



# Tiggasay! Tiggasay!

## Legal Aid in Bangladesh

**After leaving the NSW Police and completing his law degree, Paul Sweeney travelled to Bangladesh as a visiting researcher in late 2012 with the Bangladesh Legal Aid and Services Trust. He now works as a Prosecutor for the ACT DPP.**

One million immigrants a year, to one city, for ten years. That is the growth of Dhaka, Bangladesh — the world's newest metropolis. Some of the great challenges of the 21<sup>st</sup> century will be failed or overcome first by this city. Among the overcrowding, pollution, water and sewerage, transport infrastructure, health and education burdens is the perennial challenge; justice and the rule of law.

The Bangladesh Legal Aid and Service Trust (BLAST) operates, among other civil society organisations, to provide legal representation. It represents the poorest and most marginalised people in the world's most densely populated country, whose capital is the world's least liveable city.

The task is impossible.

The people doing this work are extraordinary. The benefits of an education, of a degree in law, are magnified in places like Dhaka. Any of the BLAST solicitors or directors could lead luxurious lives, instead they choose to better their nation.

It's an incredible nation. Inevitably you see the poverty but it is overwhelmed by the activity and the inescapable noise. Unlike the heat there's no fan that drives away the incessant Dhaka cacophony. Horns blare, fans hum, people shout, music plays, muezzins call to prayer. Jackhammers strike until midnight serving the urgent need to build to the demand of millions.

This country does not suffer sloth but the activity is inefficient. It's as though the wheels of productivity spin in the mud. The engine works harder than ever but the gains are small. Exchanging foreign currency in a bank involves the man to open the door, the lady to fetch your ticket, the three guards to wander about and inquire as to your health, the clerk to receive the foreign notes and copy your passport, another to certify the copies, the manager who opens the safe for the senior clerk who fetches the cash, another to count and pass it to you. This is a fertile land which has long supported many people. Governance is challenging and bureaucracy is clearly a comfort, but the transaction costs are high.

But labour is plentiful. Instead of accumulating time-saving gadgets, the middle class here accumulate time-saving people. A cleaner first, then a cook, then the threshold acquisition — car and driver. To say "I'll have my driver take you" is the mark of high status and hospitality.

BLAST was a hospitable and welcoming office and learning Bengali was enjoyable. The Bengali people love stories, love language. Their liberation war was, in part, to defend it. A Director of BLAST, a retired judge who has proudly sentenced eight men to hang, once admonished a solicitor whose written Bengali was weak with "three million of our people did not die for you to forget our language."

Not enough Bangladeshis can read. When literacy is denied you and text is meaningless, then folktales and song are the vectors of identity. And it's a language that pleases the ear. Bengali folk songs translate well to 4/4 time; lead, bass and rhythm guitar.

Once after a dinner out we, as a group of 20 and 30 somethings, went to a friend's

apartment, had sugary tea and sang along to our host's guitar. Alcohol is not part of the culture here, but as a group we were drunk — drunk on song and sugar and caffeine and affection.

Talk turned to friends and siblings who were getting married, and a grim mood passed briefly as reference was made to the shade of people's skin. I could not fathom it — to a man and a woman these are good looking people. High cheekbones, expressive eyes, fine teeth and hair, smooth glowing skin. The least attractive person in the room was the white man. But I and the lightest skinned girl are the only married people there; "the fairest of them all," my friend says, bemoaning her own chances of marriage any time soon. She, an Oxford graduate, barrister of Lincoln's Inn, human rights campaigner, is yelled at by her father when she lingers too long in the sun.

The author of the Constitution of the People's Republic of Bangladesh, a former Justice Minister, sits on the BLAST board. He is a scholar-statesman, who wrote a fine document. It elegantly announces the highest aspirations of peace and justice. It is also work of fiction. Too many citizens have never heard of it, too many police have never read it, and too many officials ignore it. It is estimated that the bribe to become a police officer equates to 30 years' salary. And the pay is enough to live on for one week of every month. Corruption here is not a matter of ethics, it's mathematics.

The work of BLAST is often grim. A lady in the queue at a rural office said to me "A seed," which was meaningless in the context of the moment. She rolled up a sleeve of her sari to the elbow, as much as modesty allowed. *Acid*. She'd said *acid*. Acid has no right to meet flesh. I saw waxy streaks and deep gouges, and I gave the greeting of *salaam* and meant it. This lady

deserved peace. She didn't want my pity, she wanted me to *know*. She waved her other hand from her shoulder across her breasts and stomach and arm, showing me where it melted her. Where her husband had poured it. Someone had told her to be grateful that her face was spared. She was not grateful. She was angry. She wanted her rights. She wanted her husband gaoled. She wanted her home back. Could we do this? There were five hundred thousand cases ahead of hers.

Bangladesh is trialling a village court system while reforming the formal justice system. The former needs legitimacy and the latter accessibility. Village courts are designed to be distinct from tribal and religious courts. They are the only form of civil justice available in many rural areas. Bangladesh is a common law country and the formal justice system is cumbersome and expensive, out of the reach of most.

Community service announcements at the village level are done by way of plays. We, the audience, are a braying chorus of goats (who go "bher" in Bangla, with a breathy 'h') as we watch a crime unfold. A herd of goats belongs to a hard working youth. A villain stalks a goat, cuts its throat

and carries it off. What is the answer, our moderator asks? Why, a village court of course, though I'm sure a few people advocated something summary. It's all a little bit pantomime, the props and sets and *announcing. every. line.* But when fifty tiny children in front of you cry out against the villain, it's hard not to join in and harder still not to learn something. Do we believe the villain? "Nar! Nar!" Do we believe the youth? "Tiggasay! Tiggasay!" Justice is done, fines are paid and offenders are shamed. It's not a justice system we'd recognise, but is a system of justice.

I'd recommend to anyone to do legal aid work overseas and I'd recommend Bangladesh to the hardy. It is human rights and rule of law advancement in the Islamic and developing world. I learned more than I taught and saw enough to be certain of one thing — that to claim human rights abuse in as privileged a place as Australia is to bicker over your preferred flavour of paradise.

**Paul R. Sweeney, Prosecutor, Office of the Director of Public Prosecutions ACT**

Photo "Driving in Dhaka" by Samuli Mangostani.

## Bangladesh Legal Aid and Service Trust (BLAST)

BLAST is one of the leading legal service organisations in Bangladesh, and the only one that provides access to legal aid across the spectrum, from the frontlines of the formal justice system to the apex court. It prioritises support to women, men and children living in poverty or facing disadvantage or discrimination. It also provides legal aid, advice and representation across a range of areas, including civil, criminal, family, labour and land law, as well as on constitutional rights and remedies, providing access to judicial remedies alongside alternative dispute resolution wherever appropriate. As well as individual legal aid, BLAST undertakes public interest litigation as a key part of its advocacy for law and policy reforms to ensure effective legal protection of rights.

BLAST has undertaken 57,467 cases to date. Over the years, out of 1,15,182 applications received for legal assistance, BLAST responded to 20,133 applications by resolving them through mediation. It has also filed 82 public interest litigation cases before the Supreme Court of Bangladesh as part of its advocacy for law and policy reforms to address institutional obstacles to justice delivery.

### Be a Visiting Lawyer

BLAST welcomes practicing lawyers who are interested in human rights and access to justice related legal work in Bangladesh. Volunteering with BLAST allows legal professionals to learn in detail about the law as it impacts on the lives of those who are most marginalised. Visiting lawyers are actively involved in public interest litigation and development of new jurisprudence and remedies to address issues of poverty, discrimination and disadvantage.

Opportunities to get involved include: contributing to advocacy efforts on law reform, engaging in the design and conduct of public interest litigation and institutional reforms to facilitate access to justice, and preparing training materials or publications focusing on the rights to equality and non-discrimination, civil and political and social and economic rights.

To get involved, visit [www.blast.org.bd/getinvolved/lawyer](http://www.blast.org.bd/getinvolved/lawyer)



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