

SOCIAL MEDIA TRIALS:

Conflicting to the Legal Court Trial?

#SOCIAL ISSUES

Presumed Innocent Until Proven Guilty—this is well-established in criminal law. According to this, the burden of proof

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lies on the prosecution, which has to invalidate the assumption of innocence against the accused by proving all the elements of offences beyond reasonable doubt. In any case, if it fails to do so, 'the accused or the victim' is acquitted from any further legal trial.

This however, is only the case in a utopian scenario. A usual set-up may depict otherwise, whereas a number of media may be strongly involved, conducting an illegal trial of the accused in the court of public opinion, creating a widespread perception of guilt, even before a verdict has been reached by the

court. And things take a tumultuous turn when this tendency is incorporated into the digital space, especially social media, where mob societies are generated, with their own views, ideas, logic and perceptions.

But does the double-edged sword of social media have any credible effect on an ongoing legal trial.

"The swiftness with which any message or news spreads on social media is extremely alarming. Before you know it, an occurrence or the information of a special circumstance is at the fingertips of the masses. This can backfire sometimes, since 'victims-survivors' can suffer from huge psychological impact, and a distraction is created from the real-issue at hand, turning it more into a social, cultural and even moral issue, instead of a legal one. Furthermore, people lack inhibitions on social media, they think they can say anything and everything on the medium," said Kajalie Shehreen Islam, Associate Professor, Department of Mass Communication and Journalism, University of Dhaka.

Mohammad Golam Sarwar, Assistant Professor, Department of Law, University of Dhaka and also the Editor, Law &

Social media may seem to be a boon momentarily, but it will definitely pose as a misery in the near future, if it 'cannot be' curtailed in due time and refrained from interfering with the legal system.

Rights Desk, The Daily Star, had been slightly apprehensive about the entire subject-matter. According to the veteran educator, media trials cannot influence any trial procedure legally. However, he also informed us that reality was slightly different and we could not ignore the impact of media trials on our justice system, in practice. The professor's view on the ongoing social media trials were varied and informed of a completely different story, altogether.

"Journalists are accountable to a range of Codes of Conduct. They are unable to instigate the regular process of the court. Otherwise, they are regarded as being in 'Contempt of the Court', which is the offense of being disobedient or disrespectful towards a court of law and

its officers. There's a multitude of legal doctrines such as the Children's Act 2013 that prevents the identification of any child involved in a trial. There is also the Violence against Women and Children Act 1995

that prevents the publication of the identity of a victim. Instituting a false case in the latter, may cause two years of imprisonment and Tk 1 lakh in fines," said Professor Sarwar.

However, he also agreed that there was no 'Notable Code of Conduct' for the digital space and that definitely prompted people to say whatever they wanted to and felt like.

"Social media is a double-edged sword if I may say, it definitely provides a platform for the voice of the masses, but on the other hand, it cannot stop the process when it goes overboard and misinformation overflows. There's many amongst us who do not know the etiquette of speaking on the digital platform.

CONTINUED ON PAGE 18



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