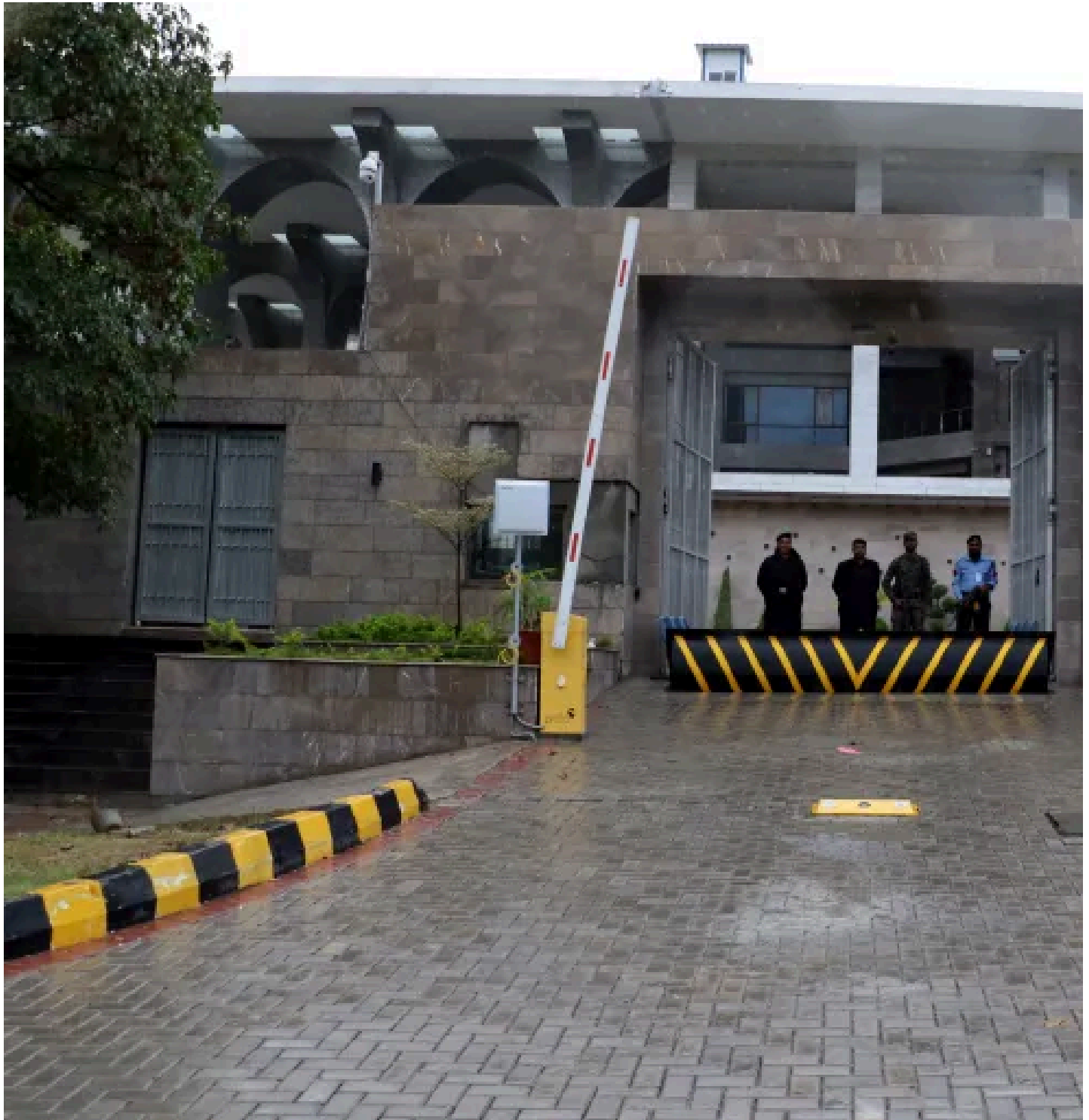


Judges vs spies: Pakistan's jurists accuse intel agency ISI of intimidation

Six high court judges write open letter accusing the agency of intimidating and coercing them over 'politically consequential' cases.



Pakistan's military runs the Inter-Services Intelligence (ISI) spy agency [File: Sohail Shahzad/EPA]

Islamabad, Pakistan – Six senior Pakistani judges have accused the country's powerful spy agency of interfering in judicial matters and using "intimidatory" tactics such as secret surveillance and even abduction and torture of their family members.

In a letter dated March 25 but made public on Tuesday evening, the six judges of the Islamabad High Court (IHC) in the capital urged the Supreme Judicial Council (SJC) to look into the allegations against officials belonging to the Inter-Services Intelligence (ISI), the Pakistani military's premier intelligence agency. The SJC consists of Pakistan's chief justice, and four other top judges – two each from the Supreme Court and High Courts – and is the country's judicial watchdog.

"We believe it is imperative to inquire into and determine whether there exists a continuing policy on part of the executive branch of the state, implemented by intelligence operatives who report to the executive branch, to intimidate judges, under threat of coercion or blackmail, to engineer judicial outcomes in

politically consequential matters,” said the letter.

On Wednesday, the Chief Justice of Pakistan Qazi Faez Isa called the entire panel of 15 Supreme Court judges for a meeting to discuss the letter.

The ISI and Pakistan’s military have not responded to the letter yet. Neither Pakistan’s law ministry nor the military’s media wing responded to queries by Al Jazeera, seeking their responses to the allegations in the letter.

The cases of alleged intimidation and coercion by the judges in “[politically consequential](#)” cases relate to those against the main opposition leader and jailed former Prime Minister Imran Khan.

Khan’s Pakistan Tehreek-e-Insaf (PTI) has accused the military of orchestrating a [crackdown on the party](#) in the run-up to last month’s general elections. The crackdown saw Khan jailed and barred from contesting, dozens of other PTI leaders leaving the party after their arrest, and the party losing its election symbol, forcing its candidates to contest the vote as independents.

Pakistan’s military has repeatedly denied allegations that it interfered in the election.

More than 100 cases against Khan were brought before the IHC, with the six signatory judges saying “considerable pressure was brought to bear” on them by the spy agency. The letter says a judge’s brother-in-law was abducted by “individuals who claimed to be operatives of the ISI” and “tortured into making false allegations”. Another judge said he found secret cameras in his living room and bedroom.

“We, therefore, request that a judicial convention be called to consider the matter of interference of intelligence operatives with judicial functions and/or intimidation of judges in a manner that undermines the independence of the judiciary,” said their letter.



Lawyer bodies across Pakistan have urged the top court to act on the allegations in the letter issued by the judges [File: Sohail Shahzad/EPA]

The letter by the judges came less than a week after the Supreme Court ruled that the removal of former IHC judge Shaukat Aziz Siddiqui in 2018 was illegal.

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In a public speech that year, Siddiqui had accused the then-ISI chief and other military officials of [manipulating judicial decisions](#) and interfering in cases. Siddiqui’s allegations pertained to corruption cases against Nawaz Sharif, the former prime minister — whose brother Shehbaz Sharif The SJC initiated a misconduct proceeding against the judge and recommended his removal from the post.

Siddiqui challenged the SJC decision in the Supreme Court, which began hearing the matter only last year. In its order last week, the top court said the SJC recommendation was flawed and declared the restoration of his status as a retired judge.

The judges’ letter cited the Siddiqui case as well, demanding a probe into the allegations made against the former ISI chief and other military officials.

Lawyer Rida Hosain told Al Jazeera the six judges “have shown immense courage” by speaking out and pushing back against the military’s alleged intervention at a time when “silent acceptance is the option exercised by most”.

“The independence of the judiciary must be upheld in real time. It now falls to the highest court of the land to protect and safeguard judicial independence.”

Another lawyer, Abid Saqi, said there was a long history of interference in judicial affairs from “external forces”, adding that the contents of the letter were “based on reality”.

“This is a shocking revelation with regards to the collapse of the judicial sector,” Saqi told Al Jazeera. “Things must reach some resolution with such allegations. Either the judiciary will continue to work as a hand-picked element for the state, or judges with conscience will react. If their reaction gets public support, we can possibly hope for comprehensive reforms.”

Political analyst Benazir Shah said the letter challenges repeated claims by government officials that the “establishment” – a euphemism for the military – does not interfere in political affairs.

“For the new government, which has only been in office for a little over a month now, this is a no-win situation. It must now clarify whether there exists a government policy to bully judges since the spooks on paper are answerable to the executive. Or that whether it [executive] exercises no control over the intelligence officials,” Shah told Al Jazeera.

Shah said the onus now lies on Qazi Faez Isa, the chief justice of Pakistan, to act on the letter by the judges. “It is now his duty to take some action, and his steps will reveal how serious he is to protect the independence of the judiciary.”