

**Use of Lethal Weapons: An Analysis Under the International Covenant on Civil and Political Rights and Pakistani Law**

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**ABSTRACT**

*This research paper investigates the legal framework governing the use of lethal weapons by state authorities, focusing specifically on the International Covenant on Civil and Political Rights (ICCPR) and the laws within Pakistan. The study assesses international human rights standards regarding the use of lethal force, examines Pakistan's obligations under the ICCPR, and reviews the domestic legal framework that governs law enforcement's application of lethal weapons. The paper also identifies discrepancies between international standards and local practices in Pakistan, emphasizing the necessity for comprehensive legislative reform to ensure alignment with human rights obligations.*

**Keywords:** Lethal weapons, Pakistani law, human rights, law enforcement, ICCPR

**INTRODUCTION**

The use of deadly force by state agents is a supreme infringement on individual freedom and right to life. With new technologies making it easier for law enforcement and military to kill people from distances farther and in ways, deadlier than ever before, the legal and ethical underpinnings of who gets shot with what have never been more critical. The right to life is guaranteed by Article. 6 of the International Covenant on Civil and Political Rights as one of the so-called non-derogable rights, even in state of public emergency.

As a signatory of the ICCPR since 2010, Pakistan has undertaken to respect and protect the right to life and ensure that any deprivation of life by state authorities complies with international human rights norms.

However, implementing these standards within Pakistan's legal system poses considerable difficulties. This research paper explores the relationship between international human rights law and Pakistani domestic law regarding lethal weapons, focusing on both the normative frameworks and their practical application.

**Goals of the Research:**

The aim of this research is to:

- Review the international legal standards pertaining to the use of lethal weapons as established by the ICCPR.
- Assess Pakistan's national legal framework that governs the use of lethal force.
- Recognize discrepancies between international obligations and local enforcement.

- Suggest ways to align Pakistani legislation with ICCPR standards.

## **METHODOLOGY**

This research employs doctrinal legal analysis, examining primary sources including international treaties, domestic legislation, and judicial decisions. The study also incorporates secondary sources including scholarly articles and reports from human rights organizations to provide context and critical analysis.

### **The International Covenant on Civil and Political Rights: Rules for the Use of Deadly Weapons**

#### **Article 6: The Right to Life**

Article 6 of the ICCPR affirms that "every human being has the inherent right to life," and this right "shall be protected by law." It further indicates that "no one shall be arbitrarily deprived of his life." In its General Comment No. 36, the Human Rights Committee has emphasized that the right to life is paramount, placing an obligation on states parties to safeguard life from all reasonably foreseeable threats.

The prohibition against arbitrary deprivation of life applies to the use of lethal weapons by law enforcement officials. The Human Rights Committee has consistently asserted that the use of lethal force must be strictly necessary and proportionate. Any application of force that leads to loss of life must adhere to domestic law, which in turn must align with the Covenant and other relevant international standards.

#### **The Principles of Necessity and Proportionality**

The ICCPR does not detail the specific use of lethal weapons, but it outlines the essential responsibilities of states. The principles of necessity and proportionality are most important when deciding if using deadly force is an arbitrary deprivation of life.

Necessity mandates the sole employment of lethal force when imperative to preserve life. This means that you should try everything else before using deadly weapons. Proportionality says that the amount of force used must match the threat faced and the goal that is being pursued.

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) is not a treaty that must be followed by law enforcement officials. Instead, it gives clear instructions on how to do so. These rules say that it is only okay to kill someone with a gun on purpose if it is necessary to save a life.

#### **Safety Measures and Accountability**

The ICCPR not only prohibits the use of lethal force in practice but also guides nations on procedural conduct. Here are a few of them:

The law in the United States must make it very clear when deadly force can be used.

Police officers need to know enough about how to use force while still protecting people's rights.

States have to quickly, fairly, and effectively look into all deaths that were caused by state actors.

Victims and their families need a lot of help, like money to make up for their losses.

The Human Rights Committee has made it clear that countries cannot use public safety or emergencies as an excuse to break these basic rules.

### **The Pakistani Legal Framework Concerning the Use of Lethal Weapons**

#### **Parts of the Constitution**

Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973, states, "No person shall be deprived of life or liberty save in accordance with law." This implies that while the government is responsible for safeguarding life, it also possesses the authority to take life, provided it adheres to legal procedures. The Eighteenth Amendment introduced Article 10A, which further fortifies the right to a fair trial and due process. The Supreme Court of Pakistan has indicated that any legislation permitting the taking of life must be equitable and just. Although the Pakistani Constitution permits deprivation "in accordance with law," it does not stipulate that this law must comply with international human rights standards.

The ICCPR makes it illegal to take someone's life without permission. This allows domestic laws that don't completely follow ICCPR standards.

#### **Parts of the Criminal Law**

The Pakistan Penal Code of 1860 (PPC) lays out many rules about how to use dangerous weapons.

Sections 96–106: Right of Private Defence; These sections say that in some situations, a person can use force, even deadly force, to protect themselves or their belongings. Section 100 says that you can kill someone who is committing a crime, like assault with intent to kill, rape, kidnapping, or robbery

Section 76: Actions taken by public workers in accordance with the law—This section protects public servants who follow their own understanding of what the law says.

Sections 129–132 of the Criminal Procedure Code, 1898 say that police officers and magistrates can use force, even deadly force, to break up an illegal gathering if there is no other way to keep order.

#### **Rules and Standard Operating Procedures for Police Work**

The Police Order 2002 and rules from the provinces tell police officers how to use force. Some people say that these frameworks don't give enough guidance on how to use deadly weapons and don't fully follow international human rights standards.

In general, the Police Rules say that guns can only be used in certain situations:

- Self-defence or keeping someone else safe from a threat of death or serious bodily harm that is about to happen
- Stopping terrible things from happening

- Arresting people who are armed, dangerous, and thought to have committed a crime
- Stop prisoners from escaping

But these standards don't always make it clear what terms like "imminent threat" mean, and they don't make it clear that deadly force should only be used as a last resort after all other options have been tried.

### **Laws That Stop Terrorism**

The Anti-Terrorism Act of 1997 grants law enforcement agencies a wide range of powers, including the right to kill in certain circumstances. Article 7 establishes specific security areas in which security guards can employ force, if necessary lethal force, to prevent terrorist attacks. There is a wide definition of terrorism in the Act, and very little judicial supervision of actions in these fields. This makes it harder to meet ICCPR standards that a killing must not be arbitrary.

### **Comparative Analysis: Differences and Inconsistencies**

#### **"Arbitrary" Deprivation**

Pakistani law draws a bright legal line between murder and the crime of killing illegally. The ICCPR's prohibition on "arbitrary" deprivation reflects a global standard that cannot be reduced to obedience to the laws of one's own state. If a country legally kills someone but does so in an arbitrary manner that is contrary to international human rights standards, such as by not respecting the requirements of necessity or proportionality, or by failing to provide due process, it may still violate the ICCPR. Pakistani law focuses mostly on whether force was legally applied in Pakistan and if the person who applied it believed they had the right to do so. That means, if legal in Pakistan, killings still could violate the country's international obligations.

#### **Limit on the Use of Lethal Force**

International laws stipulate that lethal force may only be employed to safeguard life when there are no alternative options available. In contrast, Pakistani law permits the use of lethal force at a lower threshold, particularly in situations involving crowd control (CPC Sections 129–132) and counterterrorism efforts. Having the authority to use force to disperse gatherings does not imply that alternative, less harmful measures should be disregarded.

#### **Ways to Make People Responsible**

The ICCPR mandates that state agents must promptly, fairly, and effectively investigate all deaths, but Pakistan faces significant challenges in fulfilling this obligation.

- Police investigations of police conduct: In many instances where law enforcement is accused of excessive force, it is often the police departments themselves that carry out the investigations. This raises concerns about the fairness of the process.

- Legal protections: Section 76 of the PPC and similar provisions within anti-terrorism laws provide considerable immunity to state actors acting in "good faith," potentially freeing them from accountability for human rights violations.
- Limited judicial oversight: While higher courts are willing to intervene when issues arise, they are often overwhelmed with cases and lack adequate resources, making it difficult for them to perform their duties effectively.

### **Tools and Instructions:**

Pakistan struggles to adequately meet the ICCPR's requirement regarding proper training for police officers in human rights and the appropriate use of force. Traditionally, police training programs have prioritized job performance over the protection of individuals' rights. Furthermore, many police departments lack sufficient non-lethal options, which often forces them to resort to deadly weapons, despite international standards advocating for safer alternatives.

### **Case Studies and What They Mean in Real Life**

#### **Model Town Incident (2014)**

Fourteen individuals lost their lives when police opened fire on protesters in Model Town, Lahore. This incident highlights the potential consequences of inadequate laws. It prompted a reflection on the ethical considerations surrounding the use of lethal force against demonstrators and whether such measures were truly justified. Despite judicial oversight, achieving accountability proved challenging, indicating that the investigative processes in place were not functioning effectively..

#### **Sahiwal Incident (2019)**

A raid conducted by the Counter-Terrorism Department in Sahiwal resulted in the deaths of four civilians, including a couple and their teenage daughter. This incident highlights the risks associated with excessive power and inadequate regulations governing its use. Initially, the victims were mistakenly identified as terrorists; however, this claim was later proven false. Nevertheless, existing laws enabled lethal actions to be taken based on mere suspicion rather than an imminent threat..

### **Extrajudicial Killings and "Encounter" Deaths**

Pakistan has faced persistent allegations of extrajudicial killings disguised as encounters or operations. The Special Rapporteur on extrajudicial or arbitrary executions has stated that such killings occur far too frequently and the investigations into them are inadequate. Things are exacerbated by the legal framework's emphasis on good faith and practical necessity, as well as a lack of outside oversight.

### **Suggestions and Final Thoughts**

#### **Changes to the Law**

To align Pakistani laws with the ICCPR standards, the following changes are suggested

Pakistan should establish precise guidelines for the use of force, ensuring that the concepts of necessity, proportionality, and caution are consistently adhered to. Such laws ought to specify when the use of lethal force is permitted, making it the last resort.

Modify provincial police regulations and standard operating procedures to conform to international human rights norms. These ought to contain guidelines for de-escalation, the use of non-lethal alternatives, and precise procedures for the use of lethal weapons.

Restrict the application of the immunity clauses in Section 76 of the PPC and other comparable provisions so that those who violate fundamental human rights are not shielded from punishment.

Reinforce the safeguards provided by the Anti-Terrorism Act: It is necessary to amend the Anti-Terrorism Act to give judges more authority to supervise counterterrorism operations and to clarify when deadly force may be used.

### **Changes to the System**

unbiased Investigation Procedures: Ensure that all deaths resulting from the use of force by state officials are thoroughly investigated by impartial organizations that perform their duties effectively.

Improved Training: Ensure that all police officers receive comprehensive training on human rights principles, how to defuse tense situations, and when to use force.

Provision of Equipment: Ensure that police agencies have a sufficient supply of non-lethal weapons and equipment to provide them with alternatives to using lethal force.

### **The Duties of the Courts**

Pakistan's highest court must continue to produce case law that clarifies constitutional clauses in accordance with the nation's international commitments. This will clarify the guidelines for the use of lethal force.

### **CONCLUSION**

Pakistan demonstrated its commitment to aligning its laws and practices with international human rights standards by signing the ICCPR. The ICCPR's guidelines for restricting the use of lethal weapons and Pakistani practices still differ significantly. The right to life is the most significant right. This implies that governments must exercise caution when permitting the use of lethal force and closely monitor events.

Significant adjustments must be made to the institutions, laws, and operations in order to address these unfair circumstances. This is more than just a technical issue; it forces us to consider how to uphold human rights while ensuring public safety. Pakistan continues to struggle with security issues and has a strong inclination to prioritize operational flexibility over upholding human rights. History demonstrates that upholding human rights is the only way to guarantee long-term security.

Pakistan is told what it can and cannot do by the International Covenant on Civil and Political Rights (ICCPR). There are other reasons to fulfill these responsibilities besides adhering to international law. Building public confidence in law enforcement is crucial, as is ensuring that security measures do not undermine the rule of law they are intended to uphold.

Pakistan can move toward a system where the use of lethal weapons is extremely uncommon, completely accountable, and transparent to the public if it implements the aforementioned reforms. In accordance with Pakistan's constitution and its commitments to other nations, this plan will safeguard both security and human rights.

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