



# Khyber Pakhtunkhwa Prosecution Service



**Annual Report 2016**



## PREFACE

The Annual Report of Khyber Pakhtunkhwa Prosecution Service 2016 is aimed to apprise a reader with the background of Khyber Pakhtunkhwa Prosecution Service (Constitution, Functions and Powers) Act, 2005 as well as to highlight the achievements of the Directorate and the challenges faced by it during the year. The Act enunciates that the Director General Prosecution shall submit to the Government an Annual Report on the discharge of functions of the institution at the end of every year. The copy of the Annual Report shall be further presented before the Assembly as enunciated by Section 8(7) of the Prosecution Act, 2005.

The Prosecution department is headed by the Director General, who is assisted by a team of officers at the headquarter; to carry out its functions under the prosecution Act 2005 (wherein functions, Jurisdiction, powers, scope and procedures are defined). The role of the Home and Tribal Affairs Department is to supervise its major decisions, policy and strategy matters. During 2016 the overall performance of the Prosecution Directorate remained satisfactory and one of its main achievement was a rise in the conviction ratio from 73 to 82 Percent in the last three years. Another remarkable progress of the department was to induct 96 prosecution officers in 2016.

The lack of resources and inadequate infrastructure both at headquarter and district level remained a constant challenge for the prosecution service. Although training and capacity building of the officers is an essential component. But due to lack of resources and proper training academy it remained a great challenge for the department to organize regular pre-service and specialized trainings. To this end donor driven capacity building initiatives were undertaken, impact whereof was manifested through improved performance of the junior and senior officers.



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## ACRONYMS

ATC	:	Anti-Terrorist Court
BBA	:	Bail before arrest
Code	:	Code of Criminal Procedure
CCTV	:	Close Circuit Television
CNS Act	:	Control of Narcotics Substance Act, 1997
CWs	:	Court Witnesses
DPP	:	District Public Prosecutor
DWs	:	Defense Witnesses
EW	:	Eye Witnesses
I.O.	:	Investigating Officer
JJSO	:	Juvenile Justice System Ordinance 2000
KK Bore	:	Kalashnikov Bore
KPK	:	Khyber Pakhtunkhwa (Province)
OAP	:	Offence against Property (Haddood Ordinance 1979)
PATA	:	Provincially Administered Tribal Areas
PP	:	Public Prosecutor
PPC	:	Pakistan Penal Code
PLD	:	Pakistan Legal Decisions
PWs	:	Prosecution Witnesses
SHO	:	Station House Officer
QSO	:	Qanun-e-Shahdat Ordinance
TOT	:	Training of Trainers
CE	:	Cross Examination

## SECRETARY MESSAGE:

It is a wonderful moment and it gives me great pleasure to add few words to the first Annual Report 2016 for the Khyber Pakhtunkhwa Prosecution Service. The Prosecution is a crucial subject in the Criminal Justice System, the Prosecution Act of this Province was passed in 2005, in pursuance to the same the Prosecution Directorate was established and that the Prosecution started its business under the Administrative control of Home & Tribal Affairs Department.

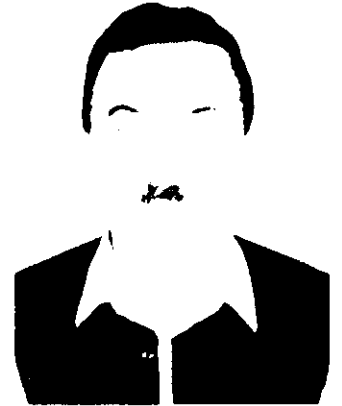
The Khyber Pakhtunkhwa Province has faced a main brunt of terrorism; the Prosecution Officers of the Province have boldly prosecuted the terrorists in the Courts and have succeeded in earning convictions. Mr. Rast Baz Khan and Mr. Arif Ullah Shah, the Prosecution Officers of this Province have lost their lives in the line of their duties, most of the Prosecutors have faced terrorist attacks but nothing could derail their enthusiasm and they are working with the same zeal and devotion.

I really feel proud to present this Annual Report of the Prosecution Service which portray the performance of the Prosecution Officers in the last couples of year and particularly in the year 2016, the Prosecution has raised its performance in terms of convictions, the capacity building; number of Prosecution Officers have been recruited and were imparted Pre-Service training, the Monitoring and Accountability Meehanism has been improved and that the service is developing day by day.

The Provincial Government is also looking for the best service prospects for the Prosecution Officers in this Province and that to make it a model Prosecution Service in the Country. The appearance of the Prosecution Officers in the Superior Courts is also under consideration, the focus is upon the capacity building of our Prosecution Officers and to improve their living standard.

The Report explain the sacrifices given by the Prosecution Officers, the structure, the performance, the Donor's Intervention and an overview of the Prosecutorial activities in the Province.

The same is placed before the Provincial Assembly in terms of Section 8 (7) Prosecution Act, 2005.



SIR A. AHMAD



## DIRECTOR GENERAL MESSAGE

The Prosecution in Khyber Pakhtunkhwa is a new subject: the Prosecution was earlier split into two different departments, in the courts of Sessions the responsibility to supervise and control the Prosecution service was with the Law Department where by that time the judges from the Judiciary were posted whereas, in the Magisterial courts the prosecution branch of the police department was responsible to carry out the prosecution of the cases with their own officers carrying the ranks of Prosecuting sub-inspectors, prosecuting inspectors and prosecuting deputy superintendent of police.

In 2005 Prosecution Act was passed which provided a Directorate of Prosecution independent of the Judiciary and the police; however it was parked in the Home Department as its attached department.

Though the prosecution service is young in this province; however the last eleven years of the service are full of successes, improvements and sacrifices. The coordination between the police and prosecution is improving, the success ratio in the ordinary and terrorism cases is also encouraging, the officers are making bold and firm prosecutorial decisions, the cases registered but having weak evidence are being weeded out of the process and that the innocent charged with criminal actions are being saved from the agony of trial.

Unfortunately, the prosecution service in this province is not at par with that of the sister provinces; there is a need of establishing a Prosecutor General office, enhancement of pay and incentives for the prosecution officers, provision of security and residential accommodation etc. the provincial government with its meager resources is working upon the same and that I am hopeful that the prosecution will soon be a model service in the province.

I have gone through the first Annual Report of the prosecution service in this province, it gives me extreme pleasure and proud to bring forward the successes and efforts made by the prosecution officers in this province, no doubt being a young service as compared to the judiciary and the police need more attention but with all meager resources the prosecution officers are contributing a lot to bring the guilty to justice.

The report highlights the structure of the service, the strength of the officers, the capacity building measures, the issues which the service is facing, the terrorism prosecution etc.

In 2016, the prosecution is having best conviction ratio, in terrorism as well as in ordinary courts, lot of trainings were imparted to prosecution officers, number of capacity building steps were taken, dozens of prosecution officers were inducted into the service, the development partners contributed a lot. No doubt it was the most successful year.



## EXECUTIVE SUMMARY

Prosecution, Judiciary and police are the main pillars of the Criminal Justice System: the Prosecution plays the role of a bridge between the Judiciary and police. It is considered as the backbone of the Criminal Justice System. In province of Khyber Pakhtunkhwa, the prosecution of the cases in Session Courts was the subject of the Law Department before 2004 and in the Courts of Magistrates the Police Department was responsible to deal with by the cases. On the recommendation of the Federal Government independent prosecution departments were established throughout the country, however, in Khyber Pakhtunkhwa the Directorate of Prosecution was set up and housed in the Home & Tribal Affairs Department: as its attached department in 2005.

The prosecution department's progress has been significant and achieved a decent number of results in shape of recruitment, capacity building, improved conviction rate and establishment of district offices. The issue of the shortage of the prosecution officers was also addressed and Ninety-six (96) fresh prosecution officers were appointed through competitive process. After selection, they were provided with an opportunity to attend pre-service trainings in Lahore supported by AITEBAAR a project of DFID.

Several joint programs with the support of donor organizations were completed successfully in 2016, and a number of essential trainings for the capacity building of the prosecution officers were arranged, special focus of the training was on the Crime Scene Management, Case Management Techniques, Forensic Evidence and use of Modern Devices in the collection of evidence. With the support of US-INL, the district public prosecutor's offices were constructed in 14 districts, however the handing over of possession of the offices is in process.

The review of the data of the criminal cases from district prosecution offices revealed that, prosecution concluded 113736 cases out of which 79% were convicted, while 6% were acquittal and 9% were compounded. It is pertinent to note that more than 50% of the cases were registered under local and special laws, while only 10% registered cases were of serious crimes. In addition, reports of the counter terrorism courts showed that conviction in the terrorism cases was 28%.

During the year, Prosecution department successfully segregated the weak cases before referring for further trial, which resultantly reducing the case load on courts. In the year 2016, 121376 cases were registered whereas, the prosecution department scrutinizing the cases to sort out the fitness for trial and successfully declared 5764 (5%) cases non-triable and recommended those for discharge.



## INTRODUCTION

### **Vision:**

The Prosecution Service in Khyber Pakhtunkhwa inspires the confidence and trust of the people of this Province particularly those who are involved in criminal actions. People should believe that their rights are secured and that they will not be dragged into unnecessary agony of trials or criminal litigations. The Prosecution will be a public service to safeguard the rights and interest of all those who are innocent but are facing the anguish of criminal charges.

### **Mission:**

The Prosecution in Khyber Pakhtunkhwa is the linchpin in Criminal Justice System; the service undertakes its responsibility by ensuring that no innocent person should either face trial or be punished and that no guilty should escape legal action and be awarded appropriate punishment.

### **Values:**

The values for the service are as follows:

- Rule of Law.
- Strengthening the Criminal Justice System.
- Ensuring the quality of the Investigation through professional supervision of the process of the investigation.
- Effective Police Prosecution Coordination resulting into excellence in its work and efficiency in the disposal of cases at all levels.
- Making firm Prosecutorial decisions independently and purely on legal standards without any extraneous pressure.
- Accountability to public and the law.

## BACKGROUND & HISTORY

Before the creation of independent prosecution services in KP, the functions of criminal prosecution were performed under the administrative control of the Law Department. The prosecution of the cases was the responsibility of the Law Department and police department. The law department used to appoint prosecutors to conduct prosecution in the session courts and in the Magisterial Courts prosecution was performed by designated police officers. Prior to 2005 the prosecution service was scattered into different authorities which affected the role of prosecution and results were minimum.

Federal Government as a policy initiative under Access to Justice Program, on 16th January, 2002 directed the provincial governments to ensure establishment of an independent prosecution service in their respective Province. In compliance with the directions of Federal Government, the Khyber Pakhtunkhwa Prosecution Service was established under the control of the Home and Tribal Affairs Department, in 2005.





## **Powers & Functions under the Prosecution Act, 2005**

The Khyber Pakhtunkhwa Prosecution Service is being regulated by the Prosecution Act of 2005, which provides its statutory role and mandate: the first and foremost inscribed duty of the prosecutor is to conduct the Prosecution of the criminal cases in the Courts of Sessions and Magistrate. The salient features of the Prosecution Act, 2005 are discussed as below:

- Supervision of the process of investigation through effective and cordial relation with the Police Department.
- Section 4 C (i) of the Prosecution Act, 2005 empowers the Prosecution Officers to withhold the cases wherein, compromise has been affected by the parties: this facilitates the compromise in compoundable offences.
- Section 4 C (ii) of the Act empowers the Prosecution Officers to recommend the cases with weak evidential stuff for discharge.
- The liaison between the head of investigation in the District with that of the District Public Prosecutor.
- The liaison between the Director General Prosecution and the Advocate General of the Province.
- Issuing guidelines, opinions to the investigating officer to ensure the collection of qualitative evidence
- The timely submission of the final report in the Court by the Prosecution Officer, if a case is found fit for Prosecution.

## **Role and Responsibilities of the Prosecution**

The scope of function for Prosecution in Khyber Pakhtunkhwa is up to the level of the District Courts in contrary to other sister province; prosecution have its presence in the superior courts as well. The job of the prosecutor is that of parental in nature, commences from the registration of FIR and rests till the culmination of the issue. During the phases of investigation, the prosecution is actively involved to give its opinion, regularly discuss cases with the investigating officers and workout the game plan with that of the investigating agency. After the completion of investigation, the prosecution has to scrutinize the cases and to make the prosecutorial decisions regarding fitness of the cases for the purpose of trial or otherwise.

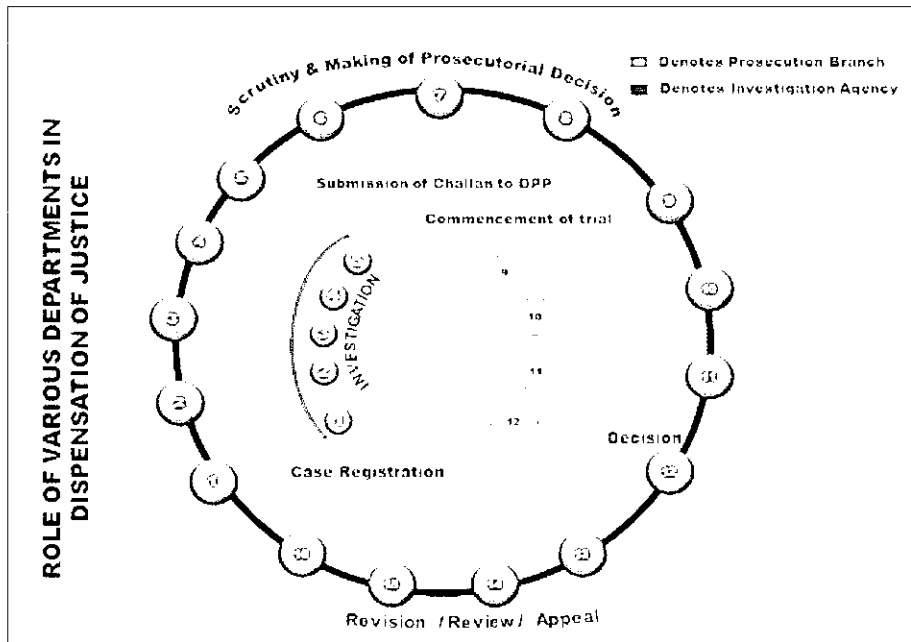
Similarly, during the course of trial the prosecutor assists the Court to arrive at proper conclusion of the issue. After the announcement of the judgment the prosecutor examines the decision of the Court and assails the same by filing appeals, revision/ review petitions etc. if the decisions are not found in consonance with law.

The image below will portray the role of the prosecution and other actors of the Criminal Justice System in dispensation of Justice.



**Figure -1**

**Role of Police, Prosecution and Judiciary in Criminal Cases**



In the above figure the points from 1 to 16 indicate the job of the prosecution which commences from the registration of the FIR as indicated from point-1, as the prosecution officer is required to supervise the process of investigation; the points at grey (1 to 5) provide the role of the investigation wing which runs side by side with the prosecution. After the completion of investigation, the prosecution continues with the case as indicated from point 5-9 in blue, during this period the case is scrutinized in the prosecution units, and the prosecutorial decisions are made and finally if the case is found fit for trial the same is forwarded to the court. From point 9-12 the prosecution works with the judiciary (indicated in green), lead witnesses, produces evidence, argues the case and assists the court to arrive at just a decision.

Following the decision of the case the prosecutor continues with the same as indicated from point 13-16 by filing appeals revisions if needed.

**Discharge**

It is a settled law that an accused will face the trial, if there is sufficient stuff against him on file. The Prosecution in Khyber Pakhtunkhwa takes effect where there exists cogent evidence against those who are involved in criminal actions. As discussed earlier the prosecution department scrutinize all registered criminal cases, subsequently these cases are forwarded to the courts for trial/decision. Those cases which are found weak from evidentiary point of view are recommended for discharge U/S 4 C (ii) of the Prosecution Act, 2005. During the year 2014 till 2016, the Prosecution have recommended 16303 cases for discharge on the basis of weak evidential substance against accused.



## Scrutiny Committees

The primary responsibility of the prosecution is to scrutinize the evidence collected by the investigation officers against the accused, for this purpose the directorate of prosecution has established two types of the scrutiny committees and cases are analyzed at two different stages:

(i) Before forwarding to court & (ii) after the decision of the court.

In ordinary court cases, the scrutiny committees at district level comprises the District public prosecutor and the prosecutor of the court concerned., Whereas for the cases registered under terrorism laws, the team is comprised of CTD and prosecution officers; who examine the cases regarding their fitness for trial or otherwise; then those are forwarded to courts.

This practice has improved the quality of investigation of cases; thus, fit cases from evidential point of view are filtered and weak cases are weeded out from the process at an early stage, which reduces the burden on courts. During 2016, 5,764 cases were recommended for discharge by the Prosecution Department due to lack of cogent evidence.

Furthermore, the scrutiny committees discuss the reasons of the acquittals in heinous offences, and decide its fitness for the purpose of appeal or otherwise. The decisions along with the record of the cases are communicated to the headquarter, for further analysis by the officers of the directorate in suitable cases; Where the justifications for acquittals are carefully reviewed and further actions are recommended against the responsible; if lapses are found on their part. Thus, the strong accountability mechanism of the prosecution services undertakes the appropriate actions against defaulting delinquent officers.

## Police & Prosecution Coordination

Joint Police and Prosecution committees are established in the districts, who are regularly holding monthly meetings to discuss the matters pertaining to the improvement in the quality of investigation and to ensure successful prosecution. The minutes of the meetings is shared with their respective head offices for information and decisions.

Due to these measures, the coordination between the two wings has become more effective, the conviction ratio has been considerably improved, the weak cases from evidential point of view are being weeded out of process, innocent persons are saved and protected from the agony of trial, and thus public confidence is restored.



## **Structure of Prosecution Services Khyber Pakhtunkhwa**

### **Director General Prosecution**

The Director General Prosecution works under the supervision of the Home Secretary Khyber Pakhtunkhwa, he is stationed at prosecution Directorate and is assisted by Director Administration, Director Monitoring and Director Legal.

The Prosecution of the criminal cases at all levels in the Districts and Magisterial Courts is the responsibility of the Prosecution Officers: the Director General Prosecution who by virtue of his post is the Prosecutor General of the Service, looks after the operational prosecution activities; he is also responsible to keep liaison with the Advocate General Office, further he is mandated to provide one Prosecutor each to all Criminal Courts in the province.

Furthermore, the Director General Prosecution supervises the day to day activities of the field prosecution formations, makes decisions, identifies gaps, addresses the issues and represents the Directorate at different forums.

### **Prosecution Directorate**

The Prosecution though, in this Province is functioning under the Administrative control of the Home Department: however, it is independent in its working and performance of the operational Prosecution activities. The policy decisions are made by the Home department in active consultation with the Directorate of Prosecution, for instance amendment in the service rules, posting/transfers of the officers etc. The prosecution headquarter is comprised of three major units including Administration, Legal and Monitoring. Each unit is headed by a Director with Deputy Directors, Assistant Directors and supporting officers who provide assistance in the functionality.

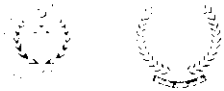
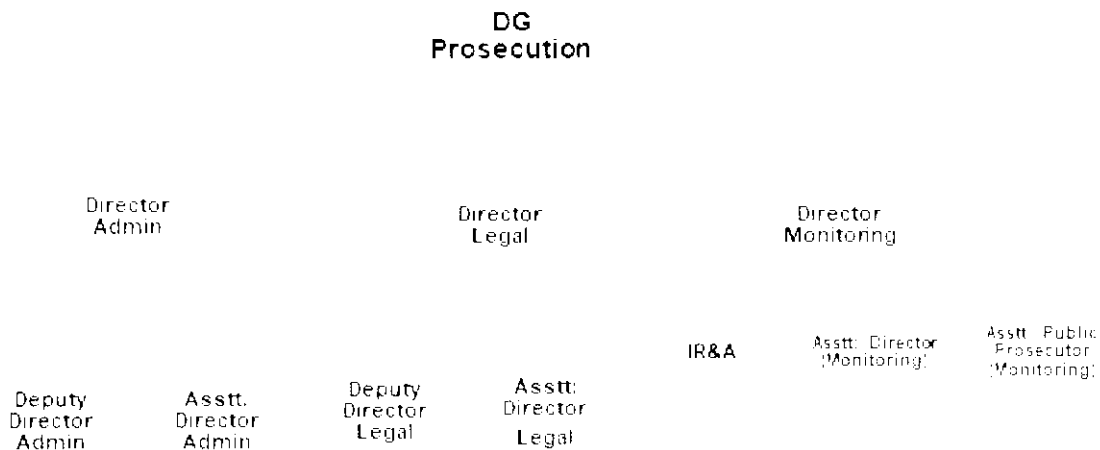


Figure-2

**HIERARCHY AT HEADQUARTER LEVEL****Administration Unit**

Administration section works under the control of the Director Administration who is supported by Deputy Director Administration and Assistant Director Administration apart from the support staff. All administrative actions are initiated by the Assistant Director Administration and forwarded to Deputy Director Administration with brief of the cases and the proposal. Deputy Director Administration forwards the case with his comments to Director Administration and finally the matter is sent to Director General Prosecution for decision. Financial matters of the prosecution department are also scrutinized by the Administration unit. Key functions of administration section are as below:

- Posting transfers.
- Disciplinary proceedings.
- Minutes of meeting maintenance of record notes.
- Travel and medical claims processing.
- Appointments of prosecutors.
- Inspections of the district prosecution offices
- Correspondence on behalf of the Director General Prosecution within and outside the province.
- Appointments of prosecution officers Special Public Prosecutors etc.
- ADP Development schemes.
- Payment of law charges.

**Legal Section:**

Legal section in the prosecution headquarters works under the immediate control of Director Legal who is assisted by Deputy Director Legal, Assistant Director Legal and the support staff. All Legal matters are reviewed by the Assistant Director Legal subsequently forwarded to Director Legal with brief of the cases and the proposal, through Deputy Director. Finally, Director shares the case with Director General for approval. The appearance in the courts in cases where the department is a party to the case is the



responsibility of the legal section. The complaint cell also works under the immediate command of Director Legal. Since the creation of the prosecution Directorate in 2005, this cell is working to defend the cause of the government/state in the courts of law etc.

Key responsibilities of the legal cell are listed below;

- Processing appeals, revisions, bail cancellation petitions etc.
- Examining and proposing amendments in criminal and prosecution laws/rules.
- Coordinating and corresponding with the provincial government on legal issues.
- Defending cases/appeals/revisions petitions/review petitions etc. Filed by or against the provincial government in various courts.
- Recommending appropriate action in legal matters.
- Maintaining liaison with Advocate General office and law department.

### **Monitoring Cell:**

- Monitoring Cell is headed by Director Monitoring. His team is comprised of Assistant Director Monitoring, Assistant Public Prosecutor Monitoring, Support staff and the data entry operators. The Monitoring unit of the prosecution is responsible for the supervision of all operational activities of field prosecution formations. Key functions of the monitoring unit are:
  - Monitoring of prosecution activities and analysis of their work output.
  - Collection of data from the district prosecution formations (on pre-designed formats).
  - Evaluation of the performances of the field staff on the basis of performance and reporting procedures.
  - Verifying authenticity of data through physical inspection of the record.
  - Disseminating information of criminal cases, in the province to the relevant agencies, government departments and superior courts, about the progress of the criminal cases, pending investigations, under trial and decided cases.
  - Monitoring of police prosecution coordination affairs.
  - Determining reasons for acquittals, low ratio of conviction and weak supervision of investigation. Also issue directions to ensure the quality investigation, segregating weak cases and forwarding the cases with cogent material to the courts.
  - Undertaking surprise field visits and framing reports of surprise inspections and formulating recommendations.
  - Dealing all types of Donor Interventions.
  - Capacity building initiatives i.e. jointly conducting trainings, workshops, seminars through donors support.



## Monitoring Mechanism:

The Provincial Cabinet in its decision taken in the 46th Cabinet meeting has clearly made the following directions;

“The Directorate of Prosecution is required to be cognizant that “Business-as-Usual” approach will not work in the extra ordinary phenomenon. It has to scale up its resources and develop its capacity to compete and combat the calamity. It shall improve coordination among Public Prosecutors and investigators for successful prosecution of cases. Analysis of crime trends and outcome of prosecution in courts shall constitute regular part of quarterly review meetings at the level of Director General Prosecution. He will ensure literal implementation of the Prosecution Act- the statutory basis for the existence of the Directorate”.

Keeping in view the preceding direction, the Prosecution Monitoring Cell became more active in supervision of the Prosecution of the cases conducted by the field Prosecution formations individually as well as collectively. In order to record information of the criminal cases from the field prosecution offices required templates were devised in 2012-13. These formats assisted the prosecution headquarter in collecting material information regarding the progress of the criminal cases and the performance of the prosecution offices.

The monitoring wing was made more pulsating by inducting two more officers in the monitoring cell. As well as scope of its functions have been expanded towards the monitoring of the police – prosecution coordination activities and joint meetings of the two departments remained in focus.

The monitoring team is constantly working to revise the templates in order to enhance/improve the data collection systems. In addition, the monitoring unit is mandated to sort out, analyze and compile the received information and data, as well as status of criminal cases registered under ordinary and terrorism laws. These reports are shared with relevant forums: including the Superior Judiciary, Police, Provincial Government and security Agencies.

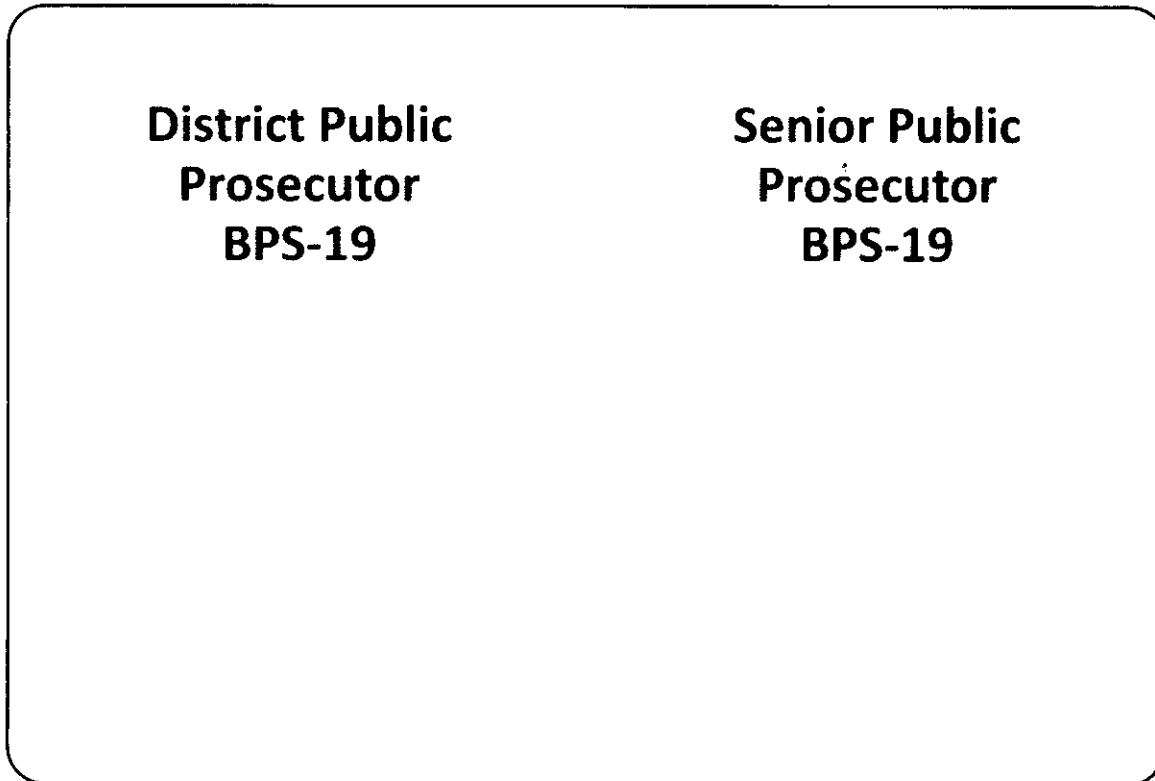
The Monitoring Cell is also designated to supervise the investigation processes of the cases registered under different criminal laws including the terrorism laws, the prosecution of such cases, and the generation of criminal cases and Counter Terrorism Criminal cases reports. Moreover, the details of the proceedings of the cases, from the registration of the FIR till the decision by the Court and even thereafter, i.e. filing of appeal and revision are also reviewed and finalized.



## Reference and Analysis Cell

The reference and analysis cell was established in 2013 as attached with the Monitoring cell. The R & R cell is equipped with a well decorated library with the latest law books and journals. The major role of this cell is to provide legal precedents of superior courts on key issues, latest amendments in laws, application of different laws etc. to prosecution officers at district level. The R & R unit has been proven to be a useful component of the prosecution services by benefitting district officer in providing them previous relevant judgments. The cell is also engaged in scrutiny of cases where acquittals were ordered and is working out the reasons for the same and measures to be opted in this regard.

Figure -3







## Human Resource status of prosecution department

The Prosecution Officers in this province are appointed through Public Service commission.. Once the recommendation is received from Public Service Commission, a case for the verification of the antecedents of the applicant is then sent to the special branch and after the receipt of its report the notification of appointment is issued along with the posting order by the Prosecution Directorate. These officers are Law graduate, with a valid practicing licenses from their respective Bar Councils; however, after appointment as a prosecutor their licenses stand suspended and they cannot appear as private counsel in criminal or civil litigations.

In the Khyber Pakhtunkhwa Prosecution Service, following rank hierarchy is part of the system:

- District Public Prosecutors (BS-19)
- Senior Public Prosecutors (BS-19)
- Deputy Public Prosecutors (BS-18)
- Assistant Public Prosecutors (BS-17)

**Table-1: Strength of Prosecutors**

S. No	Name of Posts	Sanctioned	Working	Vacant
1	Directorate of Prosecution	10	9	1
2	Regional Director	7	0	7
3	District Public Prosecutor	25	24	1
4	Senior Public Prosecutor	57	29	28
5	Deputy Public Prosecutor	62	43	19
6	Assistant Public Prosecutor	219	173	46
	<b>Total</b>	<b>380</b>	<b>278</b>	<b>102</b>

The positions of Regional Directors are vacant as the framing of rules for the said posts are in pipe line, further one post of Assistant Public Prosecutor in the Monitoring Cell has fallen vacant due to the recent transfer of the officer, which will be filled in soon. Currently 29 public prosecutors, 21 Deputy public prosecutors and 38 Assistant Public Prosecutors are required to fill the vacant positions. Recently the Peshawar High Court Peshawar upgraded the posts from BPS-17 to BPS-18 and BPS-18 to BPS-19 respectively, due to this change of scales several positions are left vacant. The remaining posts of Assistant Public Prosecutor have been advertised and the recruitment process will commence shortly.

It is worth mentioning here that, the post of Public Prosecutor in BS 19 has recently been merged into the post of Senior Public Prosecutor, being both in BS 19, with similar qualification and job description.

Till 2014, the newly created Prosecution Service was short of dozens of Prosecutors to carry-out the prosecution work; initially the total strength of the prosecution department was 202, out of those only two female prosecutors were the part of the entire service. The Prosecution business was undertaken by the locally hired lawyers on daily wages basis as a stop-gap arrangement. The disadvantage of hiring them was that since they were private lawyers hence they were not accountable to prosecution directorate. Moreover, they had not undergone any prosecutorial trainings, thus the level of prosecution by them often remained unsatisfactory. To address the issue of shortage of required prosecution officer, the department hired 96 fresh prosecution officers during 2016 through Public Service Commission. With this addition, the strength of the Prosecution Officers increased to 378 Prosecution Officers in all districts.

The number of female prosecution officers in the province is still insufficient and so far, only 29 are serving in the prosecution Directorate despite the fact that female quota in the provincial services is 10% and they can also compete on open merit in addition to the seats reserved for each zone. The main reason for slim number of the female prosecution officers is the non-availability of the appropriate offices/residential accommodation and low pay packages. Most of the male/ female prosecution officers once joining the service abandon directorate after serving for couple of months/years and join other departments for the reasons enumerated above.

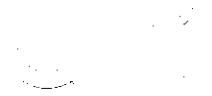
After the creation of the posts/vacancies, the strength of the Prosecution officers has become compatible with that of the Courts enabling the Chief Prosecutor to provide one prosecutor to each Criminal Court and that the trend of hiring the local lawyers as Special Public Prosecutor has become considerably reduced.

A.

## **Progress and Achievements of Prosecution Department**

The year 2016, can be termed as the most successful period for the Prosecution Service; as for the first time the conviction rate in the cases registered under the ordinary laws reached 79% and in the cases registered under the Anti-Terrorism Act, 1997 the conviction rate by the end of the year was 28%. However, the acquittal is in 52% cases and in other cases accused were absconders.

The prosecutors from the terrorism courts have recommended 316 cases for discharge, on the basis of non-availability of evidence. It is pertinent to highlight here that the recommendation of cases for the purpose of discharge, registered under the terrorism laws are the common unanimous decisions of the police & prosecution in the District. In case, if the police and prosecution are not in agreement regarding the fitness of the case for trial the same is referred to the Directorate of Prosecution, where the Director Legal is the final authority to decide whether the case is prosecutable or otherwise. Then the decision of Director Legal is forwarded to the field formation for compliance which is binding upon both the police and prosecution.



The table below provides a complete detail of the performance of the Prosecution Officers in the Districts formations in the year 2016.

**Table -2: District wise status of cases of heinous and petty nature**

S. #	District	Total Trial Concluded.	Total Convictions (Heinous/Petty Offences)	Total Acquittals (Heinous/Petty Offences)	Total No. of cases Compounded	Total No. of cases where accused absconded
1	Abbottabad	4466	3545	140	361	420
2	Battagram	565	405	47	103	10
3	Bannu	4214	3164	504	465	81
4	Buner	1168	961	77	123	7
5	Charsadda	4438	3458	353	496	131
6	Chitral	3999	3614	96	285	4
7	Dir Lower	6194	5482	264	363	85
8	Dir Upper	4249	3164	388	492	205
9	DI Khan	5431	3411	1010	689	321
10	Haripur	4215	3219	314	473	209
11	Hangu	1753	1257	281	132	83
12	Karak	3035	2479	195	278	83
13	Kohat	4876	4050	445	319	62
14	Kohistan	796	464	210	80	42
15	Lakki Marwat	2689	1233	409	420	627
16	Manshera	1171	2695	463	451	562
17	Malakand	1669	937	107	495	130
18	Mardan	7477	6548	354	477	98
19	Nowshera	4165	3307	129	416	313
20	Peshawar	35860	30929	141	2150	2640
21	Shangla	594	263	191	126	14
22	Swat	2268	974	281	878	135
23	Swabi	3532	2331	391	458	352
24	Tank	1496	1148	200	123	25
25	Torghar	416	106	4	6	0
	<b>Total</b>	<b>113736</b>	<b>89444</b>	<b>6994</b>	<b>10659</b>	<b>6639</b>

The table above shows the performance of Prosecution Officers, in most of Districts like Buner, Chitral, Karak, Dir Lower, Peshawar etc; the conviction rate remained above 80%. The records of criminal cases revealed that the number of conviction in criminal cases has been increased to 79% in 2016.

More than 50% of the total registered cases in the province were under the local and special laws and other petty offences, thus the major burden upon the prosecution and the courts in the year 2016 was of such cases. In the past administrative issues were dealt at the court of Executive Magistrate, however now the flow of the same is in the district courts. The districts with more population are having more of such cases, whereas the districts with less population are having slim number of registration of such cases.

Pie charts for the same are given at the end as annexed-I

The table below provides the data of terrorism cases during 2016.

**Table -3: Cases of Anti-Terrorism Courts for 2016**

Name of Court	Total Trial Concluded	Convicted	Acquitted			Committed to Record Room U/S 517 Cr.P.C	Discharge	Pendency	Appeal Preferred
			Lack of Evidence	Benefit of Doubt	on the basis of Hostile Witnesses/women over witnesses				
1- ATC Abbottabad	13	10	0	2	0	1	2	7	3
2- ATC Bannu	42	7	4	20	0	11	45	11	20
3- A.T.C-V Kanju (Camp Court at BUNER)	5	1	1	0	0	3	0	17	4
4- ATC D.I.Khan	11	0	0	8	0	3	3	2	5
5- ATC -III, Dir Lower	12	3	1	3	0	5	48	29	4
6- ATC Kohat	22	7	1	13	0	1	27	11	12
7- ATC-Mardan	21	6	2	9	1	3	23	26	8
8- ATC -I, Peshawar	23	14	1	6	1	1	23	21	8
9- ATC -II, Peshawar	30	8	0	20	1	1	15	28	17
10- ATC -III, Peshawar	26	8	0	14	0	4	29	23	10
11- A.T.C Matta at Mardan	19	0	3	9	0	7	5	41	7
12- ATC -I, Swat	16	3	1	3	0	9	96	21	6
13- ATC -II, Swat	0	0	0	0	0	0	0	16	0
14- ATC -II, Swat (Camp Court at Kanju Kabal	0	0	0	0	0	0	0	0	0
15- A.T.C -II Swat (Camp Court Interment Centre-I Swat)	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>240</b>	<b>67</b>	<b>14</b>	<b>107</b>	<b>3</b>	<b>49</b>	<b>316</b>	<b>253</b>	<b>104</b>
<b>GRAND TOTAL</b>	<b>240</b>	<b>67</b>		<b>124</b>		<b>49</b>	<b>316</b>	<b>253</b>	<b>104</b>
PERCENTAGE		<b>28%</b>		<b>52%</b>		<b>20%</b>			



A total of 13 Anti-Terrorism Courts have been established in this province, the number of the Anti-Terrorism Courts is determined for each division on the basis of the work load. In Malakand division there are five Anti-Terrorism Courts, in Peshawar three, whereas

in other five divisions one Anti-Terrorism Court each is functioning. The Prosecution Officers posted in Anti-Terrorism Courts are mandated to forward the cases having substance to prove the guilt of the accused. As per rules the submission of final report on terrorism cases in order to conduct trial depends upon the joint decision of the Police & Prosecution. the police and prosecution jointly responsible to recommend the case for discharge or trial through a format devised by the Provincial Government.

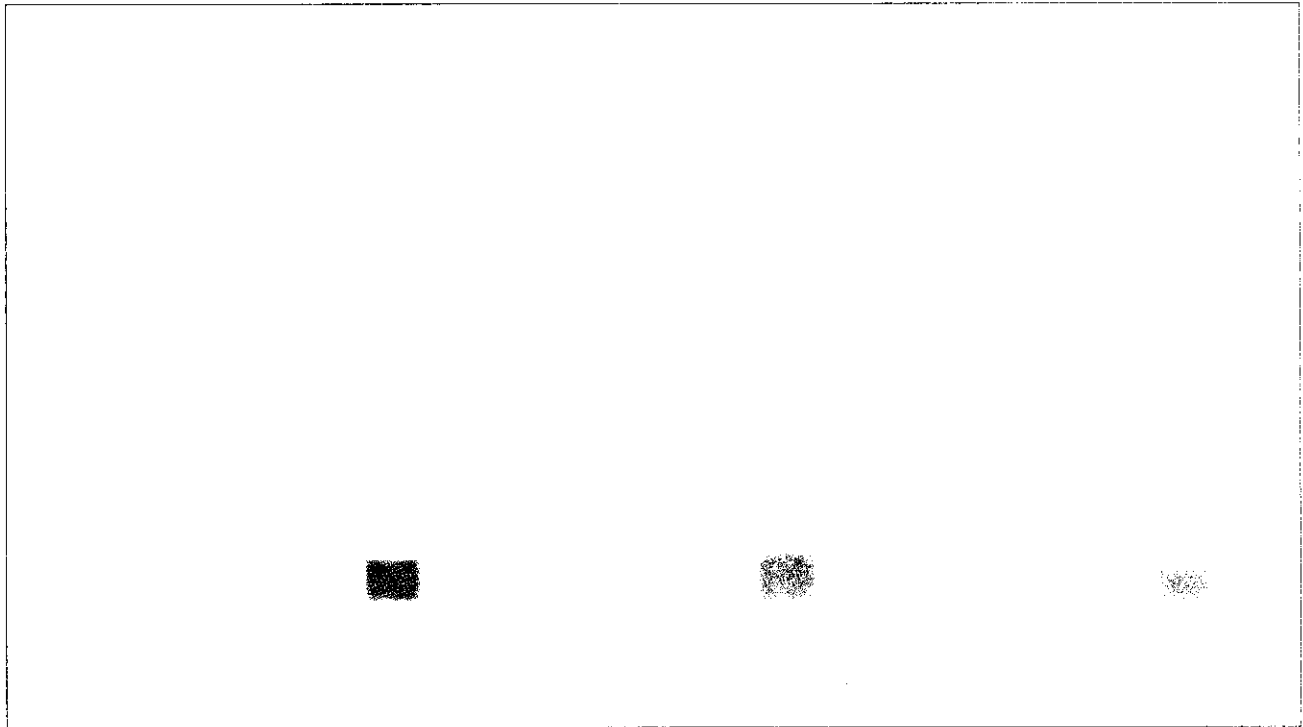
The prosecution department successfully conducted trial of 240 terrorism cases, out of which 28% were ended with conviction. While acquittal was 52% mainly due to benefit of doubt, and 20% cases were consigned to record under section 512 Cr. P. C.

### Comparative Analysis of the cases from 2014-2016

The Prosecution in this province with its limited resources has been delivering its best. in the last three years the performance of the prosecution officers is consistently improving as reflected in below table.

**Table-4: Analysis of cases from 2014-16**

Year	Convictions	Acquittals	Compounded	Abandoned	Total Disposed of Cases
2014	72%	10%	10%	8%	100%
2015	75%	6%	10%	9%	100
2016	79%	6%	9%	6%	100

**Figure-4**


The chart above portrays the analysis of the conviction rate in the last three years, the conviction ratio is yearly increasing and percentage has been expanded from 72% to 79% whereas the number of acquittal in the year 2014 was 10% and it has been dropped to 6%. Similarly, 9% cases were compounded and 6% were acquitted. The improvement in the conviction rate is due to the enhanced performance of the prosecutors and effective police prosecution coordination, which enable them to sort out the fit cases for trials.

### Division Wise data of cases of District Courts

**Table-5: Division wise Data of criminal cases of 2014**

Division	Convicted	Acquitted	Compound	Abseoded
Bannu	52%	22%	13%	13%
D.I Khan	66%	15%	10%	9%
Hazara	62%	16%	11%	11%
Kohat	74%	12%	8%	6%
Malakand	78%	8%	11%	3%
Mardan	72%	15%	9%	5%
Peshawar	75%	5%	11%	10%



Figure-5

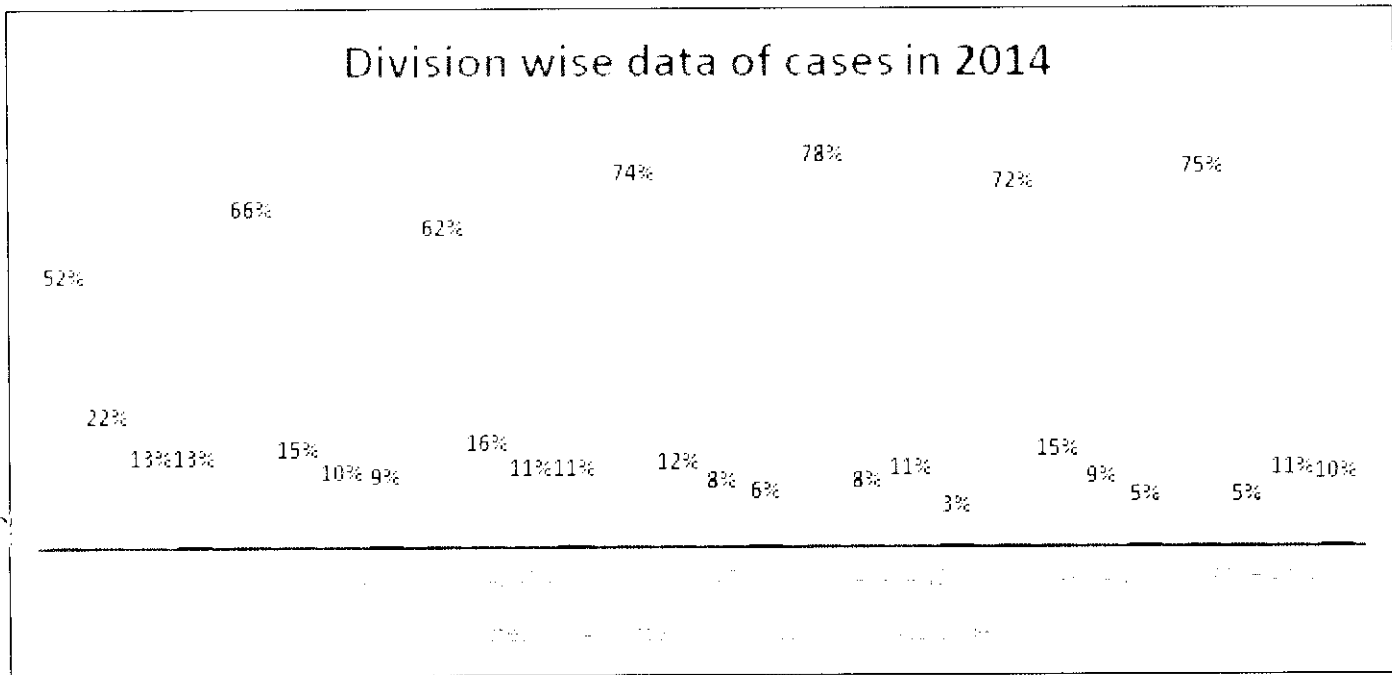


Table-6: Division wise Data of criminal cases of 2015

Division	Convicted	Acquitted	Compound	Abandoned
Bannu	67%	12%	12%	8%
D.I Khan	64%	15%	12%	9%
Hazara	77%	8%	8%	7%
Kohat	84%	8%	6%	2%
Malakand	77%	7%	13%	3%
Mardan	70%	12%	12%	6%
Peshawar	82%	2%	8%	8%





Figure-6

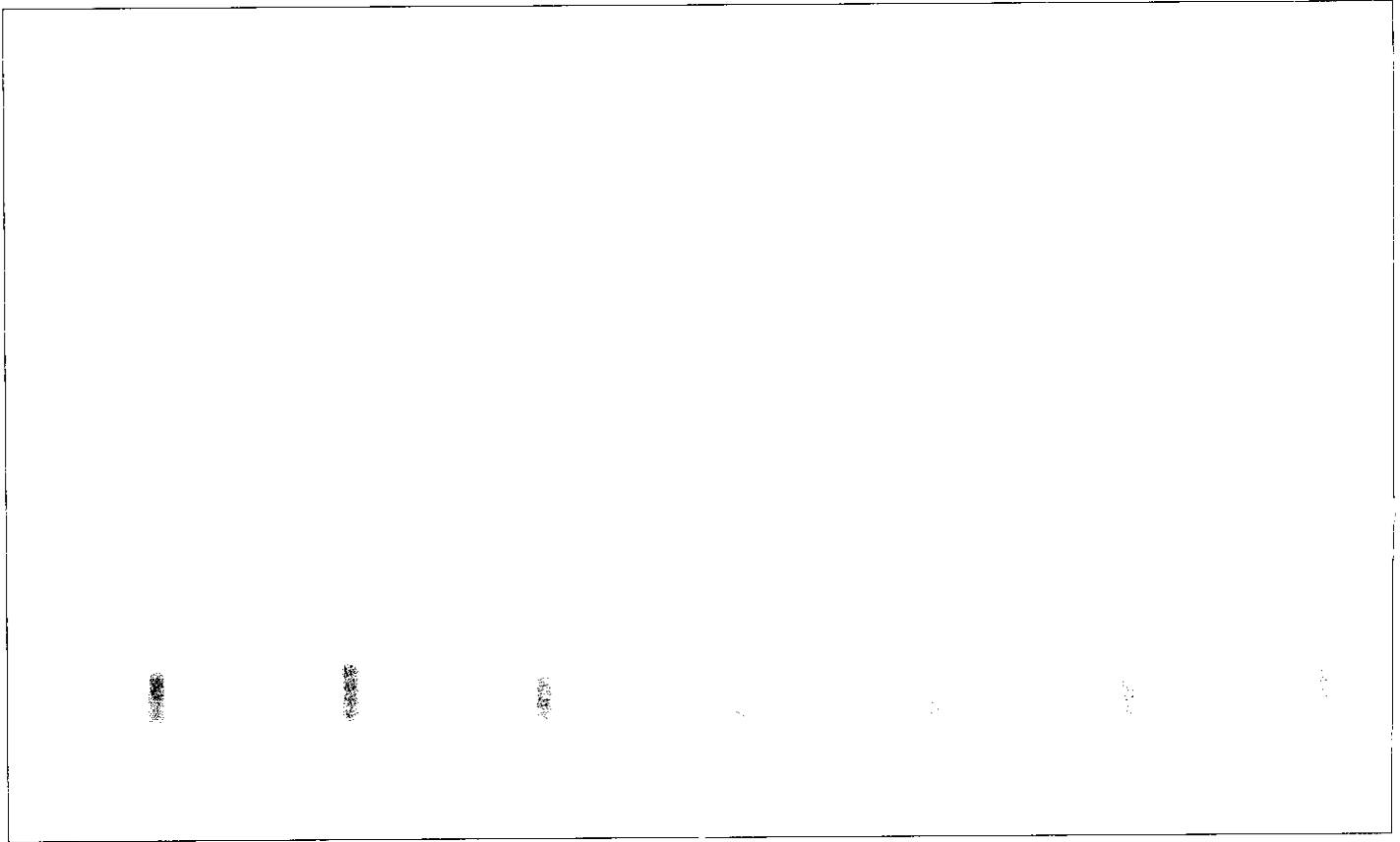


Table-7: Division wise Data of criminal cases of 2016

Division	Convicted	Acquitted	Compound	Absconded
Bannu	64%	13%	13%	10%
D.I Khan	66%	17%	12%	5%
Hazara	73%	8%	10%	8%
Kohat	81%	10%	8%	2%
Malakand	76%	7%	14%	3%
Mardan	81%	7%	8%	4%
Peshawar	85%	1%	7%	7%



**Figure-7**

DIVISION WISE DATA OF CRIMINAL CASES OF 2016



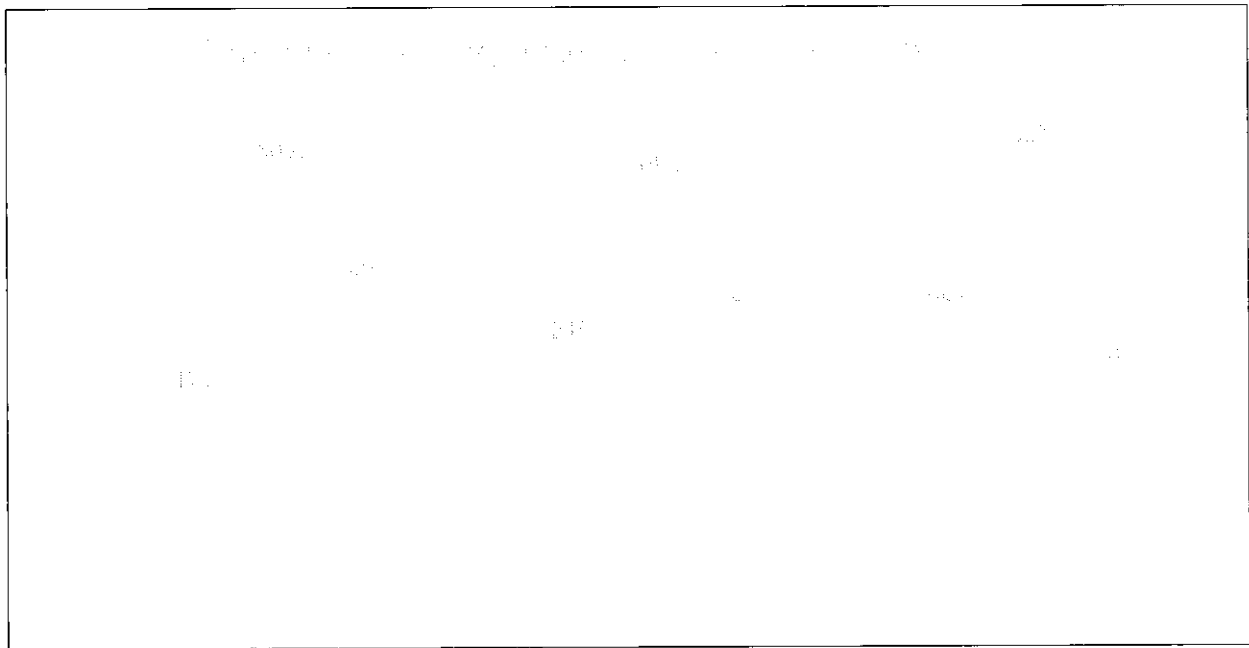
Analysis of past three years revealed that the conviction rate in Peshawar, Malakand, Mardan, Kohat and Hazara division remain high in comparison with Bannu and D. I Khan. While overall trend in the conviction of criminal cases was increasing and acquittals was on decline. Interestingly acquittal in Peshawar remained very low and number of acquittal was 5, 2 and 1 in 2014, 15 and 16 respectively.

**Year wise status of cases from Anti-Terrorism Courts**

The terrorism prosecution continues to be a great challenge. However, with insufficient resources the prosecution service in anti-terrorism courts was successful to produce results and conviction rate is on the growing mode in KP that is reflected in the table below.

**Table-8: Convictions-Acquittals in Anti—Terrorism Courts**

Year	Convictions	Acquittals	Consigned to record room U/S 512 Cr. PC
2014	17%	50%	33%
2015	24%	48%	28%
2016	28%	52%	20%

**Figure-8**

The record during 2014-2016 of terrorism cases showed that higher proportion of cases was ended in acquittal (50%, 48% and 52% respectively). Although prosecuting of terrorism cases is always difficult to present in the courts of justice due to non-availability of evidence and witness, but prosecution department was able to secure reasonable score of conviction. Over the period of 3 years, a consistent increase in conviction rate is observed from the records, such as in 2016 number of convicted cases is 4% higher than 2015 and 9% higher than the conviction of 2014. The interpretation of the data is also showing good performance of the prosecutors.

Prosecutors from district offices have encountered several security threats for prosecuting cases of terrorism. In this regards a number of prosecutors were targeted and attacked, some instances are mentioned at the end of the report.

To improve the conviction rate in terrorism cases, the police and prosecution departments have jointly been working and given special attention to capacity building programs of the officers in areas of investigation, forensic evidence, coordination and collection of evidence. In this end, prosecution department maintained closed collaboration with development partners.



This section shows the performance of the prosecutors working at Anti-Terrorism Courts. The tables and figures below reflects the year wise and division wise details of conviction and acquittal rate.

**Table-9: Division Wise data of Anti-Terrorism Courts From -2014 - 2016**

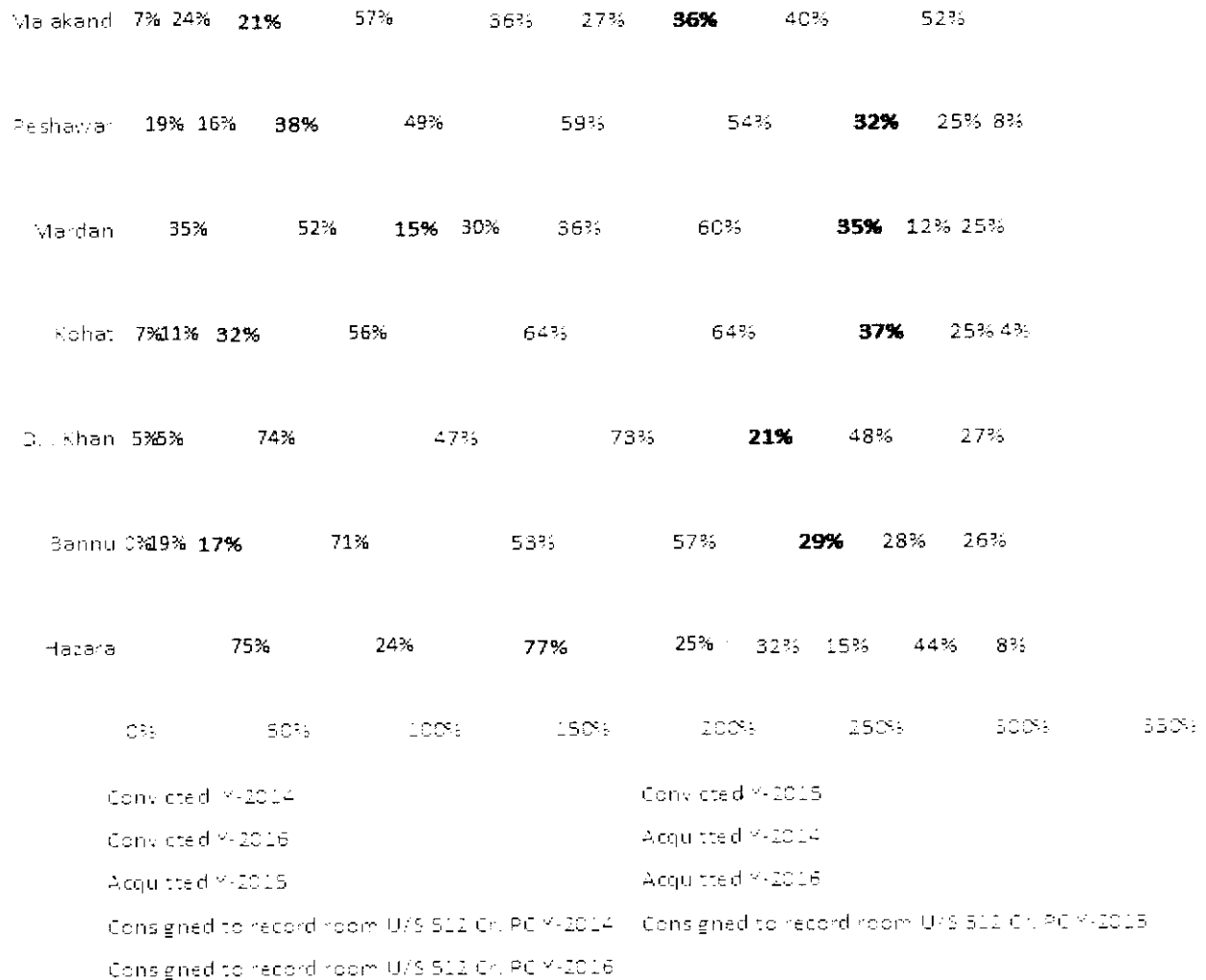
Division	Convicted			Acquitted			Consigned to record room U/S 512 Cr. P.C.		
	Y-2014	Y-2015	Y-2016	Y-2014	Y-2015	Y-2016	Y-2014	Y-2015	Y-2016
Hazara	75%	24%	77%	25%	32%	15%	0%	44%	8%
Bannu	0%	19%	17%	71%	53%	57%	29%	28%	26%
D.I. Khan	5%	5%	0%	74%	47%	73%	21%	48%	27%
Kohat	7%	11%	32%	56%	64%	64%	37%	25%	4%
Mardan	35%	52%	15%	30%	36%	60%	35%	12%	25%
Peshawar	19%	16%	38%	49%	59%	54%	32%	25%	8%
Malakand	7%	24%	21%	57%	36%	27%	36%	40%	52%

The table shows some interesting variation of conviction and acquittal across the divisions, Hazara division was high in conviction rate during 2014 and 2016 with 75% and 77% whilst dramatic drop to 24% in 2015 was recorded. Bannu and D. I. Khan were not able to achieve conviction in 2014 but Bannu compared to D. I Khan showed improvement during 2015 and 16 with 19% and 17%. Number of convicted cases in Peshawar has variation from 19% to 16% in 2014 -2015 and sudden increase was noticed with 38% in 2016. Mardan statistics showed a different picture of conviction rate, which jumps from 35% to 52% in early 2 years but in 2016 abruptly drop to 15%. Similarly, the acquittal has variation across the divisions, the prominent drop was noticed in Malakand division where it dropped from 57% to 27%. Remaining division has the almost similar trend of up and down.



Figure-9

Division Wise data of Anti-Terrorism Courts From -2014 - 2016



General & Common Deficiencies in the Registered cases Under Anti-Terrorism Act, 1997  
Specification of Injuries

Specification of injuries is normally lacking which is required to be made in order to ascertain the kind of hurt.

Lack of Medico Legal Evidence:

In Malakand Division, it has been noticed that Medico Legal Evidence was not available for some of the cases; at times the gist of the post mortem report is reproduced in the daily diary. Further, the record due to one reason or other is also found missing in some of the cases, thus it poses challenge for the Prosecution to come up with the strong evidence against the accused.



### **Poor Investigation**

In majority of cases the quality of investigation is frail. The trend of recourse to modern techniques i.e. DNA, Forensics, hand writing experts, poly graphic etc. is slim. The investigation as reflected in the case diaries by the investigating officers carries bundle of dents which ultimately benefits the accused.

### **Scientific Mode of Investigation**

Tracking of Telephone call data, picture evidence etc. are not collected in majority of cases due to the lack of knowledge and experience of the Investigator in this context. In absence of such type of evidence most of the accused get benefit of doubt and are released by the courts.

Even in heinous offences i.e. Murder, Haraba, bomb blast etc. photographic evidence of the first site of the crime scene is not captured. Further due to capacity constraints of the investigating officers, lack of facilities, lean recourse to modern scientific devices also make a criminal case weak and incurable from prosecution point of view.

### **Refusal to Grant Custody**

Sometimes the request of the Police to grant custody is not acceded to by the courts concerned as reasons given for the grant of custody are often not plausible while in some cases the custody if granted is not extended. Further, custody in most cases is granted for limited days, thus the investigator doesn't have sufficient time to properly investigate the case.

### **Prosecution Witnesses**

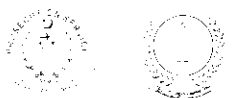
Sometime unnatural witnesses are cited in the calendar of witnesses as Prosecution Witnesses, who lose their veracity when subjected to cross examination during trial. Some time they extend concession to the accused party or refuse to depose. They are examined without case property, which require to be exhibited during the course of trial.

### **Lack of Cooperation from General Public**

The general public present at the time of commission of offence, normally does not come forward to depose in respect of the crime or to testify. They are the natural witnesses; their statement may strengthen the prosecution case but due to their refusal to appear weakens the prosecution version. Such situation happens most of the time as the general public due to insecurity and fear to earn unnecessary enmity refuses to appear as a witness.

### **Delayed Registration of FIR**

At times, the cases are registered with considerable delay. Thus the evidence available on the crime scene is not preserved properly which creates dents in the prosecution version and ultimately benefits the accused.



## Registered Criminal Cases in 2014-2016

Details of registered cases in all districts of Khyber Pakhtunkhwa

**Table-10: Detail of Registered Cases in All Districts during 2014-16**

District	Number of Cases Registered in the year 2014	Number of Cases Registered in the year 2015	Number of Cases Registered in the year 2016
Abbotabad	6070	7979	6580
Bannu	5899	8246	8071
Battagram	1580	1701	1475
Buner	7955	7167	9103
Charsadda	5737	6209	7049
Chitral	4511	4412	4529
DI Khan	5461	6002	6253
Dir Lower	9801	6121	9547
Dir Upper	5148	4079	4285
Hangu	2401	2884	3175
Haripur	5541	6043	5316
Karak	2385	3071	4331
Kohat	5239	6983	6401
Kohistan	964	1189	1074
Lakki Marwat	3644	3859	3816
Malakand	1748	1456	1908
Mansehra	5372	6844	6217
Mardan	9285	9276	13479
Nowshera	2364	3275	6521
Peshawar	27208	34231	38178
Shangla	2156	2461	3439
Swabi	4464	5331	5708
Swat	12071	11481	13074
Tank	1643	1931	2890
Torghar	177	299	639
<b>Grand Total</b>	<b>138824</b>	<b>152530</b>	<b>173058</b>



The flow of the registration of the cases in Khyber Pakhtunkhwa in the last three years remained pretty high; the above table shows an addition of the registration of almost thirty-four thousand cases, the districts with higher population are appeared to be with high rate of criminal cases. Like Peshawar was on the top with 38178 registered cases and Mardan was second with 13479 cases, while district Torghar was on the bottom with 639 registered cases in 2016.

**Table -11: Registered Cases of Various Offences During 2014-16**

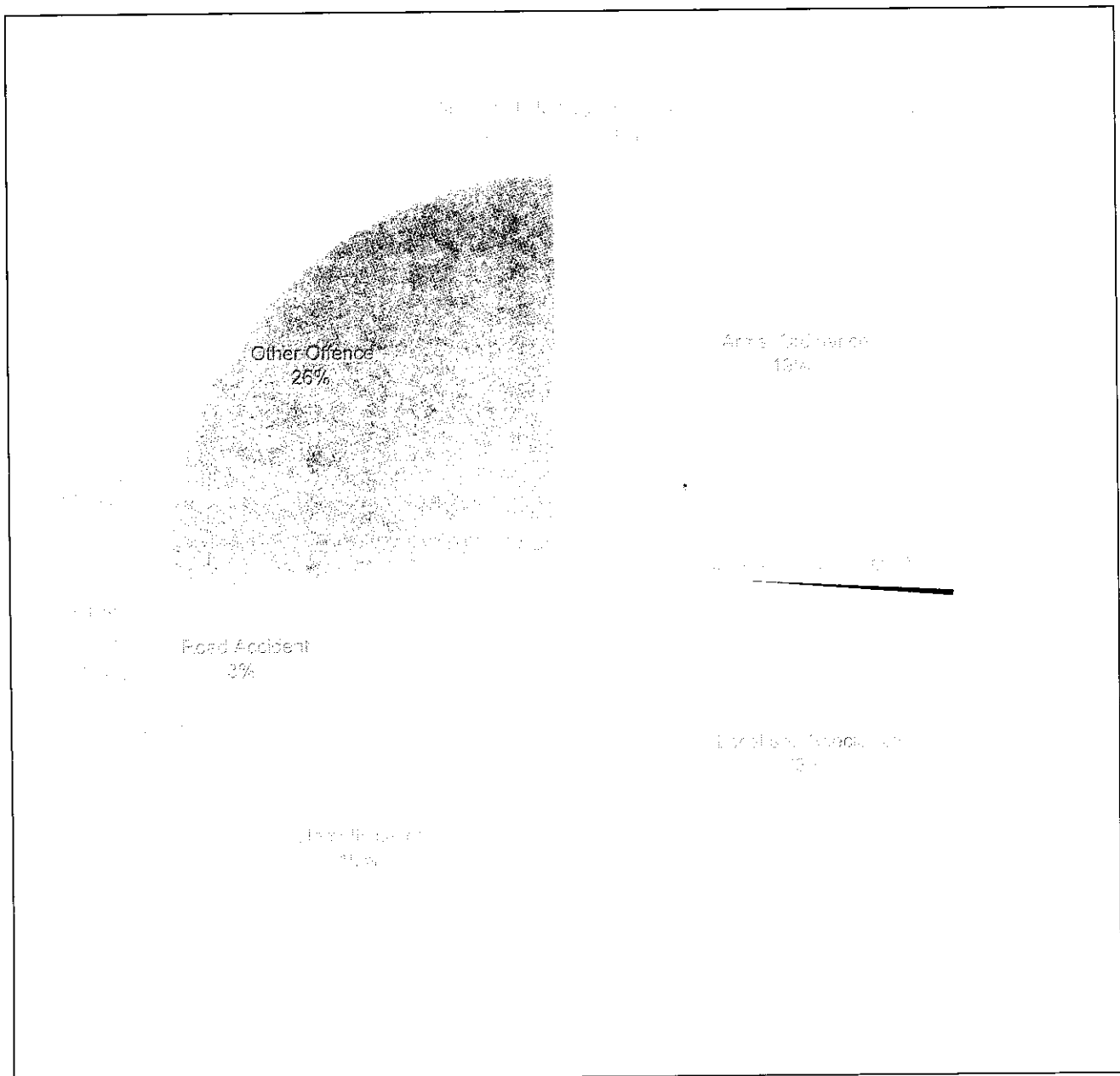
S. #	Nature of Cases	Number of Cases Registered in the year 2014	Number of Cases Registered in the year 2015	Number of Cases Registered in the year 2016
1	All kind of Hurt	3257	3290	3415
2	Anti Corruption Cases	18	35	29
3	Arms Ordinance	26350	22588	25796
4	Assault upon Police	210	191	235
5	Assault upon women	204	289	316
6	Attempted Murder	3465	3150	3055
7	Dishonest Cheque	1737	1801	2041
8	Explosive Substance Act	250	250	272
9	Extortion	313	137	67
10	Hate Speeches	0	129	42
11	Kidnapping	597	602	658
12	Kidnapping for ransom	133	62	27
13	Local and Special law	30169	43339	46200
14	Loud Speaker Act	65	1580	2136
15	Murder	3269	2591	2537
16	Narcotic cases	26073	18460	20961
17	Rape	146	162	190
18	Road Accident	4634	4860	6393
19	Robbery	220	219	211
20	Theft	1437	1434	1499
21	Tress Pass	424	600	586
22	Unnatural Offence	157	163	190
23	Other Offence	35696	46598	56202
<b>Grand Total</b>		<b>138824</b>	<b>152530</b>	<b>173058</b>





The table is showing trend of registered criminal cases over the period of 3 years, cases under local and special laws remained high i.e. 22%, 28% and 27% in 3 years, second most registered crimes were registered under Arms Act i.e. 19%, 15% and 15%. Similarly, third most registered cases category was under narcotics sections. On the other hand, cases of murder, kidnapping and rape were remained low. It is noted that after the National Action Plan, number of cases against the Hate Speeches and Loudspeaker Act have been registered and 0.07% in 2015 and 0.02% in 2016 cases were registered.

**Figure-10: The Percentage of The Registration of Cases In 2014**





### Figure-11: The Percentage of The Registration of Cases In 2015

The flow of the registration of the cases in Khyber Pakhtunkhwa in the last three years remained pretty high; the above table shows an addition of the registration of almost thirty-four thousand cases, the districts with higher population are appeared to be with high rate of criminal cases. Like Peshawar was on the top with 38178 registered cases and Mardan was second with 13479 cases, while district Torghar was on the bottom with 639 registered cases in 2016.

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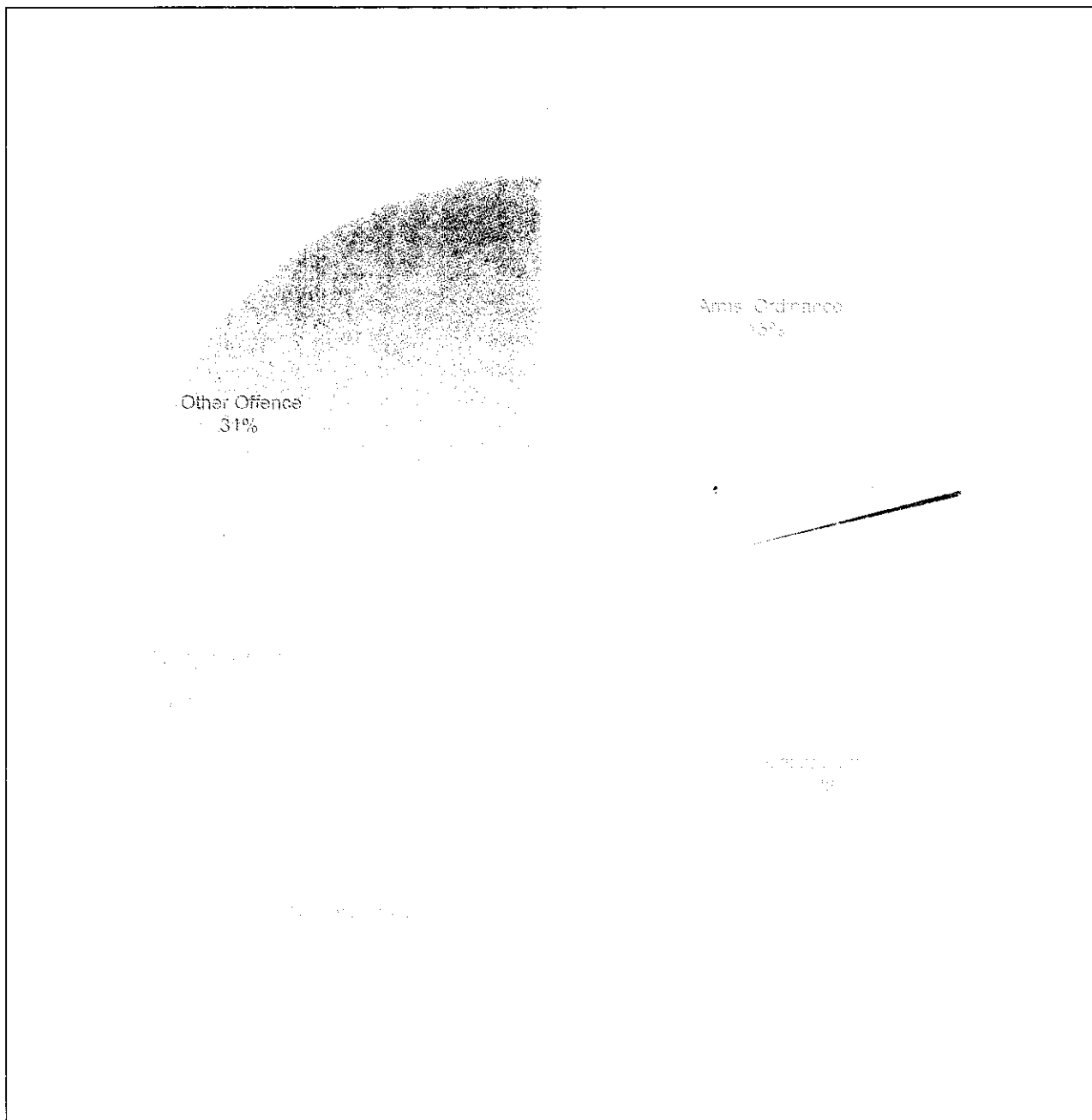
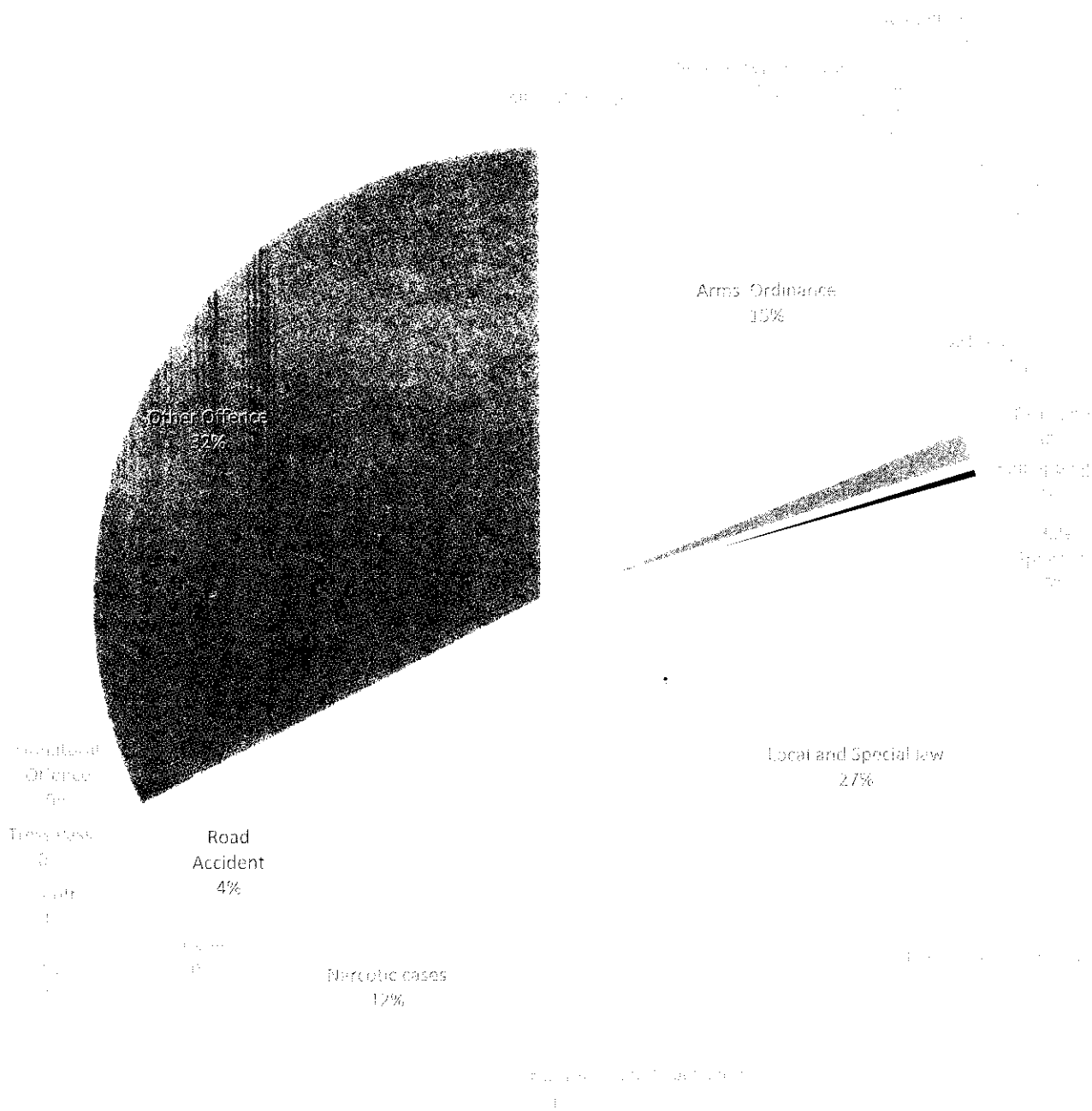




Figure-12: The Percentage of The Registration of Cases In 2016





## Capacity Building Initiatives

Training and development is the field which is concerned with organizational activity aimed at bettering the performance of Individuals and groups. Training is a learning process that involves the acquisition of knowledge, sharpening of skills, concepts, change in attitude, behavior and functional capacity of an individual and institution towards the achievement of institutional goal.

Prosecution department KP is lacking training facility of its own as well as the absence of allocated budget for capacity development of the staff is posing numerous problems for the department to provide the opportunities of trainings. For creating training opportunities, the prosecution depends on the donor partners to support the capacity building interventions. To this end prosecution department approached multiple developmental actors for supporting essential pre-service and in-service trainings.

In accordance with the Khyber Pakhtunkhwa Prosecution Service Rules, there must be a pre-service trainings of the newly inducted prosecution officers. to achieve the target of pre-service training for the newly inducted prosecutors in 2014 for the first time, a training course of 8 weeks was organized in Lahore with the support of Aitebaar. This program continued to complete six more trainings of similar nature; the pre-service trainings trained newly inducted prosecution officers including the female prosecutors on basic tools of prosecution of cases, leading of the prosecution witnesses, scrutiny of the cases, public interest and evidential tests for making prosecutorial decisions, cross examination of the hostile witnesses.

The US Department of Justice and UNDP have also provided support for organizing short term trainings to the prosecution officers on case management, Administrative Skills, Stress Management, Senior Management Course, Trial Advocacy Skills etc. The duration of these trainings was five to ten days, which sufficiently cater the needs of the prosecution Officers.

Apart from pre-service trainings, the details of other trainings in 2016 are discussed below:

### Inland Trainings in 2016

1. Consultation workshop on performance Appraisal framework 13 February 2016
2. Coordination Training For police and prosecution on 27th and 28 February 2016.
3. International women day activities on 22 December 2016
4. One week Training Course on "Role of Prosecutors in Quick disposal of criminal cases" for Prosecutors from all over Pakistan 14-19 March 2016
5. Refresher Training on coordination for police and Prosecutor on 17th -18th March 2016
6. 12th Core Investigation Skills (CIS) Training 14-25 March, 2016
7. CT Prosecutors Alumni Refresher Training Islamabad 24th To 26th March 2016.



1. Fifth Pre-Service Training, 19th Sep to 4th Oct 2016.
2. Two Days Workshop for Prosecution Department KP at PTDC Swat (29-30 October, 2016).
3. One Day Workshop on Juvenile Justice Child Protection and Responsive Society 26th Nov 2016 at Police club Peshawar.
4. 2 trainings of 5 day on collection of evidence through modern devices, its preservation and presentation at Swat in the month of Sept and Oct.
5. 2 trainings of 5 day on Substantive and Procedural Laws at KPJA in Nov.
6. TOTs for Trial Techniques at PTDC Swat (25NOV to 04DEC 2016).
7. Training Sessions at KP Judicial Academy Peshawar (6th to 10th December 2016).
8. Five Days Training on Trial Techniques at PTDC Swat (5-9 December, 2016).
9. Training of Trainers on the use of Forensic evidence in Criminal Cases on 9-18 December 2016 in PTDC Swat
10. Five Days Training on Forensic Evidence at PTDC Swat (19-23 December 2016).
11. 12th Week ATC special Prosecutors Training course At Lahore 2016.

These events/trainings were supported by the UNDP, CAPRI, AITEBAAR and UNICEF.

### **Engagement with Development Partners**

#### **(CAPRI)**

In Terrorism cases the prosecution officers with all inadequate basic resources are taking the lead. The terrorists of international fame like Maulana Sufi Muhammad, Fazl Ullah, who are responsible for assault upon Malala Yousaf Zai, and were also involved in the attack upon Advisor to Prime Minister (Ameer Muqam) are being prosecuted by the Prosecution officers in Khyber Pakhtunkhwa.

Facility of specialized training for the prosecutors attached with Anti-Terrorism Courts was not available, however, with the support of development partners 37 Prosecution officers have received a comprehensive Specialized Counter Terrorism trainings through a program organized by the British High Commission. For entering into similar agreement, as it is done in Punjab, with the Government of UK for extending similar support to the Counter Terrorism Prosecutors in 2014, a summary has already been approved by the Honorable Chief Minister Khyber Pakhtunkhwa; signing of the letter of intent is awaited.



## Challenges

### **Prosecutor General office**

In Khyber Pakhtunkhwa the prosecution of the criminal cases in the superior courts is the mandate of the Advocate General Office, however efforts are being there in order to ensure the presence of the prosecution Officers in the Superior Courts.

### **Non-Provision of Prosecutor General Office**

The prosecution service is headed by the Prosecutor General in other provinces, but in Khyber Pakhtunkhwa the department is headed by Director Prosecution under supervision of Secretary Home. The prosecution of the criminal cases in Khyber Pakhtunkhwa is restricted only up to the Sessions Courts level, however, in other provinces, the Prosecution Officers are appearing in the August Apex Courts, by virtue of the existence of the Prosecutor General Office.

### **Trend of Leaving the Service**

The perks & privileges of the Prosecution Officers in Khyber Pakhtunkhwa are on the lower side as compared to the Prosecution officers in other provinces & Judicial Officers resulting in the frequent leaving of service by the prosecution officers. During last couple of months, 35 well trained and experienced Prosecution officers left the service and joined other Departments.

### **Mobility/Security**

The District Prosecution Offices do not have any conveyance facility, residence, proper security etc. which other actors of the Criminal Justice System mostly have, Resulting in NON-IMPROVEMENT in the Prosecution work as the trend of leaving the Prosecution Service in Khyber Pakhtunkhwa is on the rise.

### **Non Availability of Training Academy**

For Khyber Pakhtunkhwa Prosecution Service there is no formal training facility and the Directorate is relying on the development partners for the same who are imparting certain short term trainings to the Prosecution officers in private facilities.

The Provincial Government in its meeting dated 26-11-2016, under the chairmanship of Chief Minister Khyber Pakhtunkhwa has also appreciated the need of the Independent Prosecution Service in Khyber Pakhtunkhwa and enhancement of the perks & privileges of the Prosecution Officers to ensure their retention in service.

The case for the establishment of the Prosecutor General Office in Khyber Pakhtunkhwa has been forwarded to Home Department, summary for the enhancement of perks & privileges of the Prosecution Officers has also been sent to the Finance Department but unfortunately the same has not been acceded too; still efforts are being

