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PECA — A Law Enacted in the Name of Protecting Women, Failing Them a Decade Later: The Naila Rind Acquittal and Pakistan's Response to Tech Facilitated Gender Based Violence

Digital Rights Foundation (DRF) has reviewed the Sindh High Court's judgment in Criminal Jail Appeal No. D-11 of 2023, acquitting Anees Ahmed in the case relating to the 2017 death of Naila Rind, a student at the University of Sindh. DRF is concerned by this outcome, and while we do not dispute the Court's authority to reach it, we believe it reflects that gaps in our investigative and legal systems which remain when it comes to technology-facilitated gender-based violence (TFGBV).

As an organization that has been working since 2013 to advance digital rights and online freedoms across South Asia and the Global Majority, we have been engaged in community work and policy advocacy to make online spaces safer, more inclusive, and rights-respecting to empower women, human rights defenders, and marginalized communities. Given our stated mission, we are issuing this statement to draw attention to what this case reflects about how Pakistan's justice system investigates TFGBV cases.

While we refrain from commenting on the guilt or innocence of the accused because that determination rests with the courts, our concern is based on the evidentiary and institutional failures that led to this acquittal, which may recur across cases involving online harassment and blackmail, and can disproportionately fail women survivors.

DRF noted that the acquittal in this case is based on a finding that the prosecution failed to prove its case, due to serious gaps in how evidence was handled and presented;

- Private photographs were recovered from Anees's own phone, but not any communication proving he had sent, threatened to send, or disseminated them; recovery of images on the accused's device alone does not establish blackmail (Para 17 and 31 of the Judgement).
- The judgment also flags that the investigating officer himself admitted he never pursued the contents of an envelope Naila had specifically asked Dr. Hakro to read, which raises the question of why an opportunity directly relevant to her state of mind was left uninvestigated (Para 18 of the Judgement).
- On the evidentiary front, the investigating officer stated that jurisdiction over PECA offences lies with the FIA, not the police, meaning the cybercrime dimension of this case was investigated by an agency without legal authority to do so, and further admitted

that the forensic (FSL) report produced at trial bore no signature at all (Para 19 of the Judgement).

- Statements from key witnesses, including family members, a friend, and the hostel warden, were delayed by five to twenty-eight days with no explanation on record (Para 20 of the Judgement).
- The handling of Naila's own mobile phone, the single most important piece of digital evidence in the case, was so weak that it materially damaged the prosecution: the phone was seen near her body on 1 January 2017 but not seized, does not appear on the 2 January recovery memo, and only reappears, seized, on 16 January, with the witness to that seizure having signed a memo that does not actually list the phone, leaving no record of when it was recovered, sent for analysis, or whose SIM it contained (Paras 23–24 of the Judgement).
- The call data record central to linking the accused to the harassment was produced on a plain sheet of paper, with no company seal, authorizing signature, or identification of the issuing carrier, evidence the Supreme Court has already held cannot be relied upon at trial (Para 26 of the Judgement).
- A second set of messages, offered as the clearest proof of a threat to disseminate private photos, referred to people with no connection to either Naila or Anees and appeared to be screenshots from an entirely unrelated case, raising serious questions about how carefully the investigation vetted its own evidence, given that this was arguably the most damning piece of evidence in the entire prosecution (Para 29 of the Judgement).
- The Court further confirmed that Parliament assigned investigative jurisdiction over PECA offences to the FIA rather than the police, a jurisdictional question left unresolved throughout the 2016–2018 investigation (Para 36 of the Judgement), and found, flowing directly from this, no evidence at all establishing the specific elements PECA requires, whether intentional public exhibition or transmission under Section 21 or intent to coerce, intimidate, or harass under Section 24, which raises the question of why the investigation was never actually built around proving these PECA-specific elements despite PECA charges being pursued at trial (Para 37 of the Judgement).

Finally, the judgment identifies a genuine legislative gap: Pakistani law has no provision directly punishing someone who compels another person to take their own life, unlike India's Section 306 Indian Penal Code (Para 38 of the Judgement), and while the Court found Section 321 Pakistan Penal Code 1860 can apply where the conduct amounts to an "unlawful act," it flagged difficulties for conduct that is morally reprehensible without clearly crossing into illegality (Para 41 and 42 of the Judgement), and noted that Section 325 PPC, criminalizing attempted suicide, has since been restored by the Federal Shariat Court in Shariat Petition No. 03-I of 2023 and was already in force at the time of this case (Para 43 of the Judgement).

DRF works with survivors of online harassment, blackmail, and non-consensual image sharing on a daily basis through our Digital Security Helpline, and cases like Naila Rind's are unfortunately familiar to us in pattern, if not in outcome. Digital blackmail rarely leaves behind a single, clean piece of evidence. It plays out across screenshots, deleted messages, coerced image exchanges, and a victim's private disclosures to friends or family, long before, if ever, it

reaches a police station. When an investigation fails to properly recover and analyse this kind of digital trail, as seen in this case, the resulting evidentiary gap can then be turned into a reasonable doubt in the accused's favour rather than into a failure of effective response to such cases.

This is not an isolated instance. In 2022, the Lahore High Court in 2023 PCr.LJ Note 81 acquitted Muhammad Waseem, the brother of Fozia Azeem, known as Qandeel Baloch, a social media celebrity, after he had been convicted and sentenced to life imprisonment for her murder by the trial court. That case similarly drew widespread public attention to how the country's justice system handles violence against women tied to "honour," online visibility, and family control. While the legal basis for that acquittal differed from the Naila Rind case, the outcome reflects a recurring pattern: high-profile cases involving women, digital exposure, and gendered violence that end without accountability. Such outcomes are not occurring in isolation, but they may carry the potential to create a risk of setting precedents in growing cases of TFGBV across Pakistan.

According to the DRF's [Digital Security Helpline Report 2025](#), women continue to be the primary targets of online harassment, with 1,709 cases reported involving women. Moreover, the data indicate that women are disproportionately targeted through Non-Consensual Intimate Imagery (NCII) and Image-Based Abuse (IBA), with 86% of all NCII cases and 83% of all IBA (including genAI) cases recorded as targeting women to coerce, blackmail, or inflict damage. Gender minorities such as transgender individuals also continued to experience intense online abuse, including gendered disinformation, doxxing and threats of physical harm, reflecting their offline experience of social discrimination and stigmatization. The report further highlights an alarming 28% increase in cases from the previous year involving minors under the age of 18 this year compared to cases in 2024.

This case is a reminder that accountability for online harassment does not fail because the harm is not real; it fails when the systems meant to investigate it are not built for the digital reality survivors live in. We owe survivors of TFGBV an investigative process that can actually hold up in court, given the growing rate of such cases.

Digital Rights Foundation

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