).

In addition to the ATA, the POPA also gave legal cover to law enforcement agencies for the detention and investigation of suspects connected to the Karachi Operation and other counterterrorism measures taking place at the time. The POPA has been described as "an extraordinary law for an extraordinary situation." It granted sweeping powers to law enforcement agencies (civil and military) to search and arrest individuals without warrant, shoot on sight, and hold suspects in preventive detention without charge in order to prevent or

investigate criminal offenses. The offenses included in the POPA ranged from acts of terrorism to extortion and other crimes that were vaguely defined. According to **Amnesty International**, the POPA essentially allowed state authorities to forcibly disappear citizens across Pakistan's provinces, especially in Balochistan, Khyber Pakhtunkhwa, and Sindh, giving legal cover to the dangerous practice of "enforced disappearances."

It is unclear just how many people were detained under the POPA, but <u>sources</u> <u>suggested</u> hundreds were arrested in that period in Karachi alone. The law allowed for the creation of special courts to prosecute persons charged with terrorism, a legal and judicial process that is inherently opaque, lacking in civilian oversight, and nondemocratic. Human rights experts <u>have indicated</u> that while the POPA was in place, it was "grossly misused against innocent people, from the slum dwellers of Islamabad to tenants in Okara," rather than "jet black terrorists."

#### Maintaining Preferred Orders: Section 144 and the MPO

While PML-N and PTI governments relied on different legal tools, Section 144 of the Criminal Procedure Code (itself a colonial-era legislation) has been abused consistently across regimes. Section 144 is a key tool in public order policing across South Asia that enables states to quash dissent and silence protest by empowering governments to ban activity that is deemed a threat to public order, including public assembly of four people or more. Effectively, it allows an administration to ban legitimate protest and public demonstrations with little to no notice.

While courts typically throw out the cases against those arrested under Section 144, it nevertheless allows for the large-scale detention and even imprisonment of those charged with violating the law. Furthermore, Section 144 facilitates the use of repressive policing methods geared toward protest policing and public control. The use of tear gas, rubber bullets, and a *lathi* (baton) charge, for instance, are typical responses that have been deployed following the imposition of Section 144 in each area for the dispersal of targeted assemblies.

During the PML-N government, <u>reports suggest</u> that "hundreds" of PTI workers and supporters were arrested and prevented from peaceful assembly ahead of anticipated protests against the Sharif government. Additionally, during the brief tenure of the caretaker government in place after Khan's 2023 ouster, Section 144 was continuously applied to prevent political gatherings of PTI workers, leaders, and supporters. This occurred most notably ahead of general elections, arguably **intended to weaken** PTI's performance on polling day.

The MPO, for its part, has roots in the military regime of General Ayub Khan; it was promulgated in 1960 to clamp down on protests and strikes and to restrict free speech. In the 1990s, the PML-N government repeatedly employed the ordinance to arrest protesters affiliated with its archrival, the Pakistan Peoples Party (PPP). In 2023, it was used routinely to arrest PTI leaders and workers. For instance, senior PTI leader Shireen Mazari was arrested by the Punjab Police four times in ten days, twice under the MPO. Although a court ordered her release, Mazari's plight was part of a pattern of repeated arrests inflicted upon PTI leadership.

Collectively, these colonial and postcolonial legal frameworks form one of the most crucial components of state punitiveness: legal repression. Their broad and often confusing definitions of crimes such as terrorism and sedition work in tandem with expansions in state policing powers that, regardless of judicial or prosecutorial outcomes, give the government the legal cover it needs to consolidate power through coercion, while governing through processes of punishment.

## Weaponizing "Civilian" Agencies

The second process used to deploy state punitiveness is reliance upon numerous state institutions, sometimes simultaneously. While judicial, executive, legislative, and even nonstate agencies can support punitive systems, the coercive apparatus associated with policing, surveillance, and putting legal repression into action is the principal focus of this section. In particular, this article discusses the role of the National Accountability Bureau (NAB), Federal Investigation Agency (FIA),

paramilitary and civil law enforcement agencies, and hybrid entities that constitute both military and civilian leadership.

#### The Politics Behind NAB

As Imran Khan's populist, anti-corruption politics took off over the past decade, Pakistan witnessed the steadfast empowerment of state agencies responsible for investigating public office holders, most notably the NAB and the FIA. While the FIA was formed under the government of Zulfikar Ali Bhutto in the 1970s, the NAB was created under the military dictatorship of General Pervez Musharraf in 1999. PTI's rise entrenched a hybrid political order (in which civilian and military leadership worked closely together) rooted in a modus vivendi between Khan and the military establishment and facilitated the hybridization of policing and security bodies. This, in turn, allowed civilian institutions to be weaponized against politicians targeted by the establishment, while also creating opportunities for the establishment to encroach into civilian sectors.

Under the PTI government, the NAB became one of the most critical organizations used to conduct witch hunts against political opponents, predominantly on anti-corruption charges, including current Prime Minister Shehbaz Sharif, former prime minister Nawaz Sharif, and Nawaz Sharif's daughter Maryam Nawaz (now chief minister of Punjab province). In July 2020, Pakistan's Supreme Court <u>ruled</u> that the NAB had "violated the rights to fair trial and due process" in arresting two PML-N affiliated politicians. The NAB was criticized for being a "tool for arm-twisting of political opponents." and Human Rights Watch <u>called on</u> Pakistani authorities to "stop using a dictatorship-era body, possessing draconian and arbitrary powers, to intimidate and harass opponents."

Despite widespread condemnation of the NAB's activities, neither the PTI government nor the earlier PML-N government before made efforts to rein in the NAB or curb political victimization thinly veiled as anti-corruption investigations. In May 2023, as the PML-N planned its return to mainstream politics, the NAB arrested then prime minister Imran Khan, who had fallen out of

**favor** with the military establishment, on corruption charges. The agency also investigated Khan in the **Al Qadir Trust case**, which concerned Khan's hefty settlement with a real estate tycoon. While most politicians hounded by the NAB have wriggled their way out of investigations, the agency has undermined the political credibility and legitimacy of Pakistan's key civilian rulers.

#### The FIA's Institutionalized Intimidation

The FIA has arguably been even more draconian, targeting opposition voices outside of political parties and state institutions. In 2017, under the Nawaz Sharif government, the FIA arrested journalist Zafarullah Achakzai in Balochistan under the PECA for criticizing state security institutions on social media. According to reports, Achakzai was among the first journalists to be arrested in Balochistan by the FIA for criticizing law enforcement agencies. This was one of the first in a series of arrests carried out by the FIA under the PECA. Both the PML-N and PTI regimes weaponized the FIA, utilizing the sedition law and ATA in conjunction with PECA to silence critics—especially journalists—who criticized Pakistan's security establishment and other state institutions. <sup>2</sup>

In 2020, the Pakistan-based civil society organization **Bolo Bhi** compiled data on the FIA's involvement in incidents of intimidation, harassment, arrest, and detention of citizens under the PECA and other laws. The **data indicated** that the FIA has been involved in the arrests of activists and journalists on the basis of problematic, and often fabricated, First Information Reports (FIRs)—the documentary basis of any police investigation. In 2019, for instance, professor Muhammad Ismail (father of human rights activist Gulalai Ismail) was arrested by the FIA under the PECA for "**spreading hate against state**." That same year, the FIA arrested journalist Shahzeb Jillani on **allegations** that he made "**defamatory remarks against respected institutions of Pakistan**," including the armed forces, while covering the issue of enforced disappearances. Jillani was also arrested under the PECA on charges of "cyberterrorism." In subsequent years, the FIA **would similarly arrest** several journalists, former PTI senator Azam Swati, and other activists critical of security institutions, primarily the military.

#### Repressive Policing in the Provinces

The FIA's systematic targeting of opposition voices illustrates the politicized nature of policing in Pakistan. Provincial police departments are infamous for political interference and widely perceived as serving the interests of the establishment and the elites rather than those of the masses. Historically, policing reforms have been focused on strengthening the police's counterinsurgency capacities, which are later used to target vulnerable groups, including ethnic minorities, social movements, and the political opposition. Provincial counterterrorism departments (CTDs), for instance, have not only operated with impunity against the MQM in Karachi, but also are allegedly involved in the enforced disappearances of Baloch students and activists—a dangerous trend that has given rise to the **Baloch Long March** social movement. Mahal Baloch, one of the faces of this movement, was arbitrarily detained by Balochistan's CTD without charge. The Sindh CTD has similarly been involved in the arbitrary detentions of suspects thought to be affiliated with armed militants. Such punitive practices exist on top of provincial policing structures that have been empowered to detain suspects for ninety days without charge under ATA.

According to interviews conducted by this author, the CTD's empowerment in Karachi and Balochistan is largely attributable to the department's willingness to work closely with the Pakistan Army or its paramilitary wings in these peripheral regions. Therefore, political repression is made possible by the blurring divides between civilian and military security institutions. As discussed elsewhere, there are **considerable overlaps** in the responsibilities of civilian and (para)military policing institutions, which often creates a dual policing mechanism. Such hybridization of state policing has militarized the state's punitive structures as exemplified by the decades-long deployment of the Sindh Rangers in Karachi.

#### Hybridization of Punitive Mechanisms

Beyond counterterrorism units, special policing projects too have created civil-military policing partnerships. Under the PML-N government in Punjab, these have strengthened the state's capacity to punish and victimize political targets. In 2015, the PML-N government launched a multimillion-dollar Safe City Authority

(SCA), managed partly by a police chief considered close to the Sharif clan. Formed to "improve public safety and security," the SCA has increasingly **drawn the attention of** the military. In the aftermath of Khan's arrest in May 2023, the SCA enabled state efforts to identify and arrest PTI workers and supporters on the streets. According to **reports**, closed-caption television (CCTV) cameras installed under the SCA provided recordings to security institutions (including military intelligence agencies), enabling them to determine the identity and location of specific protesters. In an interview with the author, a senior police official said that intelligence officials were able to access CCTV footage provided by compliant officers within the Punjab Police, leading to the arrests and prolonged detentions of PTI supporters as well as bystanders unaffiliated with the protests.<sup>3</sup> Furthermore, a **recent investigation** by the newspaper *Dawn* revealed that many of those who were tried in military courts were arrested by civilian police officials and subsequently handed over to the military; some of those held in military custody were not actively involved in the May 9 riots. 4 Such collaboration between civilian police and military and intelligence agencies demonstrates the growing conflation of counterinsurgency and expression of political opposition to the ruling party.

An even more powerful example of how hybrid entities have normalized this process and subsequent punitive measures is the construction of so-called apex committees. When Pakistan intensified its counterterrorism operations in late 2014 by creating its first formal counterterrorism policy (the National Action Plan), it formally established a practice of organizing apex committees, a hybrid grouping comprised of senior civilian and military representatives. The objective of these committees was to jointly decide on and oversee state-driven efforts against security threats across provinces with the aim of delivering "speedy justice."

Over the years, this element of the state's counterterrorism apparatus has expanded its mandate to include law and order challenges, routine criminal investigations, monitoring the appointment and training of bureaucrats (including police officials), performance of CTDs, repatriation of Afghan refugees, and most recently overseeing the 2024 general elections. Effectively, the apex committees

have facilitated the military and intelligence agencies' active involvement in issues concerning domestic politics. From 2015 onward, this process was facilitated by Sharif's PML-N government.

Thus, in addition to legal repression, state institutions like the apex committees provide the structural architecture through which state punitiveness is delivered. These structures strengthen the coercive powers of the state and work in tandem to enable the institutional overreach of military actors and criminalize politics. The inability of past governments and mainstream parties to reform and challenge the practices of these institutions poses serious questions about their commitment to democracy.

#### **Criminalization of Politics**

#### Through Formal Provisions...

Beyond legal and institutional dynamics, the strategic targets of state punitiveness reveal not just a politics of revenge, but the criminalization of politics and political activism. The "criminalization of politics" is the formal (carceral and non-carceral) processes through which political activities are restricted and repressed. In the aftermath of Imran Khan's arrest and the subsequent riots, the government imposed Section 144 in areas most likely to witness collective dissent. Effectively, acts of political assembly were conceived as "security threats" to public safety and order, and legitimate protest was conflated with terrorism. This conflation allowed the state to criminalize resistance and delegitimize public anger and dissent, leading to the over-policing of PTI supporters, workers, and innocent bystanders. Thousands were arrested in violation of Section 144 in Punjab alone. Many remain incarcerated, including party leaders.

Prior to this process of criminalization and punishment, Section 144 had been steadily applied across Pakistan's provinces to curb sociopolitical mobilization. Most notably, in recent years, it was used to quash planned political activities by the PTM, which was launched in 2013 as a social movement protesting state

atrocities and crimes targeting Pakistan's ethnic Pashtun minority. The PTM gained momentum in 2018 following the police's extrajudicial killing of <a href="Maqeebullah Mehsud">Naqeebullah Mehsud</a>, a Pashtun youth, in Karachi. Shortly thereafter, the PTM's public gatherings and activities were banned from university campuses and its protests against enforced disappearances led to arrests.

In the clamp-downs on both the PTI protests and the PTM's political activities, the state relied upon the imposition of Section 144 to bring political activists into the criminal justice system. In 2023, prominent activist and PTM founder Ali Wazir and human rights lawyer Imaan Mazari were **similarly arrested** for "criminal intimidation" and "unlawful assembly" when participating in a PTM-organized political rally. PTM leaders, including Wazir, have also been slapped with sedition charges. The criminalization of politics—like the punishment of political opponents and party leadership—has been activated through the laws and institutions underpinning state punitiveness.

#### ... and Political Score-Settling

Throughout Pakistan, political activity has been curbed and prevented through draconian anti-terrorism legislation. Under the 2013–2018 PML-N regime, the country witnessed a nationwide, army-led counterterrorism campaign. Launched shortly after the 2014 attack in Peshawar on the Army Public School, the Pakistan Army's Operation Zarb-e-Azb embedded the army into Pakistan's domestic security matters. A key element of this operation was the Karachi Operation. Initially intended to root out criminal gangs and religious militants, the operation's scope was extended to include key political parties. The Karachi Operation effectively dismantled the city's largest political party, the MQM (banning party speeches and gatherings, closing party offices, and arresting party leadership and workers for their complicity in criminal and armed violence), further fragmenting Karachi's political landscape.

The PML-N regime targeted the MQM through expansions of the ATA, a broad definition of "terrorism," and the use of the National Action Plan (the premier counterterrorism strategy). The ATA was also used to crack down on the PPP and its allies on terrorist financing charges. While many of these charges were later

dropped because of lack of evidence, the process of criminalization punished political actors viewed unfavorably by the military establishment and ensured compliance through coercion. Such criminalization was also enabled through expanding the powers of both the Sindh Rangers and the civil police's CTDs. Effectively, the counterterrorism police in Karachi operated with independence and impunity, working closely with their military counterparts to help reshape political order in the city and carefully engineer political activity. In these efforts, the PML-N government facilitated the military's institutional overreach. In 2018, as Khan's PTI government was ushered in, the PML-N fell victim to the very punitiveness it had facilitated. This culminated in Nawaz Sharif's ouster and subsequent exile from Pakistan. In the lead-up to the 2018 polls, the same provisions that the PML-N had used to repress opposition were deployed against PML-N workers and leaders. Police arrested some and coerced others to switch loyalties and join alternative political parties. This measure denied the PML-N a level playing field in the 2018 elections.

Ahead of the 2018 polls, reports said that the military had been accused of "meddling in politics and muzzling the media" to help Imran Khan and the PTI win the election. Analysts referred to this as the "creeping coup." Following the 2022 no-confidence vote against Khan, PTI fell victim to the same kind of political score-settling it had meted out when Khan was in office. In addition to Khan's arrest and the registration of more than one hundred cases against him, key PTI leaders were arrested on grounds of sedition and under the PECA, the MPO, the ATA, and Section 144.

#### Conclusion

These examples illustrate how punitive regimes in Pakistan's contemporary history have supported the criminalization of politics and restricted political activity through carceral and non-carceral means. In so doing, mainstream parties have been complicit, to varying degrees, in enhancing the state's punitive powers and processes at the cost of hampering democratic practice and boosting the institutional overreach of the military establishment. It is no surprise, therefore,

that the Economist Intelligence Unit's 2023 Democracy Index downgraded Pakistan from a hybrid regime to an authoritarian one.

Despite efforts by those striving for civilian supremacy, Pakistan's punitive security state remains emboldened and deeply militarized by the legal, institutional, and behavioral devices at its disposal. The key to its undoing lies beyond the recent challenges to the establishment's institutional overreach, such as the so-called "meddling case," in which the military intelligence apparatus has been accused of interfering in judicial affairs through the coercion, intimidation, and surveillance of judges. Rather, dismantling Pakistan's punitive state will require abandoning the politics of revenge and punishment and emphasizing instead coalition-building and institutional reform. Moving in this direction will mean discarding militarized solutions for dissent and identifying political responses to long-standing grievances (such as those witnessed on Pakistan's peripheries, including the ongoing insurgency in Balochistan). Finally, any political solution must ensure that civilian structures and state agencies respect the Constitution and the rule of law, which they have so wantonly disregarded in recent years.

#### **Notes**

<sup>1</sup> The government of Punjab (under PML-N leadership) passed a new law in May this year that, along with the PECA, restricts speech rights. The <u>Punjab</u> <u>Defamation Act 2024</u> now further undermines constitutional provisions and human rights, including freedom of speech and freedom of press. It allows for legal action to be initiated without proof against individuals suspected of making defamatory claims.

<sup>2</sup> In May 2024, the government of Pakistan established a specialized agency to investigate PECA cases, the National Cyber Crimes Investigation Agency (NCCIA), to "counter propaganda and rumours on social media." The NCCIA intends to replace the FIA's cyber crime wing. Although it has yet to start functioning, concerns have been raised regarding the institutional culture of such

an organization, the absorption of personnel and resources from the FIA, and the duplication of efforts.

<sup>3</sup> This is based on the author's interview with a senior police officer in the summer of 2023.

<sup>4</sup> The army claims it is empowered to try civilians in military courts under another draconian colonial-era law, the Official Secrets Act of 1923. **Reports suggest** that more than one hundred people were charged under this law because of their proximity to military installations and premises where riots took place. Their whereabouts were ascertained through the CCTV footage provided by the police and the government.

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