

Punishing Terrorists: Military Courts and Public Opinion in Pakistan

Bilal Hassan*, M Sheharyar Khan** and Shahzad Hussain***

Abstract

Terrorism is one of the menaces that inflicted huge human losses to the state and society of Pakistan. On December 16, 2014, the brazen attack on the Army Public School (APS) in Peshawar killed 141, including 132 children and nine members of the school staff. In reaction, on January 7, 2015, the government adopted the 21st amendment to the Constitution of Pakistan, which entailed the establishment of military courts to punish the terrorists and their facilitators. This study gauges the opinion of young students towards this new counter-terrorism policy. The results suggest two outcomes: firstly, the public admits that terrorism is one of their main problems and secondly, there is an ethnically diverse view on the military-led public policy to curb terrorism.

Keywords: Counter-terrorism Policy, Terrorism, Punishment of Terrorists, Criminal Justice System, National Security, Human Rights.

Introduction

Army Public School (APS) attack in December 2014, changed Pakistan's counter-terrorism policy. Adopting a unanimous stance, both state and society called for bringing the perpetrators of this attack to justice.

Nevertheless, a holistic approach to punish terrorists is hard to find. Moreover, although the state institutions and political governments in Pakistan seem to be on the same page in terms of the need to punish the

* The author is Lecturer, Department of Public Administration, Government College University, Faisalabad.

** The author is Assistant Professor of IR at Iqra University, Islamabad Campus.

*** The author is Assistant Professor, Department of Government and Public Policy, National Defence University, Islamabad.

terrorists, but as noted by the American academic, Eric Lambert,¹ determining punishments for criminals has remained a controversial issue. The passage of the 21st constitutional amendment and the establishment of military courts to punish the terrorists and their facilitators² engender mixed support, especially among some quarters of civil society who have shown reservations on the military-led criminal justice system to penalise terrorists.

There are a number of factors: for instance, social values, socialisations, crime³ and race/ethnicity⁴ that tend to shape public attitude towards the punishment of terrorists. Interestingly, research reveals that although the public believes that criminals should be sentenced as harshly as possible, yet their views are liable to change when they see a sentencing in practice.⁵ Since the establishment of military courts, dozens of convicted terrorists have been hanged. As Pakistan is a multi-ethnic society, this study is aimed at finding the difference among the opinions of various ethnic groups regarding the punishment of terrorists in Pakistan. It is significant to find out that the opinion of different ethnic groups would be an addition to our understanding of this subject.

At the social level, public opinion is important because Pakistan is a democracy and the opinion of the public can have reflection on the political decisions. If wider public opinion is not congruent with this punitive process then these efforts to counter terrorism may not bear any fruit.

The term “ethnicity” refers to the division of population on the basis of geography, culture, religion, language and genealogy; and there is a

¹ Eric G Lambert et al., “United We Stand? Differences Between White and Nonwhite College Students in their Views on Terrorism and Punishment of Terrorists,” *Journal of Ethnicity and Criminal Justice* (2003): 91-108.

² See, The Constitution (Twenty-first Amendment) Act, 2015, Parliament of Pakistan, January 7, 2015.

³ Woo Sik Chung and Richard P Bagozzi, “The Construct Validity of Measures of the Tripartite Conceptualisation of Punishment Attitudes,” *Journal of Social Service Research* 22, no. 3 (2008): 1-25.

⁴ Eric G Lambert, “The Views of Women and Men on Terrorism and the Punishment of Terrorists: a Preliminary Study among Midwestern College Students,” *Criminal Justice Studies* 16, no. 3 (2003): 217-231.

⁵ Rob Allen, “Attitudes to Punishment: Values, Beliefs and Political Allegiance,” *Criminal Justice Matters* 54, no. 1 (2003): 12-13.

relationship between ethnicity and attitude towards punishment.⁶ As “the problem of 20th century is the problem of colour line,”⁷ a number of studies have been conducted involving attitudes, ethnicity and punishment. Mallicoat and Radelet⁸ in their studies on public attitude towards capital punishment found that public opinion about the death penalty remains uncertain. Studies before and after 9/11 reveal the public support for death penalty remained quite low.⁹

From an ethnic perspective, the results of a study conducted by Sun, Wu and Poteyeva¹⁰ in the US confirm that a modest number of Arab Americans believe that the state has ultimate authority to take aggressive measures in order to curb crimes. Moreover, studies also suggest that the ‘White’ Americans are more supportive of the death penalty than other minorities.¹¹ This leads us to argue that people with different ethnic origins may have different attitudes towards the punishment of terrorists.

There exists a relationship between terrorism and mass media.¹² Being the chief source of information and knowledge for the people, the media helps a lot in shaping public opinion towards punishment of crimes. The tragic events tend to organise and unite people¹³ and this has happened in Pakistan as well. The attack brought military, intelligentsia, media,

⁶ Williams Dianne, *Race, Ethnicity and Crime: Alternate Perspectives* (New York: Algora Publishing, 2012), 103-107.

⁷ Samuel Walker, Cassia Spohn and Miriam DeLone, *The Color of Justice: Race, Ethnicity and Crime in America* (Bemont: Wadsworth, 2007), 1.

⁸ Stacy L Mallicoat and Michael L Radelet, “From the Field: the Growing Significance of Public Opinion for Death Penalty Jurisprudence,” *Journal of Crime and Justice* 27, no. 1 (2004): 119-130.

⁹ Jeremy Mills and Edward Zamble, “Public Attitude Towards Death Penalty,” *Journal of Potice and Criminal Psychology* 13, no. 2 (1998): 76-86 and James D Unnever, Francis T Cullen and Julian V Roberts, “Not Everyone Strongly Supports the Death Penalty: Assessing Weakly Held Attitudes About Capital Punishment,” *American Journal of Criminal Justice* 29, no. 2 (2005): 187-216.

¹⁰ Ivan Y Sun, Yuning Wu and Margarita Poteyeva, “Arab Americans’ Opinion on Counterterrorism Measures: The Impact of Race, Ethnicity and Religion,” *Studies in Conflict & Terrorism* 34, no. 7 (2011): 540-555.

¹¹ Stacy L Mallicoat and Gregory C. Brown, “The Impact of Race and Ethnicity on Student Opinions of Capital Punishment,” *Journal of Ethnicity in Criminal Justice* 6, no. 4 (2008): 255-280.

¹² L John Martin, “The Media’s Role in International Terrorism,” *Studies in Conflict and Terrorism* 8, no. 2 (2008): 127-146.

¹³ Lambert, “United We Stand.”

politicians as well as the civil society organisations on the same page. The brutality to which students were subjected shocked the whole nation. The tragic incident was given full coverage by the media for many days. The state, too, made it a watershed moment in its fight against terrorism.

Initially, this united front called for taking severe measures for curbing the menace of terrorism and, therefore, the National Assembly of Pakistan not only incorporated the 21st Amendment in the Constitution of 1973, but also amended the Pakistan Army Act 1952. In order to make amends for the pitfalls in the criminal justice system, military courts have been established and dozens of convicted terrorists have been executed. This leads us to hypothesise that: “Pakistani public opinion of different ethnicities is unified regarding the punishment of the terrorists.” This hypothesis will be tested by the survey of the youth from different ethnicities.

Undergraduate and graduate students at three main universities in Islamabad and two other universities in Punjab and Sindh were surveyed. The Quaid-i-Azam University (QAU), Islamabad, stands as top-tier public sector research institute of Pakistan, being the oldest seat of scholarship in the federal capital, it also forms the most vibrant community of multi-ethnic students. Also, International Islamic University (IIU), Islamabad, as well as National Defence University (NDU), Islamabad, are multicultural universities in terms of enrolled students. In Islamabad, some of the questionnaires were administered by the researchers personally in the class rooms and libraries of the selected universities. Therefore, before distribution of the survey, the purpose of the study was explained to the students.

There are seven main ethnic groups in Pakistan¹⁴ Punjabi (44.1 per cent), Sindhi (14.1 per cent), Balochi (3.7 per cent), Seraiki (10.5 per cent), Pashtun (15.4 per cent), Urdu speaking Mohajir community (7.5 per cent) and Balti languages. However, owing to geographical proximity and cultural affiliation of the people, Kashmiri language has also been made a part of this study.

The sample was divided into eight ethnic groups and a quota of 50 students was assigned to each of them, thus making the total sample size,

¹⁴ Jacqueline McCann, *Changing the World Pakistan* (London: Encyclopaedia Britannica, 2010), 7.

n=400. During the pilot testing phase of the study, some of the students especially from Balochistan showed reluctance towards participation in the study, therefore, as noted by Podesva and Sharma¹⁵ the services of facilitators were acquired. Besides knowing the structure of their community very well, they also had an authoritative say in the community of students in the universities wherein they were enrolled.

Most of the questionnaires were personally administered in the class rooms and hostels of QAU, NDU and the IIU Islamabad. The rest of them were filled with the help of facilitators who were clearly explained the purpose of the research and method of administration of the questionnaires. In total, 362 surveys were collected. Thus, the overall response rate was 90.5 per cent.

About 77 per cent of the respondents were male. 31.2 per cent were from Bachelors, 53.6 per cent and 14.6 per cent from Master and MPhil classes while 0.6 per cent were enrolled in PhD classes respectively. Around 22.4 per cent and 18.0 per cent indicated that they were from Punjab and Sindh respectively while 6.1 per cent and 18.2 per cent belonged to the Khyber Pakhtunkhwa (KPK) and Balochistan. 8.6 per cent of the students were residents of Islamabad Capital Territory. While 1.4 per cent while 6.1 per cent were inhabitants of Federally Administered Tribal Area (FATA), another 11.6 per cent and 13.8 per cent belonged to Azad Jammu and Kashmir and Gilgit-Baltistan respectively. Moreover, 80 per cent of the respondents had an average age of 21-25 years.

The questionnaire comprised two parts. One part contained demographic information as well as the ethnic affiliation that was designed as independent variable for the sake of this study. The second part consisted of 20 items dealing with the scope of terrorism, rights of terrorists, punishments of terrorists, military courts, ethnicity and terrorism. A five-point Likert scale was used, ranging from 'strongly disagree' to 'strongly agree' to measure the responses of the students. These questions/items are given in table no.1.

¹⁵ Robert J Podesva and Devyani Sharma, *Research Methods in Linguistics* (Cambridge: Cambridge University Press, 2013), 201.

Findings

Table no.1 presents the frequency of responses of various ethnic groups against 20-items dealing with scope of terrorism, rights of terrorists, installation of military courts as well as ethnicity and terrorism. The overall view of all eight ethnic groups overlaps on many items of the scale that was developed to test the hypothesis. The scope of terrorism is measured via frequency responses on seriousness of terrorists' threat, composition of terrorists groups and perception of the students on public policy on counter-terrorism. About 88 per cent of the surveyed students either strongly agreed or agreed that terrorism poses the most serious threat to the national security of Pakistan.

However, there was a mixed response to the status of members of the armed groups and militia that are operative in Pakistan. While 33 per cent of the students agreed that armed groups, militias or their member are all terrorists, another 38 per cent disagreed with this statement while remaining 28 per cent were uncertain on the status of such a group or their members. Similarly, against 46 per cent of the respondents who believed that speaking against the public policy on counter-terrorism did not mean that they supported terrorism, 37 per cent held opposite views.

Out of 20 items in the questionnaire, four were reserved for legal rights, privacy rights, detention without court warrants and choosing between rights and national security. Only two-third of the students either agreed or strongly agreed with the point that terrorists deserve the same legal and constitutional rights that are endowed on ordinary citizens. Of all the ethnic groups, about 49 per cent agreed and 30 per cent disagreed in some form that violating the privacy of households by civilian law enforcement agencies and armed forces while searching for the suspected terrorists is a justifiable act.

Besides this, nearly half of the sampled population believed that it is a lawful act to detain terrorists without court warrants. Additionally, more than half of the students either agreed or strongly agreed that national security deserves priority over individual human rights. This was further supported by another statement when students were asked whether it was right to detain suspected terrorists because of national security, only 15 per cent strongly disagreed to this statement and 45 per cent strongly agreed to it.

Next six items of measurement scale dealt with the punishment of terrorists. It encompassed the discretionary powers of agencies; death as the ultimate penalty and the attitude towards the death penalty; frequency of attacks in the event terrorists were given safe exits by courts due to discrepancies in the criminal justice system; the right to appeal against the death penalty and the issue of prosecution. While no part of the country is spared from attack, around 63 per cent of respondents either agreed or strongly agreed that state's law enforcement agencies should be given a free hand to curb the menace of terrorism. However, only 12 per cent of them did not agree with that statement. Compared with 75 per cent of the respondents who supported or strongly supported the death penalty for detained terrorists, only 7 per cent strongly disagreed with the same statement.

Similarly, responses of the respondents showed that nearly two-thirds of them would be unhappy if terrorists were not sentenced to death. Also, 76 per cent of the sampled population believed that the frequency of terrorists' attacks would surge if they were not brought to justice. Against 24 per cent of the respondents, 60 per cent believed that convicted terrorists should not be given the right of appeal even if they are sentenced to death. In addition to this disagreement on the right of appeal, nearly two-third of the students either agreed or strongly agreed that terrorists who are in Pakistan must be prosecuted without taking note of their nationality and proximity of attacks.

Two items dealt with military courts and opening of fire on suspected terrorists. Against 53 per cent of the students who agreed or strongly agreed with the statement that military and civil armed forces have the right to open fire on suspected terrorists, 30 per cent were opposed to that statement and the remaining respondents remained neutral. Around 62 per cent of the students were in favour of military courts and agreed or strongly agreed that they would do justice with the terrorists and 26 per cent of them disagreed with this statement.

The last portion of the scale was aimed at measuring the relationship between ethnicity and terrorism. While 40 per cent of the students agreed that ethnic affiliation has to do with potential terrorists, another 40 per cent rejected this statement and the remaining 20 per cent were uncertain. In addition to this, more than 50 per cent of the students rejected the statement that violence committed by ethnic groups for the realisation of their political ends and for the betterment of their province/region was a justifiable act.

However, against 53 per cent of the respondents, 29 per cent either agreed or strongly agreed that carrying out criminal activity for the cause of a province/region was justifiable act. Lastly, nearly two-thirds of sampled population trusted in military courts and believed that ethnic militant groups should also be tried in military courts.

If we observe frequency responses of individual ethnic groups on various dimensions of terrorism we find that they are united on various fronts. As far as the scope of terrorism is concerned, all of the eight major ethnic groups in Pakistan showed an almost similar response on first item, which states that terrorism is one of the most serious threats to the security of Pakistan. 76 per cent of the Mohajirs (the Urdu speaking community in Sindh, particularly in Karachi and Hyderabad) and 94 per cent of Seraikis either agreed or strongly agreed to that statement and the response of other six ethnic groups lay in between the two.

Contrary to this, with a slight variation, all ethnic groups had a similar response to the question whether armed groups, militias and their members are all terrorists. While the frequency ranged between 41-62 per cent for disagreeing or strongly disagreeing with the statement that reads “speaking against government’s policies is to support terrorists” and uncertainty ranged from 12-18 per cent from all other ethnic groups, 29 per cent of the Mohajirs were uncertain about their response and 24 per cent either disagreed or strongly disagreed with the same statement

Balochi and Mohajir students showed a similar attitude towards the legal and constitutional rights of terrorists. More than one half of both ethnic groups agreed that terrorists do not deserve any legal and constitutional rights. On the same issue, 28 per cent and 12 per cent of the Pashtu speaking respondents were uncertain and showed disagreement. In addition to this, against the other six groups of students, those having either Baloch or Pashtun ethnic affiliation showed a different attitude towards privacy. For instance, while one half of the former agreed that violating privacy in order to search for terrorists was justifiable, only one-third of the latter had the same response.

Similarly, around 60 per cent of Mohajir, Punjabi and Kashmiri speaking respondents, with slight variation, agreed that detaining suspected terrorists was a rightful act. Contrary to this, nearly half of the sampled

population, having affiliation to Balochi and Pashtu languages, disagreed with the same statement. Moreover, half of the respondents of all the major ethnic groups agreed to accord priority to the national security over individual rights; the remaining half respondents were either uncertain or disagreed with the statement. In addition to this, for one-third of Punjabi, Saraiki, Kashmiri and Balti respondents and one-half of Sindhi, Pashtu and Urdu speaking students, detaining suspected people for the cause of national security was a rightful act.

With regards to curbing terrorism through punishment, the frequency of either agreeing or strong agreeing on giving a free hand to the law enforcement agencies, the responses ranged between 36 per cent and 78 per cent. While Punjabi, Mohajir and Saraiki were on one end of this frequency line, Saraiki, Balti and Balochi ethnic groups were on the opposite end. Additionally, nearly two-thirds of the respondents of all of the ethnic groups unanimously agreed on the statements that “terrorists deserve death penalty; I will be angry if terrorists are not sentenced to death, if terrorists are given safe exit, they will commit more attacks; terrorist should have no right of appeal even if they are sentenced to death and wherever the act of terrorism is committed, a terrorist must be prosecuted.”

However, some of the ethnic groups showed differing patterns. For example, 40 per cent of the Seraiki, Balti and Balochi students either agreed or strongly agreed and another 40 per cent showed opposite response on statement relating to giving full discretion to law enforcement agencies to tackle the menace of terrorism. Similarly, all the responses of Balochi students against the above given statement ranged from strongly agreed to strongly disagreed and there was not any one kind of responses.

In response to the establishment of military courts and opening up fire on suspected terrorists, there was no unanimous response. 71 per cent of the Mohajirs held view that military and civil armed forces should have right to open fire on terrorists. While more than half the rest of respondents agreed to the same statement, 46 per cent of the Balochi students disagreed and 40 per cent agreed to the same statement, while the remaining were neutral. Moreover, around two-thirds of the students believed that military courts would do proper justice with the terrorists and more than one third of Sindhi, Balochi and Pashtu speaking students held opposite views.

While 65 per cent of the Mohajirs and 56 per cent of the Seraikis agreed to the statement that ethnic status was an important indicator to identify potential terrorists, 64 per cent of the Pashtu speaking respondents disagreed with the same statement. In addition, with little deviation in responses from the Balti, Balochi and Pashtu speaking respondents, more than half of the rest of the sampled population denounced violence for the realisation of political purposes. Similarly, all of the respondents showed disagreement with the statement relating to the pursuance of criminal activities for the cause of a region/province. While Balochis were divided in two camps on a statement relating to the trial of ethnic militant groups in military courts, 82 per cent of the Mohajir and near two-third of the rest of the respondents agreed with the same statement.

Table No.1
Normal and Percentage of Frequency Distribution
of Ethic Groups and Punishment of Terrorists

Statements	Punjabi (N=46)			Sindhi (N=50)			Baloch (N=50)			Pashtu (N=50)			Sarajki (N=50)			Kashmiri (N=50)			Balti (N=50)			Mohajir (N=17)			Aggregate Response (N=362)																					
	S	D	U	A	S	D	U	A	S	D	U	A	S	D	U	A	S	D	U	A	S	D	U	A	S	D	U	A	S	D																
Terrorism is one of the most serious threats to the security of Pakistan.	4	3	2	8	29	5	1	0	17	5	1	1	15	32	4	3	0	11	32	2	2	9	34	2	0	1	3	10	25	15	12	81	288													
Terrorists do not deserve any legal and constitutional rights.	**	9	7	4	17	63	10	2	0	34	54	10	2	2	2	130	64	8	6	0	22	64	4	4	18	69	12	0	6	18	59	7	4	3	22	63										
Armed groups, militias or their members are all terrorists.	**	11	15	2	22	50	6	14	14	28	38	22	18	8	24	28	6	6	28	20	40	6	14	12	30	38	12	10	8	32	38	6	4	6	33	49	0	0	29	24	41	9	11	12	27	40
Speaking against government's policies on terrorism means to support terrorists.	**	10	11	14	8	3	10	12	13	9	6	11	12	10	8	9	10	6	16	7	11	6	9	19	9	7	10	11	9	5	8	21	8	6	3	4	1	4	5	65	73	103	64	56		
Searching terrorists by forces, even at the cost of violating privacy, is justifiable act.	**	2	17	8	13	6	8	17	9	12	4	14	17	7	8	4	15	10	7	11	7	11	12	9	10	8	14	6	16	6	2	18	7	14	8	1	3	5	6	2	61	108	58	90	45	
It is rightful act to detain terrorists without court orders.	**	4	24	24	39	9	6	12	22	50	8	26	22	26	18	8	28	18	20	28	6	10	18	8	38	26	2	28	18	28	24	2	12	25	27	14	6	6	29	41	12	11	19	21	36	14
An individual's rights must be respected even when the national security is at stake.	**	2	14	3	17	10	7	9	19	6	17	6	10	11	6	13	14	5	11	7	6	12	10	11	11	2	10	5	21	12	4	12	9	15	8	2	1	4	9	1	53	78	55	114	61	
For the cause of national security, deeming suspected people is rightful act.	**	4	30	7	37	23	14	18	18	38	12	34	12	20	22	12	26	28	10	22	14	12	24	20	22	22	4	20	10	42	24	8	25	18	31	16	12	6	24	53	6	15	22	15	32	17
Law enforcement agencies should be given free hand to curb terrorism.	**	7	8	12	11	4	11	7	17	11	8	3	12	13	14	6	12	11	14	7	7	8	9	15	11	2	8	9	16	15	7	5	11	22	4	1	2	3	9	2	42	57	70	118	75	
Terrorists deserve the death penalty.	**	15	17	17	26	24	8	22	14	34	22	16	6	24	26	28	12	24	22	28	14	14	16	18	30	22	4	16	18	32	30	14	10	22	45	8	6	12	18	53	12	12	16	20	33	21
Law enforcement agencies should be given free hand to curb terrorism.	**	4	5	26	8	5	7	11	23	4	6	13	10	15	6	1	17	22	2	1	9	6	28	6	1	7	19	15	3	4	12	21	9	2	2	4	8	1	22	53	72	162	51			
Terrorists deserve the death penalty.	**	7	9	11	57	17	10	14	22	26	8	12	26	20	12	2	14	34	44	4	2	18	12	56	12	2	14	14	38	30	6	8	25	18	12	24	47	6	6	15	20	45	14			
Terrorists deserve the death penalty.	**	6	2	20	16	7	2	9	22	10	12	8	12	10	8	4	15	6	16	9	7	6	14	17	2	8	3	18	19	3	2	7	12	25	0	3	7	4	37	50	48	119	108			
Terrorists deserve the death penalty.	**	4	13	4	44	35	14	4	18	44	20	24	16	24	20	16	8	30	12	32	18	18	12	28	34	4	16	6	36	38	6	4	14	25	51	0	18	18	41	24	10	14	13	33	30	
Terrorists deserve the death penalty.	**	3	3	4	10	26	5	3	9	14	19	8	11	8	5	18	1	2	6	20	21	4	4	9	29	2	5	2	19	22	2	1	0	20	26	0	5	6	6	25	39	36	103	167		
Terrorists deserve the death penalty.	**	7	7	9	22	37	10	6	18	28	38	16	22	16	10	36	2	4	6	40	42	8	8	18	38	4	10	4	38	44	4	2	0	41	53	0	0	29	35	35	7	8	11	29	46	

Continued on next page.

Punishing Terrorists

Statements	Punjabi (N=46)			Sindhi (N=50)			Baloch (N=50)			Pashtu (N=50)			Saraiki (N=50)			Kashmiri (N=50)			Balti (N=50)			Mohajir (N=17)			Aggregate Response (N=362)																				
	S	D	U	A	SA	SD	D	U	A	SA	SD	D	U	A	SA	SD	D	U	A	SA	SD	D	U	A	SA	SD	D	U	A	SA	SD	D	U												
I will be angry if terrorists are not sentenced to death.*	3	5	4	20	14	4	8	11	14	13	8	7	18	4	12	2	10	6	14	17	2	9	3	13	23	2	3	7	14	23	1	2	5	19	21	1	1	3	7	5	23	45	57	105	128
** If terrorists are given safe exit they would commit more attacks.	7	11	9	44	30	8	16	22	28	26	16	14	36	8	24	4	20	12	28	34	4	18	6	26	46	4	6	14	28	46	2	4	10	39	43	6	6	18	41	29	6	12	16	29	35
** Terrorists should have no right of appeal even if they are sentenced to death.	3	3	1	14	25	3	4	21	17	6	7	20	11	2	12	5	15	16	3	5	4	15	23	1	5	4	22	17	2	2	19	24	1	1	0	8	7	21	38	27	134	140			
** Military and civil armed forces have the right to open fire on suspected terrorists.*	7	7	2	30	54	6	8	42	34	12	12	14	40	22	4	24	10	30	32	6	10	8	30	46	20	10	8	44	34	4	4	39	49	6	6	0	47	41	6	11	8	37	38		
** Military courts would do proper justice with the terrorists.	6	7	4	17	12	4	14	8	16	8	11	12	7	16	4	2	9	17	8	14	5	13	7	8	17	1	13	10	14	12	3	5	9	11	21	1	2	12	0	33	75	64	108	88	
** Whenever the act is committed, terrorist must be prosecuted.*	13	15	9	37	26	8	28	8	32	16	22	24	14	32	8	4	18	34	16	28	10	26	14	16	34	2	26	20	28	24	6	10	18	22	43	6	12	12	71	0	9	21	18	28	24
** It is important to consider race/ethnic status to identify potential terrorists.*	5	4	3	23	11	7	9	7	19	8	14	8	15	5	8	11	8	13	10	3	9	7	13	18	2	6	3	29	10	2	3	7	20	17	1	2	2	10	2	42	52	45	142	81	
** Violence committed by ethnic groups for political purposes is justifiable.	11	9	7	50	24	14	18	14	38	16	28	16	30	10	16	22	16	26	20	6	18	14	26	56	4	12	6	58	20	4	6	14	41	35	6	12	12	59	12	12	14	12	39	22	
** It is justifiable to carry out criminal activity for the cause of a province/region.	0	3	9	16	17	5	6	8	27	4	3	7	10	19	10	1	6	16	18	9	2	7	10	22	8	2	6	18	18	1	4	15	18	11	0	1	5	6	4	14	40	79	144	81	
** Ethnic militant groups should also be tried in military courts.	0	7	20	33	37	10	12	16	54	8	6	14	20	38	20	2	12	32	36	18	4	14	20	44	16	4	12	12	36	36	2	8	31	37	22	0	6	35	24	94	4	11	22	40	22
** Note. SD = Strongly Agree, D = Disagree, U = Uncertain, A = Agree, SA = Strongly Agree. * = Normal Frequency Distribution. ** = Percentage Frequency Distribution. The order in this table is not the same as the one given in the survey. Percentage total may not be equal to 100% due to rounding.	9	7	11	16	2	7	13	10	12	6	11	9	15	13	2	20	12	3	8	7	4	10	8	24	4	2	19	8	12	8	5	16	15	4	1	2	3	7	4	59	80	74	107	37	
** Ethnic militant groups should also be tried in military courts.	20	15	24	35	4	14	26	20	24	12	22	18	30	26	2	40	24	6	16	7	8	20	16	48	8	4	38	16	24	16	10	16	33	31	8	6	12	18	41	24	16	22	20	30	10
** It is justifiable to carry out criminal activity for the cause of a province/region.	14	15	5	9	3	10	17	11	10	2	12	11	8	12	7	14	10	9	15	2	14	12	10	11	3	13	13	8	9	7	12	15	11	0	8	3	1	4	0	92	93	68	81	24	
** Note. SD = Strongly Agree, D = Disagree, U = Uncertain, A = Agree, SA = Strongly Agree. * = Normal Frequency Distribution. ** = Percentage Frequency Distribution. The order in this table is not the same as the one given in the survey. Percentage total may not be equal to 100% due to rounding.	30	33	11	20	7	20	34	22	20	4	24	22	16	24	14	28	20	18	30	4	28	25	20	22	6	26	26	16	18	14	14	25	33	22	0	47	18	6	24	0	25	26	19	22	7
** Ethnic militant groups should also be tried in military courts.	15	11	7	8	5	10	15	12	9	4	14	15	12	7	2	18	18	5	8	1	14	11	8	11	6	13	14	1	14	8	4	15	19	1	5	6	1	3	2	97	94	61	79	29	
** Note. SD = Strongly Agree, D = Disagree, U = Uncertain, A = Agree, SA = Strongly Agree. * = Normal Frequency Distribution. ** = Percentage Frequency Distribution. The order in this table is not the same as the one given in the survey. Percentage total may not be equal to 100% due to rounding.	33	24	15	17	11	20	30	24	18	8	28	30	24	14	4	36	36	10	16	2	28	22	16	22	12	26	28	2	28	16	16	8	31	39	2	29	35	6	18	12	27	26	17	22	8
** Ethnic militant groups should also be tried in military courts.	4	6	10	13	13	4	10	10	17	9	11	9	8	11	11	1	5	9	18	17	2	6	7	21	14	3	6	4	21	16	2	4	5	21	16	1	1	8	6	28	47	54	130	102	
** Note. SD = Strongly Agree, D = Disagree, U = Uncertain, A = Agree, SA = Strongly Agree. * = Normal Frequency Distribution. ** = Percentage Frequency Distribution. The order in this table is not the same as the one given in the survey. Percentage total may not be equal to 100% due to rounding.	9	13	22	28	8	20	20	34	18	22	18	16	22	22	2	10	18	36	34	4	12	14	42	28	6	11	8	42	32	4	8	10	43	33	6	6	6	47	35	8	13	15	36	28	

An analysis of frequency response showed that although a majority of the students belonging to eight different ethnic groups, the participants posed same attitude towards many of the items in the questionnaire, yet some of them have different outlooks towards terrorism, human rights and terrorism, punishment of terrorists, military courts as well as watching terrorism from angle of ethnicity. According to Verma,¹⁶ when there are more than two independent variables influencing a dependent variable, for drawing differences in the means of the responses, one-way ANOVA is used. As there were eight major ethnic groups that were identified as independent variables and punishment of terrorism as dependent variable, to account for differences in the attitude of the respondents, one-way ANOVA was run and results are presented in table no. 2.

The results reveal that irrespective of the ethnic background, all of the respondents agreed on the 35 per cent of the items (with $p \leq .1$), which were presented in the questionnaire. The respondents agree that terrorism is one of the most serious threats to the security of Pakistan; they do not hesitate to claim that armed groups, militias and their members are terrorists; they believe that speaking against policies on terrorism means to support the terrorists; they advocate sanctity of individual rights vis-à-vis national security; they support denying right of appeal to those terrorists who are sentenced to death and prosecution of terrorists and hold that ethnic violence for political purpose is a justifiable act.

On the rest of the items, linked with counter-terrorism policy of the states, the respondents did not put up a united front. While on statements related to legal and constitutional rights of terrorists, giving terrorists safe exist and frequency of attacks as well as justification of criminal activity to promote provincial cause; the respondents simply disagreed. The respondents strongly rejected the remaining 50 per cent of the items which include: search of terrorists at the cost of privacy; detaining terrorists without court orders; detaining suspected people for the cause of national security; giving free hand to agencies working in the field of counter-terrorism; giving death penalty to the terrorists; opening fires on suspected terrorists; trust in due processes of the military courts; ethnicity as an indicator of potential terrorists and trial of ethnic militant groups in military court.

¹⁶ J P Verma, *Data Analysis in Management with SPSS Software* (New Delhi: Springer, 2013), 222.

Punishing Terrorists

By examining the differences within the groups it is evident that the views of the respondents from Balochistan differ significantly from the respondents belonging to the other ethnic groups. Baloch and Pashtuns hold similar views on search of terrorists by forces even at the cost of violation of privacy, yet the opinion of these two groups differ in significant way from the other six ethnic groups. In contrast to the other groups, Punjabis significantly differ from Baloch and Pashtun respondents on question of detaining terrorists without court orders.

Table No.2
Differences between Ethnic Groups on Military Courts and Punishment of Terrorists

Statements	Punjabi (N=40)		Sindhi (N=50)		Balochi (N=50)		Pashtun (N=50)		Sarakhi (N=50)		Kashmiri (N=50)		Balti (N=50)		Mahajir (N=17)		F-value	Sig. Level
	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD		
Terrorism is one of the most serious threats to the security of Pakistan.	4.20	1.310	4.20	1.229	4.24	1.271	4.30	1.165	4.52	0.814	4.28	1.246	4.45	1.042	4.19	1.377	0.507	.829***
Terrorists do not deserve any legal and constitutional rights.	3.85	1.460	3.78	1.266	3.18	1.561	3.82	1.207	3.04	1.195	3.74	1.382	4.17	1.136	4.13	0.855	2.267	.029**
Armed groups, militias or their members are all terrorists.	2.63	1.990	2.78	1.298	2.84	1.419	3.06	1.406	3.04	1.195	2.96	1.414	3.04	1.129	3.24	1.562	0.772	.612***
Speaking against government's policies on terrorism means to support terrorists.	3.09	1.170	2.74	1.226	2.42	1.279	2.70	1.460	2.84	1.405	2.96	1.324	3.16	1.214	3.29	1.105	1.907	.069***
Searching terrorists by forces, even at the cost of violating privacy, is justifiable act.	3.24	1.058	3.43	1.021	2.60	1.278	2.66	1.319	3.52	1.328	3.44	1.198	3.59	0.956	3.50	1.033	5.422	.000*
It is rightful act to detain terrorists without court orders.	3.41	1.257	3.16	1.267	2.66	1.451	2.70	1.259	3.18	1.351	3.62	1.176	3.23	1.242	3.35	1.115	3.127	.003*
An individual's rights must be respected even when the national security is at stake.	3.26	1.405	3.40	1.278	3.44	1.387	3.08	1.259	3.30	1.359	3.68	1.186	3.22	1.195	3.53	1.068	0.985	.442***
For the cause of national security, detaining suspected people is rightful act.	3.70	1.072	3.28	1.126	3.04	1.245	3.35	0.855	3.58	0.992	3.82	1.093	3.59	1.079	3.24	1.147	2.749	.000*
Law enforcement agencies should be given free hand to curb terrorism.	3.91	1.151	3.52	1.266	2.88	1.409	3.22	1.282	3.56	1.431	3.88	1.206	4.10	1.177	3.71	1.047	4.813	.001*
Terrorists deserve the death penalty.	4.15	1.229	3.78	1.298	3.28	1.539	4.16	0.934	4.10	1.313	4.08	1.122	4.37	0.929	4.06	0.827	3.797	.001*
I will be angry if terrorists are not sentenced to death.	3.80	1.185	3.48	1.266	3.10	1.373	3.69	1.262	3.92	1.275	4.08	1.115	4.19	0.938	3.82	1.131	3.984	.000*
If terrorists are given safe exist, they would commit more attacks.	4.20	1.185	3.92	1.152	3.48	1.297	3.62	1.276	4.00	1.229	4.00	1.021	4.24	1.011	4.12	1.111	2.517	.015**
Terrorists should have no right of appeal even if they are sentenced to death.	3.70	1.280	3.44	1.296	3.08	1.426	3.44	1.402	3.60	1.400	3.76	1.170	3.73	1.317	3.76	0.970	1.473	.176***
The military and civil armed forces have right to open fire on suspected terrorists.	3.48	1.378	3.20	1.245	2.80	1.325	3.46	1.990	3.38	1.441	3.46	1.182	3.86	1.258	3.47	0.943	2.695	.010**
Military courts would do proper justice with the terrorists.	3.67	1.248	3.24	1.318	3.78	1.404	3.12	1.394	3.68	1.301	3.78	1.036	3.96	1.060	3.59	1.064	4.874	.000*
Wherever the act is committed, a terrorist must be prosecuted.	4.04	0.928	3.38	1.123	3.58	1.197	3.56	0.993	3.55	1.062	3.88	1.154	3.69	0.983	3.81	0.911	1.869	.074***
It is important to consider race/ethnic status to identify potential terrorists.	2.89	1.229	2.94	1.278	2.72	1.196	2.40	1.498	3.28	1.126	3.10	1.212	3.10	1.115	3.65	1.169	3.154	.003*
Violence committed by ethnic groups for political purposes is justifiable.	2.39	1.291	2.54	1.147	2.82	1.410	2.62	1.292	2.54	1.281	2.68	1.406	2.67	1.012	2.06	1.289	0.876	.525***
It is justifiable to carry out a criminal activity for the cause of a province/region.	2.50	1.394	2.64	1.225	2.36	1.156	2.12	1.136	2.68	1.406	2.80	1.498	3.02	1.132	2.47	1.419	2.202	.034**
Ethnic militant groups should also be tried in military courts.	3.54	1.277	3.34	1.222	3.04	1.484	3.90	1.055	3.78	1.112	3.82	1.190	3.94	1.080	4.00	1.118	3.470	.001*

Note: SD = Standard Deviation. One-Way ANOVA was used. *n < .01 **n < .05 ***n < .1

Interestingly, on the very same statement, Kashmiri respondents hold altogether different views from those of the Balochi and Pashtun

respondents. Moreover, Punjabi and Kashmiri respondents did not agree with the Baloch respondents on the issue of detaining suspected people. In contrast to the rest of sample, Baloch and Pashtun strongly opposed that law enforcement agencies should be given free hand to curb terrorism. Also, Baloch people were singled out in the sense that they were not in support of sentencing death to the terrorists. Sindhi, Baloch and Pashtun held opposite views from those of the other groups on giving safe exits to the terrorists and frequency of terrorist attacks.

Likewise, they believed that military courts would not do proper justice with those being tried in cases of terrorism. Sindhi, Mohajir and Baloch also agreed that forces do not have the right to open fire on suspected terrorists. Conversely, Seraiki, Mohajir, Kashmiri and Balti held the view that race and ethnicity was linked with identification of potential terrorists. Kashmiri, Seraiki and Balti also believed that it is justifiable to carry out a criminal activity for the sake of a province and region. Similarly, Baloch and Sindhi also differ from the rest of the respondents on the statement about the trial of ethnic militant groups in military courts.

**Table No.3
Ordered (Ordinal) Regression Result**

Statement	Gen	Edu	Age	Reg	Inst	R-Squared
Terrorism is one of the most serious threats to the security of Pakistan.	.526	.141	.104	.418	.242	.088
Terrorists do not deserve any legal and constitutional rights.	.768	.792	.083	.025**	.266	.116
Armed groups, militias or their members are all terrorists.	.115	.245	.851	.393	.033**	.126
Speaking against government's policies on terrorism means to support terrorists.	.760	.738	.676	.025**	.762	.090
Searching terrorists by forces, even at the cost of violating privacy, is justifiable act.	.951	.002*	.681	.000*	.030**	.178
It is rightful act to detain terrorists without court orders.	.619	.055	.934	.000*	.290	.156
An individual's rights must be respected even when the national security is at stake.	.562	.951	.017**	.160	.031**	.152
For the cause of national security, detaining suspected people is rightful act.	.565	.394	.572	.005*	.588	.123
Law enforcement agencies should be given free hand to curb terrorism.	.832	.196	.083	.000*	.419	.184
Terrorists deserve the death penalty.	.279	.176	.173	.026**	.203	.126
I will be angry if terrorists are not sentenced to death.	.318	.030*	.376	.000*	.606	.160
If terrorists are given safe exist, they would commit more attacks.	.261	.004*	.032**	.009*	.072	.153
Terrorists should have no right of appeal even if they are sentenced to death.	.192	.757	.511	.058	.600	.091
The military and civil armed forces have right to open fire on suspected terrorists.	.251	.493	.029**	.004*	.314	.123
Military courts would do proper justice with the terrorists.	.135	.686	.628	.000*	.666	.160
Wherever the act is committed, a terrorist must be prosecuted.	.928	.784	.796	.160	.817	.079
It is important to consider race/ethnic status to identify potential terrorists.	.198	.064	.990	.057	.071	.104
Violence committed by ethnic groups for political purposes is justifiable.	.576	.027**	.426	.165	.565	.091
It is justifiable to carry out a criminal activity for the cause of a province/region.	.520	.047**	.648	.013**	.004*	.134
Ethnic militant groups should also be trialed in military courts.	.897	.839	.869	.053	.986	.072

Note. In this table, Gen = Gender; Edu=Education attained; Reg=Region; and Inst=Institute where education acquired.

Gender was measured as male=1 and female=2. **Level** stands for degree program enrolled and was measured with Bachelor=1, Masters=2, MS/MPhil=3 and PhD=4. **Age** was measured in categorical scale as 20 or below=1, 21–25=2, 26–30=2, 31–35=3, 36–40=4 and 40 or above=5. **Region** was assigned categorical scale with Punjab=1, Sindh=2, KPK=3, Balochistan=4, Islamabad=5, FATA=6, Azad Jammu and Kashmir=7 and Gilgit Baltistan=8. Institute (in Islamabad) were categorized as Quaid-i-Azam University=1, National Defence University=2, Islamic International University= 3 (students from other universities in Punjab and Sindh were also categorized). **Ethnicity** was measured with Balochi=1, Balti=2, Kashmiri=3, Mohajir=4, Pashtun=5, Punjabi=6, Saraiki=7 and Sindhi=8. *p ≤ .01, **p ≤ .05

There is a possibility that other facts, for instance, demographic factors may have shaped the views of the respondents about terrorism and punishment of terrorists. Tyler and Boeckmann¹⁷ in their investigation of support for punishment of rule breakers found that certain demographic factors like education and age tended to shape the opinion of respondents. Also, young people with lower education tend to support punitive measures. Furthermore, in their cross cultural study involving 14 different countries to know attitude towards punishment Kuhn¹⁸ found that gender has negligible effect on attitude towards punishment. After analysing empirical data, they also concluded that more educated people are less punitive and vice versa.

Our Ordered Ordinal Regression results (presented in table no. 3) show that gender does not have much significant impact on attitude towards the punishment of terrorists. Likewise, the results partly conform to the results of studies cited above. However, both the level of education and educational institution had more impact in forming a particular attitude towards punishment than the age of respondents. Additionally, R-squared values also confirmed that demographic variables do not account too much for variation in attitude toward the punishment of terrorists.

Discussion and Conclusion

One of the unresolved issues in Pakistan is the lack of shared ethnicity¹⁹ and, therefore, it remains the heart of the matter in the contemporary administration of the criminal justice system in Pakistan. While looking from ethno-nationalist angle, our results show that the view of Baloch students differs from those of the rest of the respondents in the sample. Moreover, even within Punjab, Seraiki respondents have different perspectives than those of the Punjabi students. Instead of accepting ethno-diversities, nation building policies on nation-state model in Pakistan seem to be producing less effective results and this may have severe consequences. To accommodate such diversities, the policy makers may

¹⁷ Tom R Tyler and Robert J Boeckmann, "Three Strikes and You are Out, but Why? The Psychology of Public Support for Punishing Rule Breakers," *Law & Society Review* 31, no. 2 (1997): 237-266.

¹⁸ Andre Kuhn, "Attitudes Towards Punishment," in *Understanding Crime: Experiences of Crime and Crime Controlled*. Frate AA d., Del Frate AA, Zvekcic U, Van Dijk JJM (Rome: UNICRI, 1993), 274-276.

¹⁹ Ahmed Rashid, "The Situation in Pakistan," *Asian Affairs* 41, no. 3 (2010): 367-380.

look on the alternative model of “state-nations” advocated by Stepan, Linz and Yadav.²⁰

The public’s attitude towards the punishment of criminals is not only complex but ideologically diverse.²¹ Instead of human, economic and material losses, the public’s dwindling support of anti-terrorist measures may have three implications: 1) that the elite who form policy attach little importance to what the public thinks about politico-administrative issues; 2), the general population does not see the solution of their problem via military channels and 3), a point has come when there is a dire need of overhauling the criminal justice system to restore public trust in civilian institutions.

Empirical studies also reveal that attitude towards punishment of criminals is linked with the social conditions and social values.²² The results of such studies have an implication for this research as well. For instance, during data collection phase of this research, it has been observed that Baloch and Mohajir (Urdu speaking respondents of Karachi) were reluctant to complete this survey instrument. They feared that expressing opinion would have some negative effects on their personal and family life.

Globally, public at least accepts those policies of awarding tough punishment to the offenders.²³ In Pakistan, with the installation of military courts and execution of National Action Plan in January 2015, scores of terrorists have been awarded death sentences. Still, there are more cases being registered against the terrorists, their supporters and facilitators. However, strong rejection of 50 per cent of the hypothesis and additional mild rejection of 25 per cent of the propositions lets us hold and think: where is the fault line? As the anti-terrorism policies as well as policy instruments radiate from the military establishment, perfectly matches with Finer’s identification of Pakistan with low political culture characterised

²⁰ Alfred Stepan, Juan Linz and Yogendra Yadav, “The Rise of ‘State-Nations,’” *Journal of Democracy* 21, no. 3 (2010): 50-68.

²¹ Francis T Cullen, Bonnie S Fisher and Brandon K Applegate, “Public Opinion about Punishment and Corrections,” *Crime and Justice* 27 (2000): 1-79.

²² Tyler and Boeckmann, “Three Strikes and You are Out.”

²³ Cullen, Fisher and Applegate, “Public Opinion about Punishment and Corrections.’

with weakly organised public, disputed institutions and procedures and fluid state of public opinion against military's influence in politics.²⁴

The results can be discerned from an institutional point of view as well. In the analysis of tension between strong agencies and political leadership Migdal²⁵ notes that in the absence of political mobilisation of public support by the political leadership few agencies not only dominate, rather the top officials develop a particular view about the purpose, structure and functions of the state that threatens the very stability and coherence of a state. The past of Pakistan as well as its present point towards this fact.

This research implies that incapacity of the civil administration to prosecute and execute the terrorists leaves a big question mark on the administration of criminal justice system of Pakistan. This research leaves us to further explore: How support for terrorism has been systematically and otherwise inculcated in the young minds? What are the other policy alternatives and policy instruments to reverse this trend?

²⁴ Samuel E Finer, *The Man on Horseback: The Role of the Military in Politics* (New Brunswick & London: Transaction Publishers, 2002), 24-26.

²⁵ Joel S Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), 71-72.