

## **Asia Regional Meeting on the International Criminal Court**

### **Country Report: Odhikar, Bangladesh**

In Bangladesh, Odhikar, a human rights organization, coordinates campaign for the International Criminal Court. Odhikar was founded in 1994. Its principal goals are to raise the awareness of human rights and its abuses, in order to create a wider monitoring system in one hand and to create a vibrant democratic system through election monitoring on the other. These human rights monitoring activities will contribute to eventual positive steps towards the creation of transparency and accountability in the responsible sectors of the government and to have an active democracy with the participation of people from all sections of society.

#### **The Objectives of Odhikar are:**

- Promotion of human rights through introducing participatory democracy and good governance;
- Advocacy and lobbying for incorporation and ratification of various international instruments by the government and also for enactment of human rights friendly laws and its necessary amendment;
- Fighting impunity and promotion of international justice and prevention of torture;
- Documentation, fact finding, monitoring, investigation and research on human rights abuses, including custodial death, rape, torture, prison situation, violation of freedom of expression political repression, and issues relating to national and local government elections.
- Monitoring and observation of national and local government election for free and fair electoral process to ensure voter's rights and also free and fair electoral process;

In 1999 the Government of Bangladesh signed the Statute of the ICC, with assurances of ratification. Bangladesh was first country in South Asia to have signed the treaty. Bangladesh also took active part in the Rome negotiations. However, ratification of the Statute is yet to be done.

Odhikar, a human rights organization in Bangladesh, is carrying out an advocacy and awareness campaign for encouraging ratification of the Statute of the International Criminal Court by the Government of Bangladesh. ODHIKAR is hosting ten-member Bangladesh Coalition for International Criminal Court (BCICC) in the campaign. Odhikar has embarked on a three-year plan of action on the ICC in Bangladesh. Bangladesh Coalition for the International Criminal Court (BCICC) began its activities well before the adoption of the Rome Statute in 1998. Odhikar, as active member of BCICC, took part in the campaign. The Government and the civil societies in Bangladesh always had quite positive attitude towards the ICC, largely because of the nation's experience of genocide, war crime and crime against humanity during the liberation war in 1971. On ICC, there had also been continuous civil society dialogue led by BCICC with the leaders of the Government and the opposition.

## Activities in 2005

### **February 12, 2005 Dhaka, Bangladesh**

This was the second of the South Asian Regional conference of the ICC advocates, which Odhikar planned to organize annually. This was aimed at bring ICC advocates from South Asian region to review activities of research, campaign and ratification advocacy, to share experience and to further strategize the ICC campaign for South Asian region. ICC advocates from human rights organizations from Afghanistan, Pakistan, India, Nepal, host Bangladesh and Brussels based Convener of the Asian Network for the International Criminal Court (ANICC) participated in this conference. The Department of Foreign Affairs and International Trade (DFAIT) of the Government of Canada facilitated the conference.

The conference was presided over by Dr. Tasneem Siddiqui, President of Odikar. In the inaugural session, there was a presentation made by Dr. Ahmed Ziauddin, Convenor of the Asian Network for the International Criminal Court (ANICC) on overview of ICC campaign in global and South Asian perspective.

Mr. T. H. Khan (Judge of International Tribunal on Rwanda) was present as special guest. In his deliberation he said, from the moral point of view, he believed since Bangladesh had signed the treaty, the Government would today or tomorrow ratify it because mere signing of a treaty did not automatically give it the force of law without ratification. "I would expect that those in Governments shall studiously scrutinize all the pros and cons of the treaty, and very carefully weigh the implications in all their ramifications, while proceeding with the process of its ratification." he added.

Mr. David Sproule, High Commissioner of Canada to Bangladesh, was present as Guest of Honour. He stated that the ICC was a carefully designed institution, with the tools to do its job and to make a difference, but with safeguards to prevent abuse. The ICC has impressive and growing support, but people must strive for even wider support and ratification in order to protect potential victims everywhere. Ratifications and accessions must be accompanied by implementation that gives full legal effect to those principles in domestic law. "Only in this way will we ensure a strong and effective International Criminal Court," he concluded.

Barrister Moudud Ahmed, Minister for Law, Justice and Parliamentary Affairs, thanked Odhikar for organizing this regional conference. He said that Odhikar was very much active in various human rights issue especially on ICC. He said, "Bangladesh has always been in a leading role in taking part in International conventions. But our foreign policy making is influenced by neighbouring countries particularly India. So in case of ratification of the ICC Statute, we have to consider the position and analysis of our neighbouring countries," he commented.

First working session was presided over by. Mohammad Zamir, former ambassador. In this session, status of country-wise ICC campaign were discussed by the participants from India, Pakistan, Afghanistan, Nepal and Bangladesh. For declaring emergency in Nepal, participant from Nepal could not attend the conference. His paper was read out in the conference. In the second working session, there held extensive discussion on challenges of national campaigns. Lack of awareness/interest of government policymakers and civil societies and financial constraints were identified as key problems of national campaigns in the region. Role of USA in signing bilateral immunity agreements is another reason for lack of interest of the regional states in the ICC, it was gathered.

Dr. Ahmed Ziauddin conducted the third working session. Recommendations on effective campaign strategies came out from the human rights advocates from the South Asian region. Those were summarized as following:

#### Recommendations:

- ICC could be a part of academic curricula
- People can be trained to act as experts on the ICC
- Comprehensive booklet on the ICC in respective country language
- Launching regional website on the ICC
- Comparative study on the Rome Statute and national laws of respective countries
- Identify important and influential people, like legal advisor of the Foreign Ministries, in the countries of the region who can play important role in signing and ratification.

Added to that, a South Asian campaign should be launched to gear up ICC campaign in the region. Dr. Ziauddin suggested that initiatives in six different fronts could take place in this regard:

- South Asian Parliamentarians for the ICC
- South Asian Lawyers for the ICC
- South Asian Women for the ICC
- South Asian Peoples Initiatives for the ICC
- South Asian Media for the ICC
- South Asian Victims Groups for the ICC

**May 14, 2005**

#### **Premier University, Chittagong, Bangladesh**

“The establishment of the Court is still a gift of hope to future generations, and a giant step forward to in the march towards universal human rights and the rule of law,” commented UN Secretary General on the International Criminal Court. To make students and civil societies aware about the ICC mechanism, Odhikar, on 14 May, organized an advocacy workshop with Premier University, Chittagong, with assistance from the Asian Forum for Human Rights and Development (Forum-Asia), Thailand. It was actively participated by the law students and faculties from the University of Chittagong and the Primer University, members of the civil societies and media. The objective of the workshop was to disseminate information on the ICC mechanism and to campaign for ratification of the ICC Statute by Bangladesh. Targeted participants were students, lawyers, teachers, civil society people, human rights activists.

The opening session was presided over by A. F. Hassan Ariff, Member, Executive Committee, Odhikar and former Attorney General for Bangladesh. In the opening remarks, he said that after a couple of awareness workshops in Dhaka with students, teachers, civil societies, law professionals, Odhikar has come to Chittagong to spread the message on the ICC mechanism to more grassroots people outside Dhaka. Chief Guest, Professor Anwarul Azim, Vice- Chancellor of the Premier University, Chittagong commented on the importance of the ICC and hoped that Government should consider its value and go for ratification. “As a co-organizer of this workshop we feel proud and I hope this will help my students to know Rome Statute clearly.” he added.

In the first working session Dr. Asif Nazrul, Professor of the University of Dhaka presented the ICC mechanism and Rome Statute in a very simple way. Role of the United States of America and the legal status of Bilateral Immunity Agreement between USA and a few States also came up in his presentation. He also discussed the role of the UN Security Council and the procedures for referring incidents to the ICC. The floor was opened for discussion. Students were the most active participants in this session. A lot of interesting questions came out from the floor. Dr. Asif Nazrul and A. F. Hassan Ariff tried to answer those questions.

Second working session was conducted by, Professor Dr. Shah Alam, of the Law Faculty of the University of Chittagong. In this session he explained how important the ratification was for Bangladesh and the process of ratification of International instruments as per the Constitution of the country. Third working session was on victims and witnesses under the Rome Statute. Sultana Razia, Project Assistant of Odhikar read out a paper on the protection of victims and witness under the ICC mechanism.

**June 16, 2005**

**National Tennis Complex auditorium, Rajshahi, Bangladesh**

To make the law professionals, media, civil society and human rights activists of Rajshahi aware about the ICC, Odhikar organized an advocacy workshop in Rajshahi Tennis Complex Auditorium, with assistance from the Asian Forum for Human Rights and Development (Forum-Asia), Thailand. The objective of the workshop was to disseminate information on the ICC mechanism and strengthening the campaign for ratification of the Statute of the ICC by Bangladesh.

The opening session was presided over by Adilur Rahman Khan, Advocate Bangladesh Supreme Court. A. F. Hassan Ariff, Member, Executive Committee, Odhikar was the Chief Guest. Special Guest, Advocate Zillur Rahman pointed out the audience about the Bangladesh War Crime Tribunal Act-1973, which was passed but it was not effective. He said in the present world war crimes and genocide are taking place in some parts of the world and the ICC could be a safeguard for this. "Parliament should take necessary initiatives for the ratification of the Rome Statute and for that members of the parliament should raise their voice," he added. Dr. Asma Siddiqua, Dean and Chairman, Department of Law and Justice, University of Rajshahi was present as the Guest of Honour. She said normally International laws, treaties and conventions have no independent enforcement mechanism, these have to depend on the state parties for enforcement but the ICC can be a strong example on how state parties could help in enforcement of the provision of an international treaty. It would strengthen the claws of the enforceable measures of International treaties. Guest of Honour, Kamrul Monir, Public Prosecutor District and Sessions Judge's Court, Rajshahi, said we are living in a global village. People of the world are regularly becoming victims of war crimes, genocide and crimes against humanity. There is no bar and limitation in our legal system on ratification of the ICC Statute. He concluded that more people should be made aware about the ICC and raise voice for ratification.

**July 17, 2005**

**Faculty of Law, University of Rajshahi, Bangladesh**

After the first ICC workshop in Rajshahi, which was targeted basically for human rights activists, lawyers and civil society activists, Odhikar received a request from the Faculty of Law of the University of Rajshahi to organize similar ICC workshop for Law students of the University of Rajshahi. Accordingly a workshop was organized there on July 17, the international justice day when the ICC Statute was formally adopted. Technical Advisor of Odhikar Jesmul Hasan made a presentation on the ICC mechanism followed by presentation on victims and witness protection by Sultana Razia. In open discussion, students were keen to know about the ICC mechanism, expressed their apprehension about how effective will it be in a univocal world dominated by the USA. Lively debates participated by students and teachers made the workshop a very successful one.

<b>Lessons learned/assessment</b>
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- On campaign policy:
  - Odhikar learnt that raising the advocacy and awareness program should make the ratification process faster.
  - More advocacy and lobbying with the policymakers is required.
- On campaign activities/project intervention:
  - Using CD-ROMS, independent websites and other audio-visual materials can make the campaign more effective and meaningful.

- Development of expertise and a resource pool by giving training to resource persons on ICC mechanism is necessary to make the campaign more effective, persuasive and stronger.
- More substantive, focused and intensive initiatives need to be taken to include the issue in the government's priority list
- Regular dissemination of information on ICC in local language Bangla will be more effective and fruitful.
- Target groups for the campaign needs to be expanded to include more segments of society like indigenous communities, torture victims etc.
- Ratification of the ICC Statute is not only a domestic policy issue for the Government of Bangladesh but it has regional and international dimensions. Particularly no other country in South Asia region did sign the ICC Statute and there are other regional policy issues to reckon with in this regard.
- More research and publication initiatives need to be taken for broadening the dissemination network.

#### Assessments indicators:

- Promoted a strong and effective ICC
- To some extent the workshops and conference raised questions on Government's accountability - after clarification of this mechanism Odhikar was asked innumerable times if the Government or its law enforcers would be taken to the ICC for the extra judicial killings and other gross violations of human rights in Bangladesh.
- Representatives from 4 South Asian countries and 5 organizations from outside Bangladesh were present in the South Asian Conference.
- Copies of the ICC Statute printed by Odhikar, issue-based papers, posters disseminated and reached ICC message across cross section of people

The short-term assessment is that the campaign **increased awareness and knowledge of governance and accountability issues**. Although Bangladesh signed the ICC statute in 1999, most of the members of parliament and politicians are not completely aware of the ICC mechanism. To get the statute ratified by the Bangladesh government and get it implemented at a domestic level, an advocacy drive with government policymakers is needed. To support the process, civil society and NGOs are needed to be involved in an awareness raising/education initiative. In Bangladesh, very few people are aware of ICC and the Rome statute. Mass people are not at all aware that Bangladesh has signed the statute. Only a few lawyers and human rights activists are informed about the ICC mechanism through out the campaign. To support the ratification and informing/educating people on the issue, campaign and publication activities/events so far have been successful. **In 2005, Odhikar reached directly to 330 people with ICC message. Among them 280 were present in the workshops and conference and 50 were in lobbying meetings.**

<b>Strengths and weaknesses</b>
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The most significant strength of the ICC campaign in Bangladesh is that it has a very vibrant civil society, which is supportive of ratification and implementation of the ICC Statute. On many issues, civil society in Bangladesh has succeeded in putting pressure on the government to bring necessary policy reforms. For several years, the Bangladesh Coalition has been active in the ICC campaign and succeeded to get increasing and diversified number of people from all sections of society engaged in its advocacy works. Even if the ratification is not in the priority list of the Government of Bangladesh, the ICC issue is regularly being discussed at the policy level and analysis on legal and other implications of ratification is being done.

The weakness is lack of sustained campaign. Due to lack of resources and project support, it is not always possible to continue with the campaign activities at a level required to take it to certain momentum. Through other human rights issue-based monitoring and advocacy works, ICC messages are disseminated. This cannot always ensure focused currency and impetus needed to get the message across the policy agenda of the government. Campaign needs to be continued on a regular and sustained basis.

Another weakness is political environment. 2006 is the last year of the tenure of the present government. Parliament elections will be held in early 2007. Government is busy with its own political agenda to complete its tenure and how to get reelected in the next elections. The opposition political parties are busy with election strategies. There is the risk that election and other national political issues will get prominent and the ICC issue will have to take the backseat in 2006. However, this is an opportunity to include the ICC issue in the election manifesto of the major political parties.

## Plans for 2006

### **Inclusion in other project activities**

Given that 2006 is the election year in Bangladesh, Odhikar is planning to start a number of other projects like civic education for ensuring free and fair election, monitoring of elections in 45 constituencies, holding a number of research-based thematic public advocacy events on democracy, developing a regional model law on victims and witness protection etc. Odhikar will include discussion on ICC issue in all its project activities.

### **ICC workshops in divisional towns**

Subject to availability of project support, Odhikar plans to take its ICC awareness raising campaign to the divisional towns where ICC workshops are yet to take place. Project proposals in this regard have been submitted to partner organizations for support.

### **Dialogues with the Political Parties**

Like other democratic countries, political parties here obviously play a vital role and it is true that there is a gap of information regarding the Rome Statute. To address this issue and to secure support, Odhikar will organize dialogues, through its existing works, with the political parties, where representatives of the parties will be briefed on the ICC for their support and incorporation in their party agenda. These dialogues may take place with leaders at different party levels.

### **Research**

Subject to availability of project support, Odhikar will coordinate a yearlong major research and study project on the Rome Statute and the Constitution of Bangladesh and other laws, primarily to analyse consequences and compatibility of the Statute with the legal culture of Bangladesh. The study will ascertain what needs to be done for Bangladesh to fully implement the Rome Statute and to cooperate with the Court. 2006 being the election year, this is more appropriate time to conduct the research, which can be completed by the time elections take place in 2007.

### **Online information**

Odhikar is redesigning its website ([www.odhikar.org](http://www.odhikar.org)) to include ICC activities and materials available in a user-friendly way. It will also provide links with other similar sites. So updated online information will be accessible.