

WAF meeting on the Independence of the Judiciary

April 3, 2024

In attendance - Lahore, Karachi and Islamabad chapter members

Brief summary of SC hearing:

Seven judges (all available in Islamabad) heard the case, this may end up becoming a full bench later. The hearing ended on the note to decide:

1. What should the SJC do vis a vis changes to the code - SC cannot instruct but request
2. What guidelines can be given to the High Court
3. What inquiry powers does the SC have and how can this be conducted

Points raised by Ms. Jilani:

- If a full court hears the case then who will hear the appeal
- But what is the jurisdiction of the SC
- 2017 Inquiry Act, commission is not under executive control
- But it should not have been a one-man commission
- The IHC letter points to a policy
- Interference of the establishment, military acts through agencies
- Enough anecdotal evidence of interference with the judiciary exists
- The reputation of the agencies in this regard is also tarnished
- Whether judiciary, parliament, FBR, FIA, taxation, there is interference on all fronts
- NGO/Civil society has also been squeezed
- Parliament is pressurised to pass certain laws
- Judiciary is the primary guardian of rights but its independence is also undermined due to its collusion
- Now that the Suo Motu has been taken the judiciary should not spots its hand or it will be disastrous
- There should be no compromise on the independence of the judiciary
- Executive and parliament must unconditionally support this position
- Securing independence is their responsibility
- If they shirk they will be as responsible
- There is a historical pattern re role of political parties
- The six judges are being attacked, this message was long overdue, burden should not be on the judges

Themes for statement:

- Main issue is interference of the agencies
- We should take a broader position on the interference into all aspects of civilian and institutional affairs
- Show historical pattern of interference
- WAF's stance throughout history and standing by independence of the judiciary and on civilian supremacy
- The six judges should be supporter
- Our expectation for key public interest and matters of public important to be entertained and heard in a timely manner by the SC and all courts

Suggested way forward:

All chapters to discuss and then we reconvene in a week's time before Eid if possible. We should not rush the statement. Watch where proceedings go and if there should be a civil society challenge.

Relevant reading:

<https://www.dawn.com/news/1824860>

<https://tribune.com.pk/story/2461575/sc-may-issue-guidelines-to-judges>

<https://www.dawn.com/news/1825282/why-the-ihc-judges-allegations-of-executive-overreach-should-concern-us-all>

<https://www.dawn.com/news/1825613/sword-versus-pen>