

Pretrial Publicity Concerning Accused Persons: A Constitutional Framework for Balancing the Public's Right to Information with Fair Trial Rights

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ABSTRACT: The rapid expansion of media and social media has transformed criminal investigations into matters of immediate public discourse. Information concerning accused persons and alleged crime circulates broadly before judicial determination. Even though such publicity promotes transparency and democratic accountability, yet it also raises constitutional questions about its impact on the right to a fair trial. Contemporary scholarship has mostly examined pretrial publicity through separate empirical, psychological, or media law perspectives, but limited attention is drawn for a constitutional methodology with an aim to reconcile right to information with the fair trial rights of accused persons. To address this gap, this article examines the constitutional regulation of pretrial publicity in Pakistan through a doctrinal analysis of the Constitution, judicial precedents, selected constitutional theories. This article further explains through Cognitive Bias Theory that pre-trial publicity may create a constitutional harm from predictable cognitive processes which is also capable to influence multiple participants throughout the criminal justice system before trial. The analysis reveals that constitutional jurisprudence of Pakistan recognises the constitutional risks associated with pretrial publicity but has yet to devise a structured methodology for balancing the competing rights involved. Relying on Konrad Hesse's doctrine of Practical Concordance and Aharon Barak's proportionality methodology, this article develops a structured judicial framework through which courts may reconcile the right to information with the right to fair trial. The study contributes to constitutional scholarship by integrating constitutional doctrine, cognitive science, and proportionality analysis into a coherent methodology for adjudicating this significant constitutional challenge.

KEYWORDS: Freedom of Information, Right to Fair Trial, Pre-Trial Publicity, Freedom of Expression, Doctrine of Proportionality, Balancing Constitutional Rights

Introduction

Background and Research Problem

Criminal investigations were once conducted mainly beyond public observation. Today, however, the spread of broadcast media, digital forms of journalism, and social media platforms has transformed these investigations into

Pages: 253 – 269

Volume: 5

Issue: 4 (April 2026)

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Cite this Article: Sultan, S., Azeem, H. M., & Jathol, A. A. (2026). Pretrial Publicity Concerning Accused Persons: A Constitutional Framework for Balancing the Public's Right to Information with Fair Trial Rights. *The Regional Tribune*, 5(4), 253-269. <https://doi.org/10.55737/trt/v-iv.309>

events fetching public discourse in real time before national and international viewers. Information regarding arrests, ongoing investigation processes, and accused persons is nowadays disseminated rapidly through the medium of television broadcasts, online news platforms, and social media, often before criminal trials begin (Shiyab, 2021). As a result, the investigative stage of the criminal proceedings has become an important topic of public discourse and debates; this is altering the relationship between pending investigation, public discourse, and the constitutional guarantees which govern the criminal justice system. This transformation has implications that extend beyond a simple journalism approach to the constitutional rights affecting the criminal justice system.

The increased access to the public about criminal investigations has consequences that could extend beyond the perception of public awareness. Information which is disseminated before trial may shape perceptions of guilt before judicial determination, in a way which may leave its influence on criminal allegations and their understanding and later evaluation (Bakhshay & Haney, 2018; Garno, 2025). Though public scrutiny of an investigation may enhance transparency and accountability of the criminal justice system, at the same time, it may also undermine the presumption of innocence which is available to the accused and the settings which are necessary to ensure a fair trial. Therefore, pretrial publicity cannot be said to be a matter of media trial practice or professional ethics; it has become a constitutional issue which requires a judicial way forward (Garno, 2025).

This scenario is also important for Pakistan, where the rapid expansion of electronic media, digital media, and social media has transformed the means and manners in which pending investigations are being reported and discussed within the public domain (Qadeer et al., 2025). The speed with which such information circulates often makes constitutional rights under public scrutiny even before judicial scrutiny begins. This allows pending legal investigations to become matters of open public discussion. Although such publicity may serve legitimate public interests while keeping in view their right to information through the promotion of transparency and achieving informed public debate, at the same time, it also raises constitutional questions about whether such dissemination of information before the conclusion of the trial should be permitted even when it risks harming the fairness of subsequent criminal proceedings (Hussain et al., 2025). Despite the importance of this issue, constitutional jurisprudence of Pakistan regarding these competing rights has yet to develop a coherent analytical framework with an aim to reconcile these constitutional interests.

The constitutional issue presented by pretrial publicity lies not in the recognition of competing constitutional rights, i.e., the right to information and right to fair trial, but in the absence of a coherent legal framework to reconcile these two rights if they collide (Abdullah, 2019). The constitutional law of Pakistan recognises the public interest to allow the flow of information about matters which are of public importance (Azeem et al., 2023; Cheema & Azeem, 2024), yet at the same time it simultaneously guarantees the right to a fair trial and the presumption of innocence (Mairaj et al., 2024; Mehmood et al., 2024). These constitutional guarantees inevitably intersect when information about accused persons is disseminated before judicial determination of criminal liability is concluded. Although constitutional jurisprudence of Pakistan developed by higher courts (*Vishal Ahmad Shakir v. Federation of Pakistan*, 2026) recognises that pretrial publicity implicates multiple constitutional guarantees, it has yet to articulate a structured framework through which courts may find a way to reconcile these rights in a principled and consistent manner.

Existing Scholarship and Research Gap

Pretrial publicity has attracted constant scholarly attention within the domain of constitutional law, criminal procedure, media law, and cognitive psychology. Although various scholarship has generated important insights into the effects, mechanisms, and legal implications of pretrial publicity, it has been developed independently of one

another. Therefore, the scholarship on pretrial publicity may broadly be organised into three interconnected strands of inquiry. The first strand consists of empirical studies which examine whether pretrial publicity influences legal decision-making. Meta-analyses and experimental research consistently demonstrate that exposure to negative pretrial publicity could increase perceptions of guilt and the likelihood of guilty verdicts, whereas favourable publicity may also produce the opposite effect (Bakhshay & Haney, 2018; Hoetger et al., 2022; Steblay et al., 1999). These studies establish that pretrial publicity may influence the fairness of criminal adjudication rather than merely the dissemination of information about criminal proceedings.

Building upon these findings, a second strand of scholarship has sought to shift from recording the effects of pretrial publicity to explaining the cognitive processes through which those effects arise. Recent research employing Cognitive Bias Theory demonstrates that pretrial publicity creates prior beliefs, expectations, and narratives that in future shape how subsequent evidence is perceived, remembered, and evaluated. In this theory, various concepts such as the anchoring effect, confirmation bias, predecisional distortion, narrative construction, etc are helpful to explain why pre-trial publicity may influence legal decision-making even before the admissibility of evidence in courts. More recent scholarship further argues that these biases are not confined to personal decision-makers but may also accumulate and interact with multiple factors within the criminal justice system through what has been described as “bias cascade” and “bias snowball” effects which explain how a single, initial bias could spread and harm sequential decision-making processes (Curley, et al., 2022; Curley et al., 2022; Dror, 2025).

The third strand comprises constitutional and legal scholarship which examines the relationship between media freedom, the right to information, and the right to a fair trial. Though the literature recognises that pretrial publicity may threaten procedural fairness and the presumption of innocence, it primarily focuses on media regulation, judicial remedies, or freedom of expression. The existing scholarship of Pakistan, likewise, addresses media trials, constitutional guarantees, and regulatory concerns (Hussain et al., 2025; Mairaj et al., 2024; Qadeer et al., 2025), yet it has paid comparatively limited attention towards principled constitutional framework to reconcile the opposing constitutional interests that arise when information concerning accused persons enters the public domain before completion of trial (Jamil, 2023).

Collectively, the existing scholarship demonstrates important work to understand the effects, mechanisms, and legal implications of pretrial publicity. The empirical literature establishes that pretrial publicity may prejudice criminal decision-making, while cognitive scholarship explains how the psychological processes develop such prejudice. More recent research further expands this analysis by showing that bias may cascade across different factors within the criminal justice system rather than remain confined to individual decision-makers (Curley et al. 2022; Dror 2025; Hoetger et al. 2022).

Nevertheless, these complementary bodies of scholarship have mainly developed in parallel. Though constitutional and legal scholarship has concentrated primarily on media regulation, freedom of expression, judicial remedies, and fair trial guarantees, comparatively limited attention has been paid to integrating empirical and cognitive insights into constitutional doctrine. The existing scholarship of Pakistan likewise examines media trials, constitutional rights, and regulatory responses. However, it has not systematically developed a principled constitutional framework in order to balance the right to information of the public with the accused person's right to a fair trial in the specific context of pretrial publicity.

To deal with this constitutional issue, this study is conducted in four sections. Firstly, it develops the conceptual and constitutional foundations regarding pretrial publicity; then it analyses the emerging constitutional jurisprudence of Pakistan in the same context; next, it explains constitutional prejudice through using Cognitive Bias

Theory, and finally it proposes a structured proportionality-based framework to balance competing constitutional rights.

Research Questions

This study aims to answer the following research questions:

1. What constitutional and theoretical principles govern pretrial publicity of charges against accused persons?
2. How does Pakistani constitutional jurisprudence regulate pretrial publicity, and what constitutional doctrine has emerged?
3. How does Cognitive Bias Theory explain the constitutional prejudice which is associated with pretrial publicity?
4. How should courts constitutionally balance the right to information of the public and the fair trial rights of accused in cases involving pretrial publicity?

Methodology

This study adopts a doctrinal legal research methodology, complemented by selected comparative constitutional jurisprudence and contemporary constitutional theories. The primary sources utilized in this study comprise the Constitution of the Islamic Republic of Pakistan, 1973, with particular focus on Articles 10A, 19, and 19A, together with other relevant statutory provisions, judicial precedents, and academic scholarship. Furthermore, this study uses Cognitive Bias Theory as an explanatory basis to examine the constitutional tension between the right to information of the public and the accused person's right to a fair trial. Rather than determining legal standards, this theory is used to explain the cognitive mechanisms through which pretrial publicity may influence perceptions of guilt and create prejudice, which is relevant to constitutional assessments of fairness. This study incorporates particular constitutional theories in order to identify principles which may assist in proposing a structured framework for reconciliation of the competing constitutional interests. Therefore, this methodology enables us to do a critical evaluation of the coherence in the existing legal framework and then to support the development of a constitutional approach to balance the opposing rights which are implicated by pretrial publicity.

Contribution of the Study

This study contributes to the existing scholarship in four ways. Firstly, it reconceptualises pretrial publicity as a constitutional problem which requires reconciliation between competing fundamental rights rather than merely treating them as an issue of media-trial or purely a criminal procedure. Secondly, it attempts to integrate Cognitive Bias Theory into constitutional analysis with an aim to explain why pretrial publicity may generate constitutional prejudice within a criminal justice system. Thirdly, while relying on the doctrine of Practical Concordance articulated by Hesse (Hesse, 2020) and the theory of balancing or proportionality in *stricto sensu* by Barak (Barak, 2010; Barak & Kalir, 2012), this study develops a structured and judicial framework to balance the right to information of the public with fair trial rights. Finally, it also contributes to constitutional jurisprudence of Pakistan through offering a coherent method through which courts may reconcile competing constitutional rights in disputes regarding pretrial publicity and fair trial rights of the accused.

Conceptual and Constitutional Foundations of Pretrial Publicity

Conceptualising Pretrial Publicity

Pre-trial publicity about criminal investigations is not a new phenomenon. What has changed is its scale, speed, permanence, and capacity to influence the public before the final judicial determination. This phenomenon is commonly labelled as pretrial publicity. However, it has not been defined uniformly, though the expression pretrial

publicity is extensively used in legal scholarship. Existing definitions reflect that the specific research questions were pursued by individual scholars in their work rather than an agreed conceptual understanding of the phenomenon. Ruva (2018) For example, one definition defines pretrial publicity broadly as all media coverage relating to a case before trial.

In contrast, Greene and Wade (1988) distinguish between case-specific publicity and more general publicity capable of influencing decision-making in unrelated proceedings. Studebaker and Penrod (1997) Likewise, approach pretrial publicity primarily through its effects on juror reasoning and judicial assessments of prejudice, while LeWine (1965) examines the narrower concept of prejudicial publicity in the context of constitutional restraints on press reporting. Collectively, these perspectives demonstrate that the existing scholarship has focused less on establishing a comprehensive definition of pretrial publicity than on examining its legal or psychological consequences.

In this context, pretrial publicity generally refers to the dissemination of information concerning an accused person, an alleged offence, or an ongoing criminal investigation before criminal responsibility has been determined by a court. It covers all information which is communicated through traditional news channels, nowadays digital platforms, social media, official communications, and also by any other publicly accessible means. Because such publicity occurs before adjudication, it has the potential to shape perceptions of guilt while constitutional protections are in place.

Despite differences in emphasis, the existing literature reveals several common characteristics of pretrial publicity. First, it is the information which is disseminated before the commencement or conclusion of criminal proceedings. Secondly, the publicity relates to an accused person, an alleged offence, or an ongoing criminal investigation. Thirdly, it is communicated through publicly accessible media capable of reaching potential decision-makers or the wider community. Finally, the implication of pretrial publicity lies not in the mere dissemination of information, but in its potential to influence perceptions of guilt, in shaping public narratives, and to prejudice the fairness of subsequent criminal proceedings (Greene & Wade, 1988; Ruva, 2018; Studebaker & Penrod, 1997). These recurring characteristics recommend that pretrial publicity is defined less by the medium through which information is communicated than by the timing of its dissemination and its capacity to affect the criminal justice system.

Furthermore, although these characteristics provide a useful conceptual foundation, the existing definitions were mainly developed in response to traditional forms of news reporting and litigation in jury-based jurisdictions. Consequently, they tend to conceptualise pretrial publicity primarily as media coverage capable of influencing prospective jurors or public opinion before trial (Greene & Wade, 1988; Studebaker & Penrod, 1997; Ruva, 2018). Criminal investigations are now reported and discussed through a diverse range of communication channels, including online news platforms, social media, podcasts, video-sharing platforms, official and private institutional accounts, and digital press briefings. These developments suggest that pretrial publicity should not be understood solely by reference to the medium through which information is communicated, but also by its constitutional capacity to influence public perceptions and the criminal justice system before judicial determination.

The Constitutional Dimensions of Pretrial Publicity

Pretrial publicity is relevant for constitutional implications because it works with the competing constitutional rights and not with the scope of a single constitutional guarantee. The dissemination of information about criminal investigations also serves important democratic values through promotion of transparency, facilitation of public debate, and by enabling scrutiny of the criminal justice system. At the same time, pre-trial publicity about the accused persons before the determination of criminal liability may also prejudice the constitutional guarantees of the right

to a fair trial, the presumption of innocence, and the protection of dignity. Consequently, pretrial publicity is not a conflict between lawful and unlawful expression within the context of freedom of expression and information, but a constitutional question about the reconciliation of both competing rights and interests within the justice system (Garcia, 1992).

Furthermore, within the constitutional framework of Pakistan, Articles 19 and 19A recognise the constitutional importance of freedom of expression and the right to have information for the public about matters which are of public importance. These guarantees strengthen democratic accountability in a society through public scrutiny of administrative and governmental institutions, which includes the criminal justice system (Azeem et al., 2023; Cheema & Azeem, 2024). On the other hand, Article 10A guarantees the right to a fair trial and due process in the justice system; besides other constitutional rights, it also protects the dignity, liberty, and legal status of accused persons of criminal offences (Mairaj et al., 2024). The key to exercising these rights is that one constitutional right should not impair the effective enjoyment of another right, unnecessarily and unlawfully.

Moreover, the constitutional relationship between these guarantees cannot be understood in isolation. Freedom of expression and the right to information of the public execute indispensable democratic functions through promotion of transparency and accountability in a society (Azeem et al., 2023), and it includes the administration of a criminal justice system. Similarly, the right to a fair trial also protects the legality of the criminal procedure through guaranteeing that the criminal charge is determined solely through a provided judicial process (Mairaj et al., 2024) rather than through public opinion. Alexy (2017) In this context, it has been observed that neither set of constitutional guarantees is absolute. Circumstances may therefore arise in which the exercise of one constitutional right could create a substantial risk of impairing the effective enjoyment of another.

In addition, unlike ordinary public discourse, pretrial publicity concerns persons whose criminal charge has not yet been determined by a court of law. Information which is disseminated during the investigation stage may influence public perceptions (Wahab et al., 2025). The constitutional concern does not arise because information is exchanged and transferred, but because its dissemination occurs at a stage when allegations are yet to be proved. Judicial proceedings are pending (Bakhshay & Haney, 2018). Consequently, pretrial publicity has the tendency to influence not only public opinion but, at the same time, it may affect the constitutional standards: fairness, impartiality, and the presumption of innocence (Corker & Levi, 2017). Therefore, the constitutional question is not whether the public should receive information about criminal investigations of pending cases or not. The question is also not whether the accused person should have an absolute right to a fair trial. The challenge instead lies in the determination of the constitutional limits of pretrial publicity where the exercise of one right may create a constitutional risk of infringement of another right (Duncan, 2008).

Constitutional Regulation of Pretrial Publicity in Pakistan

The constitutional regulation of pretrial publicity in Pakistan is not covered in a single constitutional provision or statutory rule. Rather, it arises from the collaboration of multiple constitutional rights that collectively try to protect democratic transparency, freedom of expression, access to information, and the fair administration of the criminal justice system. Although the Constitution of Pakistan does not expressly deal with pretrial publicity, its fundamental rights provide the constitutional foundation within which questions about media reporting of a criminal case, police interviews about pending investigations and dissemination of information, and the protection of accused persons could be resolved. The judicial decisions further have developed the foundational framework through articulation of constitutional principles about the relationship between publicity regarding criminal investigations and the fair trial rights of accused persons.

The Constitutional Framework Governing Pretrial Publicity

Although the Constitution of Pakistan contains no express provision which deals with the topic of pretrial publicity, its fundamental rights provide the basis to find a solution through constitutional principles and jurisprudence developed thereunder. The constitutional jurisprudence regarding pre-trial publicity of the accused persons arises not from a single constitutional right but from the collaboration of multiple rights. These constitutional principles arise from Articles 19, 19A, and 10A of the Constitution. Thereafter, they are supplemented by the rights to human dignity and protection against self-incrimination as contained in Articles 14 and 13, respectively. Moreover, the freedom of expression and the right to information both constitute indispensable features of constitutional democracy in Pakistan. Articles 19 and 19A recognise that the public has the right to access information about all matters of public importance, which eventually promotes administrative accountability, facilitates informed public debate, and underpins confidence in public institutions. These constitutional rights therefore recognise that openness and transparency are indispensable components of a democratic society, and these are merely privileges which are enjoyed by the media (Azeem et al., 2023; Cheema & Azeem, 2024).

Judicial Development of Constitutional Principles Governing Pretrial Publicity

Constitutional jurisprudence of Pakistan about pretrial publicity has evolved substantially in recent years. Although the superior courts have not expressed any distinct doctrine under the rubric of “pretrial publicity”, their decisions progressively recognise that publicity about the accused persons before the conclusion of criminal proceedings raises many constitutional questions which sometimes extend beyond media rights and privileges. The courts have progressively analysed these questions about pre-trial publicity not merely as an incident of freedom of expression, through the interaction of Articles 19, 19A, 10A, 13 and 14 of the Constitution. This jurisprudential development shows a shift from taking media reporting as an isolated exercise of press freedom towards recognising that pre-trial publicity during criminal investigations may influence the constitutional rights of fair trial, due process, dignity and the safe administration of justice directly.

The Supreme Court first laid the foundations of this constitutional approach in its *Suo Motu Case (Suo Motu Case No. 28 of 2018, 2019)*. Though the Court affirmed that Articles 19 and 19A protect freedom of expression and the right to information, the Court rejected the proposition that these rights authorise unrestricted commentary on pending criminal proceedings. It was observed that modern media frequently sensationalises matters of public importance and may deduce the guilt of an accused before any judicial determination has been made. Moreover, the Court also held that even the mere risk of prejudice in the mind of a court to pending proceedings is sufficient to attract constitutional protection, because the right to a fair trial includes the right to an impartial tribunal which should be free from external influence. The court also recognizes that discussions about sub judice matters may sometimes indirectly affect the administration of justice.

Furthermore, other decisions also strengthened this constitutional approach through recognising that the right to information itself is subject to constitutional limitations where revelation threatens the administration of justice. In *Province of Punjab v. Qaisar Iqbal (2018)*, although the Lahore High Court acknowledges that Articles 19 and 19A guarantee the public access to information about matters of public importance, yet at the same time, it has also been held therein that if such disclosure creates a real and substantial risk of prejudice to the administration of justice or the right to a fair trial then it can be restrained. On the application of the principle of proportionality, the Court further explained that constitutional adjudication in such matters requires a balancing approach between opposing public interests rather than making an automatic preference of one constitutional right over another.

Likewise, this jurisprudence was reached at a further stage in *Shahid Ali v. The State* (2026), when the Supreme Court dealt with the question of constitutional implications of a journalist recording the interview of an accused at the same time as he remained in police custody. The Court held that neither the investigating officer nor any other person in authority could permit a journalist or any private person to obtain what was, in substance, could be treated as a custodial confession. Such conduct could circumvent the statutory protections provided regarding confessional statements and offended the constitutional guarantee of the right to a fair trial. More broadly, the Court recognised that *media trials* may cause irretrievable harm to both accused persons and victims, besides the justice system. It was further observed that nowadays the media, including social media, possesses an exceptional ability to develop public narratives, influence perceptions of guilt, and may damage the reputation of a person even before the final judicial determination.

Consequently, building upon these principles, the Lahore High Court in *Vishal Ahmad Shakir v. Federation of Pakistan* (2026) transformed these constitutional observations into concrete institutional obligations. Describing publicised or coerced confessions as “not justice but persecution”, the Court held that parading accused persons before the media or compelling self-incrimination under the glare of cameras impairs human dignity and undermines the very foundation of the criminal justice system. However, the Court also emphasised that such protection does not extend to false, misleading or sensational commentary on a case that may compromise the right to a fair trial or affect the dignity or reputation. It consequently directed that no law enforcement agency should permit or facilitate media interviews of persons who are in custody.

These decisions reveal that there are increasingly coherent constitutional warnings about the implications of pretrial publicity in Pakistan by higher courts. It is this emerging constitutional policy that provides the doctrinal foundation for the further research study in the following sections of this article.

Towards a Constitutional Doctrine of Pretrial Publicity and Constitutional Prejudice

Although the foregoing decisions arose from diverse factual situations, which include commentary on sub judice proceedings in electronic media, disclosure of judicial proceedings, media interviews during custody, and the public broadcasting of confessional statements, all they reveal is a conjunction of constitutional reasoning. Instead of approaching these controversies as an isolated issue, the superior courts have consistently analysed them through the prism of constitutional rights. Therefore, this initial jurisprudence demonstrates that the constitutional regulation of pretrial publicity in Pakistan has begun to evolve into a distinct judicial framework.

Firstly, the jurisprudence unequivocally seems to reject the proposition that freedom of expression or the right to information enjoys absolute priority. Though Articles 19 and 19A have an effective place within a democratic constitutional order, both the Supreme Court and the Lahore High Court have emphasised the principle that these rights remain subject to reasonable constitutional limitations. Secondly, the courts have progressively expanded the scope of the right to fair trial. Fairness is no longer understood as a right which operates only on the evidentiary stage of criminal proceedings. Instead, the jurisprudence recognises that constitutional prejudice may arise even at the investigation phase. Thirdly, recent decisions have seemed to recognise that the constitutional harm occasioned by pretrial publicity may extend beyond the accused person. It may undermine public confidence in the impartiality of the judiciary. It may compromise the integrity of criminal investigations, and may also diminish confidence in the administration of justice itself. Finally, the jurisprudence also demonstrates that there is an increase in willingness to impose positive constitutional obligations upon both State authorities and the media in this context. Law enforcement agencies are now required to refrain from facilitating publicity that could compromise the pending investigations or fair trial.

These principles, when read in juxtaposition, demonstrate that constitutional jurisprudence in Pakistan has already laid the basic foundations of a coherent framework to regulate pretrial publicity. The courts have identified the relevant constitutional principles and also recognised the necessity to balance opposition rights. However, they have not formed a structured constitutional method which other state institutions could apply to strike the balance. It is this doctrinal incompleteness that provides the basis of the next section of this study. Wherein, Cognitive Bias Theory substantiates the explanation for the constitutional prejudice recognised by the courts. In this context, another equally important feature of the prevalent jurisprudence is that, though superior courts recognise the prejudicial consequences of pretrial publicity, they have rarely touched on the ways through which such prejudice could arise. This unresolved dimension provides the basis for the next section.

Explaining Constitutional Prejudice: A Cognitive Bias Perspective

Constitutional Prejudice as a Consequence of Pretrial Publicity

The preceding section of this paper has demonstrated that constitutional jurisprudence of Pakistan has started to recognise pretrial publicity as a potential threat to the fairness and integrity of criminal proceedings and whole justice system. It may prejudice the confidence in the administration of justice, undermine the presumption of innocence, and could also compromise fair trial (Bakhshay & Haney, 2018; Berghol, 2024). The constitutional harm is also recognized by scholars (Longa, 2025; Loquercio, 2022; Ruva, 2018) and in the judicial decisions (*Vishal Ahmad Shakir v. Federation of Pakistan*, 2026). Hitherto, the mechanism through which such harm occurs remains unexplained. Therefore, to understand the implications of constitutional prejudice, it is required to engage with an explanatory framework which can demonstrate how pretrial publicity may influence subsequent legal decision-making. Cognitive Bias Theory provides a psychological basis for this framework.

Furthermore, constitutional prejudice for this study refers to any impairment of the constitutional rights which are necessary for the fair administration of the criminal justice system and those which arise before judicial determination of criminal charges (McKay & Graham, 1966). Such prejudice does not hinge on the proof that a judge, witness, or investigation officer has actually become biased. Instead, it covers even those circumstances in which pretrial publicity may create a risk upon which criminal allegations will be decided through preconceived narratives and a mindset, assumptions, or external influences (*Sheppard v. Maxwell*, 1966). The constitutional concern therefore lies not merely in the existence of publicity, but in its capacity to interfere with the impartiality, objectivity, and procedural fairness (Kane, 2021) that Articles 10A, 13 and 14 of the Constitution of Pakistan seek to protect.

Cognitive Bias Theory as an Explanation of Constitutional Prejudice

The constitutional concerns identified by Pakistani courts find substantial support in contemporary cognitive research. The Cognitive Bias Theory explains why such prejudice may arise even in the absence of deliberate misconduct or conscious partiality by the tribunal. Contemporary research demonstrates that human beings naturally develop narratives from the earliest information that is available to them; this process is commonly described as the Story Model theory (Ruva, 2018; Hoetger et al., 2022). This theory demonstrates that human decision-making is shaped not only by the application of legal principles but also through cognitive processes which could also influence how information is received, interpreted, evaluated, and remembered by a person. These processes are involved in all stages of the criminal justice system and may affect investigators, forensic experts' opinions, prosecutors, defence counsel, judges, witnesses, and the public alike (Berthet, 2022; Charman et al., 2019).

Furthermore, once an initial narrative has been formed, it rarely remains neutral or temporary. Early information tends to become the reference point against which all subsequent information is interpreted. Rather than approaching later evidence with an entirely open mind, persons frequently assess new information in light of the impressions they have already formed. Cognitive psychology describes this tendency as the “anchoring effect”, whereby the initial available information applies a disproportionate influence on subsequent decisions (Bennett, 2014; Bystranowski et al., 2021). This initial reference point is then reinforced through “confirmation bias”, which is also a connected cognitive process in which persons unconsciously interpret later information in ways that support their prevailing beliefs while giving less weight to information which contradicts them (Berthet, 2022). In this context, experimental research further demonstrates that exposure to negative pretrial publicity increases the likelihood that future evidence will be interpreted in a manner which will be favourable to the prosecution. This phenomenon has been described as “pre-decisional distortion” (Hope et al., 2004). Instead of evaluating each piece of evidence independently, the decision-makers incorporate new information into an already established narrative, and in that way strengthen the original perception of guilt or innocence. This viewpoint provides an important cognitive-based explanation of why constitutional law seeks to protect criminal adjudication from pre-judicial publicity before trial.

More importantly, contemporary research also indicates that these cognitive effects are not confined to judges alone. Cognitive biases may also influence investigation officers, forensic experts, prosecutors, legal practitioners, witnesses, and other participants of the criminal justice system (Berthet, 2022; Charman et al., 2019). Information presented through media and social media-based narratives with prior assumptions may unconsciously influence investigation decisions, prosecutorial approaches, and judicial reasoning even before a criminal charge has been determined (Scott, 2025). Recent scholarship in this context further suggests that once early assumptions begin to influence investigation officers, forensic experts, prosecutors, judges, and the wider public viewpoints, then they may also affect the criminal determination process throughout. This has been described as a “bias cascade” or “snowball effect”. Under this theory, early assumptions may progressively be reinforced throughout successive stages of the criminal process (Curley et al., 2022; Hoetger et al., 2022). Constitutional prejudice should therefore be understood not merely as the risk to influence a single decision-maker, but also as a systemic phenomenon which is capable of affecting the integrity of the criminal justice system as a whole.

These findings reveal that constitutional prejudice is neither speculative nor confined to its isolated occasions of media influence. Instead, it is a predictable consequence of well-documented cognitive processes capable of shaping the interpretation of information throughout successive stages of the criminal justice system. Cognitive Bias Theory therefore does not challenge the constitutional concerns identified by Pakistani courts; rather, it explains why those concerns arise and why constitutional law must address pretrial publicity before its effects become embedded within criminal adjudication.

A Constitutional Framework for Balancing the Right to Information and Right to Fair Trial

The Constitutional Basis for a Structured Balancing Framework

The preceding chapters demonstrate that pretrial publicity simultaneously engages several constitutional guarantees, including freedom of expression, the public's right to information, the right to a fair trial, human dignity, and the proper administration of justice. Pakistani constitutional jurisprudence increasingly recognises that these guarantees cannot be treated as competing rights but must instead be reconciled within a single constitutional framework. At the same time, Cognitive Bias Theory explains why publicity concerning accused persons before judicial determination may generate constitutional prejudice capable of affecting the integrity of criminal proceedings.

Despite these developments, existing jurisprudence provides only limited guidance as to how courts should reconcile these competing constitutional guarantees when confronted with pretrial publicity.

Furthermore, there is one constitutional theory which recognises that conflicts between fundamental rights cannot ordinarily be resolved through sacrificing one constitutional right in favour of another. This theory is presented by Konrad Hesse's through his doctrine of Practical Concordance (*praktische Konkordanz*), which maintains that opposing constitutional rights should be harmonized in such a manner that each enjoys the maximum possible realisation in harmony with the Constitution as a whole (Hesse, 2020). The objective of this theory is therefore not to identify a constitutional winner and loser, but to preserve the essential content of each competing right to the greatest extent reasonably possible (Bomhoff, 2023). This understanding is particularly important in cases of pretrial publicity, where both the right to information of the public and the accused person's right to a fair trial derive from the same constitutional order and therefore require reconciliation rather than constitutional preference.

While Hesse explains the constitutional objective of harmonisation, Aharon Barak provides the judicial methodology through which that objective may be achieved (Barak & Kalir, 2012). Barak, on the other hand, argues that constitutional rights are neither absolute nor hierarchical in their nature. They often collide in different circumstances within democratic societies. Their reconciliation requires a structured proportionality. Under his approach, any limitation which is required to be imposed upon a constitutional right must have a legitimate constitutional objective. Then, it must have a rational connection to that objective which is necessary to achieve it. Then, there will be a need to maintain a proportionate balance between opposing constitutional rights (Barak, 2010). This is a structured method to reduce judicial subjectivity. At the same time, it also ensures that the justice system remains transparent, reasoned, and consistent. It also provides an appropriate doctrinal foundation to resolve conflicts arising out of pretrial publicity and fair trial.

A Proportionality-Based Framework for Constitutional Balancing

Hesse's doctrine of Practical Concordance, Barak's doctrine of proportionality, besides constitutional jurisprudence of Pakistan, in juxtaposition with the cognitive basis of constitutional prejudice, has provided a basis to formulate the proportionality-based constitutional balancing framework. It is basically based on Barak's work (Barak, 2012, pp. 243 - 244). It identifies the principal constitutional questions that courts should consider when they determine whether pretrial publicity is constitutionally permissible or not in a given circumstance. The framework does not replace judicial discretion. Instead, it structures the discretion through ensuring constitutional balance in a principled order of analysis.

Stage One: Legitimate Constitutional Purpose

The first stage requires the court to identify the constitutional purpose which the impugned publicity could serve. Within the Constitution of Pakistan, freedom of expression and the right to information both exist to strengthen democratic accountability, to facilitate informed public debate, and for the promotion of transparency in the administration of public affairs. These rights protect publicity if it advances a real constitutional interest rather than publicity which merely attracts public attention or which is for public curiosity. The constitutional legality of the objective which is required to be pursued by publicity forms the very foundation of this entire balancing exercise.

Judicial Inquiry: Does the impugned pretrial publicity in fact aid the constitutional interest of right to information, or does it serve unconstitutional objectives?

Where the pretrial publicity does not pursue a legitimate objective, there is no further balancing required. This is for the reason that constitutional protection cannot cover that which lacks a constitutional purpose. On the other hand, where the publicity evidently promotes the constitutional right to information, there the court is required to proceed with the remaining stages of this proportionality analysis.

Stage Two: Rational Constitutional Connection

The existence of a legitimate constitutional objective does not justify every form of publicity. The court is required to determine whether the particular information which is required to be disseminated honestly contributes to the constitutional objective that is identified at the first stage. Public disclosure is allowed if it is for the public understanding of the criminal justice system, instead of mere intensification of public condemnation of an accused person or particular incident. Information which contributes minutely to public accountability and has the potential to create a substantial risk of constitutional prejudice cannot be regarded as constitutionally connected with the legitimate objective.

Judicial inquiry: Is the particular information, if disclosed, rationally connected with the legitimate constitutional purpose that is identified at the first stage?

This inquiry requires courts to distinguish between information that promotes transparency and material whose aim is to expose accused persons or charges to public judgment. This includes custodial interviews, alleged confessions, prejudicial evidentiary material, or speculative statements of guilt or innocence. Only the former justified the requirement of a rational constitutional connection and not the latter.

Stage Three: Constitutional Necessity

Even where publicity pursues a legitimate constitutional objective and bears a rational connection with the legitimate objective, there too constitutional adjudication is required to determine whether the same objective could reasonably be achieved through any other less prejudicial means. This stage replicates the constitutional principle that fundamental rights should not be impaired more than what is necessary to achieve the legitimate constitutional purpose. In the context of pretrial publicity, this requirement of necessity bound the courts to not take the matter as whether information is required to be withheld in total, but as whether the public interest could be adequately served through a less intrusive means of disclosure.

Judicial Inquiry: Could the same constitutional objective be achievable through a form of publicity that may create a lesser risk of constitutional prejudice?

This inquiry recognises that constitutional transparency and the right to fair trial need not exist in opposition. In many cases, the public may be adequately informed through objective and legitimate reporting of arrests, charges, or procedural developments but without broadcasting custodial interviews, or publishing alleged confessions, or disseminating material which is capable of creating public narratives about the guilt or innocence even before judicial determination. Where such less prejudicial alternatives are available, there the more intrusive disclosure cannot justify the constitutional requirement of necessity.

Stage Four: Proportionality in the Strict Sense

The final stage of this test requires the court to determine whether the constitutional value of the publicity justifies the constitutional prejudice that it is likely to create. This inquiry represents the essence of proportionality in the *stricto sensu*. It does not require the court to identify the constitutional priority in freedom of expression or the right to a fair trial. Instead, the objective is to reconcile both constitutional rights, keeping in view the Hesse's doctrine of

“Practical Concordance”. This proportionality method provides the means through which the reconciliation is achieved. It requires courts to evaluate whether the benefit obtained from the disclosure is proportionate to the constitutional costs which it imposes upon the accused and in the administration of justice.

Judicial inquiry: Does the constitutional value of the proposed pretrial publicity justify the probable risk of the constitutional prejudice to the accused and to the integrity of the criminal justice system?

This evaluation is to consider not only the immediate consequence of publication but also its wider constitutional implications. As demonstrated in the preceding section, the pretrial publicity may create cognitive narratives in the mind which could shape the interpretation of subsequent information within the decision making of criminal justice system. Therefore, constitutional prejudice should also be evaluated in light of its potential risk to impair the sub-rights of the right to fair trial: presumption of innocence, fair proceedings, human dignity, or public confidence in the impartial administration of justice system. On the other hand, courts are also required to recognise the importance of publicity in promotion of transparency, accountability, and informed public debate within a society. Therefore, the eventual task is to determine whether both constitutional rights have been preserved in its maximum form. Only where the constitutional value of disclosure substantially outweighs the consequence of constitutional prejudice, there should the publicity can be regarded as constitutionally permissible.

The proposed framework does not aim to establish method to resolve every legal dispute about pretrial publicity. However, through integration of doctrine of *Practical Concordance*, provided by Hesse, and the juxtaposition of proportionality method provided by the Barak, this framework aims to provide a structured method to balance the right to information of the public and the accused person's right to fair trial.

Conclusion

Pretrial publicity has conventionally been examined through the distinct analysis of media law, criminal procedure, and freedom of expression. This article has argued that such an approach no longer adequately captures the constitutional character of the problem. Pretrial publicity about the accused persons before judicial determination engages multiple constitutional rights and principles concurrently: this includes freedom of expression, the right to information, the right to a fair trial, the presumption of innocence, and the protection of human dignity. The constitutional challenge lies not in recognition of these opposing rights, but in determination of how they should be reconciled when their simultaneous implementation creates a risk of constitutional prejudice.

The analysis undertaken in this study demonstrates that constitutional jurisprudence of Pakistan has already laid some important basic foundational principles to deal with this problem. In this regard, recent decisions of the superior courts have been shown to recognise that pretrial publicity about accused persons may impair the perception of fairness of criminal proceedings. At the same time, these decisions also consistently reflect an emerging constitutional commitment to balance the implementation of these opposing rights within the existing framework of constitutional jurisprudence. Nevertheless, the jurisprudence remains fragmented and incomplete.

This article has sought to address that doctrinal incompleteness through an interdisciplinary constitutional analysis. Through integration of doctrinal constitutional analysis with psychological basis provided by the Cognitive Bias Theory, it attempts to explain why the constitutional concerns recognised by Pakistani courts are important to analyse. Current cognitive research demonstrates that pretrial publicity may create cognitive narratives in minds and they are capable to influence investigation officers, forensic experts, prosecutors, judges, witnesses, besides the public. Constitutional prejudice should therefore be taken as a systemic risk which may affect the integrity of the criminal justice system as a whole.

On the basis of these constitutional and cognitive foundations, the article proposes a structured framework to make a judicial balance in such a situation. This framework is based on Konrad Hesse's doctrine of *Practical Concordance* and Aharon Barak's proportionality method. Hesse's theory explains why opposing constitutional rights should be harmonized, whereas Barak's proportionality provides the judicial methodology through which that harmonization may be achieved. That is how, this study develops a four-stage constitutional framework which provides how courts may examine the legitimacy of the constitutional purpose in the name publicity, the rational connection between the disclosure and that purpose, then the constitutional necessity in the disclosure, and the proportionality in the shape of constitutional prejudice as its consequence. This framework does not create new constitutional rights or limitations; rather, it only provides a principled method through which constitutional rights can be reconciled and evaluated.

The importance of this framework also extends beyond disputes of media reporting. As criminal investigations gradually reveal within an environment which sometimes is characterised by instantaneous communication, digital dissemination through social media, and permanent public visibility, there constitutional courts will be required to confront new forms of prejudice that may emerge even before the commencement of trial. In such circumstances, the constitutional legality and integrity of a criminal justice system will depend not only upon the fairness of judicial proceedings themselves, but also upon the fairness of the informational environment within which those proceedings are conducted and being discussed. Therefore, constitutional adjudication must consequently recognise that protection of fair trial rights begins during the investigative stage rather than only after formal trial proceedings commence.

In the end, this article argues that the relationship between the public's right to information and the accused person's right to a fair trial should not be understood as a contest between constitutional winners and losers. Both rights derive from the same constitutional order and perform indispensable functions within a democratic society, under the same rule of law. The task of court is therefore neither to suppress legitimate public discourse nor to permit unrestricted publicity concerning accused persons. Rather, it is to reconcile these competing rights through principled constitutional reasoning that preserves the maximum possible realisation of both rights. It is hoped that the proposed framework in this study will contribute to the continued development of constitutional jurisprudence, not only in Pakistan but in all democratic societies, by providing courts with a coherent method to deal with one of the most challenging constitutional questions presented by modern criminal investigations and their dissemination.

References

- Abdullah, K. (2019). Contempt of Court vs. Freedom of Expression: Redrawing the Line in Pakistan. *Global Political Review*, 4(2), 86. [https://doi.org/10.31703/gpr.2019\(IV-II\).09](https://doi.org/10.31703/gpr.2019(IV-II).09)
- Alexy, R. (2017). The absolute and the relative dimensions of constitutional rights. *Oxford Journal of Legal Studies*, 37(1), 31–47. <https://www.jstor.org/stable/26363244>
- Azeem, H. M., Sheer, A., & Umar, M. (2023). Unveiling the power of the right to information: Promoting transparency, accountability, and effective governance. *Al-Kashaf*, 3(3), 26–39. <https://alkashaf.pk/index.php/Journal/article/view/77>
- Bakhshay, S., & Haney, C. (2018). The media's impact on the right to a fair trial: A content analysis of pretrial publicity in capital cases. *Psychology, Public Policy, and Law*, 24(3), 326–340. <https://doi.org/10.1037/law0000174>
- Barak, A. (2010). Proportionality and Principled Balancing. *Law & Ethics of Human Rights*, 4(1), 1–16. <https://doi.org/10.2202/1938-2545.1041>
- Barak, A. (Ed.). (2012). The components of proportionality. In *Proportionality: Constitutional Rights and their Limitations* (pp. 243–244). Cambridge University Press.
- Barak, A., & Kalir, D. (2012). *Proportionality: Constitutional rights and their limitations*. Cambridge University Press. <https://cir.nii.ac.jp/crid/1971712334762032033>
- Bennett, M. W. (2014). Confronting Cognitive "Anchoring Effect" and "Blind Spot" Biases in Federal Sentencing: A Modest Solution for Reforming a Fundamental Flaw. *The Journal of Criminal Law and Criminology*, 489–534. <https://www.jstor.org/stable/44113399>
- Berghol, H. (2024). Jury Impartiality in the Age of Social Media: Social Media, Prejudicial Pretrial Publicity, and a Criminal Defendant's Sixth Amendment Right to an Impartial Jury. *Journal of Law in Society*, 24(1), 1–25.
- Berthet, V. (2022). The impact of cognitive biases on professionals' decision-making: A review of four occupational areas. *Frontiers in Psychology*, 12, 802439. <https://doi.org/10.3389/fpsyg.2021.802439>
- Bomhoff, J. (2023). Making Legal Knowledge Work: Practising Proportionality in the German Repetitorium. *Social & Legal Studies*, 32(1), 28–54. <https://doi.org/10.1177/09646639221092962>
- Bystranowski, P., Janik, B., Próchnicki, M., & Skórska, P. (2021). Anchoring effect in legal decision-making: A meta-analysis. *Law and Human Behavior*, 45(1), 1. <https://doi.org/10.1037/lhb0000438>
- Cardaci, N., & Bromberg, M. (2025). 'Suspicious minds': The challenge of social media's pre-trial publicity. In *Research Handbook on Social Media and the Law* (pp. 225–252). Edward Elgar Publishing. <https://www.elgaronline.com/abstract/book/9781035309498/chapter10.xml>
- Charman, S., Douglass, A. B., & Mook, A. (2019). Cognitive bias in legal decision making. *Psychological Science and the Law*, 30–53.
- Cheema, Z. I., & Azeem, H. M. (2024). Right to Information and State Secrecy: A Balancing Approach in Democracies. *Law and Policy Review*, 3(1), 26–47. <https://doi.org/10.32350/lpr.31.02>
- Corker, D., & Levi, M. (2017). Pre-trial publicity and its treatment in the English courts. *Media Freedom and Contempt of Court*, 325–336. <https://doi.org/10.4324/9781315091297-16>
- Curley, L. J., Munro, J., & Dror, I. E. (2022). Cognitive and human factors in legal layperson decision making: Sources of bias in juror decision making. *Medicine, Science and the Law*, 62(3), 206–215. <https://doi.org/10.1177/00258024221080655>

- Curley, L. J., Murray, J., MacLean, R., Munro, J., Lages, M., Frumkin, L. A., Laybourn, P., & Brown, D. (2022). Verdict spotting: Investigating the effects of juror bias, evidence anchors and verdict system in jurors. *Psychiatry, Psychology and Law*, 29(3), 323–344. <https://doi.org/10.1080/13218719.2021.1904450>
- Dror, I. E. (2025). Biased and biasing: The hidden bias cascade and bias snowball effects. *Behavioral Sciences*, 15(4), 490. <https://doi.org/10.3390/bs15040490>
- Duncan, S. (2008). Pretrial Publicity in High Profile Trials: An Integrated Approach to Protecting the Right to a Fair Trial and the Right to Privacy. *Ohio North University Law Review*, 2009–04.
- Garcia, A. (1992). Clash of the Titans: The Difficult Reconciliation of a Fair Trial and a Free Press in Modern American Society. *Santa Clara Law Review*, 32(4), 1107. <https://digitalcommons.law.scu.edu/lawreview/vol32/iss4/2/>
- Garno, Z. (2025). Digital justice: The impact of social media on legal reforms and judicial processes. *Legal Ethics*, 28(1–2), 72–90. <https://doi.org/10.1080/1460728x.2025.2605699>
- Greene, E., & Wade, R. (1988). Of private talk and public print: General pre-trial publicity and juror decision-making. *Applied Cognitive Psychology*, 2(2), 123–135. <https://doi.org/10.1002/acp.2350020204>
- Hesse, K. (2020). *Grundzüge des verfassungsrechts der Bundesrepublik Deutschland*. BoD–Books on Demand..
- Hoetger, L. A., Devine, D. J., Brank, E. M., Drew, R. M., & Rees, R. (2022). The impact of pretrial publicity on Mock juror and jury verdicts: A meta-analysis. *Law and Human Behavior*, 46(2), 121–139. <https://doi.org/10.1037/lhb0000473>
- Hope, L., Memon, A., & McGeorge, P. (2004). Understanding pretrial publicity: Predecisional distortion of evidence by Mock jurors. *Journal of Experimental Psychology: Applied*, 10(2), 111–119. <https://doi.org/10.1037/1076-898x.10.2.111>
- Hussain, T., Afzal, M. M. A., Ali, H. A., & Rana, M. S. (2025). Media Trials in Pakistan: Fair Trial Rights and Media Influence-A Doctrinal and Thematic Case Analysis. *Journal of Law, Justice and Human Rights*, 1(1). <https://journals.uol.edu.pk/JLJ/article/view/4730>
- Jamil, S. (2023). Automated journalism and the freedom of media: Understanding legal and ethical implications in competitive authoritarian regime. *Journalism Practice*, 17(6), 1115–1138. <https://doi.org/10.1080/17512786.2021.1981148>
- Kane, M. (2021). Pre-trial publicity impacts a criminal defendant's right to a fair trial. *Arizona.Edu*. <https://doi.org/http://hdl.handle.net/10150/663758>
- LeWine, J. M. (1965). What Constitutes Prejudicial Publicity in Pending Cases? *American Bar Association Journal*, 51(10), 942–948. <http://www.jstor.org/stable/25723378>
- Longa, F. A. (2025). The Presumption of Innocence and the Media An Examination of Fair Trial Rights in the Digital Era.
- Loquercio, H. (2022). How Free is Free Speech: Media Bias, Pretrial Publicity, and Defendants' Need for a Universal Appellate Rule to Combat Prejudiced Juries. *Penn State Law Review*, 126(3), 7.
- Mairaj, M. U., Tullah, M. R. A., & Azeem, H. M. (2024). Fair trial rights of the accused: Evaluating compliance with international human rights standards in Pakistan. *Pakistan Research Journal of Social Sciences*, 3(2). <https://prjss.com/index.php/prjss/article/view/144>
- McKay, R. B., & Graham, F. (1966). Addendum: Comments on Sheppard v. Maxwell, 384 US 333 (1966). *Vill. L. Rev.*, 11, 737.
- Mehmood, K., Sultan, M. S., & Azeem, H. M. (2024). An Analysis of Pre-Trial Fair Trial Rights and International Standards. *Annals of Human and Social Sciences*, 5(2), 627–637. <https://www.ojs.ahss.org.pk/journal/article/view/699>

- Province of Punjab v. Qaisar Iqbal, PLD 2018 Lahore 198.
- Qadeer, M., Zafarullah, Z., & Riaz, J. (2025). THE RIGHT A FAIR AND PUBLIC HEARING IN PAKISTAN. *Contemporary Journal of Social Science Review*, 3(2), 829-838. <https://contemporaryjournal.com/index.php/14/article/view/661>
- Ruva, C. L. (2018). From the headlines to the jury room: An examination of the impact of pretrial publicity on jurors and juries. *Advances in Psychology and Law*, 1-39. https://doi.org/10.1007/978-3-319-75859-6_1
- Scott, C. (2025). Media Impact and the Right to an Impartial Jury Trial in Death Penalty Trials. *Lincoln Memorial University Law Review*, 13(1).
- Shahid Ali v. The State, PLD 2026 SC 126.
- Sheppard v. Maxwell, 384 US 333 (1966).
- Shiyab, T. M. (2021). The impact of social media on the rights of the accused in Jordan: Does public opinion matter? *Cogent Arts & Humanities*, 8(1). <https://doi.org/10.1080/23311983.2021.1994112>
- Stebly, N. M., Besirevic, J., Fulero, S. M., & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law and Human Behavior*, 23(2), 219-235. <https://doi.org/10.1023/a:1022325019080>
- Studebaker, C. A., & Penrod, S. D. (1997). Pretrial publicity: The media, the law, and common sense. *Psychology, Public Policy, and Law*, 3(2-3), 428-460. <https://doi.org/10.1037/1076-8971.3.2-3.428>
- Suo Motu Case No. 28 of 2018, PLD 2019 SC 1.
- Vishal Ahmad Shakir v. Federation of Pakistan, PLD 2026 Lahore 395.
- Wahab, A., Zakir, M., Lakho, M. B., & Kazmi, S. M. (2025). Media trials and political justice: The role of television and social media in influencing criminal case outcomes. *Social Science Review Archives*, 3(4), 3167-3180. <https://doi.org/10.70670/sra.v3i4.1094>