

## One hundred and fifty million jurors

**Notwithstanding the absence of jury trial, if the accused is a popular public figure, then each and every concerned citizen of the republic becomes a de facto juror who monitors every word of the deposition of the plaintiff and the witnesses, not only to evaluate its validity but also to judge how far the crime in question deviates from the "community norms."**

MOZAMMEL H. KHAN

A jury trial is a legal proceeding in which a jury either makes a decision or makes findings which are then applied by a judge. It is to be distinguished from a bench trial, where a judge or panels of judges make all decisions. Typically, the jury only judges guilt, but the actual penalty is set by the judge.

In most common law jurisdictions, the jury is responsible for finding the facts of the case, while the judge determines the law. In countries where jury trials are common, they are often seen as an important check against state power.

Other common assertions about the benefits of trial by jury are that it provides a means of intersecting community norms and values into judicial proceed-

ings, and that it legitimises the law by providing opportunities for citizens to validate criminal statutes in their application to specific trials.

In Pakistan, trial by jury was abolished in 1959 during martial law, while in India, jury trials were abolished in 1960 on the grounds that they would be susceptible to media and public influence. However, in the United States, Canada, and many countries in Europe, jury trial is still the only mode of legal proceeding when a crime is considered serious.

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the crime in question deviates from the "community norms."

A case of such interest happened in 1969 when the then government initiated the so called Agarata conspiracy case against Sheikh Mujibur Rahman and 34 other Bengali civil and military personnel. The trial was held in the cantonment by a three-member trial bench, but through the verbatim publications of the proceedings in the print media, seventy five million de facto jurors became an integral part of the trial process.

The verdict of the de facto jurors became evident, especially after the depositions of one after another of the accused who narrated their horrific stories of torture for obtaining the confessional statements. The end result was not only the withdrawal of the case, but also the transformation of the

chief accused from a popular politician to a national hero.

After a lapse of nearly forty years, as it happens, the daughter of that aforesaid national hero is in the dock on charges of extortion, bribery and misuse of authority. In fact, the charges against her came from three directions; the current government, the current ACC, and the ACC under the previous government.

The legal suit of extortion has been brought against her by a businessman, who by no means has an impeccable past. He reportedly (*Prothom Alo*, August 19, 2007) laundered Tk. 237 crores out of the country, and has returned the amount to the national exchequer during early tenure of the current CTG. Lately, he confessed in a pre-arranged press conference that he did not sue the former PM. Likewise, during his deposition in the court, he did not identify her as one of the accused either.

The logic behind his not filing the case during the tenure of a political government does not bode well in the psyche of any de facto juror, since the last govern-



The people are the ultimate jurors.

ment was by no means a great friend of the accused. So the merit of the case (notwithstanding the procedural issues now under appeal) pivots around a confes-

sional statement of a co-accused, who has already disclosed in the court that the said statement had been obtained under severe duress while on remand.

The second case in question is the one lodged by the newly reconstituted ACC. The charge against her in the case is of taking a bribe from a firm for the

Bangabandhu Foundation, which the chief executive of the donor organisation has termed a donation.

It has been reported that the said firm has a noble history of making numerous donations, whose recipients include the Dhaka University. It was also reported in a highly analytical piece in *DS* that the firm in question was indeed the lowest bidder.

So, it will be an uphill task to convince any de facto juror that her incrimination has been guided by the merits of the accusation, rather than by indiscreet selectivity -- the very discretionary acts that have been painting a dark shadow on the honest intent of our collective effort to get the nation out of the curse of corruption.

The 150 million de facto jurors are the ultimate arbiters in dissecting fact from fiction in the people's court thereby repudiating or rehabilitating a public figure.

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## International inflation

**Today, anybody who buys a car driven by ethanol or any environment-friendly fuel gets some subsidy in purchasing the vehicle in many developed countries. This is, in short, the key factor for price hikes of products like rice, wheat, maize, sugar etc.**

TAYEB HUSAIN

EVERY one-dollar a household spends today on food, anywhere in the world, gets 90 to 95 cents worth compared to last year's price index. Food prices are continuing to soar, and within two/three months the prices of many items are bound to rise further due to unavoidable, and also manmade, reasons.

In Bangladesh, people blame local wholesalers for the price rise of food items, and there are genuine reasons for doing so. Some Bangladeshi traders are dishonest and do not miss any opportunity to raise prices on any pretext.

Hoarding makes the situation worse.

Incompetent and corrupt officials often contribute further to the deterioration of the situation, rather than intervening correctly to arrest the price rise. To be fair in our analysis, we must admit that world market prices have also affected the situation.

There are a few reasons for price rise of food products worldwide, but the most important one is the rise in demand in the two most populous countries in the world, China and India. These two countries produce enough food, but with economic development their consumption habits are changing and they consume more

food than ever before.

Production of food items in developed countries, especially staple foods such as rice, wheat, maize, sugar etc, after long stagnation, has got a new impetus due to alternative use of these items -- the production of ethanol, which is becoming a substitute for petrol in many developed countries.

This alternative use is also a way out for big farmers in developed countries for continuing their business vigorously again. Soon they will not have poor third-world countries as their customers, their products will be available in their own countries for producing ethanol.

The prospect is very bright indeed, and more acreage will be under use in future for producing more wheat, rice and sugar. The process will generate more work, more profit and more business expansion. Those third world countries that depend on staple food supply from the developed countries either as aid or at subsidised price must now produce their own food or die of hunger.

Vehicles driven by ethanol cause less pollution and are environment-friendly. Ethanol factories generate new business opportunities, new employment and, most importantly, can perhaps free the Western nations from

their dependence on Arab oil.

Today, anybody who buys a car driven by ethanol or any environment-friendly fuel gets some subsidy in purchasing the vehicle in many developed countries. This is, in short, the key factor for price hikes of products like rice, wheat, maize, sugar etc.

Meat and milk price hikes, many consider, are due to increase in purchasing power of the middle class Chinese and Indian consumers, even though these two countries were not only self sufficient but also exported milk and meat products.

In EU countries, beef price is expected to increase in March by 20 to 40 percent due to a new action planned by Brussels, that has put an end to import beef from Brazil. Many believe that Brussels is invoking this measure to protect the British and the Irish beef producers.

The other reason for the price surge is speculations in stock markets worldwide, especially by stock market speculators in developed countries. Oil price rise, the speculators forecast, will drive up the prices of everything, and that "everything" includes coffee, tea, cocoa and even tobacco.

But hold on, please! The countries that produce these items never had any control on selling prices of their products before, nor will they have any influence on it in future.

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Prices: Going through the roof.

## Learning from ancient Athens

**Democracy was born out of an awareness of human folly, and it was designed to prevent its leaders from having the unchecked power that could lead the wisest of them from arrogance to foolishness. Even such a powerful leader as Pericles was held in check by the Athens Council.**

MAHMOOD ELAHI

AS Bangladesh is taking tentative steps towards the return of democracy, it can learn from ancient Athens. The Americans, or the British, or the Arabs did not invent democracy. The ancient Athenians, who believed that ordinary citizens must have say in the government and aristocrats, invented democracy and elites should not rule them by virtue of their birth. So they invented a system of people's government and called it *Demokratia* -- government by the people.

Democracy, a beautiful idea of government by and for the people. But like all beautiful ideas, democracy has some apparent contradictions and the most seductive one is majority rule, which is not democracy. It is merely a government by and for the majority. Ancient Athenians learned this lesson the hard way. After several bouts of class warfare, they took practical steps to make government involve all citizens and serve the general interest.

One such idea was Athens Council -- composed of 500 citizens chosen randomly to represent a cross section of people. The Athens Council was a bulwark against unfair influence of the rich and the powerful, while acting as a shield against the majority of the poor imposing their will on the rich

minority. Its purpose was to protect the poor from the arrogance of the rich, and the rich from the envy of the poor.

This was more democratic than elected representation in some ways; it made good use of citizen wisdom, and it curbed the power of wealth on one hand and the mob on the other. But it was less democratic in other ways -- the council members were not accountable to voters as they were not elected.

Ancient Athenians had shown us that democracy is not a utopian ideal, because it takes human limitations into account better than any other form of government. The ancient inventors of democracy knew that even the best of people could be distracted by ambition. They knew how easily success could lead to pride, and pride to arrogance.

They also knew how arrogance leads to blindness and blindness to catastrophic mistakes. Democracy was born out of an awareness of human folly, and it was designed to prevent its leaders from having the unchecked power that could lead the wisest of them from arrogance to foolishness. Even such a powerful leader as Pericles was held in check by the Athens Council.

Although the Athenian system of direct democracy may not be practicable in our complex world, the idea of stemming the tyranny of the majority still remains germane.

Democracy is increasingly becoming a tool for ambitious political leaders to increase their personal power.

Those in the United States who claim to export democracy may be more interested in exporting their own ideology to control others in the name of democracy. US President George W. Bush often takes cover behind executive privilege -- even though this belongs more to monarchy than democracy.

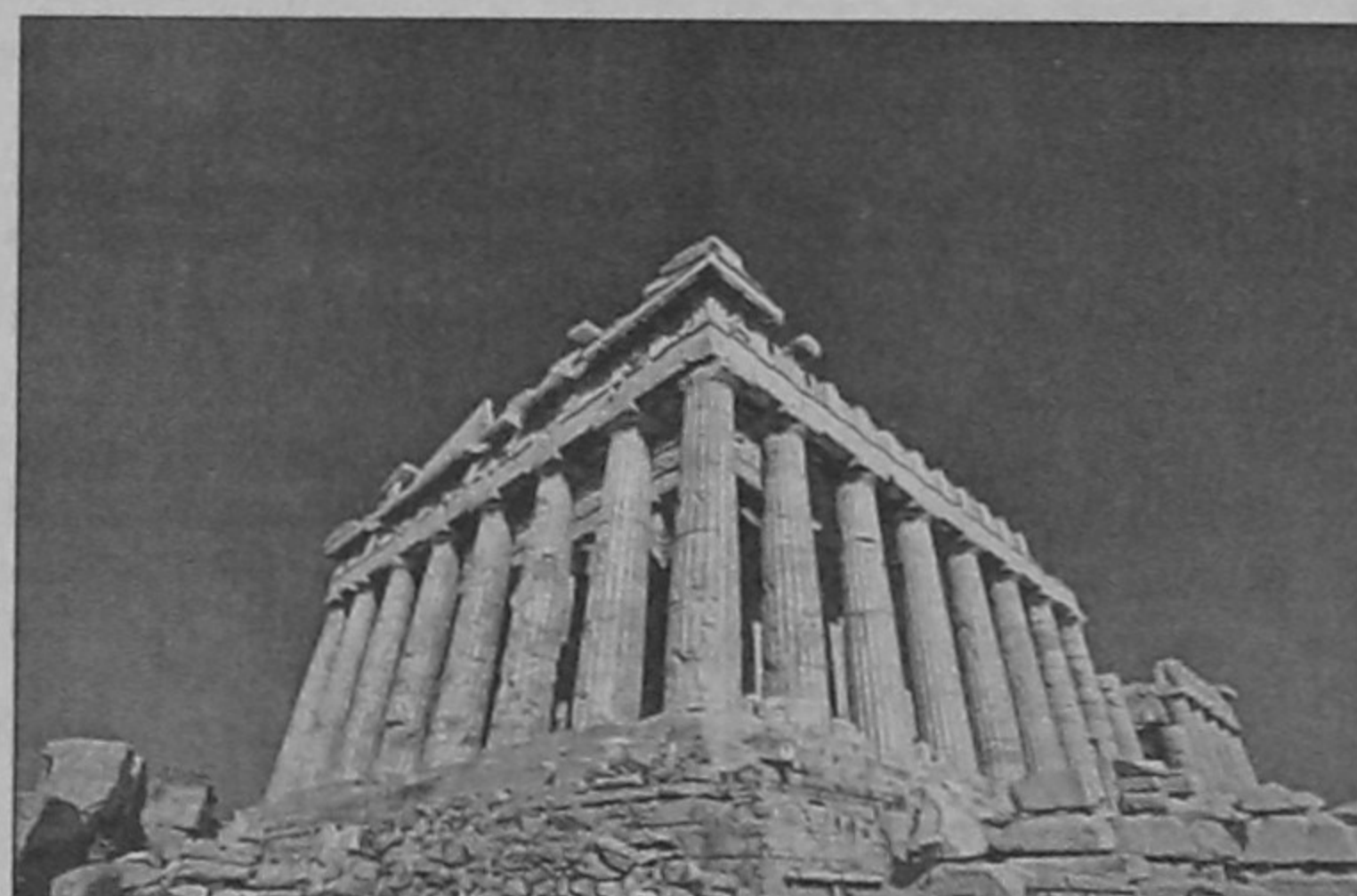
As Prof. Paul Woodruff, Distinguished Professor of Philosophy at the University of Texas at Austin, writes in his path-breaking study *First Democracy*: "We have permitted governments we call democracies to develop so much internal momentum that fewer and fewer people feel they have any

reason to vote ... The idea of democracy was subject to intense challenges in the ancient world. The resulting debate brought the ideas of democracy into clear focus. Understanding the ancient debate, we can clear the clouds and cobwebs away from the ideas we are trying to express in democracy today."

To counter a single party or a powerful leader from monopolising power, a modified form of Athens Council may be in order. Besides voting for the candidates of different parties, a Citizen Council composed of prominent citizens may be formed. This will include civil society members -- academics, lawyers, journalists, business people, union members, and other citizens who want to contribute to public life.

The Citizen Council will oversee the work of the parliament in the same way the Athens Council acted as a check on the general assembly of all Greek Citizens.

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Ancient Athens: Gifting democracy to the world.

## Bird flu and our media

**When the meat of the chicken affected with bird flu can be taken after boiling it at 70 degrees Celsius, why don't we encourage the people to follow it? Wearing a mask while processing the meat and washing the hands after touching the meat can save an individual from being affected by bird flu.**

MASUM BILLAH

LARGE-SCALE poultry farming started in our country in 1980s, and has drawn an investment of \$1.457 billion. Resurfacing of the outbreak of bird flu has thrown this industry into a serious quagmire, as it is not only a health hazard but is also a serious blow to our economy.

Since its inception, five million people directly and indirectly related to this farming are proof that it is a gigantic industrial sector. Hence, tackling bird flu calls for concerted effort and immediate pragmatic steps.

A series of misfortunes have blown over the country, throwing us into a state of frenzy. The present one is bird flu. It has already affected 271 farms covering 78 upazilas in 43 districts. So far

883613 chicken have already been culled and 11,02,669 eggs have been destroyed. About 40% of the poultry farms have been closed.

Dense population, unhygienic market conditions, and lack of protective measures during poultry handling and meat processing pose serious health hazards for the city dwellers. The experts point out the lax monitoring of the market, lack of awareness among the poultry sellers and customers about fatality of killer disease.

Professor Mhamudur Rahman, Director, Institute of Epidemiology, Disease Control and Research said: "Dhaka city is extremely vulnerable, especially because of the dense population and close living quarters, which increases the potential for virus transmission. If affected poultry birds are transported to the city regularly with the current

unhygienic condition of our kitchen markets and practice of poultry processing it will be a hard task to contain the situation if the deadly disease strikes. When a case of infection is identified all chickens around one a kilometer area have to be destroyed which is practically impossible."

In China and Thailand millions of chickens have been culled, and the farms are mostly far from human habitation. But the problem in our densely populated country is that culling safely is virtually impossible. The Ministry of Fisheries and Livestock has so far identified 27 farms in Demra, Peelkhana, Lalbagh, Sabjubagh, and Mirpur. It means bird flu germs fly in the city of Dhaka, and in a very short period of time the germs can affect thousands of people. So, preventive measures must be taken



You can eat us, properly cooked.

by the government, the community and at the individual level.

Dependence on the government only cannot address the situation successfully as it is a gigantic prob-

lem. Dhaka City Corporation has already started monitoring bio-safety measures at all the kitchen markets. It has provided 50 plastic barrels to dump dead chicken and

chicken wastes in different markets. They have also provided 2000 pairs of gloves and masks to the chicken sellers and traders.

But monitoring is important to

make sure whether sellers are using them or not. Actually, due to unawareness or business sensitivity, they hardly use these protective tools. Many chicken vendors even don't know what bird flu is and how it spreads.

However, the media, particularly the electronic media, must play the significant role during this period of calamity that has affected all sections of people. They must try to show how people can and should use the meat after proper treatment.

Serving of chicken has been stopped in hotels, restaurants and ceremonial feasts. The media must play a positive role if we want to keep this industry alive without affecting public health. How can we do it should be our main concern. This industry significantly contributes to our GDP, so we must protect it.

About 1.75 lakh to 2 lakh chickens are consumed in Dhaka everyday. Now the number has drastically reduced. Even AIDS and Sars could not create so much panic as bird flu has sparked. And it is the

media, which has contributed to this situation.

WHO reports that deaths from bird flu has stood at 225 since 2003. Diarrhoeal disease has killed over two million children, and malaria 3 million, but avian flu only 225, but the media has created a panic. Now awareness should be created about how to eat the meat after proper treatment and processing.

When the meat of the chicken affected with bird flu can be taken after boiling it at 70 degrees Celsius, why don't we encourage the people to follow it? Wearing a mask while processing the meat and washing the hands after touching the meat can save an individual from being affected by bird flu. We must spread this message among the public without encouraging them to avoid eating chickens. We must give emphasis both on our health and economy.

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