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FOUNDER EDITOR: **LATE S. M. ALI**

Justice delayed is justice denied

Backlog of gender-based violence cases is alarming

The slow progress of cases filed under the Women and Children Repression Prevention Act is concerning. Reportedly, as of March 31 this year, the total number of pending cases under this Act stood at 1,48,314. Among them, 35,262 cases have remained unresolved in courts across the country for over five years. While according to the law, the trials of such cases should be completed within 180 days, this rarely happens. Legal experts attribute the failure to meet the stipulated timeframe to multiple factors, including the prosecution's lack of sincerity in pursuing trials, witnesses refusing to appear in court due to fear or intimidation, and accused individuals moving to the High Court to stay trial proceedings. It goes without saying that such inefficiencies within our justice system will only increase gender-based violence in the country.

Reportedly, a special cell was established in accordance with a 2016 High Court directive around four years ago to monitor cases filed under the Act. As per the directive, the cell is supposed to be led by the Supreme Court registrar general or the registrar of the High Court Division, who would oversee trial timeframes and periodically submit reports to the authorities for appropriate action. Unfortunately, the cell is currently non-operational. An alarming example of delays in case proceedings is the case involving the rape of a nine-year-old schoolgirl in Dhaka's Khilkhet area, which was filed more than nine years ago. Reportedly, the tribunal dealing with the case is yet to complete the trial even after holding 96 hearings. The key reason behind this is that six of the 10 prosecution witnesses in the case did not appear before the court to testify. Not only in this case, witnesses failing to appear before courts leads to unnecessary delays in resolving numerous cases. To ensure justice for victims of rape and other forms of gender-based violence, authorities must take immediate steps to provide protection to witnesses, as their testimony is crucial in securing fair and timely trials.

After assuming office, the interim government pledged to expedite rape case trials by amending relevant laws. We would like to know the update on this. Currently, 101 tribunals are dealing with the cases under the Women and Children Repression Prevention Act, which is not enough given the staggering number of cases being filed and remaining pending with the courts. We therefore urge the government to set up more tribunals to speed up the trials. Legal experts advocate for a separate secretariat under the Supreme Court to ensure effective implementation of directives from the Appellate Division and the High Court. In rape trials, forensic examination results must promptly reach investigation officers, for which more forensic labs should be set up urgently. The authorities must also overhaul the entire investigation process to ensure quick case disposal. Meanwhile, the existing laws should be properly enforced to effectively protect women and children from gender-based violence.

Israel-Iran escalation risks global calamity

A pattern of impunity has fuelled Israeli aggression

The fierce exchange of attacks between Iran and Israel, following Israel's illegal airstrikes on Iran in the early hours of June 13, is pushing the Middle East and the world towards a dangerous precipice. Reportedly, during the early hours of Sunday, both sides launched fresh waves of attacks on key cities, fuelling fears of a full-scale, protracted war, with heavy exchanges now entering a third consecutive day. Iranian missiles struck northern Israel late on Saturday and into Sunday, killing at least three people and wounding 13 others, according to Israeli media. In response, Israel targeted the Iran's defence ministry headquarters in Tehran. According to Iranian officials, the Shahran oil depot, located northwest of Tehran, was also hit by Israeli strikes.

On June 13, under the codename Operation Rising Lion, the Israel Defense Forces (IDF) and Mossad damaged key nuclear sites and military installations in Iran, reportedly killing several of the country's top military leaders. Iranian civilians, including women and children, were also killed in the assault—the largest on Iran since the Iran-Iraq War of the 1980s. Worse still, the attacks came just days before the US and Iran were scheduled to begin the sixth round of nuclear talks in Oman on June 15. Clearly, Israel's objective was to sabotage the negotiations. And so far, it appears to have succeeded as Iran has reportedly suspended the talks.

Israel's attack on Iran also comes at a time when its European allies were finally beginning to express unease over its food blockade and mass starvation strategy against Palestinians in Gaza. As such, this attack has once again allowed Israel to deflect attention from its most recent war crimes against the Palestinian people.

Since 2003, Israel has repeatedly attacked Iran in violation of international law, accusing the country of attempting to acquire nuclear weapons. Allegations that Iran is building a nuclear arsenal—frequently raised by the US, the EU, and Israel—have been thoroughly investigated by the International Atomic Energy Agency and found to be unsubstantiated. Despite these findings, Israel has now launched its fiercest attack on Iran to date, one that appears to be on the verge of spiralling out of control.

Sadly, instead of restraining Israel, its Western allies once again appear to be offering it full support. It is precisely this support—despite Israel's grave violations of international law—that has emboldened the country to continue its genocidal campaign against the Palestinians and its repeated violations of the sovereignty of other countries in the Middle East.

Under the circumstances, the international community must urgently bring all parties to the negotiation table and ensure an immediate end to the escalation. It is high time the international community also took a serious look at the series of international law violations Israel has committed against its neighbours in the Middle East, particularly Iran and the Palestinians. Unless and until Israel is held to account, it will continue to stoke the flames of conflict in the region—which could, at any moment, escalate into a broader global conflict.

Can Bangladesh break free from its extractive past?

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The dust from the tumultuous 2024 July-August mass uprising has barely settled, and the wound has yet to be healed, yet Bangladesh finds itself at a precarious crossroads, prompting a chilling question: will the country fail? The recent political tensions, culminating in widespread speculation about the interim government head's potential resignation due to persistent disagreements on national issues (which was later diffused), underscore a deep-seated institutional fragility. Examining this predicament through the critical political economy lens offered by Daron Acemoglu and James Robinson's seminal work, *Why Nations Fail*, reveals a disconcerting pattern of extractive institutions resisting a genuine democratic transition.

Acemoglu and Robinson convincingly argue that a nation's prosperity or failure is primarily determined by its institutional framework. Inclusive institutions, characterised by broad-based political participation, secure property rights and a level economic playing field, and foster innovation, investment, and widespread prosperity. Conversely, extractive institutionsconcentrate power and wealth in the hands of a narrow elite, leading to economic stagnation, political instability, and ultimately failure. Bangladesh's post-July '24 journey, intended to dismantle extractive practices and build inclusive ones, is facing formidable resistance from precisely those entrenched forces that benefited from the old order.

The core objective of the interim government was to lay the groundwork for a genuine democratic transition, fostering inclusive institutions and dismantling the very extractive structures that plagued the previous regimes. However, the anticipated cooperation from established political parties, economic elites and even sections of the bureaucracy has largely evaporated. Instead, there's a disheartening return to the familiar practices of capture and corruption, where self-serving interests override national progress. This directly aligns with Acemoglu and Robinson's contention that extractive elites, accustomed to privilege and control, will fiercely resist any shift towards inclusive institutions that threaten their power base.

The various reform commissions—for the constitution, electoral system, judiciary, civil service, media, local government, labour, and women's affairs, among others—have diligently submitted their proposals, aiming to usher in a new era of governance. Furthermore, the formation of a National Consensus Commission, relentlessly striving to bridge divides among political parties on key reform agendas, speaks to the recognition of this critical need. Yet, consensus remains a distant dream.

Bangladesh simply cannot afford to fail this time, as the stakes are too high and the challenges too profound. FILE PHOTO: STAR

This resistance to reform highlights a fundamental challenge: the unwillingness of entrenched actors to relinquish the benefits derived from the existing extractive framework, even when it means sacrificing the nation's long-term stability and prosperity.

Internal frictions within the very forces that spearheaded the uprising are what compound this institutional paralysis. The student leaders, once hailed as heroes of the July mass movement, now face accusations of corruption and a lack of transparency, eroding public trust. The growing schism between the BNP and the newly formed National Citizen Party (NCP) further fragments the political landscape, making broad-based agreement even more elusive. Simultaneously, right-wing political organisations are exerting pressure to establish a more conservative political space, directly challenging the aspirations for a free and liberal polity that underpinned the July uprising. This internal fragmentation among potential agents of change mirrors the historical patterns identified by Acemoglu and Robinson, where divisions within reform movements often allow extractive forces to regain their footing.

Adding to the disarray is the insidious influence of some expatriate YouTubers, whose often unverified content fuels a mob culture, bypassing established institutional processes for negotiating differences. This digital phenomenon, while seemingly empowering, paradoxically hinders the very consensus-building that's essential for democratic consolidation. The absence of a horizon for political elite consensus, therefore, is not merely a sign of political immaturity but a symptom of a deeper institutional malaise where dialogue is replaced by demagoguery and division.

The economic landscape, too, reflects the fragility of the political situation. Inflation, a persistent burden on ordinary citizens, continues to hover above the danger line, registered at 9.17 percent in April 2025 by the Bangladesh Bureau of Statistics. International trade faces dual threats: the looming spectre of US tariff policies and restrictive import-export regulations imposed by India. Many industries have yet to resume full production, leading to widespread layoffs, forced shutdowns, and vandalism in industrial areas, escalating labour unrest. This economic instability, often a consequence of extractive institutions failing to provide a predictable and fair economic environment, further fuels public discontent and exacerbates social tensions.

The disarray extends to educational institutions, where daily demands from various student groups, often leading to street blockades, highlight a systemic breakdown. Recent demonstrations by polytechnic students and those from Jagannath University are just two examples of how legitimate grievances are expressed through disruptive means in the absence of effective institutional channels for redress. Similarly, the bureaucracy, a crucial pillar of state function, lacks an effective command-and-control chain. The recent demonstration by NBR officials, defying legal jurisdictions, underscores the erosion of professional civil service norms, a hallmark of weak or extractive state institutions.

Amid this widespread disarray, only one institution has largely maintained its calm: the Bangladesh Armed Forces. With patient leadership from the highest ranks and active, dedicated involvement of troops on the ground, they represent a fragile hope for stability. However, even this beacon of order carries a latent risk. If troops are required to operate outside barracks for extended periods, the potential for engagement in illicit activities escalates.

Finally, while civil society is now free, the pervasive spread of misinformation and disinformation across social media platforms presents a grave danger. In an environment devoid of strong, trusted institutions, this digital chaos can further polarise society and undermine efforts towards consensus and reform.

Bangladesh simply cannot afford to fail this time. The stakes are too high, the challenges too profound. The very elites who have historically benefited from the extractive system must be compelled, perhaps by persistent public pressure and the looming threat of complete institutional collapse, to come to a genuine consensus on the fundamental reform agendas. Only after solidifying a pathway to truly inclusive institutions and governance can the nation responsibly move towards holding a national election, ensuring that the next chapter of Bangladesh's history is written not in failure, but in democratic triumph and shared prosperity.

The screen shows the trial, not the threat

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For the first time in its history, Bangladesh has broadcast live the proceedings of a criminal trial. The decision to televise the International Crimes Tribunal (ICT) proceedings in the case filed against former Prime Minister Sheikh Hasina aims to change public perception. This sends the message that justice is not confined to shadowy chambers behind closed doors. It is meant to be seen, understood, and evaluated by the people in whose name it is served.

However, one of the immediate concerns emerging from this televised trial is the threat it poses to the safety of defence lawyers and the fairness of the trial. By broadcasting the proceedings, the identities and arguments of both prosecution and defence come into full public view. In an ideal democratic society, this visibility would simply be part of the judicial process. But in our reality, where mob mentality thrives on emotion, judicial processes are often misunderstood, and state protection is often delayed or remains absent, it poses a grave risk.

Let's be clear: each accused, regardless of the charges they face, has the right to a fair trial. That fundamental right includes access to legal representation. Defence lawyers, in upholding their duty, are not defending crimes; they are defending the rule of law. Trials are adversarial by design—justice only emerges when both sides are argued with equal force and clarity. Their arguments, questions, and courtroom posture, when broadcast, becomes part of the public record beamed across the country. While this might seem like a small detail in the quest for justice, it may carry potentially devastating consequences in a politically and emotionally charged environment like ours. Lawyers are not just legal professionals. They return home to their families after each day in court. When their work exposes them to the risk of violence, it is not just their safety at stake; it is the very foundation of our justice system.

We have already witnessed a worrying trend: mobs attacking lawyers and accused individuals within the court premises. These are not abstract fears; they are lived experiences backed by chilling examples. We have seen lawyers being chased, heckled, and even physically assaulted for defending clients. We have seen accused individuals being dragged from prison vans and beaten while in state custody, even within the proximity of courthouses.

In such a climate, what steps has the state taken to ensure the safety of lawyers involved in the particular ICT trial? Where are the guidelines, emergency protocols, and legal shields that would make this unprecedented transparency sustainable? What assurance does a lawyer have that arguing a controversial point in open court won't endanger their life outside it? What happens, then, when a defence lawyer must argue for something that runs counter to the popular narrative? This is not merely a question of personal safety; it's a question of institutional integrity. If lawyers are afraid to take on sensitive cases or present unpopular arguments, the courtroom becomes a stage of silence, not justice. With visibility must come responsibility.

Then there is the issue of public understanding. Legal proceedings are complex. Concepts such as "reasonable doubt," "lack of admissible evidence" or "procedural due process" are not easily digestible in soundbites. An honourable judge may dismiss an allegation based on insufficient evidence, not because the event didn't occur, but because the law demands proof beyond a reasonable doubt. Yet a layperson watching the trial might misconstrue this as a miscarriage of justice. Emotional reactions may follow.

Justice is not always emotionally satisfying. It is methodical, technical, and bound by rules designed to protect everyone until proven guilty. If the broader public cannot interpret this process within its rightful legal framework, then mass broadcasting without parallel civic education could stir more confusion than confidence.

More dangerously, it could create an ecosystem where mobs exert pressure on the judiciary. An honourable judge, knowing that millions are watching, might subconsciously feel compelled to deliver verdicts that appease public sentiment rather than follow the cold, hard dictates of the law. When justice bends to appease the crowd, it ceases to be justice. This is why state responsibility must not stop at the screen. The government, having taken this bold step towards judicial transparency, must now match it with equally bold measures for lawyer protection.

The intention behind broadcasting the ICT trial is noble. It signals a move towards a more open, democratic justice system. But we must ask painfully and honestly whether our institutions, political culture, and people are ready for it. Are we capable of listening to a defence lawyer without rushing to vilify them? Can we distinguish between legal argument and personal opinion? If the answer is no, then we are treading dangerous grounds.

As Bangladesh steps into this new era of judicial transparency, it must also commit to safeguarding the dignity, safety, and independence of all legal professionals.

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