**[The judges have spoken](https://www.dawn.com/news/1825352/the-judges-have-spoken)**

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THE rot is much deeper than it seems. What the six brave judges of the Islamabad High Court have penned is just the tip of the iceberg. The shadow of the deep state looms large over the entire system. The [letter](https://www.dawn.com/news/1824028) detailing incidents of intimidation of judges is an indictment of the ubiquitous security establishment. It has triggered a chain reaction threatening the entire edifice.

This may not be the first time that allegations about the interference of intelligence agencies in judicial matters have been made — a former judge had even named names. But the detailed account of harassment narrated in the letter sent by the IHC judges is more damning, and fuelling an already volatile political situation.

Unsurprisingly, the legal fraternity rejected the government’s decision to form a single-member commission, led by a former chief justice, to investigate the charges as an attempt to whitewash the scandal. Now with former justice Tassaduq Jillani [recusing](https://www.dawn.com/news/1825056) himself, there was no option but for the chief justice to take suo motu notice. A seven-member bench has been formed to hear the case. The IHC six have spoken and now it is up to the apex court to uphold the sanctity of the institution.

At stake is not only the independence of the judiciary but also the future of an already tottering democratic process. It is apparent from the letter that the intervention of the intelligence agencies is far more pronounced in political cases. Manipulation through the judiciary has been a major instrument used by the security establishment to perpetuate its political control.

While the establishment’s interference is obvious, the judiciary’s credibility has also been hit.

While the letter may have referred to the intervention of the executive in recent cases against the PTI leaders, the victims of judicial manipulation have varied and kept pace with changing political alignments. The successive convictions of Imran Khan in three cases in less than a week on the eve of the Feb 8 elections leave nothing to the imagination. It was obvious that the main objective was to keep the former prime minister out of the electoral process. Those convictions barred the former prime minister from holding public office.

As mentioned in the letter, a judge was hospitalised because his blood pressure shot up under stress. Non-compliance can cost dearly. According to the letter a brother-in-law of a judge was kidnapped and tortured. Cameras were allegedly fitted inside the judges’ residence to surveil them. It could not get more brazen than this.

It was the same story just a few years back when former prime minister Nawaz Sharif found himself on the wrong side of the establishment. He was also convicted on several corruption charges in quick succession. There was not even a pretence of a fair trial. Only the characters have changed. (In some of the cases, the same judge presided over the trial of both former prime ministers.) Retired justice Shaukat Siddi­qui had asserted that he had been approached by the then ISI chief to not grant bail to Sharif.

But the whole game plan changed with the shifting sands of Pakistani politics. It was amazing the way all convictions against Nawaz Sharif were reversed by the courts within weeks of the PML-N leader’s return from self-exile in London, making him eligible to stand in the elections. The game of musical chairs is on. All that has made a mockery of the entire judicial system.

While the fingerprints of the security establishment are obvious in a number of cases, the credibility of the judiciary has also been damaged in the process. What has been seen as judicial manipulation has tainted its image and, in some cases, it has been alleged that some judges had been a party to a controversial game plan, and were seen to act in contravention of the law, thus becoming an instrument in the subversion of the democratic process in the country.

What is disturbing is that the complaints regarding the cases penned in the letter had been brought to the attention of the superior judiciary but, it seems, no action was taken against those involved. Nothing could be more demoralising for the judges than to see the high-handedness of the security establishment being covered up in this manner.

Indeed, the letter by the six IHC judges has brought the matter to the surface. But politics has obscured the seriousness of the allegations. The ruling alliance that had also been complaining about such manipulation in the past now seems to have become the biggest defender of the military establishment.

Some PML-N leaders even see a conspiracy behind the allegations and have questioned the integrity of the judges who signed the letter. While approving the formation of the commission to probe the allegations, they criticised the letter as inappropriate. Some ministers have questioned the timing of the release of the letter, implying that it might have been written at the behest of the opposition.

Such short-sightedness on the part of the ruling parties, which had themselves been victims of judicial manipulation, is unfortunate. The political divide on this critical matter will further embolden those responsible for manipulating the judicial process to serve their vested interests.

Meanwhile, the role of the PTI in the controversy is not very helpful either. When in power, the party went along with the establishment’s game plan that at the time was targeting its political opponents. Instead of focusing on the broader issue of stopping outside interference in judicial matters and the increasing role of the security establishment in the subversion of the rule of law, some party leaders are using the matter for political point-scoring.

Indeed, the alleged intervention in judicial matters shows the increasing role of the security establishment in the country’s power structure. It goes beyond hybrid rule, as the democratic space diminishes. The shadow of the security establishment hovers across the entire political spectrum.

Worsening political polarisation has strengthened the stranglehold of unelected forces. The IHC judges have challenged illegal actions and they must be supported by those fighting for democracy and the rule of law.

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