

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE INTERNATIONAL COURT OF JUSTICE (REVIEW AND RE-CONSIDERATION) BILL, 2020

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill to provide for the right of review and re-consideration in giving effect to the judgment of the International Court of Justice [The International Court of Justice (Review and Re-consideration) Bill, 2020] (Government's Bill) referred to the Committee on 27th July, 2020.

2. The Committee comprises the following:-

1. Mr. Riaz Fatyana	Chairman
2. Mr. Atta Ullah	Member
3. Mr. Lal Chand	Member
4. Mr. Muhammad Farooq Azam Malik	Member
5. Ms. Kishwer Zehra	Member
6. Ms. Maleeka Ali Bokhari	Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel	Member
8. Malik Muhammad Ehsan Ullah Tiwana	Member
9. Agha Hassan Baloch	Member
10. Mr. Junaid Akbar	Member
11. Ms. Shunila Ruth	Member
12. Mr. Saad Waseem	Member
13. Rana Sana Ullah Khan	Member
14. Ch. Mehmood Bashir Virk	Member
15. Mr. Usman Ibrahim	Member
16. Khawaja Saad Rafique	Member
17. Syed Hussain Tariq	Member
18. Syed Naveed Qamar	Member
19. Dr. Nafisa Shah	Member
20. Ms. Aliya Kamran	Member
21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meeting held on 21st October, 2020. The Committee recommended with majority that the Bill placed at (Annex-B), may be passed by the National Assembly.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 19th November, 2020

Sd/-
(RIAZ FATYANA)
Chairman

ORDINANCE No. VI OF 2020

AN

ORDINANCE

to provide for the right of review and re-consideration in giving effect to the Judgment of the International Court of Justice

WHEREAS, it is expedient to provide for the right of review and re-consideration to foreign nationals, in relation to orders and judgments of Military Courts;

AND WHEREAS, the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, 1973, the President is pleased to make and promulgate the following Ordinance, namely:—

1. **Short title and commencement.**—(1) This Ordinance may be called the International Court of Justice (Review and Re-consideration) Ordinance, 2020.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force at once.

2. **High Court's Power to review and reconsider.**—(1) Where:

(a) the International Court of Justice in relation to a foreign national passes an order in respect of rights under Article 36 of the Vienna Convention of Consular Relations of 24 April 1963; or

(b) a foreign national is aggrieved in respect of the rights available under Article 36 of the Vienna Convention of Consular Relations of 24 April 1963;

such foreign national, either himself or through his authorized representative, or through a consular officer of a mission of his country, may file a petition before a High Court for review and re-consideration, in terms of section 3, with regard to an order of conviction or sentence of a Military Court operating under the Pakistan Army Act, 1952:

Explanation.— "High Court" means a High Court established under Article 175 of the Constitution of Pakistan, 1973, within the limits of whose territorial jurisdiction a foreign national is confined.

(2) The petition for review and re-consideration may be filed within 60 days of:—

(a) the promulgation of this Ordinance against the order of the Military Court specified in sub-section (1) existing prior to the promulgation of this Ordinance; or

(b) the order of the Military Court specified in the sub-section (1), if such order has been delivered after the promulgation of this Ordinance.