

ASIA REPORT 2019



☀
Assistance to
Victims of
Torture

☀
Trauma
Counselling



ASIAN LEGAL RESOURCE CENTRE



ASIA REPORT

2019

Asia Report 2019

A report by the

**ASIAN HUMAN RIGHTS COMMISSION
&
ASIAN LEGAL RESOURCE CENTRE**

On



Bangladesh



India



Indonesia



Nepal



Sri Lanka



South Korea

Asian Human Rights Commission (AHRC)

Asian Legal Resource Centre (ALRC)



The Asian Legal Resource Centre (ALRC) works towards the radical rethinking & fundamental redesigning of justice institutions in Asia, to ensure relief and redress for victims of human rights violations, as per Common Article 2 of the International Conventions. Sister organisation to the Asian Human Rights Commission, the ALRC is based in Hong Kong & holds general consultative status with the Economic & Social Council of the United Nations.

The Asian Human Rights Commission (AHRC) works towards the radical rethinking and fundamental redesigning of justice institutions in order to protect and promote human rights in Asia. Established in 1984, the Hong Kong based organisation is a Laureate of the Right Livelihood Award, 2014.

Asia report 2019

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Report for AHRC-ALRC 2019

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A. Human Rights Council Network (HRC-Net)

The Asian Legal Resource Centre (ALRC) remained active internationally on thematic issues to strengthening the international human rights mechanisms. As a member of the Human Rights Council Network (HRC-Net) the ALRC jointly raised voice on globally important human rights issues.

Whenever it is necessary to give voice to the voiceless, even beyond the region, the ALRC joined the larger groups of human rights organizations. At the 40th Session of the United Nations Human Rights Council ALRC joined over 150 civil society organizations of all parts of the world to urge states to defend the environmental human rights defenders.¹

After the Cambodian sham election dozens of human rights organizations raised voice together to write to the United Nations Human Rights Council requesting it to address the human rights crisis in the next session.²

It became part of delivering the end of session statement of the 42nd Regular Session of the United Nations Human Rights Council titled “Overview of the September 2019 Human Rights Council session”.³

Moreover, the ALRC has jointly made substantive amount of private communications with the Permanent Missions of the Member States of the United Nations based in New York and in Geneva on pressing human rights thematic issues.

4.3

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¹ HRC40: States should defend environmental human rights defenders: <https://www.ishr.ch/news/hrc40-states-should-defend-environmental-human-rights-defenders>

² UN Human Rights Council Should Address Human Rights Crisis in Cambodia at its 42nd Session CSO's Joint Letter to UN Human Rights Council: <https://www.hrw.org/news/2019/08/30/un-human-rights-council-should-address-human-rights-crisis-cambodia-its-42nd-session>

³ Overview of the September 2019 Human Rights Council session: <https://www.icj.org/hrc42-endsessionstatement/>

1. The Overview of the work of AHRC and ALRC 2019

BANGLADESH

BANGLADESH

On the Issue of Rohingyas

The Asian Legal Resource Centre (ALRC) undertook a project titled “*Defending the human rights and fundamental freedoms of Rohingya refugees on the Bangladesh – Myanmar border: Coordinating an international human rights campaign by and for the Rohingya people*” in October 2017 for implementing together with Odhikar, a human rights organization based in Bangladesh and actively engaged in the Asian region as a partner of the ALRC and several other international and regional human rights organisations.

It was envisioned that the project would develop, support and empower a new generation of Rohingya human rights defender and activists to defend their own rights and fundamental freedoms at the local, regional and international level.

The project’s specific objectives were: 1. Ensure the implementation of one of the first, if not *the first*, consultation(s) between Rohingya human rights defenders and activists living in exile in Bangladesh, in wider South and Southeast Asia sub-regions and overseas (e.g. Europe and North America); 2. Build and enhance the capacities of Rohingya human rights defenders; 3. Enable legal work and advocacy at the national, regional and international levels to be undertaken with and on behalf of the Rohingya people.

ALRC together with Odhikar had planned to facilitate a consultation to strategise and plan a coordinated international campaign for human rights and justice for the Rohingya.

The planned consultation had to be shifted from Hong Kong to Kuala Lumpur, Malaysia, for accommodating activists on the issue of Rohingya crisis covering the costs within the available budgets, upon consents from both KIOS Foundation of Finland and Taiwan Foundation for Democracy (TFD).

The ALRC invested its best possible efforts to ensure the participation of prominent human rights defenders and civil society actors in the consultation titled “*Regional Consultation on Creating Common Platform for Expediting International Justice Mechanism for Rohingya victims of Genocide*”. Suara Rakyat Malaysia (SUARAM), one of Malaysia’s best-known civil society organisations, became the ALRC’s local partner to co-host the consultation. The ALRC had to reschedule the consultation at least on three occasions for the convenience of a number of key participants despite the fact that few participants could not make themselves available for the

programme due to other engagements.

Finally, majority of the expected participants were available for the consultation held from 13 April to 15 April 2019.

The consultation enabled the participants to identify the existing realities involving the opportunities and challenges for expediting the process of justice. It became a stage to adopt three prioritised strategies - short term, mid-term, and long term - in pursuing justice through international justice mechanism.

The consultation contributed to draft a joint statement titled “*WORLD: International justice is crucial to durable solutions to the Rohingya crisis*”, which the ALRC published in its website (<http://alrc.asia/world-international-justice-is-crucial-to-durable-solutions-to-the-rohingya-crisis-2/>). The ALRC disseminated the statement across the world through its electronic database system. It reached to the diplomats of United States of America, Canada, United Kingdom, European Union, and Member States of the European Union, as well as the Member States of ASEAN and SAARC.

The ALRC extends its gratitude to Taiwan Foundation for Democracy (TFD) and KIOS Foundation of Finals for their gracious and continued financial and technical supports, especially for kindly approving the extensions of the implementation period of the project. Special thanks to all the participants and organisations for making themselves available for the regional consultation.

CAPACITY BUILDING WORKSHOP FOR HUMAN RIGHTS DEFENDERS ON DOCUMENTATION, FACT FINDING AND ADVOCACY

Asian Legal Resource Centre's (ALRC) Bangladesh based partner Odhikar organised a three-day capacity-building workshop for human rights defenders on documentation, fact-finding and advocacy on 10 – 12 February 2019 at the Hotel Golden Inn in Chittagong, Bangladesh under the project titled "Securing and enabling environment for Rohingya human rights defenders in Bangladesh: Supporting and protecting a vulnerable group, endangered minority and women, at the local, national regional & international levels.". The main objective of the workshop was to develop, support and empower a new generation of Rohingya human rights defenders, for the enhancement of their ability to defend their own rights. A total of 20 participants among them 15 Rohingyas attended the workshop. Of the 20 participants, eight were females and 12 were males.

In the introductory session, the trainer Sazzad Hussain and co-facilitator Md. Ashiqur Rahman helped the participants to get to know each other through networking game. All the participants hold the ropes while in circle and introduced themselves, including their name, profession, and hobbies one by one. The trainer told them that all the participants are connected through the rope and under one network and described shortly about network and objectives of the workshop.

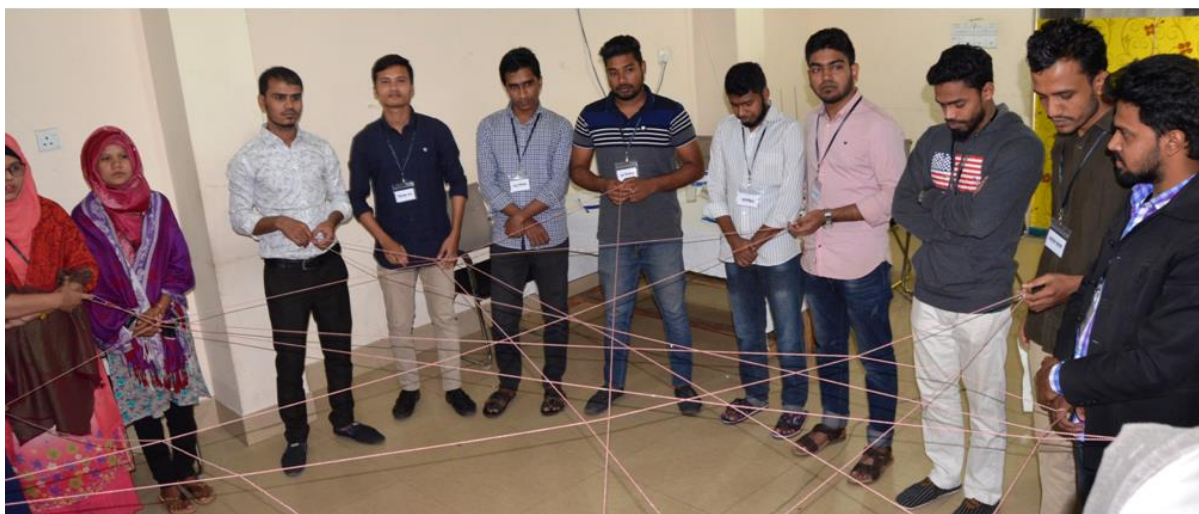


Photo: Participants get to know each other through networking game. February 10, 2019 /Hotel Golden Inn, Chittagong, Bangladesh

Objectives:

The training objectives were as follows:

- To facilitate the capacity-enhancement of the local human rights defenders in human rights documentation and advocacy on different human rights violations such as crimes against humanity; enforced disappearances, torture, and violence against women.
- To support the people who are working against human rights violations.
- To gain knowledge about different international treaties and UN human rights mechanisms.
- To learn how to conduct fact findings into different human rights violations and publishes reports.

The following topics were discussed in the training sessions:

- Understanding of Human Rights – UDHR
- Digital Security
- Psychosocial support
- Women's Rights and Gender
- Documentary
- Fact-finding and Interview
- Plenary session of fact-finding missions on genocide against Rohingya population
- Documentation and Reporting
- International mechanisms for the protection and promotion of human rights
- Networking and Advocacy
- ICC and Crimes against Rohingya
- Concluding session



Photo: Participants. February 12, 2019 /Hotel Golden Inn, Chittagong, Bangladesh

Day One: 10 February 2019

The first day of the training programme was conducted by Sazzad Hussain, Trainer and Programme Coordinator of Odhikar; Taskin Fahmina, Gender Expert of Odhikar and Parvez Alam, IT Expert of RMMRU.



In the first working session, Sazzad Hussain discussed about the basic concept of human rights. He highlighted the principles of Universal Declaration of Human Rights (UDHR), UN Declaration on Human Rights Defenders and European Union Guidelines on Human Rights Defenders. Sazzad Hussain said that human rights are fundamental rights that every human being has the right to enjoy. The primary ethical values behind the vision of human rights are human dignity and equality. However, sadly the incidents of human rights violations are occurring

regularly. He gave the examples of different human rights violations in Bangladesh and especially the Rohingya people of Myanmar, who could not enjoy their basic human rights in Myanmar. Later, they faced grave human rights violations, such as genocide, crimes against humanity and fled to Bangladesh. In this session, Sazzad also discussed about the role of human rights defenders, situation of women human rights defenders and rights and protections accorded to human rights defenders. He answered questions from the participants regarding requirement for being HRDs, how can human rights defenders be supported and protected in their work and other difficulties faced by HRDs. Sazzad Hussain explained the historical background of the declarations.



In the second working session, Parvez Alam talked about the Digital Security. During this session, he focused on what is digital security and threats, why and how do we need digital security and how to conduct social media campaign in secured manner. Parvez told the participants that if they want to work on human rights especially for the Rohingya community, they would have to secure themselves first. Issues relating to ways of secured communication through online and offline were highlighted by the facilitator in this session, where different tools and strategies can be used; were all discussed. Parvez Alam also presented a multi-media presentation on secure ways for communication and identifying 'fake news'.



During the third working session, Taskin Fahmina discussed about psycho-social work, how to provide psycho-social help, objectives of psycho-social help, some special principles to help victims/survivors, the needs for a traumatised victim to overcome his/her mental situation. She said that although any kind of psycho-social activity could be done by the experts but it is very important for a human rights activist to have a minimum psycho-social knowledge during their works on field. A human rights activist must know the ways to talk or show attitude towards a

traumatised victim during interview or information collection.

Taskin Fahmina gave an example that there are many people who work in Rohingya camps, collecting information, interviewing traumatised Rohingya victims especially rape victims but do not know anything about psycho-social support or ways to talk with the victims. As a result, they are making traumatised victims more traumatised. Taskin Fahmina also taught the participants about some techniques of meditation and all practiced together.





Day Two: 11 February 2019

Taskin Fahmina, Gender Expert of Odhikar, conducted a session on women's rights and gender. In this session, she discussed the basic concept relating to gender, gender equality, violence against Rohingya women/girls, CEDAW and strategies to combat violence. Taskin said that genocide occurred against Rohingya people in Myanmar. Women usually become targeted during war in different countries and rape being used as a weapon of war. The reason behind it is to destroy a community. Though there was no war in Myanmar but the Myanmar authority committed genocide against Rohingya and Myanmar military raped many Rohingya women and girls.



Taskin showed a video and few slides on gender equality and talked about disadvantages and bad impact of gender discrimination in society. She said that the subordinate status of women in society and discrimination are changeable. Because, it is not biologically determined or fixed for forever. It is imposed by the political and social forces in society.



She further discussed the importance of gender equality, role of gender, gender discrimination, and gender mainstreaming and women empowerment. Taskin illustrated few responsibilities for human rights defenders to work against gender discrimination. Such as-

- Capacity building of human rights activists, so

that they can make women aware about their rights and play an important role in preventing discrimination and violence against women.

- Should be vocal against impunity of the law enforcement agencies. Because the superstition of impunity destroys the balance of men and women in the whole society.
- Human rights activists must be vocal about establishing the rule of law and ensuring independence of the Judiciary.
- Human rights activists must take sensitive action to ensure equal opportunities for both men and women, including elimination of violence against women.



In the second session, Parvez Alam talked about documentary. During this session, he focused the understanding of audio-visual programme and how to create a short video documentary with limited resources. Parvez asked the participants that before making a documentary, a videographer has to follow few steps very strictly. Such as research on issues, themes, making plans, preparing script, create a shot list, shooting, editing, checking legal and copyright issues and distributing the documentary. A group exercise on creating a short video documentary was given to the participants, they had to come up with their ideas, and videos edited using their mobile phones to create short video documentary on different topics. Later the group presented them in the session.



In the third session of the second day, trainer Sazzad Hussain and co-facilitator Md. Ashiqur Rahman discussed about fact-finding and interview. Sazzad Hussain highlighted the fundamentals of fact-finding, interview, and report writing skills.

He said that fact finding is very important for human rights documentation. The human rights defenders must maintain his/her responsibility of determining the facts relevant to human rights violation. Fact finder should use his/her direct sources to collect evidence and must not rely solely on hearsay and have to take necessary steps to preserve it after verification. He also described the objectives of the fact-finding mission, how can fact-finding missions be conducted and possible impediments during fact-finding missions. Sazzad presented a slide show where the participants got the ideas of three stages of interview: pre-interview, during interview and post interview requisites. After the presentation, Md. Ashiqur Rahman, Fact finding officer of Odhikar staged a 'Mock Interview'.

The participants separated into groups and two members of a group took interview of members from other group. All other participants observed the mock interview and made comments.





In the final session of the day, Md. Ashiqur Rahman, Fact finding officer of Odhikar; Parvez Alam, IT Expert of RMMRU; Osman Jahangir, Journalist and Member of Odhikar's Human Rights Defenders Network; Sohag Kumar, Journalist of SATV and Member of Odhikar's Human Rights Defenders Network shared their experiences while working with Rohingya issue. The speakers also analysed the present situation of the Rohingyas and the refugee camps in Bangladesh. Ashiqur Rahman discussed about the information collection strategies at the field level and disseminating the information to the world community including United Nations and the International Criminal Court(ICC).



Parvez Alam shared his experience in organising fact-finding missions in the Rohingya camps and how did he overcome the obstacles. Osman Jahangir talked about the challenges and limitations while collecting information from the field. He also shared his work inside the Rohingya camps, he interviewed many Rohingya victims; such as wounded person, orphan children and also rape victims. At one stage, he suffered from trauma after hearing the horrible stories from the victims. Therefore, he suggested the participants that whoever wants to work on Rohingya issue, should prepare themselves both physically and mentally. Sohag Kumar Biswas mainly discussed the past and present role of the media regarding world's largest refugee community. He shared his experience that how he was able to make reports while the largest influx was entering Bangladesh. He saw many the Rohingya men, women and children entering Bangladesh by crossing river with fishing boats. When he saw their faces, he could imagine their situation in Myanmar and desire to live. Later, the session was opened for discussion and sharing experiences from the participants.

Day Three: 12 February 2019

Taskin Fahmina, Gender Expert of Odhikar gave an overview on documentation to the participants. She highlighted the issues relating to the fundamentals and guiding principles of documentation, the importance and necessity of documentation, methods and ways of gathering information and verification of truth and fact, and ways and procedures of recording the collected information through documentation. The trainer asked questions to the participants for brainstorming before presenting the methodology of information gathering. She cited examples of documentation of Rohingya victims' statements to give a clear idea on documentation to the participants. She emphasised that they must keep all their documents as soft copies and file their hard copies properly so that they do not misplace them. Participants also shared their experiences and thoughts regarding documentation and report writing. The session ended with a question and answer session with the participants.



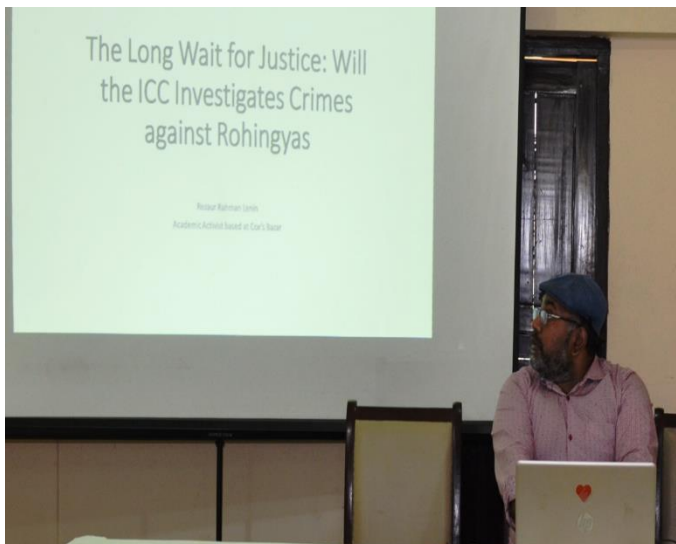
In the second session of the third day, trainer Sazzad Hussain discussed about International human rights treaties and UN mechanisms for the protection and promotion of human rights. He said that the Office of the High Commissioner for Human Rights (OHCHR) works to offer the best expertise and support to the different human rights monitoring mechanisms in the UN system. Human Rights Council, Universal Periodic Review, Special Procedures

of the Human Rights Council and Human Rights Council Complaint Procedure are the UN Charter-based bodies and bodies created under the international human rights treaties. There are ten human rights treaty bodies that monitor the implementations of the core international human rights treaties, which are made up of independent experts mandated to monitor State parties' compliance with their treaty obligations. While answering a question regarding human rights violation against Rohingya community from participants, Sazzad replied that the complaint procedure addresses communications submitted to UN by individuals, groups, or non-governmental organisations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations.



In the third session of the training programme, Rezaur Rahman Lenin, an academic activist, discussed about the structure and jurisdiction of the ICC, where do referrals of crimes come from and

Rohingyas Interactions with ICC. He previewed a slide show titled “The Long Wait for Justice: Will the ICC investigate crimes committed against Rohingya?”. In his presentation, Rezaur said that ICC is based in the Hague, Netherlands, but it could have been easily based elsewhere. It is not a part of the UN; although many of the same states are members of it. The ICC does work closely with the UN, however, it is not directly connected to the UN because there are states that are part of the UN and not the ICC.



He further stated that the ICC may exercise territorial jurisdiction over the crimes against Rohingya when at least one legal element or part of any crime occurs within the jurisdiction of the Court, the ICC opened the door, not only to the crime of deportation (as requested by the ICC Prosecutor) but also (expressly) to persecution (if it is associated with the deportation) and inhumane acts (if it has a basis in conditions existing in Bangladesh) and (impliedly) to genocide (again, if it has a basis in Bangladesh). The ICC's

preliminary examination into the Rohingya situation provides a significant opportunity for focused advocacy and legal confrontation.



The final session was the concluding session of the three-day training programme. The trainers, facilitators and the participants discussed networking at national regional and international level, media Advocacy, UN Advocacy and the way forward. In this session the speakers discussed how to mobilise people and engage them to protest human rights violations. The speakers emphasised to involve the people from Rohingya community in the human rights defenders network. Therefore, they could help to gather more information from the field and the dissemination of information to the world community will brighten the light of hope of Rohingya people to get justice.

During this session, comments and feedbacks were taken from the participants and they also evaluated the training sessions.

ALRC regional Rohingya activists to explore ways to pursue justice for the Rohingya victims of genocide from international justice mechanisms

The Asian Legal Resource Centre (ALRC) undertook a project titled “*Defending the human rights and fundamental freedoms of Rohingya refugees on the Bangladesh-Myanmar border: Coordinating an international human rights campaign by and for the Rohingya people*” in October 2017. KIOS Foundation, Finland, funded for the major components of the activities; and Taiwan Foundation for Democracy (TFD) granted resources for hosting a regional consultation under the same project.



PHOTO Source: ALRC. Participants are seen at the Regional Consultation on Creating Common Platform for Expediting International Justice Mechanism for Rohingya victims of Genocide.

The Regional Consultation was jointly hosted by the Asian Legal Resource Centre (ALRC) and Suara Rakyat Malaysia (SUARAM) from 13 April to 15 April 2019 in Malaysia. Specific agenda was set according to the concept note of consultation as the activities planned in the project. Participants were selected on three major criterion: i) Activists and professionals from Rohingya community living outside Myanmar and were available for travelling to Malaysia; ii) Human Rights Defenders, Journalists, Lawyers, Diplomats, and regional civil society actors actively engaged, or have potential role, in the campaigning, lobbying, and advocacy works related to the issue of affording justice to Rohingya victims; and iii) Institutions represented by officials having ability to contribute to the process of justice. The 25 participants, including 4 resource persons, of the regional consultation were from Bangladesh, France, Hong Kong, India, Indonesia, Malaysia, Myanmar, Netherlands, ,and Thailand.

Outcomes of the Regional Consultation

The meeting adopted three strategies, as follows:

1. Short Term – Sharing information in English, Burmese, Rohingya, Bangla, Malay involving the participants-activists of the group’s existing resources to translate the materials for which the Coalition for International Criminal Court was identified as the ultimate resourceful partner.

Follow-up: Since the Regional Consultation held in Malaysia in April 2019, the CICC invited the ALRC to the NGO Round Table at the International Criminal Court (ICC) in The Hague held from 20 May to 25 May 2019. The ALRC had separate meetings with ICC's prosecutors to exchange knowledge about the progress of affording justice to the Rohingya while a preliminary examination was underway from the Office of the Prosecutor of the ICC.

The ALRC kept raising the issue of justice and safety of the Rohingya at the United Nations Human Rights Council till the 42nd Regular Session held in September 2019 through Written Submission (MYANMAR: Protect rights, ensure dignified repatriation and justice of the Rohingyas: <http://alrc.asia/myanmar-protect-rights-ensure-dignified-repatriation-and-justice-of-the-rohingyas/>) and Oral Statements (MYANMAR/BANGLADESH: Rights, dignity, and future of genocide survivors at stake: <http://alrc.asia/myanmar-bangladesh-rights-dignity-and-future-of-genocide-survivors-at-stake/>) jointly with its partner Lawyers' Rights Watch Canada.

2. Mid-Term – Capacity Building on Public Awareness in Malaysia and Bangladesh among Rohingya community about the international justice mechanism. The group recommended the ALRC to raise financial resources for implementing the planned activities from the potential funding agencies that are willing to invest to the process of affording justice to the Rohingya victims

Follow-up: Financial resource is needed for carrying out the envisioned activities for which the ALRC is reaching out to the donors with new proposals so that the activities can be continued for pursuing justice in an expedited manner to the Rohingya victims of genocide and international crimes.

3. Long Term - Policy Awareness Advocacy on Forced Deportation of Rohingya leading to human trafficking under the mandate of Rome Statute, to redefine the jurisdiction of the ICC. The activities require digital communication involving group through capacity buildings on how to better aware the change makers.

The participants proposed that the ALRC, ALTSEAN-Burma, Odhikar, RWDN and SUARAM prepare concept note and projects documents for securing budgets to keep up the work for dispensing justice to the Rohingya victims for the international crimes had been committed against them.

Follow-up: The ALRC has already communicated with the KIOS Foundation seeking continuation of funding for the renewed activities that the existing situation deserves. Drafting project documents, incorporating the suggestions came from the regional consultation held from 13 to 15 April 2019, and the experiences of ALRC's partners regarding the issue is in progress.

The participants jointly contributed to draft a statement titled “*WORLD: International justice is crucial to durable solutions to the Rohingya crisis*”, which the ALRC published in its website (<http://alrc.asia/world-international-justice-is-crucial-to-durable-solutions-to-the-rohingya-crisis-2/>) and disseminated across the world through its electronic database system. The ALRC made sure that the joint statement reached to the diplomats of United States of America, Canada, United Kingdom, European Union, and Member States of the European Union, as well as the Member States of ASEAN and SAARC.

Sevan Doraisami chaired the regional consultation's closing session in participation of all the participants with concluding remarks appreciating the opportunity provided in the regional consultation with the spirit of looking forward to work together with solidarity.

CONCLUSIONS

The regional consultation was foreseen, in the project, as having three levels of engagement with various ‘touch points’ or interlocutors at the national, regional and international levels. It enabled the project to address the objectives to a large extent. The outcome of the regional consultation through the joint statement has reached to the key diplomats of important countries across the continents.

ALRC's interaction on Rohingya situation at ICC-NGO Roundtable 2019 in The Hague, The Netherlands

The Coalition for the International Criminal Court (CICC) invited Asian Legal Resource Centre's (ALRC) staff Mohammad Ashrafuzzaman to participate in its NGO Roundtable with the International Criminal Court (ICC) in The Hague, The Netherlands. The meeting was scheduled from 20 May to 24 May 2019 at the ICC.

Background Information

The ALRC made a submission to the Office of the Prosecutor of the ICC on 10 June 2018. The submission contained 150 testimonials of the Rohingya victims who fled genocide and about 90 percent had experiences of being gang-raped by the military and Buddhist extremists of Myanmar and afterwards took refuge in Bangladesh. The submission drew interests of the CICC for inviting the ALRC to its meetings. The invitation was sent specifically to Mohammad Ashrafuzzaman due

to his Bangladeshi nationality as Bangladesh is a State Party to the Rome Statute. In addition, Odhikar - a member of the CICC and also a partner of the ALRC in Bangladesh, preferred Mohammad Ashrafuzzaman to participate in the meetings to raise voice, which often becomes a challenge for Odhikar to avoid reprisals from the government of Bangladesh.



The CICC observed the active participation of the ALRC representative in the Asia-Pacific Regional Strategy Meeting held in Kuala Lumpur, Malaysia, from 10 April to 12 April 2019. On behalf of the ALRC Mohammad Ashrafuzzaman made relevant points and contributed to the recommendations adopted in the meeting.

ALRC's "Regional Consultation on Creating Common Platform for Expediting International Justice Mechanism for Rohingya victims of Genocide" held from 13 April to 15 April in Kuala Lumpur, Malaysia. In the official website of the CICC it confirmed about its participation in the ALRC's Regional Consultation. The following excerpt is taken from the CICC website:

The Director of CICC, Ms. Kirsten Meerkschaert, and Programme Associate Mr. Matteo Tonella, participated in the

“Following the Regional Strategy Meeting, the Coalition for the ICC took part in a “Regional



Consultation on Creating Common Platform for Expediting International Justice Mechanism for Rohingya victims of Genocide”, organized by the Asian Legal Resource Center and Suara Rakyat Malaysia (SUARAM), organizations active on the protection of human rights in the region. Human Rights groups present, developed key strategies targeting the Rohingya population in order to expedite the delivery of justice and to enable the community to engage with international justice mechanisms such as the International Criminal Court (ICC), the United Nations International, Impartial and Independent Mechanism (IIIM), and with states that exercise universal jurisdiction.”⁴

The ICC-NGO Roundtable 2019 at The Hague, The Netherlands

The week-long meeting titled ICC-NGO Roundtable 2019 began with a strategy meeting of the participants with the CICC at the Wijnhaven Leiden University, The Hague, from 8:30 AM to 1:00 PM, on 20 May 2019.

In the afternoon, the formal meeting of the ICC-NGO Roundtable 2019 began with welcome remarks from the top officials of the ICC, including the President Judge Chile Eboe-Osuji, Prosecutor Fatou Bensouda, and Registrar Peter Lewis, and the CICC Convenor William R. Pace. The participants were invited to take an official photo after the welcoming session.

While at the official photo session the ALRC representative had opportunity to personally speak to Ms. Fatou Bensouda, the Prosecutor of the ICC. She recognised the ALRC when reference was made to the submission made on 10 June 2018 requesting the Office of the Prosecutor to initiate

⁴ Coalition for the International Criminal Court, CICC Asia-Pacific Regional Strategy Meeting 2019: <http://www.coalitionfortheicc.org/news/20190610/cicc-asiapacific-regional-strategy-meeting-2019>

a Preliminary Examination into the genocide committed against the Rohingya people. Prosecutor Fatou Bensouda expressed her confidence that the Pre-Trial Chamber III, which was considering the case for the next steps, would decide on the merit of the prosecution's submission and she was looking forward to the court's decision about proceeding further.

The ALRC had two other private meetings with the staffs involved in the preliminary examination



and the Registry to discuss about the possibilities of bilateral cooperation between the ALRC and its partners on the ground in Bangladesh, and the OTP and Registry on the issues of Rohingya and enforced disappearances being committed in Bangladesh.

The ICC-NGO Roundtable 2019 had extensive sessions during the whole week having meetings with various organs and officials covering geographical and professional responsibilities to support the ICC's objectives.

The ALRC representative made interventions in the Interactive Sessions with the Judges, Prosecutors, the Registry, and in the Concluding Session with the State Parties. In the meeting with the ICC Judges the ALRC representative asked about:

1. The impact on the integrity of the court after the cancellation of the request for opening an investigation into the international crimes committed in Afghanistan;
2. Whether the ICC had conceded to the pressure from any influential state(s) or the court's efficiency needs to be enhanced;
3. Whether the judges should have avoided filing case to the ICC itself demanding the increase of their remuneration.

The President Judge responded to all the questions. He said that the court decides the matters 'in the interests of justice' and referring to the latest Afghanistan decision he refrained from making comments saying that "the appeal hearing may come to my bench, which would be entertained according to the rules, procedures, and merits of the case". The Judge agreed that it is concerned about the integrity of the court and expected continued supports from the civil society for discharging its judicial duties according to the mandate of the Rome Statute. Regarding the litigation over the demand of increase of remuneration, the Judge defended the position for filing case.

In the interactive meeting with the Prosecutor the ALRC representative asked about: 1. The progress of the preliminary examination on the Rohingya genocide and aggression case involving Myanmar and Bangladesh; 2. Whether the OTP would open a preliminary examination about the ongoing enforced disappearances by the law-enforcement agencies of Bangladesh, as the country

is a party to the Rome Statute while enforced disappearance is defined as a ‘crime against humanity’ in the treaty.

In response, the prosecutor said that her office was trying its best to make progress in the preliminary examination into the Myanmar-Bangladesh issues while she was unable to disclose further for the sake of confidentiality of the process. Regarding the enforced disappearances in Bangladesh the prosecutor said that the ICC has not dealt with such cases yet; however, the OTP may consider if sufficient information is received in future.

In the Concluding Session with the diplomats of the Assembly of the State Parties (ASP) during the ICC-NGO Roundtable the ALRC representative made an oral statement to say the following:



“Excellencies,

It is a significant opportunity to meet you. I thank you for your time and I would highly appreciate if any of you kindly respond to the following issue:

Firstly, as an active regional human rights organisation from Asia we are aware that the Member States of Assembly of State Parties (ASP) have diversified judicial infrastructures in terms of their existing independence, competence, and performances in upholding 'justice' meeting the basic principles of justice.

Secondly, we observe the emergence of certain socio-political and economic developments in several States that indicate that 'justice' may not be a priority in all cases as far as the prevailing trends are concerned.

In the given context there are expectations from the civil society that the ASP needs to have comprehensive plans and strategies for addressing the potential challenges to achieve the objective of letting the International Criminal Court (ICC) administer 'justice', which is expected to be the ASP's topmost priority while providing management oversight and legislative service to this last resort to justice.

I thank you very much for joining us here today.”

The diplomats refrained from addressing the points directly during their responses.

The CICC Director Ms. Kirsten Meersschaert expressed her satisfaction regarding the interventions made by the ALRC representative during the ICC-NGO Roundtable while

individual chats took place during breaks. The Director expressed her willingness to strengthen partnerships with the ALRC, and expected the following:

1. The CICC will formally invite the ALRC representative to the upcoming 18th Session of the Assembly of State Parties (ASP), scheduled to be held from 2 December 2019 to 7 December 2019;
2. The CICC will host a Side Event on the issues of genocidal and atrocities crimes against the Rohingya and the ongoing enforced disappearances in Bangladesh keeping the ALRC representative in the panel of speakers;
3. The CICC will discuss with the ALRC representative about the possibilities of raising funds for the works related to the Rohingya crisis, which is under a preliminary examination by the OTP of the ICC and the ALRC had submitted substantive materials to the OTP;
4. The CICC will discuss about the possibility of building partnerships with the ALRC for its work in the Asia-Pacific region for the promotion of the Rome Statute and increasing the ratification of the treaty.

ALRC's intervention at the 18th Session of Assembly of State Parties (ASP) Annual Session 2019 in The Hague, The Netherlands

The Coalition for the International Criminal Court (CICC) invited Asian Legal Resource Centre's (ALRC) staff Mohammad Ashrafuzzaman to participate in the 18th Session of the Assembly of the State Parties (ASP) of the International Criminal Court (ICC) in The Hague, The Netherlands. The meeting was scheduled from 2 December to 7 December 2019 at the World Forum, The Hague, The Netherlands.

Background Information

The [Assembly of States Parties](#) ("the Assembly") is the Court's management oversight and legislative body and is composed of representatives of the States which have ratified or acceded to the Rome Statute.⁵ The Assembly is the ICC's highest decision-making body with the authority to select ICC judges and prosecutors, oversee the operation of the court, determine budgets, and amend Rome Statutes. Currently, the ASP comprises of 122 countries as States Parties to the Rome Statute of the International Criminal Court. Out of them 33 are [African States](#), 18 are [Asia-](#)



[Pacific States](#), 18 are from [Eastern Europe](#), 28 are from [Latin American and Caribbean States](#), and 25 are from [Western European and other States](#). The president heads the ASP after being elected for 3 years along with two vice-presidents - one based in The Hague while the other based in New York to coordinate the Bureau of State Parties. South Korean judge Mr. O-Gon Kwon, who was also a judge of the International Criminal Court of former Yugoslavia, is the incumbent president of the Assembly since December 2017.

Among the countries where the ALRC works Bangladesh, Cambodia, and South Korea are the State Parties to the Rome Statute.⁶

⁵ The International Criminal Court's information about the Assembly of State Parties (ASP) can be retrieved from the following link: <https://www.icc-cpi.int/asp>

⁶ List of Asia-Pacific State Parties to the Rome Statute can be viewed at the following link: https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/asian%20states.aspx

During the ICC-NGO Roundtable 2019, held in May at the International Criminal Court (ICC) in The Hague, The Netherlands, the Director of the CICC had invited the ALRC representative to participate in the 18th Session of the ASP scheduled to be held in The Hague from 2 December to 7 December 2019, as the ALRC made submissions to the Office of the Prosecutor (OTP) of the ICC in June 2018. The ALRC's staff Mohammad Ashrafuzzaman, who is responsible for managing the Rohingya related programmes, apart from other official responsibilities, was invited to the ASP 18th Session as a speaker of the panel in a Side Event titled "Strengthening the Role of the International Criminal Court in the Asia-Pacific Region" coinciding the Session. The CICC had also invited the ALRC representative to attend a preparatory strategic meeting, scheduled from 1:00 PM to 6:00 PM on 1 December 2019.

CICC's Preparatory Strategic Meeting on 1 December 2019

The CICC arranged the preparatory strategic meeting prior to the formal Session of the Assembly. It invited its strategically important participants to attend this meeting held from 1:00 PM to 6:00 PM on Sunday, 1 December 2019.

The preparatory meeting had briefly given everyone about the idea of the all scheduled meetings coinciding the 18th Session of the Assembly. Applying the Chatham House Rules, it discussed about the priorities of the CICC, its members, and partners, and potential challenges may arise during the Session. The staff members of different regions of the CICC and important partners such as Amnesty International, Human Rights Watch, International Federation for Human Rights, International Bar Association, Open Society Foundation and its Open Society Justice Initiative came up with researched analytical publications about the performances, strengths, and challenges of the ICC.

The CICC also urged all participants to be available for its daily strategy meeting at 9:00 AM in Africa room of the World Forum - the venue of the ASP 18th Session - for discussing about the important aspects.

Accreditation and the Schedule of the ASP 18th Session

All the participants required a mandatory accreditation, which was previously approved by the Bureau of Assembly for those who filled up the prescribed form, managed and coordinated by the CICC. All accredited participants needed his or her name badge for accessing to the venue of the Assembly Session at the World Forum, The Hague.

The schedules of the formal meetings - including the Plenary, Informal Meetings, Credential Committee Meeting, and General Debate - of the 18th Session of the Assembly appeared to be reasonable.⁷ The Session started at 10:00 AM and adjourned at 1:00 PM for a two hours lunch breaks; it had resumed at 3:00 PM and continued till 6:00 PM or beyond. The additional meetings

⁷ The Programme of Work of the Assembly Session can be retrieved from the following link:
https://asp.icc-cpi.int/iccdocs/asp_docs/ASP18/ASP18-WP.pdf

including the Side Events coinciding the Assembly Session was very intense; the Side Events were scheduled early in the morning from 8:30 AM (while the sunrise in The Hague was after 8:30AM during the week) to 10:00 AM; from 1:00 PM to 3:00 PM in the afternoon; and from 6:00 PM to 8:00 PM in the evening.⁸

The ALRC's Intervention in General Debate of the Session

The ALRC has made its first ever intervention under General Debate in the Assembly of State Parties' Session in The Hague. Its representative made the speech in the evening on 3 December 2019 among 10 non-governmental organisations from all parts of the world were given floor to speak in General Debate.



The ALRC later published this speech in its website.⁹ The Assembly has also published the ALRC's statement (which was submitted as a draft before the delivery of the speech) in its official website.¹⁰ The prosecutor of the ICC, and several civil society representatives, including the CICC, Amnesty International, International Bar Association, delegations from the Afghanistan civil society appreciated the statement of the ALRC, in private meetings.

The presentation of oral statement was not an easy task while three pro-government NGOs from Bangladesh were fighting for a speaking slot depriving the ALRC. On the background the ALRC had succeeded to convince the CICC about the reasons why the ALRC deserves speaking slot, if there is only one opportunity for Asia.

Side Event on Asia-Pacific Region

The CICC invited the ALRC representative to be a panelist in a Side Event titled “*Strengthening the Role of the International Criminal Court in the Asia-Pacific Region*” scheduled on

⁸ The Journal of the Assembly's 18th Session can be retrieved from the following link: http://www.coalitionfortheicc.org/sites/default/files/cicc_documents/ASP18-Journal-ENG.pdf

⁹ ALRC's statement to the 18th Session of the Assembly of State Parties of the International Criminal Court titled “WORLD: Competent judicial professionals needed to administer justice to victims of international crimes” can be retrieved from the following link: <http://alrc.asia/world-competent-judicial-professionals-needed-to-administer-justice-to-victims-of-international-crimes/>

¹⁰ ALRC's statement's draft posted in the Assembly's website: https://asp.icc-cpi.int/iccdocs/asp_docs/ASP18/GD.ALRC.3.12.pdf

Thursday, 5 December 2019, at 8:30 AM to 10:00 AM in Antarctica Room of World Forum, The Hague.

The Event was spoken by Mr. O-Gon Kwon, President of the Assembly of State Parties, Mr. Matteo Tonella, Programme Associate of the CICC, Mr. Christain Mahr, Director of External Outreach Division of the Registry of the ICC; Ms. Horia Mosdiq, Transitional Justice Expert from Afghanistan, Ms. Usha Kula, Lawyer of Malaysia, and Mohammad Ashrafuzzaman, Liaison Officer of ALRC. The meeting was moderated by Ms. Alison Smith, Director of International Justice Programme - No Peace Without Justice.

The ALRC representative: appreciated Bangladesh's role regarding bringing the matter of aggression to the notice of the ICC and its ongoing cooperation with the ICC to conduct the preliminary examination; congratulated the teams of the OTP and other principals of the ICC for securing the order from the Pre-Trial Chamber III to open an investigation in the Myanmar/Bangladesh situation; appreciated the role of the civil society and humanitarian supports teams for helping the genocide survivors; cautioned the ICC about Bangladesh's controversial role in handling the Rohingya crisis domestically by denying the right to education and healthcare as well as attempting to relocate the refugees to an almost submerged island in the Bay of Bengal and banning and confiscating mobile phone from the refugee camp while refugees being killed (48 refugees were killed till November 2019) extrajudicially by Bangladesh's law-enforcement agencies, bilaterally with Myanmar by signing agreement to repatriate the victims without dignity and inalienable rights, and internationally by excluding the international community while signing bilateral agreements with Myanmar in a hurried manner; reminded the trend of catastrophic human rights violation including enforced disappearance - as a 'crime against humanity' under the Rome Statute.

On a concluding note the ALRC representative emphasised bilateral cooperation between the ICC and the civil society to get the Rome Statute's expansion in the Asia-Pacific region, which equally requires performance by the ICC through administering justice to the victims of the region in a speedy and credible manner.

The ALRC Representative had private meetings with: 1. Ms. Andrea Furger, International Cooperation Advisor, Complementarity and Cooperation Division, Office of the Prosecutor, on 4 December 2019; and 2. Mr. Christian Mahr, Director of External Outreach Division of the Registry. of the International Criminal Court on 5 December 2019.

Both official wanted to know if the ALRC could help the Registry, if and when needed, to reach out the Rohingya diaspora in the region (as we have been presenting the ALRC as an active regional human rights organisation in Asia). The ALRC representative had responded positively while such points were raised by the ICC officials.

Meeting with Potential Partners on Legal Representation for the Rohingya victims at the ICC in The Hague

Following the introduction by the ALRC's Chairperson of the Board of Directors, Mr. John Joseph Clancey, with Italian lawyer Mr. Francesco Christian Di Nardo and subsequent virtual meetings between the ALRC and three Italian lawyers, meetings held with two of the lawyers in person in The Hague during the 18th Session of the Assembly of State Parties.

Mr. Ezio Menzione came to the meeting venue on 2 December 2019 in the afternoon and had initial discussion with the ALRC representative. The discussions continue in the evening over a dinner at a restaurant near the Dutch Parliament and also on the following day, 3 December.

The discussion was mostly focused on the possibility of the engagement of the three Italian lawyer namely: Ms. Elisabetta Galeazzi, Mr. Ezio Menzione, and Mr. Francesco Christian Di Nardo - with the ALRC on facilitating the Rohingya victims' access to justice at the ICC through legal representation. Mr. Menzione, being very cautious from the very beginning, tried to understand the ALRC's seriousness and depth of works on the issues concerned. He told that, through direct conversation, he had understood the complex situation on the ground involving the Rohingya refugees living in Bangladesh and the potential attitudes of the government of Bangladesh in extending its cooperation with the stakeholders, including lawyers like him. Mr. Menzione informed that he wants to prepare a draft Agreement by himself for the ALRC and his lawyer colleagues to sign as parties for further cooperation. Instead of hurrying with the agreement he wanted to invest adequate time after going back to his station.

Mr. Francesco Christian Di Nardo stayed in The Hague on 5 December morning to 6 December early afternoon. Together we have reached out to some officials of the ICC, including Mr. Esteban Peralta Losilla - Chief Counsel Support Section of the ICC - to ensure the legal representation, as planned by Elisabetta Galeazzi and Ezio Menzione. Mr. Esteban has assured that there should be rooms for making legal representation for the ALRC/Lawyers on behalf of the Rohingya victims.

According to the ALRC's previous decision its representative shared the materials - 150 testimonials of Rohingya victims and other relevant materials that have been previously submitted to the ICC - for their studies to make a strong legal representation.

There have been discussions about fundraising for the ALRC. According to Francesco, he would go back and would consult with his other colleagues to design a travel plan for the ALRC so that relevant officials of the ALRC-AHRC can make the organisations' works well known in Europe by meetings with different professionals that would be envisioned as one of the tools of raising funds. Francesco expected more virtual meeting in the coming weeks.

Membership of the CICC

A senior CICC staff had asked whether the ALRC is interested to become its member. The ALRC representative responded by saying that after having consultation and approval from the Board of Directors the ALRC may decide about joining, or not joining, the CICC as its member. The staff

would clarify more about the pros and cons of the membership later once the CICC secretariat becomes free from its workloads.

Difference between ICC-NGO Roundtable 2019 and ASP 18th Session of ICC

Ms. Kirsten Meersschaert, Director of the CICC, has recently stepped down from her position and moved to another institution. There has not been any replacement in that position. This development suggests that the possibility of strengthening partnerships with the CICC needs more progress with her successor while the previously made tentative plans for raising funds could not be pursued since her departure.

Interventions relating to Enforced Disappearances and Extrajudicial killings

The Asian Human Rights Commission (AHRC) focused on the Commission on Human Rights Resolution: 2004/40, Paragraph 7. (a), which reads:

"The Commission on Human Rights, Reminds States: That, as proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, no State shall practise, permit or tolerate enforced disappearances;¹¹"

In terms of the countries of Asia where largest number of disappearances have take place in recent decades such as Sri Lanka, Bangladesh, Pakistan, and Thailand. It is not possible to ignore the fact that occurrences of these disappearances have been practised, permitted and tolerated by the States themselves.

The AHRC publicly published the details of the Bangladeshi victims who were disappeared from January 2009 to July 2019.¹² It wants to point out to some cases we have referred to the WGEID the following cases from Bangladesh that it submitted in last one year:

Bangladesh Case Update-1: Maroof Zaman returned home alive after 467 days

Mr. Maroof Zaman, former ambassador of Bangladesh and the country's retired Additional Foreign Secretary, returned home after 467 days on 16 March 2019 after midnight. The Additional Deputy Commissioner of Dhaka Metropolitan Police's Dhanmondi Zone, Mr. Abdullahil Kafi, said "Maroof returned home around 1am on Saturday. He was wandering around near his house. Locals took him home soon after identifying him."

The AHRC spoke to Mr. Maroof Zaman via encrypted voice call app. He wishes to tell the details after leaving the country with his daughter. He told the AHRC that "You can understand where I was kept. I can only tell you when I am out of this country." He had also sought help to arrange political asylum for him for the safety of himself and his younger daughter who is pursuing her Bachelor degree at a private university based in Dhaka, Bangladesh. Since his return Mr. Maroof Zaman mostly lives in isolation at home without participating in any social event, as he informed the AHRC.

Bangladesh Case Update-2: Yasin Mohammad Abdus Samad Talukdar is found detained in prison on 21 May 2019 in militancy and murder cases

Yasin Mohammad Abdus Samad Talukdar, a British-Bangladeshi teacher, is found detained in prison on 21 May 2019 since his disappearance on 14 July 2016 – after 26 months. The police charged him under the Anti-Terrorism Act-2009 for alleged militancy and a murder. The Detective Branch of Police told the media that they arrested one Mr. Tehzeeb Karim, former teacher of Lakehead Grammar School and his former colleague Mr. Yasin Mohammad Abdus Samad Talukder on May 17 from in front of Gausul Azam Mosque in Banani, a district housing diplomats in Dhaka.

¹¹ Commission on Human Rights Resolution: 2004/40, Paragraph 7. (a) , Retrieved on 19 September 2019 at: <https://www.ohchr.org/Documents/Issues/Disappearances/E-CN.4-RES-2004-40.pdf>

¹² Asian Human Rights Commission's documentation, BANGLADESH: Enforced Disappearances continue since 2009 with impunity, <http://www.humanrights.asia/news/special-reports/AHRC-001-2019/>

He remained detained in the Kashimpur High Security Prison till the end of the year 2019.

Bangladesh Case Update-3: Former Army Officer Hasinur Rahman remains disappeared since August 2018

Md. Hasinur Rahman, former Lt. Col. of the Bangladesh Army, still remains disappeared since 8 August 2018. Some sources of the intelligence agencies of Bangladesh, on condition of not disclosing their personal or professional details, informed the AHRC that Hasinur was detained in the secret custody of the Directorate General of Forces Intelligence (DGFI).

Apart from that there two families have come to the human rights defenders associated with Odhikar and Asian Human Rights Commission that their loved ones were picked up the members of the law-enforcement agencies in 2012. They remained silent following threats from the law-enforcement and intelligence agencies of Bangladesh. A number of families of the victims of enforced disappearances had wished to share the details for submitting their respective cases of enforced disappearances to the WGEID through the AHRC-ALRC if they feel safe while living in Bangladesh.

Physical surveillance on human rights defenders of Odhikar, who document the cases of enforced disappearances in Bangladesh, have been facing increased amount of threats as the visitors to their office are being photographed and interrogated on the street about their purpose of visit.

The AHRC and ALRC became in the main news of the national newspapers of Bangladesh regarding enforced disappearances.

Work relating to Prevention of Torture in Bangladesh

The Asian Legal Resource Centre (ALRC) consistently focused on the issue of torture in Bangladesh. Through its country based partner - Odhikar - the ALRC remained extensively engaged with the victims of torture in Bangladesh. The ALRC's partner organised exclusive meetings of torture victims with the Bangladesh based officials of the United Nations, including the Resident Coordinator of the UN prior to the 26th of June - the UN International Day in Support of Victims of Torture. Discussion programmes in participation of the victims of torture and professionals, particularly journalists, cultural activists, lawyers, and human rights defenders despite tremendous challenges and surveillance by the law-enforcement and intelligence agencies of the country.

Apart from making Written Submissions to the Special Procedures of the United Nations Human Rights Council, the ALRC has also made a Joint Submission of Alternative Report to the 67th Session of the Committee Against Torture (CAT Committee) in July 2019.¹³ The ALRC managed to bring other international and regional human rights organisations to raise voice against Bangladesh's torturous system of law-enforcement while submitted the Alternative Report to the CAT Committee.¹⁴ In the Concluding Observations of the CAT Committee much of the ALRC's Joint Civil Society Reports have drawn significant attention that have been reflected in the set of recommendations made in the report of Committee.¹⁵ The ALRC and its other partners of the Joint Submission continued reaching out the audience about the outcome of the review on Bangladesh.¹⁶

¹³ Joint Civil Society Alternative Report on Bangladesh to the 67th Session of the Committee Against Torture of the United Nations:
https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BGD/INT_CAT_CSS_BGD_35328_E.pdf

¹⁴ Committee Against Torture examines the situation in Bangladesh:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24866&LangID=E>

¹⁵ Concluding Observations of the CAT Committee on Bangladesh:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBGD%2fCO%2f1&Lang=en

¹⁶ BANGLADESH: Human rights groups urge government to implement recommendations on torture and other abuses after damning UN review: <http://alrc.asia/bangladesh-human-rights-groups-urge-government-to-implement-recommendations-on-torture-and-other-abuses-after-damning-un-review/>

INDIA

The year 2019 posed many challenges in terms of hunger and food security in South Asia. Countries such as India continue to suffer from systemic deprivation and malnutrition. Stunting is a common problem.

One basic reason behind many of the countries in the region failing to take concrete steps for eradicating hunger is the lack of the very idea of justice in the region. A corollary of the lack of this idea is the states' disregard for the rights of their citizen which inalienably include the right to life with dignity- something unachievable in the face of hunger. Sadly, the simultaneous lack of a functioning justice system in these states denies the discriminated against section of their citizenry the opportunity to seek redress and forces them into continuing with their dehumanized existence.

The realities of hunger in the region are perplexing in not following much of what the global finance communities had predicted and prescribed- often even forcibly- for the countries in the region. The epidemic of hunger here has defied all the trickle down theories and economic growth led reduction of hunger thrust in social sector policies.

Ensuring everyone's right to just and favourable conditions of work has been a theme cutting across all of AHRC's right to food desk's work. Remuneration of fair wages and equal remuneration for work of equal value without distinction of any kind, equal pay for women in particular, forms the very core on which rests food security. Though the discrimination is becoming increasingly less in the organised sector of the labour force in most of the countries, the gains made have been reversing off late by the increasing casualisation of massive sections of the labour force in the same. The increasing rates of unemployment has led to increase in contractual labor and low wages with no security or retirement provisions.

The current political unrest in south asia has led to uncertainties over the future of marginalised communities. In countries such as India, the unconstitutionality of the citizenship amendment act and the national registry of citizens are being debated in various forums. Needless to say, these acts if put into practice will affect the minority communities the most. In the light of the present circumstances, the Right to Food desk is committed to raise the issue of basic right to survival, employment and fair wages for food security is intricately tied to employment and sustainability.

Links:

<http://www.humanrights.asia/news/ahrc-news/AHRC-ART-016-2019/>
<http://www.humanrights.asia/news/alrc-news/ALRC-CWS-41-002-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-ART-006-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-ART-005-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-015-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-012-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-ART-003-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-ART-002-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-009-2019/>
<http://www.humanrights.asia/news/alrc-news/ALRC-CWS-40-001-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-007-2019/>
<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-002-2019/>
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-002-2019/>
<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-001-2019/>

INDONESIA

Training of Activists on Interventions to Assist the Victims of Torture

First day training 25 October 2019

On October 25, 2019, the Asian Human Rights Commission (AHRC) conducted a human rights training for Youth Group. The Training was organized in one day between 09.00 am to 04.00 pm in South Jakarta.

Participants of the training come from the Youth Group from various background, most of them already involved as well as conducted human rights advocacy and voluntary work with some local human rights organization in Indonesia.

Material of the training consist of :

Subject	Speaker	Pointers of substance
National and international human rights instruments	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none">- Introduce participants with national and international human rights instruments- Law No 39/ 1999 on Human Rights and Law No 26 / 2000 on Human Rights Court- International Human Rights Instruments which have been ratified by Indonesia- Universal Declaration on Human Rights
UN Mechanism on human rights and how to prepare urgent appeal	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none">- Introduce system and advocacy mechanism in the UN- Sharing and discussion on how to prepare and write proper urgent appeal- How urgent appeal working and benefit for national human rights advocacy

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Lead by Mr. Adrian Stevanto	<ul style="list-style-type: none"> - Introduce participant to the UN Convention against torture - Discuss and elaborate important articles in the convention - Case study and sharing experience among the participants
Group Discussion on specific case and human rights instruments	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Free discussion among the participants to elaborate content and subject of the training - The participants also learn on how to document and conduct investigation of human rights cases
Question and Answer	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Most participants concern about support of the regional and international human rights organization such as the AHRC to strengthen national human rights advocacy - Most participants also interested to elaborate UN Convention against torture because torture still widely occurred in Indonesia, where victims remain face serious unjust and no remedy

Photo of the first day training



On 26 October 2019

Second day training is conducted on October 26, 2019 in Central Jakarta. The participants are university students from Jakarta and some provinces around Jakarta such as West Java and Banten province. Most of the participants having small experience working on human rights issues and cases, so the training will bring benefit to develop their knowledge and experience about human rights.

The students interested to learn and develop their knowledge about human rights cases and discuss about human rights history of human rights in Indonesia.

Material of the training consist of :

Subject	Speaker	Pointers of substance
Human rights history and basic theory of human rights	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Introducing participants to human rights theory (Hammurabi code, magna carta, bill of rights and other basic documents of human rights) - Introducing participants to history of human rights violations started from World war 2 genocide and crimes against humanity conducted by Hitler and Nazi, Genocide in Rwanda, Crimes against humanity in Yugoslavia etc. - Introducing participants regarding human rights history in Indonesia (dictatorship Suharto to transitional democratic government under President Joko Widodo)
National and international human rights instrument	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Introducing international human rights instruments :UDHR, ICCPR, CAT, ICESCR, CERD, CEDAW, etc.
Torture and criminal justice reform	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Introduce participant to the UN Convention against torture - Discuss and elaborate important articles in the convention - Case study and sharing experience among the participants

Group Discussion on specific case and human rights instruments	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Free discussion among the participants to elaborate content and subject of the training - The participants also learn on how to document and conduct investigation of human rights cases
How to prepare urgent appeal and investigation	Lead by Mr. Chrisbiantoro	<ul style="list-style-type: none"> - Introducing participants how to prepare and develop urgent appeal - Introducing participants how to investigate and document human rights cases such as torture
Question and answer		<ul style="list-style-type: none"> - Participants interested to elaborate content of the International Convention against Torture - Participants interested to learn how to make urgent appeal more effective - Participants expect international organization such as AHRC work closely to the students and grassroots level activists

Visits to Victims of Torture

**Visiting victims and family of victims community
28 October 2019**

After conducted human rights training for students and youth group between 25 and 26 October 2019, the Asian Human Rights Commission (AHRC) and some training participants visited victims and family of victims community on 28 October 2019. The discussion take place in the rural area of Jakarta. The community come from various background such as victims and family of victims of force eviction, land grabbing, fabricated cases, etc.

During the visit, the community shared and discussed about their cases and the way to advocate the cases, despite the fact that so far they have yet able to access justice. The community expected that the regional and international human rights organization such as the AHRC support local and national advocacy to intervene the government and also to put pressure to the police, national commission on human rights, the court and in particular the president to resolve human rights cases in Indonesia and to provide remedy for victims.

In the discussion, Mr. Chrisbiantoro from the AHRC also shared and discussed about the work of the AHRC in the international level. Chris added that the AHRC is very happy to work closely to the victims and family of victims community as well as grassroots community.

Interventions relating to the Problems of Public Institutions relating to Administration of Justice

NEPAL

Training Programme for Activists for Assisting Torture Victims

Training Programme on Rule of Law

Educational Work relating to the Rule of Law

The AHRC/ALRC conducted following work and activities in Nepal. The activities were successfully completed with the generous and continued support of our donor agencies. We foresee their continued support in 2020 and more to continue work in Nepal and Asia wide. The Rule of Law, a book by former Senior Law Lord, Tom Bingham was translated in Nepali and distributed widely in Nepal in print, and worldwide through the AHRC's website – www.humanrights.asia. A training programme on documentation and reporting on torture was conducted in October 2019, and a community/monitoring visit was conducted in December 2019.

Nepalese Translation of Tom Bingham's The Rule of Law



टम बिंघम
कानुनी शासन

"सबैले पढनुपर्ने प्रेरणादायी र समग्र सापेक्ष पुस्तकहरुमध्येको अद्वयल"
इन्डिपेन्डेन्ट

The Asian Human Rights Commission (AHRC), with its direct experience, in the Sri Lankan example use of The Rule of Law as an advocacy tool, including on nationwide talk shows shifted what was, until our work began and three years of promoting the book (among lawyers, academics, government officials, etc), known as "the supremacy of law" in Sinhalese, to "the rule of law". On the bright side leading international publishers, Penguin Books, through its Nepalese subsidiary, agreed to print and publish this key book by former Senior Law Lord, Tom Bingham. It is the authoritative one on the matter in the English language. 1000 copies of the translated book was published and distributed throughout Nepal, and a digital copy of the translated book has been made available through the AHRC's website: www.humanrights.asia

The Nepali version of the book provides a clear understanding of what the rule of law actually means through the provision of definitional clarity amongst judges, lawyers, students, clerks, journalists, human rights defenders and members of the National Human Rights Commission of Nepal.

The new Nepalese edition of the Rule of Law, which was distributed nationwide - with a focus on lawyers and judges, academics, promising law students, government officials (especially Ministry of Justice and Prison Reforms), etc. can change the discourse on the rule of law in the country by defining in a very precise way what it is during this important period of transition for the country.

Documentation and Reporting Training Workshop on Torture - Nepal

The “Documentation and Reporting Training Workshop on Torture” was conducted on 22 – 24 October 2019 in Chitwan District of Nepal. There were 23 participants, where 13 participants were women. The participants came from different backgrounds, and included community advocates representing Dalits and marginalized communities like Chepang (an endangered and underprivileged community in Chitwan District of Nepal), social mobilizers, journalists and lawyers. Some victims who were troubled from the local police and Nepal Army stationed at the Chitwan National Park were also invited to share their stories.

The training was conducted in active cooperation of Samari Utthan Sewa (SUS) which has a wider network and access in Chitwan where they have been actively involved in Dalit, poor, vulnerable and other socially excluded segments of the society focusing on their basic needs and improving livelihoods, while also contributing in the process empowering them to raise their voices for the cause of human rights, particularly Dalit and women human rights.

Mr. Shiva Hari Gyawali, our past intern of 2014, locally coordinated the training. The main resource person/trainer was Mr. Ganesh B.K., a veteran advocate and leader who have decades of experience of working with Dalits and marginalized and on torture issues. The training was participatory in nature, where the trainer made presentations, showed motivating videos, conducted group discussions and presentations, and victims sharing their cases.

The topics that were discussed during the training programme included practice of torture in Nepal, difference between torture (Police) and domestic violence, victims sharing their cases relating to abuse and torture by the Nepal Army stationed at the Chitwan National Park, key points in documentation and reporting of human rights violations and torture, reporting and seeking assistance on cases of torture, local, national and international mechanisms to seek justice and redress among others.

One of the main achievement of the training was that SUS have agreed to initiate to bring the victims together into a network, and conduct regular discussions and meet relevant local government authorities including the Mayor of Madi Municipality to lobby and advocate against the highhandedness of the Nepal Army stationed at the Chitwan National Park. The AHRC/ALRC agreed to assist SUS during this process, and bring this issue into attention using the AHRC/ALRC’s social media including website, and UN Forums for international attention.

Community/Monitoring Visit to Nepal

After successful completion of our training programme on documentation and reporting training workshop on torture from 22-24 October 2019, the ALRC conducted a community/monitoring visit trip to Nepal from 9-14 December 2019. Our donor who supported the training program joined the visit.

The ALRC together with the donor agency visited Kathmandu based the Terai Human Rights Defenders Alliance (THRDA), the Jagaran Media Centre (JMC), and the Samari Utthan Sewa (SUS). The visit was to get updates on the ongoing projects and activities of these partner organisations, and share the work of the donor agency. The discussion was widely connected with the issues these 3 partner organisations are associated with. Our donor agency was quite happy to visit these Kathmandu based partner organisations, and expressed their continuous support for future.

After completing visit to the organisations in Kathmandu, the team went to Madi Municipality of Chitwan District to visit the local Dalit and ethnic community, mostly the Chepang. These areas are the field office of SUS. The team received the briefings of work from the local office of SUS.

The team also made a site to Kantipur village where the local 86 families started their communal farming on 75 hectares of land. The communal farming was started 8 months ago, and the farm has been harvesting its first crop. The farmers were quite happy to show their first and model initiative in Nepal. The SUS has been supporting this initiative from its start through a cooperative it established earlier. The local government has also been providing technical equipments financial support to the communal farming.

The team also went to Badarjhula to meet victims and landless people struggling in their day to day lives, as they are regularly troubled by wild animals; mostly by wild elephants and the Nepalese Army stationed at the Chitwan National Park. Wild animals visit their locality looking for food, and even destroy their houses. The Nepalese Army has been threatening the landless families to vacate Badarjhula, and have even vandalized their houses using domesticated elephants and burning their houses. The landless communities have been living in fear, and want national and international support to get electricity and land registration certificate.

The team also visited the local school and local health clinic built and handed over to the government including the staff in the school and health clinic.

SOUTH KOREA

Collaboration with the May 18 Foundation for Drafting of Asian Declarations on Right To Justice, Right To Peace, and Cultural Rights

Asian Declaration

on the Right to Justice

the Right to Peace

and the Right to Culture

– the Right to an Effective Remedy for Violations of Human Rights in Terms of Article 2 of the ICCPR

May 18, 2019

Preamble

The Asian Human Rights Commission (Hong Kong) and the May 18 Memorial Foundation (Gwangju, South Korea) are presenting herewith the Asian Declaration on the Right to Justice, the Right to Peace and the Right to Culture with a view to encouraging a wide discussion of the issues raised in this Declaration.

These documents are prepared on the occasion of the 20th Anniversary of the Asian Human Rights Charter that was launched in Gwangju, South Korea on May 17 1998. The AHRC and the May 18 Memorial Foundation draw inspiration for this work from the boundless attempts made by the people in Asia to have their rights improved.

Victims of violations of human rights are constantly struggling to find genuine solutions to their problems. We are also inspired by the great struggles for freedom that have taken place in Asia among which the struggle by the citizens of Gwangju in 1980 stands out as one of the great inspirations. The realisation of the Gwangju Spirit requires that all people should be able to enjoy their rights through protective mechanisms provided by their justice systems.

Everywhere in Asia and in other corners of the world, violence, internal and inter-state conflicts as well as human rights violations are rampant. For the right to peace to be fully realized, state and civil society organizations and other organs of the society have obligations to promote peace education, and education for peace.

While reiterating the various principles enshrined in existing international human rights documents, this Declaration addresses major issues relating to the right to culture in Asia. This Declaration recognizes the diversities that exist in and among societies and that promoting the right to cultural diversity has to be reviewed and adjusted to reflect changing realities.

Cultural diversity is best protected when all other human rights are respected. Culture should not be used as a tool to infringe on the human rights of certain individuals, especially that of women. Cultural identity is important for the well-being and dignity of individuals and communities. No one should be denied rights on the grounds of cultural differences.

*In many Asian countries, as in many less developed countries around the world, the ratification of UN Conventions has not been followed by steps to ensure that the rights enshrined therein can be practically realised within those jurisdictions. The absence of an effective remedy for the violation of a right makes that right virtually insignificant and lacking in any practical value. **Article 2 of the ICCPR requires that all state parties who become signatories to the United Nations covenants should ensure that all those who suffer violations of such rights have access to an effective remedy. This document hereby reaffirms the rights enshrined in Article 2 of the ICCPR and declares ‘the Right to Justice.’ The Right to Justice is, we believe, a remedy to any violations of the Rights committed by state powers and should improve the rights for our common humanity.***

The Right to Justice

I-1. The usual mechanisms through which rights are enforced are investigations into violations of rights through the policing system, the prosecutions of those responsible for the violation through the relevant justice department of the government, and the adjudication of the violation and granting of relief where the violation has been proven through the judicial branch. The denial of an effective remedy for human rights violations is largely a result of the defects of those three agencies: that is, the police as investigators, the prosecutors as those who file and pursue a

prosecution in court, and the judicial system itself. The defects in these systems with regards to investigations into violations of rights mean there are frequently improper investigations, or none at all and thereby denial of fair trial.

I-2. The non-investigation of human rights violations could occur due to the following factors: the refusal of police to register complaints and record evidence of relevant witnesses. This often takes place in periods where serious violations such as enforced disappearances, other forms of extra-judicial killings, or torture are widespread.

I-3. Illegal arrest and detention are fundamental violations of basic human rights. An arrest should only take place on reasonable grounds, which requires a thorough investigation and adequate evidence to require that a person appear before the relevant court pending trial.

I-4. It is also a violation of human rights to file false charges, something which is often done with the intention of detaining a person arbitrarily, and to deny bail for long periods of time. This practice amounts to false imprisonment. Fake charges are often filed against persons who are treated as politically unacceptable or when law enforcement agencies want to arbitrarily punish someone for various reasons.

I-5. The criminal justice process is severely undermined when charges are deliberately fabricated. The process of investigation and trial are used against individuals in order to settle personal or political grudges. The damage done by such actions affects not only the individuals concerned and their families but also society as a whole, as people lose confidence in the criminal justice process in the face of such serious corruption.

I-6. In many Asian countries, the power of the government to detain individuals is abused in various ways and for myriad reasons. Instances of such violations are as follows:

After illegal arrest (arrest without grounds), such arrestees are charged under anti-terrorism laws, drug-related laws, national security laws, cyber laws, Sharia, or lèse-majesté, and other similar laws. The actual reason for the detention is often not criminal but is instead political or personal. Magistrates should be assigned the power to scrutinise the factual basis of such detentions and be allowed to exercise their independent oversight.

Probation act: Some states practice 'preventive detention', ordered on the basis of state allegations that a person is a threat to peace or social harmony. The reason for detention is often to prevent people from participating in peaceful protests or gatherings. When such demands for detention are made, the state should be strictly required to justify it. People's rights to participate in peaceful protest should not be violated through such detentions. There should be quick access to a superior court in all instances where orders for preventive detention are granted.

Random questioning: It is also a practice in some countries to hold people incommunicado without any court order for the purposes of questioning. Such a practice violates the basic right of a person to be protected from illegal arrest and detention, and stands in opposition to the principle that a person can be arrested only as part of an investigation into an offence that the person has allegedly committed with the view to produce them before a court.

Long detention without warrant: Such practices violate the rights held by citizens to be protected from illegal arrest and detention. These practices are usually allowed during military rule.

I-7. Despite there being numerous signatories to the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, torture and ill treatment are widely used in almost all Asian countries. In terms of practical policy, certain states have sanctioned the use of torture and ill treatment, although they may have made public statements condemning such practices and even signed and ratified UN Conventions. All states should demonstrate positive efforts to ensure the implementation of this Convention (CAT).

I-8. Extrajudicial executions and enforced disappearances are constantly carried out in many countries in Asia. The state must accept liability for such crimes and ensure immediate action be taken to investigate. Every officer who bears direct or indirect responsibility for such grave crimes should be brought before the courts as soon as possible.

The absence of specific domestic laws relating to extrajudicial executions and enforced disappearances should not be used as an excuse to stop the investigation and prosecution of such crimes. Where no proper laws exist the laws must be made and enforced with retrospective effect. Where such laws do not exist, they should be treated as though they do on the basis that such acts are crimes against humanity. In instances of extrajudicial executions and enforced disappearances, the state bears responsibility for compensating the families of the victims.

I-9. It is a common practice in many jurisdictions to deny the principle of non-self-incrimination by the suspect in the investigative process. This is to make the suspect the main source of information against him or herself. Often, false promises of quick release or lenient sentences are made to deceive the suspect to give such information. It is a right of the accused to be represented by a lawyer of his choice. However, there exists a lack of proper oversight over the investigation and cover ups that flout the basic principles against such manipulations of the criminal investigation process. Thus, a statement of confession by the accused should not be formally used during trial.

I-10. The Optional Protocol to the ICCPR under Article 5(2) obligates all states to prevent undue delay in the administration of justice. The UN Human Rights Committee, through several of its views on the communications it has examined, has dealt with the issue of undue delay and has declared it to be a human rights violation. However, in Asia criminal cases can take 15 years and civil cases can take up to 30 years. The result is that litigants and witnesses are discouraged from the pursuit of their rights through legal means. All this adds to public skepticism about the judicial process.

I-11. There should be a remedy in the criminal procedure law and practice guidelines for when the criminal justice process is manipulated. Avenues must be available for such types of concerns to be brought to judicial notice as soon as possible. Subsequently, the judiciary should act promptly to remedy the manipulation of the criminal justice process itself.

I-12. Access to effective remedies for violations of human rights is blocked when the principle of the separation of powers is undermined. To ensure the effective implementation of human rights, it is essential to identify the rejection or undermining of the separation of powers as a central issue. Where the judiciary does not have the actual power and capacity to override the actions of the executive when the law is broken, the basic structure of that particular state does not allow the judiciary to protect basic human rights.

There must be provisions that articulate how the principle of separation of powers is entrenched and, in particular how the independent and impartial exercise of judicial power is protected from any kind of displacement.

I-13. In many Asian countries, there are institutions which bear the title of “courts” that are not really courts of justice as understood within the framework of the rule of law. In some countries, military tribunals or military courts have been set up and people are denied access to actual courts of law. The court should be a court of law bound only by principles of law.

I-14. It is the duty of the judges themselves to be the ultimate guardians for the protection of the independence of the judiciary in their respective countries. Where the judiciary does not have the power and ability to decide on questions of law, the ability of courts to make fair decisions relating to the liberties of the individual is highly questionable. There are also circumstances in which the entire judicial branch comes under the control of military dictatorships. The courts transform and become mere instruments for carrying out military objectives and military orders. In those circumstances, the tenets of rule of law and of human rights lose all validity and relevance.

I-15. The independence of the judiciary can only exist in a cultural context that accepts the freedom of expression. The independence of judges and lawyers depends on the capacity of members of these professions to exercise their critical faculties and give expression to all the legal and philosophical notions within which legal rights have their foundation. Therefore, all restrictions on the use of the critical faculties of judges and lawyers cripple and gradually destroy the very existence of an independent legal and judicial system. These restrictions on the freedom of expression seriously hamper the functioning and development of the legal system as a whole, including the judicial process.

I-16. A serious problem is corruption in the judiciary itself. The result of this corruption is a loss of confidence in the judicial system which contributes to the spread of corruption and the undermining of judicial institutions.

I-17. A vibrant and independent legal profession is an essential precondition for the existence and preservation of the independence of the judiciary and the protection of individual liberties. However, in most countries in Asia an independent legal profession has not emerged. There have even been reports of extrajudicial executions, various forms of imprisonment, and other forms of reprisal, including the enforced disappearances of lawyers and their families. Allowing such forms of violence against lawyers endangers the existence of any independent legal profession. Every form of interference with the free and fair practice of law by lawyers directly affects the quality of the judicial officers, who are chosen from this pool of law practitioners.

I-18. In many countries in Asia, the policing systems were either created by military regimes and shaped to serve military requirements, or were created during colonial times to serve colonial interests, which were basically militaristic in nature. The abandonment of justice has occurred through the non-enforcement of laws that protect citizens as well as weakened procedural laws. The aim of all such laws is to curtail the liberties of the individual, often for the alleged purpose of national security. As a consequence of the use of anti-terrorism laws and emergency rule, serious damage is caused to the judiciary. The independence of the judiciary is suppressed in favour of measures undertaken in the name of security.

Throughout Asia, many people regard the police as the most corrupt state institution. Controlling the policing system within the framework of the rule of law requires a great deal of anti-corruption work carried out by truly independent institutions. For the protection of individual liberties, preservation of democracy, enforcement of the rule of law principle within countries, and the possibility of fair trial, there must be radical reforms of the policing systems that exist in most parts of Asia.

Right to Peace

II-1. Development, human rights, and peace and security are the underlining principles and purpose of the United Nations itself and peace has been set out as the preeminent goal of international law and international relations. Peace and security, development, and human rights are the three key pillars of the United Nations. Conflict has devastating effects on development and the fulfillment of human rights. Food insecurity undermines the capability of a society, affecting vulnerable populations disproportionately especially women and children. In conflict-affected countries, public services are severely constrained. Military spending has adverse effects on the enjoyment of all human rights and prevents states from realizing internationally recognized development goals.

States should reduce military spending in order to ensure that national resources are properly allocated for the promotion of economic and social rights of the people and remove disparity. We also call for states to address the issue of development and the reduction of poverty.

II-2. The basic concept of human rights is understood to be individual entitlement. The UDHR and many other international, regional or national human rights laws recognize rights of “everyone” and require states to fulfill their obligations to respect, protect and fulfill rights of individual citizen. The two categories of rights which refer to political and civil rights and economic, social and cultural rights have been legislated, therefore, most of them are justiciable. However, the third category of rights which is based on the concept of “solidarity rights” which belong to the group and collectivity have been facing challenges until now.

II-3. Article 1 of the 1984 UN Declaration of the Rights of Peoples to Peace “solemnly proclaims that the peoples of our planet have a sacred right to peace” and that “everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized.” Article 2 declares that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each state.

On 19 December 2016 the UN General Assembly adopted the Declaration on the Right to Peace. It recognizes that respect for human rights and the realization of the right of all peoples is the key to the Right to Peace. The Declaration also reiterates the fact that development, peace, security and human rights are linked and mutually reinforcing. It emphasizes that the peaceful settlement and prevention of conflicts are enabling conditions for the right to peace. The Declaration further states that the positive role of women, the eradication of poverty and sustainable development, the importance of moderation, dialogue, cooperation, education, tolerance and cultural diversity, the protection of minorities and the fight against racism, racial discrimination, xenophobia and related intolerance are all related to the right to peace.

II-4. The 2030 Agenda for Sustainable Development sets 17 goals and reinforcing the right to peace by declaring that “we are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without development”. This global agenda finds its place in the national agendas of all states in Asia.

II-5. States have a duty to maintain law and order which should be conducted with strict restraints on the use of force in accordance with standards established by the international community, including humanitarian law. Every individual and group is entitled to protection against all forms of violence committed by the state. The Asian Human Rights Charter maintained, in 1998, that Asian people have suffered many deaths, as well as the external or internal displacements of persons, and the break-up of families and denial of the prospect of peaceful existence. It stated that for the people to live in peace it is necessary for the political, economic or social activities of

the state, the corporate sector and the civil society to respect the right to security and the personal integrity of all people including the vulnerable groups. It further elaborated that all persons have the right to live in peace so that they can fully develop their capacities, physical, moral and spiritual, without being the target of any kind of violence.

II-6. Past experience demonstrates that foreign states and the entities have used Asian groups as surrogates to wage wars. The existence of armed groups in countries instigated the governments to engage in internal conflicts. By doing so, they have made huge profits out of the sale of armaments. Foreign military infrastructure and other establishments have threatened the social and physical security and property rights of the people who live in the area. To maintain peace in the region, all acts of terror and violence committed by state and non-state actors must be denounced. The use of all kinds of chemical and biological weapons, drones and nuclear technology used for military purpose must be denounced. The arms trade and arms race should be controlled as well.

II-7. In all conflict situations, women and children are always the first to become victims of war and violence. Women and children face the most of these attacks including mass rape, slaughter, and the destruction of property and disappearance of family members. This generates thousands of orphans. For the right to peace to be fulfilled and sustained, it has to address structural violence from which some particular groups especially women, and women belonging to ethnic, religious and linguistic minorities, suffer. The lack of gender equality always contributes to violence in both the public and private spheres. There is a real need for right to peace to properly address discrimination against women and to ensure that children are fully protected.

II-8. Since 9/11 when the war against terrorism began, the world has seen unprecedented levels of destruction through the use of modern technologies and war machineries. Suppression of independent thought processes and peoples' struggles, particularly the right to self-determination movements, Islamophobia and hatred against "other" communities who are different from the dominant communities, all of these have become the norm. War and occupation have become the methods of suppression. In many places in Asia, religious extremism and militarization has brought misery to the religious minorities and the people who fight for their right to self-determination. Many countries in Asia continue to apply extensively national security legislation to suppress peoples' rights and they dictate only one kind of narrative of these states, which should be followed by all the people of those respective states. We deplore any states' use the discourse of peace and order to curtail rights and freedoms that people are exercising.

II-9. Conflicts, violence and discrimination in different forms are widespread and cause the displacement of millions of people in the region. A number of countries are facing the fastest growth of refugees in the 21st century. This poses challenges to peace building and to development. The adoption of the Global Compact on Refugees and the Global Compact on Migration, although reflecting the general political will of international community to deal with the rights of mass population movements may not contribute to stopping human rights and humanitarian crises unless the root causes are properly addressed. States and the regional and international community must acknowledge that forced migration is a regional problem which requires regional and collective responses and solutions. There is also a real need of paradigm shift from security and control mentality to a human rights based approach to migration.

Right to Culture

III-1. Globalization has led to better integration, adaptation and learnings from other cultures. But it has also led to the ascension of American culture as the global culture, while relegating all other cultures as local. In this context, states have a special responsibility to protect, preserve and promote music, films, dance and all other art forms. As many Asian states are multicultural in nature, states should treat all cultures equally. Fringe groups masquerading as guardians of culture should not be allowed to violate the individual rights of citizens in the name of protecting culture.

III-2. The right to education is vital to the realization of the right to culture. States should take steps to provide opportunities for affordable and quality education at the primary, secondary and university levels and to ensure academic freedom for faculty members and students. Faculty should have the freedom to teach, to research and to express their views. Similarly, students have the right to choose courses in an atmosphere of freedom, especially that of freedom of expression. State intervention should be limited to ensuring quality and non-discrimination.

III-3. Language is a powerful medium of expression of culture. Imposition of a particular language or script on linguistic minorities should be avoided. Efforts should be made to make all official information available in all the languages spoken in the state. Every student has a right to receive education in a language of his choice. Efforts should be made to provide quality education in all the languages. States should not impose or prefer one language as the medium of instruction. States should take all measures to preserve, protect and promote languages.

III-4. Asia is home to many indigenous communities and states in the region have a duty to protect indigenous communities and their cultures. States should recognize the symbiotic relationship that indigenous communities have with nature. Attempts to conserve nature and its resources by these communities should be encouraged. Displacement for development destroys indigenous communities and their distinct cultures. Existing international legal principles, including the principle of 'prior informed consent', should be strictly adhered to in matters of land acquisition. Traditional knowledge is an important component of culture and Asia is rich both in biological diversity and traditional knowledge associated with it. National governments should protect traditional knowledge and combat 'bio-piracy'.

III-5 Religion can be only one component of culture; it should not be equated with culture. In the Asian context, many cultures transcend religion. Special care should be taken to protect cultural diversity existing within religions. Attempts by religious minorities to adapt to local cultures should not be discouraged or prevented. At the same time there should not be any coercion for the religious minorities to adapt to local cultures.

III-6. As culture has evolved in close and continuous interaction with nature, states should take special care in environmental protection and respect traditional ways of doing this. The 2030 Agenda for Sustainable Development reflects realization that development has to be sustainable. Culture can inform and contribute to the realization of the 17 sustainable development goals enshrined in the document. States should focus special attention on the cultural dimensions of these goals.

III 7. The idea that migrants implicitly relinquish their cultural claims when they leave their country of origin must be emphatically rejected. There should be a policy of respect, non-discrimination and non-interference in the day to day cultural practices of the immigrants. Preference for the language of the country of origin, or in the case of second and third generation members of the immigrant families, language of their parents or grandparents, should not be interfered with.

III-8. Culture is often viewed as an impediment to the realization of women's human rights and cultural practices are often used to discriminate against women. This is mainly due to viewing culture as 'static' and certain values as 'intrinsic' to a given culture and therefore unchangeable. Women lack influence in decision making processes and have limited opportunities to further develop cultural life. Attempts at all levels must be made to ensure that women can fully realize their human rights, owning and belonging to their culture at the same time. In this context, states

should honor their commitment to ensure the right of women to participate in recreational activities, sports and all aspects of cultural life.

III-9. Many of the states in Asia have gone through conflicts as well as colonialism with its associated violence. In building post-conflict societies culture can play an important role. The state should adopt an inclusive approach accommodating the ethno-cultural diversity of a society.

III-10. Media has a big role to play in the protection of the right to culture. In their reporting, media should be sensitive to cultural differences and diversity in society. Stereotyping of certain communities should be avoided. ‘Fake news’ can have serious implications for the enjoyment of this right. Media should consider the need for self-regulatory bodies acting independently either at the organization or national level.

III-11. Business, especially transnational corporations have a huge bearing in the realization of human rights in Asia. In the context of the right to culture, businesses should acknowledge cultural diversity and respect local culture in terms of recruitment, conditions of work, holidays etc. Business can also play a positive role in promoting culture. Corporate Social Responsibility (CSR) activities may be used for promoting different cultural forms.

B. Collaboration with the May 18 Foundation to Promote the Spirit of the Gwangju Democratic Uprising of 1980 Together with the Promotion of Goal 16 of SDG

The Asian Legal Resource Centre (ALRC), in cooperation with the May 18 Memorial Foundation, South Korea, jointly hosted meetings in Geneva, Switzerland, coinciding the 42nd Regular Session of the United Nations (UN) Human Rights Council (HRC) from 17 September to 24 September 2019. The ALRC hosted all relevant programmes including a Side Event to raise the issue of access to justice as per the Goal 16 of the UN Sustainable Development Goal (SDG) while exposing the works of its partner May 18 Memorial Foundation.

Background Information

The ALRC found that the UN, after a long advocacy, has adopted the Goal 16 of the SDG in compliance with its

16.1 Significantly reduce all forms of violence and related death rates everywhere

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all

16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime

16.5 Substantially reduce corruption and bribery in all their forms

16.6 Develop effective, accountable and transparent institutions at all levels

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels

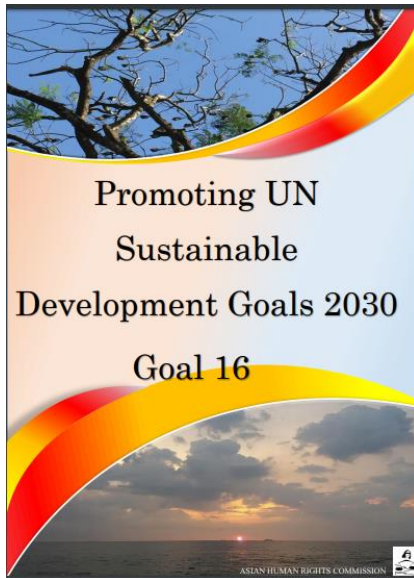
16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance

16.9 By 2030, provide legal identity for all, including birth registration

16.10 Ensure public access to information and protect fundamental freedoms, in accordance with

¹⁷ Sustainable Development Goals in details can be found at: <https://sustainabledevelopment.un.org/post2015/transformingourworld>

national legislation and international agreements
16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
16.b Promote and enforce non-discriminatory laws and policies for sustainable development.



The ALRC successfully convinced its partner the May 18 Memorial Foundation to work together for the promotion of the theme of the Goal 16. This primary success enabled the ALRC to host meetings involving other human rights organisations to promote the theme of access to justice.

ALRC's Oral Interventions in the 42nd Regular Session of the UN HRC

The ALRC made its oral interventions on Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Myanmar on 16 September 2019 jointly with Lawyers' Rights Watch Canada. Due to ALRC team's travel schedule it assigned Professor Catherine Morris to deliver the statement.¹⁸

The ALRC delivered its second Oral Statement in the Human Rights Council on Bangladesh under Item 4 General Debate on 18 September 2019.¹⁹

The third Oral Statement the ALRC made in the Human Rights Council was under Agenda Item 3 and Item 5 on Interactive Dialogue, Special Rapporteur on Rights of Indigenous People and Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).²⁰

¹⁸ ALRC Oral Statement on Myanmar in the 42nd Regular Session of the UN Human Rights Council titled "MYANMAR/BANGLADESH: Rights, dignity, and future of genocide survivors at stake". It can be viewed at: <http://alrc.asia/myanmar-bangladesh-rights-dignity-and-future-of-genocide-survivors-at-stake/>

¹⁹ BANGLADESH: Claim of economic growth without protection of human rights is a fallacy: <http://alrc.asia/bangladesh-claim-of-economic-growth-without-protection-of-human-rights-is-a-fallacy/>

²⁰ ASIA: Actual protection of indigenous people within the framework of SDG Goal 16: <http://alrc.asia/asia-actual-protection-of-indigenous-people-within-the-framework-of-sdg-goal-16/>

The ALRC delivered its last possible Oral Statement in the Human Rights Council on the Human



Rights Mechanism under Agenda Item 5 General Debate during the planned stay of its staffs in Geneva.²¹

ALRC's Side Event on **"Sustainable Development Goal 16 for Democracy, Human Rights and Justice"** held in Room XXII at 2:00 PM on 23 September 2019. The Side Event had a rich experts' panel from diversified background while it was well participated by representatives of

²¹ ASIA: Human Rights Mechanisms need practical actions on domestic institutional developments for administration of justice: <http://alrc.asia/asia-human-rights-mechanisms-need-practical-actions-on-domestic-institutional-developments-for-administration-of-justice/>

SIDE EVENT: Sustainable Development Goal 16 for Democracy, Human Rights and Justice



PANEL OF SPEAKERS

Mr. Cho Jin-tae, Executive Director, May 18 Memorial Foundation, Republic of Korea
 Mohammad Ashrafuzzaman, Main Representative of ALRC to the United Nations, Hong Kong
 Ms. Angkhana Neelapaijit, Former Commissioner, National Human Rights Commission of Thailand & Laureate of Gwangju Prize for Democracy and Human Rights, Thailand
 Ms. Kim Gwi-ok, May 18 Memorial Foundation, Republic of Korea
 Mr. Lee Kwangsu, May 18 Memorial Foundation, Republic of Korea
 Ms. Inrae You, International Affairs Director, May 18 Memorial Foundation, Republic of Korea
 Ms. Karen Tse, Founder and CEO, International Bridges to Justice, Switzerland
 Mr. Sanjeeva Liyanage, International Bridges to Justice-IBJ, Switzerland
 Ms. Susan Wilding, Head of Geneva Office, CIVICUS: World Alliance for Citizens' Participation, Switzerland
 H. E. Ms. PAK Ji-ah, Ambassador and Permanent Representative of Republic Korea to the UNOG

Moderator: Mr. Basil Fernando, Director, Asian Legal Resource Centre, Hong Kong

On 23 September 2019

At 02:00 PM

In Room XXII



N.B.: Light refreshments would be served

organisations of different parts of the world. The brief information about the panelists are provided below:

Mr. Cho Jin-tae, Executive Director, May 18 Memorial Foundation, Republic of Korea

Mohammad Ashrafuzzaman, Main Representative of ALRC to the United Nations, Hong Kong

Ms. Angkhana Neelapaijit, Former Commissioner, National Human Rights Commission of Thailand & Laureate of Gwangju Prize for Democracy and Human Rights, Thailand

Ms. Kim Gwi-ok, May 18 Memorial Foundation, Republic of Korea

Mr. Lee Kwangsu, May 18 Memorial Foundation, Republic of Korea

Ms. Inrae You, International Affairs Director, May 18 Memorial Foundation, Republic of Korea

Mr. Sanjeeva Liyanage, International Bridges to Justice-IBJ, Switzerland

Ms. Susan Wilding, Head of Geneva Office, CIVICUS: World Alliance for Citizens' Participation, Switzerland

H. E. Ms. PAK Ji-ah, Ambassador and Permanent Representative of Republic Korea to the UNOG



Switzerland

Ms. Susan Wilding, Head of Geneva Office, CIVICUS: World Alliance for Citizens' Participation, Switzerland

H. E. Ms. PAK Ji-ah, Ambassador and Permanent Representative of Republic Korea to the UNOG

Moderator: **Mr. Basil Fernando**, Director for Policy and Programme Development, Asian Legal Resource Centre, Hong Kong.

The discussion went interactive as several important questions came from the room to the speakers of the Panel regarding the justice mechanism and the transformation process from militarism to democracy successfully took place in South Korea.

The ALRC and the May 18 Memorial Foundation hosted a reception for human rights defenders on 23 September 2019 at La Certitude – a restaurant near Geneva city centre. Around 30 delegates from various human rights backgrounds joined the dinner reception in the evening from 7:00 PM to 9:00 PM.

Some more photos from the Meetings and Reception held in Geneva are provided for the understanding of the ALRC's event.



Mr. Sanjeeewa Liyanage (Right) – Director of International Affairs Programme of International Bridges to Justice is seen speaking while Ms. Karen Tse – Founding Director of the International Bridges to Justice and two members of the South Korean delegation from the May 18 Memorial foundation were sitting next them.

Ms. Ms. Susan Wilding (Left), Head of Geneva Office, CIVICUS: World Alliance for Citizens' Participation, Switzerland, is seen speaking in the Side Event on “Sustainable Development Goal 16 for Democracy, Human Rights and Justice” highlighting the aspects of civic space across the world.





A segment of the audience in the room during the ALRC's Side Event on "Sustainable Development Goal 16 for Democracy, Human Rights and Justice" on 23 September 2019.

A veteran human rights activist is seen asking question to the speakers of the panel during the ALRC's Side Event on "Sustainable Development Goal 16 for Democracy, Human Rights and Justice" on 23 September 2019.




C. Collaboration with the May 18 Foundation on the Right of Children affected by Violence and is in Need of Trauma Counselling and Other Forms of Psychological Care


SRI LANKA

Assistance to Victims of Torture through Partner Organization


March 2019


No.	Date	Name & Address	Doc No.	Tel. No	Reason & Steps Taken	Photo
1	01.03.2019	T. Shashi Kumar Mailani North Channakam, Jaffna	2019/3/01		Failure on the part of the Jaffna Police Station to take action against complaint made about problem relating to his daughter. J.S. Assisted the complement with legal advice and also drafting of letters in order to ensure that he gets his legal rights in time.	

2	05.03.2019	M. M. Dayananda Galahena, Bulathsinhala	2019/3/02		J.S intervene to seek redress for torture and or ill-treatment by Bulathsinhala police which assaulted the complement. A J. S. made intervention to make complains to the proper authorities to investigate into torture and ill-treatment on the basis of CAT act No 22 of 1992.	
3	06.03.2019	Asitha kumara De Silva	2012/6/09 Earlier No		Due to J.S. Interventions the police disciplinary inquiry was started on the torture by one police officer sub inspector H. M. K. Thilaksiri Bandara. Due to J.S. Intervention this disciplinary inquiry started and the victims has ask to give evidence against the sub inspector on the basis CAT Act 22 of 1992.	


4	08.03.2019	U. A. D. Jayasena Thennapitiya, Kapugedara, Molkawa	2019/03/04	0703996670	J.S took action regarding illegal arrest and detention and torture of U. A. D. Jayasena by Baduraliya Police. J. S. urged that action should be taken against the police officers for arrest, detention and torture of the victim. This is been followed up.	
5	11.03.2019	P. Sujewa 10, Dehigahawela, Bombuwala	2019/02/01 Earlier No	0779853383	J. S. made intervention on complaint made by Chathurani Chandralatha, a woman who complain that officers of the remand prison have assaulted her and committed acts of cruel and inhuman treatment which are punishable under CAT Act No. 22 of 1994. J. S. Intervene with the National Human Rights Commission of Sri Lanka to investigate and to provide redress for this lady.	


6	14.03.2019	D. A. Geetha Ranjani 390 C, Koongaha kotuwa, Thnthirmulla, Panadura	2019/03/05 Earlier No		J. S. Intervene on behalf of Geetha Ranjani a woman who was threatened with death and torture and household goods was destroyed by the Police officers from Panadura South Police station. Complain was made to Human Rights Commission, IGP and the copies was send to Senior Superintendent of police Panadura. This will be pursuit to ensure that action is taken on this matter.	
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7	15.03.2019	S. D. Sampath	2019/03/12	0345726780	<p>Mother and the daughter was brought to Beruwala police Station and pressurize to make a statement against their Husband and father against false allegations. They refused and threatened to physically harm the two women. J.S Intervene with the authorities for the protection of these two persons.</p>	
8	15.03.2019	T. Sarojani Mangalika Peiris 278/1, Isurusiri Mw, Modara, Moratuwa	2019/03/06	0755126760	<p>J.S intervene on behalf of Sarojani Mallika Peiris, a woman who made a complaint of harassment by some people by Moratuwa-Modara Police Station. However, police refused to take necessary action to protect her rights. J. S. Intervened with Sri Lankan Authorities that ensure her protection and redress</p>	

9	18.03.2019	P. Rangani dinushika Koholana, Kaluthara South	2019/03/13	0771616208	A young lady was charged with complicatedly fabricated charges by the officers of the Kaluthara-South police station threatened to arrest her. J.S intervene in order to prevent such illegal arrest and detention.	
10	19.03.2019	Edmond Wijesuriya Fernando 96, Edirigasthuduwa, liyanadoda, meegama, Dharshanaagaraya	2019/03/15	0773800644	Mr. Edmond Wijesuriya Fernando was illegally arrested and beaten by Special Task Force. On the basis of mistaken identity. J. S. Intervened with the Sri Lankan Authorities on behalf of Mr. Fernando to get him release from illegal detention and also filing charges against the officers CAT Act No 22 of 1994.	

11	19.03.2019	M. F. M. Rimisan 59/14 C, College Rd, Henamulla, Panadura	2019/02/07 Earlier No	0771669774	The wife of M. F. M. Rimsan when she was returning from conciliation board meeting was assaulted with Knives and seriously injured by the opposite party. J. S. Intervened to ensure that she received the medical attention and also urged the Sri Lankan Authorities to take action on this matter.	
12	24.03.2019	M.M.H. Bandara 676, Udukada, Kuruvita	2017/09/16 Earlier No	0714431022	J.S. intervene regarding inhuman treatment of a school child by a teacher about which the parents of the child complain with affidavits and wanted the authorities to take action. J.S. Assisted them to make their complains to Proper authorities.	

13	25.03.2019	S.D. Amila Eroshani 193/1 A, Bandaranaiyke pura, Mathegoda	2019/03/06	0712919848	S. S. Amila Eroshani a women was arrested on the basis of fabricated charges by Mathogoda Police who tries to get her detained without any legal basis. J. S intervened to prevent this illegal arrest and detention and possible sexual harassment should have followed.	
14	25.03.2019	R. Sunil Dayananda 4 Kanuwa, Marindagoda Negambo	2019/03/09	0779824015	Sunil Dayananda complained about threats of assaults and illegal detention by police officers of Valipanna Police. J.S. Intervened with Sri Lankan Authorities to prevent such illegal arrest and detention.	

15	25.03.2019	K. M. Nishantha 170, Mihiripanna Rd, Varapitiya, Dargar City		0773000168	K. M. Nishantha was arrested and tortured by the Police from Aluthgama Police station, perhaps of the hope of getting a confession for a J. S. intervened with the authorities he was released without any further action.	
16	26.03.2019	K. Lakshman (No Permanent address)	2019/03/2019	0752473629	An officer from National Human Rights Commission of Sri Lanka complained to J. S. about the death of her husband in traffic accident. A case on this have been filed by the legal aid commission of Sri Lanka. However, the case has not been followed up and no action is taken under the criminal law or Civil law in the country. J. S. intervened to assist the complement to have her matter expedited in the courts.	

17	27.03.2019	Premarathne Jayasuriya 748/4/3, Gamunu Mw, Homagama	2019/03/2019	0779466001	An accident was caused by police vehicle driven by police constable belongings to police department. The Piliyandala Police wanted to file a fabricated charge on a person that has nothing to do with the accident in order to save the police constable and the owner of the vehicle which was police department. On a complaint by the Victims father J.S. Intervened in order to prevent this from happening.	
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18	28.03.2019	M. Dhanalakshmi 283/A 1, Yashodharama Rd, Alubomulla, Panadura	2019/03/17	0779202817	On a complained of domestic violence by the husband on the wife and the children M. Dhanalakshmi made a complaint. However, no action has been taken under the domestic violence law in Sri Lanka. At the request of the family J. S. intervened. Officer In Charge of section on Children and women at Panadura police station in order to ensure that action been taken under the domestic violence law.	
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April 2019


No	Date	Name & Address	Doc No.	Tel. No	Reason & Steps Taken	Photo
19	08.04.2019	S. B. Premarathne 133, Rockland Rd, Magalkanda, Maggona	2019/03/12 Earlier No	0343340448	S. B Premarathne complained that threatened by OIC of Beruwala Police station and sort the assistance of J. S. for protection of him and his family. J. S. intervened and made representation to the Nation Human Rights Commission of Sri Lanka and Police Authorities about this matter and prevented further harassment by the OIC.	

20	08.04.2019	B. Nandawathi Peiris 25/8, 7 th Cross Lane, Panadura	2019/04/04	0776782215	Nandawathi Peiris a women complained that the officer in charge of traffic of Moratuwa Police approached her for requesting bribe. She refused as a result a fabricated case was filed under traffic charges and her vehicle was taken. This matter was reported to the IGP by J.S. Now the matter is been inquiring into.	
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21	30.04.2019	S. Vijayapala De Silva 72, Gunanda Rd, Panadura	2019/04/08	0382240728	S. Vijepala de Silva was assaulted and killed at the remand prison of Kaluthara, after some police officers arrested him on fabricated charges and remanded him. J.S has complained to the Sri Lankan authorities about the Extrajudicial Killing of a prisoner while in prison custody. J.S urged for immediate investigation and prosecution of prison officers for torture and murder	
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May 2019

No.	Date	Name & Address	Doc No.	Tel. No	Reason & Steps Taken	Photo
22	07.05.2019	N. M. M. Ashal 54, Akkaramale, Maggona	2019/04/02		N. M. M. Ashal a Muslim was arrested under terrorism charges for no other reason except that he was a Muslim. J.S made representation to the police authorities and the Human Rights commission seeking protection for this person.	
23	17.05.2019	L. Rathnasiri De Silva 29, Praghghanda Mw, Dibibadda, Panadura	2019/05/05	0382248021	L rathnnasiri de Silva complained the torture and ill-treatment of his son by some officer of exercise department perhaps with the hope of obtaining bribes. On receipt of a complained J.S has made complains to the authorities to investigate into torture and ill-treatment and fabricated of charges.	

24	27.05.2019	B. Harshani Dhanushka 165/1, Karrluge Watta, Maddawatta, Matara	2019/05/110		Bharshani Danushka a women complained the killing of her husband by police officers of Mathugama Police station after arresting him. This is an extra judicial killing in police custody. J.S. on receipt of a complaint by the wife of the deceased has urged for inquiries into this custodial killing.	
25	30.05.2019	D. Vipul Wasantha Kumara 49, Paradise Watta, Naranpitiya, Dibadda Rd, Panadura	2019/05/14	0715683886	V. Wasantha Kumara complaint that he was arrested and remanded by the Baduraliya Police. On receipt of complain to this effect J.S complained to the National Human Rights Commission and are perusing the matter	

Training Programme for Teachers to Identify Children Suffering from Trauma

Two Training Programmes for Teachers to Identify Children Suffering from Trauma due to Acts of Extreme Violence and the Ways of Counselling these Children and also Guiding the Parents

CONCEPT NOTE ON PSYCHOLOGICAL SUPPORT TO CHILD VICTIMS AND CHILD SURVIVORS OF CONFLICT BETWEEN ETHNIC GROUPS AND RELIGIOUS EXTREMIST GROUPS IN SRI LANKA

1. INTRODUCTION

War and armed conflict repeatedly create humanitarian disaster(s) and may result in to develop negative cognition and behavior patterns not only among the affected group, but to entire country, disrupting individuals or groups/communities psychological growth and personality development within an area. Even though the humanitarian workers including psychosocial and human rights experts engage to normalize the human life immediately after an incident/s, conflict has a huge impact to individual or group's cognitive behavior and response to it, creating constant anxiety to those witnessed, involved or affected conflict. Most of the organizations work with directly affected groups and the secondary groups those who have witnessed by seen the incident or heard the incident and people who helped the victims are been neglected. Specially the children are mostly affected in such a situation and they are showing the symptoms of secondary trauma but could not recognize by their parents/guardian or teachers due to lack of knowledge on PTSD.

In light of the above, Asian Human Rights Commission along with two Sri Lankan organizations, Rule of Law Forum, Colombo and Don Bosco, **Negombo** has taken a step forward awaken the public to identify the secondary trauma of children and help them to overcome a situation by taken immediate necessary action. This would mean that affected individuals will be referred directly to the counselors or to the psychologists to build up a healthy generation for the future. That notwithstanding, it is expected that the public especially parents would actively engage in this to promote, protect and safeguard the mental health of our kids.

2. JUSTIFICATION AND CONTEXT

Civilians in Sri Lanka are exposed to traumatic events as a result of thirty year protracted war, mass violence including 21st Easter Sunday attacked, often in the context of conflict affected settings. Individuals in such area are extremely suffering due to experience the traumatic event and unexpected losses of their loved ones. In most cases, such individuals especially children are likely to remain in silent in conflict affected areas and other parts of the country by observing and learning negative cognitive and behavior pattern from their immediate environment. As a result, most of the children develop secondary trauma and it will be affected to their day to day life.

In the first days and weeks after a traumatic event, children often experience strong feelings of fear, sadness, guilt, anger, or grief. Small kids learn about the death when they experience losses of their best friends or close loved ones. As a result, they develop negative cognitive and behavior patterns as they failed to face the situation healthily. By way of they begin to make sense of what has happened to them, these feelings usually begin to subside. Most children will recover quite quickly with the support of family and friends. For some children a traumatic event can lead to mental health issues such as posttraumatic stress disorder (PTSD), depression, anxiety, educational problems, alcohol and drug use, as well as impacting on their relationships with family and friends.

When children showed above mentioned negative cognitive and behaviors including educational issues, parents and teachers pressurize them for studying or punish them without knowing the real fact. As a result, children experience very drastic situation and it will effect to their whole life. Recitation of such event would lead to traumatization. The future of any society depends on its ability to foster the healthy development of the next generation.

Moreover, act of the mass media and social media is a re-opening of past traumatic events/wound and the children who do not directly affected also traumatized by learning such situations through them. It will affect to them badly as they learn to see other ethnic communities as a terrorist or enemies. As a result, their personality development is weakening and they also live with fear and grudge. Therefore, psychosocial support then becomes a key component in the entire society to help deal with individuals who may be overwhelmed by emotions and distressed feelings during their development. Hence it is very important to educate parents and teachers to identify the early symptoms of mental distress including a trauma to take an immediate action to protect the children.

3. MAIN OBJECTIVES OF THE PROGRAM

The overall objective of psychosocial support is to;

- i. To build up well trained **three** volunteer groups on Trauma Counselling to serve the society when needed.
- ii. Publish a parental hand book in three languages on “pre- identify the traumatic systems of kids” to take the necessary action to have a healthy society.

4. IMPLEMENTATION STRATEGIES

- i. **Assessment:** Selecting appropriate volunteers for the training by evaluating their educational back ground.
- ii. **Preparation:**
 - a. Organize the training sessions and prepare the training documents.
 - b. Preparing hand book with the help of expertise, translate it in to three languages and print it.
- iii. **Implementation:**
 - a. conduct training workshop on “resilience trauma counselling” for the members of selected volunteer groups with therapeutic intervention
 - b. Distribute hand books with the help of other organizations among the teachers and parents,

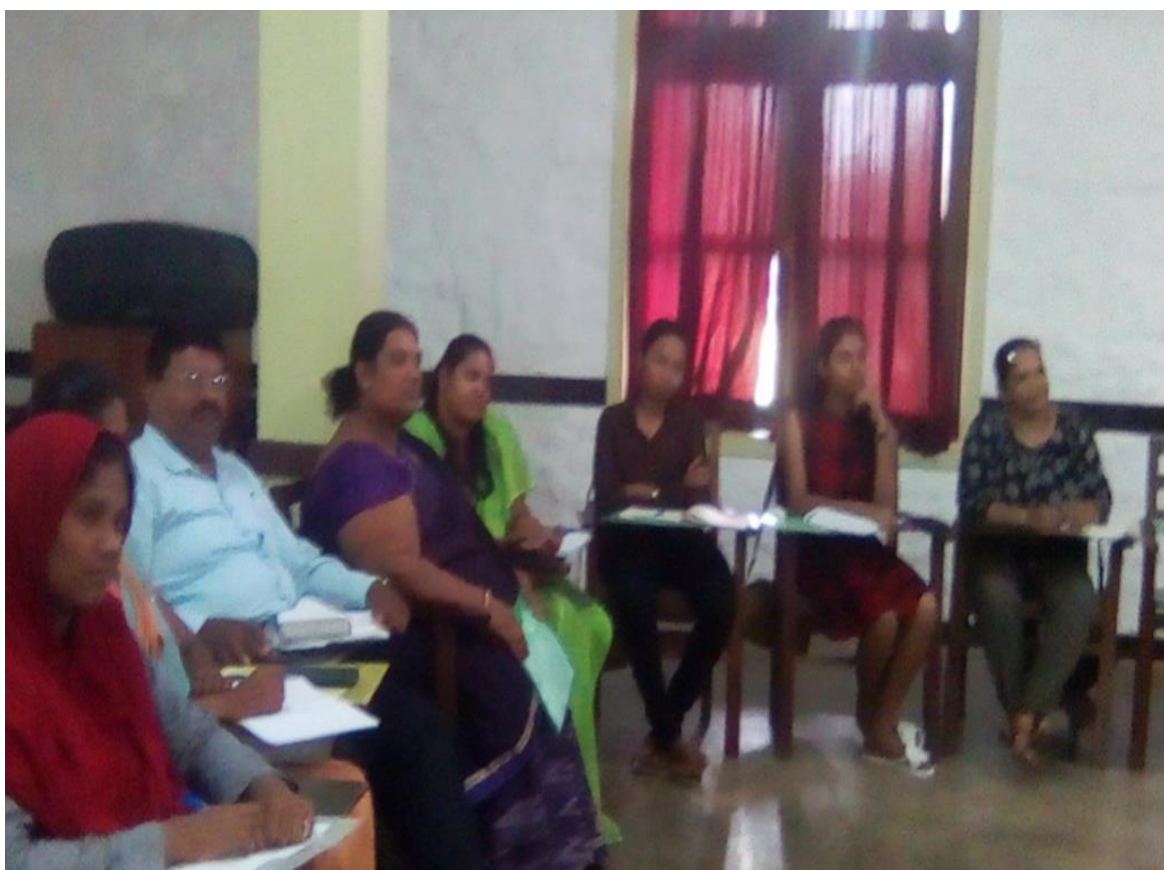
TERMS OF REFERENCE OF VOLUNTIES

The volunteer will require with multicultural environment, understanding on conflict, good understanding of cultural diversity and have a good educational background including.

SKILLS AND COMPETENCIES

The RLF and Don Bosco will engage an expert in the area of child counselling, psychosocial support and therapeutic intervention to support the training sessions and to prepare the hand book.

Pictures from the Training Program (6th to 8th August & 12th to 13th December 2019)















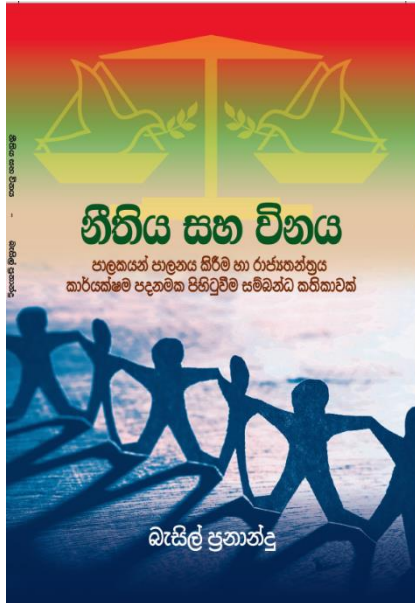




C. Session to University Post-Graduate Diploma Students on the Basics of Rule of Law

Writings in Sinhala and English Languages

Constant Engagement by Writings in Sinhala and English Languages on Current Issues Affecting Human Rights Problems in Sri Lanka



The book deals with political science theories and legal theories relating to the state duties for protection of the citizens. It tries to analyse how this duty came to be neglected within the last few decades, particularly after the adoption of the 1978 constitution.

Using Easter Sunday bomb blasts which killed over 250 persons at three churches and three tourist hotels this book tries to analyse the failure on the part of the state and also other political leaders to explain the design, methodology and the persons involved in planning and carrying out the attacks.

Neethiya and Vinaya (Law and discipline)

E. A Close Contact with Activists of Several Fields such as Intellectuals, Artists, Filmmakers, and Journalists relating to Rule of Law and Human Rights Problems

F. Appearances in the Mainstream Television Programmes to Raise the Issues relating to Rule of Law and Human Rights

An interview with Mr. Basil Fernando in the National Television Station (Rupavahini) regarding the Crisis of Law in Sri Lanka in their 99 Minutes Program. (https://www.youtube.com/watch?list=PLG5mYZmJYit7BGEvp_jMHE5o6YuoTpoz&time_continue=1&v=CJEG6v_OMRQ)

3. Interventions on behalf of Victims of Human Rights Abuses

Just Asia Documentary Programme

AHRC TV – REPORT 2019

This year Just Asia completed its 250 Episode. Since October 2013, AHRC TV's news program has been providing a weekly broadcast of human rights news. Just Asia is the first online news report of its kind in Asia, bringing together stories and cases from victims, activists, journalists and all those concerned with human rights. Just Asia is a platform not only for the voiceless to share their narratives, but also an alternate source of information for those wanting to learn and act on human rights in Asia.

A special episode on our 250 episodes can watch from the following link.

<https://www.youtube.com/watch?v=7KLv8JAlHbg>

Just Asia produced 20 Episode focusing on several human rights issues in Asia during the year 2019. We have covered the stories from Bangladesh, India, Nepal, Pakistan, Sri Lanka, Burma, Cambodia, Indonesia, Philippines, Thailand, China and Hong Kong.

Especially the stories about extrajudicial killings in Bangladesh, India, and Philippines President Rodrigo Duterte's violent war on drugs were highlighted. Regional and international networking and advocacy is another goal of Just Asia. One issue where this is greatly needed is the plight of Burma's Rohingya minority, a topic Just Asia has consistently highlighted. Also, the crackdown on the media and political opponents of Prime Minister Hun Sen's government was highlighted. Pakistan women's rights issues and also the protest in Hong Kong were covered on several occasions and broadcasted with the ground interviews.

South China Morning Post, a well-known newspaper in Hong Kong, also published a full-page article about AHRC JUST ASIA and highlighted our work very well. It is available online and in print media. You can read the full article on the following link.

<https://www.scmp.com/lifestyle/article/3008969/theyre-not-music-videos-youtube-human-rights-news-channel-just-asia>

AHRC TV also published several other short documentaries/video interviews regarding the Psychologist's role in promoting human rights, special reports about Eugene Soh, and discussions on Sri Lankan issues in Sinhala. Those all are available on AHRC YouTube channel.

<https://www.youtube.com/user/humanrightsasia>

All the Just Asia and other videos can watch online from the following links.

AHRC TV / JUST ASIA

01. Indian police fire at protesters without warning and other stories in JUST ASIA, Episode 244
<https://www.youtube.com/watch?v=w9SvJIL-8jU>

02. Philippines lowers criminal responsibility to 9 years and other stories in JUST ASIA, Episode 245
<https://www.youtube.com/watch?v=WPEJD26Pc24>

03. Pakistan Supreme Court upholds Asia Bibi acquittal and other stories in JUST ASIA, Episode 246
<https://www.youtube.com/watch?v=Xm8vilQd9F4>

04. Sri Lanka to bring back death penalty for drug offenders and other stories in JUST ASIA, Episode 247
https://www.youtube.com/watch?v=_j5eFwdU82Y

05. Bangladesh deadly fire kills 78 and other stories in JUST ASIA, Episode 248
<https://www.youtube.com/watch?v=nJkyIXjNvhI>

06. Sri Lankan police arrested in death of two businessmen and other stories in JUST ASIA, Episode 249
https://www.youtube.com/watch?v=cEWUk_4LORo

07. Malaysia joins ICC and other stories in JUST ASIA, Episode 250
<https://www.youtube.com/watch?v=VbgW9eeugyo>

08. AHRC TV: Just Asia completes 250 episodes (Episode 251)
<https://www.youtube.com/watch?v=7KLv8JAIHbg>

09. The message of solidarity for New Zealand shootings and other stories in JUST ASIA, Episode 252
<https://www.youtube.com/watch?v=Ibuv-nvaz-w>

10. Pakistan court places Hindu girls in protection and other stories in JUST ASIA, Episode 253
https://www.youtube.com/watch?v=bDSuE9_KEFk

11. Police in Philippines shoot dead 14 farmers and other stories in JUST ASIA, Episode 254
<https://www.youtube.com/watch?v=RRpFwtCmivw>

12. Hong Kong goes ahead with extradition law and other stories in JUST ASIA, Episode 255

<https://www.youtube.com/watch?v=Nr-hEgm7BhU>

13. Sri Lanka mourns worst attack since civil war and other stories in JUST ASIA, Episode 256
<https://www.youtube.com/watch?v=FVDumyeN18>

14. Burma frees Reuters' journalists and other stories in JUST ASIA, Episode 257
<https://www.youtube.com/watch?v=nDa14h-NOMc>

15. Clashes in Hong Kong legislature over extradition bill and other stories in JUST ASIA, Episode 258
<https://www.youtube.com/watch?v=khHMG7B8yJQ>

16. Indian building safety violations lead to deaths in fire and other stories in JUST ASIA, Episode 259
<https://www.youtube.com/watch?v=UUXBTz25rIE>

17. Angry protests continue in Hong Kong against extradition law & other stories in JUST ASIA, Ep 260
<https://www.youtube.com/watch?v=HMD-rIfQI0A>

18. UN report says one of nine persons faces hunger and other stories in JUST ASIA, Episode 261
<https://www.youtube.com/watch?v=iBzjyzCIoF8>

19. Legal profession calls for inquiry into police inaction and other stories in JUST ASIA, Episode 262
<https://www.youtube.com/watch?v=jOmA88Bam2g>

20. UN urges 'restraint' as Hong Kong police get more violent and other stories in JUST ASIA, Ep 263
<https://www.youtube.com/watch?v=KCzI8jVukws>

Other short documentaries/Video interviews

01. Psychologist Role in promoting Human Rights - Dr. Rajat Mitra Speaks.
<https://www.youtube.com/watch?v=nt8RZgHPsVQ&t=4s>

02. Eugene Soh, fighter for democracy and human rights passes away
<https://www.youtube.com/watch?v=GgTPXo50Z-U>

03. උත්තරීතර දෝෂාභියෝගයේ ඇතුළත්තය - සාකච්ඡාවක් (For Sri Lanka)
<https://www.youtube.com/watch?v=9IJhAigVo0Q&t=6s>

04. 2020 ශ්රී ලංකාවේ සිවිල් සංවිධානවල ජර්මාන අභියෝග හා වගකීම්
<https://www.youtube.com/watch?v=qx92tww4eMs&t=6s>

05. Human Rights Day - 2019
https://www.youtube.com/watch?v=_akkv3Jr6O0&feature=youtu.be

Web links

AHRC TV - <http://alrc.asia/justasia/>

Facebook - <https://www.facebook.com/AsiaWeeklyRoundup>

YouTube - <https://www.youtube.com/channel/UCvMzRsr2EVlITxZpnwKD1-Q>

Report from Communications Desk

The Asian Human Rights Commission (AHRC) and the Asian Legal Resource Centre (ALRC) Communications Desk has been maintaining and keeping up to date with the IT infrastructure at the office premises in Hong Kong and online materials.

The main website of the organization (www.humanrights.asia) was in need and upgrade in order to make it more secured and keeping up with latest available technology. After many considerations and consultations, it was redeveloped with the latest technology available. The website contains over 350,000 documents and pictures related to the human rights violations mainly in South Asia and South East Asia. New website was launched on 1 December 2018. Over 90,500 viewers used our web-services during this time period.

Other websites such as www.alrc.asia, www.alrc.asia/justasia, www.alrc.asia/article2, www.alrc.asia/foodjustice, www.torturemag.org websites also get over 90,000 visitors during this time.

Social media accounts such as Twitter and Facebook pages are consistently updated in order to keep the viewers updated about the human rights issues in Asia. The AHRC got over 5,400 Twitter followers and over 4000 Tweets. There are over 16,000 followers in the AHRC main facebook page and country facebook pages.

The AHRC Email System

The AHRC's email list contains over 41,000 individual and organizational email addresses listed in different categories and different requests by the email subscribers. This is the main communication method that the AHRC uses to reach its subscribers.

