



EMERGENCE OF DIGITAL EVIDENCE IN BANGLADESHI COURTS FROM THE US BASED DIGITAL PLATFORMS: PROSPECTS AND CHALLENGES

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ABSTRACT

Although a silent revolution of the digital court system has been marked in Bangladesh during the pandemic, the standard of the justice system in terms of digital evidencing is still far behind the same of the technologically developed countries. The socio-economic progress through the 'Digital Bangladesh' movement has emerged as one of the biggest factors in the world of competition. However, existing studies demonstrate that the rising trend of the people's reliance on online communication is also possibly responsible for many uncalculated judicial determinations due to the failure in proving or disproving the criminal communication. The United States-led online platforms like Facebook, Google, YouTube, WhatsApp and Instagram are the top digital platforms in Bangladesh and it is evident that Bangladesh has been regular in requesting the United States for particular private information for pending judicial proceedings. This article will explore to what extent the existing judicial proceedings of Bangladesh are affected by the unavailability of evidence that results in the benefit of doubt. The paper will assess the mutual interest, possible outcomes, and inherent challenges of a 'Mutual Legal Assistance' treaty between Bangladesh and the United States in guaranteeing rights to information (own evidence). A question regarding overall readiness of both the countries towards the deal will also be revolving around the existing evidence laws, role of the digital platforms and State responsibility for criminal application in cyberspaces. Finally, considering economic interests, national digital security and commitment to universally agreed principles of justice; this note will prescribe a framework for possible digital evidence sharing deal between the two States.

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