

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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PAKISTAN: AUTHORITIES MUST IMMEDIATELY RELEASE IMRAN KHAN FROM ARBITRARY DETENTION

5 August 2024 marked one year since former Prime Minister Imran Khan's detention following his conviction for non-declaration of assets obtained as gifts while he was Prime Minister between August 2018 to April 2022 in a case, commonly referred to as 'Toshakhana I' case, brought by the Election Commission of Pakistan (ECP).¹ Since then Imran Khan has remained in detention due to convictions in three other cases and has faced charges in multiple trials.

A year on from Imran Khan's conviction and sentencing, Amnesty International has found several fair trial violations under international human rights standards which have resulted in his arbitrary detention, denying his right to liberty. Amnesty International has reviewed key documents in Imran Khan's cases and spoken to lawyers involved in the trials. We have noted a pattern of weaponization of the legal system to keep Imran Khan under detention and away from all political activity.

Amnesty International calls on the Pakistani authorities to immediately release Imran Khan from arbitrary pre-trial detention. The multiplicity of cases against Imran Khan are consistent with a pattern of misuse of the criminal justice system in Pakistan to intimidate, harass and target political opposition leaders through politically motivated cases. Authorities must take all possible measures to ensure that Imran Khan is given an open and fair hearing through a competent, independent and impartial court.

Imran Khan's Pakistan Tehreek-e-Insaf (PTI) party came to power through the General Election in July 2018.² Nearly four years later, Imran Khan was ousted after a vote of no confidence on 9 April 2022, giving way to the coalition Pakistan Democratic Movement (PDM) to form the government.³ Amnesty International has noted a pattern of human rights violations against critics of the PDM government such as the trial of protesters before military courts,⁴ and severe restrictions on the right to freedom of expression, including an over six month ban of X (formerly 'Twitter') in the country since 17 February 2024.⁵ Members of PTI have been subject to arbitrary detention, enforced disappearances⁶ and restrictions on the rights to freedom of peaceful assembly and association.⁷

CASES AGAINST IMRAN KHAN

Imran Khan was first arrested on 9 May 2023 outside the Islamabad High Court after a court appearance, during which he was denied bail,⁸ in a case involving corruption charges related to the Al-Qadir University Trust.⁹ His arrest triggered mass protests across the country resulting in 10 deaths and the arrest and arbitrary detention of over 4,000 people,¹⁰ including political leaders belonging to the PTI. Many prominent PTI members¹¹ remain in detention and have been

¹ Dawn, "Imran arrested after Islamabad court finds him guilty of 'corrupt practices' in Toshakhana case", 5 August 2023, <https://www.dawn.com/news/1768528>

² Al Jazeera, "Imran Khan sworn in as Pakistan's prime minister", 18 August 2018, <https://www.aljazeera.com/news/2018/8/18/imran-khan-sworn-in-as-pakistans-prime-minister>

³ BBC, "Imran Khan ousted as Pakistan's PM after vote", 10 April 2022, <https://www.bbc.com/news/world-asia-61055210>

⁴ Amnesty International, "Pakistan: Civilians must not be tried under military laws", 16 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/pakistan-civilians-must-not-be-tried-under-military-laws>

⁵ Amnesty International, "Pakistan: Civil Society Joint Statement Responding to Network Shutdowns and Platform Blocking" (Index: ASA 33/7834/2024), 15 March 2024, <https://www.amnesty.org/en/documents/asa33/7834/2024/en>

⁶ Amnesty International, "Pakistan: Disappearances of family members of politicians: Mazhar-ul-Hassan, Zahoor-ul-Hassan, and Ghulam Shabbir" (Index: ASA 33/8255/2024), 3 July 2024, <https://www.amnesty.org/en/documents/asa33/8255/2024/en>

⁷ Amnesty International, "Pakistan: Human Rights Charter", 25 March 2024, <https://www.amnesty.org/en/documents/asa33/7868/2024/en>

⁸ Reuters, "Former Pakistan PM Imran Khan arrested, stirring nationwide violence", 9 May 2023, <https://www.reuters.com/world/asia-pacific/former-pakistan-pm-imran-khan-arrested-geo-tv-2023-05-09>

⁹ Amnesty International, PAKISTAN 2023: Annual Report, 2024, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/pakistan/report-pakistan>

¹⁰ Amnesty International, "Joint Statement Pakistan: End Crackdown on Political Opposition" (Index: ASA 33/6811/2023), 23 May 2023, <https://www.amnesty.org/en/wp-content/uploads/2023/05/ASA3368112023ENGLISH.pdf>

¹¹ Al Jazeera, "Long wait for families of PTI leaders jailed over 2023 protests in Pakistan", 5 March 2024, <https://www.aljazeera.com/features/2024/3/5/long-wait-for-families-of-pti-leaders-jailed-over-2023-protests-in-pakistan>

subject to repeated re-arrests.¹² Imran Khan's arrest was declared 'invalid and unlawful' by the Supreme Court on 11 May 2023¹³ and he was released on bail the next day.¹⁴

On 5 August 2023 Imran Khan was sentenced to three years imprisonment and a 100,000 Rupee (US\$360) fine in the Toshakhana I case. He was also disqualified from holding political office for five years due to this conviction.¹⁵ His sentence in the case was suspended by the Islamabad High Court pending appeal on 29 August 2023.¹⁶ The court denied his release and remanded him in detention due to charges in another case, regarding classified state documents under the Official Secrets Act, 1923 (OSA). This case involved charges against Imran and Shah Mehmood Qureshi, vice chairperson of the PTI and former Minister of Foreign Affairs during PTI's government, for disclosing the contents of a diplomatic cypher in violation of sections 5 and 9 of the OSA. Both Imran and Shah Mehmood were sentenced to 10 years imprisonment on 30 January 2024 by a special court established under the OSA.¹⁷ The convictions of both accused have been overturned and they were acquitted on appeal by the Islamabad High Court on 3 June 2024.¹⁸

In the meantime, two additional and separate cases regarding state gifts have been brought against Imran Khan. The Toshakhana cases are all built around the same 108 gifts allegedly obtained while Imran Khan was Prime Minister, 58 of which he allegedly retained.¹⁹ The second case, known as Toshakhana II case, was brought by the National Accountability Bureau (NAB) against Imran Khan and his wife in December 2023 for retaining jewelry received from the Saudi crown prince through a payment against an undervalued assessment.²⁰ The accountability court convicted and sentenced him and his wife, Bushra Imran, to 14 years on 31 January 2024.²¹ The sentence was suspended on 1 April 2024.²² In May 2024, NAB launched a fresh inquiry into the retention and sale of Toshakhana gifts against Khan and his wife.²³ The inquiry resulted in the arrest of Imran Khan and his wife in the third Toshakhana case on 13 July 2024, following their acquittal in the illegal marriage case (discussed below).²⁴ The third Toshakhana case has since been transferred to Federal Investigation Agency court on 9 September 2024 following amendments to NAB laws.²⁵ The Al-Qadir Trust trial against Imran Khan, based on corruption charges brought by NAB, is currently ongoing. He was granted bail in the case on 15 May 2024.²⁶

In another case, Imran Khan was convicted on 3 February 2024 of being in an 'unlawful' and 'fraudulent' marriage, along with his wife, Bushra, under section 496 of the Pakistan Penal Code, 1860.²⁷ It was alleged both parties failed to fulfil the designated 'iddat', or waiting period, after Bushra's divorce in a former marriage under some interpretations of Islamic law. Bushra and Imran were sentenced to seven years and a 0.5 million Rupee (US\$1800) fine by sessions court on 3 February 2024.²⁸ Both were subsequently acquitted in the case on 13 July 2024.²⁹

As of 13 July 2024, all sentences against Imran Khan have been either overturned or suspended, however, he remains in pre-trial detention on remand for 12 cases related to the 9 May violence³⁰ and charges brought by NAB in the third Toshakhana case.³¹

¹² Supreme Court of Pakistan, Imran Ahmed Khan Niazi v The State, Criminal M.A. No. 641 OF 2023, 11 May 2023, https://www.supremecourt.gov.pk/downloads_judgements/crl.p._519_2023_11052023.pdf.

¹³ Supreme Court of Pakistan, Criminal M.A. No. 641 OF 2023, 11 May 2023, https://www.supremecourt.gov.pk/downloads_judgements/crl.p._519_2023_11052023.pdf.

¹⁴ BBC, "Imran Khan leaves court after being granted bail", 13 May 2023, <https://www.bbc.com/news/world-asia-65571796>

¹⁵ Election Commission of Pakistan, Notification No. F.17 (4)/2023.Coord., 8 August 2024, <https://ecp.gov.pk/notifications/notification-mr-imran-ahmed-khan-niazi-is-disqualified-for-a-period-of-5-years-and-is-also-de-notified-as-a-retuned-candidate-from-na-45-kurram-i>.

¹⁶ Dawn, "Imran's Toshakhana sentence suspended but detention at Attock Jail to continue in cipher case", 29 August 2024, <https://www.dawn.com/news/1772860>

¹⁷ Al Jazeera, "Pakistan ex-PM Imran Khan sentenced to 10 years jail in state secrets case", 30 January 2024, <https://www.aljazeera.com/news/2024/1/30/pakistan-ex-pm-imran-khan-top-aide-get-10-years-jail-in-state-secrets-case>

¹⁸ BBC, "Imran Khan acquitted in state secrets case", 3 June 2024, <https://www.bbc.com/news/articles/cx009lq10430>

¹⁹ Dawn, "Imran, Bushra Bibi indicted in Toshakhana reference", 9 January 2024, <https://www.dawn.com/news/1804387>

²⁰ Dawn, "NAB team formed for Toshakhana case", 23 December 2023, <https://www.dawn.com/news/1800106>

²¹ Dawn, "Imran Khan, Bushra Bibi sentenced to 14 years in Toshakhana reference", 31 January 2024, <https://www.dawn.com/news/1810025>

²² Express Tribune, "Imran, wife get reprieve in gifts case", 1 April 2024, <https://tribune.com.pk/story/2461263/imran-wife-get-reprieve-in-gifts-case>

²³ Samaa, "10 gifts under question in new Toshakhana case against Imran, Bushra", 18 May 2024, <https://www.samaa.tv/2087314989-10-gifts-under-question-in-new-toshakhana-case-against-imran-bushra>

²⁴ Express Tribune, "Imran Khan, Bushra Bibi arrested in NAB case after acquittal in Iddat case", 13 July 2024, <https://tribune.com.pk/story/2479412/imran-khan-bushra-bibi-arrested-in-nab-case-after-acquittal-in-iddat-case>

²⁵ Dawn, "Accountability court bars NAB from handling Toshakhana case, hands it over to FIA", 9 September 2024, <https://www.dawn.com/news/1857946/accountability-court-bars-nab-from-handling-toshakhana-case-hands-it-over-to-fia>

²⁶ Dawn, "IHC approves Imran Khan's bail in £190m corruption case", 15 May 2024, <https://www.dawn.com/news/1833660>

²⁷ Pakistan, Pakistan Penal Code, 1860, <https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>, Chapter XX, Section 496.

²⁸ Dawn, "Imran, Bushra convicted in Iddat case, too", 4 February 2024, <https://www.dawn.com/news/1810996>

²⁹ Guardian, "Imran Khan and Bushra Bibi's unlawful marriage convictions overturned by Pakistan court", 13 July 2024, <https://www.theguardian.com/world/article/2024/jul/13/imran-khan-and-bushra-bibi-unlawful-marriage-convictions-overturned-by-pakistan-court>

³⁰ Dawn, Lahore ATC remands Imran Khan for 10 days in dozen May 9 cases, 15 July 2024, <https://www.dawn.com/news/1846004>

Reuters, "Cases against jailed former Pakistan PM Imran Khan", 13 July 2024, <https://www.reuters.com/world/asia-pacific/cases-against-jailed-former-pakistan-pm-imran-khan-2024-07-13>

Dawn, "Release from jail remains elusive as Imran, Bushra 'arrested' in new case after Iddat conviction overturned", 13 July 2024, <https://www.dawn.com/news/1845567>

Dawn, "Lahore ATC remands Imran Khan for 10 days in dozen May 9 cases", 15 July 2024, <https://www.dawn.com/news/1846004>

³¹ Dawn, "Imran, Bushra re-arrested after Iddat acquittal", 14 July 2024, <https://www.dawn.com/news/1845725>

Amnesty International reviewed the judgments and court orders in the Toshakhana gifts,³² Official Secrets Act,³³ and illegal marriage cases.³⁴ Amnesty International has also interviewed seven lawyers involved in the cases to understand the processes adopted by the courts. Direct observation of these trials has not been possible as the trials since 5 August 2023 have been conducted inside the prison premises and have not been open to independent observers. Reliance has also been placed on media coverage of the trials, particularly to establish timelines and corroborating statements made by judges and Imran Khan.

Amnesty International's analysis raises key concerns related to the right to fair trial, including the lack of a public trial, the lack of independent and impartial judiciary, denial of access to legal counsel, inadequate time and facilities to prepare a defence and double jeopardy in the criminal cases against him. These irregularities in the criminal trials against Imran Khan amount to a denial of right to fair trial under international law and Article 10A of the Constitution of Pakistan,³⁵ resulting in deprivation of liberty.

LACK OF PUBLIC TRIAL

All trials relating to Imran Khan since his 5 August arrest have been 'jail trials', conducted inside Adiala prison premises in Rawalpindi. These trials have lacked essential elements of a public trial required under international human rights law. Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR) to which Pakistan is a state party provides that everyone is entitled to a 'a fair and public hearing'.

International human rights law does allow for the press and the public to be excluded from "all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society".³⁶ Jail trials are also permissible under the Code of Criminal Procedure, 1898 (CrPC) in Pakistan's legal system. However, such restrictions to part of or all hearings in a criminal case may be limited only to specific, narrowly defined, circumstances, all of which are to be strictly construed.³⁷

The question of jail trials was subject to several petitions filed by Khan's lawyers during his trial and that of his co-accused, Shah Mehmood Qureshi related to charges under the OSA.³⁸ The government cited reasons of security to justify Imran Khan's various jail trials, particularly threats to his life. There was an assassination attempt against him in late 2022.³⁹ Imran's lawyers who argued for a public trial in courts with adequate security measures, however had previously cited similar security threats to his life and requested the court allow his attendance via digital conference calls."⁴⁰

The Islamabad High Court ruled on 21 November 2023⁴¹ that the notification issued by the government on 29 August 2023 allowing for the jail trial of Imran and Shah Mehmood did not meet the prerequisites of an open trial under section 352 of the CrPC.⁴² The court stated that the trial conducted so far stood 'vitiating' and called for a fresh one but upheld in principle that an open trial could take place even if the prison was the venue if done under exceptional cases "based on tangible material that the holding of the trial outside jail may disrupt public order or internal security measures",⁴³ and measures are taken to allow the public have "reasonable access" to the courtroom in jail and the trial is conducted in "open view".⁴⁴ On 28 December 2023, the Islamabad High Court issued a 'stay order' against the same trial noting 'legal errors' and that the trial lacked elements of an open trial.⁴⁵ By then 13 witness statements had been recorded and two had been cross-examined. The Islamabad High Court ordered on 11 January that the trial should start afresh.⁴⁶ Later, on 24 January 2024, the Islamabad High Court reaffirmed that the government had the authority to conduct a jail trial

³² Sessions Court Islamabad, District Election Commissioner Islamabad v Imran Khan, Case No. 01/2022, 5 August 2023; Accountability Court-I Islamabad, The State v Imran Ahmad Khan Niazi and Bushra Imran, 31 January 2024.

³³ Special Court (Official Secret), Camp Court at Central Prison Rawalpindi, The State v Imran Ahmad Khan Niazi and Makhdoom Shah Mehmood Qureshi, Case No:- 01 of 2023, 30 January 2024, <https://www.jurist.org/news/wp-content/uploads/sites/4/2024/02/Judgement-cypher-case-EYICvMkeA4.pdf>.

³⁴ Judicial Magistrate Islamabad, Khawar Farid Maneka v Imran Khan Niazi and Bushra Bibi, Private Complaint No. 7096/2023, 3 February 2024.

³⁵ Pakistan, The Constitution of the Islamic Republic of Pakistan, 1973, Part II, Chapter 1, Article 10A.

³⁶ International Covenant on Civil and Political Rights (ICCPR), Article 14(1).

³⁷ UN Human Rights Committee (HRC), General Comment No. 32, 23 August 2007, UN Doc. CCPR/C/GC/32, para. 29.

³⁸ Al Jazeera, "Pakistan's Imran Khan trial in jail declared illegal, lawyer says", 21 November 2023, <https://www.aljazeera.com/news/2023/11/21/jail-trial-of-pakistans-imran-khan-has-been-declared-illegal-lawyer-says>

³⁹ Guardian, "Imran Khan wounded in 'assassination attempt' in Pakistan", 3 November 2022, <https://www.theguardian.com/world/2022/nov/03/imran-khan-shot-in-assassination-attempt-in-pakistan>

⁴⁰ Islamabad High Court, Imran Ahmad Khan Niazi v Federation of Pakistan, W.P. No.839/2023, 20 July 2023, https://mis.ihc.gov.pk/attachments/judgements/158024/1/W.P._No.839-2023_638259931051968712.pdf.

⁴¹ Islamabad High Court (IHC), Imran Ahmad Khan Niazi v Federation of Pakistan, I.C.A.No.367 of 2023, 21 November 2023.

⁴² Pakistan, Code of Criminal Procedure, 1898, <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5lp-sg-jjjjjjjjjjjj>, Chapter XXIV, Section 352.

⁴³ IHC, Imran Ahmad Khan Niazi v Federation of Pakistan (previously cited), para. 89.

⁴⁴ IHC, Imran Ahmad Khan Niazi v Federation of Pakistan (previously cited), para. 83.

⁴⁵ Business Recorder, "Cipher case: IHC halts Imran Khan's trial till Jan 11", 28 December 2023, <https://www.brecorder.com/news/40280927/cipher-case-ihc-halts-imran-khans-trial-till-jan-11>

⁴⁶ Dawn, "IHC withdraws stay on Imran's in-camera cipher trial after AGP says testimonies to be recorded afresh", 11 January 2024, <https://www.dawn.com/news/1804938>

through a subsequent notification.⁴⁷ The state secrets trial finally commenced on 15 January 2024 after two orders for retrial. Judge Abual Hasnat Mohammad Zulqarnain in the Special Court set up under the OSA declared the proceedings be held ‘in-camera’⁴⁸ under section 14 of OSA.⁴⁹ It has been noted that after the orders by the Islamabad High Court in November and December 2023, some measures were taken to ensure access of the public and media to Imran Khan’s trials. All of Imran Khan’s trials have been conducted on prison premises with access only provided to pre-selected media personnel.⁵⁰

The UN Special Rapporteur on counter-terrorism and human rights has stated that any measures regarding the exclusion of the press and public from trials “must occur only to the extent strictly necessary and should be accompanied by adequate mechanisms for observation or review to guarantee the fairness of the hearing.”⁵¹ Amnesty International notes that while the technical criteria for a public trial was met under Pakistan’s criminal law, the trial fell short of the standards required under international human rights law.

LACK OF ADEQUATE TIME AND FACILITIES FOR PREPARATION OF DEFENCE

Amnesty International has observed that in at least three trials Imran Khan has not been allowed adequate time and facilities for the preparation of his defence.

Firstly, in the state secrets trial, Imran Khan and Shah Mehmood Qureshi were indicted on 14 January 2024. Despite both refusing to sign the indictment document, evidence from witnesses and the prosecution team was allowed to be presented in court from the next day onwards.⁵² Further, there are concerns that the legal team was not allowed to adequately examine the witnesses against the accused. The statements of 25 prosecution witnesses were admitted in court in quick succession, while the court denied requests by Imran’s defence lawyers to cross-examine witnesses, before the verdict was announced on 30 January.⁵³

A trial of the illegal marriage case lasted two days in the Islamabad Judicial Magistrate court on 1 and 2 February 2024. Following hearings for nearly 15 hours per day, starting at 9:30am till 10pm at night, both Imran Khan and his wife Bushra Imran were convicted on 3 February 2024 and sentenced to seven years imprisonment.⁵⁴ During the trial, Imran Khan’s lawyers were not allowed to present video evidence in court given restrictions on materials that could be brought into court. Both cases were concluded right before the 8 February 2024 General Election.

In the first Toshakhana case, Imran Khan’s request to bring witnesses was dismissed by the presiding judge on 2 August 2023.⁵⁵ Imran’s lawyers assert that the application for witnesses was dismissed after the judge provided only 45 minutes to present four witnesses in court, three of whom were based in different cities outside of the location where the trial was taking place.⁵⁶ In the second Toshakhana trial, Imran Khan was not given the opportunity to record his statement under Section 342 of the CrPC, which provides an opportunity to the accused to explain the circumstances of the evidence brought against the accused, in the presence of his lawyers. Furthermore, his lawyers were not given the opportunity to make their concluding remarks in this case.

During the state secrets trial, Imran Khan and Shah Mehmood Qureshi were denied access to counsel of their own choosing. On 27 January 2024, three days before the verdict was announced,⁵⁷ state defence counsels were appointed for Khan and Qureshi respectively in spite of objections by the accused during the trial. The reasoning given by Judge Abual Hasnaat Muhammad Zulqarnain was that Imran’s lawyers had employed ‘delay tactics’ by not attending the last two

⁴⁷ Islamabad High Court, Imran Ahmad Khan Niazi v Federation of Pakistan, W.P. NO.198-2024, 24 January 2024,

https://mis.ihc.gov.pk/firmRdJgmt?cseNo=Writ%20Petition-198-2024%20%7C%202024%20PCRLJ%20944&cseTle=Imran%20Ahmad%20Khan%20Niazi%20VS%20FOP%20etc.%20&jgs=Honourable%20Mr.%20Justice%20Tariq%20Mehmood%20Jahangiri&jgmt=/attachments/judgements/172935/1/W.P._No.198_and_199-2024_638422384977043765.pdf

⁴⁸ Dawn, “Cipher trial coverage banned as hearings deemed in-camera”, 15 December 2024, <https://www.dawn.com/news/1797972>

⁴⁹ Pakistan, Official Secrets Act, 1923, <https://pakistancode.gov.pk/pdf/files/administrator46c9a3c62acc16428e73999e7d30ba2a.pdf>, Section 14.

⁵⁰ Interview by voice call with lawyer of accused, 30 July 2024.

⁵¹ UN Special Rapporteur on the Promotion and Protection of Human Rights While Countering Terrorism (UN Special Rapporteur on counterterrorism), Report, 6 August 2008, UN Doc. A/63/223, para. 30.

⁵² Reuters, “Imran Khan: Pakistan court suspends jail sentence in graft appeal”, 1 April 2024, <https://www.reuters.com/world/asia-pacific/pakistan-court-grants-imran-khan-appeal-graft-conviction-sentence-suspended-2024-04-01>

⁵³ Special Court (Official Secret), The State v Imran Ahmad Khan Niazi and Makhdoom Shah Mehmood Qureshi, Case No:- 01 of 2023, 30 January 2024,

<https://www.jurist.org/news/wp-content/uploads/sites/4/2024/02/Judgement-cypher-case-EYICvMkeA4.pdf>.

⁵⁴ Reuters, “Imran Khan: Pakistan court suspends jail sentence in graft appeal”, 1 April 2024, <https://www.reuters.com/world/asia-pacific/pakistan-court-grants-imran-khan-appeal-graft-conviction-sentence-suspended-2024-04-01>

⁵⁵ Supreme Court of Pakistan, Imran Ahmad Khan Niazi v District Election Commissioner, CRL.P.921/2023, CRL.P.938/2023 AND CRL.P.922/2023, 23 August 2023, https://www.supremecourt.gov.pk/downloads_judgements/crl.p._921_2023_23082023.pdf, para. 1.

⁵⁶ Interview by voice call with defence lawyer for Imran Khan, 2 August 2024.

⁵⁷ Express Tribune, ‘State counsel’ represents Imran in cipher case, 27 January 2024, <https://tribune.com.pk/story/2454561/state-counsel-represents-imran-in-cipher-case>

hearings for cross-examination of the prosecution witnesses.⁵⁸ One of Imran Khan's lawyers told Amnesty International that he was unable to attend the trial on this date due to an emergency surgery in Lahore (more than 350km away from Rawalpindi where proceedings were taking place) on 25 January.⁵⁹ Requests for adjournment were denied by the court. The state appointed lawyers were given one day to prepare for cross-examination and both accused were denied any meaningful opportunity to prepare their defence.

General Comment 32 of the UN Human Rights Committee interprets the right to fair trial to include the "obligation to grant reasonable requests for adjournment, in particular, when the accused is charged with a serious criminal offence and additional time for preparation of the defence is needed".⁶⁰ All 25 prosecution witnesses in the state secrets case were cross-examined by the state appointed counsels in a 13 hour hearing on 29 December 2024 which ended at 11pm. It was contended by Imran Khan and Shah Mehmood that the trial involved complex questions of law and evidence, particularly as the cypher in question was considered too sensitive a document to be presented in court, and thus required more time for cross-examination. The verdict by the judge in the case was announced the next day.⁶¹

Multiple members of Khan's legal team told Amnesty International that they have limited access to their client and are denied confidential communications with him.⁶² During initial proceedings in detention from August to November 2023, Imran Khan was not allowed to sit with his legal counsel, and it was only after multiple requests that consultation during proceedings was allowed. Since his detention, Imran Khan's legal counsels have been allowed to meet him in detention for only 10 to 15 minutes per week. The lawyers have also reported having to wait up to three hours inside the prison premises before being allowed to meet him.

Imran Khan's lawyers state that prison officials are always present within earshot of every meeting between them and Imran Khan, making confidential communication impossible and undermining attorney-client privilege. One lawyer in Imran's defence team reported the presence of electronic recording devices to record conversations between Imran Khan and his lawyers.⁶³ Lawyers meeting Imran Khan are often not allowed to take any writing material with them, making it difficult to make notes for legal defence and instructions from their client.

Amnesty International notes that Imran Khan has been systematically denied adequate time and facilities to communicate with his lawyers in confidence. Specifically, during the state secrets trial, Imran was denied the right to legal counsel of his choice.

PATTERN OF CASES

The multiple cases against Imran Khan, often registered or pursued swiftly by law enforcement authorities after his acquittal or after bail is obtained in another case, indicate that the Pakistani authorities are weaponizing the legal system to keep Imran Khan in arbitrary detention. The authorities have placed restrictions on the media to prevent references to Imran Khan's name and limited coverage of his trials.⁶⁴ Following his most recent acquittal by the Sessions Court on 14 July 2024 in the illegal marriage case, Imran Khan and his wife were re-arrested within hours, in the third Toshakhana case, despite the first two sentences in Toshakhana related cases suspended by higher courts.⁶⁵ The three Toshakhana trials also raise concerns of 'double jeopardy' which is prohibited under Article 14(7) of the ICCPR. Article 13(1) of the Constitution of Pakistan also guarantees protection against double jeopardy, and section 403 of the CrPC similarly states that a person once convicted or acquitted cannot be tried for same offence. Multiple criminal cases based on the same set of facts raise concerns, particularly while two cases are under appeal, that the trials are being used as a way to deny Imran Khan his right to liberty.

Further, multiple First Information Reports (FIRs) and criminal cases have been brought against Imran Khan alleging his involvement in violence which occurred after he was arrested on 9 May 2023. The total number of FIRs where Imran Khan has been nominated is unclear, however multiple known cases with his name have been filed in Lahore,⁶⁶

⁵⁸ Special Court, *The State v Imran Ahmad Khan Niazi and Makhdoom Shah Mehmood Qureshi* (previously cited), para. 14.

⁵⁹ Interview by voice call with defence lawyer for Imran Khan, 1 August 2024.

⁶⁰ UN Human Rights Committee, General Comment 32: Right to equality before courts and tribunals and to a fair trial (Article 14), 23 August 2007, UN Doc. CCPR/C/GC/32, para. 32.

⁶¹ Special Court (Official Secret), *The State v Imran Ahmad Khan Niazi and Makhdoom Shah Mehmood Qureshi* (previously cited).

⁶² Interviews conducted separately by voice call with seven defence lawyers for Imran Khan, 27 July – 2 August 2024.

⁶³ Interview by voice call with a defence lawyer for Imran Khan, 2 August 2024.

⁶⁴ Al Jazeera, "Don't cover Imran Khan's PTI: Pakistan's media told to censor popular ex-PM", 25 January 2024, <https://www.aljazeera.com/features/2024/1/25/dont-cover-imran-khans-pti-pakistans-media-told-to-censor-popular-ex-pm>

⁶⁵ Guardian, "Imran Khan and Bushra Bibi's unlawful marriage convictions overturned by Pakistan court", 13 July 2024, <https://www.theguardian.com/world/article/2024/jul/13/imran-khan-and-bushra-bibi-unlawful-marriage-convictions-overturned-by-pakistan-court>

⁶⁶ Dawn, "Notices issued on Imran's pleas in dozen May 9 cases", 31 July 2024, <https://www.dawn.com/news/1849094>

Islamabad,⁶⁷ Gujranwala,⁶⁸ Faisalabad,⁶⁹ Rawalpindi,⁷⁰ and Mainawali at least. He has been implicated on charges of conspiracy and abetment to commit violence on 9 May.⁷¹ Imran Khan has been acquitted by courts in several cases related to the 9 May protests already.⁷²

PRISON CONDITIONS

Imran Khan has raised concerns regarding his detention conditions.⁷³ He is aged 71 years and harsh prison conditions could pose risks to his health. According to the information from his legal team, he does not appear to suffer from any major underlying medical conditions and has not been denied medical treatment in detention.

Prison authorities have denied him access to communal facilities and interactions with other inmates, subjecting him to prolonged segregation from other prisoners in an estimated 8 by 10 feet cell. Cells next to Imran Khan's are unoccupied due to security concerns. Imran was allowed an exercise bike and stretching belt⁷⁴ after an application was filed in court.⁷⁵ He is also permitted to meet family members once a week. Additionally, he was granted permission to speak to his sons in the United Kingdom through voice calls after a court order in October 2023,⁷⁶ however his request for weekly calls was recently rejected.⁷⁷

Concerns regarding constant surveillance through cameras in Adiala prison, where Khan is held currently, could not be independently verified given the lack of access to the prison, however the lack of privacy accorded to Imran Khan in his previous Attock prison cell, where he was detained till 26 September 2023,⁷⁸ was highlighted by Session Court Judge Shafqut Ullah Khan in his report on 15 August 2023.⁷⁹ Amnesty notes that while Imran Khan has faced issues regarding prison conditions and access to facilities in prison, relief has been provided to him after applications to court.

Amnesty International finds that Imran Khan is being deprived of his right to liberty through arbitrary pre-trial detention. Amnesty International considers several of the charges against Imran Khan to be politically motivated. Amnesty International therefore calls on the Pakistani authorities to immediately release Imran Khan consistent with his right to bail and that he is afforded his right to challenge the lawfulness of his detention through a public and fair hearing before a competent, independent and impartial court.

BACKGROUND

Many protesters associated with Imran Khan's PTI party, including senior party leaders such as Yasmin Rashid and Shah Mehmood Qureshi, have been in detention for over a year. The PTI was not allowed to contest as a political party in the 8 February 2024 General Election, however independents backed by the party won 93 seats in the National Assembly. In July 2024, the Information Minister Attaullah Tarar announced plans to ban PTI as a political party. The Constitution of Pakistan requires that any such decision be referred to the Supreme Court for approval before it can be implemented.

In June 2024, the UN Working Group on Arbitrary Detention concluded that there had been grave breaches of Imran Khan's right to a fair trial and found his detention to be arbitrary, referring Imran Khan's case to the UN Special Rapporteur on the independence of judges and lawyers.⁸⁰

⁶⁷ Express Tribune, "Imran, Qureshi to be indicted on Feb 6 in May 9 riot cases", 25 January 2024, <https://tribune.com.pk/story/2454363/imran-qureshi-to-be-indicted-on-feb-6-in-may-9-riot-cases>

⁶⁸ Dawn, "ATC orders attachment of assets in May 9 case", 2 January 2024, <https://www.dawn.com/news/1802497>

⁶⁹ ARY News, "May 9 case: ATC allows police to question PTI chief", Shah Mahmood, 28 October 2023, <https://arynews.tv/may-9-violence-police-allowed-to-investigate-pti-chief-shah-mehmood>

⁷⁰ Dawn, "Imprisoned PTI boss 'arrested' in more cases", 10 January 2024, <https://www.dawn.com/news/1804629>

⁷¹ S. 109, Pakistan Penal Code, <https://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2Npa5lo-sg-jjjjjjjjjjjjj>

⁷² Dawn, "Imran off the hook in two more May 9 cases", 31 May 2024, <https://www.dawn.com/news/1836770>

⁷³ The Times, "Imran Khan's jail interview: 'I'm locked in a death cell for terrorists'", 21 July 2024, <https://www.thetimes.com/world/asia/article/imran-khan-interview-jail-cell-pakistan-prime-minister-vr3dfxckr>

⁷⁴ Express Tribune, "A look inside Imran Khan's Adiala Jail cell", 6 June 2024, <https://tribune.com.pk/story/2470081/a-look-inside-imran-khans-adiala-jail-cell>

⁷⁵ Pakistan Today, "Court orders jail authorities to provide spin bike to Imran Khan", 23 October 2024, <https://www.pakistantoday.com.pk/2023/10/23/court-orders-jail-authorities-to-provide-spin-bike-to-imran-khan>

⁷⁶ Samaa, "Jailed Imran Khan speaks with sons on phone call", 21 October 2023, <https://www.samaa.tv/208733046-jailed-imran-khan-speaks-with-sons-on-phone-call>

⁷⁷ ARY News, "PTI founder's plea for WhatsApp call with sons rejected", 8 July 2024, <https://arynews.tv/imran-khans-plea-for-whatsapp-call-with-sons-rejected>

⁷⁸ Al Jazeera, "Pakistan ex-PM Imran Khan moved to another jail after custody extended", 27 September 2023, <https://www.aljazeera.com/news/2023/9/27/pakistan-ex-pm-imran-khan-moved-to-another-jail-after-custody-extended>

⁷⁹ Aaj News, "Session judge report reveals Imran's jail conditions", 21 August 2023, <https://english.aaj.tv/news/30331207/session-judge-report-reveals-imrans-jail-conditions>

⁸⁰ UN Working Group on Arbitrary Detention (WGAD), Opinion: Concerning Imran Ahmad Khan Niazi (Pakistan), 18 June 2024, UN Doc. A/HRC/WGAD/2024/22.