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1. Introduction

The 12th Constitutional Amendment adopted by the Parliament of Pakistan in July 1991 provides for the establishment of Special Courts for Speedy Trial. During the following month 11 Special Courts for Speedy Trial were set up in Pakistan. They began to hear cases from 31 August. On 10 September the first death sentence was reportedly passed by a Special Court for Speedy Trial in Rawalpindi. The trial leading up to this sentence had taken only three days. The proceedings of the Special Courts for Speedy Trial are regulated by an Ordinance promulgated by President Ghulam Ishaq Khan in August 1991.

The President promulgated two further Ordinances that provide for the setting up of special courts in terrorist-affected areas. These courts are also directed to conduct speedy trials and to follow procedures similar to those of the Special Courts for Speedy Trial. They have not yet been set up.

The Special Courts for Speedy Trial have exclusive jurisdiction over certain scheduled offences. These include political acts where violence is not involved such as sedition (Section 124-A of the Pakistan Penal Code, (PPC)) and "condemnation of the creation of the state and advocacy of abolition of its sovereignty" (Section 123-A PPC). Offences involving violence such as "waging or attempting to wage war, or abetting waging of war against Pakistan" (Section 121 PPC), for which the death sentence can be imposed, are also scheduled as offences to be tried by Special Courts for Speedy Trial. Though not specifically mentioned in the Ordinance, Special Courts for Speedy Trial may apparently also try cases under Islamic law as some of the sentences passed by these courts in September indicate.

While all trials should conform to internationally recognized standards for fair trial, Amnesty International believes that this is especially important in the case of courts which are empowered to try political prisoners or to impose punishments as severe as the death penalty or amputation. Amnesty International is concerned that the trials conducted by the Special Courts for Speedy Trial do not conform to the minimum standards for fair trial as laid down in international human rights instruments such as the International Covenant on Civil and Political Rights. Some of the procedures as laid down in the Ordinance a priori are unfair, while others have the potential to be applied in practice in a way that would severely prejudice the accused. In the light of the way in which similar provisions of earlier Special Courts for Speedy Trial and of the Special Courts for the Suppression of Terrorist Activities have been applied in the past in Pakistan, and also in view of the reports of the first few cases tried by Special Courts for Speedy Trial, Amnesty International is concerned that the procedures of the Special Courts for Speedy Trial will result in unfair trials.

Amnesty International urges the Government of Pakistan to suspend the execution of all sentences already passed by Special Courts for Speedy Trial, especially those involving the death penalty and other punishments such as amputation which Amnesty International considers amount to cruel, inhuman or degrading punishment. Amnesty International also urges the Government of Pakistan to reconsider the legislation under which these courts were set up. As Pakistan has not acceded to any of the major international human rights treaties, Amnesty International recommends that the Government of Pakistan consider the adoption of the relevant international human rights standards.

2. The legislation

2.1. Special courts 1987 to 1990

Special Courts for Speedy Trial were first introduced as a temporary measure in 1987. In the first six months of their functioning over 50 persons were sentenced to death, in some cases after trials lasting only two to three days. Appeals against the sentences of these courts could be made to the provincial High Court and then to the Supreme Court of Pakistan. The Special Courts for Speedy Trials Act 1987 remained in force initially for one year and was extended for a further year by Presidential Ordinance in October 1988. For a Presidential Ordinance to remain in force it must be approved by parliament within 120 days of its promulgation. Following a change of government in December 1988 the Ordinance was not placed before parliament for approval and so lapsed in February 1989. In August 1990 another Presidential Ordinance was promulgated allowing once again for the setting up of Special Courts for Speedy Trial, but this lapsed in November 1990.

Apart from the Special Courts for Speedy Trial there currently exist in Pakistan a number of other special courts set up under the Suppression of Terrorist Activities (Special Courts) Act, 1975 as amended by the Amendment Ordinance, 1990. These courts aim at "suppressing acts of sabotage, subversion and terrorism". The proceedings of these courts resemble in many ways those of the Special Courts for Speedy Trial and share most of their deficiencies with respect to legal and human rights safeguards. Amnesty International is concerned that the Special Courts for the Suppression of Terrorist Activities try a large number of political cases employing procedures that violate the defendants' right to a fair trial. Sentences passed by the Special Courts for the Suppression of Terrorist Activities can, however, be appealed before the provincial High Court and ultimately the Supreme Court of Pakistan. This system of special courts is therefore not completely separated from the regular legal system as are the Special Courts for Speedy Trial.

2.2. Legislation in 1991

The Enforcement of Shari'ah Act 1991 adopted by parliament in May 1991 stated that it is "one of the fundamental obligations of the Islamic state to ... provide inexpensive and speedy justice through an independent Islamic system of justice". A first step in providing speedy justice was the amendment to the constitution two months later. On 18 July 1991 the National Assembly, the lower house of parliament, adopted the 12th Constitutional Amendment. The Senate, the upper house of parliament, passed the amendment on 20 July. It adds Article 212-B to the Constitution which provides for the establishment of special courts for the speedy trial of "heinous offences". Article 212-B will be in force for a period of three years from the date of its adoption, after which it will stand repealed. It empowers the Federal Government to set up as many special courts as it may consider necessary in order to ensure speedy trial of persons accused of offences considered "gruesome, brutal and sensational in character or shocking to public morality".

Special Courts for Speedy Trial "shall consist of a judge, being a person who is, or has been, or is qualified for appointment as, a judge of a High Court and is appointed by the Federal Government after consultation with the Chief Justice of the High Court". The amendment further provides for the creation of as many Supreme Appellate Courts as the Federal Government may consider necessary to allow for appeals against sentences of Special Courts for Speedy Trial. Each Supreme Appellate Court shall consist of a chairman, being a judge of the Supreme Court and two judges of the High Court; they are to be nominated by the Federal Government after consultation with the Chief Justice of Pakistan and the Chief

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Justice of the provincial High Court concerned respectively. Both the Special Courts for Speedy Trial and the Supreme Appellate Courts are to decide cases or appeals within 30 days.

The amendment further states that "notwithstanding anything contained in the Constitution, no court shall exercise any jurisdiction whatsoever in relation to any proceedings before, or order or sentence by a Special Court or a Supreme Appellate Court ...". The ordinance thereby significantly curtails the jurisdiction of the High Courts and the Supreme Court to examine whether a miscarriage of justice has occurred in the Special Courts for Speedy Trial or whether the procedures or judgments were otherwise contrary to law.

President Ghulam Ishaq Khan promulgated Ordinance XXIII, the Special Courts for Speedy Trial Ordinance 1991, on 9 July 1991; Ordinance XXV with the same name was promulgated on 6 August 1991 and supersedes the earlier ordinance. Ordinances in Pakistan remain in force for four months after which they lapse if they are not confirmed by parliament. The purpose of the repromulgation of the Speedy Trials Ordinance within a month was reported to have been to bring the Ordinance into conformity with the 12th Constitutional Amendment.

The Ordinance lays down a schedule of offences to be tried by speedy trial courts, their jurisdiction as well as trial and appeal procedures. The Ordinance requires the police to complete their investigation within two weeks after an offence has allegedly been committed and to forward that report directly to the Special Court for Speedy Trial. On taking cognizance of the case, the Special Court for Speedy Trial is to proceed with the trial "from day to day" and is not permitted to adjourn for more than two days. Bail may not be granted to the accused if "there is reasonable ground to believe that he has committed the offence". The special court must conclude the trial within 30 days. A person sentenced by the special court may appeal against his sentence within seven days to the Supreme Appellate Court which is to decide the appeal within 30 days. The verdict of the Supreme Appellate Court is final. The text of the Ordinance does not specify if the right to appeal to the Provincial or Federal Government or to the President for a pardon or commutation of a death sentence is retained in the case of persons who wish to appeal against the verdict of the Supreme Appellate Court.

According to a report in Dawn of 23 July 1991, official sources said the federal government intended to place the updated version of the Special Courts for Speedy Trials Ordinance 1991 before parliament for approval during its next session. To date this has not taken place yet.

Presidential Ordinance XXII of 1991, the Terrorist Affected Areas (Special Courts) Ordinance 1991, was promulgated on 9 July 1991; it, too, was repromulgated shortly afterwards on 5 August as Ordinance XXIV under the same name. It states: "If the Government is of the opinion that offences of the nature specified in the Schedule are being committed in any area on such a scale and in such a manner that it is expedient for the purpose of coping with such offences to have recourse to the provisions of this Ordinance, it may ... declare such an area to be a terrorist-affected area" and "for the purpose of providing for speedy trial of scheduled offences committed in a zone, the Government may establish ... a Special Court ... in such a zone". To date no part of Pakistan has been declared a terrorist-affected area, accordingly no speedy trial court has been set up under the terms of this Ordinance.

This report only deals with the Special Courts for Speedy Trial set up in 1991 under the later version of the Special Court for Speedy Trial Ordinance 1991 (Ordinance XXV) and the 12th Constitutional

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Amendment.

3. The setting up of Special Courts for Speedy Trial

According to a notification of the Ministry of Law, Justice and Parliamentary Affairs on 18 August 1991, 11 Special Courts for Speedy Trial were to be set up by the end of the month: five in Punjab and the Islamabad Federal Territory, three in Sindh, two in the North West Frontier Province and one in Baluchistan. Towards the end of August the Ministry created a "special cell" to which all First Information Reports (FIR) involving offences scheduled in Ordinance XXV must be referred within 24 hours of registering them in a police station. The cell consists of one sessions judge, two additional judges and one joint secretary, two deputy secretaries and two section officers of the ministry. Its role is to select those cases that are to be tried by Special Courts for Speedy Trial. Complainants may also directly approach the Ministry and request trial by a Special Court for Speedy Trial. Supreme Appellate Courts were constituted in Quetta, Peshawar, Lahore, Rawalpindi and Karachi at the beginning of September 1991.

The Special Courts for Speedy Trial began operating from 31 August. Local newspapers reported that by 3 September some 45 cases had already been referred to these courts by the "special cell" of the Ministry of Law, Justice and Parliamentary Affairs. Among them are five cases transferred from Special Courts for the Suppression of Terrorist Activities in Karachi. They reportedly include a case in which several opposition Pakistan People's Party activists are charged with the murder of Nabi Sher Junejo, a judge of the Special Court for the Suppression of Terrorist Activities which had tried Asif Ali Zardari, husband of former Prime Minister Benazir Bhutto. Other cases before the Special Courts for Speedy Trial involve charges of kidnapping for ransom, rape and robbery. The maximum penalty for murder and kidnapping for ransom is the death penalty, robbery can be punished with amputation, rape with stoning to death.

One of the first sentences passed by a Special Court for Speedy Trial was reported in a Pakistani newspaper on 10 September. A Special Court for Speedy Trial in Rawalpindi found a man guilty of rape and murder and imposed the death penalty after a trial that had taken three days. On 25 September the same court sentenced a man to death for murder after a trial taking four days, following a transfer of the trial from another court, probably without rehearing witnesses or reconsidering the evidence. At the end of September a Special Court for Speedy Trial in Karachi convicted three persons to life imprisonment after it found them guilty of kidnapping in a trial that took 12 days. A Lahore Special Court for Speedy Trial in mid-September convicted two men to life imprisonment and 30 lashes for rape under Islamic law. A third co-accused in this case was sentenced to undergo five years' rigorous imprisonment and five lashes. The presiding judge declared that he had taken a lenient view of this accused as he was only 15 years old. A Special Court for Speedy Trial in Peshawar on 25 September sentenced two US nationals to have their right hands and left feet severed after it found them guilty of a bank robbery. The brothers filed an appeal against this sentence to the Supreme Appellate Court in Peshawar. It heard the appeal on 14 October and on the same day acquitted the brothers of all charges. (See Urgent Action ASA/33/16/91 and ASA/33/18/91) As of the end of October 1991 Amnesty International received reports of nearly twenty death sentences passed by Special Courts for Speedy Trial since they began operating from 31 August 1991. (See appendix)

4. Special Courts for Speedy Trial and due process of law

4.1. Offences within the jurisdiction of the Special Courts for Speedy Trial

The 12th Constitutional Amendment empowers the Government to set up special courts to try "heinous offences", a term which is not defined. The Special Courts for Speedy Trial Ordinance 1991 lays down in Section 2(C) that Special Courts for Speedy Trial are to try a person for a scheduled offence "which in the opinion of the government is gruesome, brutal and sensational in character or shocking to public morality, or has led to public outrage or created panic or an atmosphere of fear or anxiety amongst the public or a section thereof, or which because of increase in incidence needs to be tried most speedily".

Amnesty International considers that there is no justification in international law for persons accused of offences considered by the government to be "shocking to public morality" or "gruesome, brutal or sensational in character" to be tried in courts whose procedures in important ways fall short of international standards of fair trial. Amnesty International is also concerned about the vagueness of the terms used in Section 2(C).

The Ordinance leaves it up to the "opinion of the government" to interpret these imprecise terms and thereby to determine which defendants are to be tried by special courts. Furthermore Section 5 empowers the government if it "... is of the opinion that a case pending before any court, should in the public interest be tried and decided speedily, it may ... transfer the same for trial to a Special Court."

Amnesty International considers that governments have a particular responsibility to ensure that provisions in criminal legislation are sufficiently certain and precise so that accused may understand beforehand not only the nature and cause of the charge against them, but also the nature of the criminal proceedings which may be instituted against them. The Special Courts for Speedy Trial Ordinance 1991 fails to provide any safeguards against the arbitrary allocation of a case to the special courts, including the arbitrary transfer of any case pending before the regular courts.

The extent to which the Ordinance provides a degree of certainty by including a list of offences over which the Special Courts for Speedy Trial have jurisdiction, is reduced by the power of the government to amend the schedule of offences and add or delete any offence. Special Courts for Speedy Trial may also try any offence committed in connection with the scheduled offence, even if it is not itself a scheduled offence.

4.2. Independence of Special Courts for Speedy Trial

The Federal Government is empowered to establish Special Courts for Speedy Trial and to determine the terms and conditions of the judges serving on them. Section 4 of the Special Courts for Speedy Trial Ordinance 1991 states: "The special court shall consist of a judge, being a person who is, or has been, or is qualified for appointment as a judge of a High Court and is appointed by the [Federal] Government after consultation with the Chief Justice of the High Court. The terms and conditions of service of judges constituting the special courts, except in cases where they are sitting judges of the High Courts, shall be such as may be determined by the Government. A special court shall sit at such places as the Government may, by order, specify in that behalf."

Principles 11 and 12 of the UN Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1985 and

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endorsed by the UN General Assembly in Resolutions 40/32 and 40/146, state that: "11. The terms of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law. 12. Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists." The terms and conditions of judges of regular courts of Pakistan are laid down in Part VII of the Constitution of Pakistan, their remuneration in the Fifth Schedule in the Annex to the Constitution. Amnesty International is concerned that the failure to secure by law the terms and conditions of the judges sitting in the Special Courts for Speedy Trial compromises their independence and impartiality. The independence and impartiality of a court, enshrined in Article 14(1) of the International Covenant on Civil and Political Rights and Article 10 of the Universal Declaration of Human Rights is one of the basic guarantees of a fair trial.

Amnesty International is particularly concerned about the failure of the Special Courts for Speedy Trial legislation to protect the independence of these courts in light of reported allegations over the years that the Government of Pakistan has interfered with the judiciary in the independent and impartial execution of its duties. Such allegations have been expressed in separate studies carried out by various non-governmental organizations, including LAWASIA in 1983, the British Parliamentary Human Rights Group in October 1990, the Federation Internationale des Droits de l'Homme in 1990 and the Human Rights Commission of Pakistan in 1991. Although Amnesty International has not been able to independently verify these allegations, the organization is concerned that there is scope for political interference in the control of the tenure, terms and conditions of office of judges appointed to the Special Courts for Speedy Trial. Amnesty International believes that the independence of the judiciary must be preserved at all cost and must be seen to be preserved to ensure the trust of the public in the judiciary.

4.3. The right to a fair hearing in the context of the transfer of cases

Under the provisions of the Ordinance (Sec. 8(3)) the Government may decide to transfer any case from a regular court to a special court if it considers this expedient, or from one special court to another. In this case or in the case of a change in the composition of the bench "a Special Court to which a case is transferred ... shall proceed with the case from the stage of which it was pending immediately before such transfer and it shall not be bound to recall and re-hear any witness who has given evidence and may act on the evidence already recorded."

As the right of the defendant to a fair trial includes the right to have defence witnesses recalled and reheard under the same conditions as witnesses for the prosecution, in the case of such transfer this provision of the Ordinance violates the defendant's right to a fair hearing as laid down in Articles 14(1) and 14(3)(e) of the International Covenant on Civil and Political Rights. It also violates Article 14(3)(b), which establishes the defendant's right "to have adequate time and facilities for the preparation of his defence", as a sudden transfer of a case to a Special Court for Speedy Trial may not provide sufficient time for preparing a full defence.

The provision of the Ordinance regarding the transfer of cases also contains an inherent unfairness in that judges presiding over a transferred case must decide the case partially on the basis of a written transcript of evidence, if available. One of the fundamental principles underlying the legal system in Pakistan is that justice is secured by presentation, wherever possible, of oral evidence directly to the court.

4.4. The right to a public trial

While the Ordinance stipulates that trials shall be open, it also allows (Sec. 8(4)) for trials to be held in camera. "All proceedings before a special court shall be conducted in open court, provided that, where the public prosecutor so applies or the special court considers it necessary so to do for any reason, any proceedings or any part thereof may be held in camera."

The openness of a trial is an important safeguard in the interest of the defendant and a guarantee for a fair trial. The right of the defendant to a public hearing is laid down in Article 14(1) of the International Covenant on Civil and Political Rights. The Covenant acknowledges that courts have the power to exclude all or part of the public in "exceptional circumstances". The law must, however, specify with precision what these "exceptional circumstances" are which justify the exclusion of the public from a trial. The provision in Section 8 of the Special Courts for Speedy Trial Ordinance 1991 states that upon application of the Public Prosecutor a trial will be held in camera without the Public Prosecutor having to state any reason for his application. The Special Court for Speedy Trial may decide to hold the trial in camera if it considers it necessary to do so for any reason. There are no safeguards in the legislation against the arbitrary or unjustified exclusion of the public from the trial.

The Government may also indirectly provide for a trial to be held in camera as it may decide on the place of sitting (Sec. 4(4)). Special Courts for the Suppression of Terrorist Activities currently operative in Pakistan sometimes hear cases in prison from which the public is normally barred. Holding a trial in jail is to de facto convert it into a trial in camera.

4.5. The right to present a full defence

The Special Courts for Speedy Trial Ordinance 1991 requires that a report be submitted by the police to the Special Court for Speedy Trial within fourteen days unless an extension is granted. Failure to produce the report within two weeks "shall be deemed to be a wilful disobedience of the order of the special court and dealt with under the law accordingly". The defendant is to be produced before the Special Court for Speedy Trial within 24 hours. Then, "on taking cognizance of the case, the Special Court may proceed speedily with the trial from day to day and shall decide the case within thirty days ...". If any adjournment is necessary, it shall not be granted for more than two working days. A convicted person may file an appeal against his sentence with the Supreme Appellate Court within seven days of the passing of the sentence. The Attorney General or the Advocate General, however, may appeal against an order of acquittal or the sentence passed within 30 days of the passing of the sentence. The Supreme Appellate Court must hear an appeal and decide it within 30 days (Sec. 13 (4-6)).

Under international law, every defendant has the right to be tried without undue delay. He is also entitled to "have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing" as laid down in Article 14 (3)(b) of the International Covenant on Civil and Political Rights. Amnesty International fears that the imposition of inflexible time limits with respect to both trial and appeal laid down in the Ordinance may be prejudicial to the ability of the accused to present a full defence and possibly result in a miscarriage of justice.

To limit the time of a trial and of the appeal to 30 days each and to prohibit adjournment beyond two working days may in complex cases prevent the defendant from presenting a full defence, as it may take

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longer to locate important defence witnesses or to subpoena relevant evidence. Amnesty International is concerned that some accused persons may be sentenced to punishments including the death penalty without having the opportunity to present a full defence.

Moreover the different time limits set for the defendant and the prosecution to file an appeal violates the principle of equality before the courts contained in Articles 14(1) and 14(3) of the International Covenant on Civil and Political Rights.

Amnesty International is concerned that the arbitrarily imposed requirement for the police to complete its investigation within two weeks may encourage the police to act in ways which bear more relationship to expediency and the need to complete a report of the alleged crime within the limited period than to the interests of justice and the complexities of a case. It may lead the police to making arrests with undue haste or even to its applying force to obtain information. Torture in police custody is known to have occurred in Pakistan and the current legislation may create conditions that facilitate its further use. (see: Pakistan: Reports of torture and death in police custody, AI Index: ASA 33/05/91).

The statutorily specified pre-trial investigation period further fails to give the accused the opportunity to postpone the commencement of the trial if due to difficult circumstances he has not been able to prepare a full defence in time. The provision that the police, but not the defendant, may seek an extension of the investigation period violates the principle of equality before the courts contained in Articles 14(1) and 14(3) of the International Covenant on Civil and Political Rights.

4.6 The right to be presumed innocent

The Ordinance states that the Special Court for Speedy Trial cannot grant bail to a defendant "if there are reasonable grounds for believing that he has been guilty of the offence for which he has been charged ..." (Sec. 11). This provision involves an assumption of prima facie guilt which violates the defendant's right to be presumed innocent until proved guilty according to the law, a fundamental principle recognized in Pakistan criminal jurisprudence and enshrined in Article 14 (2) of the International Covenant on Civil and Political Rights.

4.7. The right to appeal

Appeals against sentences passed by a Special Court for Speedy Trial can be filed with the Supreme Appellate Court. There is no possibility to appeal to a court in the regular legal system. Amnesty International is concerned that to remove the possibility of an appeal to the provincial High Court or subsequently to the Supreme Court of Pakistan implies a serious deterioration of the legal position of the defendants, particularly those sentenced to death. Procedures of these courts are regulated by the Code of Criminal Procedure, 1898, which involve none of the deficiencies of legal or human rights safeguards present in the legislation governing the Special Courts for Speedy Trial. The text of the Ordinance does not specify if the possibility to appeal to the provincial and/or federal government and/or to the President for commutation of death sentences remains intact.

5. Amnesty International's recommendations to the Government of Pakistan

The setting up of special courts whose procedures significantly differ from those of regular courts violates
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the right to be tried by the established legal procedures of one's country. Principle 5 of the United Nations Basic Principles on the Independence of the Judiciary states:

"Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use the duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals."

Amnesty International is concerned that the recent setting up of Special Courts for Speedy Trial violates this principle. It recognizes that the authorities in Pakistan perceive an urgent need to reduce crime and to quickly and effectively restore law and order for its citizens. These circumstances do not, however, justify the suspension of basic human rights such as the right to a fair trial.

It is the duty of every government to provide prompt justice; the International Covenant on Civil and Political Rights clearly states that everyone charged with a criminal offence has a right "to be tried without undue delay". In its effort to provide speedy justice the present legislation, however, falls short of internationally recognized norms of fair trial. Amnesty is concerned that the Special Courts for Speedy Trial which may try persons for political offences, pass the death sentence and impose severe sentences such as stoning to death and amputation, violate the right of such defendants to a fair trial.

Amnesty International previously raised the issue of the death penalty awarded by Special Courts for Speedy Trial set up under previous legislation with the Government of Pakistan during a visit in 1989. Its concerns and recommendations are contained in Pakistan: Human rights safeguards: Memorandum submitted to the government following a visit in July-August 1989, (AI Index: ASA 33/03/90)

Amnesty International now urges the Government of Pakistan:

- to suspend the execution of all sentences, especially all death sentences, imposed by Special Courts for Speedy Trial as the trials on which the sentences are based do not conform to international standards of fair trial;
- to retry all persons convicted by Special Courts for Speedy Trial, especially those sentenced to death, before regular courts affording them all the legal and human rights safeguards available under Pakistan law;
- to transfer all cases presently pending before Special Courts for Speedy Trial to regular courts which should rehear all evidence presented to the Special Courts for Speedy Trial prior to the transfer;
- to repeal the legislation leading to the setting up of the Special Courts for Speedy Trial;
- to ensure and respect the independence of the judiciary which it is the duty of the state to guarantee;
- to implement safeguards set out in the UN Basic Principles on the Independence of the Judiciary;
- to ratify or accede to fundamental international human rights instruments, in particular the International Covenant on Civil and Political Rights which, among other provisions, sets out the minimum guarantees essential for fair trials.

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