

HISTORY AND ACHIEVEMENTS

ASIAN HUMAN RIGHTS COMMISSION
ASIAN LEGAL RESOURCE CENTRE



**HISTORY & ACHIEVEMENTS
OF THE ASIAN HUMAN RIGHTS
COMMISSION &
THE ASIAN LEGAL RESOURCE CENTRE**

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Over the years I have been impressed by the work of the Asian Human Rights Commission, its quality, the vigour and persistence of its actions and its attachment to international human rights standards. You are often challenged by authorities but this proves that your actions are effective and well focussed. I wish you and your colleagues all the best in the continuation of your important work for human rights.

Professor Theo Van Boven
(Director of the United Nations' Division for Human Rights, UN
Special Rapporteur on the Right to Reparation to Victims of
Gross Violations of Human Rights (1986 to 1991) and Special
Rapporteur on Torture (2001 to 2004))

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Participants at a meeting

HISTORY

PHILOSOPHY & BACKGROUND

THE Asian Human Rights Commission (AHRC) and the Asian Legal Resource Centre (ALRC) were initiated in 1984. Leading human rights activists of the time, including judges, lawyers, and clergy, were aware that the common threat of authoritarianism was developing in several countries across Asia. They realized the need for a regional organisation that could assist local organisations working in countries where repression was exercised against human rights protection and promotion. They foresaw an organisation that could extend a helping hand to those facing threats in their human rights work, so they would not have to discontinue their activities. These were the primary philosophical considerations in the establishment of the AHRC/ALRC.

Authoritarian tendencies were being sharply manifested in the Philippines during the time of the dictatorial reign of Ferdinand Marcos. All forms of defense of people's rights were attacked by this regime: attacks were carried out against trade unionists, against those involved in livelihood struggles, and against lawyers providing legal services to victims of such violations. The democratic system itself was being undermined, with attacks on the electoral system, the independence of the judiciary, on rights of persons in relation to arrest, detention, and even fair trial. Amongst those who suffered the brunt of these attacks were pro-human rights groups within the Catholic Church. Catholic nuns in particular, were arrested with other activists and often detained in humiliating conditions. Torture was a common experience. Even leading lawyers such as Senator Diokno came under serious repression. Senator Diokno was one of the original founders of the AHRC/ALRC, realizing he and others fighting for the defense of their rights in the Philippines needed support for their work during this difficult period.

Similarly, military takeovers in Pakistan led to a suspension of the country's Constitution and the replacement of a democratic government with military rule. The kind of repression taking place in the Philippines was being experienced by Pakistan during this period as well, perhaps to a greater degree. Even Pakistan's Supreme Court was brought under the control of the military dictatorship. Among the Pakistanis who felt a dire need for external assistance towards their human rights work was former Chief Justice Dorab Framrose Patel. He refused, on principle, to take an oath as a judge under the military dictatorship, and became a prominent dissenter working with many others for the defense of democratic rights in the country.

India was seeing a slightly different type of threat under the regime of the then Prime Minister Indira Gandhi, who had declared emergency rule, but without military involvement. Under this regime there were many attempts to attack the authority of the courts and also to impose conditions of arrest, detention, and other kinds of extrajudicial punishments throughout the country. Trade unionists and other livelihood groups, including minorities, were all at risk. There was a particular fear that Mrs. Gandhi would attempt to change the Indian Constitution and raise herself to a position from which she could threaten the separation of powers by undermining the courts in India. Among the prominent leaders of the struggle against this threat were then Chief Justice P.N. Bhagwati, and Professor Upendra Baxi, a leading legal luminary and

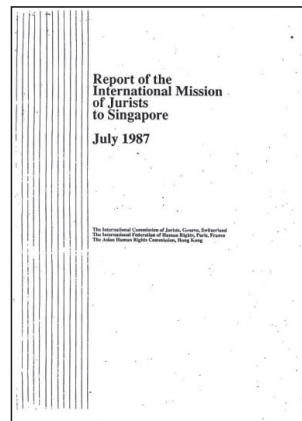
activist, who played a significant role in the development of the concept of social/public interest litigation in India.

Both Justice Bhagwati and Professor Baxi were among the founding members of the AHRC/ALRC at the inception stage. Others who supported this initiative were leading activists from New Zealand and Indonesia. The Suharto regime had also spread immense repression at the time in Indonesia. This initial group of persons was supported by the Christian Conference of Asia (CCA), linked to the World Council of Churches in Asia. The World Council's ideology at the time was to progressively promote secular organisations in defending human dignity and the integrity of creation. The International Affairs desk of the CCA, headed by a prominent Pakistani lawyer, Mr. Clement Jones, was tasked with coordinating this. It was Mr. Jones who brought all the above named founding personalities of the AHRC/ALRC from different parts of the world to convene at several meetings, following which the two organizations were formed.

INTERVENTIONS (1984 - 1993)

Initially, these two organisations developed and launched many activities such as training programs for human rights activists, documentation work relating to various human rights abuses in different countries, and the dispersal of high level missions to investigate violations in various Asian countries in collaboration with other leading human rights organisations such as the International Commission of Jurists. In 1987, for instance, the infamous arrest of 20 young persons occurred in Singapore. Mere church workers, these persons were illegally arrested by the Lee Kuan Yew government, on

fabricated charges of conspiring to overthrow the government, and detained without trial. The leader of the group was a seminarian, Vincent Chen, and the group dealt mainly with migrant workers and other charity oriented activities of the Catholic nuncio in Singapore. The reason for their arrest was perhaps the overall approach of the People's Action Party Government in Singapore: that all forms of social involvement by civil society should be directed and






monitored by the government. All other activities, charity work or otherwise, were outlawed.

During this time, liberation theology was being developed, particularly in Latin America, and Christian churches in that region were directly involved in activities relating to liberation struggles. The Singapore government was said to fear the development of a similar struggle in Singapore; the church activists were hence made scapegoats in an attempt to prevent local churches from getting involved in the defense of human rights and social justice. An international outcry followed the publicizing of the arrests.

Together with the International Commission of Jurists, the ALRC sent a high profile team of experts to investigate the Singapore government’s allegations against the activists and to report the ground reality. The group produced a well-known report exposing the entire incident as a baseless act of repression on the part of the government, and called on the international community to work towards the release of the activists.

SOME OF ASIA’S TYRANTS

		
Ne Win Burma	Suharto Indonesia	Ferdinand Marcos Philippines
		
Military Dictators in Pakistan: Muhammad Zia-Ul-Haq, Ayub Khan and Yahya Khan		
		
Indira Gandhi—India	J. R. Jayewardene—Sri Lanka	

AHRC Leaders/ Human Rights Activists Who Fought Against Tyrants

		
Jose W. Diokno Philippines	Dorab Patel Pakistan	Clement Jones CCA
		
Justice Bhagwati—India	Upendra Baxi—India	

Over a period of three years hence, all the activists were released except Mr. Chen, who was kept for three more years and released without a trial. None of the activists were ever brought to trial in relation to the fabricated allegations leveled against them. They later published their testimonies of the torture and other abuses that occurred during their detention, as well as how they were made to give public interviews telecast through the Singapore State media. These interviews were conducted under duress and the narratives were written by State agents. This incident also exposed the extent to which the hierarchy of the Catholic Church was repressed to ensure its conformity with government policies and prevent any dissension. Campaigning this was a major contribution of the AHRC/ALRC during this period.

Under the dictatorship of Ferdinand Marcos and his emergency laws, many persons were arrested and detained in the Philippines. Senator Diokno, one of the persons involved in the initiation of the AHRC/ALRC, was committed to fighting for these detainees, as well as for democratisation and for the establishment of the rule of law in the country. The large number of persons arrested and detained placed a heavy burden on the few prominent lawyers taking a stance against the authoritarian regime. Senator Diokno was himself charged by the regime and forced to spend some years in jail. His fight for the detainees was on two fronts – firstly, as an issue to be canvassed in the courts, and secondly, as an issue to be made part of the international human rights movement. It was in the latter that Senator Diokno mobilized the AHRC/ALRC to compile detailed documentation on detentions and abuse of power in the Philippines, and to disseminate it to human rights organisations outside the country, to garner their support in fighting against the Marcos regime. This strategy of internationalisation was very successful, with many actors participating in the process. The AHRC/ALRC also played a major role in this campaign; in fact, one of the constant themes dealt with by the AHRC/ALRC during this time was the repression in the Philippines.

The eventual people's uprising that overthrew the Marcos regime was one of the most momentous and popular uprisings that took place during the 1980s. However, the human rights problems in the Philippines did not come to an end with the defeat of Marcos. The structures built for repression were hard to remove, and subsequent generations have had to struggle continuously with these unresolved problems. During all these years, the AHRC/ALRC worked extensively in the Philippines and there is considerable documentation of this work.

The 1988 uprising in Burma brought the suffering of the Burmese people—under a military dictatorship beginning 1962 when Ne Win took power—to the world's attention. The 1990 election was an overwhelming vote in favor of Aung San Suu Kyi and her party, but the military was not willing to hand over power. This unwillingness of military or authoritarian governments to hand over power to civilian governments, despite mass protests or uprisings, was a fundamental political problem in the region, common to Cambodia, Thailand, Pakistan, and Sri Lanka. The subsequent arrest of Aung San Suu Kyi and the repression of her party, which included many killings and large scale detentions, again brought Burmese problems to the international forefront.

Human rights NGOs in Asia and elsewhere made considerable efforts to highlight to the UN Human Rights Commission as well as other international fora the excesses and injustices committed by the Burmese military dictatorship. The AHRC/ALRC also made significant contributions towards these efforts. A large body of documents relating to detentions and other abuses of power within Burma was collected and shared with the international community. Burma Issues was one organisation that devoted its attention to collecting such information. Based in Thailand, the group would send people to Burma in clandestine operations to record the ground reality. The AHRC/ALRC worked in close contact with Burma Issues and other groups throughout this difficult period.

One major achievement, a collaboration between the AHRC/ALRC and Burma Issues, was the subsequent development of the Food Tribunal of Myanmar, which tried to demonstrate how the policies of the military regime had resulted in complete agricultural devastation in the country, leading to massive starvation. The Tribunal's method was to interview Burmese refugees who were arriving in Thailand, most in utter destitution. The interviews revealed that these people, for whom agriculture was the main livelihood - as it was for most people in Myanmar, including minorities - were often attacked by the military at the time of harvest. They were driven from place to place in their attempts at cultivation, and at the time of every harvest they were driven away from their land. Ultimately, they were forced to flee their country in complete destitution.

Work in Burma increased in intensity thereafter. The AHRC has produced a large body of documentation that has been used as reference material by other organisations, including by the UN Special Rapporteur on Myanmar.

In this early period, the AHRC/ALRC made continuous interventions regarding the military dictatorships and the attack on the independence of the judiciary in Pakistan. The country's former Chief Justice Dorab Patel, who retired in protest at having to take oath under a military dictatorship, brought many human rights issues to light while working with persons standing against militarisation. It has been characteristic of Pakistan's military to rely heavily on the encouragement of fundamentalist groups, and give itself a veneer of legitimacy by appearing to be a protector of Islam. The AHRC/ALRC disseminated documents and made international interventions on the deteriorating freedom of religion and conscience in the country.

Independence of the judiciary was a key concern under Pakistan's militarisation. Judges were asked to take oaths of loyalty to military dictators; the constitutional guarantees from the original constitution at the time of Pakistan's creation were neglected or superseded by military orders, affecting issues such as illegal arrest, illegal detentions, political and media freedoms, and the rights of persons to call for a change of government through an electoral process. Fundamental changes were thus occurring in the very nature of governance within Pakistan, while the space for struggle against this was limited, with severe and unpredictable forms of punishment. The AHRC/ALRC played an important role by disseminating information and canvassing these matters in the international arena. The AHRC/ALRC was directly supervised at this time by the CCA, resulting in a greater emphasis on religious and minority freedoms in Asia, as well as providing human rights education and training for groups associated with the CCA.

By 1984, Sri Lanka was also facing extreme problems regarding human rights and democracy. The Constitution of 1978 virtually provided absolute power to the Executive President, undermining the parliament and judiciary. Media freedom was suppressed. Two insurgencies in the country were met with brutality. One was the insurgency in the South which had its initial uprising in 1971 and led to the arrest and subsequent killing of between 5,000–10,000 persons, mainly youth. This represented a major political drift for Sri Lanka from the overall framework of the rule of law and democracy, established in the early 20th century. After the insurgency was crushed, thousands of youth were put in rehabilitation camps and thus detained for a long period. By 1984, another period of insurgency was developing in the South, which peaked between 1987 and 1991, with an estimated 30,000 persons made to disappear.

Abductions followed by interrogation occurred in places of detention, and thereafter persons were secretly killed and their bodies disposed of. Forced disappearances manifested itself as a major human rights abuse in southern Sri Lanka.

A more ferocious insurgency had developed in Sri Lanka's North and East, with 1983 witnessing what are today known as "racial riots". It was, in fact, the government's agenda to attack Tamil persons and households in Colombo in retaliation for the insurgent activities in the North and East. This received worldwide attention. The level of violence and the availability of TV as a means to bring images of this violence to the homes of the international community, made the conflict between the Sri Lankan military and the LTTE led militant groups a key focus in the international arena.

Thereafter, the conflict between the military and the LTTE intensified into cyclical violence both in the North and East as well as in Colombo, creating instability in Sri Lanka. The killing of persons arrested under the pretext of the insurgency, and the suppression of all freedoms in the country, became a major concern for the international community. The killing of a well-known Tamil intellectual in Jaffna, Ms. Rajini Thiranagama, a sympathizer-turned-critic of the LTTE, highlighted the discontentment towards the LTTE of persons concerned with human rights within the Tamil community. The AHRC published a book edited by Ms. Rajini titled *The Broken Palmyrah*. It was a substantial contribution to discussing the internal transformation within the North and East as a result of the insurgency, which brought foreboding of a deepening of the crisis that would threaten the very survival of the Tamil people as well as internal security.



Ms. Rajini Thiranagama
(née Rajasingham)
February 23, 1954 –
September 21, 1989

Throughout this period of conflict, the AHRC/ALRC worked with many organisations to highlight problems of peace in Sri Lanka and to encourage negotiations rather than violence. The message fell on deaf ears both on the government side as well as on the insurgent side. A middle ground for civil society organisations to work in was virtually lost during this time. The AHRC/ALRC constantly tried to highlight the human rights violations taking place both at the hands of the government as well as the LTTE, and also called for

local and international intervention to end the violence. Considerable effort was also made with friends of the Christian Conference of Asia and the Christian Conference in Sri Lanka, to discuss these issues within church communities, with a view to create more humane solutions to the problems.

Over this period, Sri Lanka became one of the focus points of the work of the AHRC and the ALRC. This focus helped to develop many of the organisations' later programmes. The basic features of the work in Sri Lanka is summed up in what came to be known as the AHRC model for torture prevention. A description of that model is as follows:

The first and most basic element of the AHRC model is to connect local human rights activists and solidarity groups with victims of torture. Access to legal, medical, and psychological services for torture victims can be enhanced by their quick and speedy linkage with concerned individuals and groups who can take immediate steps for their protection and welfare. This is necessary because in nearly all cases of torture, victims come from poverty stricken backgrounds. They lack the financial resources, knowledge, communication skills, and social connections needed for quick access to social services. Trained and motivated human rights activists and other individuals, including persons from religious groups, can provide the necessary linkage to the victim. To do this effectively, the concerned groups and individuals need to situate themselves closer to parts of the country where most victims come from.

In a society like Sri Lanka, where caste and other grounds of discrimination, like ethnicity, can create significant differences in social status, linkages to solidarity groups creates the necessary confidence for victims to embark on a long journey of seeking justice and/or rehabilitation.

These solidarity groups need to be known to the public so that victims can approach them promptly after incidents of torture occur. The activists should be prepared to keep a hospitable and friendly atmosphere in which the victims find comfort. At the same time, they must have the necessary skills, equipment, and capacity to conduct interviews and relevant documentation, and to provide preliminary assistance needed by the victims. The groups need to have access to lawyers, as well as medical personnel, who can constantly be consulted and who come to offer their services.

Once such relationships start, the groups need to be ready to engage in different activities over a long period of time. Over the years, the groups will acquire new experiences and knowledge about law and psychology, enabling them to better deal with these situations. Above all, the groups will need to develop skills and strategies to protect the victims and themselves. Training and discussions can significantly help in such development.

The next stage of the model is lobbying and advocacy. At this stage, the local groups obtain assistance from a regional human rights organisation, the Asian Human Rights Commission (AHRC), based in Hong Kong. The AHRC has its own staff, skilled in various aspects of lobbying and advocacy. A quick system of receiving information from the local groups about victims is arranged through the Urgent Appeals desk. This desk receives information and verifies it and then prepares documents that are sent to government authorities, UN agencies, and also international human rights groups, so that interventions are made to help victims and human rights defenders from various sources. The relationship between the AHRC and local groups also results in a documentation process; all available documents made or received by the local activists, lawyers, doctors, and even psychologists are transmitted to the AHRC office. The AHRC staff then study and record these systematically. All the materials collected are maintained within an electronic documentation system and made available with necessary precautions to protect victims to many sources worldwide.

Once the factual basis is collected, the local groups and the AHRC work together with lawyers to address the legal aspects. This brings the groups involved into the court processes from lower courts to higher courts. During this time, an enormous amount of data is gathered on each case; together, the cases constitute a considerable amount of documentation that can be used by any expert or researcher. On this basis, there is a constant analysis of the system, which is then regularly published by way of statements, reports, and other media. As more information is gathered, it becomes the basis for the development of books and other publications. All issues are analyzed on the basis of international law and human rights legal theory. One special publication, *article 2*, is devoted to such theoretical studies. All these materials are disseminated to large audiences and stored in websites for reference.

The third stage of the model is international lobbying. The AHRC, together with RCT and other international organisations, constantly take up all matters

relating to torture with various human rights agencies. Almost daily, the UN Special Rapporteur against torture receives information on torture related matters from the AHRC network. Oral and written submissions are made constantly. Networks are developed to work together with all other concerned groups and persons to keep up the efforts on torture prevention.

Theoretically, the focus in this model is on two aspects: the victims and the defective legal system, which, in terms of Sri Lanka, is the main cause of torture. This means that while every attempt is made to help the victim, attention is also drawn to systemic issues that have made the victim suffer. Mere legal redress in an individual case or healing activities do not suffice when the system is itself seriously flawed. The system creates victims all the time. Therefore, observations and analysis of the system have to remain a constant, with a view of pursuing legal reforms. The core of this project is a preoccupation with legal reforms. The identification of areas needing reforms, the development of arguments against systemic abuse, and the detailed exposure of all aspects of such abuse are continuing activities within this model.

In order to achieve reforms quickly, constant public education and pressure is needed. Not only do state actors need to be alerted and educated, non- state actors and civil society also need to be made to constantly engage with the issue. In conflict ridden societies like Sri Lanka, there are many problems that demand public attention. Any lobby that wants to be successful must, therefore, continually engage in a contest to keep its issues in the public discourse. This can only be done by highly skilled writing and publication on the one hand, and a capacity for wide dissemination on the other. Here human rights groups face the problem of resources; the state and other private lobbies have immense media resources , while human rights groups do not have the financial ability to maintain such services. The only feasible alternative today is to rely extensively on electronic media. For this reason, the AHRC model holds the acquisition of IT, communication, and media skills as vital.

In countries such as Sri Lanka, attention to psychological aspects for the assistance of victims has not developed in the state sector. The burden of this falls largely on civil society. Thus, human rights groups involved in this work have to improve their capacities in trauma counseling and other methods of healing. Over the years, the groups working with this model have developed their appreciation of this area of work. In recent years, with the help of

organisations such as RCT, and also some local and regional psychologists, much knowledge has been gained. Human rights groups are also developing their knowledge and skills in testimonial therapy.

The test of this model's success is whether it gains public confidence, both locally and internationally. By consistent work, the groups involved have gained considerable public sympathy for their efforts.

1993 VIENNA CONFERENCE ON HUMAN RIGHTS

The 1993 Vienna Conference was an attempt to bring the United Nations' human rights project which began with the 1948 Universal Declaration of Human Rights (UDHR) to the next stage, emphasizing the implementation of human rights. Civil society organisations, intellectuals, and other like-minded people committed to the protection and promotion of human rights came together globally in preparation for the Vienna conference.

Asia's preparatory meetings took place in Bangkok from 1992-1993, with the participation of over a thousand persons and organisations. Some prominent intellectuals played an important role in working with human rights organisations to develop a series of declarations in support of the overall perspective of the Vienna Conference. Among them was Justice Bhagwati from India, one of the original founder members of the AHRC/ALRC, and Professor Yash Ghai from the University of Hong Kong, who has a global reputation for his interest in human rights. He also became a member of the AHRC/ALRC Advisory Panel in 1995.

One of the main challenges for those supporting the global human rights movement and the UDHR in Asia was formidable opposition from a number of Asian governments. China, Singapore, and Malaysia were amongst those leading the opposition, with the Philippines following. These governments questioned the universality of human rights, prescribing, instead, the idea of "Asian values", which was that each culture/country would have its own values and norms. This idea was political propaganda, used to oppose the UN's human rights norms and standards. Considering these norms to be universally

valid, the UN maintained that all governments should respect and ensure that all peoples in their countries enjoyed the rights enshrined in the two key human rights instruments: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

In fact, the objective of the “Asian values” argument was to defend forms of government denying people their basic rights, as enshrined in these international documents. Repression was said to be necessary under Asian value systems. More subtly and dangerously, proponents of this argument denied that human rights violations could be measured on the basis of international norms and standards; people in their countries were enjoying rights according to their own cultural framework, and accusations of certain rights being violated were erroneous.

In particular, these proponents were saying that the rights to freedom of expression, freedom of association, and freedom to elect a government of choice are not universally valid human rights. They argued that a particular form of government could be decided in accordance with their culture, where respect for authority, for instance, has higher value than the idea of individual rights.

China’s socialist based political system considered that the primary role and duty of its citizens was to obey government authority; imposing a duty on the government to respect citizens’ rights, or setting limitations to its authority was to turn things upside down. This basic philosophy regarding governance was the focal political issue in the Asian values debate.

In fact, these arguments are not new. Monarchies in countries that later became democracies also claimed absolute rights of the king to decide the form of government, as well as emphasizing that it was a citizen’s duty to obey this government. The doctrine of state sovereignty under these monarchies was totally contrary to the notion that limitations on government authority should be imposed on the basis of respect for individual rights. The struggle for democracy was a struggle against the notions of absolute authority and subservience. Genuine democracy gives government its authority based on the will of the people, and rests duties and obligations on both the government and the citizens. The Asian values debate was an attempt to bring back the notions on which earlier monarchies had based their authority.

Civil society organisations in Asia were unsurprised by arguments of unlimited state sovereignty; political experiments were being carried out in various Asian countries to maintain authoritarian forms of government. At different times, in the Philippines, Pakistan, Nepal, Cambodia, Vietnam and China, governments were formed where people's sovereignty was suppressed by denying them the right to elect their own government. In Indonesia, the 1965 massacres killed a large part of the population, after which a military dictatorship was established, again denying citizens their right to elect a government.

Unlimited state sovereignty gave rise to claims that any manner of restrictions on individual liberties could be imposed, including conditions of arrest, detention, and fair trial; the individual was of little importance. Another notion that arose was that the sovereign could decide which types of freedom of expression were allowed, and to what extent people could form associations.

Having already experienced forms of authoritarian rule in their own countries that denied democracy and rule of law as the philosophy of governance and the basis of the state-individual relationship, it was paramount for Asian human rights defenders and civil society to make a firm statement of opposition to the Asian values doctrine. To this end, after serious and detailed deliberations, civil society organisations jointly expressed their position that all Asian states should respect the universality and indivisibility of human rights.

On the basis of this position, and in preparation (and affirmation) for the Vienna conference, a number of declarations were issued in Bangkok. These declarations were the combined voice of the people of Asia, sharing their own ideas on human rights and political governance. It was a historical occasion in which Asia made fundamental political declarations regarding the development of law and institutions in its societies on the basis of respect for individual rights of all citizens.

The World Conference on Human Rights was held by the UN in Vienna, Austria, from 14-25 June 1993. It was the first human rights conference held since the end of the Cold War. The main result of the conference was the Vienna Declaration and Programme of Action, adopted with the consensus of 171 states, establishing the interdependence of democracy, economic development, and human rights. Specifically, it replaced the Cold War division of civil and political rights from economic, social, and cultural rights, with the

concept of rights being indivisible, interdependent, and inter-related. It called for the creation of instruments to publicize and protect the rights of women, children, and indigenous peoples. Most significantly, it called for a new office, the United Nations High Commissioner for Human Rights.

The conference also clearly delineated that if human rights were to remain relevant to countries outside “the West”, problems relating to implementation should become a priority on the human rights agenda. As human rights can be realized only through local legal systems, it is essential to correct the flaws in these systems.

Developments at the AHRC/ALRC

The Bangkok discussions and Declarations and the Vienna Declaration and Programme of Action made the AHRC/ALRC reconsider its mandate and Program of Action in Asia. It was now time to develop the two organisations’ abilities to respond to the post Vienna Conference phase of the global human rights movement.

The AHRC/ALRC never had permanent staff to carry out its projects; officers in charge of the international affairs desk of the CCA were also looking after the affairs of the AHRC/ALRC. One part-timer was employed for some time, whose chief task was to work on issues relating to human rights in Hong Kong, in the midst of the critical phase in which the transfer of sovereignty from Britain to China.



Basil Fernando

The Board of the AHRC/ALRC then decided to recruit someone outside the CCA who could lead the two organisations to full independence, and be able to liaise with other human rights organisations in the region and work for human rights promotion and protection in the current realities of Asia. After reviewing probable persons who could be invited to undertake this task, the Board consulted Mr. Basil Fernando, then a Senior UN Officer working for the UN Transitional Authority in Cambodia (UNTAC). During a fact finding visit to Cambodia regarding the changes proposed under the UNTAC and the country’s future elections, two Board Members met with Mr. Fernando and

discussed this possibility. He agreed and took charge of the affairs of both the AHRC and the ALRC in November 1994.

As mentioned, at that time there was no other staff for the AHRC or the ALRC. There were some unutilized funds from one of the funding agencies supporting the organisations in the past. The task of developing the organisation, recruiting and developing new staff, and finding funds for the running of the organisation were all left to the new appointee.

The AHRC/ALRC had a one-room office at the CCA headquarters. There were some misgivings about the future of the AHRC/ALRC as part of the CCA. Some senior members were concerned about the possible repercussions of a human rights organisation working in close proximity, given the sensitive juncture of Hong Kong's imminent transfer to China.

The first task of the AHRC/ALRC's new administration was to develop perspectives and programmes to confront human rights issues in Asia. One of the advantages of the time was the increased use of emails, internet, and the development of websites. The first decision taken by the new administration was, given the extremely limited resources available, to build links with as many human rights organisations in Asia as possible, using email and internet facilities. A student was recruited part-time to help with IT and communication matters. All attempts were made to improve the use of internet communication facilities to gather and disseminate information, and develop a lively and constant contact with as many organisations and individuals as possible across Asia.

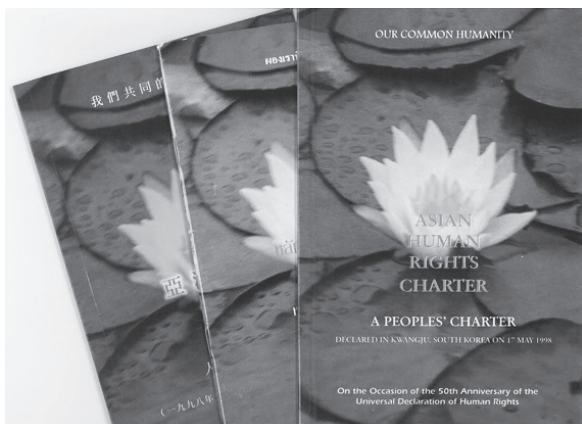
Sending daily communications from the ALRC/AHRC office to a network of persons in Asia, as well as in the human rights community outside, was the first activity initiated during this time. As a result of its previous work, the AHRC/ALRC received large amounts of printed material from human rights organisations around Asia, providing a considerable amount of information about various human rights problems in the region. Utilizing this information, various limited campaigns were developed to support local human rights groups in their work. One of the first such campaigns was to support the Dalit movement in India and to help internationalize the Dalit issue. During this time, the Dalit movement was attempting to share its problems with the international community and to make caste discrimination a concern for the

UN's human rights mechanisms as well as for European countries. The AHRC/ALRC became one of the core members of this cause. This required close contact with the Dalit movement working in different parts of the globe, as well as acquiring in-depth information regarding caste discrimination in India and other Asian countries. The work of Dr. B.R. Ambedkar was studied intensely, a process aided by the Maharashtra government's publication of his collected works. These publications not only provided a wealth of information about all the issues relating to caste discrimination, but also included the philosophical foundations of the principle of equality and global struggles for equality.

ASIAN HUMAN RIGHTS CHARTER: A PEOPLE'S CHARTER

Another key project the AHRC was involved in was the development of the Asian Charter for Human Rights. The Charter was conceived during the preparatory discussions for the Vienna Conference, where it was decided to hold a preliminary meeting with a number of active human rights defenders in Asia to develop the same. The meeting took place in Hong Kong in 1993 under the auspices of the AHRC and concluded that identifying prevalent human rights violations in each country, analyzing their causes and developing strategies to fight against them, would be the best way to realize the implementation of the universal norms and standards to which the Asian people had declared their affiliation in Bangkok.

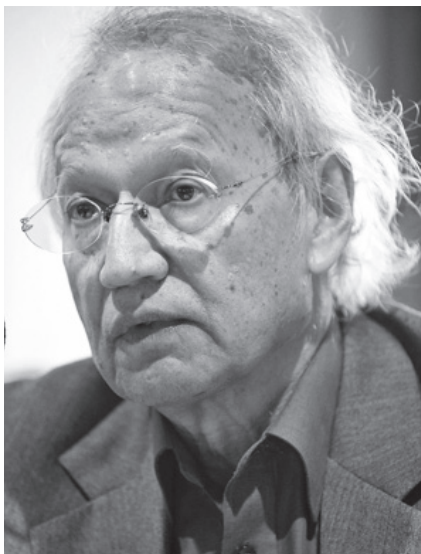
It was proposed that all those seriously interested in human rights issues be invited to attend various meetings throughout Asia to identify and analyze basic violations happening in each country. These findings would be studied by a group of experts and would lead to a People's Charter on Human Rights. This document



was to provide the perspectives for practical work on the protection and promotion of human rights in Asia. The Charter would then be discussed in detail by a large number of human rights activists from around Asia, and adopted as a public document with civil society approval.

The reason for focusing on the civil society rather than governments was obvious, given the enormous opposition by many Asian governments to the idea of universal human rights. These governments existed as “law and order” systems, the very opposite of rule of law systems. Not based on any international norms or standards, the rulers decide whatever they wish, with no defensible ethical, moral or legal standards. The way to pressurize governments towards accepting standards is first, to have the civil society committed to these standards. It was this reasoning that led the AHRC/ALRC to work towards a civil society charter as a preliminary stage for a convention that may be agreed upon by all governments at some future date. Serious work needed to be done within the civil society, particularly among communities such as lawyers, judges, social workers, women’s organisations, minority rights organisations, and others working on human rights issues. Not only did these groups and individuals need to become experts in pursuing the global human rights project vigorously, but they also needed to encourage civil society at large to take up their cause.

This idea of civil society meetings and a draft People’s Charter on Human Rights was disseminated widely and received a warm response. Among the most prominent persons supporting this initiative was Justice V R Krishna Iyyer former judge of the Supreme Court of India, and a key spokesperson on human rights in Asia. He openly declared support and attended the first meeting held in South Asia. The discussions at the meeting were carefully noted and recorded and the findings shared with interested parties in Asia and elsewhere. Further meetings were held in every part of Asia, calling as many persons as possible to participate. A long list of persons who have participated in these discussions is included as an appendix to the Charter. Further to these conferences a questionnaire was circulated and a large number of persons responded to the questionnaire. The list of those who responded is also included in the appendix to the Charter.



Professor Yash Ghai · Hong Kong



Justice V. R. Krishna Iyer · Indian Supreme Court

After studying the basic findings from these various discussions, an initial drafting committee was assigned the task of drafting the basic declaration, consisting of: Mathews George Chunakara, CCA, Hong Kong; Basil Fernando, UNTAC- Human Rights Component, Cambodia; Nacpil-Manipon Aida Jean, CCA – International Affairs, Hong Kong; Sajor India Lourdes, Asian Women's Human Rights Council, the Philippines; Tremawan Christopher, University of Auckland, New Zealand; T.Y. Renaldo, University of Philippines, the Philippines; Wong Kai Shing, AHRC, Hong Kong. This draft charter was then handed over to a group of experts: Justices Krishna Iyer and Bhagwati from India, Professor Yash Ghai and several other persons, including some delegates from the AHRC. After holding a series of meetings, the experts met in Hong Kong and Professor Ghai prepared the final draft document on behalf of the committee. This document was shared widely for any further discussions and comments by the civil society.

At this stage, the May 18 Memorial Foundation, along with some other prominent Korean NGOs and human rights activists, proposed that the final conference be held in South Korea, which they took the responsibility of sponsoring. Accordingly, the final meeting was held in Gwangju, South Korea - in due consideration of the 1980 Gwangju uprising, a landmark in the development of human rights in Asia. A large number of human rights activists

from around Asia participated for the Gwangju meeting, and there were many messages of support from international human rights organisations as well. The Asian Charter on Human Rights was finally adopted on 17 May 1998 in Gwangju.

The background to the Charter notes:

“... The Asian struggle for rights and freedoms has deep historical roots, in the fight against oppression in civil society and the political oppression of colonialism, and subsequently for the establishment or restoration of democracy. The reaffirmation of rights is necessary now more than ever before. Asia is passing through a period of rapid change, which affects social structures, political institutions and the economy. Traditional values are under threat from new forms of development and technologies, as well as political authorities and economic organisations that manage these changes.

“... In particular the marketization and globalization of economies are changing the balance between the private and the public, the state and the international community, and worsening the situation of the poor and the disadvantaged. These changes threaten many valued aspects of life, the result of the dehumanizing effects of technology, the material orientation of the market, and the destruction of the community. People have decreasing control over their lives and environment, and some communities do not have protection even against eviction from their traditional homes and grounds. There is a massive exploitation of workers, with wages that are frequently inadequate for even bare subsistence and low safety standards that put the lives of workers in constant danger. Even the most elementary of labour rights and laws are seldom enforced.

“... Asian development is full of contradictions. There is massive and deepening poverty in the midst of growing affluence of some sections of the people. Levels of health, nutrition and education of large numbers of our people are appalling, denying the dignity of human life. At the same time valuable resources are wasted on armaments, Asia being the largest purchaser of arms of all regions. Our governments claim to be pursuing development directed at increasing levels of production and welfare but our natural resources are being depleted most irresponsibly and the environment is so degraded that the quality of life has worsened immeasurably, even for the better off among us. Building of golf courses has a higher priority than the care of the poor and the disadvantaged.

“... Asians have in recent decades suffered from various forms of conflict and violence, arising from ultra-nationalism, perverted ideologies, ethnic differences, and fundamentalism of all religions. Violence emanates from both the state and sections of civil society. For large masses, there is little security of person, property or community. There is massive displacement of communities and there are an increasing number of refugees.

“... Governments have arrogated enormous powers to themselves. They have enacted legislation to suppress people’s rights and freedoms and colluded with foreign firms and groups in the plunder of national resources. Corruption and nepotism are rampant and there is little accountability of those holding public or private power. Authoritarianism has in many states been raised to the level of national ideology, with the deprivation of the rights and freedoms of their citizens, which are denounced as foreign ideas inappropriate to the religious and cultural traditions of Asia. Instead there is the exhortation of spurious theories of “Asian values” which are a thin disguise for their authoritarianism. Not surprisingly, Asia, of all the major regions of the world, is without a regional official charter or other regional arrangements for the protection of rights and freedoms.

“... In contrast to the official disregard or contempt of human rights in many Asian states, there is increasing awareness among their peoples of the importance of rights and freedoms. They realize the connections between their poverty and political powerlessness and the denial to them of these rights and freedoms. They believe that political and economic systems have to operate within a framework of human rights and freedoms to ensure economic justice, political participation and accountability, and social peace. There are many social movements that have taken up the fight to secure for the people their rights and freedoms.

“... Our commitment to rights is not due to any abstract ideological reasons. We believe that respect for human rights provides the basis for a just, humane and caring society. A regime of rights is premised in the belief that we are all inherently equal and have an equal right to live in dignity. It is based on our right to determine our destiny through participation in policy making and administration. It enables us to develop and enjoy our culture and to give expression to our artistic impulses. It respects diversity. It recognizes our obligations to future generations and the environment they will inherit. It establishes standards for assessing the worth and legitimacy of our institutions and policies.

Finally, the Charter urges all Asian governments to

“... adopt regional or sub-regional institutions for the promotion and protection of rights. There should be an inter-state Convention on Human Rights, formulated in regional forums with the collaboration of national and regional NGOs. The Convention must address the realities of Asia, particularly the obstacles that impede the enjoyment of rights. At the same time it must be fully consistent with international norms and standards. It should cover violations of rights by groups and corporations in addition to state institutions. An independent commission or a court must be established to enforce the Convention. Access to the commission or the court must be open to NGOs and other social organizations.”

MAJOR OBSTACLES AND CHALLENGES TO THE PROMOTION & PROTECTION OF HUMAN RIGHTS

The initial meetings for the People's Charter brought into sharp focus a major problem regarding human rights in Asia. Instead of paying attention to the development of an effective remedy for human rights violations, human rights work in the region had, so far, been confined to the promotion of the ratification of UN Conventions. At times, to a limited extent, it also included the adoption of domestic laws in accordance with international norms and standards. While the ratification of the ICCPR, and also some constitutional Bills of Rights, recognized the right to be free from torture and ill-treatment, there was no effective remedy available to a victim of such abuse; no justice or reparation could be sought for such violations. The same was true for nearly every civil and political right, such as the right to life, which includes the right to be free from extrajudicial killings and disappearances, custodial deaths, and so on and so forth. Similarly, article 9 of the ICCPR provides for persons to be free from illegal arrest and detention. Persons who have been illegally arrested or detained however, have no recourse to pursue justice and reparation. This was the case for those denied a fair trial, the freedom of expression and association, or the right to choose a government of their choice.

The AHRC/ALRC also noted that this absence of effective remedies for human rights violations was not part of the conversation pursued by human rights

groups, academics, or others involved in human rights education and awareness. The overall human rights educational methodology was directed towards the teaching of rights as per the UN Conventions, but without reference to the provisions of state obligations to provide effective remedies when violations occur. It was clear that not only did the human rights movement in Asia lack awareness of the obligations under these Conventions to provide remedies, but it also lacked awareness that a right without remedy is no right at all.

Further, consultations with many persons through regional and local meetings around Asia also brought to the attention of the ALRC/AHRC serious defects in criminal justice systems that obstruct all attempts to obtain legal redress for violations of human rights. Most importantly, there were no credible investigative mechanisms for human rights violations, with the usual investigative function relating to crimes vested in the police in most countries. Certain countries did not even have this, as the very concept of fair trial did not exist, such as in Cambodia and Myanmar. In countries where the investigative function was in the hands of the police, there was always the problem of who would investigate human rights abuse committed by the police themselves. In incidents of police torture, for instance, a common occurrence in almost all Asian countries, where could the victim seek a proper investigation? During colonial times there were some avenues for such investigations, namely for police officers of higher ranks to investigate such complaints. This situation only led to corruption or intimidation of the victim as noted by lawyers, human rights activists and victims themselves. Further observations revealed that in some countries National Human Rights Commissions were established, but these had neither the mandate nor the resources to conduct criminal investigations into human rights violations. Providing redress for human rights abuse remained virtually an unexplored area in Asia.

The inefficacies of Asia's criminal justice systems and the lack of redress for abuse have deep political and social roots. The recent histories of many Asian countries show a tendency towards authoritarian practices, whether through military dictatorship or one-party rule. Whatever the form of authoritarianism, coercion and excessive force by police, military, and other law enforcement agencies for various purposes was always present. Principles relating to the limitation on the use of force and violence had not become a strong part of the jurisprudence in these countries, largely because the state itself had always used force and intimidation as a means of control. In most Asian countries there

was a conflict between the existing legal culture and the expected legal culture, through ratification of UN instruments; most political and legal systems were not based on any international norms or standards.

There were additional cultural problems regarding investigations into violence committed by higher social classes against those of the lower strata. The Indian caste system provided justification for the use of violence against the lower castes. While it was considered a heinous crime for a lower caste person to kill a Brahmin, a Brahmin killing a lower caste person was not a serious crime at all. Similarly, the punishment for a lower caste person engaging in violence (or any other undesirable activity) against a higher caste person is often as grave as the destruction of the whole clan, whereas the same act committed by a higher caste person towards a lower caste individual would likely merit no punishment at all, apart from mandating some religious ritual. Such discrimination was not limited to caste or culture socially affluent classes in most Asian countries were seen to have the right to use coercion and violence against those less affluent and privileged. All these matters needed close study, detailed documentation, and extensive discussion and debate if effective investigation and reparation into human rights abuses was to become a reality. The AHRC/ALRC took on this humongous task as the focus of its work, knowing that it would involve long-term commitment. Moreover, the achievements of such work will only emerge slowly, over a long period of time. Without this work actual progress in the realisation of human rights will not be possible throughout Asia.

KNOWLEDGE EXPANSION IN LOCAL REALITIES & CHALLENGES

Since 1994, efforts were made to root the AHRC/ALRC in different Asian countries by developing partner organisations and strengthening the capacity of local groups through training as well as various types of hands-on involvement. Gradually, the organisations' work expanded to the following countries: Bangladesh, Burma, Cambodia, China, India, Hong Kong SAR, Indonesia, Nepal, Pakistan, South Korea, Sri Lanka, Thailand, and the Philippines.

The consolidation of work in these countries led to the formation of country desks based in the Hong Kong head office. The purpose of the country desk

is to have a desk officer from the same country, based at the head office, to coordinate the work in each country. The officers conduct day-to-day reporting and documentation on human rights developments in their countries, prepare urgent appeals relating to important individual cases, statements for publication on important issues, as well as arrange training programmes for local partners, conduct meetings and seminars in their respective countries, select persons for regional training and internships, and finally write the country chapter for the AHRC's annual human rights report.

Besides the country desks, there are specific programme desks based at the AHRC on important areas of work such as urgent appeals, human rights education programme, right to food, IT and Communications, AHRC TV, and editing.

With the consolidation of work in different countries, the organisation improved its knowledge about the region's ground realities. Detailed knowledge was acquired on specific human rights violations, the reasons for such violations, and the nature of the justice administration institutions in each country. This wealth of knowledge, including information about the political systems of each country and the extent of the development of human rights organisations there, was documented in various ways and made available both through print and electronic publications.

As work in the different countries expanded and broadened, the AHRC/ALRC realized that the most fundamental challenge to human rights in Asia was the nature of its political systems, which created modes of social control contrary to the rule of law system found in more developed countries. Meticulous documentation of various human rights violations revealed their roots to be in the political systems, as well as the corollary legal institutions.

From all this documentation, we concluded that the political and legal systems of these countries were based on the ideology of law and order rather than on the rule of law. This understanding was pivotal in formulating new strategies for human rights work in Asia. Based on ideas totally opposite to those espoused in international human rights law, these law and order systems were a grave threat to the promotion and protection of human rights. In fact, most human rights work in the region did not produce the desired results due to the failure to understand this contrast. The AHRC/ALRC worked hard to clarify

this contrast and develop new working guidelines. In particular, the focus has been on combining work on human rights with work on the rule of law in each country. We also attempted to bring this issue to the attention of the international community, with the view to develop a dialogue and enhance the methods of human rights protection and promotion in Asia.

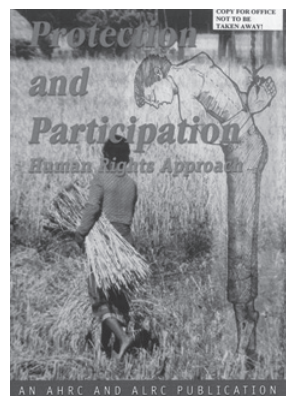
From this basic approach, the AHRC's work has come to similar conclusions as the work of a number of other human right organisations in the Middle East, Africa, and Latin America. The human rights community in these different regions is becoming conscious of the fact that particular obstacles prevalent in these areas require deeper understanding and new strategies. The AHRC/ALRC has a large repository of insight to offer this community, discovered through the organisations' work experience. It is from this perspective we look to the future. All the changes occurring globally offer great and new opportunities for the pursuit of the human rights goals to which the international community is committed. The unique problems of countries which lack rule of law systems need to be addressed in the years to come.



ACHIEVEMENTS

1. PROTECTION NECESSARY FOR PARTICIPATION IN THE RIGHTS DISCOURSE

FROM the AHRC/ALRC's early work on human rights in Asia, as well as from the various discussions the organisations were involved in, it was clear that fear of intimidation and violence obstructed marginalized communities—those suffering the most human rights abuse—from participating in any discourse on human rights. The failure of basic protection mechanisms due to violence perpetrated by state agents or paramilitary groups, as well as the absence of legal safeguards such as access to courts and other services, make these communities particularly vulnerable to abuse. Any attempt to improve their lives requires two elements: protection and participation. The latter depends very much on the former. However, in our experience, development discourses have so far ignored the element of protection. As a result, talks on participation end up as rhetoric,



incapable of achieving any results. Other buzzwords like “empowerment”, “self-help”, and “sustainability” also suffered from the absence of concrete practical content. The linking of economic, social and cultural rights with civil and political rights depends very much on the way the contradictions between protection and participation are resolved. The same can be said for the rights of women; where factors of social repression and violence remain the same, the assertion of equality becomes practically impossible, notwithstanding the enactment of any legislation promoting equality.

The work of the AHRC and its sister organisation the ALRC during the last 20 years has illustrated the link between protection and participation. We have worked extensively in several countries throughout Asia and we are in a position to demonstrate this link through practical experience. Our approach to this issue was documented in 2003 in a booklet entitled *Protection and Participation*.

The AHRC/ALRC took practical steps to ensure the safety of victims and human rights activists who were at risk for speaking out: direct assistance to persons facing danger, education on protection and dealing with threats, using urgent appeals to impart information whenever reports of threats came to our notice, and regular submissions to relevant UN agencies, including the UN Rapporteur on human rights defenders. In many instances of receiving reports of persons being tortured at police stations, immediate telephone calls were made to those police stations to demand the immediate release of the person in custody or their production before a judicial magistrate. Such interventions often ensured the person's release. At other times, human rights defenders were removed from their country to ensure their protection, as well as to enable them to get medical attention (when required). In other instances, financial assistance was provided to human rights defenders so that they could be relocated to some other part of the country where they would be safer. Safe-houses were created for this purpose with the help of local activists.

VIOLENCE AGAINST THE POOR

The AHRC's work in Asia confirmed the view that police are being used to suppress the poor in many countries in the region. This is essentially done by depriving the poor of the protection of the criminal justice system. By paralyzing the criminal justice system, the poor are made defenseless. All

those who want to take advantage of the poor: those who want to get work done without paying minimum wage, money lenders who charge exorbitant interest for small loans, those who want to acquire land belonging to the poor, those who oppose the poor organizing themselves in trade unions and other associations, politicians who want to extract votes from the poor by force; manipulate the criminal justice institutions to their benefit, particularly the police. Corruption and politicisation of the police in many Asian countries means that these persons can easily convince police officers to not register complaints against them by the poor. When their complaints are not entertained, they are unable to get legal redress or punish their oppressors through the criminal justice process. Police are also known to file fabricated cases against persons speaking out against such abuse. Torture and ill-treatment often leading to custodial death or disappearance is the most common method of intimidating the poor.

The AHRC made it a central focus of its work to assist the poor to fight such violence. Victims of torture and disappearances were assisted in seeking redress. Communication technology was used to publicize attacks on the poor and expose those responsible. This was combined with the attempt to get as many people as possible to support such victims through urgent appeals, which are issued to thousands of persons through email networks, and by making representations to government and UN authorities on their behalf. Meticulous documentation of such violence was made in various ways and disseminated widely, through the media and online. A comprehensive system was thus developed to assist the poor to fight against violence, and therein enable them to speak for themselves and participate in the improvement of their circumstances.

Victims and activists were also brought together by the AHRC for solidarity and education purposes. In accordance with the Danish folk school method initiated by the Danish thinker and political activist N.F.S. Grundtvig the AHRC provided a common platform for human rights victims and activists to share their stories and challenges, and arrive at solutions together.

All these activities were key to the theme of protection and participation, which continues to be a priority in all of the organisations' programmes.



Campaign against torture in Pakistan

2. ASIA-WIDE CAMPAIGN FOR THE PREVENTION OF TORTURE & ILL-TREATMENT

IN 1994, the AHRC/ALRC embarked on developing an Asia-wide campaign for the prevention of torture. Torture and ill-treatment is widespread in many Asian countries and virtually thousands of persons are victimized. The following table demonstrates the outreach of the work of the AHRC/ALRC in Asia and depicts the nature of torture and ill-treatment in many of these countries.

Country	Torture & ill-treatment	Enforced disappearances	Illegal arrest & detention	Fabrication of charges	Threats of assassination & other forms of harm	Sexual violence by security officers	Discrimination on the basis of sex, race, caste,	Black-mail religion by state agents
Bangladesh	√	√	√	√	√	√	√	√
Burma	√		√	√			√	√
Hong Kong								
Cambodia	√		√	√	√		√	
China (PRC)	√		√	√	√		√	√
India	√	√	√	√	√	√	√	√
Indonesia	√	√	√	√	√	√	√	√
Nepal	√	√	√	√			√	√
Pakistan	√	√	√	√	√	√	√	√
Philippines	√		√	√	√			
South Korea	√		√	√		√	√	√
Sri Lanka	√	√	√	√	√	√	√	√
Thailand	√	√	√	√		√	√	√

The organisations' work on torture prevention took several forms, elaborated below.

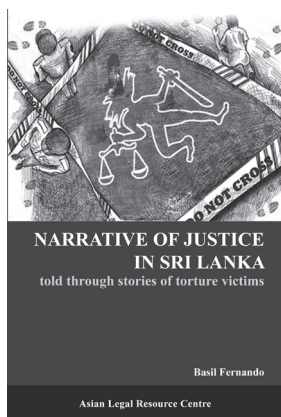
2.1 CAPACITY DEVELOPMENT & TRAINING OF ACTIVISTS

The AHRC/ALRC's overall capacity development programme consisted mainly of training human rights activists and others on the documentation of torture and ill-treatment and in providing support to the victims. Participants were introduced to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and were given practical training on interviewing torture/trauma victims. Emphasis was also put on enhancing participants' understanding of, and sensitisation to, the nature of trauma and stress that torture victims undergo, in order to develop their skills in assisting victims. It was also essential to convince participants that dealing with these victims is not a mere casual exercise, but a long term engagement that not only are the legal systems in Asian countries slow in dealing with human rights issues, especially issues sensitive to the governments, such as police torture, but it also takes a considerable period of time for victims to recover from the psychological and physical effects of torture and ill-

treatment. The lack of support and sympathy from their own families, as well as society, was another factor hindering their recovery, as well as requiring more empathy and assistance from human rights activists.

All trainees were made aware that working towards torture prevention requires great motivation, patience, and perseverance. They were also made aware that victims and human rights activists are likely to face danger and threats from law enforcement officers and the administrative apparatus, which are adversely affected by such work. The training programmes were designed to take all these factors into account. Moreover, the trainings were part of a series of events conducted over a period of time; this method ensured the sustainability of the work, allowing for follow-up, and the honing of activists' skills and capacity.

2.2 DOCUMENTING ABUSE & GENERATING PUBLICITY



It is generally difficult to obtain publicity regarding acts of torture and ill-treatment committed by law enforcement officers in the local media in most Asian countries. Media institutions often exercise self-censorship, fearing repercussions from the political and security establishment for providing information on torture and other “sensitive issues”. It was thus a challenge for the AHRC/ALRC to obtain publicity for the numerous instances of torture and ill-treatment it was documenting throughout Asia. The organisations took advantage, however, of the global onset of the electronic media, the World

Wide Web and email facilities. Staff were trained in information technology and communications, and within a very short period an Internet portal on information regarding torture and ill-treatment in Asia was created. Daily emails were sent to networks of thousands of individuals and institutions in Asia and around the world; in this way, incidents of torture, ill-treatment, and other human rights abuses were given the widest possible publicity. Certain incidents were given live coverage. It would not be an exaggeration to assert that in the mid-1990s, the AHRC/ALRC had developed the most sophisticated and comprehensive Information Communications Technology (ICT) platform for disseminating human rights information in Asia. Most of our ICT based publications, research, and findings were reproduced in local newspapers

across Asia, and on several occasions, in international media. Local language transmissions of the British Broadcasting Corporation (BBC) regularly picked up these stories and broadcast them during their daily transmissions worldwide. Many local and international websites reproduced these reports. The success of this dissemination effort surpassed our original expectations.

2.3 DEVELOPING THE URGENT APPEALS SYSTEM

One of the most significant achievements of the AHRC/ALRC has been the designing and introduction of the Urgent Appeals (UA) network, commencing in 1994. An unprecedented effort in human rights activism, it is the only one of its type today in Asia. The following is an explanation of the UA system and its operation:

Step 1

Victim reveals the details of the abuse suffered to AHRC/ALRC's local partner



Step 2

Local partner office informs the relevant Country Desk at the AHRC/ALRC, Hong Kong



Step 3

AHRC Country Desk Officer prepares the UA on the basis of information received from partners & other information gathered. UA will mention the following: Details of incident; any medical evidence available; any complaints made to local authorities; responses of the local authorities; any relevant law relating to violation; suggestions to authorities with regard to investigation and prosecution; & a sample letter to help the reader make their intervention, along with relevant names & addresses.



Step 4

Finalized UA is sent to the Urgent Appeals Desk Officer for uploading on the web portal & later sent to relevant country and international email lists



Step 5

Recipients forward prepared letter/s to relevant country authorities



Step 6

Details of the UA forwarded to the media and published in reports



Step 7

Details of the UA sent to relevant UN agencies & Special Rapporteurs for their information & action

The UA is prepared with the assistance of four parties—local partners, country desk officers at the AHRC, the UA desk, and the AHRC’s team of editors. Country desk officers monitor the human rights situation in their country on a daily basis, and receive information regarding human rights violations from their local partners. These partners have received training in interviewing victims and in obtaining information of abuse systematically from direct sources, such as the police, courts, medical officers, hospitals etc. Once this information is documented and sent to the AHRC country desk, necessary steps are taken to verify the information, as well as obtain any additional information deemed necessary. The Urgent Appeals are then prepared by the desk officers, edited by the editors, and then sent to the UA desk for dissemination. The final appeal is sent out to the relevant country email network and to an international network of human rights organisations, including UN agencies, most likely to take action regarding each violation. They are also sent to local and international media interested in such issues.

The UAs include sample letters that the recipients, if they wish, can either fax or email to the relevant local government authorities expressing their concern. They can also take up other advocacy work regarding the case. One of AHRC’s Urgent Appeals is re-produced below:

SRI LANKA: The life of a human rights defender is under threat

March 10, 2014

Sunil Samaradeera of No: 34/2, Baseline Mawatha, Borella, a human rights activist based in Wanathamulla, in Colombo District was abducted in broad daylight by persons believed to be connected to the Secretary of Defense. On 13 of February Sunil had met with the Secretary, Mr. Gotabhaya Rajapaksa, regarding issues concerning a housing scheme, which threatens to put several households out of their land, and according to reports there had been a heated exchange of words. Sunil's abduction happened shortly after that. Sunil's neighbours and colleagues staged a protest by blocking a road and, as a result, two days later he was released. However, he is concerned for his personal security and the authorities have made no effort to investigate the abduction and bring the perpetrators to justice.



Sunil Samaradeera speaking to the press on his abduction

This case is another illustration of the fact that influential or well connected people can use the Sri Lankan police to their benefit despite the fact that the victims are innocent persons.

CASE NARRATIVE:

The Asian Human Rights Commission (AHRC) has received updated information regarding the abduction of Sunil Samaradeera alias Wanathe Sunil of No: 34/2, Baseline Mawatha, Borella, a human rights activist based in Wanathamulla, in Colombo District. There is grave concern for his safety. Sunil was abducted on 15 of February 2014, close to the temple at Dematagoda, by unknown men in a Pajero. His hands were tied; head covered, he was put into the vehicle by force and then his body was covered by a polythene sheet. After a journey of about one and half hours the vehicle stopped at a house. He was taken inside, put on a mat and chained.

After the news of his abduction spread, his wife went to the Dematagoda Police Station and made a complaint. Then the residents of his housing scheme came to know of the incident and after some time, they came to the adjoining main road, Baseline Road, where they started a protest by blocking the road and appealed for his release.

They urged the authorities to act immediately to find him and provide him with protection.

Sunil has been the organiser of the Organisation to Protect Houses at Wanathamulla, 34 Watte, and worked hard against the proposed demolishing and taking over of their housing scheme by the Urban Development Authority which is overseen by the Secretary of Defence.

He earns his living by selling the eatables like hoppers & string hoppers in a small boutique and further he is having a family with five children to maintain. On 13 of February he had met with the Secretary, Mr. Gotabhaya Rajapaksa, in this particular housing scheme and according to reports there had been a heated exchange of words.

Due to the vehement protest by Sunil's neighbours he was released two days later. When he was released the abductors threatened him not to tell anyone about what had happened to him. They placed him in a vehicle and released him on the road with his wrists still bound. He shouted to attract the attention of a passing motorcyclist who stopped and untied him. The motorcyclist took him some distance towards his place of residence but was reluctant to take him all the way to Wanathamulla. He somehow managed to reach the scene of the protest and made his appearance known and it was only then that the protest ended. His colleagues fear that he will be abducted again and complain that his life is now in danger. At the time of writing there has not been an inquiry by the police.

Instead the Police Spokesman stated that it is a drama organized by some parties interested to create trouble in the area. Sunil along with several other persons went to the Human Rights Commission of Sri Lanka (HRC) on 5 March to complain that no suspect has been arrested by police regarding the abduction on 15 February. Sunil was able to return to his people only due

to the protests carried out by the people at Wanathamulla. However, it is believed that his life is under threat as was stated in the complaint made to the Human Rights Commission.

Sunil appeals for protection for himself and his family members and justice for the abuse of his fundamental rights.

SUGGESTED ACTION:

Please send a letter to the authorities listed below expressing your concern about this case and requesting an immediate investigation into the allegations of abduction of a person by the police perpetrators, and the prosecution of those proven to be responsible under the criminal law of the country for misusing the powers of the state. The officers involved must also be subjected to internal investigations for the breach of the department orders as issued by the police department. Further, please also request the NPC and the IGP to have a special investigation into the malpractices of the police officers for abusing their powers. Please note that the AHRC is also written a separate letter to the Special Rapporteur on the Situation of Human Rights Defenders in this regard.

SAMPLE LETTER:

Dear _____,

SRI LANKA: The life of a human rights defender is under threat

Name of the victim: Sunil Samaradeera, alias Wanathe Sunil of No: 34/2, Baseline Mawatha, Borella

Alleged perpetrator: Police officers attach to the Borella Police Station

Date of incident: 15 February 2014

Place of incident: Borella Police Division

I am writing to express my serious concern over the case of Mr. Sunil Samaradeera, alias Wanathe Sunil of No: 34/2, Baseline Mawatha, Borella. Sunil is a human rights activist based in Wanathamulla, in Colombo District. Sunil was abducted on 15 of February 2014, close to the temple

at Dematagoda, by unknown men in a Pajero. His hands were tied; head covered, he was put into the vehicle by force and then his body was covered by a polythene sheet. After a journey of about one and half hours the vehicle stopped at a house. He was taken inside, put on a mat, and chained.

After the news of his abduction spread, his wife went to the Dematagoda Police Station and made a complaint. Then the residents of his housing scheme came to know of the incident and, after some time, they came to the adjoining main road, Baseline Road, where they started a protest by blocking the road and appealed for his release. They urged the authorities to act immediately to find him and provide him with protection.

Sunil has been the organiser of the Organisation to Protect Houses at Wanathamulla, 34 Watte, and worked hard against the proposed demolishing and taking over of their housing scheme by the Urban Development Authority which is overseen by the Secretary of Defence. He earns his living by selling the eatables like hoppings & string hoppings in a small boutique and further he is having a family with five children to maintain. On 13 of February he had met with the Secretary, Mr. Gotabhaya Rajapakse, in this particular housing scheme and according to reports there had been a heated exchange of words.

Due to the vehement protest by Sunil's neighbours he was released two days later. When he was released the abductors threatened him not to tell anyone about what had happened to him. They placed him in a vehicle and released him on the road with his wrists still bound. He shouted to attract the attention of a passing motorcyclist who stopped and untied him. The motorcyclist took him some distance towards his place of residence but was reluctant to take him all the way to Wanathamulla. He somehow managed to reach the scene of the protest and made his appearance known and it was only then that the protest ended. His colleagues fear that he will be abducted again and complain that his life is now in danger.

At the time of writing there has not been an inquiry by the police. Instead the Police Spokesman stated that it is a drama organized by some parties interested to create trouble in the area. Sunil, along with several other persons, went to the Human Rights Commission of Sri Lanka (HRC) on 5 March to complain that no suspect has been arrested by police regarding the abduction on 15 February. Sunil was able to return to his people only due

to the protests carried out by the people at Wanathamulla. However, it is believed that his life is under threat as was stated in the complaint made to the Human Rights Commission.

I therefore request your urgent intervention to ensure that the authorities listed below instigate an immediate investigation into the allegations of abduction and the lack of any investigation into this case. I urge you to ensure the prosecution of those proven to be responsible under the criminal law of the country for illegal abduction, misusing powers of state officers and for wrongful detention. The officers involved must also be subjected to internal investigations for the breach of the department orders as issued by the department.

I also urge that protection be provided to the victim and his family forthwith.

Yours Sincerely,

PLEASE SEND YOUR LETTERS TO:

1. Mr. N K Illangakoon
Inspector General of Police
New Secretariat
Colombo 1
SRI LANKA
Fax: +94 11 2 440440 / 327877
E-mail: igp@police.lk

2. Mr. Sarath Palith Fernando
Attorney General
Attorney General's Department
Colombo 12
SRI LANKA
Fax: +94 11 2 436421
E-mail: ag@attorneygeneral.gov.lk

3. Secretary

National Police Commission

3rd Floor, Rotunda Towers

109 Galle Road

Colombo 03

SRI LANKA

Tel: +94 11 2 395310

Fax: +94 11 2 395867

E-mail: npcgen@sltnet.lk or polcom@sltnet.lk

4. Secretary

Sri Lanka Human Rights Commission

No: 165 Kynsey Road,

Borella, Colombo 8.

SRI LANKA

Fax: +94 11 2694924

Email: sechrc@sltnet.lk

Thank you.

Urgent Appeals Programme

Asian Human Rights Commission (ua@ahrc.asia)

2.4 WRITING LETTERS TO GOVERNMENTS & UN AGENCIES

An important component of the AHRC/ALRC's advocacy against torture and ill-treatment was writing regular letters to the relevant governments, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and other relevant UN agencies. Under the UN mandate, torture and ill-treatment related issues are given priority. When reports of such incidents are received and if the information is adequate, the Rapporteur is required to take appropriate action. Often the Rapporteur will write to the relevant governments informing them of the complaint received, and request a response or take action as may be the case. Such requests usually prompt governments to make their own inquiries, after which they reveal

their findings to the Rapporteur, and whether they are satisfied with the authenticity of the complaints and what actions they are prepared to take. This type of communication from the UN Rapporteur to the government often alerts governments to their international obligations as well as to concerns regarding the human rights violations. This, in itself, can lead to redress for the victims and also some measures towards prevention of future abuse. The UN Rapporteur, meanwhile, is alerted to situations of serious violations in a particular country by such complaints, thereby enabling the UN to take appropriate action. Furthermore, communications with various governments are included in the periodic reports made by the Special Rapporteurs to the Human Rights Council Sessions, which then become public documents.

This form of letter writing is thus an important tool of advocacy on behalf of individual victims, as well as on the broader issue of torture prevention. The AHRC/ALRC is aware of many instances in which governments have conducted inquiries on the basis of letters sent by us; sometimes letters of acknowledgment are sent by the government, stating that inquiries are ongoing. When the publication of these letters leads to media reports, it becomes necessary for the government to take further action.

2.5 BUILDING UNDERSTANDING OF TORTURE FROM INDIVIDUAL CASES

Each incident of torture and ill-treatment published by the AHRC/ALRC is uploaded onto the web portal and archived for future reference. Over time, this collection is transformed into a repository of information for all those interested in the issue. Many reports have been published on the basis of this data and submitted to governments, the UN, and international agencies for their attention. The reports are also distributed in the relevant countries, including to the media, serving as platforms for a debate on the issue of torture and ill-treatment. The AHRC/ALRC found that the number of cases reported increased each year, leading to an increase in analysis and publications. The sheer number of cases makes it difficult for any government to ignore the individual violations or the collective cause. The large number of reports also requires the UN to conduct more effective discourse with the relevant governments.

The following is a summary of publications on the basis of the AHRC/ALRC cases:

article 2

The ALRC has published the following reports on torture through its quarterly publication *article 2*:

SRI LANKA: Vol 1, no 1, 3, 4, 2002; Vol 3, no 1, 2004; Vol 4, no 4, 5, 2005; Vol 6, no 2, 2007; Vol 8, no 4, 2009; & Vol 10, no 4, 2011

INDIA: Vol 1, no 3, 2002; Vol 2, no 1, 2, 4, 5, 2003; Vol 3, no 4, 2004; Vol 5, no 6, 2006; Vol 7, no 2, 2008; Vol 9, no 3, 4, 2010; Vol 10, no 3, 2011

BURMA: Vol 2, no 2, 6, 2003; Vol 6, no 5, 6, 2007; Vol 7, no 3, 2008; Vol 11, no 1, 2012

THAILAND: Vol 2, no 3, 2003; Vol 4, no 2, 3, 2005; Vol 5, no 3, 2006; Vol 6, no 3, 2007

THE PHILIPPINES: Vol 5, no 5, 2006; Vol 6, no 4, 2007

CAMBODIA: Vol 1, no 1, 2, 2002; Vol 5, no 1, 2006

BANGLADESH: Vol 5, no 4, 2006; Vol 10, no 2, 2011;

NEPAL: Vol 3, no 2, 2004; Vol 3, no 6, 2004; Vol 4, no 1, 2005; Vol 7, no 1, 2008;

INDONESIA: Vol 5, no 2, 2006; Vol 9, no 1 2010;

PAKISTAN: Vol 1, no 5, 2002; Vol 3, no 3, 2004; Vol 3, no 5, 2004; Vol 8, no 2, 2009; & Vol 8, no 3, 2009.

All volumes are available at www.article2.org

The State of Human Rights in Ten Asian Countries

An Annual Publication since 2005, with one chapter dedicated to each of the 13 countries on which the AHRC/ALRC maintains its focus. An analysis of torture is made for each country, based on the data gathered over the year.

2.6 CONTRIBUTING TO THE KNOWLEDGE BASE ON TORTURE & ILL-TREATMENT

The AHRC/ALRC's work on torture and ill-treatment has led to improvement in global knowledge on the issue, and led to many interventions by governments and UN agencies, calling for improved legislation and the elimination of torture in several Asian countries. The AHRC/ALRC's work on torture has directly led to a growth in literature on this subject, with the UN, European Union, the United States State Department, and other international human rights NGOs citing material published by us in their reports, or basing their work on our data. The UNCAT Committee reports include a significant amount of references to the AHRC/ALRC's work. Written submissions to the UN Human Rights Council Sessions by the AHRC and the ALRC, which are available in the relevant UN websites, comprise of a large amount of literature. Human rights reports by other countries, such as the United Kingdom Foreign Office & Commonwealth Office Human Rights and Democracy Report, and similar reports by other European governments, have also consistently referred to the work of the AHRC/ALRC. The AHRC/ALRC is thus playing a significant role as an interlocutor on the subject of torture and ill-treatment within Asia in the global human rights discourse.

2.7 PROVIDING LEGAL ASSISTANCE FOR VICTIMS OF TORTURE & ILL-TREATMENT

Through partner organisations based in each Asian country the AHRC/ALRC has constantly helped victims of torture and ill-treatment make complaints to the respective authorities for investigation and prosecution. When these cases are taken up in courts, the AHRC/ALRC has also assisted victims in obtaining legal counsel where necessary, as well as providing the legal fees involved in the litigation process. In Asia, this process usually takes a long time, with many cases having taken 10 years or more to complete. The pursuit of justice is therefore a difficult and drawn out process for the victims, as well as for the organisations supporting them. The local circumstances and criminal justice systems give us no other choice. On the other hand, being engaged in this work has its own rewards, such as creating awareness about the serious defects in these countries' justice systems. Over the years of work, the AHRC/ALRC

has taken particular effort to document, in detail, the defects in Asia's criminal justice systems, which have become obstacles for victims to obtain redress. One of our major achievements has been producing a large body of literature on the defective justice systems, resulting in advocacy for reforms. The reform-oriented approach, to improve the victim's capacity to obtain justice, is one of the major contributions and an important area of our work.

2.8 DEVELOPING A PSYCHOLOGICAL COMPONENT TO ASSIST VICTIMS

Trauma counseling, testimonial therapy, and other forms of direct psychological assistance are a rare component of human rights work in Asian countries. By working with a large number of victims, it became clear that the pursuit of legal advocacy was inadequate to deal with the problems that victims and their families faced, following their exposure to brutal forms of torture and ill-treatment. A different kind of expertise and understanding was required to deal with their wounded souls, which was not possible by relying only on human rights defenders. This type of counselling required psychologists; it was evident that human rights defenders needed to undertake certain training by qualified psychologists, and often victims needed to be directly referred to professional psychologists. The AHRC/ALRC has come across many individuals who attempted to commit suicide after suffering severe forms of torture. The reason for this is a condition called acute psychological distress. When persons are faced with such a situation they need immediate reference to psychologists and often even hospitalisation. It becomes the duty of the human rights defender to ensure they receive professional medical attention to save their lives.

Being engaged in such work, the AHRC/ALRC realized the need to have in-house expertise. An experienced psychologist was hence recruited and a Psychological Desk was formed. Consequently, many training courses are now being held in various Asian countries where local psychologists, parapsychologists, human rights defenders, and lawyers all undergo training, together with the victims, in work related to psychological assistance, trauma counseling etc.. Regional workshops are also being conducted, bringing persons of similar backgrounds together to give them opportunities for more intensive training. This approach was found by many torture victims to be extremely helpful in recovering from their trauma and rebuilding their lives. It has also

helped the AHRC/ALRC to develop a new orientation by bringing in a more practical and human element to the work; not only protecting victims' human rights, but also assisting them in restoring their lives.

Moreover, we found that it is not only victims who need psychological assistance, but also human rights defenders themselves. Being engaged with human rights work on a regular basis can often be a traumatic experience; dealing with complaints of torture, extrajudicial killings, and other abuses on a daily basis often cause frustration and demoralisation for the activists. The constant experience of inhumanity in others, particularly those associated with the state, is deeply disturbing. To sustain oneself in this work thus also requires some understanding of psychology. The AHRC/ALRC is therefore committed to maintain this as a central element of all our work.

2.9 AAATI & APAT

The Asian Alliance against Torture and Ill-treatment (AAATI) was formed as an initiative of the AHRC and the Danish Rehabilitation and Research Centre for Torture Victims (RCT), now known as DIGNITY. The idea was to develop a network of interested parties and organisations to consistently lobby for the prevention of torture throughout Asia. This alliance has now consolidated itself, and an offshoot has been developed as the Asian Alliance of Parliamentarians Against Torture (APAT). Two consultations among parliamentarians from several countries have already been held in Hong Kong, under the auspices of the AHRC/ALRC. The Alliance contributes to obtaining support of legislators for legislative initiatives in the prevention and elimination of torture in Asia.

A brief statement of the objectives and launching of the AAATI is set out as follows:

Asian Alliance Against Torture & Ill-treatment launched: A Joint Statement by the Asian Human Rights Commission & the Asian Alliance Against Torture and Ill-Treatment

*AHRC-STM-108-2011,
19 August 2011*

A group of 26 human rights defenders and organisations today concluded a five-day regional conclave and formed a unique regional initiative, the Asian Alliance Against Torture and Ill-treatment (AAATI). The Asian Human Rights Commission (AHRC) and the Rehabilitation and Research Centre for Torture Victims (RCT), Denmark, took the lead to organize the foundational meeting of the AAATI, first of its kind in Asia. The meeting was held from 15 to 19 August at the AHRC's office in Hong Kong. Sri Lanka, India, Bangladesh, China, Nepal, Pakistan, Philippines, Burma, Indonesia, Thailand and Hong Kong were represented in the meeting.

Human rights defenders and jurists discussed deep-rooted problems that result in the widespread use of torture with impunity in Asia in the meeting. The participants shared experiences on what leads to the use of torture in Asian countries and reasserted that there is a close nexus between torture and corruption, and above all, the failure of justice institutions in the region to address this. The participants also shared their anguish about the existing nature of policing in Asia that requires a thorough overhauling to meet the human rights norms expected of state agencies of today.

The participants asserted that there is an urgent requirement for a reorientation within the global human rights movement from norms education to the understanding of the functioning of domestic legal frameworks, and with that knowledge, to engage with the domestic mechanisms to improve their functioning, or in some jurisdictions where justice institutions do not exist, to encourage building them. The participants expect that international bodies like the United Nations and regional groupings like the European Union would make this reoriented approach a priority of engagement with Asian states.

The participants emphasized that pursuing accountability will remain an illusion without justice reforms. The impossibility of making complaints; lack of witness protection frameworks; absence of training and equipment for scientific investigation of cases; inefficient prosecutions; insensitive and sometimes corrupt or generally non-independent judges; and extensive delays in adjudication that in some jurisdictions could last for decades; all of these negate the basic perception of justice in most Asian states. The relative difficulty in dealing with detention centers and the inhuman practices perpetrated against detainees and convicts was also highlighted in the meeting. The resultant environment that clearly lacks a mandate of protecting, promoting, and achieving the rule of law facilitates the endemic use of torture in Asia.



Suciwati Munir addresses a gathering in Indonesia. Her husband, human rights activist Munir Said Thalib, was assassinated by poisoning on a Garuda Airlines flight

Drawing inspiration from the anti-slavery movement, the AAATI observed that today's modern facilities, such as in the field of communication technology, must be used by the human rights movement to document and disseminate information and lobby for change. The AAATI also called for the global human rights movement to make fighting torture as a priority issue.

The AAATI resolved to hold regular meetings and to undertake active domestic and international work within the region to bring an end to the culture of torture with impunity in Asia.

3. CAMPAIGN AGAINST EXTRAJUDICIAL KILLINGS & ENFORCED DISAPPEARANCES

THE AHRC/ALRC has consistently campaigned against extrajudicial killings and enforced disappearances in several countries in Asia. The campaign method is similar to that of the torture campaign explained above.

The basic elements are:

Extensive documentation of extrajudicial killings and enforced disappearances, mostly through interviews with victims and their families;

Capacity building for human rights defenders and others who want to be engaged in the campaign;

Extensive analysis of the root causes contributing to extrajudicial killings and disappearances;

Extensive publications on the issue nationally and internationally;

Advocacy within the country as well as with UN authorities and the international community;

Constantly providing information regarding cases of extrajudicial killings and disappearances to UN agencies, the special rapporteurs and the relevant committees; and

Making all this information available in websites so that it can be easily accessed worldwide for campaigning and research purposes.

As in the case of torture, the AHRC/ALRC has contributed to the development of an extensive amount of literature regarding extrajudicial killings and enforced disappearances in both print and electronic media.

The following are some countries in which the AHRC has researched and campaigned on this issue:

3.1 BANGLADESH: ARBITRARY DEPRIVATION OF LIFE

Arbitrary deprivation of the right to life through enforced disappearance and extrajudicial killings on the pretext of “crossfire” continues in Bangladesh. Simultaneously, there are also incidents of “secret killings” of disappeared persons. The numbers of enforced disappearances and extrajudicial killings has seen an alarming increase in recent times. Since the Rapid Action Battalion

was created in 2004, there have been more than 2,000 persons extrajudicially killed while several hundred more have been made to disappear as of March 2014. The majority of victims of disappearances are opposition political party supporters. The victims of extrajudicial executions include left-wing activists, those who are allegedly suspected of crimes, and political activists from mainstream political parties.

Since 2005, the AHRC's Bangladesh Desk has documented numerous cases involving the arbitrary deprivation of life through extrajudicial executions and enforced disappearance and has also been analyzing the human rights situation in Bangladesh, with particular emphasis on the rule of law and the deprivation of the right to life. These can be found in the nine annual human rights reports that have been published so far (the latest in 2013). The ALRC has also published special reports on extrajudicial executions and other gross human rights violations in Bangladesh on several occasions since 2006 in ALRC's bimonthly journal *article 2*.

These issues have also been raised repeatedly in international forums for the last eight years, and all these are reflected in the written and oral submissions made to the UN Human Rights Council and special communications maintained with the mandate holders. In addition, individual meetings have been conducted with the mandate holders such as the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Working Group on Enforced or Involuntary Disappearance, to discuss options to address Bangladesh's prevalent pattern of arbitrary deprivation of right to life.

In February 2009, the AHRC drafted a bill on request of a Bangladeshi parliamentarian, titled "Torture and Custodial Death (Prohibition) Bill". Subsequently, the AHRC and the ALRC campaigned in favour of the Bill nationally and internationally. A large number of campaign materials, including special posters, leaflets, stickers, calendars, and written statements, were disseminated regularly for over five years. Special postcards seeking criminalisation of torture and custodial death were made by the AHRC, and 10,000 of them, signed by lawyers, journalists, doctors, cultural activists, teachers, parliamentarians, and human rights defenders were posted to the Prime Minister's Office in 2010. A large number of letters were written to the international community; to—diplomats, development partners, high profile officials, and parliamentarians of western nations—with a view to garner their

support in protecting human rights in Bangladesh. The law was passed in October 2013, as Act No. 50 of 2013. It represents a major achievement for the AHRC/ALRC. Since its enactment, we have been focusing on implementing the law for the benefit of all.

3.2 INDONESIA: EXTRAJUDICIAL KILLINGS & ENFORCED DISAPPEARANCES

The current Indonesian government, unlike its predecessor Suharto regime, resorts less frequently to acts of enforced disappearances to suppress Indonesian citizens. However, the government's reluctance to investigate enforced disappearances that took place in the past, and its deliberate choice not to ascertain facts and locate the whereabouts of those still missing, indicates, at minimum, tacit consent to such practice.

The work of the AHRC's Indonesia Desk on enforced disappearances has therefore focused on pushing the government to provide remedies to victims' families and on the abolition of impunity for perpetrators. Related interventions made by the Indonesia Desk have included pushing for the establishment of an ad hoc human rights court to try the parties responsible for the abduction of activists in 1998. Working with local organisations such as KontraS, the Indonesia Desk also repeatedly called for the government to ratify the UN Convention on Enforced Disappearances.

The Indonesia Desk has also taken care to focus on extrajudicial killings by state officials. Extrajudicial killing cases documented by the Desk are published in various forms, including urgent appeals and special reports. Last year, the Indonesia Desk released a report on killings and other abuses by the Indonesian military in the Central Highland, West Papua, which resulted in the death of at least 4,000 people, including women, children, and the elderly. Apart from documenting cases on extrajudicial killings, the Indonesia Desk has been continuously campaigning for the establishment of an independent oversight mechanism for institutions reported to be engaging in extrajudicial killings, such as the police and the military. When possible, and when needed, the Desk has also provided direct support to families of victims. The most recent example is the support given in the case of Erik Alamsyah, who was tortured to death by the police in Bukittinggi, Indonesia. With the support of the Indonesia Desk,

the court has granted the compensation claim demanded by Erik's family, and their lawyers, of the Padang Legal Aid Institute.

3.3 NEPAL: EXTRAJUDICIAL KILLINGS & DISAPPEARANCES

Nepal experienced the largest number of disappearances during the period 1996-2006, during the decade-long armed insurgency. According to official estimates, this conflict resulted in some 17,265 deaths and 1,302 disappearances, which included a significant number of school children, students, and persons belonging to minority communities in Nepal.

At the time of signing of the Comprehensive Peace Agreement (CPA) in 2006, and following the enactment of the Interim Constitution in 2007, all major political parties committed to publicizing relevant information about the number of disappeared persons within a period 60 days, as stipulated in the Peace Agreement (article 5.2.3). The Interim Constitution also mandated the Nepal government to establish a Commission of Inquiry into Disappearances and a Truth and Reconciliation Commission (TRC). To date, none of these commissions have been established due to a lack of agreement for their appointment. The AHRC/ALRC is closely monitoring this situation and agitating with its local partners, NGOs, and the Nepal Human Rights Commission to work towards establishing these bodies.

Nepal is a signatory to the Geneva Conventions and is therefore obliged, under international humanitarian law, to make its best efforts to account for all missing persons and to provide the necessary information to the victims' families. Not only do the victims' whereabouts remain unknown, their families face significant obstacles in reporting cases to the police or filing First Information Reports (FIR). They face threats from perpetrators and obstruction by the police, who claim that conflict-era cases should be handled by the yet-to-be-established commissions.

Some of the cases handled by the AHRC/ALRC's Nepal desk include the following:

The case of **14-year-old Maina Sunuwar**, who was made to disappeared and tortured to death by the Army in 2004. The Supreme Court of Nepal in 2007 ordered the civilian authorities to carry out investigations

and prosecute the involved army officers. The military court “court martialled” the related police officers. However Maina’s family has been demanding that these officers be tried before a civil court.

Similarly, on 1 June 2007, the Supreme Court of Nepal ordered the arrest and prosecution of Nepal Army officers involved in the arbitrary arrest, enforced disappearance, and torture to death of **Chakra Bahadur Katwal**, from Okhaldhunga district in 2001. However, the Nepal police have not complied with the court order. Similar failures to cooperate have hampered the prosecution of police officers and Maoists involved in other enforced disappearances. The country’s criminal justice system and civilian institutions are too weak to ensure the rule of law. In its 2004 country visit, the WGEID raised concerns about the existing “culture of impunity.”

In another incident, **Chhori Maiya** went missing on 28 February 2012 in Kathmandu. She had gone to visit a friend to whom she had lent money in order to collect the same. The police investigation in the case has been slow and has lacked due diligence, failing to track phone details, and failing to visit the house of the prime suspect for more than two months following the reporting of the disappearance. The police officer in charge of the investigation has been changed several times, interrupting the investigation process. Further, as the police have failed to provide the full version of the alleged perpetrator’s statement to the court, she could not be cross-examined, and was released on bail. Members of the victim’s family, and the committee formed to investigate her disappearance, have been threatened and offered bribes by relatives of the alleged perpetrators.

The Supreme Court decision on January 2014 opposing mass amnesty for perpetrators of grave human rights violations and disappearances is a welcome move. The court also ordered for witness protection to be established in its decision.

The AHRC/ALRC’s work in Nepal has focused on advocacy to encourage civil society organisations to urge the government to adopt, without further delay, legislation criminalizing enforced disappearances, in line with international standards—notably in terms of the definition of the crime, individual criminal liability, the adoption of specific punishment, and the establishment of a commission of inquiry into disappearances.

3.4 PAKISTAN: CAMPAIGN AGAINST ENFORCED DISAPPEARANCES

The AHRC/ALRC's Pakistan desk commenced its campaign on enforced disappearances at the beginning of 2006, with its first Urgent Appeal, issued on 18 April 2006, containing several cases of disappearances from Pakistan. The UAs have helped the Desk create a wide network of individuals and civil society groups in Pakistan that are working and campaigning on enforced disappearances. The AHRC/ALRC has assisted these groups to develop skills to document and report cases, particularly to the UN. Following publicity through the AHRC/ALRC, and issuance of UAs, letters, and statements, with the assistance of local partners, many disappeared persons have been released from detention centers across Pakistan. The Pakistan Desk's campaign has allowed many victims and their families to obtain safety.

Every year, the Desk has made written and oral submissions to the UN Human Rights Council. This has allowed the Desk to network better with other international human rights organisations, and enabled active contributions to various international conferences held on enforced disappearances by these organisations.

The following is a list of urgent appeals and statements published by the Pakistan Desk:

UA-003-2006, April 18, 2006: **PAKISTAN: Alarming situation of forced disappearance of political and human rights activists in Balochistan.** The appeal included many cases of disappearances from Balochistan, including that of a TV channel executive director.

UA-132-2006, April 21, 2006: **PAKISTAN: Fears for whereabouts of disappeared political leader in Pakistan.** Dr. Sarki, a Sindhi activist was the subject of this UA.

UA-144-2006, May 2, 2006: **PAKISTAN: Government shuts down websites in an effort to suppress news on Balochistan.** The UA addressed censorship, a part of suppression in Balochistan.

UA-169-2006, May 25, 2006: **PAKISTAN: Two members of the Jeay Sindh Quomi Mahaz Nationalist Party abducted in the latest report of forced disappearance.** Disappearance in Sindh province was the subject of this UA.

UA-171-2006, May 29, 2006: **PAKISTAN: Twelve persons disappeared following their arrest by the police.** This UA addressed the disappearances of Shia in Karachi.

UP-127-2006, June 19, 2006: **PAKISTAN: Missing journalist found dead in Pakistan.** This case from Khyber province documented what happened to a journalist who went missing after his arrest.

UA-227-2006, July 12, 2006: **PAKISTAN: Three persons are missing after allegedly being taken by the police and army personnel.** The UA documents a case of Baloch people missing from Sindh province.

AS-305-2006, December 8, 2006: **ASIA: Extrajudicial killings, disappearances, torture and other forms of gross human rights violations still engulf Asia's nations.** The statement is on the campaign against disappearances in Asia.

UA-396-2006, December 11, 2006: **PAKISTAN: Two political party leaders are missing after their alleged arrest by the police and army intelligence personnel.** The UA provides documentation in a case where both leaders were later found extrajudicially killed.

AHRC-STM-212-2009: October 9, 2009: **PAKISTAN: Military is the main obstacle in the investigation of extrajudicial killings of three Baloch nationalists.** The statement details the specific atrocity in Balochistan.

AHRC-UAC-002-2010, January 15, 2010: **PAKISTAN: A young deaf domestic helper disappears from the home of an army official; police refuse to investigate.** The level of impunity in Pakistan is reflected clearly in this UA.

AHRC-STM-019-2010: February 2, 2010: **PAKISTAN: More than 168 children have disappeared from Balochistan, a war crime tribunal should be constituted.** This documents the crime of disappearances that spares no one in Balochistan, not even children.

3.5 SRI LANKA: EXTRAJUDICIAL KILLINGS & ENFORCED DISAPPEARANCES

In recent decades, Sri Lanka ranks as the country with the highest number of enforced disappearances in Asia. The occurrence of extrajudicial killings is also very high. The AHRC/ALRC has been involved in campaigning against extrajudicial killings in Sri Lanka since its inception in 1984.

The AHRC developed close links with families of disappeared persons in Sri Lanka and took several initiatives to develop an organisation known as the Families of the Disappeared in order to consistently campaign on this issue. This organisation has links to families of the disappeared in the Southern, Northern, and Eastern parts of the country. The group's routine work is undertaken in the midst of heavy reprisals against it.

Sri Lanka's disappearances began during a minor insurgency in 1971, when the government retaliated against the insurgents with no respect for the proportionality principle; an estimated 10,000 persons were either killed or made to disappear during this time. A disappearance, in the Sri Lankan context, as pointed out by several inquiry commissions, is abduction in place of arrest, interrogation in secret places, torture and final execution of the persons, and thereafter the disposal of the bodies. The majority of disappearances in Sri Lanka occur after arrest. This continued from 1971 to the later periods of disappearances in the South from 1987 to 1991.

During this period, an estimated 20,000—30,000 people disappeared, mostly in the Southern part of Sri Lanka, due to a second insurrection by a group known as the Janatha Vimukthi Peramuna (JVP)—the People's Liberation Front. Three Commissions for Involuntary Disappearances, appointed following a change of government, arrived at this estimate and provided opportunities for families of the disappeared to make complaints, recorded victims' names and details, and produced three reports. The reports document widespread abuse by

the Sri Lankan security forces. The third phase of disappearances in Sri Lanka took place in the North and East from about 1978 to May 2009 in the context of an insurgency led by the LTTE, demanding a separate state for the North and East province, with no government control. The Sri Lankan government retaliated by sending military forces into these areas and launching major offensives; a long period of conflict continued, intensifying from around 2007-2009.

During this struggle both parties resorted to large-scale human rights violations and harassment of civilian populations. After requesting the Sri Lankan government to investigate these matters with little effect, the United Nations Human Rights Council has now vested such power with the UN Office of the High Commissioner for Human Rights (OHCHR) during the concluded March 2014 sessions of the Council.

3.6 THAILAND: EXTRAJUDICIAL KILLINGS & ENFORCED DISAPPEARANCES

Enforced disappearances in Thailand came to the notice of the AHRC/ALRC when the disappearance of lawyer Somchai Neelaphaijit was reported. The date of his disappearance was 11 March 2004. For the last ten years the Thai government has failed to provide a satisfactory explanation.

In a submission made to the UN Human Rights Council by the ALRC, the case was summed up as follows:

“Somchai Neelaphaijit was a noted lawyer and human rights defender. At the time of his enforced disappearance, Somchai was working on behalf of five men who had alleged that they were tortured by state security officials while they were in state custody in Narathiwat, one of the three southern-most Thai provinces, which has been under martial law since January 2004 and under emergency regulations since July 2005. On 11th March 2004, the day before his enforced disappearance, Somchai submitted a complaint to the National Human Rights Commission, the Royal Thai Police, and the Senate which detailed the forms of torture experienced by the five men. He argued that this was both a violation of their rights and the Criminal Code, which prohibits torture. He also

spoke out publicly and passionately on the case, accusing the police of gross wrongdoing. On 12 March 2004, one day after he submitted complaint, five policemen pulled Somchai Neelaphaijit from his car on a main road in Bangkok. He has not been seen since then.

“The very form of the crime of enforced disappearance often makes redress particularly difficult. In the case of the disappearance of Somchai Neelaphaijit, at every stage of the investigation, there was obfuscation by police officers, a lack of will by many inside the state (including at the highest level of the then - Prime Minister, Thaksin Shinawatra) to cooperate, and mishandling of evidence. After a labyrinthine legal case and courageous struggle by his wife, Angkhana Neelaphaijit, his children, and many human rights activists, the five police officers who pulled him from his car ten years ago have no charges outstanding against them. Four of them are known to be living outside prison. Uncertainty surrounds the whereabouts of Police Major Ngern Thongsuk, the only one of the five to be convicted (of coercion) by the Court of First Instance on January 12, 2006. He was immediately granted bail for the term of the appeal. Under conditions which remain unclear, he allegedly disappeared following a mudslide in September 2008. On March 11, 2011, the conviction of Police Major Ngern Thongsuk was overturned and the judgment of innocence of the four other involved police officers was upheld by the Appeal Court.

“In particular, the lack of the category of disappearance as a crime within Thai criminal law has created a series of obstacles at each stage of the judicial process. At this time, the Court of First Instance and the Appeal Court have made rulings in the case, and it is currently under examination by the Supreme Court.

“Under evidentiary rules in the Thai Criminal Procedure Code, without a body which could never be located a murder charge cannot be levied. Therefore, the involved police officers were charged and prosecuted for theft (of Somchai’s vehicle) and coercion. Only one police officer out of five was found guilty by the Court of First Instance in January 2006. However, additional evidentiary problems led to his acquittal by the Appeal Court in March 2011.

“In addition, in their ruling in this case, the Appeal Court dispossessed the rights of victims and families to seek accountability. In the case against the perpetrators, Angkhana Neelaphaijit and her children were joint plaintiffs with the public prosecutor. Under the Criminal Procedure Code, families can act on behalf of injured or dead person. The Appeal Court ruled that in this case, there was not sufficient proof that Somchai Neelaphaijit was dead, and therefore his family could not act on his behalf. In other words, the lack of the category of enforced disappearance within Thai law has made it incredibly difficult to hold the perpetrators accountable for their crimes. At present, the case is being examined by the Supreme Court.

“The Department of Special Investigation (DSI), a special elite government investigation unit, is the one responsible for the case of the disappearance of Somchai Neelaphaijit. The DSI has often seemed to actively obstruct the struggle for justice in this case. This has included the mishandling of evidence, a lack of interest in pursuing the investigation, and the failure to provide proper witness protection to Angkhana Neelaphaijit, Somchai’s wife. In late 2013 and early 2014, the DSI engaged in a series of actions which suggested that there is an intensified lack of will inside the state to continue the search for justice in this case.

“The first of these actions was a bizarre announcement by the DSI that the case file had been stolen, and then its speedy recovery. In December 2013, Niran Adulayasak, Director of DSI Special Criminal Case Office 1 made a statement in a news report on Thai PBS television that when members of the protests by the antigovernment People’s Democratic Reform Council broke into his building, they went to the cabinet containing the file of Somchai’s case and removed it from the premises. Several days later, following criticism by the AHRC, Human Rights Watch, and other human rights advocates, Niran made a second statement in a news report on Thai PBS television that the file had been found in a corner of a steel cabinet.

“During the same second news report, Niran announced that he planned to consult the prosecutor of special litigation to terminate investigation into the disappearance of Somchai Neelaphaijit in January 2014. At

present, there has been no announcement from Niran himself, the DSI, or the Government of Thailand regarding whether or not the investigation will continue.

“A decision to end the investigation will result not only in yet another obstacle to justice in this case, but will make it impossible.”

There has also been a steady stream of reports of disappearances due to the conflict in southern Thailand. The AHRC/ALRC has continuously demanded investigations into the disappearances and demanded that military control of the area be out to an end to stop such abuses.

The problem of disappearances in Thailand continues with the military takeover of power on 22 May 2014.



A discussion at one of the regional meetings on the rule of law organized by the AHRC

4. PROMOTION OF THE RULE OF LAW IN ASIA

IN the last two decades, the AHRC/ALRC has been one of the main players in promoting the rule of law within the Asian human rights movement. This work began with the inception of the Asian Charter for Human Rights. In the course of the formulation and promotion of the Charter, and through many meetings held in different parts of Asia, it became quite clear that the foremost obstacle to human rights promotion and protection in the region emerged from serious flaws in countries' existing legal systems. The Asian situation was in contrast to the European and North American experience, where a few centuries of development of the legal systems on the premise of rule of law principles established the bedrock for human rights protection of human rights in these countries.

Close studies revealed that the predominant model of legal systems in Asia were "law and order" systems. Some of these were a direct result of long periods of military government: Indonesia for example, which was under military rule since 1965, or Burma, which was under military rule since 1962. Pakistan, which became independent from the British Empire in 1947, has been ruled

by military dictatorships for most of its history. Although there have been some democratic reforms recently, the military continues to play a dominant role in the political life of the country, and the overall legal system continues to function under changes which came about during military dictatorships. While Vietnam and China are transitioning from socialist to capitalist economies, their basic structure of governance is still that of a socialist model. Similarly, even after the 1993 elections, sponsored under the United Nations Transitional Authority of Cambodia, which led to the adoption of a liberal democratic constitution, all basic institutions and governance structures in Cambodia remain in the former socialist frame. In South Asia, the legal systems of India, Sri Lanka, and Bangladesh had certain rule of law characteristics under colonial rule, but under independent governments, these characteristics were not able to develop into rule of law systems. The colonial structures in Singapore and Malaysia gave way to authoritarian political systems that did not allow legal systems to recognize basic civil liberties. Monarchies in Nepal and Thailand have ensured that their legal systems are also un-democratic. While there have been various attempts at limited reforms, the old structures remain. Democratic development of the Philippines—which became a democracy after its independence from colonial rule—was severely curtailed by the dictatorship of Ferdinand Marcos. Though there have been subsequent democratic reforms, authoritarian structures remain intact and development towards the rule of law is slow.

It was within this “law and order” context that the work of human rights protection and promotion had to be undertaken. In all these countries, therefore, institutional reforms that pave the way for the rule of law are an essential pre-condition; *a sine qua non* for safeguarding human rights. The AHRC/ALRC has thus combined the dual objectives of promotion of the rule of law and promotion of human rights in all its work.

Our work, documenting the actual state of the legal systems in various Asian countries, has resulted in a large repository of knowledge, available in print and online publications. This significant information base is a great resource for all those working towards change in these countries.

In the process of this work, the AHRC/ALRC has helped many local human rights groups to come to an understanding of the ground realities and to develop human rights strategies that can be effective within their particular

circumstances. Numerous training programmes have thus been held in almost all of the countries, with a view to develop local leadership capacity on human rights issues.

The lessons learnt from our work in these countries have been taken to the UN bodies dealing with human rights and also to the international community at large. In fact, the notion of replacing the “law and order” structure with that of the “rule of law” as a foundation for human rights protection in Asia is a unique methodology introduced by the AHRC/ALRC. It is also a significant contribution to the global discourse on human rights.



A conference on the rule of law held in Bangkok

5. SPEAKING THE TRUTH TO THOSE IN POWER

ON a daily basis, the AHRC/ALRC issues statements and urgent appeals on various human rights violations from countries across Asia. These are meant to inform local and international communities about ongoing human rights abuses, and to expose those responsible – a must if these violations are to be stopped and justice administered. In our campaigns and advocacy work, we have thus made it a practice to speak the truth, particularly to those in power. The view is that by way of serious criticism and public discourse true changes can be brought about, improving lives for a large number of persons in Asia.

The AHRC/ALRC reports and discusses the following:

- Torture & ill-treatment
- Forced disappearances
- Extrajudicial killings
- Sexual violence against women
- Other forms of violence against women
- Violence against children

- Violence against vulnerable groups
- Violence against minorities such as Dalits in India, indigenous peoples, & racial minorities
- Illegal arrest & detention
- Denial of fair trial
- Problems in legal systems that contribute to rights violations
- Limitations of government commissions & inquiries
- Problems relating to the separation of powers & the judiciary
- Inadequacies of laws to protect human rights
- Suppression of the freedom of expression & publication
- Suppression of the freedom of association, particularly in livelihood & trade union issues
- The right to food & water
- The right to free & fair elections & the violation of these rights
- The right of people to participate in the formation of their governments
- Forms of organized violence
- Police & criminal nexus
- Drugs & other abuses
- Land grabbing
- Displacement
- Trafficking of persons
- Trafficking of body parts
- Deprivation of health, particularly for the poor
- Deprivation of education, particularly to the poorer sections
- Violations of economic, social, & cultural rights
- The right to food and water
- Environmental rights
- Attacks on human rights defenders

5.1 THE WAYS WE MAKE OUR VOICES HEARD

The ICT and Communications section of the AHRC/ALRC is organized in a manner that all our statements can be sent to email lists consisting of thousands of persons immediately.

- These lists are organised both in terms of countries and issues.
- All statements, Urgent Appeals and reports are always sent to press agencies in the relevant countries as well as to international press agencies;

- All statements are sent to various human rights organisations, universities, libraries, and others who have expressed interest in receiving the same;
- All publications are sent to the relevant UN agencies, such as the Special Rapporteurs, the Working Groups, and also the United Nations Treaty Bodies;
- All publications are made available online for reference and research purposes;
- All books and magazines are also available online, and books are also made available on Amazon so that a wide range of readers can access them;
- Printed copies of books and magazines are sent to relevant groups and individuals in different countries, as well as to interested international agencies.

Annually, a state of human rights report on ten or more countries in Asia is published with a substantial chapter on each country the AHRC/ALRC has active involvement with. This report is distributed to country lists and international bodies in print form and made available online for reference.

In addition to issuing statements and other publications, the AHRC/ALRC regularly holds and/or takes part in meetings in different countries, as well as regionally and internationally, regarding these various issues.

6. CONTRIBUTING TO THE KNOWLEDGE BASE ON HUMAN RIGHTS IN ASIA

IT can be stated without exaggeration that the AHRC and ALRC, together, stand as an institution that has produced the largest volume of publications on human rights issues in Asia over the past 30 years.

Regular publications:

Asian Human Rights Solidarity, a quarterly magazine on human rights in Asia published from December 1991 to June 2009. This was later replaced by *Ethics in Action*.

Ethics in Action, a bi-monthly magazine, which has been in publication since September 2007. It is devoted to discussing the human stories behind rights abuses, as well as ethical and moral aspects relating to human rights. It also features poetry, book/art reviews relating to human rights material, as well as interviews with various personalities. (www.ethicsinaction.asia)

article 2, a quarterly publication that reports and discusses the implementation of human rights in Asian countries. It originally began as a bimonthly magazine in February 2002. The magazine title refers to article 2 of the ICCPR and similar articles in other UN conventions, which require state parties to ensure that legislative, judicial, and administrative measures are taken to implement rights. The magazine is devoted to studying failures of implementation and to make recommendations for the improvement of state performance. (www.article2.org)

Torture – Asian and Global Perspectives, a bimonthly magazine, with an inaugural issue published in April 2012, devoted to the subject of torture and ill-treatment from a variety of perspectives. Many persons of international repute have contributed to the magazine such as Noam Chomsky, Juan Mendez, Darius Rejali, Bob Brecher, Sheikh Shoukat Hussain, Ole Espersen, Paul Craig Roberts, Fatou Bensouda, and others. The magazine has already reported in depth, on aspects of torture in

many countries as well as on related crimes such as extrajudicial killings and enforced disappearances. (<http://www.humanrights.asia/resources/journals-magazines/torturemag/torture-asian-perspectives>)

Human Rights Correspondence School Lessons are educational modules prepared on a range of human rights subjects confronted by local communities, including the right to food, caste discrimination, torture, and extrajudicial killings. These modules are geared towards use by local groups in their own human rights training programmes. (www.hrschool.org)

The Annual Human Rights Report is a substantial resource for anyone interested in a detailed study of the human rights situations in various Asian countries in any given year. The Report has been in publication since 2005. It is distributed to local partners and international agencies and also made available online. It contains one chapter per country where AHRC / ALRC works directly.

Human Rights Asia Weekly Roundup, is a weekly audiovisual round up of human rights news from around the region, made available through YouTube, produced by AHRC's audio-visual wing, AHRC TV. Begun in 2013, the episodes include interviews, commentaries, photographs, and video footage on critical subjects from the Asian region. All past episodes are available on YouTube.

A large number of books and booklets have also been produced and distributed to various agencies, as well as made available online.

Books published:

1. AHRC/ALRC Minutes of the Executive Committee Meeting, 1987
2. Report of the International Mission of Jurists to Singapore, July 1987
3. Human Rights Issues Prior to 1997
4. Working in the Zone
5. Report of the Fact Finding Mission to Cambodia
6. Irradiation of Poverty is a Basic Human Rights Issue
7. Human Rights & Spirituality, Volume 1 & Volume 2
8. Human Rights Related Legal Reforms in Sri Lanka

9. Social Justice & the Judiciary in Sri Lanka (English & Sinhala)
10. Power vs. Conscience: An Excommunication of Fr. Tissa Balasuriya
11. Not to Hurt the Womb that Gave Birth
12. Asian Human Rights Charter (English, Bahasa, Chinese, Thai, Urdu)
13. Problems Facing the Cambodian Legal System
14. Speedy & Just Settlement of Labour Dispute
15. Sri Lanka: Disappearances & the Collapse of the Police System
16. Suggestions for Police Reforms in Sri Lanka
17. Voice of the Hungry Nation
18. Decline of Fair Trial in Asia
19. Torture Still Endemic in Asia
20. Demoralization & Hope – by Basil Fernando
21. Hong Kong after 1997: The First 1000 Days
22. Rule of Law, Human Rights & Legal Aid in Southeast Asia & China
23. Buddhism, Human Rights & Social Renewal
24. AHRC & ALRC Annual Report, 2000
25. Monograph No. 1: Comments on the Constitution of the Kingdom of Cambodia
26. Monitoring the Right for an Effective Remedy for Human Rights Violations
27. Torture: Mother of All Human Rights Violations
28. Paper No. 2 - Three Critiques on Flaws in the Cambodian Legal System
29. Penyiksaan: Kejahatan Terhadap Kemanusiaan
30. Torture: A Crime Against Humanity
31. Protection & Participation
32. Crime & Justice
33. The Right to Speak Loudly
34. Close Contact With Victims makes Human Rights Work Meaningful and Effective
35. Memories of a Father
36. An Exceptional Collapse of the Rule of Law
37. Mousumi's Death and After: A Journey
38. UN Human Rights Committee Decisions on Communications from Sri Lanka
39. An X-ray of the Sri Lankan Policing System & Torture of the Poor
40. A Model for Torture Prevention in Asia
41. The State of Human Rights in Ten Asian Nations, 2005
42. Endangered Humanity: Hungry Faces, Angry River

43. Rule of Law & Human Rights in Asia
44. Asia: Towards the Elimination of Corruption & Executive Control of the Judiciary
45. The Other Lanka
46. The State of Human Rights in Eleven Asian Nations, 2006
47. Peoples' Power Calling for Reforms
48. Sri Lanka's Dysfunctional Criminal Justice System
49. The State of Human Rights in Eleven Asian Nations, 2007
50. Sri Lanka: Towards A Contempt of Courts Law
51. The Asian Charter on the Rule of Law: Executive Control of the Judiciary & Judicial Corruption
52. Conversations in a Failing State
53. Torture of Lalith Rajapakse: A Documentation
54. Corruption & Abuse of Human Rights Threats & Attacks on a Human Rights Defender
55. Prisons... Manila Pen & Beyond
56. 258 Dark Days
57. Sri Lanka: In Defence of the Legal Profession
58. The State of Human Rights in Eleven Asian Nations, 2008
59. Giving Voice to the Voiceless
60. Recovering the Authority of Public Institutions
61. The Inability to Prosecute & Failure to Protect Human Rights in Asia
62. A Baseline Study on Torture in Sri Lanka
63. Abadilla 5 Families
64. The Phantom Limb: Failing Judicial Systems, Torture & Human Rights Work in Sri Lanka
65. Politics-Corruption Nexus in Bangladesh
66. Sri Lanka Impunity, Criminal Justice & Human Rights
67. The State of Human Rights in Ten Asian Nations, 2009
68. The State of Human Rights in Ten Asian Nations, 2010
69. Gyges' Ring: The 1978 Constitution of Sri Lanka
70. Human Rights in West Papua, 2010-2011
71. The State of Human Rights in 11 Asian Nations, 2011
72. Hunger, Poverty & Climate Change
73. Textbook on the Domestic Implementation of ICESCR
74. The Ideal & Reality of Procedural Justice
75. Analysis of Anti-torture Issues from the Perspective of Sociology
76. The Practice of Torture

77. The Impeachment: Documenting the Rajapaksa Regime's Scheme
78. States of Brutality: State of Human Rights in 10 Asian Nations
79. Neglected Genocide: Human Rights Abuses Against Papuans in the Central Highlands, 1977-1978
80. The Law, Patriarchy & Religious Fundamentalism: Women's Rights in Pakistan
81. Narrative of Justice in Sri Lanka: Told Through Stories of Torture Victims
82. Human Rights & Governance: Bangladesh
83. Asia Report, 2013
84. A Sociological Exploration of Disappearances in Sri Lanka

7. THE RIGHT TO FOOD CAMPAIGN

WORKING with the poor and vulnerable sections of society on civil rights over a long period of time brought starvation and acute malnutrition in several countries across Asia—such as India, Pakistan, the Philippines, Bangladesh, Indonesia and Nepal—to the attention of the AHRC/ALRC. The AHRC's early collaboration with Burma Issues on understanding the link between militarism and starvation in Burma was the beginning of its work on the right to food. Under the Burma Food Tribunal, an intensive study, was conducted on the starvation and impoverishment of the Burmese, most of whose agricultural livelihood was destroyed by the military. Data was collected through interviews with refugees that flooded into Thailand, living there in camps in difficult conditions. The final report of the Tribunal received worldwide attention. The lessons learned led to the start of the AHRC's Right to Food Campaign Desk.

The Right to Food Desk is currently actively engaged in the six Asian countries mentioned above, and is in discussion with local partners to commence work in other countries facing famine and malnutrition. The primary objective of the programme is to fight hunger and starvation in Asian countries. This is done by engaging with the structural reasons that produce and sustain hunger—borne of the large scale poverty prevalent in these countries—on one hand, and mobilizing local and international stakeholders for intervening in urgent cases on the other. Interventions require building redress mechanisms where there are none, and making them work, where they are dysfunctional. The programme's premise is to make the right to food an inalienable part of the right to life with dignity. This requires changing the dominant discourse in these countries that views right to food as a non-judiciable right at best and a favour from the state at worst.

The programme has been most successful in India, due to massive community participation and local campaigns on the issue. We are currently attempting to transfer the lessons learned from the right to food movement in India to other countries, such as introducing "social audits", backed by community-based organisations, to ensure funds are not siphoned-off.

Another objective of the programme, as well as that of respective country desks, is to make the lower judiciary more accessible and affordable to ordinary

people. The lower judiciary is often the first point of contact between victims and the justice system.

To achieve these objectives, the AHRC/ALRC has been working with local community-based organisations and publicizing individual cases of hunger, starvation, and any other violations of the right to food through national and international advocacy. This is done through Hunger Alerts, which is similar in concept to Urgent Appeals. Based on information in these Hunger Alerts, the AHRC/ALRC also undertakes field visits, conducts research, and engages with the socio-economic context of the issue. Work with communities affected by a development projects such as the POSCO which affected indigenous communities in Odisha could focus on displacement as well as violations of their civil and political rights.

To achieve these objectives, we frame complaints in the language of rights and work towards building a complaint mechanism for right to food violations of both individuals and communities. Recording individual complaints thus becomes the community's way of challenging the authorities responsible for violating their rights, and forcing them to provide remedy, or to build structures capable of providing remedies if these do not exist. The Right to Food programme takes this up, regionally and internationally.

7.1 RIGHT TO FOOD: INDIA

Through the committed work of local partners, we have largely consolidated our work in India. Our major activities over the past five years (2008-2013) are as follows:

Workshops

The programme conducted a three-day workshop in March 2012 with leading members of the Right to Food Campaign of India, including several State Advisors to the Supreme Court's Commissioners on the Right to Food. The idea of the workshop stemmed from our work with local partners, many of whom are State Advisors themselves, and focused on finding points for mutual contribution. The meeting was successful and the AHRC/ALRC emerged as a major stakeholder in the struggle for the right to food in India.

In December 2012, the programme hosted another consultation with leading members of the Right to Food Campaign, as well as State Advisors to the Supreme Court's Commissioners on the Right to Food. This meeting ended in the drafting of a clear roadmap for collaboration to strengthen the right to food struggle in India. One way agreed upon is support for digitalization and documentation of the Supreme Court litigation on recognizing the right to food, which has been before the Court for more than a decade. This litigation is the first of its kind in the developing world, and could play a momentous role in legalizing the right to food.

Hunger Alerts

The AHRC/ALRC's Hunger Alerts have played a pivotal role in highlighting malnutrition and starvation deaths caused in India. The Alerts issued with regard to the malnutrition deaths in Sheopur and Shivpuri district of Madhya Pradesh awakened the nation to the problem. The public opinion generated made agencies such as the National Human Rights Commission and the National Commission for Protection of Child Rights in India appoint special teams to investigate hunger in these areas. The Madhya Pradesh state administration was shamed into action as well, and has now begun working closely with the State Advisor Mr. Sachin Kumar Jain, who is also our partner in India. Other Hunger Alerts have generated similar actions, prompting authorities to take note and action.

The main regions covered in India by the Hunger Alerts are:

- The tribal belts of Odisha state, where starvation is endemic
- The Tea Estates of Assam state, where perpetrators include the Indian paramilitary.
- Madhya Pradesh, a state with a large tribal population and high levels of malnutrition.

Protection of right to food activists

The AHRC/ALRC intervened in a case where the safety of a human rights defender working on the right to livelihood among the tribal communities in Barwani District of Madhya Pradesh was at risk. On receiving information that local politicians are hatching conspiracies to harm her, we met the Minister of

Rural Development, apprising him of the case. Similarly, we attended a rally organized by her organisation Jagrit Dalit Adivasi Sanghatan; it was feared local politicians and their stooges would attack this rally. Although this peaceful rally of 4,000 women was attacked, our presence caused restraint amongst the attackers, and made the authorities intervene and investigate the incident. The Right to Food Desk has also intervened in a case of continuous threats and intimidation of right to food activists in Rewa district of Madhya Pradesh.

Field visits

Field visits were conducted to Rewa, Madhya Pradesh, a district where more than 82 percent of children are malnourished. The district is also one where civil society leadership is comprised entirely of Dalits (ex-untouchables) and other minority castes and tribal people.

7.2 RIGHT TO FOOD: NEPAL

We have been working with two partners in Nepal, namely FIAN Nepal and Jagran Media Center (JMC), consolidating right to food discourse, enabling local activists and organisations to build a struggle for food security in the ongoing democratic struggle, and engaging with local activists through various means like workshops and field visits.

A workshop was conducted on economic, social, and cultural rights in May 2012. The three-day workshop was attended by about 20 organisations working across Nepal. The workshop helped us in establishing partnerships with the attending organisations.

Our work with JMC, a Dalit rights group making use of IT for improving human rights, has helped establish links between caste based discrimination, disempowerment, and hunger; we have started exploring the political economy of hunger in Nepal, and challenging the structural impediments that hinder peoples' access to the right to food.

There are ongoing field visits and interventions being undertaken by our local partner in Mugu, Karnali division, one of the most malnourished places in Nepal. The hunger situation there is compounded by the inaccessibility of the place, which is accentuated by rocky and barren lands and a hostile climate.

7.3 RIGHT TO FOOD: THE PHILIPPINES

The Philippines programme was launched in 2014 with a joint field survey with the Workers Assistance Center in the Philippines, to gain more knowledge of the structural reasons behind rising unemployment that has been pushing millions towards poverty. The study also explored the impact of the current economic regime on food security and efficiency and of the social security system in addressing the needs of the poor.

Lobbying

We participated in an international Food Advocacy Capacity Strengthening Workshop in Manila, organized jointly by the Ecumenical Advocacy Alliance and the National Council of Churches in the Philippines, with participants from several Asian countries. The AHRC and ALRC conducted a session on international advocacy and lobbying. The session was widely appreciated because of the unique AHRC approach of articulating the problem and bringing private grievance into the public domain, which has been successful in India and other countries.

A field visit was conducted covering several areas in Metro Manila, Cavite, and Rosario. Interactions were also conducted with the fisher-folk community living in the Freedom Islands in Paranaque city, and the AHRC documented the threat of their eviction in December 2012. Along with continuously monitoring the situation and taking it up with the authorities there, we issued a Hunger Alert on the eviction threat and along with local groups have successfully stalled the eviction to date. We are still working closely with the local groups on this issue.

Together with members of Defend Job Philippines, we also visited the vendors of Luneta Park, also known as Rizal park, organized under People's Democratic Hawkers' and Vendors' Alliance (PDHVA), and documented the food insecurity and eviction threats plaguing their life. We have issued several related Hunger Alerts and are continuously monitoring the situation.

We visited the Cavite Export Processing Zone, interacted with many workers and documented the hardships their casual labour status forces on them. We also visited their residences and had extended group discussions with them.

This is what resulted in our collaboration with the Workers' Action Center, and we are currently studying their research report on living and working conditions in the Zone and the impact on food security.

7.4 RIGHT TO FOOD: PAKISTAN

The Pakistan Right to Food Desk is in discussion with Bhandar Sangat, a membership based partner organisation in Hyderabad, Pakistan, to support their struggle for land reforms that have been stalled by a Sharia Court for purportedly being anti-Islamic. We are also in discussion with another group working on livelihood issues in Karachi.

7.5 RIGHT TO FOOD: OTHER ASIAN COUNTRIES

The Right to Food desk has engaged with struggles for the right to food in Bangladesh and Indonesia in the past and is trying to consolidate and expand work there. Similarly, with recent developments in Burma, we are looking to possibilities of engaging with active civil society groups there.

7.6 TASKS AHEAD

The Right to Food programme will continue to contribute to ensuring the right to food for all, with emphasis on vulnerable and socially marginalized groups. We believe that building an indigenous leadership fighting for their rights is crucial, and will continue our attempts to groom such leadership through various activities, including supporting local research and providing exposure to local activists through internships and trainings.

8. HUMAN RIGHTS SCHOOL

Human rights education is a primary task of all human rights organisations. From the very inception of the AHRC/ALRC, we have been engaged in human rights education through workshops and trainings at both the regional and country specific levels. The AHRC has also initiated a correspondence school which disseminates human rights lessons, specifically designed to suit local situations, by post and email to interested organisations and individuals. These lessons are also available online. Our education programme also includes an internship component, where activists nominated by partner organisations in each country are brought to Hong Kong for training in human rights advocacy work. These internships range from 1-6 months.

8.1 A REGIONAL HUMAN RIGHTS SCHOOL

Annually, the AHRC/ALRC holds a regional human rights folk school, based on the methodology of Danish thinker N.F.S. Grundtvig, where human rights activists from around ten Asian countries are invited to Hong Kong to attend education sessions that usually last ten days.

Country desks and local partners select human rights school participants. Those invited are usually persons active in human rights work in their respective countries that want to broaden their perspective and skills. The curriculum of this programme covers civil, political, economic, social, and cultural rights, as well as components on gender, women, and child rights. A few teaching hours are also spent on basic psychological concepts that will enable activists to work with victims in a more efficient and empathetic manner, such as trauma counseling, testimonial therapy, and other community healing methods.

The human rights school training covers not only conceptual aspects regarding various human rights but also practical aspects relating to advocacy. The participants learn how to prepare Urgent Appeals, and how these can be used to help victims and improve human rights documentation. They are oriented on the use of modern communication facilities such as computers, internet, email, and website development for the purpose of human rights promotion. Basic training in the use of cameras, tape recorders, and video cameras as well as YouTube facilities is also provided to participants for advocacy work.

The use of international mechanisms is an important component for human rights education; the UN Human Rights Council, the High Commissioner's Office, the roles of the Rapporteurs and working groups, and the work of various treaty bodies are all discussed during the school. While discussing various legal powers and obligations of these mechanisms, ways to make written and oral submissions to these bodies, ways to write reports, and how to follow up their recommendations are also shared. For participants from countries that have signed the Optional Protocol to the ICCPR, some training is given on how to communicate with the UN Human Rights Committee and the manner in which this committee works.

At the end of the session there is generally a review and assessment of what has been learned. In years when funds are available, the AHRC has held more than one school session for the year.

8.2 COUNTRY BASED HUMAN RIGHTS EDUCATION PROGRAMMES

Country based education programmes are designed to allow many local activists to participate. Usually, each country desk working with local partners selects the participants and prepares them for these sessions, which are conducted in their local languages.

Although the curriculum is similar to the regional programme mentioned above, attempts are made to focus on current issues particular to the country. Emphasis is also put on discussing problems relating to organisational work for the promotion of human rights in local contexts.

8.3 CORRESPONDENCE SCHOOL

The idea behind the correspondence school is to prepare contextually relevant human rights lessons on various topics and to share the same with persons engaged in human rights work in Asia. In particular, the lessons aim to combine international principles with local realities. So far, 70 such lessons have been produced and shared with relevant groups, all of which are available online (www.hrschool.org). The lessons are generally intended for local use, in grassroots trainings and discussions, as well as for research purposes.

8.4 INTERNSHIPS

The AHRC/ALRC maintains two residential apartments in Hong Kong for interns who arrive from various countries to undergo human rights advocacy training. One of the apartments has been designated for female interns and the other for males. This accommodation allows for the training of six to eight interns at once.

The internship training schedule is prepared individually, depending on the particular interests, capacities, and experience of each intern. All interns work under the supervision of their respective country desk, which is responsible for taking care of the intern during their stay.

The AHRC usually provides accommodation and a living allowance for each intern. Some interns, however, particularly those from developed countries, take care of their own accommodation and expenses.

The interns participate in all the training programmes and in-house discussions conducted at the AHRC/ALRC on human rights issues. They are encouraged to participate and contribute to various programmes such as Urgent Appeals, country programmes, writing and editing activities, as well as the AHRC TV Weekly Roundup. Through these various activities they are given the opportunity to develop their knowledge and skills.

One of the advantages of the internship, particularly for interns from repressive societies and violent political regimes, is the exposure to Hong Kong's rule of law based political system and society. One aspect attractive to every intern is Hong Kong administration's eventual elimination of corruption through the establishment and support for the Independent Commission Against Corruption. Interns usually get the opportunity to visit this Commission and learn of its workings. Living in an environment where the rule of law, discipline, and efficiency prevail helps interns consider problems of their countries from a new perspective.

A large number of individuals have benefited from our internship programme, and taken back the lessons learned to their own organisations.

9. PROTECTING HUMAN RIGHTS ACTIVISTS & CITIZENS IN REPRESSIVE COUNTRIES

THOSE working for democracy and the rule of law in countries such as Bangladesh, Burma/Myanmar, Cambodia, China, India, Indonesia, Pakistan, Nepal, Sri Lanka, and the Philippines experience a high degree of repression. One of the functions of the AHRC/ALRC, based in a country with a large degree of stability and the rule of law, is to provide various types of protection for human rights activists working in repressive countries. The following are the forms of protection provided to partners and activists in repressive states.

9.1 RAPID REPORTS TO GLOBAL HUMAN RIGHTS COMMUNITY

One of the main functions of the AHRC is the quick reporting of any attacks on human rights defenders. The AHRC has developed a specific organisational process for this purpose; training has been given to local partners to report to the AHRC, the instant any repression takes place. When these are received, often by email and telephone, the AHRC's respective country desk officer ascertains the veracity of the information through other sources and prepares communication material to be shared with international human rights organisations, UN authorities, and to all other persons who wish to receive this information. This includes human rights organisations and individuals from the relevant countries as well.

One means of sharing this communication is through the Urgent Appeal system (explained earlier). When the Urgent Appeals desk receives such information from country desks, it prepares the material in a suitable format, to enable easy understanding for recipients. The Desk also indicates the authorities in the country the recipients should write to in order to express their concerns and request inquiries and action. The Urgent Appeals Desk then writes its own letters to local and UN authorities, and, where relevant, to others, and dispatches these letters as urgently as possible. Country and media lists are already prepared, and arranged to send these Urgent Appeals quickly by a press of a button.

Financial or other material assistance necessary can also sometimes be provided, in consultation with the country desk officers and the local partners. There are numerous instances in which activists from different countries have been helped in this manner. On some occasions, activists under attack need to be relocated within the country or elsewhere; the AHRC has engaged in such protection activities several times.

9.2 PSYCHOLOGICAL ASSISTANCE

In some instances, the persons under attack and their families suffer trauma and require psychological assistance. The AHRC is in a position to attend to these matters quickly. The AHRC conducts many local and regional training sessions to improve the capacity of activists and professionals to provide such assistance when needed.

9.3 ADVOCACY

An associated activity towards preventing attacks against rights defenders is constant advocacy. The United Nations Declaration regarding human rights defenders is given an important place in human rights education activities. Training on documentation work is also provided. In this training, individual cases as well as country situations are documented. Reports based on such documentation are made to the UN human rights agencies and other agencies with an interest in the matter. From time to time, statements are also made in the media highlighting the issue.

The AHRC prioritizes all activities related to the protection of human rights defenders.

10. UN ADVOCACY & THE EURO / ASIA DIALOGUE DESK

10.1 ROUTINE ADVOCACY

A large number of communications are made by the AHRC/ALRC on a daily basis to various UN human rights mechanisms. On each individual case, documented from different countries, the AHRC writes reports to the UN agencies and requests action for the protection of the persons concerned.

10.2 ADVOCACY AT THE HUMAN RIGHTS COUNCIL

The AHRC/ALRC attends the UN Human Rights Council sessions and works with other partners to ensure a civil society presence during these sessions. We contribute to these sessions by way of written and oral submissions. For the past several years, we have been one of the organisations that have submitted the largest number of submissions to the Human Rights Council regarding various human rights violations around Asia. All these submissions are available in the relevant UN websites as well as the ALRC website.

10.3 UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review is a key feature of the Human Rights Council, with a peer review of each country's human rights situation occurring every four years by other Council member countries. Human rights organisations are encouraged to submit reports on countries' human rights performance for these reviews. The AHRC/ALRC has been regularly submitting such reports with pertinent recommendations towards improving various human rights conditions. Moreover, when the country reports are taken up at the Council sessions, the AHRC/ALRC also tries to make oral submissions. Once the reviews are done and the Council makes its recommendations, the AHRC/ALRC ensures that these are received by civil society in the relevant countries. We also monitor how these recommendations are being followed, and provide occasional reviews and analysis.

10.4 REPORTS TO TREATY BODIES

Various UN treaty bodies, such as the CAT Committee, also conduct similar country reviews. The AHRC/ALRC makes substantial submissions to these Committees as well, usually called “shadow reports”. These reports bring to the Committees’ notice concrete problems relating to particular human rights issues in each country, as well as key recommendations. Previously, several Committees, such as the CAT Committee, have included the AHRC/ALRC’s recommendations in their own final recommendations.

10.5 THE UN HUMAN RIGHTS COMMITTEE

Some countries in Asia such as Sri Lanka and the Philippines have ratified the Optional Protocol to the ICCPR. Therefore individuals in these countries have a right to submit communications relating to the violations they have suffered in these countries to the UN Human Rights Committee (UNHRC). The AHRC/ALRC has assisted several individuals in submitting their communications in this manner. In response to some of these cases, the UNHRC has recommended that the relevant governments provide redress to the victims and take corrective action to prevent future violations.

11. USE OF I.T. & MODERN COMMUNICATIONS

THE last two decades have seen great changes and advances in information technology (IT) and communications. While some countries have seen greater adaptation in the use of computers and IT facilities, other countries have had a slower adaptation due to inadequate expertise and limited resources.

Human rights and other activists in most Asian countries have thus been slower in acquiring skills to make use of these new facilities in their advocacy work. Many organisations have limited resources, thereby limiting their access to these new facilities. Similarly, low pay, a characteristic of most human rights organisations, makes the recruitment of persons with modern communications skills difficult. For these and other reasons the use of modern communication facilities for advocacy is still in its nascent stages in much of Asia.

With the AHRC/ALRC based in Hong Kong, modern communications facilities have been easily available. Within the last two decades, the entire communication system in Hong Kong has changed and the territory has become remarkably cyber efficient. The AHRC/ALRC felt an obligation to share this advantage with human rights activists around the region, and has thus made considerable effort to provide its partners and others with the opportunity to access these facilities.

To begin with, email addresses of concerned human rights organisations and activists were collated, and on a daily basis they were provided with human rights related information. In this way, local partners realized the vast possibilities offered by the Internet for information sharing and advocacy. Furthermore, by requesting various responses to the email communications sent, the AHRC/ALRC ensured that the human rights community created a habit of checking these communications. There are, in fact, interesting tales from different countries how initial introductions to this methodology took place. The AHRC/ALRC provided second-hand computers to some organisations, and paid for the Internet facilities of others so that they would have the capacity to receive and send emails. At first, these organisations had to be reminded over the telephone to read and respond to the emails sent to them. Local partners were also invited to trainings on documenting human rights violations and sending them to the AHRC/ALRC by email. All of these habits were largely acquired promptly; dedicated human rights activists found that

these methodologies facilitated their work and helped them build connections with other groups, in their countries and internationally.

Another way the AHRC/ALRC used IT for human rights advocacy was to send their statements to newly established Internet publications around the region. Once published as articles, this material was available to large numbers of persons in different countries. Many persons got to know about the AHRC's existence and work in this way, and many contacts were built with local persons interested in human rights work.

Providing exposure to activists from different countries on the use of modern communications through our internship programme was also a way to improve human rights advocacy. Activists have stayed for three, six or even 12 months as interns at the AHRC/ALRC office. During this time they have acquired better computer and communication skills, making them greater assets to their local organisations, particularly in motivating and encouraging their colleagues to use this technology. Four organisations, which became quite competent in the use of these methodologies, were further assisted by the AHRC/ALRC to set up websites, blogs, and other social media. Activists were also trained to conduct interviews with recorders and even video cameras. Some partner groups were even provided with such equipment so they could record various materials relating to human rights violations. A number of them were trained to use YouTube for human rights work as well.

One Sri Lankan organisation, Janasansadaya, became so competent in the use of this technology that they have already recorded over 300 YouTube presentations of conversations with torture victims. Such use of YouTube has attracted many visitors and, in this way, greater conversations on human rights abuse have taken place. Other organisations are also using such technology for human rights work; organisations in Nepal, for instance, are using small radio stations to broadcast various human rights related news items to their audience. Such use is likely to increase in other places.

The latest innovative use of technology by the AHRC/ALRC is AHRC TV's programme, the Human Rights Asia Weekly Roundup, presenting human rights events and incidents in Asia, broadcast through YouTube. AHRC has also broadcast short videos on human rights issues, such as a documentary titled *Unjust*, based on the stories of three widows – from Thailand, Sri Lanka,

and Indonesia – whose husbands were killed due to their involvement with human rights. This documentary film won awards at a Dutch film festival in the human rights category, and from the Hong Kong Correspondence Club, in their annual awards ceremony.

All of this has contributed to popularize human rights and to win more persons to the cause.

12. DEVELOPING INTEGRATED APPROACH TO HUMAN RIGHTS: GENDER

AS a matter of policy, the AHRC/ALRC gives importance to developing gender sensitivities to enhance the participation of women in the protection and promotion of human rights in Asia. The AHRC/ALRC constantly issues reports on issues affecting women in their Urgent Appeals, statements, and publications. In selecting participants for regional and local training programmes, a conscious attempt is made to improve and increase women's participation. Priority is given to women's rights issues in our numerous publications.

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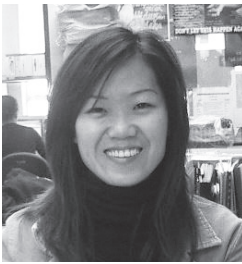


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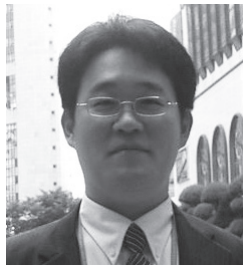
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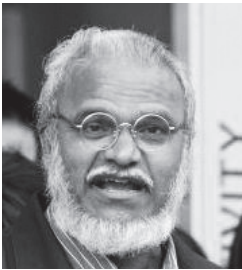
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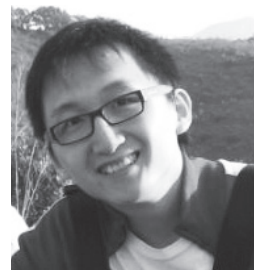
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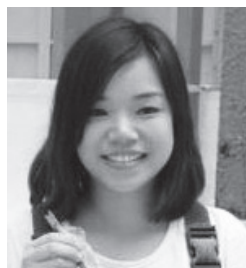
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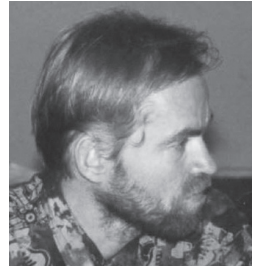
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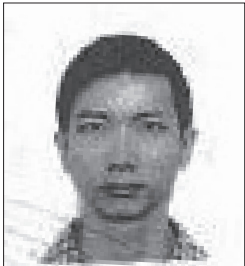
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AMRITHKUMAR RAJ

**BASIL FERNANDO THEN EXECUTIVE DIRECTOR OF THE
AHRC WAS AWARDED GWANGJU PRIZE FOR HUMAN
RIGHTS IN 2001**



INTERNS WITH THE ASIAN HUMAN RIGHTS COMMISSION

	Name	Nationality	Date Joined	Date Completed
1	Mr. CUNNEELY, Vincent	American	2-Jun-98	30-Jul-98
2	Mr. LATT, KY	Cambodian	1-Aug-98	25-Aug-98
3	Mr. SUON, Sareth	Cambodian	1-Dec-98	21-Dec-98
4	Ms. SHANA, Aiko Nishihira	American	Sept-98	May-99
5	Mr. GUNAWARDANA, Prabhath Sudarshana Wickramasinghe	Sri Lankan	7-Feb-99	7-Mar-99
6	Mr. Park Jae Man	Korean	Jun-99	May-00
7	Ms. JOHANNESSEN, Tina	Danish	Nov-99	17-Mar-00
8	Ms. BLACK, Laura Lynn	American	Feb-00	Mar-00
9	Ms. YIGEN, Kristine	Danish	Jun-00	Jun-00
10	Ms. ZHANG, Maggie	American	16-Aug-00	30-Aug-00
11	Ms. HUDANI, Shakirah	Kenyan	17-Jun-01	29-Jul-01
12	Ms. ILETO, Malaya Amihan	American	7-Jun-01	4-Aug-01
13	Ms. MC DOWELL, Anne Marie	American	3-Jul-01	27-Jul-01
14	Ms. LEE, Hae Young	Korean	6-Aug-01	4-Sep-01
15	Mr. LEMM, Traci Warnberg	American	Sept-01	Sept-01
16	Mr. LAURSEN, William Kolding	Danish	Sept-01	Feb-02
17	Mr. LEE, Hanaro	Korean	29-Nov-01	30-Nov-01
18	Ms. SONEKEO, Nikki M	American	Jan-02	May-02
19	Mr. WEERAWICKRAMA, Rasika Sanjeewa	Sri Lankan	5-Apr-02	29-Apr-02
20	Fr. PULIKUTHIYIL, Varkey Alias George	Indian	29-Apr-02	11-May-02
21	Ms. DAVID, Anne Delphine Nirmala	Sri Lankan	29-Apr-02	6-May-02
22	Mr. UTOMO, Cosmas Adi	Indonesian	27-May-02	25-Jul-02
23	Mr. IDDAMALGODA DISSANAYAKA, Philip Pushpakumara	Sri Lankan	28-May-02	10-Jun-02
24	Fr. REV CRISPUS, Chandrasekaran	Sri Lankan	13-Jun-02	12-Jul-02

25	Mr. PERERA, Herath Mudiyanseelage Chitral Dasaratha	Sri Lankan	10-Jun-02	10-Jul-02
26	Fr. KURUVILLA, Philip	Indian	24-Sep-02	7-Oct-02
27	Ms. JOUNG, Min	Korean	29-Oct-02	7-Jan-03
28	Mr. Arokia Dass M P Victor	Malaysian	2-Jan-03	24-Jan-03
29	Ms. WOLFFS, Audrey Maria Gemma	Dutch	30-Jan-03 2-Apr-03	16-May-03 5-Aug-03
30	Ms. NASKINEN, Sari Katriina	Finland	3-Mar-03	15-Aug-03
31	Ms. HELMICH, Lidewij Gerarda	Dutch	25-Jul-03	24-Sep-03
32	Mr. BASARI, Taufik	Indonesian	1-Sep-03	30-Sep-03
33	Ms. COLEMAN, Flynn	American	Sept-03	28-Jul-04
34	Ms. PARIYAR, Anita	Nepali	4-Sep-03	28-Feb-04
35	Mr. ROY, Kirit	Indian	31-Jan-04	28-Feb-04
36	Mr. LEE, Do Kwon	Korean	29-Feb-04	Apr-04
37	Ms. BARRAS, Amelie	Swiss	Mar-04	Jun-04
38	Ms. ABDON, Ebba Marie	Swedish	17-Apr-04	31-Aug-04
39	Mr. LIYANAGE DON, Rusitha Gehan	Sri Lankan	20-Apr-04	17-Oct-04
40	Mr. MOON, Jeong Ho	Korean	8-Aug-04	10-Jan-05
41	Ms. TONGCHUMNUM,	Thai	4-Oct-04	27-Mar-05
42	Mr. BAHRI, Varun	Indian	29-Jun-05	28-Jul-05
43	Ms. FERNIDA, Indria	Indonesian	11-Sep-05	21-Dec-05
44	Mr. ASHRAFUZZAMAN, MD	Bangladeshi	22-Nov-05	22-May-06
45	Ms. KIM, Ji Yeon	Korean	31-Jan-06	7-Jun-06
46	Ms. MURRAY, Shahaan Elise	Australian	26-Feb-06	8-Jun-06
47	Mr. AHAMED, Shohel	Bangladeshi	21-Apr-06	25-Jun-06
48	Mr. SAM	Burmese	18-May-06	20-Nov-06
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50	Mr. SINGH, Shiv Prasad	Indian	8-Aug-06	8-Jul-07
51	Ms. JIN, Ju	Korean	1-Sep-06	31-Aug-07
52	Ms. NISAR, Tehseen	Pakistani	21-Nov-06	12-Jan-07
53	Ms. ANUPHAN	Thai	17-Jan-07	1-May-07
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55	Ms. MONIAGA, Renita	Indonesian	7-Jun-07	2-Aug-07
56	Ms. POLKLA	Thailand	25-Aug-07	25-Aug-08
57	Mr. KIRUBAGARAN, James Mithera Paul	Indian	5-Sep-07	3-Oct-07

58	Mr. GUNAWAN, Ricky	Indonesian	9-Sep-07	31-Jan-08
59	Ms. KARUNATILAKE, Kalawila Withanage Dona	Sri Lankan	29-Sep-07	27-Jun-08
60	Mr. SINGH Prashant	Indian	10-Feb-08	15-Sep-08
61	Mr. DAN, Ovidiu	Romanian	17-Feb-08	28-Jun-08
62	Ms. PURBA, Yasmin	Indonesian	6-Apr-08	30-Jun-08
63	Ms. KARUNANAYAKE, Pathirennahalage Ireka Samanmali	Sri Lankan	30-Apr-08	17-May-08
64	Mr. MD. Shariful Islam	Bangadeshi	1-May-08	28-Jul-08
65	Ms. ISHII, Haruka	Japanese	11-Jun-08	1-Aug-08
66	Ms. LO, Har Yee	Hongkonger	16-Jun-08	31-Jul-08
67	Mr. FERNANDO Botalage Terence	Sri Lankan	20-Aug-08	10-Dec-08
68	Ms. MAUREEN, Sanderson Vanessa	British	1-Sep-08	23-Dec-08
69	Mr. LUNDQVIST, Martin Ola	Swedish	30-Aug-08	27-Mar-09
70	Mr. LAM, Wui Tan (Jason)	Hongkonger	1-Jun-09	31-Jul-09
71	Ms. EURE, Robin	American	16-Jun-09	7-Aug-09
72	Ms. ARCELLA, Susanna	Italian	16-Jun-09	7-Aug-09
73	Mr. JOA	Burmese	25-Sep-08	22-Sep-09
74	Ms. BARAIYA, Jalpa	Indian	18-Jul-09	5-Oct-09
75	Mr. PARK, Seung Hyun	Korean	18-Apr-09	13-Oct-09
76	Mr. F. M. A. Razzak	Bangladeshi	26-Jun-09	18-Oct-09
77	Mr. GNANASIRI, Koththigoda Kankanamge	Sri Lankan	16-Jul-09	28-Nov-09
78	Mr. HONG, Jack Sung Oak	Australian	18-May-09	1-Dec-09
79	Mr. HESEGEM, Merianus	Indonesian	26-Aug-09	15-Dec-09
80	Mr. HESEGEM, Theo	Indonesian	25-Sep-09	15-Dec-09
81	Ms. NOY, Sophary	Cambodian	11-Jul-09	19-Dec-09
82	Mr. Chrisbiantoro	Indonesian	23-Sep-09	23-Dec-09
83	Ms. GAGABOAN, Mariano Diana	Filipino	1-Dec-09	30-Mar-10
84	Mr. KHAN, Md. Roustam Ali	Bangladeshi	11-Feb-10	10-May-10
85	Mr. SINGH, Longjam Jyotilal	Indian	5-Jan-10	14-May-10
86	Mr. ANDERSON, Ryan George	American	19-Apr-10	21-May-10
87	Mr. DAVIS, Lewis Marvin	British	19-Aug-09	8-Jun-10
88	Ms. MUNASINGHE, Prasandika Sandamani	Sri Lankan	16-Oct-09	14-Jul-10
89	Ms. STYANNES, Answer Clliah	Indonesian	28-Apr-10	22-Jul-10

90	Ms. PERERA, Herath Mudiyanselage Harshi C.	Sri Lankan	3-May-10	31-Jul-10
91	Ms. LEMETAYER, Julia Maiwen	France	15-Feb-10	31-Jul-10
92	Mr. MONHARA, Prakash	Nepalese	29-May-10	28-Aug-10
93	Ms. THIBAUD, Juliette Marie Christine	France	7-Feb-10	7-Sep-10
94	Mr. PANDEY, Avinash	Indian	27-May-10	28-Oct-10
95	Ms. SHANKAR, Indra Maya	Nepalese	24-Sep-10	17-Feb-11
96	Mr. ILANGAMUWA, T V Udakumbure Gedara Nilantha Sirikumara	Sri Lankan	3-Mar-10	28-Feb-11
97	Mr. SINGH, Longjam Jyotilal	Indian	11-Nov-10	28-Feb-11
98	Ms. RORDAM, Sofie	Danish	1-Sep-10	15-Mar-11
99	Ms. PILAR, Rebecca Buckwalter	American	30-Aug-10	18-Mar-11
100	Ms. NAW	Burmese	16-Feb-10	16-May-11
101	Mr. GHULAM, Farooq	Pakistan	21-Jan-11	24-Jun-11
102	Mr. MOK, Kie Man Bryan	Hongkonger	7-Jun-11	28-Jul-11
103	Mr. PINKEAW	Thailand	5-Feb-11	29-Jul-11
104	Ms. GAGABOAN, Mariano Diana	Filipino	8-Apr-11	6-Aug-11
105	Mr. FERNANDO, Mihindukulasooriya Arachchige Eutus Prasanga	Sri Lankan	24-Mar-11	22-Aug-11
106	Mr. KAYES, Shahed	Bangladeshi	6-May-11	5-Sep-11
107	Ms. SHIVHARE, Rolly	Indian	12-Jun-11	12-Sep-11
108	Mr. HETTIARACHCHIGE, Pradeepa Jayawardane B	Sri Lankan	12-Aug-11	12-Dec-11
109	Ms. PAUDEL, Sujata	Nepalese	26-Sep-11	16-Dec-11
110	Ms. KANESIA, Putri	Indonesian	20-Sep-11	20-Dec-11
111	Mr. MUN, Youngsun	Korean	01-Aug-11	24-Dec-2011
112	Mr. PEIRIS, Sebastian	Sri Lankan	10-Dec-11	16-Jan-12
113	Mr. SOJAN, Job	Indian	16-Jan-12	02-Apr-12
114	Mr. SEN THAKURI, Om Prakash	Nepalese	26-Jan-12	25-Apr-12
115	Mr. HAIDER, Abbas	Pakistani	06-Jan-12	26-Apr-12
116	Ms. MIRZA, Qurat Ui Ain	Pakistani	8-Jan-12	29-Jun-12
117	Mr. GOMES, William Nicholas	Bangladeshi	26-Jul-11	23-Jul-12
118	Mr. ISLAM, Md. Shariful	Bangladeshi	20-Mar-12	31-Jul-12
119	Ms. THORNING, Anna Windfeldt	Danish	28-Feb-12	03-Aug-12

120	Ms. LEE, Zhuai Sian	Singaporean	21-May-12	03-Aug-12
121	Ms. AWNG	Burmese	19-Aug-11	11-Aug-12
122	Mr. YOO, Hyeong-Sik	Korean	10-Aug-12	28-Sep-12
123	Mr. SINGH, Karan	Indian	16-Jul-12	30-Sep-12
124	Mr. KHON, Munty	Cambodian	01-Aug-12	16-Oct-12
125	Mr. HEERALUGAMAGE, Suren Dhanushka Emmanuel Perera	Sri Lankan	09-May-12	31-Oct-12
126	Mr. KOTHTHIGODA KANKANAMGE, Gnanasiri	Sri Lankan	30-Sep-12	8-Dec-12
127	Mr. MOHARA, Prakash	Nepalese	29-Nov-12	25-Dec-12
128	Mr. YEO, In Cheol	Korean	20-Aug-12	31-Dec-12
129	Mr. HALEPOTO, Zalfiqar Ali	Pakistani	16-Nov-12	1-Jan-13
130	Ms. STYANNES, Answer Clliah	Indonesian	22-Sep-12	8-Jan-13
131	Ms. WATHANABHOOM	Thai	1-Jan-13	23-Mr-13
132	Ms. CORRIERI, Liliana	Italian	1-Jan-13	30-Apr-13
133	Ms. AWNG	Burmese	11-May-13	12-Aug-13
134	Mr. BERUEH, Muhamad Daud	Indonesian	13-May-13	22-Aug-13
135	Ms. NG, Poh Ying Vivian	Singaporean	19-Jun-13	23-Aug-13
136	Ms. FERNANDO, Jessica Punyarekha	Sri Lankan	1-Jun-13	31-Aug-13
137	Ms. Nida	Pakistani	3-May-13	31-Aug-13
138	Ms. YIN	Burmese	26-Mar-13	1-Sep-13
139	Ms. ISLAM, Samia	Bangladeshi	7-May-13	5-Sep-13
140	Ms. ROMBOA, Sittie Nor Aenh	Filipino	8-Jul-13	12-Sep-13

FUNDING AGENCIES THAT HAVE SUPPORTED THE AHRC/ALRC

In alphabetical order

1. ACAT, Switzerland
2. American Friends Services Committee, USA
3. AMI Foundation, Portugal
4. Anglican Church of Canada
5. APHD, Hong Kong
6. Ashoka, USA
7. Asia Alliance of YMCAs, Hong Kong
8. Asia Foundation, USA
9. AUSAID, Australia
10. Bread for the World, Germany
11. Broederlijk Delen, Belgium
12. CAFOD, UK
13. CCFD, France
14. Christian Aid, UK
15. Christian Aid, United Kingdom
16. Church of Sweden Mission, Sweden
17. CMC, Netherlands
18. Dan Church Aid, Denmark
19. DANIDA, Denmark
20. Danish Center for Human Rights, Denmark
21. Danish Institute for Human Rights, Denmark
22. Diakonie, Austria
23. Diakonie, Austria
24. Diakonie, Germany
25. Diakonisches Werk, Germany
26. Dignity, Denmark
27. EED, Germany
28. Entraide at Fraternite, Belgium
29. Entraide et Fraternite, Belgium
30. EZE, Germany
31. Fondation Lebbe-Havenith, Belgium
32. Forum Asia, Thailand

33. Freedom House, USA
34. Front Line, Ireland
35. Generalate Sisters of Charity, the Netherlands
36. German Church, Germany
37. Global Ministries USA
38. HIVOS, The Netherlands
39. ICCO, The Netherlands
40. International Human Rights Law Group, USA
41. Katholische Zentralstelle für Entwicklungshilfe e.V. , Germany
42. Kwangju Citizen's Solidarity, South Korea
43. May 18 Foundation, South Korea
44. Ministry of Foreign Affairs, Denmark
45. Misereor, Germany
46. New Int'l Network on Economic, Social & Cultural Rights ESCR-
Net- The Center for Economic & Social Rights, USA
47. Norwegian Institute for Human Rights, Norway
48. Norwegian Centre for Human Rights, Norway
49. OSI, USA
50. Priority Fund of Dutch Dominicans, Netherlands
51. Raoul Wallenberg Institute, Sweden
52. Raoul Wallenberg Institute, Sweden
53. RCT, Denmark
54. Redress, United Kingdom
55. SAM, Belgium
56. SIDA, Sweden
57. Society for Love and Understanding, Sri Lanka
58. Swiss Catholic Lenten Fund, Switzerland
59. The National Endowment for Democracy, USA
60. The Royal Norwegian Consulate, Hong Kong
61. The United Church of Canada
62. Trocaire, Ireland
63. Unitarians University Service Committee, USA
64. United Church Board for World Ministries, USA
65. University of Oslo, Norway
66. WCC, Switzerland
67. Word Association for Christian Communication, United Kingdom
68. Word Council of Churches, Switzerland

HISTORY & ACHIEVEMENTS IN PICTURES

1. PROTECTION NECESSARY FOR PARTICIPATION
IN THE HUMAN RIGHTS DISCOURSE





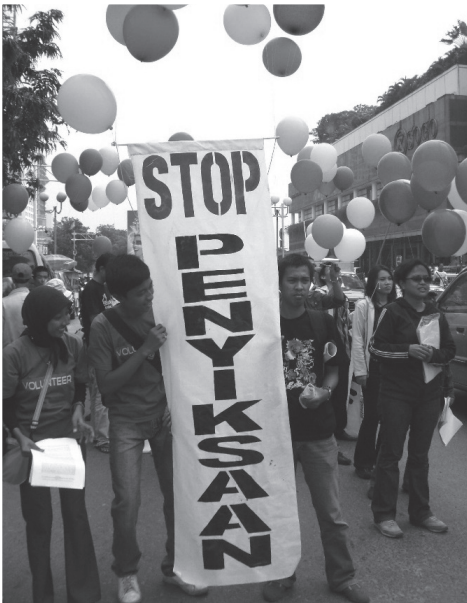






2. ASIA-WIDE CAMPAIGN FOR THE PREVENTION OF TORTURE







International Day against Torture





ASIAN ALLIANCE AGAINST TORTURE & ILL-TREATMENT: AAAIT



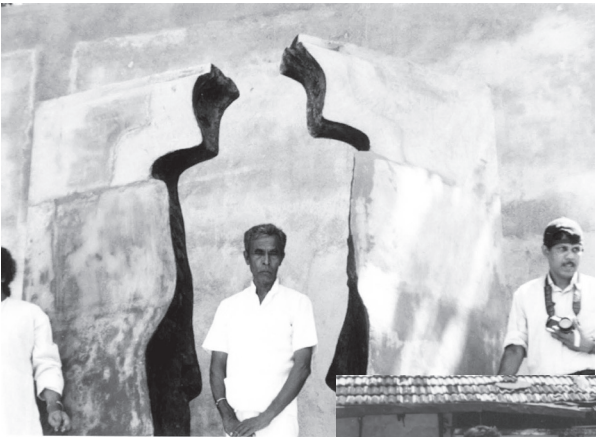
Participants of the 1st Conference of Asian Parliamentarians & Human Rights Defenders, 11-13 Nov 2012, Hong Kong, organised by the Asian Alliance Against Torture and Ill-Treatment



Participants at the 2nd Conference of Asian Parliamentarians & Human Rights Defenders, 11-13 Nov 2013, Hong Kong, organised by the Asian Alliance Against Torture and Ill-Treatment.

3. CAMPAIGN AGAINST EXTRAJUDICIAL KILLINGS & ENFORCED DISAPPEARANCES

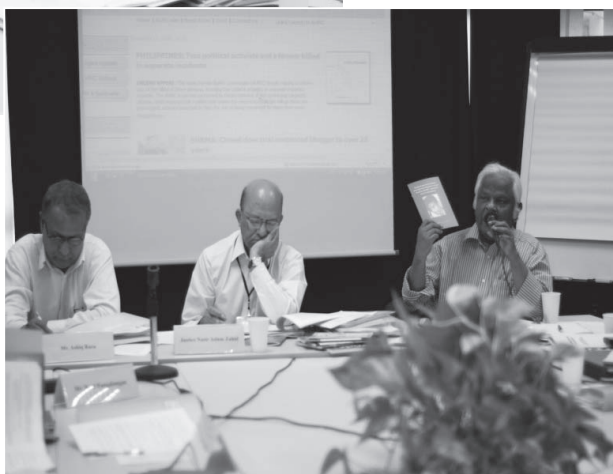






4. PROMOTION OF THE RULE OF LAW IN ASIA



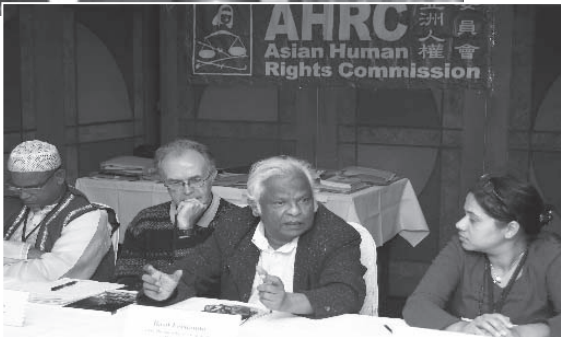


5. SPEAKING THE TRUTH TO THOSE IN POWER



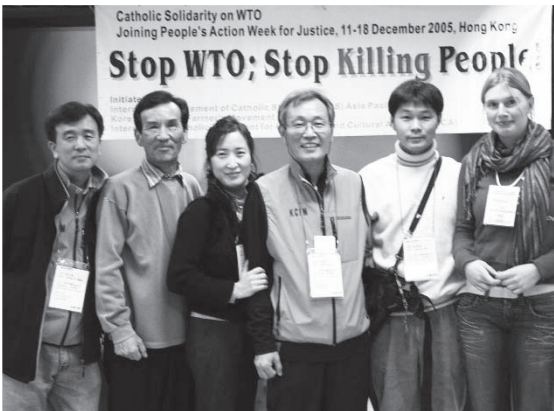


6. CONTRIBUTING TOWARDS THE KNOWLEDGE
BASE ON HUMAN RIGHTS IN ASIA





7. THE RIGHT TO FOOD CAMPAIGN



8. HUMAN RIGHTS SCHOOL



9. PROTECTION FOR HUMAN RIGHTS ACTIVISTS & CITIZENS IN REPRESSIVE COUNTRIES



10. ADVOCACY AT THE UN & THE EURO / ASIA DIALOGUE DESK



Addressing the Special Rapporteurs on Independence of Judges & Migrants at the 14th Meeting,
26th Regular Session of the Human Rights Council.

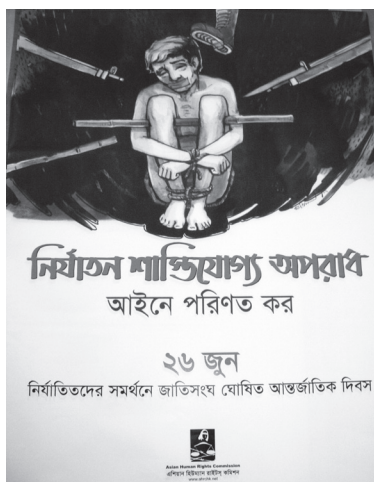
COUNTRY BASED ACTIVITIES

BANGLADESH



Tortured Women's Rehabilitation Centre of Jessore organized a rally, in cooperation with the AHRC, in the city of Jessore on 26 June 2006 on the occasion of the UN International Day in Support of Victims of Torture. The participants carried posters published by the AHRC. Prior to this rally a Press Conference was held at Press Club-Jessore to brief journalists about the consequences of torture and the importance of preventing torture.

The Bangladesh Desk of the AHRC designed, published and distributed posters demanding legislation criminalizing torture in 2007. The poster reads, "Torture is a punishable crime, Make laws against it". This poster was distributed across the country involving professionals, human rights defenders and diplomats in Bangladesh.



The Bangladesh Desk designed and distributed this sticker demanding law criminalizing torture.

BANGLADESH

মাননীয় প্রধানমন্ত্রী,
প্রাচ্য ও গুজরাট জানবেন।

বাংলাদেশের সচেতন নাগরিক হিসেবে বিনীতভাবে আপনাকে স্মরণ করিয়ে দিচ্ছি যে, এসেপের মানুষকে নির্যাতনমুক্ত জীবন উপহার দিতে আপনি জনগণকে অস্বাভাব্য অঙ্গীকার করেছেন। ১৯৯৮ সালের ৫ অক্টোবর জাতিসংঘের নির্যাতন, নিষ্ঠুর ও অবমাননাকর আচরণ ও দণ্ড সংক্রান্ত আন্তর্জাতিক কনভেনশন অনুমোদনের ঘটনা দেশের জনগণের স্মৃতিতে এখনো জাগরক। উক্ত কনভেনশনের আলোকে বাংলাদেশে রাষ্ট্রীয় বাহিনীর হেফাজতে নির্যাতন বন্ধে আইন প্রণয়ন করার জন্য আন্তর্জাতিক আইনানুযায়ী বিশ্ব সম্প্রদায়ের কাছে আমাদের দেশ দায়বদ্ধ। অত্যন্ত পরিতাপের বিষয় হল এরপর প্রায় একশুণ পেরিয়ে গেলেও আজ পর্যন্ত এ বিষয়ে সুনির্দিষ্ট কোন আইন প্রণীত হয়নি।

মাননীয় প্রধানমন্ত্রী, আপনি নিশ্চয়ই অবগত আছেন যে, দেশের প্রতিটি আইন-শৃঙ্খলা রক্ষাকারী ও নিরাপত্তা বাহিনী এবং গোয়েন্দাদের হেফাজতে কারসে-অকারসে সশেহভাজন ব্যক্তিদের উপর আটকাবেস্থায় নির্যাতন চালানো হয়। কার্ফের আইনের অভাব ও অন্যান্য পদ্ধতিগত ত্রুটির কারণে এবং পূর্বপ্রমাণ প্রতিবন্ধকতার কারণে বিরামহীনভাবে রাষ্ট্রীয় বাহিনীর হেফাজতে চলমান এসব নির্যাতনের কোন আইনগত প্রতিকার চাওয়া এবং পাওয়া একজন নির্যাতিতব্যক্তির পক্ষে অসম্ভব ও অকল্পনীয়। অদিকন্ত, ২০০৪ সাল থেকে আজ অবধি “ক্রসফায়ার”-এর নামে অপ্রতিরোধ্যভাবে চলছে বিচারবহির্ভূত হত্যা।

রাষ্ট্রের প্রধান নির্বাহী হিসেবে আপনি কি মনে করেন এসব নির্যাতনকারী ও বিচারবহির্ভূত হত্যাকারীরা দেশের আইন-কানুন ও বিচার ব্যবস্থার উল্লেখ?

২০০৮ সালের জাতীয় নির্বাচনের প্রাক্কালে আপনার নেতৃত্বাধীন রাজনৈতিক দলের নির্বাচনী ইশতেহারে মৌলিক মানবাধিকার বাস্তবায়নের প্রতিশ্রুতি ছিল। এই প্রেক্ষিতে আমরা আশাবাদী যে, ১০ সেপ্টেম্বর ২০০৯ জাতীয় সংসদে উত্থাপিত “নির্যাতন ও হেফাজতে মৃত্যু (নিবারণ) বিল-২০০৯” অনতিবিলম্বে আইনে পরিণত করে আপনি জাতির কাছে আপনার ব্যক্তিগত ও দলগত এবং বিশ্ববাসীর কাছে বাংলাদেশ সরকারের আন্তর্জাতিক অঙ্গীকার বাস্তবায়ন করবেন।

আপনাকে আন্তরিক ধন্যবাদ জ্ঞানাইছি।

তারিখ:

স্বাক্ষর: নাম:

প্রেরক:

.....

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প্রাপক:

শেখ হাসিনা

মাননীয় প্রধানমন্ত্রী

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

প্রধানমন্ত্রীর কার্যালয়

তেজগাঁও



এশিয়ান হিউম্যান রাইটস ফাউন্ডেশন
www.humanrights.asia

The Bangladesh Desk of the AHRC published the following Postcard in 2010. It was addressed to the Prime Minister of Bangladesh to demand a law criminalising torture.

This postcard drew the attention of the Prime Minister of the country's obligations to the Convention Against Torture (CAT). It depicts a picture of the prevalence of torture and extrajudicial executions in Bangladesh, and of the inaccessibility to obtain justice. It asks the question from the Premier, whether the perpetrators should be considered above the law and the justice system. The postcard provided space for citizens to place their signatures. Ten thousand signed postcards were sent to the Prime Minister on the occasion of the UN International Day in Support of Victims of Torture in 2010.

INDIA



INDIA



INDONESIA



INDONESIA



INDONESIA



8



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INDONESIA



Photo 1: Folkschool held in Padang, West Sumatra, in November 2012, attended by lawyers and journalists from different parts of Sumatra.

Photo 2: Participants of the meeting on anti-torture law, Jakarta, July 2013.

Photo 3: Media briefing on 25 June 2013 at Padang Ekspres (local newspaper in Padang, West Sumatra) on torture, attended by victims of torture and their families, from West Sumatra, Tangerang, and East Java.

Photo 4: A peaceful march, on 26 June 2013, by victims of torture and their families in Padang, West Sumatra, in commemoration of anti-torture day. The event was also attended by student activists, who performed a short play about cases of torture in West Sumatra.

Photo 5: Some participants of the anti-torture day march and protest on 26 June 2013. From left to right: Yeni (sister of Yusli of Tangerang who was tortured and shot to death), the brother of Faisal and Budri (two minors tortured to death in Sijunjung), and Syamsul Arifin (torture victim from Surabaya, East Java).

Photo 6 & 7: Meeting on anti-torture law, Jakarta, 1 July 2014, attended by activists and representatives of the Ministry of Foreign Affairs & the Directorate General of Human Rights, Ministry of Law & Human Rights.

Photo 8 & 9: A public event commemorating anti-torture day, held in Causeway Bay, Hong Kong, on 29 June 2014, & attended by approximately 350–400 Indonesian domestic workers. (*Photos courtesy: Ren Anggun*)

NEPAL



NEPAL



THE PHILIPPINES



THE PHILIPPINES



THE PHILIPPINES



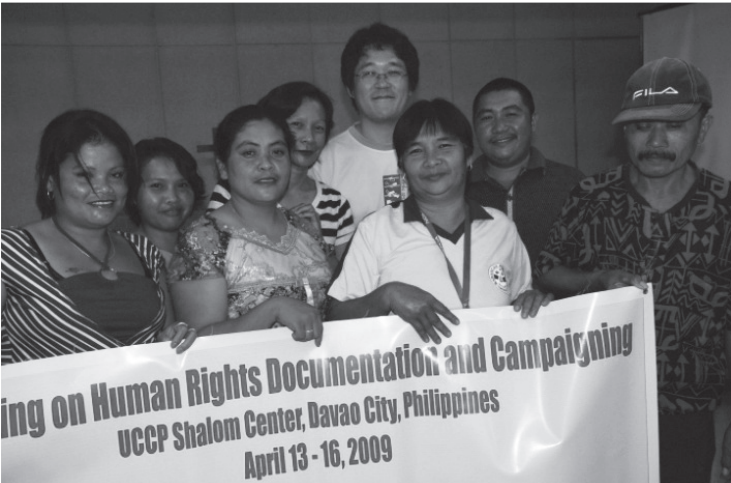
THE PHILIPPINES



THE PHILIPPINES



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THE PHILIPPINES



PAKISTAN



PAKISTAN



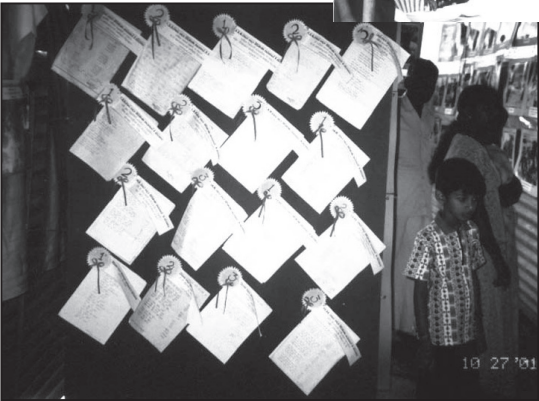
PAKISTAN



SRI LANKA



SRI LANKA

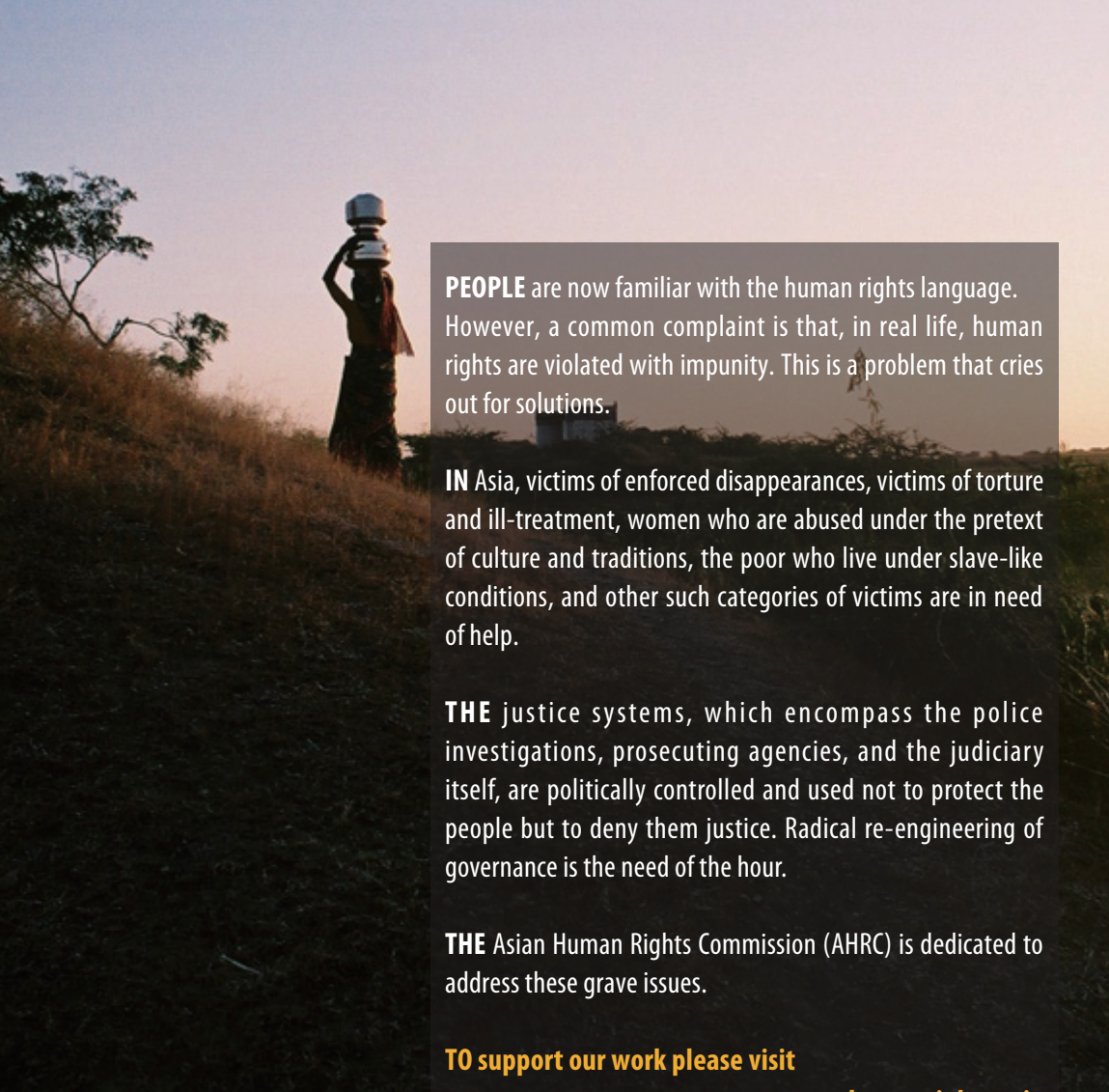


SRI LANKA



SRI LANKA





PEOPLE are now familiar with the human rights language. However, a common complaint is that, in real life, human rights are violated with impunity. This is a problem that cries out for solutions.

IN Asia, victims of enforced disappearances, victims of torture and ill-treatment, women who are abused under the pretext of culture and traditions, the poor who live under slave-like conditions, and other such categories of victims are in need of help.

THE justice systems, which encompass the police investigations, prosecuting agencies, and the judiciary itself, are politically controlled and used not to protect the people but to deny them justice. Radical re-engineering of governance is the need of the hour.

THE Asian Human Rights Commission (AHRC) is dedicated to address these grave issues.

TO support our work please visit

www.humanrights.asia

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Fax: +(852) 2698 6367
Email: ahrc@ahrc.asia
Website: www.humanrights.asia