اِعْدِلُوْا هُوَ اَقْرَبُ لِلتَّقْوٰى

**IN THE COURT OF MUHAMMAD AFZAL MAJOKA,
ADDITIONAL SESSIONS JUDGE/
PRESIDING OFFICER PREVENTION OF ELECTRONIC CRIMES
COURT/MODEL CRIMINAL COURT, ISLAMABAD-WEST**

PECA Case No.137935

The State

Versus

1. Imaan Zainab Mazari Hazir daughter of Tabish Hazir [CNIC # 61101-6967195-0],
2. Hadi Ali Chattha son of Muhammad Ali Chattha [CNIC # 36303-4155840-7], both resident of House No.248 Street No.23 Sector E-17, Islamabad.

Case FIR No.	234
Dated	22.08.2025
Offences under Section	Under sections 9/10/11/26-A Prevention of Electronic Crimes Act, 2016
Police Station	NCCIA Cybercrime Reporting Centre, Islamabad
Date of Decision	24.01.2026

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Present:- Imaan Zainab Mazari Hazir and Hadi Ali Chattha accused produced on video link from Central Jail, Rawalpindi.
Mr. Muhammad Taimoor Janjau, Advocate learned defense counsel at state expenses.
Barrister Mansoor Azam, Barrister Fahad Arsalan Chaudhary and Mr. Muhammad Usman Rana, learned Special Public Prosecutors NCCIA.

J U D G M E N T

Sharooz Riaz, Sub Inspector (PW-3) On 12th August, 2025 during web browsing observed that accused Imaan Zainab Mazari, accused consistently disseminated highly offensive, misleading and anti-state contents on social media from her social media account especially from her X account @ImaanZHazir with the active connivance of Hadi Ali Chattha accused, and others. She propagated a

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narrative that aligned with hostile terrorist groups and proscribed organizations and individuals. Her contents incited ethnic hatred undermined public trust on state organizations and portrayed the armed forces are behind terrorism and forced disappearance. Her specific tweets of 14th April, 15th May, 2024, 25.07.2025, 31.10.2021, 16.12.2024 and 21st July, 2022 portrayed the agenda of BLA and TTP. Further she used a slogan publically *"ya jo dahshat gardi hay ess kay pechay wardi hay"*. This is a deliberate attempt to propagate the narrative against state institutions. Sharooz Riaz, Sub Inspector (PW-3) submitted a complaint Ex.PE of twelve pages including screen shots P1/1-11 to In-charge NCCIA, Islamabad Imran Haider, Assistant Director NCCIA Cybercrime Reporting Centre, Islamabad (PW-5).

2. On receipt of complaint an inquiry RE-1217/2025 was registered in CCRC, Islamabad and entrusted to Imran Haider, Assistant Director NCCIA Cybercrime Reporting Centre, Islamabad (PW-5) by the competent authority. During the course of inquiry he forwarded a request to Anees-ur-Rehman Technical Expert (PW.01) vide letter No.NCCIA/ICT/CCRC/IM/RE-1217/2025 dated 19.08.2025 Ex.PK for conducting technical analysis of the contents, tweets, re-tweets of the social media accounts of the accused persons along with the scope as mentioned in the letter.

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3. On 21.08.2025 Mr. Anees-ur-Rehman (PW-3) has provided to Imran Haider, Assistant Director NCCIA Cybercrime Reporting Centre, Islamabad (PW-5) report consisting of eleven pages which he took into possession through memo Ex.PH in presence of Waseem Khan, SI (PW-4). The technical report substantiated the contents of the complaint confirming that the social media accounts [@ImaanZHazir & @AdvHadiali] belong to the accused persons, confirming that the contents shared and uploaded by the accused

persons are anti-state, adversarial, fake along with glorification in support of proscribed organizations/individuals [BLA, TTP, PTM, Mahrang Baloch, Ali Wazir and Manzoor Pashteen]. During the course of inquiry it came to light that accused persons are involved in propagation and dissemination of narrative aligned with the proscribed individuals/organizations. The content including tweets, re-tweets, shared and uploaded by the accused persons expressed solidarity and support for the proscribed organizations [BLA, TTP & PTM] and proscribed individuals [Mahrang Baloch, Ali Wazir and Manzoor Pashteen]. According to the list Ex.PL of proscribed organizations /individuals Ex.PM/1-59 available on the official website of National Counter Terrorism Authority [NACTA] i.e. https://nfs.nacta.gov.pk, the organizations BLA, TTP & PTM are proscribed under the law and individuals Mahrang Baloch, Ali Wazir and Manzoor Pashteen are proscribed individuals. On receipt of technical report and available evidences, Imran Haider, Assistant Director NCCIA Cybercrime Reporting Centre, Islamabad (PW-5) found both the accused persons as involved in commission of offence under sections 9,10,11, 26-A of PECA, 2016. Accordingly, he registered No.234/2025 FIR Ex.PN which bears his signatures as Ex.PN/1 on 22.08.2025. During the course of investigation both the accused persons admitted to own their above mentioned social media accounts. Still the alleged tweets are available on their social media accounts which Imran Haider, Assistant Director NCCIA Cybercrime Reporting Centre, Islamabad (PW-5) produced after having access to social media accounts of accused persons. The witness has produced screen shots P3/1-11 and P4/1-3 from the internet. On 21.08.2025 Imran Haider, Assistant Director [PW-5] made a request Ex.PP to the Ministry of Interior for providing him the official notification of proscribed organizations [BLA, TTP & PTM] and proscribed individuals [Mahrang Baloch, Ali

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Wazir and Manzoor Pashteen]. On 12.09.2025 Imran Haider, Assistant Director [PW-5] submitted report under section 173 Cr.P.C against you accused persons.

4. On 15.09.2025 PW-5 made a request/reminder-1 Ex.PQ to Deputy Secretary MOI for providing him the official notification of proscribed organizations [BLA, TTP & PTM] and proscribed individuals [Mahrang Baloch, Ali Wazir and Manzoor Pashteen]. On 15.10.2025 he made a request Ex.PR to Home Department Quetta for providing him the official notification of proscribed individual Mahrang Baloch. On the same day, he also placed request Ex.PS to Deputy Secretary Home Department KPK for providing the official notification of proscribed individuals namely Manzoor Pashteen and Ali Wazir.

5. The Section Officer Ministry of Interior provided the official notification dated 14.10.2025 Ex.PT/1-6 which was produced to Imran Haider, Assistant Director [PW-5] by Afzal Naib Qasid [PW-2] and he took the same into possession through memo Ex.PB in presence of Waseem Khan, SI [PW-4]. The Home Department KPK has replied vide letter dated 17.10.2025 Ex.PU/1-7 which was produced to PW-5 by Afzal Naib Qasid [PW-2] and he took the same into possession through memo Ex.PD. The Home Department Baluchistan also responded to his request dated 15.10.2025 containing two pages and provided him the official notification of proscription of Mahrang Baloch which was produced to PW-5 Afzal Naib Qasid [PW-2] which he took into possession through memo Ex.PC. According to the response received from MOI, Home Departments KPK and Baluchistan, the organizations BLA, TTP & PTM are proscribed and individuals namely Mahrang Baloch, Ali Wazir and Manzoor Pashteen are also proscribed under the law.

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6. On 06.10.2025 Sharooz Riaz, SI [PW-3] submitted another complaint Ex.PF along with one USB P2 including the alleged video and one page transcript Ex.PG which was taken into possession by the I.O. (PW.05) through memo Ex.PJ attested by Muhammad Waseem Khan, SI [PW-4]. On 16th October, 2025 Afzal Naib Qasid [PW-2] handed over a letter from Section Officer Ministry of Interior and Narcotic Control to PW-5 who took the same into possession through memo Ex.PB attested by PW-2 as Ex.PB/2. On 20th October, 2025 Afzal Naib Qasid [PW-2] handed over another letter issued by Home Department Quetta Baluchistan to Imran Haider [PW-5] who took the same into possession through memo Ex.PC attested by PW-2 as Ex.PC/2. On 21st October, 2025 Afzal Naib Qasid [PW-2] handed over another letter issued by Tribal Affairs KPK to Imran Haider, PW-5 who took the same into possession through memo Ex.PD attested by PW-2 as Ex.PD/2. On 24.10.2025 Imran Haider, Assistant Director [PW-5] submitted supplementary report under section 173 Cr.P.C.

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7. On receipt of report under section 173 Cr.P.C after observing all legal formalities this Court framed charge against the accused to which they pleaded not guilty. Accordingly prosecution was directed to lead its evidence against the accused. The prosecution produced as many as five witnesses. Statements of these witnesses would be discussed in detail during appraisal of evidence.

8. Learned SPPs closed the prosecution evidence. After close of the prosecution evidence accused persons refused to participate in the proceedings. Learned defence counsel at state expenses replied the questions on behalf of the accused persons, according to which both the accused persons opted not to appear in

witness box under section 340(2) Cr.P.C and do not want to produce evidence in defence.

9. At this stage, it has been requested that the accused may be summoned in person in court for their statements under section 342 Cr.PC and they must be present in court physically. It was held in **Shaikh AIJAZUR REHMAN Versus THE STATE (NAB) through Director-General (NAB) and another. (P L D 2006 Karachi 629)** that:-

> "9. The above principles have also been applied by the Supreme Court of India while considering a provision of Criminal Procedure Code, in the case of Basavaraj R. Patil v. State of Karnataka (2000) 8 SCC 740. The question was whether an accused needs to be physically present in Court to answer the question put to him by Court whilst recording his statement under section 313 (section 342 of our Cr.P.C.). to be emphasized that under section 313 the words are "for the purpose of enabling the accused personally to explain" (Emphasis supplied). The term "personally" if given a strict and restrictive interpretation would mean that the accused had to be physically present in Court. In fact the minority judgment in this case so holds. It has however, been held by the majority that the section had to be considered in the light of the revolutionary changes in technology of communication and transmission and the marked improvement in facilities for legal aid in the country. It was held, by the majority, that it was not necessary that in all cases the accused must answer by personally remaining present in Court."

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10. Similarly, it was held in **LAHORE HIGH COURT BAR ASSOCIATION and others Versus GENERAL (RETD.) PERVEZ MUSHARRAF and others (2019 S C M R 1029)** that:-

> "6. We conclude that while section 342, Cr.P.C. enables the accused to explain any circumstances appearing against him in the evidence, however, in the context of this Act, if he voluntarily chooses not to appear or join the proceedings, he loses his right to such an explanation".

11. In this view of the matter, physical presence of the accused persons is not necessary. It is not out of place to mention here that the accused persons have boycotted the court proceedings while being present on video link including reply of questions u/s 342 Cr.P.C. They have been provided full opportunity of being heard regarding cross examination on PW-3 & PW-5 and statement u/s 342 Cr.P.C, defense evidence, if any, but they have boycotted the proceedings today. Learned defense counsel at state expenses is present on behalf of the accused persons who has replied to the questions under section 342 Cr.P.C.

12. This court has heard learned counsel for parties and has gone through the record.

13. First of all learned SPPs on behalf of state maintained that accused persons have boycotted the court proceedings without their being any justification and have violated the order of Hon'ble Islamabad High Court, Islamabad so, necessary proceedings may be initiated against them. This court has always shown its restraint in such situation and would decide the case on merits after perusing the material on record. **Article 6(3) of The European Convention for the Protection of Human Rights and Fundamental Freedoms** reads as under:-

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"Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal

assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

14. **Article 14(3)(d) of the International Covenant on Civil and Political Rights (ICCPR)** reads as under:-

"To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

15. In the case of Colozza v Italy, the European Court of Human Rights (ECtHR) stated that the object and purpose of Article 6 as a whole demonstrated "that a person 'charged with a criminal offence' is entitled to take part in the hearing".(Colozza v. Italy, application No.9024/80, ECtHR, reported at (1985) 7 EHHR 516, para 27).

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16. There is general consensus internationally that the right of an accused to be present at his or her trial is not absolute and may be subject to certain, limited, exceptions. There are two general scenarios where an accused will be absent from his trial: i) where the accused is removed from court for disrupting proceedings and the prosecution or court decide to continue in his absence; and ii) where the accused does not show up at trial (or ceases to attend midway through) and the prosecution or court decide to continue in his absence. In the first scenario, the disruptive accused is removed

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because he has abused his right to be present. In a case against the United Kingdom, the European Commission on Human Rights held that the right contained in Article 14(3)(d) ICCPR (to be present), probably does not include the right to filibuster ones' own trial (X v. United Kingdom, European Commission on Human Rights, application No.8386/78. (Reported at 21 DR 126). The second scenario arises where the accused does not appear at trial. In this case, a decision to continue in absence will only be lawful if the prosecution can demonstrate that the accused waived his right to be present. The question of what constitutes a legitimate waiver and what evidence the State must produce to demonstrate that waiver is the subject of most of the jurisprudence surrounding in absentia proceedings. The ECtHR, in a series of cases has essentially held that it must be shown the accused unequivocally decided to avoid trial. At a minimum, this requires that the Prosecution demonstrate the accused actually knew about the trial. Knowledge may be inferred, for instance, where the accused received a summons, or otherwise indicated his knowledge of the trial, for example, where he instructed lawyers to attend on his behalf. In case of "The State versus Ananta Singh And Ors" (1972 CRILJ 1327) on first day the accused persons greeted the learned tribunal with songs in chorus from the prisoner's dock. When the learned Tribunal intervened, it was abused and threatened. Thereafter, when trial started there was again shouting of slogans from the prisoners' dock and the tribunal was faced with the situation where no fear trial was possible due to the misbehavior of some of the prisoner's at the dock. The Culcutta High Court directed the Tribunal to expel the accused persons so obstructing and to record the evidence. It was held in this esteemed citation that:-

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"11. In construing the provisions of the Code it should be remembered that the primary object of Criminal Procedure, as observed by the Supreme

Court, is to ensure a fair trial. But a trial has naturally two objects in view; it must be fair to the accused and consonant with the presumption of innocence in his favour and at the same time it must also be fair to the prosecution. There can be no sanction in the Code to a situation that would frustrate the trial itself. To interpret Section 353 of the Code to cast an obligation as would require the evidence to be taken in the presence of the accused even where the accused by his own conduct makes recording of evidence in his presence an impossibility is to sanction a right in favour of the accused to frustrate the trial at his own option. This would not only mean negation of a fair trial but would mean end of all trial at the choice of the accused. Such a position can never be considered to be consonant with basic principles underlying the Code".

17. It was held in 2006 CLC 1393 that "suffice it to say that the petitioner herself along with her counsel walked out from the court and boycotted the proceedings, an action, which was totally uncalled for and is alien to the judicial process. The petitioner cannot and should not be allowed to take advantage thereof. The petitioner herself refused to be subjected to cross examination and did not deliberately produce any evidence thereof, must face the consequences."

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18. Despite the above-mentioned situation, the court provided an opportunity to the accused persons to be represented by learned defense counsel at state expenses who cross examined the witnesses.

19. The accused persons approached the Hon'ble Islamabad High Court, Islamabad by filing revision petition and they were provided another opportunity of cross examination on the witnesses but today they have boycotted the court proceedings and did not conduct cross examination on PW-3 & PW-5. Para No.3 of order of the Hon'ble Islamabad High Court, Islamabad reads as under:-

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"In view of the statement made by learned counsel for the petitioners at bar and in the interest of justice, the impugned order dated 15.01.2026 is set aside and four (04) days time from the date of receipt of this order is granted to the petitioners to appear before the learned Trial Court and cross examine PW-3 and PW-5. It is clarified that in case the petitioners/accused fail to appear before the learned Trial Court within the stipulated period, this order shall stand recalled automatically and in such eventuality, the learned Trial Court shall proceed strictly in accordance with law"

20. In this way due to non-appearance of the accused persons and non-conducting of remaining cross examination on PW-3 and cross examination on PW-5, the order of this court dated 15.01.2026 stands restored. Consequently remaining cross examination conducted by learned defense counsel at state expenses and cross examination on PW-5 conducted by learned defense counsel at state expenses stands restored.

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21. In order to bring whom guilt of the accused persons, the prosecution has produced Sherooz Riaz, complainant PW-3 who deposed that on 12th August, 2025 during web browsing it was observed that accused Imaan Zainab Mazari Hazir consistently disseminated highly offensive, misleading and anti-state contents on social media from her social media account especially from her X account @ImaanZHazir with the active connivance of Hadi Ali Chattha accused and others. She propagated a narrative that aligned with hostile terrorist group and proscribed organizations and individuals. Her contents incite ethnic hatred undermine public trust on state organizations and portrayed that armed forces are behind terrorism and forced disappearance. Her specific tweets of 14th April, 15th May, 2024, 25.07.2025, 31.10.2021, 16.12.2024 and 21st July, 2022 portrayed the agenda of BLA and TTP. Further she used a slogan publically *"ya jo dahshat gardi hay ess kay pechay wardi hay"*. This is a

deliberate attempt to propagate the narrative against state institutions.

22. Imran Haider, Assistant Director [PW-5] maintained that the contents including tweets, re-tweets, shared and uploaded by the accused persons through their X handles [@ImaanZHazir (verified) & @AdvHadiali] was a deliberate attempt to incite ethnic hatred, deepened societal divisions, promote enmity between different communities, glorified terrorist organizations, propagate the hostile narrative and ideology of proscribed individuals and organizations, promote the agenda of the elements operating against the state and its institutions and dissemination of fake and false information to incite violence, disorder, panic and unrest amongst the public. Both the accused persons portrayed the armed forces as being responsible for the act of terrorism in the country and alleged that the state and its institutions are working in collusion with the proscribed individuals and organizations. I found both the accused persons have been fully involved in the commission of offence punishable under sections 9,10,11/26-A PECA, 2016.

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23. In statements of PW-3 & PW-5 four types of allegations have been leveled against the accused persons. The first allegation is against both the accused that the propagated a narrative that aligned with hostile terrorist groups, proscribed organizations and individuals. In tweet Ex.PB/7-11 Hadi Ali Chattha accused reposted the tweet that "41 days have been completed since the families of BYC leaders and the families of the forcibly disappeared persons are demonstrating near the National Press Club, Islamabad fighting and seeking answers and justice, ignorance, harassment, disinformation campaigns and threats have not broken our resilience and courage. As Dr. Mahrang stated no imprisonment can crush a movement. Likewise,

suppression can break our fight against human rights violations in Balochistan." In this tweet, reposted by Hadi Ali Chattha accused it was stated that "We demand the release of Dr. Mahrang Baloch, Imran Baloch, Sabgatullah Shahji, Beebow Baloch, Gulzadi Baloch, Imran Baloch and other BYC activists who are illegally detained or imprisoned." Hadi Ali Chattha accused reposted the tweet wherein it is alleged that "Dr. Mahrang Baloch *samait BYC ki degaar rhaynuma ko aaj ATC court main peesh kiya gaya ur 10 din kay remand par police k hawalay kar diya gaya. Chaar manah baad unka 3MPO khatam kiya gaya lakin johtay muqadmat main girftari amal main laee gayi hay.*

24. Imaan Zainab Mazari Hazir accused made a tweet wherein Mahrang Baloch is making sign of victory and this tweet has been re-tweed by Hadi Ali Chattha accused which is Ex.PB/3-11. Imaan Zainab Mazari Hazir accused in tweet Ex.PB/1-11 alleged that "Join us on 7 May from 6 PM till midnight to demand justice for Dr. Mahrang Baloch & all other illegally detained BYC leaders. Raise your voice against fake encounters, enforced disappearances & killings in Balochistan". Similarly Imaan Zainab Mazari Hazir accused in tweet Ex.PB/1-11 alleged that "Dr. Mahrang Baloch remains incarcerated with the State giving a clear message to those who engage in peaceful resistance".

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25. PW-3 stated that **Hadi Ali Chattha** reposted a tweet claiming that families of BYC leaders and families of missing persons had been protesting near the National Press Club in Islamabad for 41 days. The tweet said that harassment, threats, and misinformation had failed to weaken their movement. It also quoted Dr. Mahrang Baloch as saying that imprisonment or suppression could not stop their struggle against human rights violations in Balochistan. The same tweet demanded the release of **Dr. Mahrang Baloch and other BYC**

activists, claiming that they were illegally detained. Hadi Ali Chattha also reposted another tweet stating that **Dr. Mahrang Baloch and other BYC leaders were presented before an Anti-Terrorism Court and sent on police remand**, and that after the end of a 3-MPO detention they were arrested again in false cases. PW-3 further stated that **Imaan Zainab Mazari Hazir** posted a tweet showing Dr. Mahrang Baloch making a victory sign, which was also re-tweeted by Hadi Ali Chattha. In another tweet, Imaan Zainab Mazari called on people to join a protest on 7 May to demand justice for Dr. Mahrang Baloch and other BYC leaders. She also claimed that these leaders were illegally detained and accused the State of fake encounters, enforced disappearances, and killings in Balochistan. She further tweeted that **Dr. Mahrang Baloch was still imprisoned**, and that the State was sending a message to those who took part in peaceful resistance.

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26. Now it is to be seen as to whether first allegation against the accused persons has been proved or not. According to section 9 of the Prevention of Electronic Crimes Act, 2016 [hereinafter to be mentioned as PECA] who ever prepares or disseminates information through any information system or device with intent to glorify activities of proscribed organizations or individuals or groups shall be punished with imprisonment. As per statement of Afzal Hussain Shah Naib Qasid NCCIA [PW-2] on 16.10.2025 produced a letter to the I.O who took the same into possession. Similarly this witness added that on 20.10.2025 he produced another letter to the I.O vide memo Ex.PC and on 21.10.2025 produced letter vide memo Ex.PD. Muhammad Waseem Khan Sub Inspector NCCIA PW-4 maintained that on 16.10.2025 PW-2 produced a letter to the I.O. who took the same into possession through memo Ex.PB. According to PW-4 on 20.10.2025 Afzal Naib Qasid produced another letter to the I.O. vide memo

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Ex.PC. This witness added that on 21.10.2025 PW-2 produced another letter to the I.O. who took the same into possession vide memo Ex.PD. According to these letters and notifications Manzoor Pashteen, Ali Wazir and Mahrang Baloch are proscribed individuals. Similarly Baluchistan Liberation Army [BLA], Tahreek-e-Taliban Pakistan [TTP]. According to explanation to section 9 of PECA glorification includes depiction of any form of praise are celebration in a desirable manner. In the above tweets both the accused persons have expressed their views in favor of Mahrang Baloch who is a proscribed individual. Mush emphasis has been laid on behalf of accused persons that mere view of the accused about any proscribed individual is not enough to hold that they have committed an offence u/s 9 of PECA. This court is not agree with arguments of learned defense counsel because the glorification has been defined in PECA which includes any form of praise or celebration. In these circumstances, the prosecution has been able to prove its case against the accused persons under section 9 of PECA.

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27. Second allegation against the accused persons is that they through their tweets undermined public trust on state organizations and portrayed that armed forces are behind terrorism and forced disappearances and that the accused deliberately attempted to propagate the narrative against state institutions.

28. In tweet Ex.PB/9-11 Imaan Mazari accused alleged that "Baloch Voice for Justice will hold a campaign, from 8 PM midnight on X today to mark 16 years since the enforced disappearance of Sadullah Baloch (who was forcibly disappeared from Khuzdar on 25th August 2009). This tweet was re-posted by Hadi Ali Chattha accused. Similarly, in tweet Ex.PB/6-11 Imaan Mazari accused alleged that " 1) There was an attack by those the State is unwilling or unable to fight

against. The unwillingness & inability stems in part from its false sense of bravado developed as a result of cracking down on unarmed, peaceful dissidents. 2) Forcibly disappeared persons are". Similarly she alleged in the tweet that "innocent people locked up 4 years in State's illegal torture cells are victims just the same as those who lose their lives in these terrorist attacks. Responsibility to protect citizens is on State. Stop shifting blame onto victims of State brutality".

29. In tweet Ex.PB/7-11 Imaan Mazari accused inter alia alleged that "Dehumanization, alienation and uncalled for crackdowns/violence are the State's standard response to peaceful Baloch voices who demand engagement/dialogue. The State itself has created the pathway. The sooner this is realized, the better". She in this tweet further added that "Let there be no confusion over this; the more the State targets innocent civilians in Balochistan, the more intense the insurgency gets".

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30. Imaan Zainab Hazir accused in Ex.PB/9-11 alleged that "We said "never forget" but acted like nothing happened. The terrorist who had our children slaughtered was set free by the State. The disastrous good Taliban v bad Taliban policy continues even today".

31. Imaan Zainab Mazari Hazir accused in her tweet Ex.PB/10-11 alleged that "Nobody believes Pak Army's claim that it killed "BLA terrorists" in an encounter. There is a message in the dead bodies; 1000s of Baloch missing persons are in the amry's torture cells & this is what will be done to them. *Intna buzdil dushman kisi ko na milay".*

32. Imaan Zainab Mazari Hazir accused in her tweet Ex.PB/5-11 alleged that "The forced disappearance of Ghazi Amanullah, brother of PTM leader Manzoor Pashteen, is yet another attack on PTM by this terrorist State which continues to target those who engage in dialogue and peaceful resistance (as well as their family members)".

33. Hadi Ali Chattha accused reposted the tweet Ex.PB/3-11 wherein it is alleged that "*Ya sorathal aadaltoon ki janibdari ur rayasti jabar ki akaas hay*".

34. PW-3 further stated that **Imaan Zainab Mazari Hazir** posted a tweet showing Dr. Mahrang Baloch making a victory sign, which was also re-tweeted by Hadi Ali Chattha. In another tweet, Imaan Zainab Mazari called on people to join a protest on 7 May to demand justice for Dr. Mahrang Baloch and other BYC leaders. She also claimed that these leaders were illegally detained and accused the State of fake encounters, enforced disappearances, and killings in Balochistan. She further tweeted that **Dr. Mahrang Baloch was still imprisoned**, and that the State was sending a message to those who took part in peaceful resistance.

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35. The said tweets of the accused persons **damaged public trust in State institutions**, especially law-enforcement agencies and the armed forces, and blamed the State for terrorism and enforced disappearances. PW-3 stated that Imaan Mazari tweeted about a campaign to mark **16 years since the disappearance of Sadullah Baloch**, which was later reposted by Hadi Ali Chattha. In another tweet, Imaan Mazari claimed that the State was either unwilling or unable to act against terrorists, while cracking down on peaceful protesters. She alleged that people kept in illegal detention were also victims, just like those killed in terrorist attacks, and said that

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protecting citizens was the State's responsibility. She also tweeted that the State used violence and crackdowns against peaceful Baloch voices and claimed that such actions increased insurgency in Balochistan. In another tweet, she alleged that the State had released a terrorist responsible for killing children and criticized the State's "good Taliban and bad Taliban" policy.

36. According to section 10 of PECA whoever commits or threatened to commit offence under section 9 within intent to advance the objectives or organizations or individuals or groups proscribed under the law shall be punished. Now it is to be seen as to whether the accused persons by their tweets, re-tweets and posts promoted the agenda of proscribed individuals or organizations. The accused persons declared the Pakistan State as **terrorist state** in their tweets. Currently there are four countries designated as terrorist states which are Cuba, The Democratic Republic of Korea, Iran and Syria. Both the accused persons are advocates by profession and they have fully knowledge that the Pakistan is not included in the list of terrorist states but they have intentionally in their tweets mentioned the Pakistan as a terrorist state which in fact is the agenda of BLA, TTP.

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37. The matter does not rest here. Imaan Zainab Mazari accused claimed that the state runs torture cells and that dehumanization, alienation and uncalled for crack down / violence are the state standard response to peaceful Baloch voice. Similarly Imaan Zainabl Mazari accused in her tweet claimed the alleged brutality of state. She claimed the state as coward enemy. In these circumstances, the prosecution has been able to prove charge against the accused persons under section 10 of PECA.

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38. Third allegation against the accused is that they spread false or fake information. In their above mentioned tweets they have shown solidarity with Mahrang Baloch that she was wrongly incarcerated. Similarly in their tweets both the accused persons have claimed forced disappearance of Ghazi Amanullah brother of PTM leader. There was no proof with the accused that the state has forcibly disappeared any person but despite that in number of tweets they claimed that the state is responsible for it. Under section 11-EEE of Anti-Terrorism Act, 1997 the government may direct to arrest and detained any person whose name is mentioned in the list referred to section 11-EE. Section 11-EE defines proscription of a person. In this way, the government can arrest a proscribed individual under Anti-Terrorism Act. The proscribed individuals have been detained under Anti-Terrorism Act and how their detention can be claimed illegal or forced disappearance of any other person. In these circumstances, the prosecution has been able to prove its case against both the accused persons under section 26-A of PECA.

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39. During evidence it was stand point of the accused persons that the accused persons have freedom of speech under Article 19 of the Constitution of Islamic Republic of Pakistan. It is true that under Article 19 of the Constitution a person has freedom of speech but such freedom is subject to reasonable restrictions. It was held in **(P L D 2024 Supreme Court 852)** that:-

"Articles 19 of the Constitution i reproduced hereunder:

"19. Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or

morality, or in relation to contempt of court, commission of or incitement to an offence.'

'The freedom of speech and expression and the freedom of the press, however, are not absolute and unfettered, as Article 19 mentions a few exceptions".

40. Similarly, it was held in case of **SHOUKAT ALI Versus GOVERNMENT OF PAKISTAN through Secretary Interior, Ministry of Interior, Islamabad and 2 others (P L D 2024 Islamabad 135)** that:-

"The right to freedom of speech as guaranteed by Article 19 of the Constitution is not unconditional. The Constitution itself carves out categories of speech that are illegal and unprotected."

41. It was held in case of **Kedar Nath Singh vs State Of Bihar 1962 AIR 955, 1962 SCR SUPL. (2) 769)** that:-

"This Court, as the custodian and guarantor of the fundamental rights of the citizens, has the duty cast upon it of striking down any law which unduly restricts the freedom of speech and expression with which we are concerned in this case. But the freedom has to be guarded again becoming a licence for vilification and condemnation of the Government established by law, in words which incite violence or have the tendency to create public disorder. A citizen has a right to say or write whatever he likes about the Government, or its measures, by way of criticism or comment, so long as he does not incite people to violence against the Government established by law or with the intention of creating public disorder. The Court, has, therefore, the duty cast upon it of drawing a clear line of demarcation between the ambit of a citizen's fundamental right guaranteed under of the Constitution and the power of the legislature to impose reasonable restrictions on that guaranteed right in the interest of, inter alia, security of the State and public order."

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42. From perusal of the tweets, re-tweets and posts of accused persons it follows that they have stated the Pakistan as

terrorist state, the detention under section 11-EEE of ATA as illegal detention and have praised proscribed organizations and individual and claimed the judiciary as biased. Ordinarily, this form of narrative employs emotive language, selective presentation of facts, historical grievances, or ideological framing with the object of eroding public confidence in core state institutions, including the judiciary, the armed forces, the legislature, and law-enforcement agencies. In certain instances, it may extend to the glorification of resistance, rebellion, or the denial of the State's lawful authority. In constitutional and national security jurisprudence, courts have consistently drawn a distinction between protected democratic dissent and an anti-state narrative by examining the intent, content, context, and foreseeable impact of the expression in question. Particular weight is accorded to whether such expression incites violence, promotes secession, encourages terrorism, or creates a real, proximate, and tangible threat to public order and national security. While robust criticism of the State and its functionaries is an essential feature of a democratic society and falls within the ambit of freedom of expression, an anti-state narrative is judicially understood as speech or conduct that crosses the permissible boundary of dissent and enters the domain of subversion, destabilization, or incitement against the State itself. In such circumstances, reasonable restrictions imposed by constitutional and statutory law are held to be justified. The accused persons crossed the permissible boundaries under the law by their tweets, re-tweets and posts; thus, has committed the offence under section 9/10/26-A of PECA.

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43. So far as offence under section 11 of PECA is concerned, none of the witnesses claimed that the accused persons through hate speech tried to advance inter faith, sectarian or racial hatred so,

both the accused persons are acquitted of the charge under section 11 of PECA.

44. Resume of above discussion is that the prosecution has been able to prove its case against both the accused under section 9 of PECA, 2016. Accordingly Imaan Zainab Mazari Hazir and Hadi Ali Chattha accused are convicted under section 9 of the PECA and are sentenced to RI for five (5) years each with a fine of rupees five million each and in default whereof to undergo SI for one (1) year each. The convicts are also convicted under section 10 of the PECA and are sentenced to RI for ten (10) years each with a fine of rupees thirty million each and in default whereof to undergo SI for two (2) years each. The convicts are also convicted under section 26-A of the PECA and are sentenced to RI for two (2) years each with a fine of rupees one million each and in default whereof to undergo SI for six (6) months each. The convicts are present in custody in some other case on video link. They be kept in jail to undergo their sentences. Benefit of section 382-B Cr.P.C is extended to the convicts. Warrants of commitment be issued. Copy of this judgment be given to both the convicts free of cost through Superintendent Central Jail, Rawalpindi. File be consigned to record room after its due completion and compilation.

Announced
24.01.2026

(Muhammad Afzal Majoka)
Additional Sessions Judge/MCC,
Presiding Officer,
Prevention of Electronic Crimes Court,
Islamabad-West

It is certified that this judgment consists of twenty two pages, each of which has been dictated, read and signed by me.

Addl: District & Sessions Judge ★ West Islamabad ★

Additional Sessions Judge/MCC
Presiding Officer,
Prevention of Electronic Crimes Court,
Islamabad-West