

An investigative study on the confessional statement and its impact on criminal trial in Pakistan

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Abstract

The role of confession by the accused person has an important place in the judicial structure of Pakistan. The courts evaluate the admissibility of the confessional statement and apply their judicial mind with free consent. The legal framework of Pakistan including QSO 1984, and Cr. P. C. 1898 provides basic law and procedure to record a confession in the criminal justice system. However, the accused is not being dealt with fairly while recording confessions at the pre-trial and trial stage. Usually, police use undue influence to record a confessional statement. The procedures adopted for the recording of confession during the pendency of the trial. The current study has evaluated the values and norms of recording confessional statements. This research paper adopted the doctrinal research methodology to achieve the objectives. In addition, it also argues for the acceptability of the confession of co-accused in the criminal justice system. Moreover, this research evaluates the validity of a confessional statement in the justice process in Pakistan. Lastly, this research discusses the executable references regarding the recording of confession at all stages and its value in the eyes of law to uphold justice and avoid the unjust.

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1. Introduction

The statement of the accused relating to the commission or admission of a criminal offense is very relevant for the adjudication of a criminal case. Under the criminal procedure code of Pakistan, the confessional statement is recorded before the court of a magistrate. The relevant provision of the code i.e., section 164 illustrates that this statement by the accused person should be a volunteer statement without any undue influence, neither of coercion nor in the result of any future promise or hope. There must not be any threat, possible torture, or anything annexed with the confessional statement (Tajudeen, 2013). It is pertinent to mention here that the concerned court evaluates the authenticity of the confession before its recording in court. It is settled law by the apex court of Pakistan that the statement provided by the accused person can be read as evidence against that accusation as was enacted in *Muhammad Amjad v. the State* (2003). The value of the confession as evidence is a concern, it is a matter of fact that can be decided by the court of law while adjudicating the case.

Now if we talk about the compelling of the accused to utter the statement on his own, the law is very clear on this point as it has been clearly mentioned in section 5 of the evidence act that no person can be compelled for giving any evidence of such type that could be read against him afterward. Similar was upheld in *Muzaffar Khan v. the State* (2006) that the court is not authorized to take oath before accepting a confessional statement. The same was held in another case and the apex court of Pakistan held that if the confession was taken on oath, it will be null and void and cannot be produced as evidence (*Nazeer Alias Wazeer v. the State*, 2007). So, we can say that the law has kept the option open for the accused person to choose from either that if he wants to confess his crime before the court of law and on this confession, he can be punished later on and otherwise he can face the trial and can defend his point of view to prove himself not guilty of the offense level against him.

The rights of the accused person have been protected by the Magna Carta (Breay & Harrison, 2014). The fundamental rights of the accused person have been protected under Articles 10, 10A and 13 by the constitution of Pakistan. The accused rights are protected by the constitution so cannot be compelled to confess the guilt. It has been noted by Stewart that the accused has a constitutional and fundamental right that he must be tried fairly. The protection of human dignity and self-incrimination is the basic legal principle that also protects the rights of the accused (Stewart, 2009). Further, the traditional practices should be promoted transparently, and fair justice should provide to all communities without discrimination of caste and culture in the justice system.

Chapter 3 and Articles 37 to 43 of the Qanoon-e-Shahadat Order 1984 (QSO 1984) are related to the confessional statement of the accused. Moreover, sections 164, 364, 342, and 533 of Cr. P.C. 1898 is related to the procedure of recording the confession of the criminal trials. A confessional declaration of the accused can be recorded in the pre-trial stage of the case and also recorded during the trial or even recorded before the announcement of the decision of the

case. Furthermore, the court determines the validity of confession where the matter is sub-judice. The admissibility of a confession is broader than relevancy, but its relevance varies from case to case.

2. Literature review

It has been noted by Stephen stated that “an admission made at any time by a person charged with a crime stating or suggesting the inference that he committed a crime.” It is the pre-condition of the record for the confessional statement that the concerned court is satisfied that the confessional statement of the accused is voluntarily or with free consent and without undue influence (Porter, 2021). However, the accused has a right to a fair trial and privileges against self-incrimination (Ishaq, 2014). Dash and Rajeswari (2021) note that the confession is based on the feeling of the guilt committed by him and due to acceptance of this guilt the confession is made that can be said as the confession based on feelings. The court can use different methods to examine the true spirit of the accused regarding the confessional statement and apply his judicial mind to find out the truth.

The voluntarily recorded confession is an essential and effective piece of evidence in the eye of the law. Although, a confessional statement recorded by torture or other unfair means may jeopardize the accused in the administration of justice. Sometimes, an innocent individual admits his guilt due to undue influence and resultantly gets punishment for the wrong that has not been committed by him (Ahmad, 2018). Though this does not lessen the prominence of other types of evidence like digital forensic evidence, and documentary evidence cannot be overlooked in the existence of confessional statements of the accused during the trial or any other stage.

The self-explanation of a matter in the shape of evidence can be said as important evidence as compared to all other sorts of evidence. Therefore, the confession of the accused plays a vital role in the criminal justice process for the delivery of justice (Ho, 2021). Further, the confessional statement recorded before the police officer during interrogation and their judicial considerations should be proficiently assessed to protect the rights of the offender (Nshimiyimana, 2018). Similarly, Akinsulore (2018) argued that the confession recorded in police custody was called extra-judicial confession. However, to make it admissible in court, the prosecution must show that the accused gave the extra-judicial confession voluntarily. In the pre-trial stage of a criminal case, the police interrogate the matter in their own way and usually recorded a confessional statement by the usage of undue influence; however, the accused did not prepare to confess. It is the essential right of the accused person to record his/her statement freely and voluntarily, but the Police officials treat adversely against the rules provided in the Criminal Procedure Code. However, the admissibility of confession recorded in the custody of police has limited value and courts are also not bound to act upon the statement recorded in police custody (Idem, 2017).

A confessional statement recorded by the accused before the court of law would become binding against the accused. The concerned court has the power to announce conviction to the accused based on such confession without any further requirement of proof. Moreover, the admissibility of the confessional statement can be elaborated with other corroborating material evidence of the case (Shariff et al., 2018). However, peace, harmony, and prosperity indeed come in those societies where justice prevails. It is the liability of the stakeholders of the justice system to struggle for the establishment of justice in society. Ottmar (2015) argued that psychological pressure was placed upon the accused during police custody. The research examines the psychological aspect of the confessional statement of the accused and also elaborates on dishonestly recorded confessions by the accused. Therefore, a person dishonestly admits to having committed the offense and incorrectly incriminates others. Further, Kassir (2008) argued that false confessions are a contributing factor in numerous wrongful convictions. Furthermore, the extra-judicial confession of the accused is not recorded properly to follow the procedure prescribed by law. Moreover, it is indeed to increase the level of accuracy and assessment of confession in the justice system.

A confessional statement is a powerful source of evidence, unfortunately; its treatment in court and out of court is not satisfactory according to the desire of the law. Some legal and misleading interrogation tactics increase the risk of miscarriage of justice (Kassir, 2008). Judges of the trial court are easily deceived, and unable to differentiate between right and wrong confessions. However, the higher courts are also unable to determine whether the error of admitting the force of confession at the trial stage was harmful or prejudiced. The research emphasizes special training of stakeholders and procedures to record confession statements effectively in the trial court.

3. Research methodology

A doctrinal legal research methodology has been adopted to achieve the goals of this research. This methodology has also been termed as “black letter” methodology; the basic purpose of this methodology is to focus on the “letter of the law rather than the law in action”. Hence adopting this method, it has been tried to compose a vivid and exhaustive analysis of legal rules regarding the confession in criminal cases as found in primary sources like Judgements, legislated statutes, or formulated regulations.

4. Legal provisions related to confessional statements in Pakistan

The law of evidence QSO 1984 gives us the statutory provisions on how to deal with confession in the criminal justice process. However, the law relating to evidence i.e., Articles 37 to 43 of the QSO 1984 discussed the confessional statement of the accused. Therefore, Article 37 of the Qanoon-e-Shahadat order, 1984 notes, “the confession recorded by threat, inducement, or promise, etc. such confession shall be irrelevant and inadmissible in the eye of law.” Furthermore, Article 38 of the Qanoon-e-Shahadat order, 1984 quotes that “a confession

recorded in front of the police officer should be inadmissible and called an extra-judicial confession.” Similarly, article 39 of the ordinance expounds that “a confession recorded by the accused in police custody is also not admissible unless the relevant court evaluates with other supportive evidence or circumstances evidence regarding the reliability of the confession.” Furthermore, article 41 Qanoon-e-Shahdat order, 1984 notes that “a confession should be recorded after removal of the handcuff of the accused, and treatment of the accused in a friendly atmosphere of court for valid confession.”

When we talk about Article 43 of QSO 1984, we can see that it stipulates that the confession of the accused sometimes implicates others that are co-accused of the occurrence. The confessional statement is considered against the maker and can also be used against other co-accuses of the same offense that is related to the story of the happening event. Similarly, the confessional statement of the co-accused under article 16 notes that “an accomplice shall be a competent witness against an accused person except in the case of an offense punishable with Hadd”. Moreover, sections 342 read with section 342 and 164 of the Criminal code has enacted that the provincial government has been duly authorised to empower the magistrate of the first class or second class to shall be competent to record the confession. The concerned court was satisfied that the confession was recorded by the accused with his free consent and without undue influence (Ali, 2019). The code of criminal procedure has provided the three types of trials depending upon the jurisdiction to tri able by the different types of judges. All this procedure has duly been provided by the court under the provision of magisterial trial, summary trial, and session trial. Additionally, it has also been argued that the importance of the courts and their procedure to address flaws in recording confessions in the criminal justice system in Pakistan can never be set aside. However, this can only be done by adopting drastic changes in the procedural law by the competent authority (Hussain, 2015; Salauddin, 2016).

4.1. Judicial confession

Merriam Webster defines judicial confession as, “a confession made in a legal proceeding of a trial.” According to the Cr. P.C. 1998 of Pakistan the judicial magistrate of the class first and class second are duly authorised to record the confessional statement of the accused person. However, the accused can record his confessional statement before the conclusion of a trial. The criminal procedural code has provided the provisions under section 164 and section 364 regarding the judicial confession. Basically, the confession before the court is said to be a judicial confession and has valued in the eyes of law and can be used against the culprit. There is a specific procedure regarding the recording of judicial confession that is first of all when the person is brought or voluntarily comes before the court of law and asks the court of law to record its statement regarding the happening crime and the specific role of the accused person and the other persons involved in the crime. It is the duty and varies according to the basic sense of judicial confession that the court must ask the person voluntarily uttering the designs of the crime that this statement can be read against that person later on and on this statement, he could be punished as it is available to be used against that person at any stage later on.

Court also makes the person at liberty to deny the statement before he utters it and asks him to commence that there is no undue influence on him, and the statement is being given with free consent. It is also evident that the accused person shall be tried fairly as per Article 10A of the constitution of Pakistan. The accused person is also provided sufficient time to think about the matter before the confessional statement and avoid the promises of the future in the response to confession. The high court has also framed rules for the instruction of recording of confessional statements in its 8th chapter of the 8th volume of rules and regulations. That has maintained that it is the duty of the court to elaborate on the pros and cons of the recording of the confession. The validity of the confessional statement was discussed in the case of *Imran Ali v. State* (2018) that the confessional statement before the court of law that has been termed as judicial confession shall only be valid if it is made with free consent. The same maintained *Muhammad Akram v. State* (1995) that the confessional can only be valued if it is made voluntarily and without any influence. The court also has to probe the connection of confession with some other evidence so that corroboration may lead the confession to its original state and try to nib the real evil instead of saving someone's skin.

A confessional declaration is a conclusive piece of evidence in a criminal case. The relevant court should follow the procedure to record the confession which is prescribed by law. The court has also authorised to interrogate the culprit through void dire, to determine the validity of the declaration of the culprit. Moreover, the concerned court has also the power to ask preliminary questions to the accused for the satisfaction of the court and the conversation must be in writing moreover be a part of the judicial record. Hussin (2011) discussed that the present practices related to the rights of the accused should be protected in the criminal justice process in Pakistan. It is the responsibility of the state to provide justice to its citizens without any discrimination of caste and culture. However, the citizens of the state are paying taxes to the state so that they have the right to live peacefully in society. It is the responsibility of the state to take appropriate measures for the delivery of justice. Further, Krieger (2011) emphasises that there is essential to fill the gaps in the criminal justice system, particularly in recording confessional statements of the accused.

4.2. Extra-judicial confession

The other type of confession is known as the extra-judicial confession. It is the confession that is recorded in police custody and is known as an extra-judicial confession. This confession is basically known as the confession done due to influence as was held in the case of *Nasir Javaid v. State* (2016). This kind of confession has no value in the eyes of law therefore, the stance of the petitioner was admitted in the above-said case and the same was set on liberty. However, the confession recorded in police custody has limited scope in the eye of the law, hence not admissible in a court of law.

The Cr. P.C. 1898 provides the procedure how to investigate a criminal case in the pre-trial stage. There is a question mark on the credibility of police because it is being reported police

register fake cases against innocent people due to corruption. However, the police officials also use undue influence to record a confession. Moreover, Section 173 of the Cr. P.C. 1898 states that the investigation officer is responsible to submit the challan report within fourteen days after the registration of a criminal case. Commonly police use delay tactics for the submission of challan report to the court (Jackson et al., 2014). The extra-judicial confession is a weak type of confession because the police officials did not follow the procedure prescribed by law. However, there is an exception to the general rule as provided by the 21-h of the ATA, 1997, of Pakistan, which notes that “a confession recorded before the District Superintendent of Police (DSP) during the investigation may be admissible in court; although the high police officials follow the same procedure prescribed by law, the DSP shall warn the accused that he is not bound to confess the guilt of offense if he does so that shall be used against him in the trial and the DSP shall also record the memorandum before recording the confession in police custody.”

There is also a necessary thing to be remembered in the confessional statement that if an accused person doesn't inculcate him in the happening of an offense that cannot be termed as a confession. The confession must be a statement in which the accused concedes his part in a crime in the commission of some offense. If the accused person manipulates some false, material into his declaration then the whole confessional declaration of the accused is considered void. The presiding officer of the court has the power to examine the matter and apply his judicial knowledge to find out the truth.

Here is another important thing to be noted the person has to appear before the court of law and he has to surrender himself before the court of law. It is on the judge to lead the whole course of the event. It is also pertinent to say that the evidence collected regarding the confession must be dealt with accuracy and diligently. All the evidence must also be corroborated with each other to have coherence. Moreover, the Supreme Court of India explained that the imprisoned person might be released on the basis of this kind of confession. Similarly, if we talk about its importance, it can be noted that its values are very limited. So, it is important to uphold the basic rights of the culprit.

The confession declaration recorded other than the court treatment is termed as an extra-judicial confession. It is pertinent to mention here that the investigating agencies should not use illegal measures during recording the confession. If the police violated the procedure to record a confessional statement, such confession should be inadmissible in court, and the court should evaluate its validity (Idem, 2017). Additionally, the other apex court of the country i.e., the Federal Shariat Court of Pakistan has discussed in the case of Ahmad Sher etc. v. the State (1995), that after confessions recording in front of the magistrate, the accused will be sent to prison rather than police custody. In this case, the appellant remains in police custody after his judicial confession, while the confession was treated as inadmissible. The extra-judicial confession is a weak type of statement compared to judicial confession. It required some more corroborative evidence to prove its validity.

A confession must be recorded freely if recorded else there is a chance of injustice. Moreover, the irregular questioning practices interrupt the rights of the accused and improperly or without following the procedure prescribed by law should be treated as an inadmissible confession. It is also well noted that the importance of confession obtained during police custody has less importance (Tajudeen, 2013).

4.3. Historical case of Ghazi Ilam Din before the partition of Pakistan

There is an important case before the partition of Pakistan that is cited as Ghazi Ilam Din Shaheed v. the State. This case was registered against Ilm Din that was accused of the murder of Rajpal a publisher at that time. Rajpal published a book in which he defamed the final messenger of Allah and the beloved human being on earth for Muslims. Due to this blasphemous act Ilm din was triggered and he attempted to murder Rajpal. The attempt succeeded and resultantly Rajpal died, Ilm Din was arrested for the offense, and he latterly confessed to his crime. This confession leads to capital punishment. An appeal was made against the impugned Judgment by the most famous lawyer of the then Muhammad Ali Jinnah. The appeal was not succeeded, and Ilm Din was hanged till death. This is a historical and famous case in the time of the British colonial era in the subcontinent before the partition of India and Pakistan. The objective to discuss this case is to provide the consistency of courts' decisions regarding the confessional statement of the accused and the criminal procedure that has been working for over a hundred years.

4.4. Admissibility of confession in Hudood Cases

The confession of one accused will not be considered adequate if the confession is against the partner in crime in the term of Hudood cases. Article 43 of the QSO 1984 states that “a confession recorded by the accused can be taken into consideration against another, yet it is not a substantive piece of evidence within the preview of Articles 2 and 3 of the QSO 1984” the same was held in Shazia Aslam v. the State (2001). Moreover, according to Mohamed (2013) that a confession is not a proper piece of evidence and may be treated as hearsay, so it is not proper evidence. It is also said that “a confessional statement of accused under Section 342 of Cr. P.C. 1989 cannot be taken into consideration against the co-accused, particularly in hudood cases”. However, in case of the valid substantial evidence available on record with support of the confessional statement in view of that, the punishment can be announced.

4.5. Untruthful and retracted confession

Sometimes, the suspect deliberately records an untrue confession, and the concerned court examines the validity of the statement with other corroborating material evidence. The present legal framework of the criminal trial in Pakistan is more than a hundred years old. There are some loopholes in the procedure to record a confession. The magistrate court or any other court who are considering the matter can record confession any time but normally the criminal trial

starts after the submission of the challan report by the police. At the time of framing the charge, the court explains to the accused whether he/she admits the guilty or desires to defend the case. It is the responsibility of the prosecution to prove the case with supportive material evidence; on the other hand, the suspected accused has also the right to prove himself innocent.

In case of an untrue confession, the relevant court has the power to call an expert opinion to determine the authenticity of the accused statement. However, there are five basic sources to assess the statement of a witness, i.e., “expert’s opinion, evidence of witnesses, evidence provided by modern tools and methods, documents, and actual evidence”. The matter related to the untrue statement of the accused and its significance can be evaluated by the usage of modern methods or tools in the criminal justice process. Even though retracted confessional of accused would be adequate proof for the sentence to the suspect, if it is established true, intentionally recorded without any inducement and threat (*Muslim Shah v. the State*, 2005).

It is difficult for courts to ascertain the credibility of admission by the accused. The courts examine the voluntariness, feelings, and face expressions of the accused in the course of recording confession (Nshimiyimana, 2018). Hence, the sentence on a retracted declaration of the accused would be continued with solid pieces of evidence which corroborate it and makes the confession accurate and trustworthy. Further, it was highlighted that wrongful acts of police in the investigation and recording of extra-judicial confessions may lead to false convictions. However, in the case of the wrong confession, normally courts found the suspect guilty in court proceedings and it may also cause an unfair sentence (Avalle, 2017).

5. Significance of confessional statement and its effect on criminal cases

The system of justice has many norms to be followed to reach destiny and provide the remedy. The value of confession in criminal cases is considered a critical element to decide a case. A confession is an important declaration of events by the person who has done these events. However, the confessional statements cannot be dealt with similarly in all cases. It changes with the facts of the case and so does its value. As per the relevant law of procedure and Shahdat it is very evident that the confession will only have probative force if it is according to the rules and regulations of the relevant code. However, a confession can be the sole basis of punishment is not mentioned in the statutes. Additionally, the decisions of superior courts give guidelines on how to assess the validity of the confession. A confessional declaration of the suspect is essential in light of precedents and the courts have the power to award a sentence to the culprit on the bases of confession.

Further, the Quetta High Court holds that the confessional declaration needs to be considered a reliable supply of evidence to envision the fact. However, the apex courtroom of Pakistan evaluated the case of (*Imran Ali's case v. The State*, 2018) in which the accused, Imran Ali pleaded guilty to the price, and his declaration turned into recorded accurately. Further, the announcement of the accused was recorded beneath Section 342 of Cr. P.C. 1898 also shows

that the alleged accused confess his responsible. Moreover, the Supreme Court of Pakistan decline the attraction of the accused, and the loss of life punishment changed into upheld primarily based on the confessional announcement of the accused.

After reviewing the case laws of superior courts, the courts have several views to explain the confession in the criminal justice system (Anisuzzaman & Efat, 2015). Further, the parliament has the power of legislation of new laws and also can introduce amendments to the provisions of law. The constitutional court interprets and encourages justice also based on the fair treatment of confessional statements. Furthermore, Shashikant (n.d.) discussed that the manipulated confession recorded before the court was treated void confession. A confessional declaration should be supported with other independent, reliable corroborating evidence for the conviction of the accused.

Significantly, a confession declaration of the culprit plays an important role in the dispensation of justice. However, the concerned court can easily assess the value of confession and conclude the matter without wasting time. Whereas in the case of confession, the accused surrendered him before the court and the court examines the validity of the confession. The confessional statement plays an essential role in the trial, but the whole trial can be misguided if it is not being dealt with accordingly. All stakeholders, including police, must follow the guidelines to record the confession of an accused without any misconduct.

6. Conclusion

A confessional statement of the accused person is the essential element discussed during a trial in court, and it also plays a vital role in the judgment. Although, “confession must be recorded without inducement, threat, promise, or hope and should be recorded with the free will of the accused before the magistrate court”. Retracted and untruthful confession has no worth to establish the truth in the cases. The superior court’s decisions are binding on the lower judiciary. A confessional statement is conclusive proof of the conviction of the accused. Therefore, the higher court of Pakistan discussed the criteria how to assess the validity of confession and also provides the guidelines to record the confessional statement efficiently. The trial courts should adopt modern and scientific methods to record confessions and avoid the usage of formal measures.

This research opens a discussion for future researchers to work out ways to promote the mechanism of questioning in the pre-trial stage. Article 164 of the QSO 1984 discussed that modern methods, tools, devices, video recording, and forensic reports may be used as evidence in the justice system. Further, there is a need to amend the provisions in Cr. P.C. 1898 to overcome the weaknesses of extra-judicial confession in police custody. Moreover, the procedure to record confessions in the pre-trial stage should change or upgrade and avoid irregularities before the police officer. The Investigation Officer (IO) should write the memorandum of the suspect before recording his declaration in police custody. It is the

responsibility of police officers to convince the court regarding confession in police custody. The IO should follow the guidelines provided by the apex court's judgments while recording confessions to increase the credibility of confession in the justice system. The courts and police officers should remember that wrong and retracted confessions recorded in police custody may cause wrongful convictions, which ultimately will be a miscarriage of justice. Finally, confession is a good piece of evidence if it is recorded by following the rules and regulations of the provided law but in otherwise case, it must be corroborated to prove its value beyond the shadow of a doubt.

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References

- Ahmad, A. A. D. A. (2018). Procuring confessional evidence of criminals, its significance as compared to forensic, digital and other oral evidence of witnesses. *International Journal for Electronic Crime Investigation*, 2(3), 8-18.
<http://ijeci.lgu.edu.pk/index.php/ijeci/article/view/17>
- Ahmad Sher etc. v. the State, (1995). *The Federal Shariat Court of Pakistan*, PL. J, 109.
- Akinsulore, A. (2015). A jurisprudential analysis of confessional statement in criminal trials. *Journal of Contemporary Legal and Allied Issues*, 2015.
<https://ir.oauife.edu.ng/handle/123456789/7000>
- Ali, L. (2019). Confession in Pakistan law and United Kingdom law document.
[https://www.academia.edu/38209808/confession in Pakistani law and UK Law.docx](https://www.academia.edu/38209808/confession_in_Pakistani_law_and_UK_Law.docx)
- Anisuzzaman, S., & Efat, S. I. J. (2015). Admissibility and evidentiary value of confession: conflicts and harmony between rules of law and rules of prudence in Bangladesh, India and Pakistan. *South East Asia Journal of Contemporary Business, Economics and Law*, 7(4), 54-62.
http://seajbel.com/wpcontent/uploads/2015/09/KLIBEL7_Law-35.pdf
- Avalle, D. (2017). A study of the perspectives of law students regarding false confessions and coercive interrogation tactics. Doctoral Dissertation, The Chicago School of Professional Psychology.
<https://search.proquest.com/openview/54170bd0516c20a7cbb3af2fb87e9bef/1?pq-origsite=gscholar&cbl=18750>
- Breay, C., & Harrison, J. (2014, July 28). *Magna Carta: An introduction*.
<https://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>
- Dash, S. S., & Rajeswari, R. (2021). Principles of relevancy of confessional statement under the Indian Law of Evidence. *International Journal of Advanced Research in Management, Architecture, Technology, and Engineering*, 7(4), 30-32.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3816846
- Ghazi Ilam Din Shaheed v. the State, (1929). Under Section 302 of Indian Penal Code. (Part-1-III, U, Punjab Archives Lahore.) Page 1 to 94.
- Ho, H. L. (2021). Confessions in the criminal process. *The Modern Law Review*, 84(1), 30-60.
<https://doi.org/10.1111/1468-2230.12571>
- Hussin, N. (2011). Punitive justice in the Malaysian criminal law: Balancing the rights of offenders with those of the victims. *Journal of Applied Sciences Research*, 7(13), 2399-2404.
http://irep.iium.edu.my/17629/1/Punitive_justice_in_the_Malaysian_criminal_law.pdf

- Hussain, F. (2015). The judicial system of Pakistan, the Supreme Court of Pakistan. https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/Judicial_System_of_Pakistan/thejudicialsystemofPakistan.pdf
- Ishaq, H. H. (2014). The Right to Fair Trial: Better Late than Never. LUMS LJ, 1, 96. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/lumslj1§ion=9
- Idem, J. (2017) confessional statements and their admissibility in the criminal trial. AJLC, 7(1), 101-112. <https://www.researchgate.net/publication/347452582>
- Imran Ali v. the State, (2018). The Supreme Court of Pakistan Jail Petition No. 298.
- Jackson, J., Asif, M., Bradford, B., & Zakria Zakar, M. (2014). Corruption and police legitimacy in Lahore, Pakistan. British Journal of Criminology, 54(6), 1067-1088. <https://academic.oup.com/bjc/article-abstract/54/6/1067/403488>
- Kassin, S. M. (2008). Confession evidence: Common sense myths and misconceptions. Criminal Justice and Behaviour, 35(10), 1309-1322. <https://journals.sagepub.com/doi/abs/10.1177/0093854808321557>
- Kassin, S. M. (2008). False confessions: Causes, consequences, and implications for reform. Current Directions in Psychological Science, 17(4), 249-253. <https://journals.sagepub.com/doi/abs/10.1111/j.1467-8721.2008.00584.x>
- Krieger, S. A. (2011). Why our justice system convicts innocent people, and the challenges faced by innocence projects trying to exonerate them. New Criminal Law Review: An International and Interdisciplinary Journal, 14(3), 333-402. <https://online.ucpress.edu/nclr/article-abstract/14/3/333/68725>
- Mohamed, A. M. S. (2013). The conventional restrictive and the modern liberal interpretation of Section 30 of the Evidence Act. IIUM Law Journal, 21(1). <https://journals.iium.edu.my/iiumlj/index.php/iiumlj/article/view/97>
- Muhammad Akram etc, v. the State, (1995). The Supreme Court of Pakistan SCMR, 1359.
- Muhammad Amjad v. the State (2003). The Supreme Court of Pakistan, PLD page 704.
- Muslim Shah v. the State, (2005). The Supreme Court of Pakistan, PLD, 168.
- Muzaffar Khan v. the State, (2006). Peshawar H.C, Pcr.LJ 53.
- Nasir Javaid v. the State, (2016). The Supreme Court of Pakistan, (Case no. 178-2009 decided on 15-03-2016).
- Nazeer Alias Wazeer v. the State (2007). The Supreme Court of Pakistan PLD, 202.
- Nshimiyimana, D. (2018). Value of out-of-court confessional statements in Rwandan Criminal

- Legal Practice. East African Journal of Science and Technology, 8(1).
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3248942
- Ottmar, K. (2015). True and false confessions under Interrogation. Journal for Police Science and Practice, International Edition, 5, 39-55.
https://www.bmi.gv.at/104/Wissenschaft_und_Forschung/SIAK-Journal/internationalEdition/files/Kroll_IE_2015.pdf
- Porter, J. (2021). Admissibility of confession evidence: Principles of hearsay and the rule of voluntariness. The International Journal of Evidence & Proof, 25(2), 93-114.
<https://staffportal.curtin.edu.au/staff/profile/view/Jennifer.Porter>
- Rashid, H. (2018). Remembering Ghazi Ilam Din Shaheed.
<https://edoc.huberlin.de/bitstream/handle/18452/19501/09%20-%20Forum%20-%20Rashid%20%20Remembering%20Ghazi%20Ilam%20Din%20Shaheed.pdf>
- Salauddin, A. (2016). Reforming Pakistan's Criminal Justice System.
<https://www.dawn.com/news/1303096>
- Shashikant, R. K. (n.d.). Confession under the Indian Evidence Act, 1872. International Journal of Socio-Legal Analysis and Rural Development, 3(2).
<https://www.scribd.com/document/399463530/Confession-Underthe-Indian-Evidence-Act-1872-A-Study-By-Ritesh-Kumar-Shashikantcompilation-volume-3-issue-2-pdf>
- Shariff, A. A. M., Rajamanickam, R., Singh, P. K. H., Md, S. K., Lazim, A. S. N. A., Xian, L. X., ... & Zainudin, T. N. A. T. (2018). Admissibility of Iqar as Evidence: The issue of voluntariness from Syariah principles perspective. International Journal of Engineering & Technology, 7(3), 104-108.
<https://www.studocu.com/my/document/universiti-sains-islam-malaysia/islamic-law-of-evidence/admissibility-of-iqar-as-evidence-the-issue-of-voluntariness-from-syariah-ahmad-azam-mohd-shariff-et-al/13902145>
- Shazia Aslam v. the State, (2001). MLD, 1939.
- Stewart, H. (2009). The confessions rule and the charter. McGill Law Journal/Revue de droit de McGill, 54(3), 517-546. [https://lawjournal.mcgill.ca/article/the-confessions-rule-and-thecharterhttp://www.ijhssnet.com/journals/Vol_3_No_21_\(Special_Issue_December_2013\)/31.pdf](https://lawjournal.mcgill.ca/article/the-confessions-rule-and-thecharterhttp://www.ijhssnet.com/journals/Vol_3_No_21_(Special_Issue_December_2013)/31.pdf)
- Tajudeen, O. I. (2013). The relevance of confessions in criminal proceedings. International Journal of Humanities and Social Science, 3(21), 291-300.
[http://www.ijhssnet.com/journals/Vol_3_No_21_\(Special_Issue_December_2013\)/31.pdf](http://www.ijhssnet.com/journals/Vol_3_No_21_(Special_Issue_December_2013)/31.pdf)