JUDGMENT SHEET

ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 1410 of 2024

Hamid Mir and others

Versus

Federation of Pakistan and others

Writ Petition No. 1867 of 2024

Judicial Activism Panel

Versus

Federation of Pakistan and others

Writ Petition No.3207 of 2024

Mrs. Javeria Siddique

Versus

Federation of Pakistan and others

Petitioner(s) by:	Barrister Muhammad Shoaib Razzaq, Advocate along with petitioners Hamir Mir and Muhammad Siddique Jan (W.P No.1410/2024). Syed Mahfooz ul Hassan, Advocate (W.Ps No.3207/2024 & 1867/2024).
Respondents by:	Mr. Muhammad Faisal Irfan, DAG, Mr. Muhammad Saeed Raja, DAG, Mr. Yasir Mehmood, Mr. Asif Javed Noon and Ms. Faryal Shah Afridi, State Counsels. Muhammad Rafique, Joint Secretary (Security), Malik Awais Ahmed DIG (Legal) Lahore/convener of SJIT. Muhammad Sajid Abbas, DSP Legal, Syed Tahir Kazim Law Officer and Ibrar Hussain Inspector/I.O. (ICT Police)
Date of Decision:	**26.08.2025**

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INAAM AMEEN MINHAS, J:- This judgment shall decide the afore-titled writ petitions, as they involve common question of law.

2. In all the three petitions, the petitioner(s) have prayed for issuance of a direction to the Federal Government for constitution of a Judicial Commission to conduct a transparent inquiry into the murder of the late journalist Arshad Sharif.

3. The learned counsel for the petitioners contended that the Federal Government may be directed to form a Judicial Commission to conduct an unbiased fact finding inquiry that as to why the renowned journalist late Arshad Sharif was forced to flee from the country, the circumstances under which he was cornered in Dubai, the events that led to his murder in Kenya and which functionaries are responsible for his demise and to hold them accountable. They further contended that the Federal Government constituted a Special Joint Investigation Team **("SJIT"),** reports of which revealed that the investigation being held was faulty as the Kenyan Government had recorded contradictory statements. They also submitted that where an investigation being held is faulty, it is a direct violation of the right to fair trial under Article 10-A and right to be dealt in accordance with law under Articles 4 and 9 of the Constitution of Islamic Republic of Pakistan, 1973 **("Constitution")**.

4. Conversely, the learned Deputy Attorney General contended that the matter is pending before the Hon'ble Supreme Court in Suo Moto case No.03/2022, which was taken up for hearing on different dates and several reports were submitted by SJIT, which was formed to investigate the murder of the journalist Arshad Sharif. He further submitted that FIR has been registered, the challan has been submitted before the concerned Trial Court and that an agreement on Mutual Legal Assistance **("MLA")** has been executed between the Government of the Republic of Kenya and the Government of the Islamic Republic of Pakistan. He also submitted that the investigation is still underway to the extent of the collection of evidence after execution of the MLA. Lastly, he submitted that the sole purpose for

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taking Suo Moto was to secure an independent and transparent investigation into the murder of late Arshad Sharif.

5. I have heard the learned counsel for the parties and gone through the record.

6. Perusal of the record reveals that a five-member bench of the Hon'ble Supreme Court of Pakistan, exercising its constitutional jurisdiction, took Suo Moto notice on 06.12.2022 in relation to the tragic and high-profile murder of the journalist Arshad Sharif, which occurred on 24.10.2022. The Hon'ble Supreme Court deemed it imperative that an independent, impartial, and transparent investigation be conducted, considering the sensitivity of the matter, its implications for freedom of the press and the right to life enshrined under Article 9 of the Constitution. In compliance with the directions of the Hon'ble Supreme Court, an FIR bearing No. 987 was registered at Police Station Ramna, Islamabad, on the same date, i.e., 06.12.2022, under Sections 302/34 of the Pakistan Penal Code, 1860 thereby initiating formal criminal proceedings of the incident.

7. Initially, the Federal Government constituted a Fact-Finding Committee to collect preliminary information and ascertain the circumstances surrounding the murder. However, recognizing the magnitude of the case and the necessity for a more robust and coordinated investigative approach, the Federal Government, vide notification dated 07.12.2022, constituted a SJIT to ensure that the investigation is conducted with utmost transparency and integrity.

8. The Hon'ble Supreme Court is monitoring the progress of the investigation closely. Regular reports from the SJIT were required to be filed before the Hon'ble five-member bench to ensure transparency, adherence to legal procedure and avoidance of any potential miscarriage of justice. Subsequently, vide order dated 13.02.2023, the Hon'ble Supreme Court framed specific legal and factual questions to be probed, signifying its commitment to a comprehensive and transparent inquiry. These questions addressed all dimensions of the case, including possible motives, accountability of relevant officials and identification of perpetrators, thereby

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ensuring that the investigation would meet criminal justice standards and uphold public confidence in the judicial process. The Hon'ble Supreme Court framed the following questions for probe:-

> *"i. What motivated Mr. Arshad Sharif to leave Pakistan? In this respect the SJIT may investigate the multiple FIRs lodged against the deceased journalist and any sensitive information that may have been in his possession.*
>
> *ii. Why did the Government of Dubai order Mr. Arshad Sharif to leave the country?*
>
> *iii. Who released the two-member committee's fact-finding report and what was the reason behind the same"*

9. The Suo Moto proceedings were taken up by the Hon'ble Supreme Court on multiple occasions, continuing until 13.06.2023, to ensure consistent judicial oversight and progress in the matter. During these proceedings, the Court consistently reviewed the progress of the investigation and issued various directions to secure a fair and transparent inquiry. Vide order dated 09.05.2023, the Hon'ble Supreme Court directed the District and Sessions Judge (West), Islamabad to furnish a detailed report concerning the status and proceedings of the FIR, reinforcing judicial scrutiny over procedural compliance and investigative integrity. Furthermore, recognizing the transnational dimension of the case, the Government of the Islamic Republic of Pakistan executed MLA on 10.12.2024 with the Government of the Republic of Kenya. This agreement legally enabled the SJIT to conduct investigative activities within Kenyan jurisdiction, ensuring that crucial evidence abroad could be lawfully obtained and examined. These measures reflect the Supreme Court's resolve to facilitate a comprehensive and internationally coordinated investigation, safeguarding both due process and public confidence in the justice system.

10. In light of the foregoing facts and circumstances, it is evident that the matter concerning the tragic murder of the journalist Arshad Sharif is

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presently *sub judice* before the Hon'ble Supreme Court of Pakistan. Consequently, this Court is restrained from issuing any directive to the Federal Government for the constitution of a Judicial Commission, as doing so would encroach upon the apex Court's jurisdiction. However, the petitioners are not remediless and they are at liberty to raise this issue directly before the Hon'ble Supreme Court in accordance with law.

11. Consequently, the above titled writ petitions are **disposed of** with a direction to the respondents to keep the petitioner(s) duly informed regarding all developments in the ongoing investigation. The respondents shall also provide copies of any report(s), findings, or other relevant material prepared thus far and ensure that the petitioner(s) remain apprised of all future progress until the matter is conclusively determined.

(INAAM AMEEN MINHAS)
JUDGE

R.Anjam.

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