Permanent Mission of Pakistan
to the United Nations and
other International Organizations
Geneva

No. Sp/Proc/1/2025

Mission permanente du Pakistan
auprès de l'Office des Nations Unies et des
autres Organisations Internationales à
Genève

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva and with reference to the latter's Note Verbale dated 28 November 2025 conveying communication OL PAK 14/2025, has the honour to attach the response from H.E. Bilal Ahmad, Ambassador and Permanent Representative of Pakistan, addressed to Ms. Margaret Satterwhaite, Special Rapporteur on the independence of lawyers and judges, in continuation of the former's letter dated 2 December 2025.

The Permanent Mission has the honour to request that the latest response be placed before its intended recipients and included on the SPMH communications database.

The Permanent Mission of the Islamic Republic of Pakistan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Geneva, 16 December 2025

Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva

Permanent Mission to the United Nations (European Office) ★ GENEVA ★

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Permanent Mission of Pakistan
to the United Nations and
other International Organizations, Geneva

Permanent Representative

No. Amb-1/2025

16 December 2025

Subject: **Response to the UN to the Special Rapporteur on the Independence of Judges and Lawyers**

Madam Special Rapporteur,

I am writing in continuation of my letter dated 2 December 2025 with reference to your communication OL PAK 14/2025 dated 28 November 2025.

Pakistan values constructive dialogue with UN Special Procedures and remains fully committed to all its international obligations, including under the ICCPR, and the UDHR. At the same time, certain observations in the communication under reference appear to be premised on assumptions that do not reflect Pakistan's constitutional framework or the legal implications of the 27th Constitutional Amendment.

Accordingly, the Government of Pakistan would like to draw attention to the following:

- The 27th Amendment was enacted strictly in accordance with Pakistan's constitutional framework. Article 239 of the Constitution empowers the Parliament of Pakistan to legislate constitutional reforms, a prerogative central to democratic evolution across jurisdictions. The Amendment does not dilute the authority of any institution; rather, it strengthens the separation of powers by refining the Supreme Court's appellate role and establishing a dedicated Federal Constitutional Court (FCC) for constitutional matters, including original, appellate, review and advisory jurisdictions as provided under Articles 175E to 175H of the Constitution. This structural refinement reduces jurisdictional overlap, enhances judicial efficiency, and aligns Pakistan's system with widely recognized comparative constitutional models

- The decision to create the FCC was informed by the longstanding and significant backlog of cases before the Supreme Court of Pakistan. As reflected in the 3rd Biannual Report of the Law and Justice Commission (2024), over 58,000 cases remain pending. This situation has increasingly constrained the Court's ability to ensure timely adjudication. The establishment of the FCC seeks to ensure coherent and timely constitutional interpretation, reduce systemic case backlog, and streamline the Supreme Court's appellate role. These objectives are also fully aligned with the UN Basic Principles on the Independence of the Judiciary, which emphasize that States may design their judicial structures according to national needs so long as independence, fairness, and access to justice remain intact.

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- Concerns that the Amendment might impact guarantees under ICCPR Articles 14 and 2(3)are unfounded as no provision of the Amendment restricts access to a court, limits constitutional remedies, introduces executive immunity, or dilutes the independence or impartiality of judicial bodies. In Pakistan, all constitutional remedies remain intact. High Courts retain their constitutional jurisdiction under Article 199, the Supreme Court retains appellate and review jurisdiction, and the FCC assumes a specialized role without displacing existing remedies.

- With regard to the appointment of the first batch of FCC Judges, as alluded to in our earlier correspondence, the transitional provision empowering the President to make the initial appointments is a one-time enabling mechanism commonly employed when new judicial bodies are constituted. Under this transitional arrangement, only the Chief Justice of the FCC was appointed by the President on the advice of the Prime Minister, and this was done solely to operationalise the new court. Even then, the President was mindful of ensuring institutional credibility: the individual appointed was the senior-most judge of the Supreme Court's constitutional bench at the time, thereby ensuring continuity, seniority, and established judicial integrity.

- As for the remaining judges, their appointments were made following binding consultation with the Chief Justice, in line with Pakistan's settled jurisprudence on judicial appointments. Under this framework, no individual could have been appointed contrary to the Chief Justice's recommendation, ensuring that the composition of the inaugural bench reflected judicial rather than executive preference. After the first batch, all future appointments will proceed through the Judicial Commission of Pakistan (JCP), comprising the Chief Justice of Pakistan, the Chief Justice of the FCC, senior judges, the Attorney General, the Law Minister, bar representatives, and parliamentary members. This composition accords with international best practice, which recognizes that judicial appointment bodies may include a mix of judicial and non-judicial members so long as independence is safeguarded. Furthermore, the eligibility criteria for FCC judges mirror those for the Supreme Court and High Courts, ensuring a consistently high threshold of competence, integrity, and impartiality.

- The mechanism for transfer of judges already exists under Article 200, and the Amendment does not expand the executive's authority in this domain. Another reason for the amendment was to improve the distribution of judicial resources. The system can address disparities in workload and case backlog among different courts. High Courts facing an excessive number of pending cases can receive experienced judges, thereby improving efficiency and reducing delays in justice delivery. The provisions regarding seniority, allowances, and voluntary acceptance ensure that transfers are fair and respectful of judicial hierarchy while maintaining incentives for judges. Overall, this amendment supports the equitable distribution of judicial expertise and manpower, strengthens court management, and contributes to a more effective and balanced administration of justice throughout Pakistan.

- The extension of immunity to holders of select high offices accords with well-established legal doctrine and comparative State practice. Such immunity neither signifies impunity nor weakens accountability; rather, it ensures that decision-making in complex contexts remains insulated from politically motivated reprisals or vexatious litigation.

The 27th Constitutional Amendment is a structural reform grounded in comparative constitutional practice, and aligned with international obligations.

It does not restrict any fair-trial guarantee, does not introduce immunity, does not curtail judicial review, and does not undermine judicial independence. Rather, it enhances the judiciary's institutional capacity, ensures specialization in constitutional adjudication, and strengthens Pakistan's ability to provide effective and timely remedies to all individuals.

I hope the foregoing would help your mandate better understand the context and evolution of Pakistan's judicial reform, underpinned by Constitutional safeguards and consistent with obligations under international human rights law.

Yours sincerely,

16/12/25

(Bilal Ahmad)

Ms. Margaret Satterthwaite,
UN Special Rapporteur on the independence of judges and lawyers
Office of the UN High Commissioner for Human Rights
Geneva

Copy to:
Mr. Volker Türk
United Nations High Commissioner for Human Rights,
Office of the UN High Commissioner for Human Rights
Geneva