

Press Release

UN Working Group on Arbitrary Detention publishes Opinion calling for immediate release of Imran Khan, former Prime Minister of Pakistan, following petition brought by Harbottle & Lewis and Perseus Strategies.

London | Washington | Geneva, 1 July 2024:

Today, the UN Working Group on Arbitrary Detention (the “Working Group”) has published an Opinion concerning the ongoing detention of Imran Khan, the former Prime Minister of Pakistan, concluding that Mr Khan’s detention is in violation of international law.

The Working Group has called for the Government of Pakistan to release Mr Khan immediately and “accord him an enforceable right to compensation and other reparations, in accordance with international law”.

The Working Group has further called on the Government of Pakistan to allow the Working Group to conduct a state visit and has urged the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr Khan.

In a petition to the Working Group, brought by Jared Genser and Brian Tronic of Perseus Strategies, Washington DC, along with Sarah Gogan and Charlotte Boyce of Harbottle & Lewis, London, it was argued that Mr Khan had been arbitrarily detained, on the basis that:

- It was not possible for Pakistan to invoke any legal basis justifying Mr Khan’s arrest and detention (a “Category I” violation).
- Mr Khan’s deprivation of liberty resulted from his exercise of fundamental rights and freedoms, including the right to freedom of opinion and expression, the right to political participation, and the right to freedom of association (a “Category II” violation).
- The non-observance of the international norms of fair trial were of such gravity as to give his deprivation of liberty an arbitrary character (a “Category III” violation).

The Working Group agreed with the petitioners, rendering its Opinion that the detention is in violation of Categories I, II and III, and in contravention of both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Regarding the legal basis for detention, the Working Group stated (at §64) that Mr Khan’s detention had “*no legal basis and appears to have been intended to disqualify him from running from political office*”.

The Working Group considered (at §71) that Mr Khan’s mandatory pretrial detention appeared to be as a result of “*non-bailable offences*”, which violates international human rights law.

In consideration of the lack of rebuttal to representations made that there was no individualised judicial review of Mr Khan's pretrial detention, the Working Group found (at §72) that such detention *"was not properly constituted and thus had no legal basis"*.

Further, the Working Group was concerned (at §85) that *"the authorities denied Mr Khan the right to defend himself through legal assistance of his own choosing making it impossible for international counsel to follow the in camera proceedings"*, and that *"the court reportedly terminated the defence lawyers' cross-examination of witnesses and appointed public lawyers instead"*.

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The Working Group also expressed grave concerns (at §95) regarding the alleged arrest and disappearance of a close colleague of Mr Khan. It is alarmed by the general allegations of widespread arrest, detention and disappearances of individuals, including many Pakistan Tehreek-e-Insaf (PTI) supporters and also urged the authorities to take swift and appropriate action in this regard.

The Working Group has called on the Government of Pakistan to allow the Working Group to conduct a state visit and has urged the Government to ensure a full and independent investigation of the circumstances surrounding the arbitrary deprivation of liberty of Mr Khan. The Working Group has called for the Government of Pakistan to release Mr Khan immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

Zulfi Bukhari, adviser to Imran Khan and spokesperson for PTI, said:

"The international silence has finally broken on the illegal incarceration of Imran Khan. We welcome the Working Group's Opinion with hope and optimism, as we call on the international community to continue holding the Government of Pakistan accountable for the inexcusable miscarriage of justice Mr Khan, his wife and many PTI members have suffered. The international condemnation of the manner in which the Government of Pakistan illegally stripped Mr Khan of his freedom and rights has echoed from the US to the UN, with the House of Representatives and now the Working Group shining a light on it as a blatant effort to interfere with his intentions to run for political office."

"We reiterate the Working Group's calls for Mr Khan's immediate release and right to compensation and other reparations, as well as call for the immediate release of Mr Khan's wife, senior leadership of PTI and the thousands of party workers who have also been detained. We remain hopeful that the Government of Pakistan will take the appropriate next steps in accordance with international law."

Sarah Gogan and Charlotte Boyce acted for the petitioner to the UN Working Group on Arbitrary Detention along with Jared Genser and Brian Tronic of Perseus Strategies.

The full Opinion provided by the Working Group is available here: A/HRC/WGAD/2024/22 ([ohchr.org](https://www.ohchr.org))

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