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EQUALITY OF ARMS IN PAKISTAN'S CRIMINAL JUSTICE SYSTEM: A COMPARATIVE ANALYSIS WITH ICCPR STANDARDS

Dr. Muhammad Iqbal[*1], Dr. Fatimah Qadir[2]

[*1]*PhD Law District and Sessions Judge*
[2]*PhD Management Assistant Professor (Adjunct Faculty) University of Chakwal, Punjab, Pakistan*

[*1]c.muhammadiqbal@gmail.com ,[2]fatimah19.qadir@gmail.com

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Corresponding Author: *
Dr. Muhammad Iqbal

Abstract
Equality of arms is an essential component of the right to a fair trial, which implies there is a meaningful and effective opportunity for a criminal defendant to present, challenge, and contest evidence and not be put at a "substantial" disadvantage vis-à-vis the prosecution. The present investigation considers equivalence of resources as manifested across Pakistan's system of criminal adjudication, incorporating a comparative review of Constitution Article 10A and ICCPR Article 14. The analysis is based on constitutional and statutory protections, changes to interpretation by the judiciary, access to lawyers, access to evidence, pre-trial detention, length of proceedings, and institutional differences between prosecution and defense. The ICCPR was ratified by Pakistan on 23 June 2010, and Pakistan became a party to Article 10A of the Constitution of Pakistan in 2010, which explicitly guarantees the right to a fair trial. However, there are still many practical issues that need to be addressed. Jurisprudence has been evolving in the courts in favor of the introduction of the principles of a fair trial, which closely mirror the provisions of Article 14, including those of judicial independence, representation, cross-examination, defense evidence and due process. Ensuring legal aid, disclosure of evidence, judicial independence, case management and access to defense investigative and forensic material are crucial to making Pakistani criminal justice closer to ICCPR standards.

INTRODUCTION

Rights to a fair trial are core principles of the rule of law and a major protection against the misuse of criminal justice authorities. The principle of "mutual fairness" belongs within the extended concept of just legal treatment, requiring that both camps in criminal cases be afforded reasonable and effective possibilities to submit their own versions, while preventing any notable procedural handicaps for either party ("Code of Criminal Procedure, 1898," 1898). Procedural equality of arms does not necessarily mean that the prosecution and defense have identical powers, resources or institutional functions, but it does mean they are sufficiently "fair" so the accused can effectively contest the claims, evidence and arguments made against him. It has, however, close links to the right to legal aid, right to disclosure, examination and cross-examination of witnesses, preparation of the defense, and impartial adjudication. The concept of equality of arms has been largely linked to Article 14 of the ICCPR, which ensures parity before judicial bodies and establishes baseline criteria for an open and equitable hearing conducted by a qualified, autonomous, and neutral bench ("Constitution of

the Islamic Republic of Pakistan, 1973," 1973). Section 14 furthermore supplies extensive protections across criminal cases, covering ample time and resources for case preparation, the right to consult with counsel, presence at one's own hearing, permission to examine prosecution witnesses, entitlement to summon and examine defense witnesses on equal terms, and legal aid availability when circumstances warrant ("Qanun-e-Shahadat Order, 1984," 1984).

Section 10A of Pakistan's basic instrument provides that any party shall benefit from fair litigation and established judicial routine where private interests and duties are settled, or where a criminal matter is raised ("Legal Aid and Justice Authority Act, 2020," 2020). The constitutional recognition of this right is an important step in Pakistan's legal framework, as it puts the concept of procedural fairness under the constitutional rights umbrella, and not within the ordinary criminal procedure (Munir, Khan, & Ahmed, 2020). The Covenant is also internationally important for Pakistan as it is a State Party to ICCPR, and it helps in analyzing the country's commitment to international standards of fair trial. (Ahmad & Qayum, 2021).

However, the complexity of making equality of arms a reality exists in criminal justice systems in which the prosecution is the representative of the coercive power of the State and the accused might not have the same financial, institutional, informational, and technical means. In Pakistan, criminal investigations are usually undertaken by State investigative institutions, and prosecution services have institutional access to investigative material, police records and forensic support, official witnesses, and other support which might not also be available to the defense (Alşahin & Ünal, 2021). This may lead to significant challenges for an accused, especially from a disadvantaged socioeconomic background, in securing competent legal counsel, obtaining evidence, questioning investigators, presenting defense information, and challenging the forensic and digital evidence.

Too much pretrial detention can create a practical disadvantage to the accused, in that he or she is unable to retain counsel or properly prepare a defense. Likewise, the formal right to question prosecution evidence is available without the accused being given a meaningful opportunity to use it where the evidence was missing, rejected, or withheld. Equality of arms, in turn, cannot be judged based on the fact that a procedural right is provided for in law, but rather on the basis of whether such a right can be exercised in an actual criminal proceeding(Griffiths, 2022). This paper, therefore, looks into the substantive component of fair trial, namely equality of arms, in Pakistan's criminal justice system and its compliance with the standards set out by Article 14 of the ICCPR. It reflects on the constitutional and statutory safeguards provided to the accused persons, highlights institutional and procedural issues which may lead to imbalance between prosecution and defense, and reviews the judicial stance on the protection of procedural fairness in Pakistani courts. The analysis considers the international standards and benchmarks the domestic law and practice against them in order to identify the areas of convergence and gaps that remain. The focus shouldn't only be on the existence of a right to a fair trial under Pakistan law, but on the actual ability of accused persons to defend themselves in a criminal justice system that has a much more powerful role as a State actor.

Conceptual and International Legal Foundations of Equality of Arms

Conceptual Meaning and Core Components of Equality of Arms

Equivalent treatment counts among the core precepts belonging to the comprehensive assurance of unbiased litigation. It demands a reasonable and effective opportunity for parties to judicial proceedings to present their case without putting one party at a substantial disadvantage vis-à-vis the other party. It is not a requirement that the prosecution and defense present the same evidence in the same sequence. The State is likely to have more investigation and institutional resources in a criminal proceeding than the person who is being charged. Equality of arms, however, calls for the law to make up for the structural imbalance by providing meaningful opportunities for the defense in the processes it employs. The

principle is that the parties must be presented with the “fair balance,” and both sides must receive a "fair opening" to advance their arguments and proof without encountering notable imbalance, according to the European human rights tribunal (Hassan et al., 2023).

The imbalance can impact any aspect of the process from the time of investigation through to disclosure, the defense preparation, examination of witnesses, expert evidence, and appellate review. Equality of arms is thus a de facto protection against a situation where the right to formal procedural rights might be present but the accused does not have the ability to use them. The rule constitutes the primary concern within ICCPR Article 14. Clause 14(1) assures equal treatment across courts, plus the right to a public and fair hearing before a capable, independent, and objective panel created through proper legal authority (Human Rights, 2007).

This includes that the person be told as soon as a charge is made, and in detail, what it is; be given enough time and facilities to respond to the charge; be informed where counsel can be reached; be able to plead the case without undue delay; have legal aid if the interests of justice require it; and have witnesses examined and called to court under the same conditions as the prosecution witnesses and be examined. These pledges illustrate that the meaning of equality of arms is not just when people are represented in court. This is because there needs to be sufficient time and resources to prepare adequately; otherwise, a defense cannot be effective if the defense counsel is not given sufficient information to prepare and challenge the prosecution case. Nor is the right to examine witnesses merely a right to be in attendance at the trial during the giving of evidence(Human Rights, 2024a).

Another area where this principle has been directly endorsed is equality in the proceedings. As specified in Article 14(3)(e), an accused person has "adequate legal facility to examine his witnesses, in his presence, and there for cross-examine those of the accuser". Assistance by counsel is another aspect. Article 14(3)(d) allows accused persons not to be forced into defending themselves and be assigned a legal counsel of choice, and additionally makes provision that the legal defense of an accused person should be appointed by the state in cases where the interests of justice require that such be afforded, for the reason that the accused has been admitted to aid thereof. It has special relevance when one considers parity of arms since legal assignment does not by itself guarantee a realistic balance of contest proceedings. It has indeed been repeated on many occasions by the Committee that all efforts are to be made on the part of any authority, state bodies, or organs so as to ensure that adequate powers are conferred on his counsel to perform its duties (Human Rights, 2024b).

International Legal Standards under the ICCPR and Comparative Jurisprudence

Global legal standards concerning procedural parity rest chiefly upon the ICCPR and its authoritative interpretive jurisprudence developed by the UN civil rights panel. Within the comprehensive exposition of Article 14, General Directive Number 32 (adopted on 23 August 2007) identifies fair trial as a procedural mechanism to protect the rule of law. The General Comment supersedes General Comment No. 13 and provides a systematic exposition of the link between the concepts of equality before courts, judicial independence and impartiality, on the one hand, and individual procedural guarantees, on the other. Article 14 has a number of numerical guarantees which are relevant to equality of arms. The first paragraph introduces the equality before courts and tribunals, the second paragraph brings in the presumption of innocence, and the third paragraph lists eight minimum guarantees of criminal trials which include the right of notice, adequate preparation facilities, the right to trial without undue delay, the right to legal assistance, examination of witnesses, interpretation, and protection against compelled self-incrimination(International Commission of, 2024).

This is evident in the organization of Article 14, which shows that equality of arms is realized through a package of specific rights, and not a single right. Pakistan ratified the ICCPR on 23 June 2010, and the Covenant will be an important

yardstick to measure Pakistan's criminal procedure guarantees. It is especially important in the context of assessing procedural equality, that is, equality of procedure, between prosecution and defense, in domestic criminal procedures. Equality of arms is also linked to the adversarial nature of proceedings and is also stressed in the international standard. Defense should be given time to be informed of and react to the evidence and/or observations that may affect the court. It is therefore not uncommon for withholding or restricting access to key prosecution evidence to cause an imbalance even when the accused is formally allowed to contest the evidence at trial. Comparative European jurisprudence also considers equality of arms to be a fundamental requirement of a fair trial, and a fair balance between parties(International Commission of, 2025).

Constitutional and Statutory Framework Governing Equality of Arms in Pakistan

Constitutional Recognition of Fair Trial and Procedural Equality

The clearest formulation is located in Clause 10A of the Constitution of Pakistan 1973, added in 2010. Article 10A establishes each individual's claim to fair hearings and due legal process concerning civil matters, duties, and penal charges. This constitutional inclusion shifted the fair trial concept from a simple 'process guarantee' to a fully recognized 'fundamental liberty'. It is significant that Pakistan ratified ICCPR on 23rd June 2010, just a few days before Article 10A got incorporated into the constitution. Article 10A should, however, be taken in conjunction with other constitutional guarantees. Article 4 ensures that everybody has the right to be treated according to the law, and that nobody can be treated in a way that is harmful to their life, liberty, body, reputation or property (except in accordance with the law)(Jamshed et al., 2020).

Articles 9 and 10, respectively, are on life and arrest and detention. They bear on procedural equilibrium, since it does not mean any balance that the state is in a favored condition. That loss of human liberty is without sufficient statutory guarantee for the accused. Article 14 guarantees human dignity as well, and as most pertinent for criminal proceedings, “No one may be subjected to torture to obtain a confession”. There is also another basis for procedural parity in section 25 in the sense that law shall treat everyone equally and every statutory provision shall apply with the same effect. It is arguable that while section 25 does not say the words ‘Equality of arms’, by principle of jurídica similarity (the law does not differentiate on such parameters) it shall buttress article 10A”. These provisions taken together form a constitutional structure under which the course of a criminal proceeding should not simply be followed but give the accused a real chance to contest the State's case(Javed et al., 2023).

The constitutional system in turn closely reflects the provisions of the ICCPR in respect of equality before courts, fair hearing, and defense preparation and participation in procedure (Article 14). It is a fundamental right, and thus the constitutional importance of Article 10A is strengthened. Pakistani courts are thus able to review whether criminal action has been taken in accordance with fair trial and due process. Equality of arms may also thus serve as a principle of interpretation for the court to consider when evaluating whether procedures have created an unfair disadvantage to the accused. It is especially significant if the prosecution has significantly more investigative and institutional resources than the defense(Justice Project, 2025).

Criminal Procedure Code and Statutory Safeguards for the Defense

The basic procedural framework by which constitutional guarantees of a fair trial is enforced in ordinary criminal proceedings is given in the 1898 CrPC. One of the important protections it includes is section 340(1), which provides for the right of a person accused before a criminal court to be defended by a pleader. It is the cornerstone of equality of arms that it allows an accused to present a defense in the technicalities of criminal procedure, raise objections, and cross-examine witnesses against him when the prosecution presents evidence. Section 265C makes it obligatory upon a court before which a trial is pending to provide the accused, without any undue delay, with some copies of the material

obtained by it, which includes the police report, the first information report statement of a person recorded under section 161 and 164, and any other such document. This disclosure obligation is of direct relevance to equality of arms as it is the basis of the prosecution case upon which the defense needs to be able to prepare. The statutory disclosure mechanism therefore offers a domestic equivalent of ICCPR protection to an accused to have "adequate time and facilities for preparation of the defense. The CrPC clearly stipulates that these materials must be made available prior to the beginning of the trial(Kasuri, Abbas, et al., 2024). After reading the police report, the complaint and documents and statements from the prosecution, the court decides whether or not there is enough evidence to go forward and sets its charge under section 265D. Section 265E stipulates that the charge must be read and explained to the accused and allows him or her to respond with whether they have a defense or not. Prosecution evidence forms the first step in the evidentiary stage in Section 265F. Once the prosecution has examined the witnesses, the accused is questioned to see if he/she would like to present evidence. This order of events stems from the adversarial nature of criminal trials: the prosecution is responsible for proving its case, giving the accused a chance to contest the prosecution and then, after making a case for the defense, providing an opportunity for the prosecution to respond. The court may also require a witness to attend in accordance with section 265F if the court considers that the attendance of the witness is necessary for the purpose of the proceedings, but may refuse a witness if the court considers that the attendance of the witness would be likely to cause vexation, delay or defeat the ends of justice, subject to the condition that the reason for the refusal is recorded on the record of the proceedings(Kasuri, Mahmood, et al., 2024).

Qanun-e-Shahadat Order, 1984 and Equality in the Presentation and Testing of Evidence

The Qanun-e-Shahadat Order, 1984 is the main framework of evidence in Pakistan, which regulates the presentation and assessment of evidence. The provisions of the equality of arms are directly linked to procedural equality, as it relies on each party being able to produce evidence and challenge evidence in front of an impartial court. One such vital protection is that of accused persons to cross-examine the prosecution's evidence. All persons accused, including an accomplice, shall be subject to cross-examination as expressly provided in Article 44. The wider ordering of evidence acknowledges evidence from the mouth of the witness, namely what they said before court concerning questions before them. Cross-examination is thus not only a procedural process in the court but also an essential tool to test the credibility of the prosecution, rule on their credibility, find inconsistencies, question the reliability of the evidence and prove the falsity of the prosecution's facts(Khalilov, 2021).

Pakistani judicial reasoning has also stressed that when a witness testifies, the evidence becomes facts, as it is subjected to the judicial process, including cross-examination. A burden of proof structure is also of great significance. In criminal cases, the prosecution has the burden of proving the elements of the offense, and the accused is given the benefit of the doubt and the rule that reasonable doubt must be on the accused's side. This allocation will not allow the structural inequality between the State and the accused to become a burden on the accused that they have to establish innocence before the court with a general standard(Khan et al., 2024).

Equality of Arms in Practice

Structural Imbalance between the Prosecution and Defense

While the constitution and statutes of Pakistan provide for fairness of trial, the equality of arms issue is still undermined by significant imbalance in the structure between the State and accused. Prosecutions have access to the police investigative process, official records, forensic institutions, government witnesses and State-funded institutional resources – while many of the accused have only private defense counsel or under-resourced ones. The difference is magnified when the accused has to challenge technically elaborate evidence, lengthy criminal trials, or charges backed by police and forensic evidence

(Khan & Bhatti, 2023). Socio-economic aspects are also important. In its submission to the NCHR in 2025, the organization revealed that over 80% of the prison population in Pakistan is from the low-income segment of the population. (Khattak & Carroll, 2023).

Access to Evidence, Legal Representation and Effective Defense

The right to equality of arms is most clearly manifested at the evidentiary phase, where the defense is able to look at and test the evidence that the prosecution has put together. Institutional capacity, financial restrictions, and delays may be factors affecting access to disclosure and cross-examination in Pakistan. This is a specific issue if the evidence is technical, forensic, or digital and the defense, either by design or in simple error, does not have access to independent experts or sufficient resources to challenge the evidence. Thus, "right to legal representation" is not only a court-ordered requirement for the procedure. It's a requirement of equality of arms, and it is operational. Time, access, and financial resources are key to access to case records, police documents, witnesses, challenges to forensic opinions, and applications by counsel. Poor people and those who have no legal representation are among the many Pakistanis who are subjected to a criminal trial, due to the shortcomings of State-provided legal aid. It also mentions bail and extended detention as factors that can deplete the financial resources of accused persons and their families(Legal Aid, 2021).

A working example of bail can be given as follows: If a person cannot afford the bail amount or the amount of a bail bond, he or she can be presumed to be innocent, meaning that he or she is not guilty even though he or she is incarcerated, thereby suffering the practical consequences of being incarcerated. Human Rights Watch has reported a case of a rickshaw driver, whose monthly income is about PKR 20,000, who was arrested and jailed for another month while he failed to pay the bail amount set at PKR 500,000. This is not a national average, but this case illustrates how socioeconomic status is related to the exercise of procedural rights. These are highly problematic in terms of equality of arms since children in criminal proceedings are in the most fragile position and are not in a position to manage the intricacies of criminal proceedings(Lewulis, 2021).

Delay, Pre-Trial Detention and Institutional Capacity as Barriers to Equality

Another significant practical challenge to equality of arms is delay. Article 14(3)(c) of the ICCPR provides for the right to a trial without "undue delay," and this principle has a specific application where the accused is in custody. As the trial drags on, the pre-trial detention may turn into a punishment and at the same time erode the defendant's potential to defend himself with efficiency. The statistics of prisoners in Pakistan illustrate this issue. 74,918 out of 73.41% (or the majority) of inmates were under-trial in 2024. The problem was particularly acute in Punjab, with the Chief Justice of Pakistan reporting 36,128 prisoners awaiting trial (as of November 2024)(Mahmood et al., 2025). The importance of equality of arms is that an accused imprisoned for months or even years may find the financial situation becomes even tougher, that witnesses and documents are less available, and that the accused may find it more difficult to communicate with counsel. All of these issues are exacerbated by institutional overcrowding. According to the 2024 national prison data, there are 102,026 prisoners in 128 operational prisons, indicating that there are 152.2% of the authorized prisoners across the country. Others ran at much higher levels; e.g., Karachi Central Prison was reported to be accommodating 8,518 prisoners while the official capacity was 2,400, or about 354.92%. Such circumstances can impact confident attorney-client interaction, routine meetings, and preparation for proceedings (Mahmood et al., 2024).

Judicial Interpretation of Equality of Arms in Pakistan: A Comparative Analysis with ICCPR Standards

The constitutional interpretation of the term “fair trial” as enshrined in Article 10A has been evolving over the years in superior courts of Pakistan, although sometimes the phrase “equality

of arms" has been employed as a standalone doctrinal principle. Rather, Pakistani jurisprudence has taken a new approach to the rule by reference to related guarantees such as the right to counsel, right to disclosure of the accusation, to cross-examine and present evidence for the defense, to impartiality and independence of the Court, and to appellate reviews and reasoned decisions. This is similar in scope to Article 14 of the ICCPR, which is a combination of equality before the court and a series of minimum guarantees (Mairaj et al., 2024).

There was a significant shift in the constitutional jurisprudence of Pakistan after the introduction of Article 10A in the Constitution of Pakistan in 2010. Fair Trial and Due Process are now a fundamental right that must be taken seriously and not just as a moral imperative or a theory. In the latest decision on the trial of civilians by the Armed Forces, the Supreme Court had expressly stated that Article 10A was introduced via the Eighteenth Amendment and this constitutional protection ought to be read as a fundamental part of the laws used to determine criminal charges. The judgment also stressed that no constitutional rights to a fair trial can be taken away by the seriousness of an alleged offence. The Supreme Court's understanding has drawn out a number of specific elements of a fair criminal trial. In *Muhammad Bashir v Rukhsar and others, PLD 2020 SC 334,* decided on 16 April 2020, the Court highlighted, amongst other things, the right to know the reason for arrest, meet and consult with legal counsel, be informed of charges against the accused, cross-examine the evidence against him, present evidence on his behalf and explain his evidence(Majeed, 2022).

The court likewise regarded the right to cross-examine as an essential process guarantee pursuant to Section 10A and the evidentiary ordinance. Such features correspond with ICCPR clauses 14(3)(b), 14(3)(d), and 14(3)(e), especially the provisions on adequate preparation, legal assistance, and examination of witnesses. In the real sense, the importance of counsel has also been established by the courts in Pakistan. The Sindh High Court has decided that if the prosecution has recorded the examination of the witnesses in the absence of the defense counsel, especially in a case where death penalty is possible, then the accused may lose his right to a meaningful opportunity to defend himself. In one judgment, specifically, the Court has held that an ordinary accused is generally a layman who may not be aware of what questions can be objected to, or which documents to challenge when taking evidence from the prosecution. Therefore, it had decided that if it was to be recorded without the advocate of the accused, it could violate Article 10A. This is very relevant to equality of arms, since it is consistent with the idea that participation in proceedings needs to be effective, and not just formal(Majeed et al., 2022).

In this regard, the Pakistani judicial treatment is very similar to the interpretation of Article 14(3)(e) by the Human Rights Committee. The Committee has clearly identified equal opportunities to examine witnesses as an exercise of equality of arms and has declared that the accused should have the same rights to call witnesses and to examine and cross-examine as the prosecution. It has also rejected the idea that evidence of witness statements - either by recording or reading - automatically meets this guarantee(Tanveer et al., 2025). Therefore, Pakistani law on cross-examination could be said to have been very much in line with the functional approach of procedural equality as upheld by ICCPR. Another facet of judicial interpretation that is important is judicial independence and impartiality. The Supreme Court, in its constitutional jurisprudence, has laid great stress on the independence of the adjudicating forum as a crucial element of fair trial. An important constitutional case in 2023 (reported in PLD 2024 SC 337) noted that Article 10A of the Constitution requires an independent and impartial judicial forum, a fair and public hearing, the right to counsel, details of the offense, the opportunity to cross-examine, and the opportunity to produce evidence. The Court also connected fair trial with human dignity, the rule of law and meaningful judicial review(Malik & Shaikh, 2024).

This is especially applicable to ICCPR as Article 14(1) entails a hearing in front of a competent,

independent and impartial tribunal established by law. The Human Rights Committee also considers judicial independence and impartiality to be essential to the effective enjoyment of the right to life guaranteed by Article 14. In the field of ordinary criminal adjudication, there is thus a significant degree of normative convergence in the judicial interpretation in Pakistan. But it's more complicated when it comes to exceptional jurisdictions. This tension is reflected in the recent decisions of the Supreme Court of the United States in military trials of civilians. The Court emphasized that Article 10A is a fundamental right and that civilians' right to an independent judicial forum is an important aspect of a fair trial in the constitutional petitions involving their prosecution by military courts(Malik, 2022). The judgment drew a distinction between regular judiciary forums and military forums and stressed the significance of separation of Judiciary and Executive powers in the Constitution. This reasoning echoes earlier anxieties expressed by the UN human rights panel. The Committee had previously registered specific worries regarding non-military personnel appearing before service tribunals during its examination of Pakistan, particularly where such individuals lacked appellate avenues and where full adherence to Article 14 safeguards remained undocumented. It urged Pakistan to consider that military trials are the exception and should genuinely give the maximum guarantees as mandated under Article 14(Mehmood et al., 2024).

Bridging the Gap Between Pakistani Practice and ICCPR Standards

Strengthening Effective Legal Representation and Legal Aid

The first and foremost need to ensure equality of arms in Pakistan is to make it a meaningful procedure and not merely a right or entitlement enjoyed by lawyers. Clause 14(3)(d) under the ICCPR obligates the grant of legal representation wherever "the cause of justice demands," and the individual lacks adequate financial standing. Pakistan's own Article 10A provides the constitutional underpinning for impartial hearings and regulated process. A key institutional initiative has been the Legal Aid and Justice Authority Act of 2020, through which Pakistan instituted a statutory channel offering no-charge advocacy services to underprivileged litigants (Sancho, 2024). In 2024, the Government told the Human Rights Committee that the practice of free legal assistance (FLA) had been implemented for marginalized groups by setting up the Legal Aid Authority (LAA). However, legal support is still not readily available. The Human Rights Committee was particularly concerned at the limited resources and capacity of public-defender institutions and urged Pakistan to provide timely free legal aid by augmenting human and financial resources of public defender institutions. This worry is especially daunting as Pakistan has prisons (Munir et al., 2024).

Improving Disclosure, Evidence Access and Procedural Parity

Second, the reforms are related to access to evidence. Under equality of arms, a defense must have a 'meaningful opportunity' to know, examine, and challenge material that forms the basis of the prosecution's case(Sancho, 2021). The disclosure mechanism already exists in the current criminal procedure undertaken in Pakistan, but its effectiveness has to be enhanced by introducing uniformity in disclosure procedure from the very initial stages of the criminal procedure. The prosecution should disclose the entirety of the evidence, including evidence favorable to the accused, police statements, forensic reports, expert opinions, electronic evidence, and anything that would compromise the credibility of a prosecution witness. The defense should also be given sufficient opportunity to view original documents and have independent expert help, if technically required(National Commission for Human Rights, 2025).

The reform is more and more relevant due to the growing reliance on forensic or digital materials in criminal cases. Prosecution institutions are likely to have significantly more technical resources than an accused person. The formal right of cross-examination does not necessarily establish equality if there are no realistic chances of obtaining access to the underlying information and meaningful

challenges to the conclusions of the experts. The obligations of Pakistan under the ICCPR call for "time and facilities for adequate preparation of the defense. These requirements are substantive, not procedural, the Human Rights Committee has said. The Committee, in one of its decisions, found that a person charged with a death penalty case was not being sufficiently represented when the state-appointed counsel had limited time to prepare the case and the court did not give him/her the necessary extra time (Neik Ch et al., 2024).

Reducing Pre-Trial Detention and Criminal Justice Delays

The third priority is the decrease of unnecessary pre-trial detention and delays. Excessive trial delays, backlog, the length of pre-trial detention, and overcrowding of prisons were highlighted in the concluding observations of the HRC in 2024. It also correlated these problems with the lack of resources in legal-aid institutions. These matters are directly relevant to Article 14(3) (c) of the ICCPR, which ensures a speedy trial(Saleem et al., 2024). This highlights the need to equate the arms with speedy adjudication. If the defendant is incarcerated for an extended period of time, he or she may miss out on a job, his or her family may be depleted of its resources, he or she will have trouble communicating with his or her lawyer, and he or she will not have access to witnesses or documents(Qayum & Ahmad, 2022).

Conclusion

Equality of arms is an equal opportunity to challenge the state's case, presented to an accused person, which is an integral part of a fair criminal trial. The analysis shows that Pakistan has a robust institutional framework to safeguard this principle in a formal manner. According to Pakistani legal framework The basic human right for just and fair decision by some tribunal/ adjudicatory body and procedure/ due process have been ensured in the constitutional body; a Section 10A has enshrined the said basic right while Sections 4, 9, 10, 14, and 25 provide adequate safeguards for statutory requirements for individual liberty, personal safety, person's custody/ persona, dignity and equal status with a reasonable degree of similarity of safeguards in law; likewise Section 46 and other provisions of the Code of procedure; 1898 and Law to make legal person's status are available, disclosure, examination and cross-examination of evidence and proof of defense witnesses. But as compared with Article 14 of the ICCPR, it is worthwhile to note an important difference between legal protection and practical equality. The fact that such a large percentage is showing the ongoing importance of late cases and pre-trial detention. Poor access to quality legal representation, insufficient legal-aid capacity, unequal access to forensic and digital evidence, the overcrowding of prisons, and the length of time it can take for proceedings to be completed can all give the accused a significant disadvantage compared to the State's prosecution resources. This requires Pakistan to take steps to enhance public legal aid, strengthen the disclosure system, minimize judicial delay and pre-trial detention, and provide equality in access to technical evidence.

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