

# Capacity Building for Human Rights Defenders on Enforced Disappearance

Odhikar

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**B**ANGLADESH returned to democracy following the fall of an autocratic regime through a popular upsurge in 1990. Since then, three credible elections were held successfully. However the growth of constitutional liberties still faces some challenges.

Democracy or free and fair elections alone are not enough to protect the rights of the disadvantaged and vulnerable groups. Continued occurrences of election violence, arbitrary arrests, custodial death, and torture by state and non-state actors hamper the enjoyment of civil and political rights, often with ominous consequences. The need for an independent and objective human rights organization in safeguarding basic human rights, particularly civil and political rights of the people of Bangladesh was strongly felt.

In 1994, a group of human rights activists underscored in a meeting the need to uphold the civil and political rights of the people of Bangladesh along with social, cultural and economic rights. Eventually, a decision was arrived at to form an organization in order to advance such rights. On 10 October 1994, Odhikar (a Bangla word that means rights) came into being with the aim of creating a wide monitoring and awareness raising system on the abuse of civil and political rights.

Odhikar adopted the following principal objectives: to raise the awareness of human rights and its various abuses, on the one hand, and to create a vibrant democratic system through election monitoring on the other. The organization also performs policy advocacy to address the current human rights situation. By not establishing field or branch offices, Odhikar instead trained more than five hundred people all over the country to become human rights defenders, who are relied upon for information outside Dhaka. As a result, Odhikar has a country-wide network of human rights defenders, who work as human rights volunteers and monitors in their localities.

These activities help contribute to the eventual positive steps toward the creation of transparency and accountability in the responsible sectors of the government with an aim to improve its human rights record and to

facilitate an active democracy with the participation of people from all sections of society.

In Bangladesh, women, children, religious and ethnic minorities are among the groups that are most vulnerable to human rights abuses. Furthermore, poor people's inability to access the justice system is blatantly obvious. Keeping this in mind, Odhikar's fact-finding missions in rural Bangladesh also play a role in awareness-raising among the vulnerable groups. Odhikar always emphasizes the active participation of the grass-roots community. It realizes that empowerment is the precondition to the realization of human rights, which is based on a recognition and faith in people's own power and resources. With this in mind, Odhikar is working with the vision of "society where full enjoyment of human rights by every human being will be ensured."

Odhikar has been able to establish itself as one of the leading human rights organizations of the country. It has developed a strong network of partners and human rights defenders not only all over Bangladesh, but also in the region.

### **Training Program**

Since 2000, Odhikar has trained more than five hundred human rights defenders from various districts of Bangladesh with the support of different donors/partners, including the American Centre, Forum-Asia, Relief International, European Union and Embassy of the Kingdom of the Netherlands, German Embassy, Swiss Embassy and the Finnish NGO Foundation for Human Rights. The aims of the training programs were to create a grassroots and local human rights defenders network and to help the families of the victims of human rights violations mobilize people in order to strengthen the social movement against human rights violations. Apart from training on human rights issues, fact-finding, documentation, report-writing and advocacy, Odhikar human rights defenders are also given training on election monitoring focusing on election-related violence prior to every national and local government elections.

Enforced disappearance is a particularly heinous human rights violation, and is also considered a crime against humanity under the Rome Statute of the International Criminal Court (ICC). The crime of enforced disappearance is deeply rooted in an exploitative and oppressive system that breeds

poverty and violates basic human rights. It is an instrument of repression resorted to by a government whose policies are opposed or assailed by critical members of society. It is often committed on the pretext of maintaining peace and order and protecting national security from those conveniently labeled as “enemies of the State.”

In order to prevent this crime, Odhikar, being a member of the Asian Federation Against Involuntary Disappearances (AFAD), has been working against enforced disappearance and consistently campaigning for the ratification by Bangladesh of the International Convention for the Protection of All Persons from Enforced Disappearance. As part of this campaign Odhikar, in collaboration with AFAD, organized a two-day capacity-building training course for human rights defenders on enforced disappearance. The training program was held in the CARITAS Development Institute in Dhaka on 20-21 December 2014. Twenty participants, mainly human rights defenders from different districts of Bangladesh; and members of the victim-families attended the training. The training course aimed to equip human rights defenders on the methods and techniques necessary in working on this issue.

### **Training Aims and Objectives**

The training on the International Convention for the Protection of All Persons from Enforced Disappearance (ICED) aimed at enabling local human rights defenders to work against enforced disappearances; and to familiarize the members of the families of the disappeared victims on these international standards. It aimed at empowering the local human rights defenders and the families of the disappeared by enhancing their skills and by recognizing their important contribution to human rights. The specific objectives of the training were:

- To empower human rights defenders on the tools and techniques required to work against enforced disappearance;
- To educate them on the International Convention for the Protection of All Persons from Enforced Disappearance (ICED); and
- To enhance their documentation and fact finding skills regarding cases of enforced disappearances.

## Proceedings

On 20 December 2014, Odhikar's Secretary Adilur Rahman Khan presided over the inaugural session of the training. Mahmudur Rahman Manna, Convener of the Citizen Platform Nagarik Oikya; Faiezul Hakim, secretary of the Jatiya Mukti Council; and Odhikar Director, ASM Nasiruddin Elan, also spoke during the opening session. Furthermore, among the families of the disappeared, Ruhul Amin Chowdhury, the father of SM Adnan Chowdhury and Sanjida Islam, the sister of Mohammad Sajedul Islam Sumon, also spoke at the session.

The families of the disappeared held the state agencies responsible for the abduction and enforced disappearance of victims involved with the pro-opposition movement led by Bangladesh Nationalist Party (BNP) and demanded that the government identify the persons involved in the crime and bring them to justice.

The speakers urged the government to find the whereabouts of forty persons picked up in the run-up to the controversial 5 January 2014 elections. "The government knows everything...if it fails to find out our dear ones, then what type of duty is the government discharging," said Ruhul Amin Chowdhury, the father of SM Adnan Chowdhury, who was picked up allegedly by Rapid Action Battalion on 4 December 2013.

Nagarik Oikya convener Mahmudur Rahman Manna said that we do not need to seek justice or remedy from such a government which did not acknowledge incidents of enforced disappearances. He also said that we have to build resistance against enforced disappearance. He was critical of the ruling Awami League for continuing in power through a "farcical election" held on 5 January 2014. He stated that the present government proved through the controversial elections that it was not dependent on the people, but continued in power because of the security forces.

Manna alleged that he was barred from attending television talk-shows for expressing critical views on human rights issues, especially on enforced disappearances and that some selected persons were seen "propagating" in those talk-shows.

Adilur Rahman Khan, expressing solidarity with the disappearance of Laotian developmental worker Sombath Somphone, said that all persons including political activists and professionals who were disappeared in Bangladesh would have to be returned to their families. He said that mass

prevention efforts needed to be created through a democratic movement in order to stop gross human rights violations like enforced disappearance. He said that this required mass awareness on the issue.

He also alleged that the Prime Minister's Office-controlled Non-governmental Organization Affairs Bureau had kept suspended all the foreign funds of Odhikar, resulting in its employees being left without salaries from April 2014.

Odhikar has documented the cases of one hundred sixty-six people, mostly political activists, as victims of enforced disappearance during the Awami League rule between January 2009 and December 2014.

Jatiya Mukti Council secretary, Faiezul Hakim, said that persons who are responsible for enforced disappearance and killing were not arrested. Rather, the state was making its citizens disappear without bringing anyone to justice, by violating the due process of law. He said that there was neither security nor justice in place in the country. He recalled that many members and leaders of Jatiya Samajtantrik Dal were victims of such enforced disappearance in 1972. On behalf of the Jatiya Mukti Council, he condemned such violation of human rights and urged all citizens to continue their fight against enforced disappearance.

In the morning of 20 December 2014, before the start of the inaugural session of the training program, human rights defenders who were associated with Odhikar and the families of the disappeared made a human chain in front of the CARITAS Building and expressed their solidarity for the return of Ramon Magsaysay Award laureate and Laotian development worker, Sombath Samphone, who was disappeared on 15 December 2012.

The facilitator and resource persons of the training course were:

- Sazzad Hussain, Program Coordinator, Odhikar ;
- Adilur Rahman Khan, Secretary, Odhikar;
- David Bergman, Journalist, *New Age*;
- ASM Nasiruddin Elan, Director, Odhikar;
- Samia Islam, Documentation and Research Officer, Odhikar; and
- Taskin Fahmina, Consultant, Odhikar.

The training covered the following topics:

- Fundamentals of Human Rights;
- The International Convention for the Protection of All Persons from Enforced Disappearance (ICED);

- Fundamentals of Fact Finding and Research;
- Interviewing Techniques;
- Documentation and Reporting ;
- Urgent Action Alerts;
- Advocacy strategies and networking;
- Strategies for fighting against enforced disappearances; and
- Communication and lobby at the United Nations Working Group on Enforced or Involuntary Disappearance.

Documentation and Research Officer Samia Islam shared the expectations about the training gathered from the participants. Most of the participants expressed the intention to know more about ICED and how to prevent enforced disappearance.

In the first working session, facilitators highlighted the concept of enforced disappearance. Background and salient features of ICED were also discussed. Among other topics, “enforced disappearance as a continuing crime” and “what is the significance of mandatory universal jurisdiction” were also discussed in the session.

In the second working session, facilitators focused on why we need to ratify ICED, the global context of enforced disappearance; current updates on enforced disappearance; acts of the Commission on Enforced Disappearance; mechanisms aimed to ensure compliance with ICED; and domestic enforcement of international mechanisms.

In the third working session, the facilitators highlighted the issues relating to fact finding and research, and discussed the process of investigation, interview, data collection and verification of information. Participants also shared their experiences and thoughts regarding fact finding.

The facilitators highlighted in the fourth working session the issues relating to documentation and report writing, including gathering and documenting information on enforced disappearance, methodology of information gathering and structure of report writing.

On the second day of the training (the fifth working session), participants reviewed the previous day’s work. They were divided into four groups and presented their reports. After the debriefing session, each group of participants reviewed one case of enforced disappearance, prepared a fact finding report based on the information given, and made a group presentation.

In the seventh working session, a video-documentary on enforced disappearance titled “**UNSILENCED**” prepared by the Asian Federation Against Involuntary Disappearances (AFAD) and the Families of Victims of Involuntary Disappearance (FIND), was shown to the participants to understand the consequences of such crime and how it affected the families of the disappeared and the society as a whole.

The facilitators focused on issues relating to advocacy and media campaigns in the eighth working session, including different advocacy tools and mechanisms, the active role that media can play to obtain justice, the role of human rights defenders in the ratification of the ICED, and lobby at the United Nations Working Group on Enforced or Involuntary Disappearance (UNWGEID).

The participants gave the following feedback on the role of human rights defenders for the ratification of the ICED:

- Raise public awareness through poster campaigns in public places like educational institutions, press clubs, police stations, government and non-governmental organizations, etc.;
- To learn and teach the definition, nature, kinds of enforced disappearances and the involvement of law enforcement agencies;
- Share information and knowledge on enforced disappearance to nearest groups – first the family then friends, neighbors, colleagues and others, to create awareness;
- Organize advocacy meetings and press conferences;
- Lobby with local politicians, members of parliament and community leaders;
- Encourage the politicians to speak in public meetings against enforced disappearance;
- Create a database on enforced disappearance cases to mobilize the families of the disappeared from each locality;
- Network the families of victims to organize a movement against enforced disappearance;
- Hold monthly meeting among the human rights defenders and others to update on acts of enforced disappearance in each locality;
- Disseminate information through the print, electronic and social media;
- Publish a series of stories of enforced disappearances in the local newspapers;

- Publish articles on the consequences of enforced disappearance;
- Circulate the contents of ICED to grassroots-level activists and community leaders. The contents of ICED can be disseminated through the internet if hard copies are not available;
- There is a need to work from the grassroots and local government levels and to mobilize people from all spectrums against enforced disappearance, through organizing rallies, human chains and releasing press briefings and submitting memorandums to the authorities.

The outcome of the training was very productive with regard to the campaign against enforced disappearance at the field level. The participants received a clear conception about the issues covered that would enable them to exercise their knowledge and skills at the field level successfully. The training course has enhanced the capacity of the human rights defenders in working on issues relating to enforced disappearances and in creating awareness at the community level. The most significant outcome of the training was that the victim families formed a network alongside the network of HRDs, where they could unite to make the authority accountable and to take effective measures on the issue.