

Formal Complaint. Judicial Bias

From: **Rita Pal**

Date: Fri, 8 Apr 2022, 13:05

Subject: Formal Complaint. Appearance of bias

To: <mail@supremecourt.gov.pk>

Dear Sirs,

I refer to this judgment done by the Supreme Court recently. It was reported in a number of papers <https://www.theguardian.com/world/2022/apr/07/pakistan-top-court-orders-vote-on-imran-khan-to-go-ahead> .

Unfortunately, despite being of international interest due to allegations of a coup, you have not released the full judgment yet. It has therefore been extremely difficult to understand the reasoning/principles/ law of the decision made.

As you know know Pakistan is often subjected to an information warfare from its various foreign enemies. Due consideration should have been given before releasing the order so as not to undermine Pakistan on an international level. No due concern was given.

My concern regarding the short order is the appearance of bias. Verified information online has suggested that the judge (Mr Umar Ata Bandial) presiding over this case has relatives aligned to the opposition parties. I enclose the evidence of this (see enclosed screenshots)

I do not understand why he did not recuse himself or declare this matter officially thereby giving the parties the option of an independent judge. Judicial independence/ impartiality is vital in cases of national security. To the average public observer the judge's alignment to the opposition parties places the judiciary into disrepute. It stands professionally embarrassed. The public and many of the legal fraternity have labelled this a judicial coup. This undermines the reputation of the courts in the eyes of the public (both nationally and internationally).

In 2004, Crisis group wrote

"On the three occasions since independence when military coups have ended democratic rule in Pakistan the judiciary not only failed to check extra-constitutional regime change, but also endorsed and abetted the consolidation of illegally gained power"

UN Basic Principles on the independence of the judiciary highlights that “the independence of the judiciary shall be guaranteed by the state and enshrined in the constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary”.

Officers of the Court have argued judicial independence to uphold public confidence.

(see <https://www.thenews.com.pk/print/904830-independence-of-judiciary>)

For this reason, there must be an inquiry into the evidence enclosed. The appearance of bias and the potential possibility of the judiciary being complicit in a coup by a foreign power must be determined. This is also a matter of national importance as it involves a threat to national security.

I believe in the national interests of Pakistan. The Supreme Court stands professionally embarrassed by this matter. Its reputation remains shattered.

The court cannot allow this erosion in public confidence therefore it must rectify the situation immediately.

I hope you will kindly consider my complaint on this matter. Moreover, I'd be grateful if you would kindly consider setting the judgement aside with a fresh consideration by a independent judge (with no political connections).

I will copy this to the UNHRC so they can review the potential breach of their principles. My reason for writing this complaint is to uphold the international reputation of Pakistan as an independent self sufficient state. It cannot be seen as subservient to a foreign power. Its forefathers did not sacrifice themselves for an independent state just so it can be sold to the

nearest bidder at a market of horse traders. Pakistan is not a slave of any country even the USA. If there is a loss of public confidence, let the people of Pakistan decide on who they want as Prime Minister.

Thankyou for taking the time to listen to my concerns.

Regards

Dr Rita Pal UK

Successful UNHRC complainant on Kashmir.