

# Democracy can't endure without fair delivery of justice



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In Bangladesh today, arbitrary arrests, denial of bail, and politically driven prosecutions have eroded public trust in the justice system. In his recent column titled "Can justice be dispensed in an unjust manner?", *The Daily Star* Editor Mahfuz Anam also points out a dilemma embedded in the country's judicial system as the judiciary seems to follow the "letter" of the law while neglecting its "spirit" of fairness. Justice loses meaning when citizens see arbitrary arrests, routine denial of bail, and politically motivated cases clogging the courts. The question confronting us is stark: can the system regain integrity, or will cynicism over legal recourse become permanent?

Anam highlights the ongoing abuses clearly. Detentions are stretched beyond constitutional intent, journalists and opposition voices face false cases, and charge sheets are either delayed or manipulated to extend harassment. What is missing is a roadmap that transforms these critiques into reforms. Without such direction, moral outrage risks dissipating without effect. The challenge is therefore twofold: to expose injustice and to design remedies capable of restoring confidence in the courts.

First, it is vital to recognise that Bangladesh is not alone in facing this dilemma between "the letter of the law" and "the spirit of the law." Many transitional democracies have struggled with the same tension between law and politics. India, for instance, witnessed widespread abuse of police power during the

1975-77 Emergency, when arrests without trial became the norm. It was only through Supreme Court interventions such as *DK Basu vs. State of West Bengal* (1997) that safeguards such as mandatory arrest records, access to legal counsel, and compensation for wrongful detention began to take shape. That jurisprudence demonstrated how persistent civil society pressure, coupled with principled judges, can translate temporary outrage into enduring institutional guardrails.

Pakistan, too, has a long history of preventive detention laws being used against political opponents. Yet, periods of judicial activism, particularly under Chief Justice Iftikhar Chaudhry in the 2000s, demonstrated that assertive courts can push back against executive overreach, even if such gains later prove fragile. The lesson is sobering: progress is reversible if vigilance fades, and independence is never self-sustaining—it must be continually defended.

South Africa offers another instructive model: in the aftermath of apartheid, the establishment of a Judicial Service Commission created a transparent process for appointments and oversight, helping to insulate judges from partisan interference. In countries scared by authoritarianism, institutional reform was often the difference between relapse and renewal. These comparative experiences show that abusive practices can be restrained if institutions are restructured and accountability is enforced.

Second, Bangladesh must urgently

strengthen judicial independence not only in constitutional rhetoric but in practice. Independence means more than judges not taking direct orders from the executive. It requires secure tenure, adequate resources, freedom from intimidation, and a culture of professional pride. In Kenya, for example, the creation of a Judicial Service Commission after years of abuse provided a buffer against political pressure and allowed for greater

measures; they are minimum standards in any system that claims to uphold justice.

Fourth, reforms must extend beyond the judiciary to the process of case filing itself. Too often, frivolous or vindictive cases are registered with little scrutiny, overwhelming the courts and intimidating citizens. Independent oversight of law enforcement, combined with penalties for police officers or prosecutors who pursue

would allow citizens to measure whether justice is being applied evenly or manipulated for partisan ends. In South Africa, public reporting by the Constitutional Court helped cultivate trust in a fragile democracy. Bangladesh could pursue a comparable path.

In addition, Bangladesh should pilot a fast-track *habeas corpus* list with 72-hour deadlines for unlawful detention claims, cap cumulative police remand, and create a national public defender service so that indigent defendants are not abandoned to procedural traps. Cost-shifting and statutory damages for malicious prosecution would deter frivolous cases, while searchable databases of bail and sentencing decisions would make deviations visible to the public and appellate courts. None of these reforms is exotic; they are tested and implementable.

Finally, legal education and professional culture must evolve. Law schools, bar associations, and training institutes should place stronger emphasis not just on procedural technicalities but on constitutionalism, human rights, and the broader social role of justice. A judiciary that views itself as the guardian of rights rather than as a bureaucratic cog will be better positioned to withstand political manipulation.

Justice dispensed in an unjust manner is no justice at all. It may satisfy the immediate desires of those in power, but it leaves deep scars on the social contract. Citizens lose faith in institutions, grievances multiply, and cycles of impunity harden. Mahfuz Anam's column, thus, is a timely warning that Bangladesh stands at this dangerous threshold. The path forward requires not only outrage but reform: structural, cultural, and legal. Other nations have shown that it is possible to restrain executive excess and rebuild trust in the courts. For Bangladesh, the imperative is clear: without a justice system that is both fair and seen to be fair, democracy itself cannot endure.



VISUAL: SALMAN SAKIB SHAHRYAR

transparency in judicial administration. Without such institutional mechanisms, judges risk being reduced to rubber stamps for whichever political coalition holds power.

Third, the rights of the accused need stronger protection. The principle of equality before the law cannot coexist with systemic abuse of bail, indefinite detention without charge, or selective prosecution of political rivals. Ensuring universal access to defence lawyers, mandating disclosure of evidence before denial of bail, and enforcing strict timelines for filing charge sheets would be important first steps. These are not radical

false cases, is essential. Kenya's Independent Policing Oversight Authority provides a useful comparative example, demonstrating how external scrutiny can deter misconduct and rebuild public trust. Bangladesh would benefit from a similar body with real investigatory powers.

Fifth, transparency is indispensable. Without public scrutiny, reforms remain cosmetic. Courts should regularly publish data on the number of arrests, charge-sheet completions, bail grants and denials, and average trial lengths. Such information, if made accessible to the press and civil society,

cultivating closer relations with India, the SMDA with Pakistan suggests that Riyadh is hedging, unwilling to rely on a single partner.

From a structural perspective, this agreement illustrates the changing nature of alliances in a multipolar order. Unlike Cold War era treaties, today's pacts rarely bind states into rigid blocs. Instead, they act as political signals—gestures of solidarity that may or may not translate into military intervention. Yet, even as political statements, such agreements carry weight. They recalibrate perceptions of strength, deterrence, and vulnerability.

For Pakistan, securing Saudi backing helps offset economic weakness and strategic isolation. For Saudi Arabia, engaging a nuclear-armed ally bolsters credibility at a time when US guarantees appear shakier. But both must manage the risks: entanglement, misperception, and overextension. As Mir warned, every new pact opens questions about scope, resources, and limits.

Saudi oil wealth fused with Pakistan's nuclear shadow may alter the balance of power in both the Gulf and South Asia. It could constrain Iran's influence, complicate India's manoeuvres, and signal to Washington that Riyadh has alternatives. Yet, it is also a gamble. The more the agreement is perceived as binding, the higher the risks of unwanted entanglement.

As with many alliances in history, its true significance will emerge in the crises yet to come. For now, the Saudi-Pakistan pact stands as both an affirmation of old bonds and a reminder that in a volatile region, every alliance is a double-edged sword.

## Saudi-Pakistan pact redraws strategic lines in a shifting region



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A smiling Pakistani Prime Minister Shehbaz Sharif, greeted with Saudi F-15 flyovers, a ceremonial red carpet and full royal honours, stood alongside Crown Prince Mohammed bin Salman last week to endorse a new Strategic Mutual Defence Agreement (SMDA). The optics were striking: two long-time allies formalising what officials called a "shared deterrence" framework. What was once a loose partnership rooted in history is now given a binding clause: an attack on one shall be treated as an attack on both.

For analysts, this marked a turning point in a partnership that has spanned nearly eight decades, deepening in ways that could reshape alignments in both South Asia and the Gulf. Yet, the pact arrives at a time of heightened volatility. Only months earlier, India and Pakistan exchanged strikes on each other's military sites, a four-day confrontation that brought the subcontinent to the edge of war. Against this backdrop, the Saudi-Pakistan agreement injects new complexity into an already fragile strategic landscape.

Pakistan's foreign ministry framed the move as a reinforcement of "peace and

security," but also as a commitment to deterrence. Such language is familiar in alliance politics, reminiscent of Nato's Article 5 but embedded within the rivalries of South Asia and the Middle East. Scholars like Kenneth Waltz have long argued that states seek security guarantees not only to balance threats but also to hedge against abandonment (*Theory of International Politics*). For Islamabad, the pact symbolises precisely that: a counterweight to fears of isolation.

Saudi Arabia was one of the earliest states to recognise Pakistan in 1947, and since then, the relationship has often transcended diplomacy. Pakistani officers have trained thousands of Saudi personnel since the 1960s, while Riyadh's financial lifelines have repeatedly stabilised Pakistan's struggling economy. In 1982, a bilateral framework ensured the continued presence of Pakistani military contingents on Saudi soil.

Yet, the timing of this latest agreement is critical. The Middle East's security order is under stress. Israel's prolonged war on Gaza, cross-border strikes in the Gulf, and the June confrontation between Israel and Iran—all

underscore what Barry Buzan and Ole Wæver describe as the "regional security complex" where insecurities are interlinked and crises spread quickly (*Regions and Powers*). Against such uncertainty, Gulf monarchies are reassessing their heavy dependency on US protection.

Washington still maintains 40,000-50,000 troops across the region, but US credibility is eroding. The Doha attack on September 9—when Israeli missiles struck a neighbourhood sheltering Hamas ceasefire negotiators—raised new doubts about whether Gulf capitals can rely solely on the US security umbrella. As one Gulf diplomat quipped privately, "If the fire comes to our doorstep, we need neighbours, not distant protectors." Within this climate, Pakistan's presence as a "Muslim-majority nuclear power" carries symbolic reassurance.

Still, Washington views the latest Saudi-Pakistan agreement with unease. The Biden administration already sanctioned Pakistani firms over missile development, openly questioning the range and intent of its arsenal. As Stephen Walt argues in *The Origins of Alliances*, great powers fear smaller allies drawing them into conflicts they would rather avoid. A pact that could, in theory, interconnect Pakistan's disputes with India and Saudi Arabia's rivalries with Iran raises precisely such concerns.

For Islamabad, however, clarifying boundaries is crucial. Analysts stress that while Pakistan's nuclear doctrine is India-centric, Riyadh may still hope for an implicit shield. Past conversations—cited by journalist Bob Woodward—suggest Saudi leaders floated the possibility of "buying" deterrence

from Pakistan if needed. Yet, no evidence indicates the new agreement extends to nuclear assurances. As Dr Asifandar Mir of the Stimson Center noted, such treaties often carry ambiguity, but ambiguity itself can be a strategic tool, signalling commitment without binding operational pledges.

The pact does not exist in a vacuum. It risks tying Pakistan more closely to Saudi Arabia's fraught regional rivalries, particularly with Iran. For decades, Islamabad has tried to balance ties with Tehran even as sectarian tensions and border incidents strained trust. By aligning formally with Riyadh, it could find itself constrained in mediating between its two important neighbours.

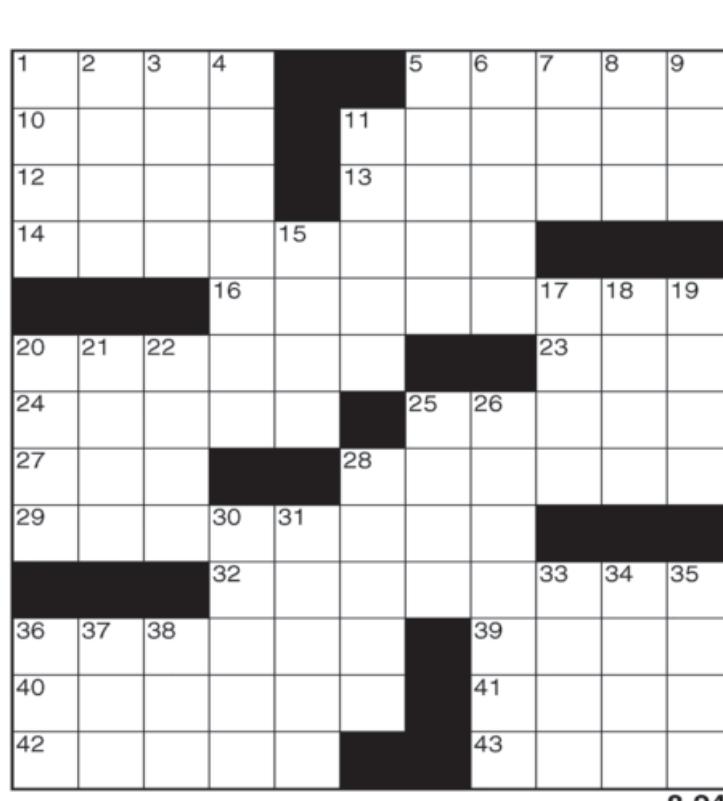
At the same time, Saudi Arabia now places itself within South Asia's tense nuclear dyad. If conflict between India and Pakistan reignites, Riyadh may face indirect exposure. As Hedley Bull argued in *The Anarchical Society*, order in international relations often depends on great powers restraining local conflicts. In this case, however, an external partner could deepen, not dampen, escalation risks.

Unsurprisingly, New Delhi is studying the pact carefully. Relations between India and Pakistan hit new lows after the April attack in Pahalgam, which killed 26 civilians. The skirmishes that followed in May—the most intense since Kargil—ended only after external mediation. India's foreign ministry has now stated it will "assess implications for national and regional stability."

India's growing ties with Riyadh complicate matters further. Indian Prime Minister Narendra Modi's third visit to Saudi Arabia this April underlined energy and investment partnerships. While Saudi Arabia has been

ACROSS

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- 2 Ring of light
- 3 Finished
- 4 Participants in silent chats
- 5 Essential
- 6 Parking pro
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- 26 Huron neighbor
- 27 Reluctant
- 28 Style
- 29 Keyed up
- 30 Ignored the limit
- 31 Reach across



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