

DEVELOPMENT OF FAIR TRIAL AT PRE-TRIAL STAGE WITH SPECIFIC REFERENCE TO IDENTIFICATION PARADE OF THE ACCUSED

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Abstract

Fair trial is normally a term used in the context of the courtroom; however, its integrity relies heavily on what happens beforehand, at the stage of investigation. This article discusses the evolution of the fair trial pre-trial stage in Pakistan with particular emphasis on the identification parade, as an important and under-scrutinized area of risk for a fair trial. The problem of research is how the constitutional guarantee of fair trial and due process as contained in Article 10-A of the Constitution of Pakistan, added by the Eighteenth Amendment in 2010, is applied practically in the identification of the accused during the investigation process, and what measures could be suggested to enhance its application. Taking a doctrinal and analytical approach, the article discusses the constitutional framework, the Qanun-e-Shahadat Order 1984, provincial High Court Rules, and examines a substantial body of Pakistani case law on delayed, contaminated, and improperly conducted identification parades, and places this within a comparative framework from the United Kingdom, the United States, and India. The analysis reveals that, in theory, the Pakistani doctrine is reasonably developed, and gains from scientific studies of eyewitness memory have increased over time, but there remains a considerable disconnect between the theory and practice of the doctrine at the level of police and trial courts, partly due to institutional resource constraints such as large case backlogs. Issues raised are the unexplained delay, exposure of the witnesses to the suspects, confirmation bias in the investigation, and lack of scrutiny at trial of flawed parades.

1 Introduction

The right to a fair trial is conventionally thought of as a right of the courtroom: the right to present a case before an impartial court, to present a defense, and to have a verdict decided based on the law. This is correct but an incomplete understanding (Wixted, Wells, et al., 2021b). Filing of a charge before a magistrate or the sessions judge is not the commencement of a criminal proceeding. It starts sooner; now the coercive mechanisms of the state encounter a person, for example by means of arrest,

interrogation and investigation. The state of the evidentiary record that exists during this pre-trial period will influence, if not determine, the evidentiary record which will be considered at the later trial. Formal correctness of the subsequent trial cannot completely "right the wrong" if the record was based on untrustworthy, misleading, or coerced evidence. Fairness of trial, when it means what it should mean, is not an event, but a continuum, and its integrity does not depend solely on the conduct of adjudication, but also that of investigation (Pike et al., 2021).

This is especially true of a system like that of Pakistan, where the investigation is done mostly by police personnel who are practically autonomous and are subject to judicial supervision in an episodic rather than a continuous fashion. During this time, the accused generally has few access rights to lawyers, few opportunities to challenge the decisions made in the investigation, and few rights to require procedural safeguards, even when they are in theory available (Rubinová, Fitzgerald, Juncu, & Ribbers, 2021). It is this power differential and information imbalance that justifies and indeed requires fair-trial analysis to also reach the pre-trial stage and not simply view the investigation as a purely administrative phase of the “real” stage of adjudication. This article is focused on one of the steps in that continuum, namely, the identification parade, which is termed a test identification parade in the practice in Pakistan. An identification parade is an investigative procedure in which a witness who states that he or she has seen the defendant is placed before several people (the defendant and one or more dummy or filler defendants) and asked if he or she can identify the defendant without help (Smith et al., 2021).

Its stated goal is investigative and evidentiary, to determine whether there is a true match between the witness's recollection of the offender and the subject of his suspicion by the investigating agency; and to ensure a record in case it is later introduced into evidence in a trial court (Juncu et al., 2021). The exercise is in the main one of verification. In practice, it is in a no-man's land between investigation and adjudication; it generates evidence that often has a large persuasive impact at trial, and is conducted in pretty much every way without the protections (cross-examination, participation of the defense, court control of process) that usually surround the taking of evidence. This conflict is especially significant in Pakistan. In the context of offenses of robbery, dacoity, kidnapping, and in such cases where the accused was not known to the complainant, a common mode of proof is eyewitness evidence. Constraints of resources, a busy judiciary, and the lack of detail in the specific regulation of the actual practice of identification parades all affect the practice (Carlson & Hemby, 2021). The result of

this is that the parades are often conducted after an unexplainable delay, without proper care in the number and appearance of the dummies or in a manner which allows the witness to see the suspect in advance, as the voluminous case law in Pakistan shows. The parade is held before the accused can avail himself of the services of legal counsel, and before the court has had a chance to supervise it; and its fairness depends almost entirely upon the diligence of the police conducting the investigation and upon the magistrate before whom the parade is held. The extent to which that diligence is lacking, there is a material risk of misidentification and wrongful prosecution due to the evidence produced, albeit confidently repeated during trial (Palmer et al., 2022).

The research problem for this article is: how much does the system of identification parade in Pakistan protect the constitutional rights to fair trial and due process guaranteed under Article 10-A, and what changes would help to make the system more consistent with these rights and international standards? The article assumes that the presumption of innocence is jeopardized not only at trial, but at the very investigation of the offence, and that the identification parade is one of the most obvious moments where this becomes apparent, as it results in apparently objective evidence (the witness pointing to a specific person) from a process that, if closely examined, is a far more fragile and manipulable one than it may seem (Greenspan & Loftus, 2023). The discussion in this article is limited to a doctrinal and analytical study of the constitutional framework, the Qanun-e-Shahadat Order 1984, the criminal procedure framework, the reported judicial decisions, and a comparative analysis.

The article does not try to conduct an empirical study of the pattern of defects in parade practice across the provinces of Pakistan, which is beyond the scope of this study but will require field research; but it tries to observe the pattern of recurring defects in reported appellate decisions, as an indirect but telling insight into the practice, on the assumption that the appellate courts will only be presented with these defects if they have a recurring frequency which create litigation (Holdstock et al., 2022). The core of the argument is that, in the case of identification parades, the

law is reasonably well evolved and more and more scientific in its understanding of memory; the real issue is how the law is applied, and the failure of the law to be consistently applied in the police stations and the trial courts is the real issue that needs to be tackled.

2 Conceptual and Legal Foundations of Fair Trial at the Pre-Trial Stage

2.1 Constitutional and Legal Basis of the Right to Fair Trial

The recognition of fair trial as an explicit free-standing fundamental right in Pakistan is relatively new. While the Constitution of 1973 always provided for the protection of life and liberty in accordance with law, and protections against retrospective punishment, double jeopardy, and self-incrimination have always been present in Article 12 and 13, the right to a fair trial was added through the Eighteenth Amendment in 2010 as Article 10-A (Munir, 2020). For the purposes of the ascertainment of civil rights and obligations or in any criminal charge, every individual shall have the right to a fair trial and due process (Wooten et al., 2022). The importance of this insertion should not be ignored at any cost, because it made what used to be an element of inference to be drawn from the due-process part of the right to liberty into a direct, enforceable constitutional guarantee, to be observed in both civil and criminal proceedings and invoked before the superior courts by constitutional petition as well as in ordinary criminal appeals.

The phrasing of Article 10-A is not exhaustive of what is meant by "fair trial" or "due process," but instead is left to judicial interpretation. In recent years, since 2010, the higher courts in Pakistan have been finding the guarantee to be of great use to examine not only the irregularities at trial, but also the elements of the investigative process that can directly impact the final fairness of the trial (Yilmaz et al., 2022). This interpretive trajectory is significant for the analysis of identification parades, as it provides the constitutional anchor to which the defects in an identification procedure such as delay, parade composition or exposure of the accused to the witnesses prior to the parade itself, can be tied, and not just as failures of the evidence that could be read as merely evidentiary

weaknesses. In addition to the constitutional guarantee, the ordinary criminal procedure system - largely built on colonial-era codification and subsequently adapted by subordinate legislation, provincial High Court Rules and Orders and case law sets the rules for the operation of investigation, arrest, remand and evidentiary procedures such as identification parades (White et al., 2022).

For example, in Punjab, the Rules and Orders of the Lahore High Court provide detailed instructions for conducting an identification parade, including the number and appearance of the dummies, the attendance of the magistrate, and the contemporaneous recording of the proceedings of the parade. The other provincial High Courts have similar directives. The fact that such rules exist reveals that Pakistani law does not consider the identification parade to be an unregulated police power; the challenge, as will be seen later in this article, is the extent to which these rules are followed (Yang & Smith, 2023). It is also notable that the rules are an overall hierarchy of law: they are administrative directions issued by the High Courts, not primary legislation, so while they are given great weight by courts when deciding on the reliability of identification evidence, they do not have the formal weight or public exposure of a legislative provision, a point germane to the reform discussion in section six (Fitzgerald et al., 2023b).

2.2 Presumption of Innocence, Due Process and Rights of the Accused

The presumption of innocence is often said to be the basic rule of criminal law: No one is presumed to be guilty; they must be proven guilty by a fair process, and the burden of proof always lies with the prosecution. In Pakistan, this assumption is entrenched in the overall framework of criminal procedure and evidentiary law, with Article 10-A's due process guarantee putting a premium on it (Kruisselbrink et al., 2023). The logic behind the presumption is carried forward in the investigation process, although the presumption is most evident at trial in the standard of proof beyond reasonable doubt. Investigating a case on the basis that the individual is guilty, as opposed to a truly open investigation to determine who

committed the crime, may risk upending the presumption of innocence at the very point of building the evidentiary base of the prosecution. The parade is particularly susceptible to this inversion: usually by the time a parade is organized, investigators have come up with a theory about who the offender is and, in practice, the parade may simply be a ceremony that confirms that theory (Fradella, 2023).

At the pre-trial stage, due process also entails safeguards against arbitrary arrest and detention, the right to be told the reasons for arrest and the nature of the charge, the right to freedom from coerced interrogation and some meaningful access to the law during important investigative operations (Kovera, 2024). These protections relate directly to the process of identification. If the accused was arrested without reasonable cause and held for a prolonged time prior to the parade being organized or denied an opportunity to complain as to the composition of the parade or the conditions under which it was conducted, he is placed at a disadvantage which a subsequent trial, even if conducted in as fair a manner as possible, is impotent to remove. The right to legal assistance deserves to be given a special mention as the practice in Pakistan does not require that the defense advocate should be physically present in the identification parade, but the right that no accused is left entirely without any protective mechanism in a procedure of such evidentiary consequence still has its significance (Nyman et al., 2024). If the accused is not aware that he or she has the right to object to the composition of the parade or has not been told that he or she has the right to a parade to be given promptly and without first being exposed to witnesses, the accused is in practical terms unable to exercise formal rights which are unobtainable without at least a basic degree of legal assistance.

The connection between pre-trial safeguards and the final fairness of court proceedings is thus not of the sidelines or coincidental, but of the very nature of the relationship: defects at the pre-trial stage carry over to the trial and are presented to the court as evidence, often without the court being made fully aware of the process of evidence production (Zimmerman & Rodriguez, 2024). After an identification was made at a parade

months before the trial, the trial court, in reviewing the identification, without the benefit of any independent method of testing the real events at the parade, is poorly equipped to detect subtle suggestion or investigative bias that may have influenced the result long before the trial began. It is this concept that underpins the rest of this article as it seeks to analyze the identification parade as a pre-trial investigative procedure.

3 Identification Parade as a Pre-Trial Investigative Procedure

3.1 Meaning, Purpose and Development of Identification Parade

An identification parade (generally held in the presence of a judicial magistrate in Pakistan) is a process whereby a witness or complainant who says they have seen the accused in an offence is shown a group of persons of similar physical appearance and asked to identify the accused, if they are able to do so (Seale-Carlisle, 2024). The provisions relating to facts relevant to the identity of a person, which appear in the Qanun-e-Shahadat Order 1984, provide the evidentiary basis to the proceedings of parade, and it is a common observation in legal commentary in Pakistan that parade has a two-fold purpose: firstly to establish the identity of a person who was not previously known to the complainant or the witnesses; and secondly to protect against the false implication of an innocent person on the ground of malice or mistake of the complainant or witnesses. This second purpose is often overlooked in practice, but is as important doctrinally as the first: the parade is not only to seek to identify the guilty, but also to ensure the innocent will not be set up for a "failed" identification; and this latter consideration has implications for the way in which the parade must be conducted (Wilson et al., 2024).

The parade generally is required, or at least highly desirable, only in those cases where the accused was not previously known to the witness. However, where the accused and witness already had some prior association prior to the occurrence of the offence, the concern that in-court identification alone is merely an expression of a single, possibly flawed, prior association is not as strong and the formal parade may provide little

(Smith et al., 2024). Where the accused is not known to the witness, however, an identification parade conducted in the early, early and fair stages of the trial is taken as the true test of the witness's ability to make his identification and not merely to confirm that the accused is the person in the dock. A little further on, it is worth emphasizing the difference between the two forms of identification: Identification in court is when the witness gives evidence and, once a person has been identified as the accused, he/she points to the person sitting in the dock and says that that's the man/woman who committed the offence (Kleider-Offutt et al., 2024). This type of identification has very little evidentiary value on its own since the courtroom itself provides a clue as to who the accused will be in the seat of the "accused" and he may be surrounded by guards or otherwise have some visual clue that he is different from the rest of the people in the courtroom. Thus, a prior identification parade, conducted under circumstances designed to minimize suggestion, is deemed to be the more serious test of the witness's ability to make a genuine identification and, where no prior parade was held, or the parade was not properly conducted, the evidentiary value of the later court identification is likewise diminished (Fitzgerald et al., 2025).

In the past, this type of procedure evolved as investigative practice, before it was detailed in regulations. Over time, and also in other jurisdictions, this awareness of the unreliability of eyewitness identification despite its psychological force, has led to the progressive evolution of safeguards: the use of a large number of people who look like the accused in the parade, the exclusion of police officers with a vested interest in the result from conducting the parade, and a greater reliance on an independent magistrate in addition to the police (Tuttle et al., 2025). This historical trend is evident in the practice of Pakistan, which is to have parades under the supervision of a magistrate, and indeed there are detailed High Court Rules in Pakistan on how parades are conducted, if not exactly consistently.

3.2 Legal and Evidentiary Status of Identification Evidence

In Pakistan, the evidentiary status of identification-parade evidence has been like that in other sub-continental countries: It is looked upon as corroborative evidence. The substantive evidence is the trial witness's identification of the accused; the parade is to give, or withhold, credibility to it: the witness's identification is independent of the trial setting, and it was not simply created during the trial setting (Kelso et al., 2025). The Pakistani courts have time and again held that the test identification parade, conducted without any hint of the role attributed to the accused in the occurrence has little evidentiary value as it leaves the court to find out as to its reliability or its evidentiary value in relation to the charge that is framed against the accused; the Supreme Court has termed the test identification parade as "legally laconic and devoid of evidentiary value" (Lee & Saraiva, 2025).

It has a significant implication: in isolation, this type of corroborative evidence should be very rarely, if at all, relied on for a conviction. It needs to be evaluated in the context of the witness' testimony in court, how he/she originally saw the object, and other evidence in the case. However, the corroborative label should not be equated with a low evidentiary threshold; rather, it is a label for evidence that tends to corroborate other evidence (Wixted & Mickes, 2025). Where a witness identifies the accused markedly and consistently at the parade and again at the trial, the impact on a trial court can be significant; hence the need for careful and thorough consideration of the procedural fairness of the underlying parade, not a mere box-ticking exercise. In recent years, the Pakistani jurisprudence has been gradually shifting towards a more scientifically grounded formulation of this question of reliability, as was done in the case of *Mian Sohail Ahmed v. The State* stressing that courts must be mindful and cautious of proper identification of the unknown accused, that there is the need for parade soon after the arrest and that parade must take precedence over confrontation with the witnesses (Wilson-Kovacs et al., 2023). The importance of this doctrinal development is that it takes case law in Pakistan from a purely formalistic question of whether a

parade was held at all to a substantive question of whether the particular witness was in any position to make a reliable identification, given their circumstances of observation (Guo, 2023).

3.3 Role of Police, Magistracy and Witnesses in Identification Proceedings

There are three institutional actors to the fairness of the identification parade. The responsibility for the practical arrangements securing the suspect, dummies and the coordinating of the presence of witnesses is the job of the investigating police, but it is because the police have an investigative theory, and often a personal or institutional vested interest in it being confirmed, that the police role in actually conducting the parade must be limited (Birzhanov et al., 2023).

The formality of judicial supervision fails to overcome the risks of which that formality is supposed to be a safeguard where magistrates parade briskly, without any investigation of their own to determine the suitability of the dummies or the question whether the witness might have had previous knowledge of the accused (Majeed et al., 2022). If a magistrate merely inquires of the investigating officer if the dummies are appropriate, rather than viewing them himself and comparing the dummies' characteristics with those of the suspect, then the magistrate takes the responsibility of safeguard back to the individual whose interest in the outcome of the process the safeguard was supposed to review. In a similar way, when the record of proceedings prepared at the end of the parade is merely a statement that the witness correctly identified the accused, lacking a record of the witness's actual words or a record of the manner in which the witness proceeded down the line of parade participants or of hesitation or confidence, it provides the trial court little basis upon which to assess reliability independently and must rely instead on the largely unverifiable oral testimony of the magistrate and investigating officer provided, often, a considerable time after the parade (Qayum & Ahmad, 2022). This observation provides the background to the detailed analysis of the procedural issues that commonly arise in the practice of identification parades in Pakistan and the potential impact on fair trial in the next section.

4 Procedural Challenges and Fair Trial Concerns in Identification Parades

4.1 Delay and Improper Conduct of Identification Parades

Delay is one of the most litigated defects in the identification-parade practice in Pakistan, and Pakistani superior courts have a significant and reasonably uniform jurisprudence regarding delay in ID parades, which renders the identification unreliable, and in many instances fatally unreliable (Mehmood et al., 2024). The "why" is simple: memory for a briefly viewed face, often under conditions of fear or stress, decays over time and becomes increasingly susceptible to reconstruction and confusion, such as with the face of the defendant whom the witness may have had some intervening opportunity to see. In this regard, the Sindh High Court has ruled that identification parades after a fortnight or so after the arrest create a strong impression that the accused was exposed to the victim in the interim, and in one case, the possibility of exposure could not be ruled out, and the identification was found unreliable.

Other cases have discredited identifications made as much as about 20 days after the incident, when the initial observation had been fleeting, e.g. a momentary glimpse of the accused by torchlight, on the grounds that it was impossible to place any confidence in the accuracy of the identification in the light of the elapsed time and the shortness of the initial observation (Kasuri, Mahmood, et al., 2024). Delay, lack of description of the accused in the first information report, and failure of the prosecution to produce the magistrate who conducted the parade for cross-examination were also observed to have caused doubt in the prosecution case leading to the acquittal, in a further Karachi-bench decision. The fact that delay is a continuing feature of appeals indicates that the issue is systemic, not just from time to time. The reasons are partly attributed to the overall congestion in the national judicial system: According to the bi-annual judicial statistics report by the Law and Justice Commission of Pakistan, there are millions of pending cases in the country, the majority of which are at the district judiciary level where criminal trials and a large chunk of

magisterial and investigative work take place (Mahmood et al., 2024).

This backlog data may not reflect directly on police practice, but it is illustrative of an institutional environment where much work must be done before an identification parade, such as securing the availability of a magistrate, arranging dummies, coordinating with witnesses, and so on, must be done in the face of many other demands on limited judicial and investigative resources. Even if the parade is conducted promptly, there are certain irregularities in the procedure that make it less reliable as evidence (Kasuri, Abbas, et al., 2024). When a parade is not recorded in sufficient detail, or there is no record of the specific role that the accused was given, or a parade is not conducted in a way that gives the accused a fair chance to object to its composition, the effects of delay are compounded. Therefore, delay and improper conduct are analytically separable, but often go hand in hand. An investigation that has not focused on timely and proper parade organization is often an investigation that has not focused on conducting the parade in a careful, well-documented manner.

4.2 Prior Exposure, Police Influence and Witness Contamination

The main direct threat to the integrity of the parade is for the witness to have seen the suspect beforehand at the police station, at a court hearing before the parade is held, in the media reporting of an arrest, by being "paraded" in front of the media by investigating officers who want to show they are making progress in a big case, or just being seen being transported from custody to a parade ("Ali Taj and another v. The State," 2023). In this regard, Pakistani courts have held that if the witness was exposed to it at some point, the value of identification evidence becomes greatly diminished because the witness' apparent recognition may be due to a recollection of having seen the accused in custody rather than at the scene of the offence. In addition to the issue of prior exposure, there is also the more fundamental, and perhaps more serious issue of investigative bias. Ordinary psychological tendencies well documented in the general literature on confirmation bias can lead, whether

knowingly or unknowingly, to subsequent investigative steps that are taken in ways that make identification more likely to succeed than really test whether it is correct, once police investigators have formed a working theory that a particular individual has committed an offence (Amendola et al., 2025).

Normally, this can be in the form of the choice of dummy that may not closely resemble the suspect, the presence (or proximity) of investigating officers during the parade, the order in which witnesses are introduced and the opportunities for one witness reaction to be witnessed by another sitting nearby, or through more subtle indications provided to a witness who is, understandably, seeking guidance in a procedure that may be unfamiliar and intimidating, all conducted within a police station or courthouse (Carlson & Carlson, 2025). One of the most well-recognized doctrines in the jurisprudence of Pakistan and the one that is clearly mentioned in the statute that if a number of accused are involved in a crime, then separate identification parades shall be conducted for each accused particularly to ensure that the identification of one accused does not taint the identification of the other is an example of judicial awareness of exactly this contamination risk, but its consistent application in practice is not to be assumed.

In this dynamic, witnesses are not just a passive part of the process, but they are also people who can be greatly influenced, albeit inadvertently, by an institutional process that is not fully under their control and which they may feel pressured to please. A witness who feels (rightly or wrongly) that the police want them to come up with a certain conclusion might feel this uncertainty and unconsciously come up with the police's expectation rather than the actual range of his recollection (College of, 2023). This is particularly the case if a witness is also victim of the offence and is also likely to want the case to be resolved, which can interact with the pressures mentioned above in such a way as to further compromise the independence of the procedure. Therefore, the integrity of the witness must be given consideration not only about the conduct of the investigators but regarding the conditions under

which he/she waits, is briefed, and is brought into the parade.

4.3 Reliability of Human Identification and Risk of Mistaken Identity

The basic human limitation of perception and memory cannot be compensated for with the best efforts of a procedural, scrupulous identification parade. A large volume of scientific evidence now widely accepted by Pakistani and like courts has found that eyewitness memory is not a passive process, but a constructive process that can be distorted at the time of observation and thereafter (Portland Police, 2021). Such factors as the length of time the witness was able to observe the person, the distance between the witness and the person, lighting conditions, whether the person was wearing a disguise, the amount of stress experienced by the witness and the well-documented "weapon-focus" effect (in which the presence of a weapon diverts the witness's focus away from his or her face towards the perceived threat) all have a material impact on the accuracy of identification, regardless of how confident a witness later expresses his or her identification. Comparative research has also revealed a cross-racial/cross-group identification effect: witnesses tend to be, on average, less accurate in identifying faces of strangers from an unfamiliar ethnic or racial group than faces of strangers from a familiar group; although this effect has received greater discussion in countries that have a larger ethnic or racial diversity among witnesses and suspects, the psychological mechanism underlying the effect is a general phenomenon of human memory, and it suggests the same cautions in all jurisdictions where the witness is asked to pick out a stranger from a short meeting ("Ansar and others v. The State and others," 2023).

Pakistani case law has come to similar conclusions without relying on the European precedents. It has been repeatedly held that identification of an accused by a muffled face, or identification made in poor artificial light under the confusion in which a night occurrence usually takes place limits the opportunity for the witness to form a genuine and lasting impression of the features of the accused and that evidence of identification based on such a circumstance as build or stature alone,

cannot be taken as evidence of identification ("Muhammad Riaz v. Khurram Shehzad and another," 2024). What is important scientifically is that there is a difference between confidence and correctness of identification. A witness can be sincere and confident in his identification of a person at a parade and still be mistaken, especially when the parade is not properly conducted, and other system variables (such as the makeup of the parade, the directions given to the witness, presence or absence of suggestive cues in the parade, etc.) are not properly controlled. This separation between those variables that are beyond the control of any individual agency or individual and those variables that can and ought to be in the control of the investigating agency and the magistrate can be a helpful analytical grid for ascertaining who is responsible for the unreliability of identification and what Pakistani judicial rulings in recent years, albeit imperfectly, reflect ("Subha Sadiq v. The State," 2025). It is also helpful in answering the question of the scope of reform; it is clear that any improvements in the procedure cannot compensate for estimator variables that depend on the conditions under which the crime was committed, which is why courts should be wary of evidence of identification even if the parade appears to have been conducted without any irregularity.

4.4 Judicial Treatment of Defective Identification Parades

In recent decades, the superior courts in Pakistan have established a fairly consistent set of principles to consider when dealing with defects in an identification parade; amongst which the delay is a factor of significant weight to be considered against reliance on the evidence, lack of a description of the accused in the FIR, the absence of the supervising magistrate as witness, and identification not related to any specific description of the accused's role in the crime. The doctrinal prudence the principles embody is real, and at first blush, it is a protection to the accused. Appellate courts reviewing identification evidence after a conviction, which may have wrought serious harm on the accused, may apply rigorous, fact-specific review to identification evidence, but trial courts under heavy caseload may not be as

able to do so ("Naveed Sattar v. The State and others," 2024).

5 Judicial and Comparative Perspectives on Identification Evidence

In comparison with other jurisdictions and internationally, the legal regime for eyewitness identification in Pakistan has some strong points with some scope for further elaboration to mitigate the risk of misidentification (Wixted, Vul, et al., 2021). Pakistan is a party to the International Covenant on Civil and Political Rights (ICCPR) at the international level, which provides for the right to a fair trial in Article 14, including the presumption of innocence and equality before courts. These provisions are meant to ensure that the "rules of the game" are adhered to during the trial; their spirit also applies to investigative procedures as well, such as identification parades that form the basis for the evidence given at trial (Juncu & Fitzgerald, 2021). Common law jurisdictions, in the United Kingdom, have one of the most systematic approaches to eyewitness identification. Procedures must be fair and neutral, and there are detailed rules in the Police and Criminal Evidence Act 1984 and Code D which do not suggest the identity of the suspect. Suspects are entitled to a lawyer, and video identification is mandatory, with the suspect shown on camera and eight or more pictures of people who look somewhat alike. The procedure is carried out by an identification officer, who is separate from the substantive investigation, in order to avoid confirmation bias (Rubinová, Fitzgerald, Juncu, Ribbers, et al., 2021).

There are alternative procedures for Code D other than traditional parades, group identity and confrontation that have specific conditions and safeguards. Suspects are advised orally and in writing of their rights, and the procedure and a full contemporaneous record are kept (Wixted, Wells, et al., 2021a). The core of the English approach is not a specific rule, but the general rule that is important enough to be defined, codified, and given to investigating officers in a way distinct from the officers themselves. In the United States, however, the course taken is different and is highly DNA-exoneration influenced. Research has

demonstrated that eyewitness misidentification has been the cause of many of the wrongful convictions overturned by DNA, ranging from two-thirds to three-quarters of cases, depending on the data set (Akan et al., 2021). This evidence led to a great number of judicial changes, including the New Jersey Supreme Court's 2011 ruling in *State v. Henderson* that the old test for reliability is "unsound" given the latest in scientific research. The court read hundreds of studies on eyewitness memory and embraced a framework that courts must account for both system variables (those that affect how the lineups are constructed) and estimator variables (those that involve how the witnesses are presented to the lineup or how long ago the original crime took place) (Carlson et al., 2021).

Thorough jury instructions were given to remind the jurors of memory distortion. The problem is structural: thousands of convictions each year may be wrongly identified. Other U.S. states have since made changes, including sequential lineup presentation in which absolute judgment is asked instead of relative, and which minimizes the risk of error when making an identification. India provides a distinctively similar snapshot of this evidence and procedure, especially as it relates to Pakistan (Carlson et al., 2023). The identification parade in India is not substantive evidence, but rather the identification in court has that status as per the Indian Evidence Act and Code of Criminal Procedure. The purpose of the parade, according to the Indian Supreme Court, is two-fold: to test the evidence of the identifying witness and to ensure that the investigation is moving well – a definition much akin to Pakistan's. Indian courts have ruled that if the evidence is tainted due to unreasonable delay, exposure of the accused to witnesses or improper dummies, it can seriously vitiate the evidence obtained, but the absence of a parade is not an immunization for the subsequent identification (Quigley-McBride & Wells, 2023). Like in English and American law, the lessons learned from the appellate guidance issued by the Indian courts are the importance of the parade, the need for independent non-police witnesses to conduct the parade, and the need to document, photograph, and record the parade in sufficient detail and signed by all participants to withstand

the subsequent challenge (Fitzgerald et al., 2023a). The comparative lessons should be carefully drawn and should reflect the fact that models cannot be easily replicated, due to differences in institutional capacity and resources. However, there are some commonalities to be noted. Firstly, the separation of investigating officers from officers conducting identification procedures is very much a part of English practice and is consistent with the constitutional jurisprudence in Pakistan. Second, the application of formal, scientific terminology to define what is a system variable and what is an estimator variable is also becoming a part of recent Pakistani Supreme Court rulings, and offers a logical framework for rules of procedure and judicial training (Menne et al., 2023). Third, both English and American systems focus on the results of the parade rather than the parade process itself, and both systems give "full and fair" documentation to appellate courts for the process of the parade when evaluating procedural fairness. Fourth, the Indian experience with independent non-police persons in preparing memoranda provides an easily replicable, low-cost protection that is not dependent on the purchase of new technology or infrastructure.

6 Prospects for Strengthening Fair Trial through Reform of Identification Procedures

The analysis detailed in this article suggests that the problem with Pakistan's system of identification parade is not so much that it lacks a good underlying legal principle as that the principle is not applied consistently. It is therefore important that reform priorities be directed toward bridging this implementation gap, not to wholesale doctrinal reconstruction. Standardized and adequately detailed procedural guidelines, which builds on and consolidates the existing High Court Rules, would have a meaningful effect in curbing the discretion currently available to the individual investigating officers and presiding magistrates, for example, the number of dummies, the nature of dummies, the interval between arrest and parade, and the content of the record to be prepared (Greenspan & Loftus, 2023). More transparency leaves less margin for error for unconscious bias, and for the type of "ad hoc" deviations from good practice that have been seen

throughout the delay and contamination cases reported above. Wherever such guidelines already exist in the provincial High Court Rules, the possibility of consolidating and, if appropriate, raising them to the level of more uniform rules having a statutorily based foundation that would apply across the provinces may be usefully considered, in order that the fairness of an identification parade would not be dependent upon the province or district in which it was conducted (Holdstock et al., 2022).

This requires more active and extensive supervision by judges and magistrates to enable these rules to become effective in practice. Magistrates should be trained and expected to consider the identification parade to be a substantive safeguard which should be properly examined, including an independent examination of the dummies to ensure that they match the suspect, and an active inquiry by the magistrate as to whether, in any way, the witness might have been exposed to the dummy prior to the examination (Wooten et al., 2022). Magistrates should record the proceedings in sufficient detail to be easily understood by the Court on appeal, and in their own words at the time the identification is taken. The gap between the principles stated in appellate decisions and applied at trial identified in section 4.4 would be bridged if judges and magistrates were better trained in the psychology of eyewitness memory and how to apply the existing doctrinal caution in a more rigorous and consistent way..

Witness protection and welfare are also issues that need to be specifically addressed in addition to protection for the accused; in order to have an effective identification procedure, witnesses must be able to participate without fear, pressure, or manipulation from any side. Some practical examples of this could be ensuring the witnesses are separated from each other prior to and during the parade, giving clear, unbiased directions as to whether or not the offender is in the parade, and keeping witnesses well out of the way of the impression that the police have a particular outcome in mind (White et al., 2022). Full and timely documentation, in addition to a description of the outcome, should be the norm, including a record of the makeup of the parade

and the witness' description of what is identified as it happens. The step-by-step introduction of recording (either audio or video) of identifications (even on a limited or pilot basis in larger urban centres where there may be more infrastructure, using the English model of video identification of suspects), would give an objective record where resources allow which could be used to clarify if a particular identification was fair and which could force more care in identification procedures more generally. There may also be a consideration for sequential and not simultaneous presentation of dummies to the witness in the longer run on the basis of comparative studies on risk of misidentification as discussed in section five, although this would involve careful piloting because it would be a departure from the practice followed in Pakistan (Yang & Smith, 2023).

If the principles of a fair identification procedure are to become more than just a bureaucratic formality, more practical training of police investigators, prosecutors and magistrates is needed regarding the mechanics of confirmation bias and the concrete steps required to conduct or evaluate a fair identification parade. This training could be profitably based on the comparative material available above, adapted to the institutional context and resource realities of Pakistan and could be best conducted together for police and judicial officers to ensure that they share a common understanding of what a good parade should be, and why (Fitzgerald et al., 2023b). Lastly, reform should ensure that trial courts exercise existing principles of caution with greater and greater consistency and rigor; that they do not take a bare record of identification for granted but actively investigate the circumstances surrounding a parade's conduct and that they are reminded throughout the process of the difference between what might be investigated on the basis of suspicion and what must be proved beyond reasonable doubt. None of these changes involves supplanting Pakistan's own procedural and evidentiary paradigms; each seeks to enhance their operation in the context of an evolving body of experience, both local and international; and each is able to work toward both more effective criminal investigation and more effective protections for the accused in the face of false prosecutions,

which, if understood correctly, are not mutually contradictory.

Conclusion

In this article, the development of the right to a fair trial in Pakistan at the pre-trial stage from the perspective of the identification parade has been discussed. The due process dimension of Article 10-A cannot be limited to the courtroom but also applies to the investigative process, which would form the basis of the evidence at any trial. The doctrine of identification parade in Pakistan is reasonably well developed both on paper and in practice, having been developed through Qanun-e-Shahadat Order 1984, the rules of the High Courts, and through a mass of case law. The importance of the "defects" of unexplained delay, prior exposure of witnesses to the accused, and identification unrelated to a description of the accused's role has been upheld consistently by courts, and recent Supreme Court reasoning has included scientifically based assessments of witness reliability. However, these anomalies have been recurring in the past few decades, and all the reported cases indicate that it is not a question of absence of sound principle but absence of uniformity of its application in the face of institutional factors. There are lessons to be learned from other countries that can be adapted: the separation of investigators from identification procedures, the codification of rules, the use of system and estimator variables, and the requirement for thorough contemporaneous documentation, as was the case in the United Kingdom, the United States and India. The most important reforms are thus those that reduce the gap in implementation: the standardization of procedures, active supervision by the magistrates, safeguards against previous exposure and investigative bias, full documentation and continuous training based on up-to-date knowledge of memory.

REFERENCES

- Akan, M., Robinson, M. M., Mickes, L., Wixted, J. T., & Benjamin, A. S. (2021). The Effect of Lineup Size on Eyewitness Identification. *Journal of Experimental Psychology: Applied*, 27(2), 369-392. <https://doi.org/10.1037/xap0000340>
- Ali Taj and another v. The State, Supreme Court of Pakistan (2023).
- Amendola, K. L., Olson, M. V., Carlson, C., Gronlund, S., Mickes, L., Gao, J., & Yang, Y. (2025). *Nationwide Survey of Policies and Practices in Eyewitness Identification: Full Report*.
- Ansar and others v. The State and others, Supreme Court of Pakistan (2023).
- Birzhanov, B., Sakenova, A., Abeuov, A., Birzhanov, K., Sopyhanova, A., & Talapova, A. (2023). Electronic Proves as One of the Modern Independent Means of Evidence. *Journal of Law and Sustainable Development*, 11, e1805. <https://doi.org/10.55908/sdgs.v11i10.1805>
- Carlson, C. A., & Carlson, M. A. (2025). *Eyewitness Identification: A Systematic Investigation of Lineup Composition and Fairness*.
- Carlson, C. A., & Hemby, J. A. (2021). Testing encoding specificity and the diagnostic feature-detection theory of eyewitness identification, with implications for showups, lineups, and partially disguised perpetrators. *Cognitive Research: Principles and Implications*, 6(14). <https://doi.org/10.1186/s41235-021-00276-3>
- Carlson, C. A., Hemby, J. A., & Fitzgerald, R. J. (2021). Testing Encoding Specificity and the Diagnostic Feature-Detection Theory of Eyewitness Identification, with Implications for Showups, Lineups, and Partially Disguised Perpetrators. *Cognitive Research: Principles and Implications*, 6(14). <https://doi.org/10.1186/s41235-021-00276-3>
- Carlson, C. A., Lockamy, R. F., Jones, A. R., & Hemby, J. A. (2023). How Potential Jurors Evaluate Eyewitness Confidence and Decision Time Statements Across Identification Procedures and for Different Eyewitness Decisions. *Law and Human Behavior*, 29(8), 875-902.
- College of, P. (2023). *National Investigators' Examination Candidate Handbook 2023: Code D – Identification by Witnesses*.
- Fitzgerald, R. J., Rubinová, E., Ribbers, E., & Juncu, S. (2025). Eyewitness Lineup Identity (ELI) database: Crime videos and mugshots for eyewitness identification research. *Behavior Research Methods*, 57(63). <https://doi.org/10.3758/s13428-024-02585-z>
- Fitzgerald, R. J., Tredoux, C. G., & Juncu, S. (2023a). Estimation of Eyewitness Error Rates in Fair and Biased Lineups. *Law and Human Behavior*, 47(4), 463-483. <https://doi.org/10.1037/lhb0000538>
- Fitzgerald, R. J., Tredoux, C. G., & Juncu, S. (2023b). Estimation of eyewitness error rates in fair and biased lineups. *Law and Human Behavior*, 47(5), 463-483. <https://doi.org/10.1037/lhb0000538>
- Fradella, H. F. (2023). A Synthesis of the Science and Law Relating to Eyewitness Misidentifications and Recommendations for How Police and Courts Can Reduce Wrongful Convictions Based on Them. *Seattle University Law Review*, 47(1), 1.
- Greenspan, R. L., & Loftus, E. F. (2023). Patterns in the use of best practices for eyewitness identifications in the field. *Psychology, Crime & Law*, 29(2), 161-181. <https://doi.org/10.1080/1068316X.2021.2018436>
- Guo, Z. (2023). Regulating the use of electronic evidence in Chinese courts: Legislative efforts, academic debates and practical applications. *Computer Law & Security Review*, 48(105774). <https://doi.org/10.1016/j.clsr.2022.105774>

- Holdstock, J. S., Dalton, P., May, K. A., & Boogert, S. (2022). Lineup identification in young and older witnesses: does describing the criminal help or hinder? *Cognitive Research: Principles and Implications*, 7(51). <https://doi.org/10.1186/s41235-022-00399-1>
- Juncu, S., & Fitzgerald, R. J. (2021). A Meta-Analysis of Lineup Size Effects on Eyewitness Identification. *Psychology, Public Policy, and Law*, 27(3), 295-315. <https://doi.org/10.1037/law0000311>
- Juncu, S., Fitzgerald, R. J., & Carlson, C. A. (2021). Optimizing the selection of fillers in police lineups. *Psychological Science*, 32(7). <https://doi.org/10.1177/09567976211001741>
- Kasuri, M. R., Abbas, S., & Mahmood, T. (2024). Adversarial and Inquisitorial; Two Rival Models of Criminal Procedure and Theory of Convergence: An Appraisal. *Journal of Law & Social Studies*, 6(1), 73-84. <https://doi.org/10.52279/jlss.06.01.7384>
- Kasuri, M. R., Mahmood, T., & Rasool, F. G. (2024). Enhancing the Scope of Investigation in Pakistan's Criminal Justice System: A Comprehensive Case Study. *Pakistan JL Analysis & Wisdom*, 3, 164.
- Kelso, L. E., Dobolyi, D. G., Grabman, J. H., & Dodson, C. S. (2025). AI assistance improves people's ability to distinguish correct from incorrect eyewitness lineup identifications. *Proceedings of the National Academy of Sciences*, 122(21), e2503971122. <https://doi.org/10.1073/pnas.2503971122>
- Kleider-Offutt, H., Stevens, B., Mickes, L., & Boogert, S. (2024). Application of artificial intelligence to eyewitness identification. *Cognitive Research: Principles and Implications*, 9(19). <https://doi.org/10.1186/s41235-024-00542-0>
- Kovera, M. B. (2024). The role of suspect development practices in eyewitness identification accuracy and racial disparities in wrongful conviction. *Social Issues and Policy Review*, 18(1), 125-147. <https://doi.org/10.1111/sipr.12102>
- Kruisselbrink, E. D., Fitzgerald, R. J., & Bernstein, D. M. (2023). The impact of viewing social media images on eyewitness identification. *Psychology, Public Policy, and Law*, 29(4), 457-470. <https://doi.org/10.1037/law0000401>
- Lee, J., & Saraiva, R. B. (2025). Cross-Cultural Research in Eyewitness Identification: Exploring Criterion Differences Between South Korean and UK Eyewitnesses in Lineups. *Applied Cognitive Psychology*, 39(e70050), 10.1002/acp.70050.
- Munir, B. (2020, December 30). An assessment of right to fair trial under the Constitution of Pakistan, 1973: A comparative study of the US and Pakistan. *Global Strategic & Security Studies Review*, 5(4), 31-39.
- Mahmood, T., Rasool, F. G., & Ullah, E. (2024). Advancing Justice Through Technology: A Comparative Analysis of Data-Driven Approaches to The Burden of Proof in Criminal Cases in The USA and Pakistan. *Journal of Asian Development Studies*, 13(3).
- Majeed, N., Khan, A. N., & Asif, A. (2022). The Requirements of a Fair Trial in International and Pakistani Legal Framework: A Critical Analysis. *Pakistan Languages and Humanities Review*, 6(1). [https://doi.org/10.47205/plhr.2022\(6-I\)17](https://doi.org/10.47205/plhr.2022(6-I)17)
- Mehmood, K., Sultan, M. S., & Azeem, H. M. (2024). An Analysis of Pre-Trial Fair Trial Rights and International Standards. *Annals of Human and Social Sciences*, 5(2), 627-637. [https://doi.org/10.35484/ahss.2024\(5-II-S\)59](https://doi.org/10.35484/ahss.2024(5-II-S)59)

- Menne, N. M., Winter, K., Bell, R., & Buchner, A. (2023). Measuring Lineup Fairness from Eyewitness Identification Data Using a Multinomial Processing Tree Model. *Scientific Reports*, 13, 6290. <https://doi.org/10.1038/s41598-023-33101-6>
- Muhammad Riaz v. Khurram Shehzad and another, 2024 SCMR 51, Supreme Court of Pakistan (2024).
- Naveed Sattar v. The State and others, 2024 SCMR 205, Supreme Court of Pakistan (2024).
- Nyman, T. J., Cappa, G., Zappalà, A., & Santtila, P. (2024). Eyewitness identifications based on biased or unbiased line-up instructions after a realistic and violent hostage simulation. *Journal of Investigative Psychology and Offender Profiling*, 21(2), e1624. <https://doi.org/10.1002/jip.1624>
- Palmer, M. A., Fitzgerald, R. J., & Hope, L. (2022). Active exploration of faces in police lineups increases discrimination accuracy. *American Psychologist*, 77(1). <https://doi.org/10.1037/amp0000832>
- Pike, G., Havard, C., Harrison, G., & Ness, H. (2021). Eyewitness identification procedures: Do researchers and practitioners share the same goals? *Legal and Criminological Psychology*, 23(1). <https://doi.org/10.1177/14613557211004625>
- Portland Police, B. (2021). *Eyewitness Identification Policy* 0870.80.
- Qayum, S., & Ahmad, H. (2022). The Right of an Accused to a Fair Trial in Criminal Administration of Justice: Testing the Fairness of a Murder Trial in Sessions Court in District Shangla of Khyber Pakhtunkhwa. *Pakistan Journal of Criminology*, 14(3), 101-114.
- Quigley-McBride, A., & Wells, G. L. (2023). Eyewitness Confidence and Decision Time Reflect Identification Accuracy in Actual Police Lineups. *Law and Human Behavior*, 47(2), 333-347. <https://doi.org/10.1037/lhb0000518>
- Rashed alias Chand and others v. The State and others, PLJ 2022 Cr.C. 24, Lahore High Court (2022).
- Rubínová, E., Fitzgerald, R. J., Juncu, S., & Ribbers, E. (2021). Live presentation for eyewitness identification is not superior to photo or video presentation. *Journal of Applied Research in Memory and Cognition*, 10(2), 167-176. <https://doi.org/10.1016/j.jarmac.2020.08.009>
- Rubínová, E., Fitzgerald, R. J., Juncu, S., Ribbers, E., Hope, L., & Sauer, J. D. (2021). Live Presentation for Eyewitness Identification Is Not Superior to Photo or Video Presentation. *Journal of Applied Research in Memory and Cognition*, 10, 167-176. <https://doi.org/10.1016/j.jarmac.2020.08.009>
- Saleem, M. M. (2025). Right to Fair Trial under Article 10A: Practical Implementation in the Criminal Justice System of Pakistan. *ACADEMIA International Journal for Social Sciences*, 4(2). <https://doi.org/10.63056/ACAD.004.02.1199>
- Seale-Carlisle, T. M. (2024). Improving the diagnostic value of lineup rejections. *Cognition*, 252(105917). <https://doi.org/10.1016/j.cognition.2024.105917>
- Smith, A. M., Smalarz, L., Ditchfield, R., & Ayala, N. T. (2021). Evaluating the claim that high confidence implies high accuracy in eyewitness identification. *Psychology, Public Policy, and Law*, 27(4), 479-491. <https://doi.org/10.1037/law0000324>
- Smith, A. M., Ying, R. C., Goldstein, A. R., & Fitzgerald, R. J. (2024). Absolute-judgment models better predict eyewitness decision-making than do relative-judgment models. *Cognition*, 251(105877). <https://doi.org/10.1016/j.cognition.2024.105877>

- Stoykova, R. (2024). A New Right to Procedural Accuracy: A Governance Model for Digital Evidence in Criminal Proceedings. *Computer Law & Security Review*, 55(106040).
<https://doi.org/10.1016/j.clsr.2024.106040>
- Subha Sadiq v. The State, 2025 SCMR 50, Supreme Court of Pakistan (2025).
- Tuttle, M. D., Starns, J. J., & Cohen, A. L. (2025). Protecting the innocent in eyewitness identification: An analysis of simultaneous and ranking lineups. *Journal of Memory and Language*, 140(104581).
<https://doi.org/10.1016/j.jml.2024.104581>
- White, D., Guilbert, D., Varela, V. P., & Jenkins, R. (2022). GFMT2: A psychometric measure of face matching ability. *Behavior Research Methods*, 54(1), 252-260.
<https://doi.org/10.3758/s13428-021-01638-x>
- Wilson-Kovacs, D., Helm, R., Grown, B., & Redfern, L. (2023). Digital evidence in defence practice: Prevalence, challenges and expertise. *International Journal of Evidence & Proof*, 27.
- Wilson, B. M., Seale-Carlisle, T. M., & Colloff, M. F. (2024). Feeling the future of eyewitness research. *Cognition*, 251(105879).
<https://doi.org/10.1016/j.cognition.2024.105879>
- Wixted, J. T., & Mickes, L. (2025). Suspect identification accuracy from lineups, in the lab and in the field. *Cognitive Research: Principles and Implications*, 10(60).
<https://doi.org/10.1186/s41235-025-00670-1>
- Wixted, J. T., Vul, E., Mickes, L., & Wilson, B. M. (2021). Eyewitness Identification Is a Visual Search Task. *Annual Review of Vision Science*, 7, 519-541.
<https://doi.org/10.1146/annurev-vision-100119-124537>
- Wixted, J. T., Wells, G. L., Loftus, E. F., & Garrett, B. L. (2021a). Test a Witness's Memory of a Suspect Only Once. *Psychological Science in the Public Interest*, 22(1_suppl), 1S-18S.
<https://doi.org/10.1177/15291006211026259>
- Wixted, J. T., Wells, G. L., Loftus, E. F., & Garrett, B. L. (2021b). Test a Witness's Memory of a Suspect Only Once. *Psychological Science in the Public Interest*, 22(1_suppl).
<https://doi.org/10.1177/15291006211026259>
- Wooten, A. R., Carlson, C. A., Lockamy, R. F., & Carlson, M. A. (2022). The number of fillers may not matter as long as they all match the description: The effect of simultaneous lineup size on eyewitness identification. *Applied Cognitive Psychology*, 34(3), 590-604.
- Yang, Y., & Smith, A. M. (2023). fullROC: An R package for generating and analyzing eyewitness-lineup ROC curves. *Behavior Research Methods*, 55(3), 1259-1274.
<https://doi.org/10.3758/s13428-022-01807-6>
- Yilmaz, A. S., Lebensfeld, T. L., & Wilson, B. M. (2022). The reveal procedure: A way to enhance evidence of innocence from police lineups. *Law and Human Behavior*, 46(2), 164-173.
<https://doi.org/10.1037/lhb0000478>
- Zimmerman, D. M., & Rodriguez, D. N. (2024). Legal actors' and laypersons' utility judgments of eyewitness lineup procedures and outcomes. *Law and Human Behavior*, 48(2), 117-132.
<https://doi.org/10.1037/lhb0000555>