

PRESS RELEASE

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Imran Khan: Urgent appeal filed with UN Special Rapporteur on Judges and Lawyers over proposed constitutional amendments

Monday 7 October 2024: Imran Khan, the former Prime Minister of Pakistan and founder of the Pakistan Tehreek-e-Insaf (“PTI”) party, has filed an urgent appeal to the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Margaret Satterthwaite, in relation to the proposed amendments to the Constitution, which the government is attempting to pass this week.

Since he was ousted from office in April 2022, Mr Khan, PTI members and supporters have faced hundreds of spurious criminal cases. Mr Khan has been imprisoned in Pakistan since August 2023. In June 2024 the United Nations (“UN”) Working Group on Arbitrary Detention found that he is unlawfully and arbitrarily detained. On 11 September 2024, Amnesty International [called](#) for Mr Khan’s immediate release from arbitrary detention.

The urgent appeal was filed by [Edward Fitzgerald KC](#), [Tatyana Eatwell](#) and [Jennifer Robinson](#), who have been instructed by Mr Khan’s family to conduct UN engagement and international advocacy on behalf of Mr Khan. The appeal concerns the proposed 26th Amendment to the Constitution of Pakistan and the serious threat it poses to the independence of the judiciary, the rule of law, and the protection of fundamental rights of the people of Pakistan, including for Mr Khan and his supporters.

The proposed constitutional amendments will make the following changes:

- Remove jurisdiction from the Supreme Court to a new Federal Constitutional Court, including in relation to the enforcement of the protection of fundamental rights and matters of constitutional interpretation;
- Provide for the selection of the Chief Justice of the new Federal Constitutional Court by a new National Assembly Committee whose meetings will be held in private, sparking serious concerns about political interference in judicial appointments and undermining judicial independence and public scrutiny of the process;
- Remove the ability to judicially review the actions of Pakistan’s military and security services, further reinforcing systematic impunity.

If passed, the amendments will significantly restrict the ability of Mr Khan to challenge cases brought against him, including the government’s plans to try him in a military court, and will further undermine the independence of the judiciary, the separation of powers, and the protection of human rights and civil liberties in Pakistan. The submission urges the Special Rapporteur to issue an urgent communication to Pakistan about the proposed amendment.

Background:

The proposed amendments to the Constitution come in the context of an already fragile and threatened justice system in Pakistan, illustrated by the systematic abuse and targeting of Mr Khan, his family, senior leaders of PTI, and the party's supporters, including by use of prosecutorial harassment, arbitrary detention, torture, inhuman and degrading treatment, threats to life and enforced disappearance. Mr Khan was ousted from office on 10 April 2022 and first charged under anti-terrorism legislation after he criticised the police and other state institutions at a PTI rally on 21 August 2022. Since that time, there has been a rapid descent in the rule of law in Pakistan – and numerous spurious criminal cases have been brought against him, PTI members and supporters. The media has been [prohibited](#) from mentioning Mr Khan by name, and numerous journalists and opposition politicians have been abducted, tortured or otherwise mistreated.

The proposed constitutional amendments have been widely criticised by the legal profession in Pakistan. The government is going to attempt to pass the amendments this week, despite ongoing controversy about the constitutional validity of voting arrangements.

Edward Fitzgerald KC, Tatyana Eatwell and Jennifer Robinson, international counsel for Mr Khan and his family, said:

“The proposed amendments are clearly aimed at removing the jurisdiction and powers of the Supreme Court, at a time when the judiciary in Pakistan is already under threat. Judges have been threatened and coerced to deliver prescribed verdicts in controversial cases. The proposed amendments will entrench existing impunity for human rights violations committed by the military and security forces. Mr Khan and his family bring this urgent appeal to protect the independence of judges and rule of law, and to protect fundamental rights in Pakistan and every citizen’s ability to enforce those rights.”

Note to editors:

1. [Edward Fitzgerald KC](#), [Tatyana Eatwell](#) and [Jennifer Robinson](#) act as international counsel for Imran Khan, instructed by his family, led by his sisters. The international legal team also acts for Aleema Khan. Mr Khan’s sisters, Aleema and Uzma Khan, were arrested on 4 October 2024 at a demonstration organised by the PTI at D-Chowk square in Islamabad and remain in detention.
2. The UN Working Group on Arbitrary Detention opinion of 18 June 2024 on Mr Khan’s case was obtained by a [separate legal team](#): Sarah Gogan and Charlotte Boyce of Harbottle & Lewis and Jared Genser and Brian Tronic of Perseus Strategies.
3. Any press queries for international counsel in this matter should be directed to press.enquiries@doughtystreet.co.uk