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National Accountability Bureau and the Principle of Fair Trial: A Critical Analysis

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Abstract
The National Accountability Ordinance of 1999 (with the aim of eliminating corruption and ensuring transparency), put in place the National Accountability Bureau (NAB), the leading anti-corruption agency of Pakistan. This aim has often been criticized as the Bureau has not been able to support the right to a fair trial, as provided by the Pakistani Constitution in Article 10-A, even though it is the goal of the Bureau. There are issues of arbitrary arrests, excessive detention with no trial, political victimization, media trials and delayed court proceedings. Even though NAB has a large organizational structure with regional bureaus and accountability courts, its activities demonstrate unrestrained discretion. Its credibility was tarnished by high profile cases, including the Broadsheet scandal. Although NAB records a high conviction rate, the procedures that result to such convictions do not consider the due process rights. This paper is a critical evaluation of the legal context, organizational behavior, and judicial review of the actions of NAB in order to determine whether they are compatible with the standards of a fair trial and suggest institutional changes.

Keywords: Accountability, Due Process, Fair Trial, Human Rights, Judicial Independence

Introduction

National Accountability Bureau (NAB) is an anti-corruption agency in Pakistan that was founded in 1999 (NAB, 2024). Nevertheless, research has cast more doubts on its efficacy (Shaikh & Khan, 2023). The assessment of the accountability framework in Pakistan indicates that the National Accountability Ordinance (NAO) and its enforcement have a great number of legal and structural shortcomings (Imran et al., 2023), and the problem is also exacerbated by the fact that the accountability law was amended to introduce numerous changes that, however, do not help to resolve the inherent governance issues (Korejo et al., 2023; Lughmani et al., 2023). The widespread occurrence of corruption in the judicial and law enforcement systems also decreases the confidence of people and undermines the fight against corruption (Imran, Murtiza et al., 2023).

The problem of compliance with the requirements of a fair trial has become more acute with NAB, which is guaranteed by Article 10-A of the Constitution of Pakistan (Ali, 2024). It has seen the judiciary of Pakistan repeatedly bring NAB to task over its refusal to grant fair trial rights based on too much delay and procedural hitches (Mehmood et al., 2024; Yasif, 2024). Court decisions have also reinvented the way NAB hears things in recent years, and the issues related to due process are not yet resolved (Asad, 2025; Sher, 2024). Such procedural delays and institutional procedures contradict both the constitutional and international principles of a fair trial and subvert even the validity of NAB as an independent accountability institution (Korejo et al., 2023). This paper analyses the legal incompatibility of such practices and delays, and the erosion of trust by the populace.

Research Justification

The National Accountability Bureau (NAB) is the main anti-corruption institution in the country, which makes a critical case study. Although it has a responsibility of ensuring integrity, its working methods have attracted a lot of criticism due to claims of not respecting the right to fair trial, which is a right that is enshrined in Article 10-A of the Constitution of Pakistan. One of the most common problems that poses risks to the trust of people and prompts the issue of judicial independence is arbitrary arrests, detention delays, and selective prosecution. These are practices that are inconsistent with the international legal standards, including Article 14 of the International Covenant on Civil and Political Rights.

The study is thus very timely and required. It will critically evaluate the loopholes in the provisions of the law with the way it is applied in NAB. The research will focus on determining particular institutional reforms that would reconcile the accountability tools at NAB with the constitutional rights and the international commitments, and eventually result in fairness and strengthen the rule of law for all citizens.

Literature Review

The National Accountability Bureau (NAB), which was established in accordance with the National Accountability Ordinance (NAO) 1999, is still a significant part of the Pakistan anti-corruption system, although researchers consistently doubt its adoption in accordance with the standard of constitutional and international fair trials. There are continuing obstacles to the receipt of exculpatory evidence, as Ali (2024) points out that the investigative secrecy of NAB does not support the right to a fair hearing under Article 10-A of the Constitution. Likewise, they propose that the NAB processes, involving pre-trial, are not in compliance with ICCPR protection of fast and fair proceedings. Judicial review has been stepped up, the Lahore High Court rearranged the hearings procedures following decades of unbalance (Asad, 2025), and the Yasif (2024) lists NAB being fined due to refusal to provide a fair trial.

The NAO studies indicate structural incompetence that underlies these breaches. Imran et al. (2023) note that the statutory powers are vaguely defined, which allows arbitrariness to arrest and hold in custody, whereas Shaikh and Khan (2023) conclude that, though it is a preventive measure, the NAO permits politically motivated investigations. These weaknesses were not addressed in amendments introduced after 2022; Korejo et al. (2023) state that remand abuse and transparency issues remain evident despite changes in legislation. A well-known criticism is the political victimization. Lughmani et al. (2023) record trends of discriminatory responsibility in which the state actively prosecutes those opposed to power, and the party supporters are lightly treated. This perceived bias is reflected in the high-profile cases, such as the one in the Al-Qadir Trust reference (Sher, 2024). Media spectacle also undermines the presumption of innocence to the point of what Imran, Murtiza et al. (2023) explains as trials by publicity. Plea bargains are also looked into. Imran et al. (2023) and Korejo et al. (2023) argue that NAB allows influential members to negotiate settlements without judicial control, which is a way of favoring their decision, and it affects the trust of the population. Taken together, this body of literature has deduced that NAB is unable to fulfill constitutional or international fair trial requirements without structural changes.

Historical Context of NAB and the Principle of Fair Trial

The National Accountability Bureau (NAB) was created in the year 1999 to prevent corruption, but its establishment and follow-up performances by the National Accountability Ordinance have been subject to controversies. According to one of the studies regarding judicial and law enforcement sectors, the agency had excessive authority that did not involve the judiciary sufficiently, and the fairness and impartiality were questioned immediately (Mehmood et al., 2024).

This flaw is still present even though Article 10-A was added to the Constitution in 2010 to enshrine the right to a fair trial (Asad, 2025). NAB has faced repeated criticisms of its ways of doing business, which have breached these constitutional protections. Arbitrary arrests, detentions without any charges, and trial by media undermine due process and destroy the faith of the populace (Yasif, 2024).

The investigative strategies adopted by the agency may be incompatible with the rights of defendants; high-profile cases, including the Al-Qadir Trust reference, demonstrate that (Sher, 2024). It has resulted in a recent judicial intervention, in 2025, the Lahore High Court restated the hearing procedures at NAB to be in line with the fundamental rights (Asad, 2025). This fight indicates a bigger dilemma on how to reconcile the effective control of anti-corruption and the rule of law.

Research Objectives

1. To discuss the historical context of NAB and the principle of a fair trial.

2. To highlight the theoretical context of NAB and fair trial.
3. To analyze the laws regarding NAB and the principle of fair trial.
4. To identify the key challenges regarding NAB and the principle of fair trial.
5. To explore the opportunities for NAB and the principle of fair trial.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Researches that directly addressed the questions posed by this study are included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Theoretical Context of NAB and the Principle of Fair Trial

The theoretical background of the National Accountability Bureau (NAB) and the principle of fair trial are based on the key legal and ethical principles according to which justice and accountability are guided. It is primarily centered on the principle of procedural justice, which emphasizes the role of fairness, openness, and objectivity in legal procedures. All people, without any matter of concern, are supposed to be treated equally and given a fair hearing. These principles should be reflected in the procedures adopted by NAB in order to be credible.

Also, the rule of law obligates that every government agency, including NAB, should operate within the specified legal boundaries as well as respect the constitutional provisions and rights of individuals. It implies that it should respect the right to fair trial as ensured by national constitutions and international human rights pacts.

The human rights also accentuate the fact that due process, the presumption of innocence, and the delivery of justice in a timely manner are essential to any legal process. All these theories highlight the fact that even though the role of NAB in fighting corruption is important, it should not violate the rights to a fair trial. A compromise between good accountability and being considerate of the law will see that justice is met as well as considered acceptable.

Laws Regarding NAB and the Principle of Fair Trial

1. **Article 10-A of the Constitution of Pakistan:** It was amended in the 18th Amendment, which asserts the right to a fair trial and due process. The article is considered an element of constitutional protection and is used on numerous occasions to counter legal disputes of NAB processes, especially long detention and pending trials.
2. **Code of Criminal Procedure, 1898 (CRPC):** The CrPC contains major procedure safeguards, such as the presumption of guilt and the right to defense, though not specific to NAB, that are applied to challenge the practices of the NAB where customary legal standards are disregarded.
3. **Mutual Legal Assistance (Criminal Matters) Act, 2020:** This act will authorize cooperation with foreign jurisdictions in cases connected with financial crimes, also providing procedural protections to guard the right to a fair trial.
4. **National Accountability Ordinance, 1999 (NAO):** This legislation created NAB, which has the mandate of investigating and prosecuting corruption. Although it enhances accountability, it has been subject to criticism for providing NAB with far-reaching powers, including powers to arrest and remand suspects without adequate judicial checks and balances, and this has raised worries about due process and fairness.
5. **Qanun-e-Shahadat Order, 1984 (Law of Evidence:** This law governs the admissibility of evidence, i.e. must

have a legal origin. It is a law that must be adhered to in the case of NAB to promote the standards of fair trial.

Challenges for NAB and the Principle of Fair Trial

1. **Absence of Oversight:** NAB has very little external accountability. Lack of transparent checks enhances the chances of power abuse and undermining of trust in the institution by the people.
2. **Coercive Plea Bargains:** The plea bargains of NAB usually pressure the accused to find a solution to the case outside the court. This procedure raises ethical concerns because it gives influential people the opportunity to escape full responsibility and recapture some social funds.
3. **Media Trials:** Publishing of a case prior to verdicts destroys reputations and affects the opinion of the people. This media publicity interferes with the rights of the accused to a just trial and the ethical principle of presumed innocence.
4. **Misuse of Arrest Powers:** The capability of NAB to arrest persons throughout investigations, the lack of any tangible evidence or prosecution, results in elongated arrests. This habit breaches the rule of due process and fair treatment.
5. **Selective Accountability:** NAB is suspected of attacking opposition figures and letting allies of the ruling party off the hook. Such selectivity in application is a violation of fair justice and creates questions regarding the issue of political victimization.
6. **Slow Process:** NAB inquiries and court proceedings usually require years to conclude. Such delays lead to long periods of mental, social, and financial agony, and this is more so with those who are proven innocent in the end.

Opportunities for NAB and the Principle of Fair Trial

1. **Empowering Rule of Law:** NAB can reinforce the rule of law by ensuring that everyone is held to account, irrespective of their status or political party. Uninterrupted enforcement would restore the confidence of the citizens in the justice system.
2. **Fostering Transparency**: NAB may take the lead in ethical changes by making its probe and ruling transparent. Preventing media trials and timely and accurate updates of the cases can increase the trust of the people and minimize misinformation.
3. **Increasing Judicial Cooperation**: Intimate liaisons with the judiciary will provide investigations with due process and legal rights. Close cooperation with the independent courts will support the fair trial and prevent the politicization of the actions.
4. **Institutional Reforms:** Power abuse can be avoided by increasing internal oversight and accountability mechanisms at NAB. Procedural and legal changes would make the operations of NAB responsive to the principles of the Constitution and ethical standards.
5. **Public Awareness and Education:** NAB can also help in reforming ethics by informing the people on the issue of corruption, the rights of law, and civic duty. Awareness programs create a culture of responsibility and enable citizens to contribute to justice programs.

Discussion

Although NAB has been vital in the anti-corruption system of Pakistan, its activities have frequently been against the constitutional right to a fair trial. However, Article 10-A ensures due process, but the recurring pre-trial detention, politically motivated prosecutions, and media exposure practices by NAB ruin the reputation of defendants prior to sentencing. Criminal cases such as Al-Qadir Trust and *Toshakhana* are a clear example of how a lack of trust in the justice system is exploited through political prejudice and delay in cases (Sher, 2024; Dawn, 2024). Further, the absence of judicial control and lack of transparency in plea agreements identify the flaws within the system. These activities not only violate the rights of individuals but also undermine larger systems of accountability.

The standards of fair trials, including timely proceedings, unbiased hearings, and access to a legal defense, should be institutionalized in the affairs of NAB. In their absence, the Bureau stands the risk of becoming more of a political tool than a law watchdog. Reinforcing the law and curbing the discretionary misuse is essential to restore credibility of NAB and to equate it to the domestic and international legal requirements of Pakistan.

Conclusion

The National Accountability Bureau is vital in the war against corruption in Pakistan, but its activities are usually in conflict with the constitutional right to a fair trial. Selective accountability problems, extended detentions, media trials, and judicial lack of control all harm the due process and confidence of the people. In order to maintain justice and legitimacy, NAB has to be consistent with its procedures and constitutional provisions as outlined in Article 10-A and with international human rights guarantees. The reforms in institutions, increased transparency, and judicial

cooperation are necessary to equalize the effective anti-corruption activities with the safeguarding of the fair trial rights, which will reinforce the rule of law in Pakistan.

Recommendations

1. **Control and supervise the practices of plea bargaining:** NAB should make sure that the plea bargains entered into are not coerced or unfairly settled, and they must be judicially accepted.
2. **Conduct Consistent Training on Fair Trial Standards:** NAB employees and prosecutors need to be provided with constant training on the constitutional rights, international law on human rights, and ethical requirements to facilitate procedural fairness.
3. **Create or strengthen Independent Monitoring Bodies:** Develop or enhance independent monitoring bodies that are charged with monitoring the behavior of NAB, including a complaint system, to create accountability and respond to allegations of power abuse or political partisanship.
4. **Enhance Transparency and media trials:** NAB should not publish investigations that are under investigation or the opinion of the prosecutor that can interfere with the right to a fair trial. These should ensure that there is control in the dissemination of information that should not affect confidentiality and presumptions of innocence.
5. **Enhance Judicial Review and Independence:** Co-ordination with the independent judiciary needs to be improved such that the courts closely monitor the investigative and prosecutorial activities of NAB in order to protect the fair trial principles.
6. **Established Time-limited Investigation and Trial Processes**: NAB is supposed to initiate and set reasonable deadlines for investigations and prosecutions to prevent unnecessary delays infringing the right to a speedy trial.
7. **Guarantee right to access legal representation:** NAB must provide access to qualified legal representation to all accused individuals, especially the vulnerable and marginalized populations, to defend the right to counsel.
8. **Raise Awareness and Legal Literacy:** NAB must participate actively in the outreach activities that would help to raise the awareness of the population about their rights, their rights to a fair trial, and anti-corruption procedures to promote the transparency and confidence of the population.
9. **Restrict an Arbitrary Arrest and Long Detainment:** The arrests and pre-trial detentions must be witnessed by reasonable evidence, and, with minimal time possible, and with frequent judicial review to avoid misuse and uphold the presumption of innocence.
10. **Strict Adherence to Article 10-A of the Constitution:** NAB needs to ensure that all its practices are in line with the constitutional right of fair trial, where rights to due process need to be respected throughout the investigation to prosecution process.

Research Limitations

In this research on the National Accountability Bureau (NAB), multiple limitations are to be considered that could affect the level and applicability of results. To begin with, the recent and confirmed information about NAB investigations and outcomes is not easily accessible because of the institutional obscurity and the limited public disclosures. There are numerous records and files of cases that are either confidential or unavailable, which restricts in-depth analysis. Second, media sources in many cases can be biased by political opinion, which may influence the objectivity of the secondary available data.

Third, the court rulings and accountability procedures surrounding NAB are quite complicated and case-specific, and it is not an easy task to make general conclusions. Besides, the legal interpretations can change as well due to the developing legal framework and continuous reform of the accountability laws, and this way, the applicability of some of the findings can change over time. Finally, the research might fail to reflect the actual experiences of accused people, particularly when it comes to the fairness of trials, because direct testimonies are not readily available.

Research Implications

The studies of NAB and the fair trial principle have various implications.

1. **Checks and Balances:** According to the study, there is a need to have judicial checks and parliamentary scrutiny to maintain that NAB is a self-governing and accountable institution without political bias.
2. **Fair Trial Standards:** It is pointed out in the research how significant it is to encompass rigorous procedural protections that may encourage Article 10-A, which promotes due process and fair trials in questions of accountability.
3. **Institutional Transparency**: The absence of publicity of the results of cases of NAB indicates that more transparency and frequent reporting would contribute to the development of the trust of people and institutional credibility.

4. **Legal Reform:** The results indicate that there is an urgent need to reform the law to make the jurisdiction of NAB clear and restrict its discretionary authority, so that it aligns with the constitutional guard.
5. **Media Role and Public Perception:** It has been established that the media influence the popular opinion greatly, according to research; a responsible and fair media coverage is crucial towards preventing prejudice and saving the integrity of the judicial process.

Future Research Directions

In the future, studies of NAB and the concept of fair trial may be aimed at several areas to overcome the problems that exist and to make the system better:

1. **Comparative Analysis:** Future research can be conducted in which NAB is compared to other anti-corruption agencies of other countries to determine which practices are best and what structural or operational gaps may exist in the accountability system in Pakistan.
2. **Impact Assessment:** The effectiveness of the NAB interventions in the long term on reducing corruption, improving governance, and deterring white-collar crime should be assessed in research.
3. **Judicial Collaboration:** Future studies may look at how the NAB deals with the judiciary in terms of judicial decision consistency and their effects on the accountability performance of the NAB.
4. **Legislative Evolution:** A thorough examination of the evolution of NAB laws, amendments, and judicial interpretations may allow one to comprehend the trends in the laws and suggest specific changes.
5. **Public Perception Studies:** Survey and qualitative/exploratory research may be done to investigate how society perceives the performance of NAB in terms of impartiality and trustworthiness, which can give some insight into the legitimacy of the institution in society.

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