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BY HAND VIA COURIER

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DATED: 29 April 2024

Dear Islamic Republic of Pakistan

Re: Mirza Shahzad Akbar v Islamic Republic of Pakistan

I. Introduction

1. We are instructed by Mirza Shahzad Akbar ("the Claimant") to bring claims in the High Court of England and Wales against the Islamic Republic of Pakistan ("Pakistan" / "the Defendant") in trespass to the person; harassment, contrary to the Protection from Harassment Act 1997 ("PHA 1997"); and the tort of intentional infliction of emotional distress. We write in accordance with the Practice Direction on Pre-Action Conduct to notify Pakistan of the claims.

II. Summary of Claims

2. The Claimant is a Pakistani national, a former Pakistani politician and a human rights barrister.
3. The claims arise from threats and intimidation by Pakistan and/or its agents towards the Claimant and his family, culminating in an acid attack on the Claimant in his home in Hertfordshire, United Kingdom, on 26 November 2023.

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4. The Claimant was residing in England at all times material to this claim. The Claimant continues to reside in England.

5. In taking the steps summarised above and below, Pakistan has subjected the Claimant to harassment, contrary to sections 1 and 3 of the PHA 1997; committed trespass against the Claimant's person; and intentionally inflicted emotional distress as well as pecuniary loss, distress, anxiety and loss of amenity and autonomy. The personal injury and damage sustained by the Claimant was caused by acts or omissions in the United Kingdom. As a consequence, Pakistan is not immune in respect to proposed proceedings pursuant to s. 5 of the State Immunity Act 1978 ("SIA 1978").

III. Factual Background

(A) The Claimant – Shahzad Akbar

6. The Claimant was born on 20 November 1977 in Pakistan. He graduated with an LLB from the University of London in 2001 and an LLM in international trade law from the University of Newcastle in 2002. The Claimant completed his bar vocational studies in 2004 and was called to the Bar in 2004 in England.
7. In 2004, the Claimant returned to Pakistan and began working as a legal consultant and then a special prosecutor for Pakistan's National Accountability Bureau ("NAB"), where he worked on corruption cases against Pakistani officials. The Claimant also consulted for Farooq Law Associates, a private law firm. In 2008, the Claimant left his job at the NAB and began working full-time at Farooq Law Associates.
8. In 2010, the Claimant established the Foundation for Fundamental Rights ("FFR"), a legal charity that worked on the advancement, protection and enforcement of fundamental human rights of Pakistani citizens. This included strategic litigation against the Islamic Republic of Pakistan, the United States of America ("US") and the United Kingdom ("UK") for the civilian harm caused as a result of drone strikes in Pakistan. FFR worked with international partners, such as Reprieve, the US Centre

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for Constitutional Rights and law firms in the United Kingdom to pursue accountability for grave human rights violations. FFR's three main focus areas were drone strikes, forced disappearances and the death penalty.

9. In 2011, the Claimant started a Legal Fellowship at Reprieve UK whilst in Pakistan.

10. In August 2018, the Claimant resigned from FFR and from active law practice after being invited to join the government of Imran Khan ("Khan"), the ex-Prime Minister of Pakistan. The Claimant was a technocrat, appointed as a special assistant on accountability to take charge of Khan's accountability initiative. In September 2018, one month into the Claimant's tenure in his new role, the Assets Recovery Unit ("ARU") was set up as part of Khan's accountability initiative and his cabinet appointed the Claimant as the ARU's first chairperson.

11. In December 2019, the Claimant's portfolio was expanded to include both accountability and interior affairs.

12. In July 2020, the Claimant was promoted to the role of an advisor to Khan, with the same portfolio (accountability and interior affairs), in the capacity of a Federal Minister in the Cabinet of Pakistan. In his tenure, the Claimant spearheaded attempts to investigate Pakistani officials suspected of corruption and return stolen money to the treasury.

13. One year into his role, the Claimant identified that the Pakistani Army's Chief General Qamar Javed Bajwa and the Inter-Services Intelligence ("ISI") were using accountability as an intelligence gathering tool against their (at the time) opponents, the two main political parties: Pakistan People's Party ("PPP") and Pakistan Muslim League (Nawaz) ("PML-N"), to coerce them to work for the benefit of the military establishment.

14. The Claimant also became conscious of the role that the military establishment played in influencing how accountability was and was not upheld in Pakistan. In 2021, the Claimant was approached by senior officers of the ISI who informed him that in their view he was not being helpful to Pakistan. They argued that he should use his position as an advisor to Khan to push for the interests of the ISI and not to provide

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Khan with any information that would challenge the authority of the military establishment. The former Pakistani Chief of Army Staff ("COAS"), Qamar Javed Bajwa, also criticised the Claimant for his work and suggested that he was responsible for causing a rift between Khan and the army elite.

15. The military establishment was at odds with the Claimant, as he continued highlighting the role that the army and ISI played in interfering with his accountability and anti-corruption objectives. Realising that the issue was systematic, and that he could not single handedly fix the rampant corruption in Pakistan, the Claimant informed Khan that he wished to resign from Khan's cabinet.
16. On 24 January 2022, the Claimant resigned from Khan's government.
17. On 10 April 2022, Khan lost a no-confidence motion in the National Assembly, and he ceased to hold the office of prime minister. Shortly after Khan's ousting, the Claimant was placed on a no-fly list managed by the Federal Investigation Agency ("FIA") despite Pakistan having no official government at the time. The Claimant challenged his inclusion on the no-fly list through a judicial review, and on 13 April 2022, the former Chief Justice, Athar Minallah, ordered that the Claimant be removed from the list.
18. On 17 April 2022, shortly after his removal from the no-fly list, the Claimant fled to London via Dubai, United Arab Emirates, to avoid being targeted by Pakistan and/or its agents.
19. In December 2022, the Claimant settled in the UK and started working at Bertha UK as its Chief Liaison Officer in International Law, a position he still holds.
20. The Claimant continues to campaign against corruption in Pakistan and remains highly critical of the military establishment and government officials on social media and newspapers based outside of Pakistan. The Claimant has not been able to campaign on Pakistani TV as the ISI has banned media agencies from providing him with a platform.

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(B) Pakistan's targeting of its critics

Pakistan Tehreek-e-Insaf (PTI) members

21. Pakistan has a history of repressing members of political parties that are, at the time, at odds with the military establishment. For more than two years, the military establishment has predominantly targeted members of the PTI

22. Khan is the founder and, formerly, chair of the PTI political party from 1996 to 2023. In August 2018, Khan began serving as Pakistan's 22nd prime minister with the backing of Pakistan's powerful military establishment. In April 2022, after losing the Army's backing, Khan was voted out of his position through a vote of no-confidence in the Parliament of Pakistan in a vote widely considered to have been orchestrated by the military elite of Pakistan.

23. On 3 November 2022, Khan sustained an assassination attempt which injured him and several others and resulted in the death of one person. Khan has alleged that Pakistan's Prime Minister, Shehbaz Sharif, Interior Minister Rana Sanaullah and intelligence officer Major-General Faisal Naseer, the current DG of Counter-Intelligence for the ISI, were behind this assassination attempt.

24. Since being ousted from power in 2022, Khan has also had more than 175 cases launched against him. These include the Cipher case (allegations of leaking state secrets), the Toshakhana or state treasury case, the land bribery case and an abetting violence case under Pakistan's anti-terrorism law. In January 2024, Khan was handed a 10-year jail sentence for allegedly leaking state secrets and a 14-year jail sentence in the state treasury case. In February 2024, Khan was handed a seven-year jail sentence in the 'un-Islamic marriage case'. These trials were widely considered to be unfair.

25. Following Khan's arrest, PTI supporters protested strongly against the military establishment. The establishment was concerned it was losing its grip on power in Pakistan and reacted with a significant crackdown on the PTI, taking civilians to military court, censoring media organisations, shutting down internet services,

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abducting journalists and targeting lawyers. This has been reported in numerous press articles, see for example (enclosed), "Pakistan internet cut as violence erupts after arrest of ex-PM Imran Khan" (The Guardian 9 May 2023); "Sixteen civilians face military trial in Pakistan over protests" (Al Jazeera 25 May 2023); "Pakistan army vows to punish 'planners' of violent protests" (Al Jazeera 7 June 2023); "Why Imran Khan has disappeared from Pakistan's media" (BBC News 8 June 2023); "Droves of Imran Khan's Allies Defect as Military Ramps Up Crackdown" (The New York Times 14 June 2023); and "A Pakistani Human Rights Lawyer Is in Jail for Giving a Speech" (The Nation 30 August 2023).

26. Pakistan has also taken action against other members of PTI who criticised Pakistan's military establishment. These include:

(a) the arrest of Dr Shahbaz Gill in August 2022, a senior PTI politician and former aide to Khan, after he publicly criticised Pakistan's military on TV; and

(b) the arrest of Azam Swati in October 2022, a senator in Pakistan's Senate and a PTI politician, by the Federal Investigation Agency ("FIA") for criticising the former COAS, General Qamar Raved Bajwa. Swati alleged that he was "*beaten, sexually assaulted and starved in prisons whose locations were not disclosed*" by policemen in plain clothes. Swati alleged that his torture was directed and authorised by Major-General Faisal Naseer and Sector Commander Brigadier Faheem Raza.

Journalists, Lawyers and Civil Society Members

27. Pakistan's systematic targeting of journalists, lawyers and civil society members that are critical of the military establishment has been widely reported. Pakistan is known to engage in both domestic and transnational repression. It is not uncommon for a critic to be targeted in Pakistan, forced to flee, and targeted again in the country that they have fled to.

28. In January 2017, Ahmad Waqass Goraya, a prominent Pakistani blogger and human rights activist who frequently criticised the Pakistani military and ISI, was abducted

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and tortured by ISI officers in Pakistan. Later in 2017, he escaped to the Netherlands where he has resided since.

29. In June 2018, officers from the ISI visited Goraya's parents' home in Pakistan and advised his parents that they had orders to abduct and torture his father and attack his family to teach Goraya a lesson. In February 2020, two men, thought to have been instructed by the ISI, attacked Goraya outside his house in Rotterdam, Netherlands. One year after, in February 2021, Dutch police moved Goraya out of his house after receiving credible intelligence on threats to his life.

30. In 2021, a British-Pakistani national accepted an offer of £100,000 to assassinate Goraya in the Netherlands in what is suspected to be an instruction from the ISI. The hitman failed to find Goraya and was arrested by British police upon his return to the UK. In January 2022, the hitman was found guilty of conspiracy to commit murder.

31. In June 2018, Gul Bukhari, a British-Pakistani YouTuber and columnist who openly criticised the Pakistani military was abducted by security forces in Pakistan. She fled to the UK in December 2018 where she has resided since. Bukhari was notified by British authorities that she was on Pakistan's 'hit list' and the Metropolitan Police Service ("**Met Police**") advised her not to share her home address with anyone.

32. In February 2020, Fazal Khan, a lawyer and human rights activist launched a court case against the Pakistani government and military officials including the COAS and the Director-General ("**DG**") of the ISI. In July 2020, he survived an assassination attempt that is suspected to have been ordered by the ISI. Fazal Khan fled to the UK after the attack and in April 2021, he received a threat to life warning from the Met Police. The Met police advised Fazal Khan to maintain a "low profile" and not to attend public places.

33. In May 2022, Arshad Sharif was targeted with multiple accusations of violating Pakistan's penal code and began receiving a series of death threats. In July 2022, Sharif sent a letter to the Supreme Court notifying them of the threats he had received and sought their protection. In August 2022, Sharif fled to Dubai, United Arab Emirates and subsequently left for Kenya after Dubai authorities notified him that he would be deported to Pakistan if he did not leave within 48 hours.

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by a gang purporting to be members of law enforcement agencies. On 3 June 2023, Justice Kayani issued a written order agreeing with the law enforcement agencies' conclusion.

38. Despite the law enforcement agencies' false statements that they did not have custody of Murad, on 3 June 2023, Attaullah Tarar, the former special assistant to Shehbaz Sharif on interior and legal affairs, hosted a press conference where he declared that Murad would be held indefinitely unless the Claimant returned to Pakistan. It is the Claimant's case that Pakistan and/or its agents abducted Murad to intimidate and pressure the Claimant to return to Pakistan and testify against Khan and for the purposes of causing the Claimant severe distress.

39. The Claimant filed a complaint in relation to Murad's kidnapping with the British police who raised the issue with Pakistan through the UK's diplomatic channels. Following this, Murad was released from captivity on 27 August 2023. Murad has since gone into hiding to avoid being abducted by Pakistan and/or its agents again.

(C) Pakistan's targeting of the Claimant

40. As detailed above, the Claimant spearheaded Pakistan's anti-corruption and accountability campaign and his work was a threat to the military establishment. After Khan was ousted, the Claimant was advised to leave Pakistan by a number of Pakistani officials. The Claimant heeded their warning and fled Pakistan shortly after his name was removed from the no-fly list as a result of legal action. Despite his escape, Pakistan has continued targeting the Claimant whilst he has resided in the UK.

Assault with acid

41. In October 2023, the Claimant was informed by his acquaintances that the Pakistan High Commission in London was attempting to trace the Claimant's home address in the UK. Following which, a journalist with reportedly close links with the PHC informed the Claimant that the High Commission is trying to find his address in the UK. The Claimant's acquaintances did not have his UK address and therefore were unable to

disclose his address to the journalist. Despite this, and in a manner unknown to the Claimant, the Pakistan High Commission ("PHC") were able to identify the Claimant's home address in the UK. Between May 2023 and the attack on the Claimant at his home, the Claimant had received threats and messages of coercion from the ISI to give in to their demands. The Claimant believes the messages were from Major-General Faisal Naseer and Brigadier Fahoom Raza.

42. On or around 14 November 2023, the Claimant received a certified letter from the PHC requesting information in respect of an agreement between the UK's National Crime Agency ("NCA") and a private party and the Government of Pakistan's signing of a deed of confidentiality in relation to the same.
43. Following receipt of the letter, the Claimant expressed his concerns to the NCA as there was no reason for this letter to be sent to his home address in the UK; the Claimant had previously answered the NAB's questions in at least four separate letters in July 2022, August 2022, May 2023 and June 2023. It is the Claimant's case that Pakistan sent or procured the sending of this letter to the Claimant to demonstrate that they had knowledge of his address, to intimidate the Claimant into providing a false testimony against Khan and for the purposes of causing the Claimant severe distress.
44. Approximately two weeks after receiving the letter from the PHC, on 26 November 2023, the Claimant was assaulted with acid by an unknown assailant ("the Assailant"). The attack took place at the Claimant's house in Royston, with his wife and daughters present in the home at the time. The Assailant aimed acid contained in a bottle towards the Claimant's face, causing injuries to the Claimant's face, top of his head and his right arm. If it were not for his glasses, the acid would have also injured the Claimant's eyes likely causing permanent partial or complete blindness.
45. The Claimant reacted quickly and slammed his front door; this likely prevented any further contact with or attack by the Assailant. The attack has caused discolouration and/or hyperpigmentation of the areas of skin that were burned by the acid. It is the Claimant's case that the attack was perpetrated and/or directed by Pakistan and/or its agents.

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46. The local emergency services responded rapidly to the call made by the Claimant's wife and a fire engine hosed him down outside his home, in temperatures that were not far above freezing. The emergency services were uncertain as to whether the substance used against the Claimant was deadly and took the Claimant to a specialised unit at the Addenbrookes Hospital, in Cambridge, to further evaluate the attack.

47. The Claimant's infant child was standing beside / behind the Claimant at the time and could easily have been injured in the attack.

48. Acid attacks have significant and devastating impacts on the victims. The corrosive substance causes a person's skin and flesh to melt, resulting in almost immediate and excruciating pain to the victims and injuries that can cause life changing disabilities. The long-term impacts of chemical burns can include psychiatric harm, social isolation and/or withdrawal, cancers of the skin, scarring and skin discoloration.

49. Pakistan should also be aware of the serious legal consequences of assaulting individuals with corrosive substances. In England and Wales, the usage of a corrosive substance against a person with the intention to "burn, maim, disfigure, or disable any person, or to do some grievous bodily harm to any person" carries a maximum sentence of life imprisonment (pursuant to s. 29 Offences against the Person Act 1861). This is not dissimilar to section 336(A) and 336(B) of Pakistan's Penal Code, which provide:

"Whoever with the intention or knowingly causes or attempts to cause hurt by means of a corrosive substance which is deleterious to human body when it is swallowed, inhaled, comes into contact or received into human body or otherwise shall be said to cause hurt by corrosive substance" (336(A)).

"Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not be less than fourteen years and a minimum fine of one million rupees" (336(B)).

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(D) Personal impact of the targeting

50 Prior to the assault on the claimant, the Claimant generally felt safe in the UK and believed that Pakistan and/or its agents would not target him whilst he lived in the UK.

51. The assault on the Claimant at his home in the UK changed his belief in respect of his, and his family's, safety in the UK. He has become paranoid around new people, especially around individuals from Pakistan and/or of Pakistani heritage. He has become more reserved, avoids travelling on public transport and has changed his behaviour patterns. The Claimant also installed a security system, including security cameras, at his personal expense.

52. The Claimant has experienced feelings of guilt and distress as the attempts that he had taken to protect himself and his family were unsuccessful. He feels guilty for putting his family at risk and the impact that his targeting has had on them. The Claimant is no longer permitted to personally drop off / pick up his children from their school, resulting in him being stigmatized and socially isolated from other parents.

53. The targeting continues to have a daily impact on the Claimant's quality of life.

IV. The Claims

(A) Harassment

54. Under s. 1(1) of the PHA 1997, a person must not pursue a course of conduct (a) which amounts to harassment of another and (b) which he knows or ought to know amounts to harassment of the other. References to harassing a person include alarming the person or causing the person distress: s. 7(2) PHA 1997. An actual or apprehended breach of s.1(1) of the PHA 1997 may be the subject of a claim in civil proceedings by the person who is or may be the victim of the course of conduct in question: s. 3(1) PHA 1997.

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55. In targeting the Claimant, including attacking him with acid in the United Kingdom, Pakistan and or their agents engaged in a course of conduct which amounted to, and which Pakistan knew or ought to have known amounted to, harassment of the Claimant. Pakistan's targeting of the Claimant has caused the claimant significant alarm, paranoia and distress.

(B) Trespass to the person

56. Pakistan trespassed against the Claimant's person and battered the Claimant by assaulting him with acid on 26 November 2023. The impact of the attack has caused the Claimant to sustain personal injury as detailed above.

(C) Intentional infliction of emotional distress

57. In targeting the Claimant as set out above, Pakistan engaged in a course of conduct which aimed to intentionally inflict emotional distress on the Claimant. Pakistan acted recklessly in targeting a civilian in the UK. As set out above, the targeting has caused the Claimant significant emotional distress.

(D) Consequential damage, personal injury and other harm

58. As a result of the wrongs detailed above, the Claimant has suffered personal injury as well as consequential pecuniary loss, distress, anxiety and loss of amenity and autonomy. This personal injury was caused by acts or omissions in the United Kingdom. In consequence, Pakistan is not immune as regards the proceedings pursuant to s 5 of the SIA 1978.

V. Relief Sought

59. The Claimant seeks the following relief from Pakistan for the wrongs set out above:

a) Damages for personal injury.

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- b) A public apology from Pakistan and/or statement in open court in terms to be agreed between the parties
- c) Disclosure by Pakistan of the identity of all individuals and/or bodies who acted on its behalf in connection with these wrongs
- d) Costs.

VI. Disclosure

60. In the event that Pakistan disputes the claim or any parts of it, we request provision of copies of the following relevant documents that are or have been within its control within the meaning of CPR Part 31.8:

(a) all documents relating and/or referring to the Claimant; and

(b) all documents relating and/or referring to the Claimant's brother, Murad Akbar.

61. We remind Pakistan of its obligation pursuant to the Civil Procedure Rules, to preserve, and not to delete or destroy, any and all documents in its control which are or may be relevant to the claim.

VII. Alternative Dispute Resolution

62. In accordance with the Pre-Action Protocol, the Claimant is willing to consider reasonable proposals for alternative dispute resolution.

VIII. Period for Response

63. Please confirm receipt of this letter within 14 days of the date of this letter. Please provide a substantive response to this letter within six weeks, i.e. by midday on 10 June 2024.

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We look forward to hearing from you.

Yours faithfully,

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