

Date: _____

The impact of political interference on judicial independence

Outline:

Bring further maturity in your arguments

1. Introduction

Keep practicing on different themes/topics

• Thesis statement: political interference undermines judicial independence by ~~undermines~~ compromising impartiality of judges, eroding public trust, and weakening democratic governance.

2. Impact of political interference on judicial independence

A - Institutional impacts

(i) Weakening of rule of law

• Case in point: Zimbabwe's judiciary under Mugabe

(ii) Disparity in checks and balances

• Case in point: post coup judicial restructuring in Turkey

(iii) Politicization of judicial appointments

• Case in point: controversies in India over judicial appointments

(iv) Interference in areas beyond ^{judicial} judiciary mandate

• Case in point: Disqualification of Pakistani prime ministers

(v) Precedent of institutional weakness

Choice of jargons should be more specific

Date: _____

Case in point: Sri Lanka's constitutional crisis and judicial interference.

B- societal impacts

(i) Erosion of public trust

Case in point: Nawaz Sharif's disqualification in Pakistan

(ii) Deepened societal divides due to perceived judicial bias.

Case in point: Political polarization in Pakistan

(iii) Courts used to suppress opposition voices.

Make meaningful arguments

Case in point: Turkey's imprisonment of activists post 2016 coup.

(iv) Failure to protect fundamental rights under political pressure.

Case in point: Myanmar's judiciary and Rohingya crisis.

C- Governance impacts:

i- lack of accountability for powerful figures

Case in point: Corruption and judicial bias in Russia.

ii- judiciary as a tool to consolidate authoritarian rule

Case in point: Egypt under el-Sisi-

Date: _____

(iii) judicial decisions exacerbating political tensions.

Case in point: Pakistan's 2007 judicial crisis.

(iv) unequal treatment of political allies and opponents.

Case in point: Targeting opposition leaders in Pakistan.

D- Economic impacts:

(i) slow proceeding in politically sensitive cases.

Case in point: Delays in India's high profile corruption cases.

(ii) political interference fostering corruption within the judiciary.

Case in point: Allegation of bribery among judges in Kenya.

(iii) Investor Reluctance due to fear of unfair rulings.

Case in point: Business disputes in Nigeria deterring investment.

Conclusion.

Suggest remedial measures as well.

Date: _____

27/11/20

The cornerstone of a healthy democracy is the separation of powers, which ensures that each branch of government remains independent and accountable. Within this framework, judicial independence is particularly crucial, as it enables courts to uphold the rule of law, protect individual rights and provide a check on the other branches of government. However, the reality is that political interference can often compromise judicial independence, undermining the integrity of judiciary and eroding public trust in justice system. This can occur through various means such as executive influence over judicial appointments, legislative manipulation of court jurisdiction and even outright intimidation or harassment of judges. Political interference not only undermines the rule of law but also has far-reaching consequences for democratic governance, human rights and the

Date: _____

judicial

legitimacy of judiciary system.

When political actors manipulate the judiciary, the consistent application of laws is undermined, leading to selective justice. Such interference erodes the rule of law, as laws are applied to serve political interests rather than justice. In Zimbabwe under Robert Mugabe's regime, courts were used to legitimize government land seizures. Independent judges were dismissed, and rulings consistently favored the state, weakening public trust in the legal system.

A judiciary compromised by political interference cannot act as an effective check on executive and legislative powers, leading to a concentration of authority. As the system of checks and balances is not effectively utilized, so power can not be exercised effectively, which leads to the disequilibrium

in the system. In Turkey, following the 2016 coup attempt, president dismissed thousands of judges and replaced them

Date: _____

with loyalists, effectively neutralizing the judicial oversight of executives.

In addition to it, the interference prioritizes loyalty over the merit, resulting in biased judges who favor political agendas. The system of meritocracy not grow in such cases, because in these kind of cases, loyalty matters more than anything.

The judicial appointments also based on loyalty because when comes into the authority the judge will favor the political party, who appoint them on such position. In India,

controversies over the executive's role in appointing judges to the supreme court raised concerns about political influence on the judiciary, sparking debate on over the judiciary independence, whether they are independent or under the control of any political party.

The judiciary under the political pressure give decision in favor of certain political party which undermine

Date: _____

the democratic principles in the country. A notable example is disqualification of Pakistani prime minister Nawaz Sharif in 2017. The Supreme Court of Pakistan declared Sharif ineligible to hold public office due to corruption allegations, specifically related to Panama Papers scandal. This decision was seen as significant interference in political process, as it removed a sitting PM from office. Furthermore, the court decision was influenced by military establishments. Another example is disqualification of Imran Khan's party, the Pakistan Tehreek-e-Insaf (PTI) from using its election symbol in 2024. This decision was made by Chief Justice Qazi Faez Isa, and was seen as significant blow to Khan's political ambitions. These examples highlight the risk of judicial overreach and importance of maintaining the separation of power in a democratic system.

Institutional weakness refers to lack of strength, stability and effectiveness in the institutions that make up a country."

Date: _____

governance system. This can include the legislative, executive and judicial branches, as well as other institutions such as electoral commission, anti-corruption agencies and the media. Institutional weakness can manifest in various ways, including lack of clear rules and procedures, inadequate checks and balances on power, corruption and nepotism, lack of transparency and accountability. In 2018, Sri Lankan president unexpectedly sacked PM and replaced him with former president. This move was widely seen as unconstitutional as president did not have power to unilaterally remove the prime minister. The crisis highlights the institutional weakness of Sri Lanka's democratic system, particularly the lack of clear check and balances on president power.

Furthermore, the unwillingness of institutions particularly the judiciary to safeguard the basic

Date: _____

rights and freedoms of citizens when faced with political pressure or influence. This can occur when institutions are compromised, corrupted or intimidated by those in power, leading to lack of accountability. The case of Myanmar's judiciary and Rohingya crisis is stark example of failure to protect fundamental right under political pressure. The Rohingya crisis which began in 2016 has resulted in the displacement of over 700,000 people, with many fleeing to neighboring Bangladesh. Myanmar's judiciary has faced criticism for its lack of independence and impartiality with many judges being appointed by military.

The judiciary can sometimes be exploited as a tool to consolidate authoritarian rule. This occurs when the ruling authority influences or controls the judiciary to suppress opposition, undermine democratic institutions and maintain power. The judiciary in Egypt, particularly

Date: _____

under president El Sisi has played a significant role in consolidating authoritarian rule. This phenomenon is characterised by judiciary's willingness to accommodate the government's agenda, often at the expense of upholding the rule of law and protecting human rights.

Political interference in judiciary can indeed foster corruption, undermining of the fairness and integrity of the legal system. In case of Kenya, allegations of bribery among judges have raised serious concerns about the independence of judiciary and its ability to deliver justice impartially.