

*Indigenous Peoples*

# **Human Rights Report**

**in Bangladesh**

**2007-2008**

**Kapaeeng Foundation**

## **Indigenous Peoples Human Rights Report 2007-2008**

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## Acronym

BCS	Bangladesh Civil Service
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
ICCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Racial Discrimination against Women
CESCR	Covenant on Economic, Social and Cultural Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CHT	Chittagong Hill Tract
CHTRC	Chittagong Hill Tracts Regional Council
CRC	Convention on the Rights of the Child
DC	Deputy Commissioner.
GoB	Government of Bangladesh
HDC	Hill District Council
IDPs	Internally Displaced Persons
ILO	International Labour Organisation
IPs	Indigenous Peoples
MP	Member of Parliament
OC	Officer-in-Charge
OMCT	World Organisation Against Torture
PCJSS	Parbatta Chattagram Jana Samhati Samiti
PRSP	Poverty Reduction Strategy Paper
SAD	Special Affairs Division
SP	Superintendent of Police
UN	United Nations
UNDP	United Nations Development Programme
UPDF	United Peoples' Democratic Fornt

## EDITORIAL

The overall human rights situation of the indigenous peoples of Bangladesh is far from good. Discrimination and human rights violation is particularly glaring in the indigenous-inhabited regions. Human rights organizations in Bangladesh publish annual human rights report in which human rights situation of indigenous peoples are included. But these are not adequate in understanding the overall human rights situation of indigenous peoples. In addition, discriminatory information on indigenous peoples continue to be published in various books and other forms of public information, although indigenous peoples continue to contest and protest against this. Because of the prevalence of such information, the mainstream population has little knowledge about indigenous society and culture in Bangladesh.

Given this backdrop, Kapaeng Foundation, a human rights organisation run by indigenous rights activists, undertakes this project to publish annual situational report on indigenous peoples in Bangladesh in order to promote and protect their fundamental freedoms and human rights.

The Indigenous Peoples Human Rights Report 2007-2008 is basically a compilation of human rights violations of indigenous peoples. Most of the reports have been collected by Kapaeng Foundation through its network all over the country. A number of reports circulated or published by several human rights organisations working for the cause of the indigenous peoples, such as, Bangladesh Indigenous Peoples Forum, Bangladesh Adivasi Odhikar Andolon, Ain O Salish Kendra, Odhikar, Hill Watch Human Rights Forum, Global Human Rights Defence, Jumma Peoples Network, Jumma Net–Japan, Asian Centre for Human Rights, Peace Campaign Group, Survival International, Amnesty International etc. have also been incorporated to this compilation. In addition, media reports/news published by the national dailies and news agencies in Bangladesh have also been included in this report. Kapaeng Foundation is grateful to these human rights organisations and news media.

Kapaeng Foundation would like to express sincere gratitude to retired Justice Mahammad Gholam Rabbani for giving a valuable foreword (prolegomena) for this book. His critical comment on this report is indeed invaluable. Kapaeng Foundation takes this opportunity to thank Oxfam and its Programme Coordinator Mr. Bibhash Chakraborty for coming forward to support the publication of this report.

It is expected that this publication would help build idea of the readers on the extent of the situation of human rights and fundamental freedoms of indigenous people and it would help raise concern in support of promotion and protection of human rights of indigenous peoples in Bangladesh. Kapaeng Foundation hopes that this publication will serve to raise greater awareness and understanding about the human rights situation of Bangladesh Indigenous Peoples’.

## PROLEGOMENA

“The sound is fading away.

It is of five sounds.

Freedom.

The sound is fading away.

It is of five sounds.

*- Song of Chippewa tribe in eastern  
Woodlands, USA*

In the beginning there were lands, jungles, animals. Then came the people in groups dwell therein. They are the ‘Adivasi’- a Bengali word means ‘first inhabitant’, who have separate and distinct culture which the Constitution of Bangladesh promises to protect in its article 24: “The state shall adopt measures for the protection against disfigurement, damage or removal of all monuments, objects or places of special artistic or historic importance or interest.”

This report tells otherwise. It tells us: “There is prevailing a fearful and anxiousfull situation in Hill Tracts at present. It may be exploded in any time. Civil administration is doing their activities of establishment of colony and land distribution, selection of non-tribal permanent residents and giving certificate adopting the opportunity not to implement the peace treaty.”

The entire report, therefore, must be read, re-read and read again till your heart breaks: oh! the suffering humanity.

Dhaka  
June 12, 2009

Mohammad Gholam Rabbani  
Retired Judge, Appellate Division,  
Supreme Court of Bangladesh

## PART A

### INTRODUCTION

Indigenous peoples have been living in Bangladesh for several centuries. There are more than 45 different peoples in the country with a total estimated population of nearly 3 million today. When referring to the indigenous peoples, the Government of Bangladesh appears to generally prefer the term ‘tribals’ in official documents, although some legal documents of the government also refers to the indigenous peoples as “aboriginals” or “indigenous hillmen” or “indigenous tribes”. The largest concentration of indigenous peoples in Bangladesh is found in the south-eastern border region of the Chittagong Hill Tracts (CHT). The CHT has an extensive semi-autonomous administrative structure that has no parallel in other parts of Bangladesh.

The Constitution of Bangladesh does not directly recognise the indigenous peoples of the country. However, the Constitution outlaws discrimination on grounds of race, religion and place of birth (and sex) and provides scope for affirmative action in favour of the ‘backward section of citizens’.

Under the equality clauses, Government of Bangladesh has undertaken some affirmative action measures for members of indigenous peoples. The most notable of these initiatives are the setting up of the Special Affairs Division under the Prime Minister’s Office for indigenous peoples of the plain regions and the continuing practice of quota reservation in government jobs and educational institutions for ‘tribal’ people. Other important governmental measures that seek to safeguard the rights of indigenous peoples include the signing of the CHT Accord with the PCJSS in 1997 (to re-establish peace and provide limited autonomy), amendment of the Hill District Council laws of 1989 to strengthen the councils (in 1998), amendment of the CHT Regulation 1900 (in 2003) to transfer justice administration from civil servants to judges, passage of laws to establish a regional council for the CHT (in 1998) and to establish a Land Commission to resolve land disputes (in 2001) and the inclusion of measures on ‘adivasi’ and ‘indigenous peoples’ issues in the Poverty Reduction Strategy Paper (PRSPI and PRSP-II)..

In addition, Bangladesh has ratified a number of international human rights treaties that are relevant to the rights of indigenous peoples. These include, among others, the following:

Treaty	Ratification
International Covenant on Economic, Social and Cultural Rights (CESCR)	05 January 1999
International Covenant on Civil and Political Rights (CCPR)	06 December 2000
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	11 July 1979
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	06 December 1998
Optional Protocol to the Convention on the Elimination	22 December 2000

of Discrimination against Women (OPCEDAW)	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	04 November 1999
Convention on the Rights of the Child (CRC)	02 September 1990
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)	12 February 2000
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC)	18 January 2000
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)	07 October 1998
ILO Convention on Indigenous and Tribal Populations (Convention No. 107 of 1957)	22 June 1972
ILO Convention on Discrimination (Employment and Occupation) (Convention no. 111 of 1958)	22 June 1972
Convention on Biological Diversity (CBD)	03 May 1994

Under these international legal instruments, the indigenous peoples are entitled to the recognition of collective rights of indigenous peoples. These collective rights included the right to their land and resources, customary laws and traditional system, right to the self-determination. On the other hand, the rights are also recognized to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) which is a historical international instrument in the recognition of indigenous peoples'. The rights recognized herein constitute the minimum standards which are not new rights granted by States and already embodied in several UN human rights instruments.

Apart from violation of the fundamental freedoms and human rights, the most serious problems faced by indigenous peoples in Bangladesh include limited access to education and other social services, discrimination at the hands of non-indigenous people, including government functionaries and the imposition of other inappropriate and socially and economically destructive development projects. The indigenous leaders and activist are often subjected to face violations of civil and political rights in the cause of struggle for their rights to the land and resources.

Indigenous peoples were also the targets of massacres, often perpetuated by government forces. It is reported that the indigenous Jumma people in the CHT have been amongst the worst victims during the State of Emergency in Bangladesh. The government forces used the state of emergency as a political tool to suppress their democratic voice for proper implementation of the CHT Accord which provides a degree of autonomy to the Jumma people, a prerequisite for democracy, peace and development in the region. The Jumma were not able to move freely; military checkpoints were widespread.

The military-backed Caretaker Government claimed to crack down on corruption and violence, at any price, and police violence, arbitrary arrests, extra judicial killings and torture was frequently reported. Heavy restrictions upon fundamental freedoms and democratic practices followed the proclamation of a State of Emergency. Among others, indigenous rights activists were continuously repressed and harassed and have faced tremendous difficulties in their activities.



Indigenous peoples were exposed to the dangers of physical attacks, including rape, as well as attack to religious buildings. Indigenous women were particularly vulnerable, as they faced discrimination due to their sex, and also other factors such as religion and ethnicity.

The daily New Age (26 January 2008) reported that despite repeated pledges to guarantee indigenous peoples' rights, the military-controlled Caretaker Government took a move to curb democratic rights of indigenous communities. The home ministry issued an order asking the authorities concerned to prevent intellectuals and eminent personalities from attending functions organised by indigenous peoples which were mainly aimed at drawing the attention of the authorities to the discrimination and negligence they are being subjected to.

The New Age also mentioned that the instructions, which came in line with an intelligence agency report, also included lessening coverage of their programmes both on print and electronic media, and monitoring of the movement of a few ethnic minority leaders, including Joytirindra Bodhipriya Larma alias Santu Larma, who had led a bush war in the CHT for about two decades until a peace deal was signed in 1997.

It is learnt that a government agency reported to the high ups arguing that the indigenous peoples have been engaged in propaganda against the Caretaker Government aimed at tarnishing the country's image by holding various programmes. They recommended to the offices of the President, Chief Adviser, Home Ministry, Inspector General of Police and Dhaka Metropolitan Police Commissioner to take necessary measures against it so that the editors, left-leaning politicians and eminent personalities do not participate in the programmes.

The government agency also named the persons and quoted their speeches delivered in the programmes, organised by the indigenous peoples on the occasion of International Day of the World's Indigenous Peoples on August 8, 2007. Bangladesh Adivasi Forum and Bangladesh Adivasi Odhikar Andolan organised several discussion meetings which were attended, among others, by indigenous leaders Santu Larma, Rupayan Dewan, Raja Devasish Roy, Promode Mankin, Rabindranath Soren and Sanjeeb Drong, economist Rehman Sobhan, former bureaucrat Dr Akbar Ali Khan, lawyer Dr Kamal Hossain and Sara Hossain, politicians Manjurul Ahsan Khan, Rashed Khan Menon, Hasanul Haq Inu, former vice-chancellor Emajuddin Ahmed, retired official Amin Ahmed and Professor Badiul Alam Majumder.

The New Age mentioned that the home ministry, citing the reports of the intelligence agency, sent a note to the information ministry on October 11, 2007 to take measures to prevent such activities. Instructions to take necessary steps were also given to Bangladesh Television, Bangladesh Betar (National Radio) and other institutions concerned to that end.

The New Age opined in its editorial on 27 January 2008 that such an instruction is in violation of the fundamental human rights guaranteed by the constitution, the right of the indigenous peoples to give voice to their grievances through free speech, and the rights of the media and ordinary citizens to gain full knowledge of the government's actions in their regard. It is a disturbing sign that the government is engaged in a campaign to blank out the voices of prominent citizens of this country based on its narrow chauvinistic perception of nationalism. The New Age strongly condemned this disgraceful campaign, and the secrecy in which it was shrouded, and urged the government to restrain from denying fundamental rights of Bangladeshi citizens, whatever their ethnicity may be.

However, in a positive instance of indigenous peoples taking action to improve their situation, the indigenous peoples insisted upon an improvement in their situation with the implementation of their demands. In recent years, there has been considerable progress in upholding indigenous peoples' identity and rights in various forums at national level and increased and generally more respectful media coverage on human rights situation of indigenous peoples in Bangladesh.

However, these are the few incidents that focused by media both in print and electronic media. Most of the human rights violations remain unpublished and out of the media coverage.

## **PART B**

### **LAND RIGHTS AND LAND GRABBING**

Bangladesh is a party to the International Covenant on Civil and Political Rights (ICCPR), which ensures the right of all peoples to self-determination. By virtue of this right, a people may freely determine their political status and freely pursue their economic, social and cultural development.

Similarly the International Covenant on Economic, Social and Cultural Rights (ICESCR) also includes the right of all peoples to self-determination, including the right, for their own ends, to freely dispose of their natural wealth and resources without prejudice to any obligations.

The ILO Convention on Indigenous and Tribal Populations (Convention no. 107), which was ratified by Bangladesh in 1972, stipulates that the right of ownership, collective or individual, of the members of the indigenous peoples over the lands which they traditionally occupy shall be recognised. This convention also ensures that indigenous peoples shall not be removed without their free consent from their habitual territories.

In addition, the Constitution of Bangladesh provides for all citizens to enjoy equality before the law, to be treated in accordance with the law, right to acquire property and to protection of the home.

However, despite the aforesaid provisions of the constitution and that of the ratified human rights treaties, indigenous peoples are often deprived of their human rights and fundamental freedoms (“fundamental rights” under the Constitution of Bangladesh), guaranteed under the relevant international treaties and the Bangladeshi constitution. The indigenous peoples have continued to suffer from violent land-grabbing and other forms of land alienation. The indigenous peoples have been evicted, or threatened with eviction, from their ancestral and traditional homes and lands, in the name of development projects, such as, dams, eco-parks, national parks, protected forest and even the establishment of military bases on their land. This process continued during the period of the Caretaker Government led by Dr. Fakhruddin Ahmad in 2007-2008. A few instances are mentioned below:

#### **Land Grabbing in the Plains Regions**

One of the most crucial Acts affecting indigenous peoples in plain areas is the Vested Property Act of 1974. This Act is to deal with properties of people who went over to India. However, the Act has been indiscriminately used against different indigenous peoples in the north-western region and in north-central region of the country. The return of lands of indigenous peoples taken over by invoking the Vested Property Act is one of the 9-point demands of the Jatiya Adivasi Parishad, the main organisation of the indigenous peoples of the north-western region.

Secondly, the Forest Act of 1927 and the Social Forestry Rules of 2004 are most crucial in regards to land alienation of indigenous peoples. In some parts of Sylhet division, village communities of the Khasi people have secured short-term written agreements over use of reserved forest land. Communities of indigenous peoples in Mymensingh, Chittagong, Cox’s Bazar continue to live within reserved forest areas, but no written agreements are known to have been entered into with. Their existence and livelihoods in these areas is therefore quite precarious. On the other, there is provision in the Social Forestry Rules of 2004 that the ethnic minorities (indigenous, tribal or aboriginal) are among those to be given priority in selection as beneficiaries

of the project. But very consistently on the other, the government officials are given powers through which they could cancel any body from the beneficiary list at any time.

### **Land Grabbing and Settlement of Bengali Families Increased in CHT**

By taking the advantage of State of Emergency that imposed on 11 January 2007 in the country by the last military-backed Caretaker Government of Bangladesh of Dr. Fakruddin Ahmed, the military forces deployed in CHT resumed settlement programme of government-sponsored Bengali settlers and land grabbing in CHT. As all kinds of protests, processions and public meetings are restricted by the State of Emergency, the indigenous peoples could not protest against this fresh settlement programme as well as land grabbing activities.

It is widely alleged that the military authority is aiding, abetting and instigating the Bengali settlers for the forcible occupation of more and more Jumma peoples' land. In fact, the military authorities have themselves been acquisitioning more and more Jumma land on one pretext or another. The Jumma people have no redress against this injustice. Further, the military authorities still receive over 10,000 metric tons of food grains every year for the so-called *Pacification Programme*, which is not used to "pacify" anyone, but to rehabilitate more and more Bengali Muslim settlers in the CHT and to incite landgrabbing and other acts of violence by settlers against the non-Bengali and non-Muslim indigenous people of the region. It is also believed that there is an unwritten policy to change the demographics of the CHT to convert the indigenous peoples into ethnic and religious minorities.

It is reported, for instance, that last June 2007, the military forces settled down at least 200 families of Bengali settlers at Dantkupyra village under Khagrachari sub-district evicting 12 families of indigenous people from their traditional land. It is also learnt that a camp was set up there on 8 March 2007 by the military forces of 32 Bengal in order to provide security to the settler families. It is reported that the General Commanding Officer (GOC) of 24<sup>th</sup> Infantry Division of Chittagong cantonment visited the camp on 29 July 2007 for this purpose.

It is mentionable that from January 2006 to June 2006 Bengali settlers from Nunchari cluster village occupied more than 500 acres of land and built about 300 houses on the recorded lands of the Jumma people of Gamaridhala under Khagrachari sadar sub-district. They also occupied lands of the Bouddha Shishughar Orphanage and Jumma villagers at Saprue Karbari Para under Mahalchari sub-district. Every day they threatened the Jumma people for committing communal riots.

The Upazila Nirbahi Officer (sub-district executive officer) of Mahalchari sub-district directed called a meeting on land disputes at his office on 5 August 2007 with representatives of both Bengali settlers and Jumma villagers. But bypassing the demand of Jumma people, the UNO ordered the Jumma people to be submitted their land documents within a few days.

With an aim to conduct this land grabbing and settlement programmes uninterrupted, the military forces are forming so-called 'Shanti Committee' (Peace Committee) with representatives both from Jumma and Bengali settlers in several places. Mr. Ramani Mohan Chakma, Headman of Dantkupyra mouza confirmed that such committee was formed at Dantkupyra village, under his chair. Three representatives from each Bengali and Jumma community included as member of this committee. One of the members, requesting not to be named, said that Jumma villagers were compelled to become member of this committee. He also said that this committee is nothing but a cover to continue land grabbing uninterrupted. It is learnt that no Jumma people agree willingly to become members of this committee, as their lands or that of their fellow Jumma people have been seized by settlers. Because of the State of Emergency, none had any manner of redress or to even openly discuss the matter or bring it to the attention of human rights organizations and press and media.

Among the 52 affected families of Dantkupyra mouza under Khagrachari sadar sub-district whose lands have been occupied by the Bengali settlers, the following owners have been identified:

Sl.	Name and father's name	Land in acre	Remarks
1.	Prithwiraj Chakma s/o late Mahesh Chandra Chakma	4.0	New camp setup
2.	Jnana Kumar Chakma s/o unknown	4.5	Nearby camp
3.	Binota Ranjan Dewan s/o late Bijoy Chandra Dewan	4.0	Nearby camp
4.	Kanti Bhushan Dewan s/o Sadhan Chandra Dewan	4.5	Nearby camp
5.	Shanti Ranjan Dewan s/o late Punyasen Dewan	5.0	Nearby camp
6.	Sukhini Kumar Chakma s/o Sadhan Mani Chakma	5.0	Nearby camp
7.	Sama Ratan Chakma s/o Kista Kishore Chakma	5.0	Nearby camp
8.	Nabarun Dewan s/o Punongchan Dewan	3.0	Nearby camp
9.	Binoy Krishna Chakma s/o Kalachan Chakma	5.0	Nearby camp
10.	Trishankar Dewan s/o Promade Bilas Dewan	4.0	Nearby camp
11.	Dina Dayal Dewan s/o Jatin Bilas Dewan	5.0	Nearby camp
12.	Kshetra Mohan Chakma s/o unknown	4.5	Nearby camp
13.	Jodu Mani Chakma s/o unknown	3.5	Nearby camp
14.	Priya Mani Chakma s/o unknown	6.8	Nearby camp
15.	Panna Dulal Chakma s/o Barada Chakma	5.0	Nearby camp

Among the 52 affected families of Lemuchari and Badanal villages of Lemuchari mouza under Mahalchari sub-district whose lands have been occupied by the Bengali settlers, the following owners have been identified:

Sl.	Name of the original owner	Land in acre	Land occupied by
1.	Bana Bihari Chakma s/o Ram Muni Chakma	R-52, 4.0 acres	1. Raushan Ali 2. Aizal 3. Naher 4. Salu and others
2.	Jayanta Kumar Chakma s/o Mam Muni Chakma	R-35, 5.0 acres	1. Alauddin 2. Naruddin 3. Kamal s/o Kuddus Mistri
3.	Amrita Lal Talukdar s/o Ananda Talukdar	4.0 acres	1. Kabel Bhuiyan 2. Ful Mian 3. Ahamad 4. Ibrahim s/o Akkel Ali 5. Danish Munsu
4.	Jogesh Lal Chakma s/o Chanmuni Chakma	--	1. Latif 2. Shahjalal 3. Saber Ali
5.	Nishi Muni Chakma s/o Ramkamal Chakma	R-65, 3.0 acres	1. Molla 2. Mozammel s/o Molla 3. Arnish PC 4. Majid s/o Molla 5. Abul and others
6.	Juddha Muni Chakma s/o Ramkamal Chakma	5.0 acres	1. Azim Dokandar 2. Jahurul Islam

			3. Chamesh 4. Kamal Member 5. Kabi Ahmad
7.	Jiban Ratna Chakma s/o Ramkamal Chakma	--	1. Abul Leader 2. Azal Darhi 3. Joynal and others
8.	Siringya Chakma s/o Purna Mazi Chakma	--	Army camp
9.	Kinaram Chakma s/o Kadamba Chakma	--	Army camp
10.	Kalachoga Chakma s/o Ratna Muni Chakma	--	Army camp
11.	Dhana Bihari Chakma s/o Ram Muni Chakma	R-55, 3.0 acres	Settlers

List of original land owners of Jumma people of Hadamnal village of Itchari mouza under Kamalchari union in Khagrachari sadar upazila whose lands have been grabbed by Bengali settlers in May and June 2007

Sl.	Name of the land owner	Size of land (in acre)	Status of land	No. of family and leader of the land grabber (settlers)	Remark
1.	Nigira Ranjan Chakma s/o Krishna Chakma	1.20	Possessed	8 families led by Amzad	
2.	Prem Ranjan Chakma s/o Monda Chakma	2.00	Possessed	7 families led by Amzad	
3.	Amrita Lal Chakma s/o Chandra Mohan Chakma	1.00	Possessed	3 families led by Khokan	
4.	Robapurna Chakma s/o Shongala Chakma	5.00	Possessed	16 families	He is now uprooted
5.	Chikon Dhan Chakma s/o Nalani Ranjan Chakma	2.00	Possessed	10 families	
6.	Shankar Sur Chakma s/o Baidyanath Chakma	2.00	Possessed	10 families	
7.	Biraj Mohan Chakma s/o Chandra Mohan Chakma	2.00	Possessed	6 families	He is now uprooted
8.	Shanti Ranjan Chakma s/o Purna Sen Chakma	3.00	Recorded	16 families	
9.	Kulashya Chakma	2.00	Recorded	9 families	He is now uprooted

10.	Purna Jiban Chakma s/o Sneha Kumar Chakma	1.00	Recorded	10 families	
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### **Settler Attack Leaves 9 Jummas Injured in Manikchari**

On 27 March 2007 Bengali settlers made a communal attack on Jumma village at Sapchari under Manikchari upazila in Khagrachari district. At least nine Jummas were injured in this attack. The settlers also looted the Jumma houses and ransacked a Buddhist temple.

It is learnt that the incident occurred when a group of about 10 Bengali settlers from Gochchabil cluster village went to North Sapchari to grab Jumma's land and plant arum. When the Jumma villagers resisted, the settlers went back. However in the afternoon, they returned with more fellow settlers numbering 50 in two open jeeps equipped with dao, knife and stick.

The Bengali settlers divided into two groups with one group attacking North Sapchari that falls within Ramgarh upazila and the other rampaging through South Sapchari under Manikchari upazila. The attackers looted and ransacked the houses and vandalized Dharma Raxit Buddhist temple in North Sapchari. A group of Jumma people who were returning from Guimara bazaar also came under attack at Gocchabil cluster village. All their belongings were taken away. The attacks left nine Jummas injured. They have been identified as-

1. Ms. Paiju Marma (29) w/o late Rampru sai Marma of North Sapchari under Manikchari
2. Hlufa Aung Marma alias Boidyo (59) s/o Thoai Khoi Marma of North Sapchari under Manikchari
3. Nithoi Marma (35) s/o unknown of North Sapchari under Manikchari
4. Kyojai Marma (45) s/o Thoai Khoi Marma of North Sapchari under Manikchari
5. Mong Sai Marma (43) s/o Uggyojai Marma of North Sapchari under Manikchari
6. Mong Sajai Marma (42) s/o Hladu Marma of North Sapchari under Manikchari
7. Aungthoi Pru Marma (35) s/o Athui Marma of North Sapchari under Manikchari
8. Goattya Chakma (45) s/o Narainya Chakma of Gungyo Para village under Laxmichari.
9. Chaila Pru Marma (a UP member) (33) s/o Memay Marma of West Chailatoli village under Laxmichari

Eleven houses of following Jumma villagers of North Sapchari and South Sapchari under Manikchari upazila were looted during the attack. They were-

- 1) Kaunghla Pru Marma (50) s/o Ruipru Marma of North Sapchari
- 2) Uthoi Aung Marma (26) s/o Kongchai Karbari of North Sapchari
- 3) Rui-u-Khoi Marma (22) s/o Kongchai Karbari of North Sapchari
- 4) Ms. Paiju Marma (29) w/o late Rampru Sai Marma of North Sapchari
- 5) Mongsajai Marma (35) s/o Hladu Marma of North Sapchari
- 6) Prussai Marma (40) s/o unknown of North Sapchari
- 7) Ms. Nai-u Marma (23) w/o Maung Pru Marma of North Sapchari
- 8) Ms. Rui Chaima Marma (65) w/o late Rui Pru Marma of South Sapchari
- 9) Chai Aung Marma 45 s/o unknown of South Sapchari
- 10) Sathoi Marma 50 s/o Ching Pru Marma of South Sapchari
- 11) Konghla Marma 34 s/o Lathoi Marma of South Sapchari.

Some of the attackers have been identified. They are:

- 1) Md. Shahidul (35) s/o Asraf Ali,
- 2) Md. Saroj (35, Md. Delwar (40),
- 3) Md. Akram; son of Amir Hossain;
- 4) Md. Ratan (28),
- 5) Md. Sakira (30),

- 6) Md. Joinal (30)
- 7) Md. Lal Bhandari (42) and
- 8) Md. Mossabbar.

### **Authority of Ruma Cantonment Ordered Local Villagers to Leave Aarea**

In March 2007, the authority of Ruma cantonment ordered to leave area as they acquired about 7570 acres of ancestral land of indigenous peoples for expansion of Ruma garrison. More than 4000 indigenous family mostly belong to Mro community are affected. Mro leaders claimed that local people have not been consulted before taking land acquisition. One of the office bearer of the Movement for Protection of Land Rights and Forest, a land rights organisation based in Rangamati, claimed that only in Bandarban district in CHT, 40,077 acres of land were given lease to the outsiders. In addition, a total 94,066 acres of land for so-called afforestation and 75,686 acres for military base have already been acquired in the same district.

### **Bengali Settler Occupies Land Owned by a Jumma in Bilaichari**

In May 2007 complaint has been received from Mr. Chandra Lal Chakma, a PCJSS member in Bilaichari upazila that RB Habildar Rafique of Digholachari army zone of 8 Bengal in Bilaishari under Rangamati district forced him to leave his recorded grove land handing it over to a Bengali settler named Md. Abdul Aziz. He said that Abdul Aziz has been living on this land for years without his permission. However, Aziz recently decided to go back to his original home district of Sylhet by selling this land to a Bengali settler named Md. Motaleb. Receiving this information, Mr. Chakma put objection to Bilaichari police station and one police officer named Samiran Chakrabarty looked into the objection and declared judgment in favour of Mr. Chakma. But Abdul Aziz took shelter to Digholachari zone complaining that Mr. Chakma forcibly evicted his family. Hence army of Digholachari zone forced Mr. Chakma to hand over his land to said Bengali settler otherwise he would be faced crossfire. Now Mr. Chakma left his home area for security reason.

### **Meeting to resume Bengali Settlement Programme in Khagrachari**

Reliable sources said, taking advantage of the state of emergency, the civil and military establishment in CHT have resumed the programme of Bengali settlement in different parts of Khagrachari district.

The plan of the government to resume expansion of Bengali settlement in CHT comes amid ruthless repression on Jumma activists unleashed immediately after the takeover of the military-driven caretaker government of Dr. Fakruddin Ahmed. Since the state of emergency came into force on 11 January, dozens of Jumma political activists and NGO workers including a Jumma refugee leader have been detained, most of them without charge. Those who voiced strong opposition to the land grabbing spree have become the special target of the joint forces, which by now have unleashed a reign of terror in the CHT. It is precisely this reason that Mr. Ranglai Murung, the most outspoken spokesperson of his community, was arrested in Bandarban on 23 February. Mr Ranglai was opposed to a government plan to grab land belonging to the Murung nationality for military purposes. He has been tried in a kangaroo court and sentenced to 17 years in jail.

The decision to expand settlement in CHT is a violation of the fundamental human rights of the Jumma people. It also contravenes the provisions of the CHT Accord signed between the PCJSS and the Government of Bangladesh in 1997.

In the last week of July 2007 high military officials in Khagrachari met with District Awami League and BNP leaders in a meeting at Brigade headquarters. Ultra communalists like Joynal Abedin, chairman of Khagrachari Municipality, leader of so-called Sama Odhikar Andolon and a



close aide to jailed ex-MP Abdul Waddud Bhuiyan, and Zahedul Alam, General Secretary of Khagrachari branch of AL, among others, were present at the meeting. They discussed the settler issue and decided to begin settlement expansion. The military officers urged both the AL and BNP leaders to shun mutual political bickering and work for the common interest of the Bengalis in CHT. The decision is now being implemented in all seriousness as is evident from the following reports:

### **Bengali settlers try to occupy land of Sadhana Tilla in Dighinala**

Between 13 August and 31 October 2007 the settlers from cluster villages of Dighinala and adjacent upazilas in Khagrachari district directly guided by army troops from Dighinala cantonment of Khagrachari region cleared bushes and made some makeshift at Sadhana area of Babuchara. The said area covering about 300 acres of land has been inhabited by 150 families of Jumma people and a Buddhist Meditation Center named Sadhana Tila Bana Vihar. The hundreds of local Jumma people protested against it. Demonstrations were also held in abroad, such as, Srilanka, Japan, UK etc. At a stage, the army authority was compelled to postpone the programme. But due to tremendous pressures from national and international levels, the drive was postponed for time being at the last of September 2007. After interval of couple days, they have resumed the drive.

It is mentionable that in 1984-85 Government settled down these 812 Bengali families who were brought from plain districts and gave land deed without taking approval of Headman of Baghaichari mouza. Due to military attack by the then Shanti Bahini, Bengali settlers were closed to cluster village near army camp.

However, fresh initiative through Ministry of CHT Affairs (MoCHTA) has been taken later by the government to settle down the Bengali settlers. MoCHTA ordered Deputy Commissioner of Khagrachari district to take initiative to settle down 812 families of Bengali settlers of Babuchara rehabilitation zone in Dighinala. The order was issued by Md. Sulut Zaman, Deputy Secretary of MoCHTA on 19 November 2007 under memo no. pachabima(pa-1)-kha-chari/bibidha/11/372. It is also learnt that this order was issued in response to the request letter of Khagrachari Hill District Council (KHDC) dated 5 November 2007 under memo no. che:sa:/bi:go:ga:-1/2007-116 in which KHDC requested to rehabilitate the Bengali settlers on humanitarian ground.

It is worth mentioning that indigenous Jumma elders such as Headmen, Karbaris (village chief), women leaders, incumbent and former Chairmen and members of the Union Councils submitted a memorandum to the Chief Advisor of Caretaker Government and Deputy Commissioner of Khagrachari district to stop fresh land grabbing and eviction of indigenous peoples. Indigenous peoples demanded to resolve these land disputes through Land Commission as per CHT Peace Accord. But no action is yet to be taken.

### **Land Grabbing at different areas of Dighinala**

In Rengkarjya of Merung, the settlers grabbed three thousand acres of hilly land belonging to the Jummas and built houses on it. They are now trying to create tea plantation in the grabbed land.

The Bengali settlers have illegally occupied about 26 acres of land belonging to Boalkhali Buddhist Temple and Orphanage in Dighinala, built houses on it and settled down. The Bengali settlers said they would not leave the land.

### **Attack on Indigenous Oraon People's Village in Naogaon**

On 5 November 2007 a group of Bengali land grabbers equipped with sharp metal weapons made an attack on indigenous Oraon people's village named Kazipara under Dibar union of Patnitala upazila (sub-district) in Naogaon district. In this attack, 17 houses of indigenous people were

completely burnt to ashes and 15 indigenous persons including women were severely injured. Among them, 3 persons were admitted at Sapara health complex under Patnitala upazila.

It is reported that 50 families of the Oraon people have been living in this village since time immemorial. Though land settlement was started during the British period, but the Oraon people did not get settlement as they manage the land traditionally without land deeds. Taking this opportunity, Mr. Idris Ali, a cadre of BNP and his brother Shafiullah from neighbouring village named Sheikhpura recently demanded to get lease this land (1.33 acres) from the government in 1991 as a khas land and ordered the Oraon villagers to leave the village soon. Knowing this, the Oraon villagers verbally informed the Officer-in-Charge (OC) of the Patnitala police station on 26 October 2007. The OC gave assurance to resolve the issues on 28 October. But no discussion was made on that day as Mr. Idris Ali was absent.

In the meantime, Mr. Adris Ali and his gang started to get preparation to attack on the indigenous village. He offered meal with beep to the Bengali villagers who interested to participate in the attack. He gathered 250-300 Bengali villagers from Kazipara, Sheikhpura and Dumar villages, and finally attacked on the indigenous village of Kazipara at 7.00 a.m. when the Oraon men went out for work. Mr. Helal, member of the Dibar union and Mr. Juyel led the attack. They first looted the valuables of the houses and then set fire to the houses. Even they tried to rape the Oraon women. The attack was lasted an hour. In this attack, 15 indigenous villagers including Mr. Bishwanath Kujur (30), Mr. Tanamani Ekka (25), Ms. Malati Tirki (25), Mr. Khuiyo Oraon (45), Mr. Bishu Oraon (40), Ms. Tara Rani Oraon (35), Ms. Malati Oraon (30), Ms. Shuku Bala Oraon (40) and Ms. Shanti Rani Oraon (27) were seriously injured.

The houses of Kishan Kerketa (60), Khuiyo Kujur (40), Palano Baro (30), Chanuya Nuniya (30), Anil Tappa (35), Subal Lakra (40), Buddhinath Kujur (45), Nikhil Ekka (30), Banu Ekka (28), Rupchan Riya (40), Hembu Ekka (40), Sunil Tappa (35), Khuiyo Ekka (30), Ruby Ekka (35), Sujala Ekka (25) and Mahisur Kerketa (25) etc were completely burnt to ashes in this attack. The victims claimed that valuables worth Taka 200 thousands were destroyed in this attack.

Hearing the shouts, the Oraon villagers from neighbouring villages rushed the spot and the attackers left the village. The victims of the Oraon are mostly poor and day-labourers.

OC of the Patnitala Police Station Mr. Sagir Uddin rushed there after the attack. However, he threatened the indigenous people rather than arresting the attackers. He, taking side with Idris Ali, shown lease document of Idris Ali. Upazila Nirbhai Officer (UNO) of the Patnitala upazila along with police also visited the spot at 10.00 a.m. on that day.

Mr. Subal Lakra lodged a case with Patnitala police station against 24 persons including Mr. Idris Ali and Mr. Shafiullah. The police arrested Mr. Sagar Ali (20), Lutfar Rahman (50), Mr. Azizar, Mr. Helal member (35) and Matibul (25) charging with this attack. However, main culprits Mr. Idris Ali and Mr. Shafiullah have not been arrested though they are freely moving in the area.

It is learnt that finally, Naogaon district administration on 3 April 2008 distributed deeds of permanent settlement of about 1.33 acres of khas land among 15 landless indigenous families in North Kazipara in Dibor union under Patnitala upazila. Some local land grabbers evicted them from the lands in November last year. The deeds were written at a simple ceremony, held at Patnitala on Monday.

### **Army threatens Headman to agree to illegal Bengali settlement**

On 8 December 2007 the second-in-command of Mahalchari Army zone Major Gaffar threatened Niroti Chakma, headman of Ugudochari Mouza under Khagrachari district, to agree to new illegal Bengali settlement in his area.

The Major called Niroti Chakma and Biswajit Chakma, chairman of Kiang-ghat Union under Mahalchari Thana, to the zone headquarters and asked them to agree to the army plan to settle more Bengali people at Ugudochari.

Niroti Chakma told the Army commander that when it came to the settlement of the Bengali people he was helpless because they did not possess any valid land documents. He also reminded him that all the lands the settlers want to settle on belong to the Jumma people.

### **Fresh Initiative of District Administration to help Bengali Settlers to occupy Jumma's Land**

District administration of Khagrachhari district has taken fresh initiative to help Bengali settlers in occupying indigenous people's land in Mahalchari upazila (sub-district) under Khagrachhari district. It is reported that on 22 January 2008 Additional District Magistrate (ADM) Mr. Monindra Kishore Majumder issued an order to Mr. Abul Hossain, Upazila Nirbahi Officer (UNO) of Mahalchari upazila to examine documents of the disputed lands and solve the problem soon. It is also reported that Headman of local mouza was also issued a show-cause notice to explain why he did not inform the administration in time when the problem cropped up. In addition, on 21 January 2008 the police of Mahalchari police station filed a case against Mr. Bishwajit Chakma, Chairman of Keyangghat union and five others accusing their alleged involvement in axing trees on lands claimed by Bengali settlers.

It is worth mentioning that there are huge traditionally occupied lands, other than recorded lands of indigenous Jumma people. Traditionally occupied lands do not require having land deed. It is also mentionable that government does not formally recognize the rights of the traditionally occupied lands. Government regards these lands as Khas lands. Indigenous villagers made tree gardens on these recorded and traditionally occupied lands. But the Bengali settlers claimed that these lands were settled to them by the government. Local indigenous public representatives and traditional leaders are of opinion that these settlements were given without taking recommendation of the local Headman which is practice in force in CHT. They said that the district administration's order is nothing but helping Bengali settlers to occupy this traditionally occupied land in the name of examination of the disputed lands. It is also reported that the CHT Sama Odhikar Andolon (CHT Equal Rights Movement), an organisation of extreme nationalist and communal forces in CHT, has been supporting Bengali settlers in occupying the indigenous people's land.

On the other, basically public representatives of Chairmen and Members of local unions and traditional leaders of Headmen and Karbaries of local mouzas and villages have been fighting against the land grabbing by Bengali settlers with the direct help of civil and military administration. Local indigenous villagers claimed that the filing case against Mr. Bishwajit Chakma and issuing show-cause notice are also nothing but to suppress their voice.

### **Roundtable conference of civil society delegation on CHT visit held**

On 10 February 2008 17-member civil society delegation led by Pankaj Bhattachariya, Vice President of Sammilita Samajik Andolon held roundtable conference on their recent visit to Chittagong Hill Tracts (CHT) at VIP Lounge of the National Press Club in Dhaka. Former Vice Chancellor of Jahangirnagar University and former Adviser of Caretaker Government Dr. Zillur Rahman Siddiqui presided over the conference. The members of the delegation, civil society members, journalists, university teachers and students, political leaders, NGO and human rights activists, representative from donor agencies were present at the said conference.

It is mentionable that the civil society team from Dhaka visited Khagrachari and Rangamati districts of CHT to observe human rights situation in the region from January 28 to 30, 2008. They talked to representatives of indigenous Jumma peoples, Bengali community, religious leaders, civil society members, journalists and local administrations including Chairman and

members of the CHT Regional Council, chairman of Khagrachari Hill District Council, Deputy Commissioners of Khagrachari and Rangamati districts.

In the roundtable conference, Professor Dr. Ajoy Roy, on behalf of the delegation read out a report on experiences of their CHT visit captioned "They (indigenous Jumma people) are also human being, let survive them with their rights" urging "to participate in establishing their glorious rights". In this report they pointed out that an uneasy situation has been prevailing in the hills and it can explode into a volatile state any time unless there is a timely intervention.

Professor Ajoy Roy also said the delegation received a numerous allegations, including intimidation and eviction of indigenous people by Bengali settlers, who in some cases got assistance from the government agencies. But Jumma people want to get back their lands where they have been residing for generations. In the name of taming anti-peace elements, the security forces have heightened their surveillance and expanded their security periphery confiscating lands of the Jumma people, causing a sense of fresh fear among the hill people.

The delegation also mentioned that by taking the advantage of non-implementation of the Accord, government agencies are aiding Bengali settlers to occupy land, identifying them as permanent resident and accordingly providing 'permanent resident certificate' to them. The report also stated that government administration in collaboration with military forces recently resumed Bengali settlement programme in CHT. For this purpose, not only homesteads of the indigenous peoples, Bengali settlers have been occupying the lands of religious institutes including Buddhist temple and meditation centre. The delegation claimed in their report that they also found evidences of political repression, physical torture and religious persecution upon Jumma people and instigation of communal tension by the government agencies etc. The delegation is of the opinion that by resuming Bengali settlement programme, CHT region would be turned into Muslim Bengali-majority region soon. They concern over inclusion of Bengali settlers and Rohingya Muslims in the on-going voter list, as it helped to make majority of Bengali Muslims in the voter list in CHT region. The delegation finally put the following recommendations:

- a. implementation of CHT Accord in letter and spirit removing all impediments in implementation to it;
- b. Stopping of the Bengali settlement programme and only inclusion of old Bengali permanent residents in the voter list.
- c. Returning back Jumma-Bengali ratio into 70:30 and for this purpose reallocation of Bengali settlers from CHT region.

Zillur Rahman Siddiqui, in his speech, appreciated the move by the civil society delegation saying it was a timely trip. He called upon the government to consider the demands of the indigenous people to establish peace in the CHT through full implementation of the CHT Accord.

Mr. Pankaj Bhattachariya, eminent columnist Mr. Sayed Abul Maksud, Professor Dr. Rangolal Sen, General Secretary of Jatiya Adivasi Parishad Mr. Rabindranath Saren, General Secretary of Bangladesh Adivasi Forum Mr. Sanjeeb Drong, human rights activist Mr. Numan Ahmed Khan, women rights activist Ms. Chaitali Tripura, development activist Sharif M Kafi and Mr. Soumen Chakma spoke at the conference. Among others, Lt General (ret'd) Narunnabi attended the conference. The speakers said that the citizen's group should hold dialogue with the government and other political parties to help resolve the CHT problems. Pankaj Bhattacharya said that a vested quarter is engaged in an ill effort to create anarchy in the country and hamper the national elections. He urged the government to look into the issue seriously. He categorically said vested quarters are working with the agenda of Jamaat-e-Islami and fundamentalists in the name of Sama Odhikar Andolon, an extremist organisation of Bengali settlers.

Among others, the members of the civil society delegation were Mr. Pankaj Battachariya, Vice President of Sammilita Samajik Andolon; Professor Dr. Ajoy Roy, Convenor of Sampriti Manch, ex-teacher of Dhaka University; Mr. Sayed Abul Moksud, Journalist and columnist; Mr. Kamal Lohani, cultural personality and Dr. Rashidi Mahbub, former Vice Chancellor of Bangabandhu Sheikh Mujibur Rahman Medical University.

### **Arson Attack made by Bengali Settlers in Sajek**

#### ***7 Indigenous Jumma villages completely burnt down***

Newly infiltrated Bengali settlers with the direct support of Bangladesh military forces attacked on the 7 villages of indigenous Jumma peoples throughout the 4 kilometre long area namely Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh of Sajek union under Baghaichari upazila (sub-district) in Rangamati district in Chittagong Hill Tracts (CHT) on 20 April 2008 at night. 76 houses of indigenous villagers were burnt to ashes. Bengali settlers beat the Jumma villagers including women and children indiscriminately and looted valuables of the houses during the attack. The attack lasted for almost 4 hours from 9.30 p.m. to 1.30 a.m.

#### *Description of Incident*

Recently Bangladesh military forces started settlement programme of newly infiltrated Bengali families along the roadsides of Sajek road from Baghaichari to Gangaram Mukh by forcibly occupying the land owned by the indigenous Jumma people. It is also mentionable that thousands of indigenous Jumma families have been living in this area for decades long. Hence, Jumma villagers of these areas have been protesting against this illegal settlement programme. Despite the protesting, very recently Bengali settlers illegally constructed some houses at Gangaram area on the land owned by Jumma villagers. On 20 April indigenous Jumma villagers destroyed some houses of Bengali settlers that constructed couple days ago. In retaliation to this act, the Bengali settlers equipped with sharp weapons started attack on Jumma villages at 9.30 p.m. At that time, a group of military forces from Baghaihat zone of 33 East Bengal Regiment-2 led by commanding officer Lt. Col. Sajid Imtiaz along with Captain Zabaedur Rahman and RP Habilder Harun rushed there. However, they did not prevent Bengali settlers from setting fire on Jumma houses. Rather, it is learnt that the army led by one Captain Zabaedur Rahman supplied patrol to Bengali settlers to set fire on Jumma houses. 33 houses of Baibachara including Shanti Mamber Para and Kachu Adam, 27 houses of Baghaihat Purba Para, 11 houses of Gangaram Para and 5 houses of Retkabachara, in total 76 houses of indigenous villagers were completely burnt to ashes. On the contrary, some Bengali settlers were wounded due to prevent by Jumma villagers. Jumma villagers also alleged that Bengali settlers set fire on their newly constructed houses to make excuse their brutal attack.

Jumma people including teachers of local school Shakya Bodhi Chakma (40), Mono Ranjan Chakma (35), Nilamoy Chakma (36) alleged that they witnessed to looting furniture and valuables of the houses by Bengali people before setting fire to them. They also saw when they came to village to see the houses 22 April morning that Bengali people took away all the valuables including CIT sheet of the houses as much as possible.

On 21 April at around 10.30 a.m. a group of Bengali settlers encircled the shop of Anunay Chakma (52) of Baghaihat bazar. However, shopkeepers of the market rescued him from physical assault by the Bengali settlers.

It is learnt that the attack was led by two leaders of Sama Odhikar Anlodon (Equal Rights Movement), an extreme Bengali nationalist and fanatic organisation in CHT. The two leaders were Mr. Selim Bahari (35), president of Baghaichari branch and Mr. Golam Molla (50),

president of Baghaihat branch of this organisation. Golam Molla also holds post of bazar chowdhuary of Baghaihat market that basically controlled by military forces.

It is mentionable that the military forces have increased settlement programme of Bengali settlers in Khagrachari sadar, Mahalchari, Dighinala and Panchari upazilas (sub-district) under Khagrachari district, north district of Chittagong Hill Tracts (CHT) region by taking the advantage of State Emergency imposed on 11 January 2007 throughout the country. Two hundred families of Bengali settlers were already settled down on the indigenous people's land in March 2007 at Dantkupyra mouza under Khagrachari sadar upazila. A new army camp was also set up there to provide security for Bengali settlers. Hundreds of houses were constructed by Bengali settlers at Gamaridhala, Maischari, Nunchari, Bijitala, Joysen Karbari Para etc. by forcibly occupying hundreds acre of land owned by indigenous Jumma people. Tension has been mounted in Dighinala while military forces tried to settle 812 families of Bengali settlers at Sadhana Tilla of Babuchari mouza in Dighinala upazila in last year. On the other, BNP-led last coalition government undertook programme to settle 10 thousands families of Bengali settlers in Sajek union close to Maini reserved forest. Since imposition of the State of Emergency on 11 January 2007, military forces resumed this settlement programme occupying indigenous people's land.

#### *Reactions*

Different organisations condemned the attack and demanded punishment to the people responsible who ransacked houses at the village. Bangladesh Adivasi Chhatra Sangram Parishad formed a human chain and held a solidarity rally on Dhaka University campus on 22 April 2008 while the Pahari Chhatra Parishad (PCP) brought out a protest procession on 21 April 2008. Both organisations expressed deep concern over the incident and demanded proper investigation. Jatiya Mukti Council also condemned the attack on the hilly village. In a statement Council President Badruddin Umar and General Secretary Fayjul Hakim demanded punishment to the persons responsible.

Bangladesh Adivasi Chhatra Sangram Parishad (BACSP) organised protest meeting at Dhaka University Campus on 23 April 2008 at 10.30 a.m. The meeting was presided over by Mr. Karuna Moy Chakma, President of BACSP. Among others, teacher of Dhaka University Dr. Sourav Sikder and Mr. Robaet Ferdous, general secretary of Bangladesh Garo Chatra Sangathan Mr. Uther Samajatra, press secretary of Bangladesh Marma Students Council Mr. Aungyajai Marma, leader of Student Federation Mr. Saju, Hajong student leader Mr. Sahel Hajong and acting general secretary of Hill Students Council Mr. Hiron Mitra Chakma spoke in the meeting. The protest meeting was followed by a procession. Speakers demanded proper compensation for the victims and withdrawal of Bengali settler families from Sajek area.

#### *Government's measures:*

Chairman of the Khagrachhari Hill District Council Monindra Lal Tripura, Two members of the Rangamati Hill District Council namely Mr. Bihari Ranjan Chakma and Mr. Moniruzzaman Mohsin, Deputy Commissioner of Rangamati Mohammad Nurul Amin, Police Superintendent of the district Abdul Baten rushed to the spots to take stock of the situation on 21 April 2008. Rangamati Hill District Council granted Taka 100,000 for victims. It is very astonishing that lion share of this money were handed over to commanding officer of Baghaihat zone Lt. Col. Sajid Intiaz to distribute to the victims. It is reported that most of relief have been distributed to Bengali settlers. Victims of indigenous villagers are not interested to come army camp to receive relief due to security reason.

Most of the indigenous villagers took shelter into the deep forest fearing further attack. Victims of the indigenous families became totally ruined. Most of them were passing days without food.

They were staying on open sky. Like Nirupa, most of the people, whose houses have been burnt down, took shelter in the deep forest.

Only 10 victims including two women members of the Sajek union came to Baghahat bazar to receive relief while others denied to come Baghahat bazar fearing retaliation. Two women members of Sajek union submitted a list of victims to administration. On the other, separate cases were filed by both indigenous villagers and Bengali settlers with Baghaichari police station. But the officer-in-charge (OC) of the police station did not disclose the name of the complainants and defendants. But no arrest has been made so far.

It is also learnt that most of the Bengali settlers whose house were burnt down are now staying nearby areas of Baghahat bazar with the assistance of military forces. However, some Bengali settlers sent their women and children to settler localities of Merung of Dighinala upazila and Longadu upazila.

List of indigenous Jumma villagers whose houses were burnt down at Sajek area in CHT:

The following list of indigenous Jumma villagers whose houses were burnt down prepared by three members of Sajek union, namely, Kalachoga Chakma, Swapanika Chakma and Jotsna Chakma are as follows:

Daine Baibachara village including Shanti Mamber Para and Kachu Adam:

1. Bimal Kanti Chakma
2. Shanti Bikash Chakma(1)
3. Nayan Ranjan Member
4. Brisha Muni Chakma
5. Chiringo Chakma
6. Subhanga Chakma
7. Dayal Kista Chakma
8. Kina Chan Chakma
9. Shyamal Kanti Chakma
10. Pratilata Chakma
11. Shanti Jiban Chakma
12. Gobinda Chakma
13. Subolya Chakma
14. Kala Kachu Chakma
15. Jyosna Rani Chakma (Member)
16. Rabi Shankar Chakma
17. Rupayan Master
18. Shakya Bodhi Master
19. Neuton Chakma (Dr.)
20. Rakhi Chakma
21. Nihar Kanti Chakma
22. Nirmal Kanti Chakma
23. Chigon Chiji Chakma
24. Dhabana Chakma
25. Shanti Ranjan Chakma
26. Kala Chan Chakma
27. Neuton Chakma (Kalabo)
28. Kamini Ranjan Chakma
29. Sushi Ranjan Chakma
30. Rabi Ranjan Chakma

31. Baratya Chakma
32. Shanti Bikash Chakma (2)
33. Suma Chakma (Para Kendra School)

Gangaram Mukh village:

1. Gyana Chakma
2. Sunesh Chakma
3. Kaladhan Chakma
4. Jagadish Chakma
5. Lorbo Chakma
6. Maratshaw Chakma
7. Ajit Chakma
8. Mangal Sadhan Chakma
9. Chiranta Master
10. Suman Chakma
11. Chandra Mohan Chakma

Baghahat Purba Para village:

1. Jyoti Moy Chakma
2. Kala Maratya Chakma
3. Arun Bikash Chakma
4. Jagadish Chakma
5. Rupan Chakma
6. Bhubati Chakma
7. Sumati Ranjan Chakma
8. Dhana Gula Chakma
9. Nilamoy Chakma
10. Mangal Sen Chakma
11. Dhana Bikash Chakma
12. Gyana Ranjan Chakma
13. Sunil Kanti Chakma
14. Trishankar Chakma
15. Paran Sona Chakma

16. Monu Ranjan Chakma
17. Dulal Chakma
18. Amar Bikash Chakma
19. Rumel Chakma
20. Bangalya Chakma
21. Laxmi Kumar Chakma
22. Samar Kanti Chakma
23. Amar Kanti Chakma
24. Minal Chakma
25. Laxmindra Chakma
26. Indra Raj Chakma
27. Aiub Kanti Chakma

Retaabachara village:

1. Mon Mohan Chakma
2. Ranesh Chakma
3. Kinadhan Chakma
4. Ladu Muni Chakma
5. Goyeshur Chakma



### **Follow-up: Sajek arson attack**

#### *(a) Bengali settlers continue to occupy land in Sajek*

Despite prevailing tension following Sajek arson attack on 7 Jumma villages, Bengali settlers continue to occupy land in Sajek area in Baghaichari sub-district. It is learnt that since 10 May 2008, Bengali settlers have even been cleaning the ashes and charred beams of the burned houses of the Jummas allegedly to occupy homestead of Jumma villagers. Besides, Bengali settlers started to construct houses on occupied land since mid-May. On the other, a few Jumma villagers also started to build houses on their land. However, most of Jumma villagers are still passing days fearing further attack.

#### *(b) Relief distribution*

Various organisations and authorities provided relief to the victims. There is no coordination in providing relief. It is learnt that government relief is being distributed by Baghahat army zone authority led by Lt. Colonel Md. Sajid Imtiaz who are mastermind of this heinous attack. Tk 10,000 for each affected family was granted from Chief Advisor's fund. Though Bengali settler families have been provided this grant, however, most of affected Jumma families have not yet received. It is learnt that Jumma families are not interested to receive this grant from army zone authority.

On the other, Gono Swastha, a national NGO, distributed relief to 78 Jumma families and 115 settlers. It is mentionable that according to local public representatives, only 43 shacks of Bengali settlers were burnt down. However, Gono Swastha distributed almost triple more than actually burned.

Among others, Relief Management Committee for Victims of Sajek-Gangaram Arson Incident, Medicine Shun Frontier (MSF), Students of Chittagong University, etc. distributed relief to the victims. The relief includes rice, cloths, dry fish and paste, cash, book for students etc. On 21 May 2008, Relief Management Committee for Victims of Sajek-Gangaram Arson Incident distributed relief led by former advisor to caretaker government and eminent human rights defender Ms. Sultana Kamal.

#### *(d) Arrested 4 Jumma villagers released on bail*

On 29 May 2008 arrested 4 innocent Jumma villagers namely Sushil Chakma (26) s/o Asomi Chandra Chakma, Sangram Chakma (22) s/o Ashok Kumar Chakma, Ratna Bikash Chakma (22) s/o Gunodhar Chakma and Rabindra Chakma (23) s/o Shashi Mohan Chakma were released on bail. They were arrested by military from Simanachara village in Sajek union falsely accusing of setting fire to settler house.

### **Bengali settlers blockade Sultana Kamal at Baghahat in Rangamati**

On 2 August 2008 the Bengali settlers blockaded former advisor to the caretaker government of Bangladesh and eminent human rights activist Ms. Sultana Kamal while she was returning from Sajek after distribution of relief to the victims of Sajek arson attack at Baghahat bazaar under Sajek union of Baghaichari upazila in Rangamati district.

It is learnt that the Bengali settlers with the patronisation of the security forces halted Sultana Kamal's vehicle while she, accompanied with indigenous and human rights activist, reached at Baghahat bazaar. Bengali settlers shouted slogan against Sultana Kamal and at a stage they threw bricks and hit with stick on her vehicle. They blockaded Sultana Kamal and her colleagues for an hour. At that time, a group of military forces from Baghahat zone and personnel of intelligent agencies were present there. But they did not come forward to help Ms. Kamal. It is alleged that authorities played active role behind the scene to organise Bengali settlers to blockade Ms. Sultana Kamal.

It is mentionable that an arson attack was made by Bengali settlers with the help of military forces of Baghahat zone on 7 Jumma villages on 20 April 2008 which left 78 houses of 7 Jumma villages and 43 temporary hedge-rows of Bengali settlers completely burnt to ashes. This is the second time Ms. Kamal went there to distribute relief to the victims. She, on behalf of "Relief Management Committee for the Victims of Sajek-Gangaram Arson Incident", distributed two and half bundle of CIT sheet, 50 kgs of rice, 1 kg edible oil and 1 kg sidol (dry fish paste) for each family of 80 Jumma families. She

also tried to distribute relief to 20 families of Bengali settlers. However, Bengali settlers refused to accept this relief arguing that there were 105 affected families and hence this relief was inadequate for them.

#### **Follow-up of Bengali settlement programme in Sajek**

In August 2008, Lt. Col. Sajid Imtiaz, commanding officer (CO) of Baghahat army zone was transferred from Baghahat zone and a new CO has been appointed there. The new CO stopped providing fund and ration to the Bengali settler families since mid-September 2008. He also ordered the settlers to give back lands to the Jumma people except the lands purchased ones in the meantime. Consequently, many families of the settlers returned to their own houses at Muslim Block Para of Baghaichari upazila and Hajachara of Dighinala upazila.

It is important to note here that Ladu Moni Chakma alias Jadu Moni of Retkaba village of Sajek union was brutally killed by Bengali settlers on 19 August 2008 and the CHT Commission raised the incident of it with the Chief Advisor Dr. Fakhruddin Ahmed of Caretaker Government of Bangladesh in September 2008. In addition, the UNPO (Unrepresented Nations and Peoples Organisation) and the AIPP (Asia Indigenous Peoples' Pact) submitted a report on CHT to the UN Human Rights Council in September 2008 on which Bangladesh Government is supposed to face hearing in February 2009 on its fourth session of the Universal Periodic Review (UPR) under the UN Human Rights Council (HRC). It is speculated that the present Caretaker Government, in order to have favourable position on the situation in Baghahat area under Sajek union in particular, took up such a soft stance.

#### **A NGO 'DORP' occupies orchards of the indigenous people in Bandarban**

*Kapaeeng News Release: 19 May 2008 [For details: report published daily 'Prothom Alo' on 18 May 2008]*

Very recently a non-government organisation named Development Organisation of the Rural Poor (DORP) run by non-indigenous Bengali outsiders occupied the orchards of the indigenous Tripura community at Tongo Jiripara of Soroi union under Bandarban sadar upazila in Bandarban district.

It is learnt that the DORP set fire on orchards around 35 acres after cutting its trees planted by the indigenous villagers and hang up a signboard 'Swasthagram DORP' (Health Village Dorp) on that land. DORP is opposing indigenous villagers to enter to this area and threatening, otherwise, to lodge case with police station. Local Tripura villagers are passing days with fear. DORP claimed that the lands have been leased out to the DORP. However, chairman of the Bandarban Hill District Council (HDC) Mr. Thanzama Lusai and district administration said that there is no opportunity to give leasing out any land as per CHT Peace Accord.

It is worth mentioning that indigenous Tripura villagers have been living in this area alongside of Sualok-Lama road 20 kilometers away from Bandarban district headquarters. Though some villagers have title deed, but most of the indigenous villagers have been using these lands for generations as per their tradition and customs without government registration.

Kshetra Tripura (65), an indigenous villager said that he got settlement of 2 acres of paddy land in 1982 and built up a mix-variety orchard on 10 acres of its surrounding grove land. DORP occupied all the paddy and grove land, he added. Another villager Rongsaha Tripura said that he built up orchard on 5 acres of land 5-6 years ago. Now he became nervous seeing his orchard has completely been burnt to ashes. All the villagers including Jilya Moni Tripura, Rangkoma Tripura, Bikram Moni Tripura informed that their lands and orchards have been occupied by the DORP.

Regarding setting fire, Mr. Nurul Alam, a labourer of the DORP said that they 20-25 labourers set fire on the orchards after cutting its plantation as per direction of the DORP executive director Mr. A H M Noman, field officer Mr. Iyub and Mr. Malek. As a day labourer, they have nothing to do.

Referring to this incident, executive director of DORP Mr. A H M Noman said that they got lease around 150 acres of grove lands including this land. Accordingly, DORP undertook plan to build up an orchard and hospital on this land. He claimed that this land is not owned by Tripura villagers.

It is found after scrutiny of the land documents at deputy commissioner's office that 25 acres land has been leased out in the name of a group of Bengalis including coordinator of DORP Babul Kumar

Odhikari, A H M Noman and Nurul Islam in 2000. However, according to the CHT Peace Accord of 1997, no lease can be made without prior approval of the concerned HDC. According to the HDC Act of 1998, any lease without prior approval of HDC is completely illegal. Chairman of the Bandarban HDC Mr. Thanzama Lusai said that CHT Affairs Ministry has been asked to cancel all these leases given after CHT Peace Accord without prior approval of the HDC. He added that necessary actions would be taken after conducting inquiry on this DORP incident.

### **Thengamara Mahila Sabuj Sangha occupies Jumland for afforestation in Khagrachari**

Report was received that in 2008 Thengamara Mahila Sabuj Sangha, a national NGO occupied more than 100 acres of Jum land of indigenous Tripura community and undertook afforestation programme at Alutila hills under Badalchara mouza in Matiranga upazila under Khagrachari district. Due to shrink Jum land by occupying this land by this NGO, livelihood of the Tripura villagers became uncertain.

### **10 Families of Indigenous Community Evicted By Baralekha Tea Estate in Moulavibazar**

*Kapaeeng News Release: May 19, 2008*

Complaint has been received that 10 families of indigenous Khasi community of south Shahbajpur union under Baralekha upazila in Moulavibazar district became penniless losing their homesteads and *panpunjies* (farmland of betel-leaf). They alleged that they are victimized of the deception of Rahmania tea estate authority.

Indigenous Khasi families claimed that they signed an agreement with Rahmania tea estate authority on 29 April 2006. According to the agreement, Mr. Talbi Lamin, *montri* (headman) of the Khasi community and Sohrab Hossain Khan have taken on 100 acres of land lease for 12 years for cultivation of betel-leaf from the Rahmania tea estate authority in lieu of taka 1,200,000 (around US\$ 17,000). Accordingly, Talbi Lamin, Obet Khasi, Nineton Khasi, Adhir Khasi, Nutli Khasi, Bishu Khasi and Pius Khasi erected houses and cultivated betel-leaf.

Talbi Lamin (55) alleged that Sohran Hossain Khan and caretaker of Rahmania tea estate authority Dilip Sarker forcibly took signature from him on white paper last 16 April and ordered them to leave orchard soon. He also said that violating the agreement, they incited a group of miscreants to evict their houses on 19 April. As a result, they took shelter neighbouring Singur *panpunji* under Kulaura upazila. He lodged a case with Baralekha magistrate court.

Obet Khasi (40), Bilan Khasi (35) and Adhir Khasi (30) said that they became penniless losing their homesteads and livelihood.

On 23 October 2008 Bangladesh Paribesh Andolon (Bapa) and Bangladesh Adivasi Forum (BAF) yesterday formed a human chain at TSC intersection on the Dhaka University campus protesting the indiscriminate cutting down of trees at Khashia Punji in Moulavibazar.

The speakers said a huge number of trees have already been cut down as part of chopping down 4,000 trees in Khashia Pan Punji at Nahar Tea Garden at Srimangal and process of felling down more trees underway. They placed a five-point demand, including immediate halt to cutting down of trees and their sale and stop taking tax from the local indigenous people. The speakers said though only 864.58 acres of land is registered with the tea garden, it is using more than 1200 acres of land.

### **19 acres of land occupied and land owner (Santal farmers) killed by Bengali land grabbers in Dinajpur**

It was learnt that Md. Momtaj Ali and Lokman Hossain of Khalipur Bagda Para and Baccu Mian and Nazrul Islam of Sama Para in Dinajpur illegally occupied more than 19 acres land owned by indigenous Santal farmer named Mr. Sarkar Tudu. In connection to this land grabbing,

It was also learnt that on 5 June 2008 Sarkar Tudu and his relative Mr. Soom Hasda of Joat Bhobanipur village under Nababgonj upazila in Dinajpur district were killed by the above mentioned land grabbers when they were returning home after attending a funeral ceremony. Nagen Tudu, son of Sarkar Tudu filed a murder case accusing Md. Momtaj Ali and Lokman Hossain on 10 June 2008.

However, the Vice Principal of Dinajpur Medical College and also the chief of Forensic Department of the college Dr. Md. Rasfiqul Islam said that no sign was found in dead body as the bodies rotted completely. He said that they had to depend on viscera report. It is mentionable that the death bodies were found in a pond on 8 June, three days after killing.

On 15 June Jatiya Adivasi Parisod (an indigenous people's rights organization) organized a press conference in Dinajpur Press Club. The leaders of JAP demanded impartial inquiry of this incident and punishment of the killers.

### **Panpunji (Betel field) of Khasi indigenous people at Jaflong in Sylhet tried to occupy by mainstream people**

*Kapaeeng News Release: 13 July 2008 [For details: news published on daily Prothom Alo on 10 July 2008]*

On 18 June 2008 a group of land-hungry mainstream people tried to occupy 10 acres of land owned by Khasi indigenous people at Songram *punji* of east Jaflong in Sylhet. At night on that day, indigenous people opposed the Bengali Muslim people who had come to occupy the land. From that incident, they are guarding betel field by turns.

It is learnt that retired BDR (Bangladesh Rifles) person Habilder Muslem Uddin, a resident of Mohammadpur of Jaflong Ballaghat area tried to occupy 10 acres of land showing a letter of attorney in the name of his two sons. His two sons Shahin Alam and Mintu Alam with groups of people went there to grab betel field of Khasi people but they receded after they were chased.

Officer-in-Charge (OC) of Goainghat police station Md. Abdur Razzak said that indigenous people have been cultivating betel leaf on this land for generations. He also added that he asked the land-grabbers to show land document. But they failed to do. Later he learnt that the land is under indigenous people's record. It is mentionable that Khasi indigenous people traditionally cultivate betel leaf in this area for commercial purpose.

A team of Bangladesh Adivasi Odhikar Andolon (BAOA), an organisation working for upholding indigenous peoples' rights, rushed there to investigate the incident and returned to Dhaka few days ago after investigation. Team leader and General Secretary of BAOA Professor Mesbah Kamal said that the whole area of Jaflong situated at the bottom of Meghaloya, is a place of stones. A group of mainstream Bengali people are trying to occupy betel field to extract precious stones. He added that they would inform the concerned authority in Dhaka for taking necessary steps.

Delowar Lamin said that the next day after the incident he on behalf of indigenous people filed a case against Muslim Uddin along with his two sons and two other people with Goainghat police station. But the police recorded it as general diary (GD) instead of case.

It is learnt that Khasi indigenous people are traditionally the owner of betel field. The present landlord Nerula Tongsong is paying revenue as an owner of the land. She paid revenue of Chailakhel mouza this year against the receipt no. 795496. She expressed that they are now in fear. On the other, Ujjal Mehedi reported that he went to Muslim Uddin's house on 9 July, but Shahin Alam was not found there. However, Muslim Uddin claimed that his son Shahin Alam bought these 10 acres of land by 7 lakh taka. In response to a question OC of Goainghat police station said that police took initiative to reconcile incident between two parties.

### **Land of Jumma Villagers Occupied by Bengali Settlers in Bandarban**

On 10 August 2008 a group of Bengali settlers occupied land owned by Jumma people at Kyaching Karbari Para under Bandarban sadar upazila in Bandarban district.

It is learnt that on that day at around 3.00 a.m. Bengali settlers led by Kazi Mujibur Rahman, secretary of district Awami League and also vice president of army-backed extreme Bengali nationalist and fanatic organisation named Sama Odhikar Andolon constructed 12 houses on land of Kyaching Karbari. Following the forcibly occupation of land, Kyaching Karbari filed a case with judicial magistrate court of Bandarban district on 11 August. In addition, he also lodged a case against the Bengali settlers with Bandarban police station. Officer-in-Charge (OC) of police station called both parties i.e. land owner Kyaching Karbari and Bengali settlers. But astonishingly he, instead of

eviction of Bengali settlers from forcibly occupied land, only ordered Bengali settlers not to further expand occupation land and construction of house.

It is mentionable that Bengali settlers constructed at least 150 houses occupying around 4 acre of land owned by Kyaching Karbari during last 3 years. Kyaching Karbari lodged a case against the land grabbers at that time. Court ordered to maintain status quo. But violating the court order, the Bengali settlers constructed 12 houses further occupying land of Kyaching Karbari. It is also reported that a mosque and a school were constructed in this area with financial help of Bandarban army brigade. Kyaching Karbari has around 30 acre of land in this area.

### **Indigenous Village Attacked by Land Grabbers in Sirajganj**

A group of land grabbers made an attack on the village of indigenous people to occupy a pond at Tarashe in Sirajganj. At least 20 indigenous villagers including 12 women were injured in this attack.

It is learnt that a dispute regarding ownership of a pond covering around 10 acres between Grameen Bank, a micro-credit-based NGO and one non-indigenous person named Lebu is under trial at the high court. 200 families of indigenous people have been living at the banks of this pond for generations. However, on that day, Mr. Lebu incited a group of miscreants to attack the indigenous village in order to evict indigenous villagers for occupying the pond and its adjacent banks. In this attack, at least 20 villagers including Jalo, Budhan Sing, Kanti, Saneka, Behula, Simita, Dipali, Sauda, Shakha Rani, Borni, Sakumar Sing, Shashti, Subhab, Basala, Gopal were wounded. It is also alleged that the miscreants also looted the valuables of the houses.

### **Commercial Afforestation by Destiny-2000 by Occupying IP's land in Bandarban**

Destiny-2000, a multi-level marketing company in Bangladesh, undertook afforestation programme for commercial purposes in Bandarban district by purchasing lands that was leased out to non-residents of CHT. It is also alleged that Destiny also occupied private lands owned by indigenous Jumma villagers.

It is learnt that on 10 September 2008 local people drove out Destiny workers while they were cleaning land by setting fire with kerosene on existing forest and orchard owned by indigenous Jumma villagers at Chemi Dalupara area under Bandarban sadar upazila (sub-district). After driving out from there, they later tried to occupy the land owned by one Bengali permanent resident named A K M Jahangir. Following this incident, complain has been lodged with the Headman court.

Khiyang Adivasi leader Mr. Bachha Khyang, Karbari of Chemi Dalu Para Mr. Achhomong and villager of Gungurumuk Para Mr. Chinghla Khiyang said that they opposed the workers of Destiny when they came to occupy their lands. A Bengali resident Mr. Jahangir also alleged that the workers of Destiny occupied and set fire a portion of his orchard. Contractor of Destiny who is involved in afforestation confessed ablaze of a portion of Jahangir's orchard.

It is worth mentioning that CHT Peace Accord signed in 1997 between the government of Bangladesh and indigenous people's political party PCJSS stipulates, "Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled." It is also mentionable that all most all the leases were not utilized. However, though eleven have passed after signing of the Accord, no allotment (lease) has yet been cancelled.

### **Garos and Kotech Adivasis are Threat of Eviction in Modhupur**

Abima Walki from Modhupur reported that the 25,000 Garo Adivasis are in eviction threat for the Nishorgo project of IRG in Modhupur Forest. The Convener of Adivasi Human Rights Association (AHRA) in the meeting of Association at Dhaka opined that the Nishorgo project at Modhupur Forest would evict the said number of Adivasis. The so-called National Park declaration of Modhupur in 1962 stopped the life, tradition and culture of Adivasis. The New project would do more harm to the Adivasis of Modhupur. The project intends to revive the National Park and evict the Adivasis, Mr. Ajoy A. Mree, Chairperson of Join Shahi Adivasi Parishad at Modhupur said. It is one of the inner

agenda of Forest Department, he said. The Adivasis would not accept the so-called project as it would destroy the backbone of the locality.

The elderly leader Mr. Jerome Hagidok said that "We do not know why this type of project Government is taking here. We demand the immediate cancellation of the project. We will resist the ill initiative. If any thing happens to the poor Adivasi and locality Government and IRG will be sole responsible."

The project will cover about 21 thousand acres of land in the area. The main objective is to regain the National Park and Reserved Forest. The Adivasis are living in the area from immemorial of time. Some say they are living here from 1350s. The lands are used by the Garo and Kotch by getting leased from the Jamider of Natore. But in 1927 Forest Act forbids the Adivasis to use the land which were the crucial period for them. The eco-park project also one of the eviction project which was not successful due to local movement. In connection to this movement and land right activities, 11 Adivasis were brutally killed by the Forest Department. In this situation there is great demand to stop this type of anti-Adivasi project. Adivasi leaders also demanded to settle the land problem permanently in Modhupur area.

### **New settlement of 4 mile area of Baghaichari and Dighinala upazila**

On 3 October 2008 at mid-night Bengali settlers of 4 mile area of Baghaichari upazila under Rangamati district set fire on some 10-15 houses of them and immediately informed the nearest BDR camp authority of it falsely alleging that tribal miscreants burnt down their houses. A group of BDR rushed there and found makeshifts on ablaze, but all the household belongings were intake at the outsides. The BDR authority inquired about the incident and found it a false play.

However, on 6 October 2008 Bengali settlers under the banner of Sama Odhikar Andolon (SOA), an extreme Bengali nationalist and communal organisation of Bengali Muslim settlers, brought out procession at Baghaichari upazila headquarters demanding to take necessary action against tribal people and to provide compensation to them. They also had intension to fall upon the Jumma people and their houses at the upazila headquarters. The BDR and the police prevented them from approaching towards Jumma localities. At a stage, the settler women clapped BDR and police personnel with their slippers and others felted stone. Some leaders of SOA were arrested from the spot and taken to the police station. Of them, Selim Bahari, president of the Baghaichari branch of SOA was sent to the Rangamati jail and others were set free.

It is notable that the said area of the hilly range between Kassalong valley of Baghaichari upazila of Rangamati hill district and Maini valley of Dighinala upazila and Khagrachari hill district belonged to the Jumma people of the said upazilas. Since the beginning of 2006, they cut down bushes, fired and cleared. They planted trees and fruit trees there and few of them made houses as well. As soon as state of emergency was promulgated in January 2007, the authority of Dwitila army camp under Dighinala region collected and if necessary, compelled Bengali Muslim families from Muslim Block Para of Baghaichari union of Baghaichari upazila and from Bachamarong and Betchari cluster villages of Merung union under Dighinala upazila to forcibly occupy the said area.

It is learnt that the army authority granted an amount of Taka 7,000 to each family for making hut and provided ration as well. By September 2008, around 100 makeshift were made by the Bengali Muslim settlers.

Further it is learnt that in the meantime a few families of Bengali settler families those who have cultivable land went back to their previous houses in Dighinala and Baghaichari upazilas. Many others who have good sources of income also want to return to previous locations. But the army authority is yet to allow them.

### **Cremation ground of indigenous people grabbed**

Fifty-two indigenous families in Naogaon yesterday demanded stern actions against a group of local influential people for trying to grab their cremation ground at Sonapur village through fake documents. The Santal and Oraon families yesterday made the demand at a press conference at the Metropolitan Press Club in Naogaon.

The indigenous people have been using about 0.19 acres of land as their cremation ground at Sonapur village of Manda upazila for over a century. But recently a group of local influential people including Rakib Pramanik and Rafiqul Pramanik are trying to grab the cremation ground, they alleged. They were barred from cremating bodies there and also received death threats from the influential group, the indigenous people alleged. They said the henchmen of the influential group also attacked them in September when they went to the cremation ground carrying a deceased member of their community.

Later, Ranjit Oraon, president of Lahanti Akra Forum, an organisation of indigenous people, handed over a written complaint to Manda Upazila Nirbahi Office (UNO) Bipul Chandra Biswas at the latter's office. The UNO asked the land office to investigate the allegations and submit report to him, they said. But the land office is yet to submit the report.

The indigenous families also alleged that the influential people have managed fake documents and are trying to evict them from their 3.42 acres of khas land and 3.43 acres of khas pond they leased from the authorities concerned at Borambari village of Niamatpur upazila. They also alleged that instead of taking actions against the influential people the police are harassing the indigenous people.

### **Phulbari coal mine project uproots the indigenous peoples**

Government of Bangladesh took plan to extract coal at Phulbari under Dinajpur district. Coal was first discovered at Phulbari during surveying and drilling between 1994-1997 by the Australian mining company BHP, which entered into licensing and investment agreements with the Government of Bangladesh. These agreements were assigned to Asia Energy Corporation (Bangladesh) Pvt Ltd in 1998. The project is estimated to generate more than US\$ 21 billion in economic benefits to Bangladesh over its 30 year life and add one per cent to Gross Domestic Product (GDP). All the successive governments in Bangladesh dealt with Asia Energy on the Phulbari project.

According to National Committee to Protect Oil, Gas, Mineral Resources, Electricity and Port, about 4,70,000 people, including 50,000 indigenous peoples belonging to Santhal, Munda and Mahali ethnic groups, of 100 villages in Phulbari, Nababganj, Birampur and Parbatipur upazilas will be potential victims of the project. Besides houses and government offices, the project will uproot fifty educational institutions, including six colleges and 18 madrasas and 171 mosques, 13 temples and other religious establishments in Phulbari and its adjacent areas.

It was claimed that approximately 40,000 persons, including 2,500 indigenous people will be affected by the project. The discrepancy about the number of persons to be affected is palpable. Across the world the extractive industries – oil, gas and mining have been responsible for gross violations of human rights and fundamental freedoms.

### **Indigenous people suffer a lot by seismic survey in Lawachara**

US oil and gas exploration company Chevron conducted 3D seismic survey in Lawachhara Reserve Forest to explore new gas reservoir at Moulvibazar Gas Field in January-June 2008. According to the expert and environmentists, the Ministry of Forest and Environment gave permission to Chevron to conduct this survey relaxing the condition mentioned in section 23/3 of the Bangladesh Wildlife Act, 1974. They said that the survey involved such kinds of experiments which would have long term adverse effects on the sensitive forest.

Environmentists also said that indigenous peoples living at the Lawachara area would have to suffer a lot. It was learnt that regrettably, Chevron was permitted to conduct their survey when monsoon was knocking at the door. Monsoon is the time for reproduction of rare species of plants, mushrooms and various species of wild life. The indigenous communities i.e. Mandi, Tripura, Khasia along with tea garden workers and local people are mainly dependant on the natural resources of the forest. Indubitably, the reproduction would be seriously hampered by Chevron's survey. As a consequence the people dependant on such resources would have to suffer a lot.

It is worth mentioning that about 200 betel leaf plants of indigenous Khasia people were damaged in a fire that originated from the explosion during survey. People were on panic in this incident. Local residents confirmed that walls of at least 30 houses and a mosque in the area had also developed cracks after the fire during the seismic survey jobs carried out on 25-26 April 2008. Local residents

and forest department personnel put out the flames in an acre of the forestland near Khasia Punji. Besides, the animals were so frightened that they came out of the forest.

It is also mentionable that the Khasi indigenous people at Magurchara and Lawachari *panpunji* and the Tripura indigenous people at Duluchara area have been living for centuries. They were not informed prior to conducting the seismic survey. They have the right to know why and how the clearance was issued.

The importance of Lawachhara in the context of eco balance and bio-diversity is immense and the forest is a home to 167 species of plants, four species of amphibians, six species of reptiles, 246 species of birds and 20 species of mammals, 17 species of worms and insects including other rare species, and also hosts the indigenous people.

Environmental, human rights and indigenous peoples' organisations protested against this seismic survey organising several protest and sharing meeting, human chain and workshop in Lawachara and Dhaka. On 15 March 2008 in a such sharing meeting organized by Bangladesh Adivasi Paribesh Rakkhsa Andolon, Bangladesh Paribesh Andolon (BAPA) and Greater Sylhet Khasi Welfare Society at Lawachara tourism area under Moulavibazar district, the indigenous peoples and environment rights groups claimed that this survey would cause substantial damage to the forest, endangering the habitat of diverse wildlife and vegetation.

In a press conference organied by Bangladesh Paribesh Andolon (BAPA) on 29 April 2008 in Dhaka, Prof Muzaffer Ahmed said that the survey should be conducted with environment-friendly methods, and the methods adopted by Chevron are not at all environment-friendly. BAPA leaders also demanded proper investigation into environmental, human and economic disasters that have already been occurred in the forest and ensure compensation for the affected people.

They said according to chief conservator of wildlife, conducting of 3D seismic survey in a reserve forest is a violation of forest and wildlife preservation act. We would definitely use natural resources, but we would not destroy other resources while exploring natural resources. We should also consider the probability of an earthquake caused by artificial vibration in the fragile soil of Sylhet, they added.

Despite heavy protest, the Chebron completed its survery. It was learnt that Chevron was supposed to pay compensation in case of any damage to the forest during the survey. However, no compansation was made to the affected people of this survey.

## **MEDIA REPORT**

### **366.02 acres land occupied in Khagrachhari**

*The Daily Star, Monday, December 10, 2007*

About 366.02 acre land of 120 indigenous people were grabbed by grabbers in different places at Mohalchhari in Khagrachhari district in the last nine months, Mahalchhari Bhumi Rakkha Committe alleged in a press conference at Dhaka Reporters Unity yesterday.

On behalf of the committee Headman Biddya Binod Chakma of Kiyang Ghat read out the written statement of the situation in the conference.

The outsiders are building houses forcefully on the grabbed lands and gardens of indigenous people and they are sheltered by a powerful quarter, they said.

They urged the government to take initiatives to stop land grabbing and handing over the grabbed lands to genuine owners.

Legal steps should also be taken against the grabbers and their collaborators, they demanded.

They also demanded recognition of the traditional land rights of the indigenous community for a permanent solution of land problems in the hill tracts.



## **20 acre lands of tribesmen grabbed in Khagrachhari**

*The Daily Star, Sunday, 2 March 2008*

Aminul Haque's two sons are leaders of BNP fronts-- Jubo Dal and Chhata Dal. He allegedly grabbed about 20 acre lands of indigenous people in Ganjapara union in Khagrachhari during the past alliance government.

Aminul is a resident of Mohazonpara Narikel Bagun area in the Sadar upazila. His son Bahadur Alam alias Bahar is Khagrachhari Jubo Dal vice-president and the other-- Shahidul Hoque is a cadre of district Chatra Dal, the victims said.

The lands grabbed by Aminul Haque earlier belonged to some 10 indigenous families in Ganjapara, according to Golabari Union Parishad Chairman Chaila Prue Marma and some other sources.

While talking to this correspondent, some of the victims complained that Aminul grabbed most of the lands by using political clout during the rule of four-party alliance government. They were helpless as sections of unscrupulous officials and political leaders connived with the land grabber who also threatened of muscle power, they said.

They said they went to authorities concerned for legal action but they were 'harassed by some officials and local political leaders', they claimed.

"I went to the court of First Class Magistrate on August 8 last year to seek legal action. The then magistrate ordered police to investigate the matters and record a case", Golabari UP Chairman Chailapru Marma told this correspondent yesterday. "But have not yet investigated the matter, let alone filing of case", he said.

Sub-Inspector Rafiq, who was asked to probe the allegations have done nothing so far, he said. "Rather, he has very good relations with the grabber", Chailapru Marma said. He said he also submitted a complaint to joint forces in December last year to take steps for return of the grabbed lands.

Chaindi Aung Marma, 61, of Ganjapara area alleged that Haque grabbed about two acre lands of her family by making fake document. "He (Haque) leased the land for two years for a brick field from my brother Mrasathowai Marma. After my brother died, he declined to return the land, saying my brother sold the land", she said. Chaindi filed a case with the civil judge's court.

Anil Chakma of Perachhara Darmapur area claimed that Haque grabbed about one acre of his land. He moved police stations but to no effect, he claimed.

The victims also include Satho Aung Marma, Neeang Marma and Lali Marma alias Lal Buri, who alleged that Haque grabbed about 10 acres of their land by using the then ruling party cadres and forged documents. Some Bangalee people also alleged that was tried to grab their lands.

The victims alleged that Haque enjoyed the blessings of Khagrachhari municipality chairman and district BNP secretary Joynal Abedin, among others. Joynal Abedin, a close aide to former lawmaker Wadud Bhuiyan, is also advisor to the Parbattya Chattagram Samo Adhiker Andolon (PCSAA), a forum of Bangla speaking people in Chittagong Hill Tracts (CHT).

While contacted, Hoque said he has all legal documents on the lands but he could not show any paper. He however admitted that he is facing some cases regarding land.

Assistant Police Superintendent (ASP) Mohammad Tareq Ahmed, when contacted, said police has nothing to do till case is filed. He however said he will look into the matter.

When contacted, Joynal Abedin denied his involvement with Haque in land grabbing.

## **Indigenous families lose 1748 acres of land, survey reveals at workshop**

*The Daily Star, Dhaka, Sunday, 11 May 2008*

Around 1983 indigenous families in 10 districts of the country have so far lost their 1748 acres of ancestral land, says a survey report.

Different organisations including the forest department grabbed or acquired the land showing forged documents or in the name of social forestry.

The findings of the survey, which is being conducted by Jatiya Adivasi Parishad (JAP), were placed at a national workshop at the National Press Club in the capital yesterday.

JAP General Secretary Robindranath Soren placed the report of the survey which is expected to be completed by next month.

The survey showed that of the 1983 indigenous families, 521 lost their land through forged documents whereas the forest department acquired over 1185 acres of land belonging to 466 indigenous families in the name of social forestry.

Speakers at the workshop urged the government to return the land to indigenous people and establish their rights on lands.

Justice Muhammad Habibur Rahman, former chief adviser to a caretaker government, said, "I am happy that the indigenous people have come forward to establish their rights."

He said the rights of indigenous people have got a new dimension across the world.

The Australian Supreme Court has directed the government to give indigenous people their rights on land, he added.

Justice Rahman advised the indigenous people to stand before the law commission with all documents so that the commission can stand by their (indigenous) side.

The JAP has been conducting the survey since January in Naogaon, Natore, Bogra, Rangpur, Rajshahi, Joypurhat, Chapainawabganj, Thakurgaon, Dinajpur and Panchagarh districts.

According to the survey, in Dinajpur alone the forest department has acquired around 1182 acres of land from 411 indigenous families.

Indigenous people at the workshop urged the government to ensure their constitutional recognition and form a land commission to resolve their land problems.

Presided over by Anail Marandi, the workshop was also addressed by former adviser Sultana Kamal, Prof Ajay Roy, convener of Sampritee Mancha, Haider Akbar Khan Rono, politburo member of the Workers' Party, and Mujahidul Islam Selim, general secretary of the Communist Party of Bangladesh.

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**SURVIVAL INTERNATIONAL PRESS RELEASE**

24 April 2008

**Bangladesh: Seven Tribal Villages Burnt Down in Chittagong Hill Tracts**

Seven villages belonging to the 'Jumma' tribal people of the Chittagong Hill Tracts were burned to the ground on Sunday by Bengali settlers, with the support of the Bangladesh army.

Jumma villagers, including women and children, were beaten in the attack, and their belongings looted. One hundred houses were destroyed, and the Jumma villagers have fled into the surrounding forests. Bengali settlers were also injured.

The Bangladesh army recently began a new settlement programme in the Sajek area of the Chittagong Hill Tracts (CHT), bringing in new groups of Bengali settlers. The construction of settler houses led to conflict between settlers and the Jumma.

Hundreds of thousands of settlers have been moved into the Hill Tracts over the last sixty years, displacing the eleven Jumma tribes and subjecting them to violent repression.

In 1997 the government and the Jummas signed a peace accord that committed the government to removing military camps from the region and to ending the theft of Jumma land by settlers and the army. The accord offered hope, but military camps remain in the Hill Tracts and violence and land grabbing continue. Abuses have escalated since the declaration of emergency rule in Bangladesh in January 2007.

Survival's director Stephen Corry said today, 'Bangladesh continues to want the land, but not the people, of the Chittagong Hills. Destroying these villages is a criminal human rights violation, a massive human tragedy, and comes close to a declaration of war. Only international pressure can end this. Quiet diplomacy has never worked there.'

## PART C

### MAIN HUMAN RIGHTS ISSUES

#### (I) Arbitrary Arrest

The Government of Bangladesh continues to violate the civil and political rights and collective rights of indigenous peoples with impunity and there is no effective mechanism available for redress in addressing these violations. Numerous cases of human rights violations committed by State Forces are contrary to its national laws and its international human rights obligations. Further, the government being a member of the Human Rights Council should make itself more transparent and accountable to its international human rights obligations. The International Covenant on Civil and Political Rights ensures that everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention and no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

The overall human rights situation of the indigenous peoples of Bangladesh was already bad, and it did not improve in several key respects under the State of Emergency declared on 11 January 2007. The most serious cases involved extrajudicial executions, arbitrary arrests under false or at least barely credible charges, and summary trials under dubious conditions, some of which have been reported by human rights organisations and the press and media.

The situation faced by many indigenous peoples in Bangladesh is critical due to ongoing militarization and exploitation of natural resources on their ancestral lands. Human rights violations including arbitrary arrest by the security forces continue unabated in the inhabitation of indigenous peoples, particularly in the Chittagong Hill Tracts (CHT).

There is widespread belief that the government agencies misused the Emergency powers to arrest innocent indigenous Jumma rights activists in the Chittagong Hill Tracts. In particular, the government forces targeted indigenous Jumma political activists, including members of the PCJSS, and indigenous human rights activists without political affiliation. To materialise their allegation, the government forces have been stage-managing arms recovery from arrestees' possession by putting their (army) arms and then lodging false Arms Act cases against innocent people. Since the promulgation of the State of Emergency, at least two innocent villagers have been killed and 50 indigenous activists have been arrested by the government forces. In addition, it has also been reported that at least 20 innocent Jummas, including public representatives, women and villagers, have also been arrested or otherwise detained.

In most cases, they have been falsely charged in connection with keeping illegal arms, killing, kidnapping and extortion and cases against them were filed under section 16(b) of Emergency Power Rules of 2007. Section 16(b) states that 'regardless of whatever is stated in sections 497 and 498 of the Criminal Procedure Code or any other law, an accused under the Emergency Powers Ordinance will not be released on bail during the enquiry, investigation and trial of the case against that person'. This "No Bail Rules" is an example of how the last Caretaker Government assumed the role of the judge and jury in clear violations of the internationally accepted cardinal principles of administration of criminal justice and subsumed the role of the judiciary. Few instances are given below:

#### **President of Kaptai PCJSS arrested by Joint Forces in Kaptai**

On 4 February 2007 at mid-night, a group of joint forces (army and police) arrested Mr. Bikram Marma (40), President of PCJSS, Kaptai upazila branch from his home of Chandraghona Christian Missionary Hospital area under Rangunia upazila in Chittagong district. The forces have falsely

shown recovery of a country-made gun from victim's house. The victim was handed over to Chandraghona police station. He was produced before the magistrate court in Rangamati district and sent to Rangamati jail. A false arm case was lodged against him with Chandraghona police station. He was convicted 17 years imprisonment by Chittagong judge court in July 2007. He appealed against the verdict of judge court to the High Court.

#### **PCP Leader arrested by Joint Forces in Dhaka**

On 6 February 2007 Sumit Chakma (27) of Jurachari in Rangamati district, who was Assistant General Secretary (AGS) of PCP, Rangamati district branch, along with one Jumma youth was arrested by joint forces from Gazichar area under Saver in Dhaka. He was produced before Rangamati magistrate court later and sent to Rangamati jail. He was brutally tortured during joint forces custody. He got bail in 2008.

#### **PCJSS leader arrested by Joint Forces in Kaptai**

On 11 February 2007 Sai Mong Marma (40), s/o Abu Mong Marma, Raikhali, Chandraghona area, Kaptai upazila was arrested by Joint Forces from Lichu Bagan of Chandraghona area. A country-made gun was shown to recover from his possession. He was produced before Rangamati magistrate court later and sent to Rangamati jail. He was brutally tortured during joint forces custody. He was sentenced 10 years imprisonment by Chittagong judge court declared in July 2007. He appealed against the verdict of judge court to the High Court.

#### **General Secretary of PCJSS arrested by Joint Forces in Rangamati**

On 18 February 2007 the Joint Forces (army and police) led by Lt. Kazi Mustafizur Rahman of Rangamati army region and Md. Osman Goni, PSI of Kotowali police station of Rangamati district arrested Mr. Satyabir Dewan (56) s/o Hira Lal Dewan of village Balpiya Adam in Rangamati municipality from his home. He is General Secretary of PCJSS (Parbatya Chattagram Jana Samhati Samiti). On that day around 4.30 a.m. they encircled victim's house at Balpiya Adam under Rangamati municipality in Rangamati district and arrested him putting a country-made pipe-gun under the bed of victim's son (Mr. Polo Dewan). Polo Dewan protested against putting the pipe-gun while a soldier was keeping it under his mattress. But the army threatened him. The joint forces also seized Taka 9,000 and victim's personal collected books. The victim was produced before magistrate court in Rangamati district and sent to Rangamati jail.

Mr. Satyabir Dewan was taken for 3-days' remand first by the police of Rangamati police station on 24 February 2007. After completing remand he was produced before the court on 28 February. He was falsely charged in connection with the killing of Kina Mohan Chakma, a supporter of Sama Odhikar Andolan (a communal organisation backed by army and Islamic fundamentalist group). On the other, Mr. Satyabir Dewan was again taken 2-day remand for the second time on 28 February after producing before court. He was also falsely charged in connection with keeping illegal arms in his house and this 2-days' remand was granted for this case. After completing this remand, the police produced him before court on 1 March with prayers for more seven-days' remand. The court placed 2-days' remand for 3<sup>rd</sup> time. It is mentionable that Mr. Satyabir Dewan is a patient of high pressure. Hence, the consecutive remand hampered to his health. It is learnt that he became already physically weakened. He was not supplied adequate food and being interrogated continuously. He has not been given time to sleep. Even he was awakened from sleep at mid-night or early in the morning for interrogation basically to torture mentally.

During the time of producing Satyabir Dewan and his four colleagues before court on 28 February, no body was allowed to stay at courtroom and even nearby area except police and lawyers. At first, an army major came to Magistrate's room and talked for half an hour with him. After that, all people including relatives of Satyabir Dewan and his colleagues were driven out from courtroom and nearby area. Then Mr. Satyabir Dewan and other arrested colleagues were brought one after another and produced before court.

On the other hand, on 25 February the joint forces along with a magistrate searched the house of Satyabir Dewan. They basically seized bank account documents of Satyabir Dewan, his son Polo

Dewan and his wife. These bank accounts were basically personal deposit pension scheme and saving accounts. It is very astonishing that they also seized a broken toy-pistol that was bought during the childhood of his younger son and 8 coins (one coin of five rupees, 4 coins of two rupees and 3 coins of one rupee) of Indian currency that were collected by his younger son as souvenir. It is reported that the joint forces filed illegal foreign currency case with these Indian coins. The joint forces also seized some books that were collected for personal reading.

Finally five false cases were lodged against him with different police station. The five cases are as follows:

- (1) Case no. 6 of Kotowali police station dated 18-02-2007, section 19(a)(f) of Arm Act of 1879 for keeping illegal arm under his possession;
- (2) Case no. 1 of Jurachari police station dated 01-12-2006, section 364/34 of Bangladesh Penal Code for killing of Kina Mohan Chakma. The name of Mr. Dewan was not mentioned in the statement of the complaint (Priya Kumar Chakma s/o Kina Mohan Chakma), however the Joint Forces involved him with this case;
- (3) Case no. 12 of Kotowali police station dated 25-02-2007, section 25(b) of Special Power Act of 1974 for keeping illegal foreign coin under his possession;
- (4) Case no. 9 of Kotowali police station dated 29-01-2007, section 302/34 of Bangladesh Penal Code for killing of Jnana Lal Chakma in Kutukchari under Rangamati upazila. Ms. Neepa Chakma w/o Jnana Lal Chakma mentioned the name of culprit as unknown in her statement, however the Joint Forces charged him with this case. It is widely known that Jnana Lal Chakma was shot death by an armed group of UPDF;
- (5) Case no. 1 of Naniarchar police station dated 12-06-2006, section 326/307/34 of Bangladesh Penal Code for attempt to murder of Pidikya Chakma in Naniarchar.

Mr. Satyabir Dewan was transferred to Chittagong jail in April 2007. The trials of illegal arm case and illegal foreign currency case have been started in Chittagong judge court since May 2007. On behalf joint forces Major Yeasin from Rangmati army brigade dealt the cases in Chittagong court. He tried to interfere the process during trial. He always talked with judge before starting trial.

The court awarded 17 years rigorous imprisonment to Satyabir Dewan in May 2007 for keeping illegal arms and 2 year for keeping illegal foreign currency after summary trials under dubious conditions. He appealed against the verdict of judge court to the High Court.

#### **Four leaders of PCJSS arrested by army in Jurachari**

On 18 February 2007 at the night, the Joint Forces also arrested following four PCJSS leaders from Jurachari upazila in Rangamati district:

- (1) Mr. Bimal Kanti Chakma (50) s/o Dharendra Lal Chakma of village Banjogichara under Jurachari upazila (Central Member of PCJSS),
- (2) Mr. Ranjit Kumar Dewan (50) s/o Satyandra Nath Dewan of village Banjogichara under Jurachari upazila (President of Jurachari upazila branch of PCJSS),
- (3) Mr. Udayjoy Chakma (47) s/o Chandrayoy Chakma of villager Ghilatali under Jurachari upazila (General Secretary of Jurachari upazila branch of PCJSS) and
- (4) Mr. Mayachan Chakma (46) s/o Kshirode Ranjan Chakma of village Banjogichara under Jurachari upazila (Organising Secretary of Jurachari upazila branch of PCJSS).

They were produced before the court after 48 hours. They were brutally tortured before producing to the court. They were falsely charged in connection with killing of Kina Mohan Chakma, a supporter of Sama Odhikar Andolan. Later, they were also charged with another false murder case for killing of Prem Lal Chakma in Jurachari upazila.

They were taken for 3-days' remand by the police of Rangamati police station on 24 February 2007. After completing remand they were produced before the court on 28 February. They all were falsely

charged in connection with the killing of Kina Mohan Chakma, a supporter of Sama Odhikar Andolan and the 3-days' remand was granted for this case. The court also placed them more 2-days' remand charging with killing of one Prem Lal Chakma.

The trial of these two cases is going on in Rangamati district court. It is learnt that during remand, Satyabir Dewan and above-stated four arrested activists were threatened to shot death in crossfire by the army again and again to make them confess involvement with the killing of Kina Mohan Chakma. Among them, Bimal Kanti Chakma got bail very recently.

### **Ranglai Mro arrested by joint forces in Bandarban**

On 23 February 2007 the Joint Forces consisting of army and police arrested another indigenous activist named Mr. Ranglai Mro (45) from Bandarban district. It is reported that the joint forces surrounded house of Ranglai Mro at Ujani Para of Bandarban municipality at around 3.30 a.m. and kept surrounded until 7.00 a.m. The Joint Forces entered the house breaking the door and arrested Mr. Ranglai Mro. His family member told that no allegation was filed against him with police station or elsewhere. His relatives also confirmed that the army arrested him putting an arm in his house so that the arrest could be justified to the media and an arm case could be filed against him.

Mr. Ranglai Mro was brutally tortured during army custody by the army and hence got serious wounded. It is learnt that due to serious condition, the police of Bandarban police station did not agree to receive him while army tried to hand over him to the police at late night of 23 February. At the last, he was admitted to Bandarban district hospital by the Joint Forces and transferred to Chittagong Medical College hospital later. He was provided treatment under police and army custody for a week.

Mr. Ranglai Mro is the Chairman of Sualok union council and Headman of Sualok mouza in Bandarban sadar sub-district. He never involved with corruption or terrorist activities, and even with any political party. However, he has been protesting against the eviction of indigenous people and permanent Bengali residents from their villages of Sualok and Tankaboti areas in Bandarban district in the name of establishment of artillery training centre. It is reported that some 750 families including Mro (small ethnic group in CHT) have been evicted from their dwellings. The military forces acquired 11,445 acres of land in 1991-92 at Renikkhong, Sualok and Tonkaboti mauzas in Bandarban district for artillery training centre. The arrests of indigenous activists including Ranglai Mro are nothing but suppressing the indigenous people so that they could not protest against massive land grabbing and military atrocity, and they could not raise voice for their just rights.

The court awarded 17 years rigorous imprisonment to Ranglai Mro in June 2007 for keeping illegal arms after summary trials under dubious conditions. He appealed against the verdict of judge court to the High Court. He got bail very recently

### **The following indigenous activists were arrested by the army and sent to jail on false charges: -**

1. On 9 February 2007 Dotang Chakma alias Dogong of village Uttor Bongoltoli under Baghaichari of Rangamati district was arrested from Machalong Bazaar and sentenced to two years rigorous imprisonment and imposed a fine of Taka 1,000 by a local court;
2. On 10 March 2007 Milon Kanti Chakma, s/o Biddut Kanti Chakma of Borpara village under Panchari Thana in Khagrachari district arrested from Gurgujjyachari village under Khagrachari district and was sent to Khagrachari district jail under the Arms Act;
3. On 21 March 2007 Arpan Chakma was arrested in Naniachar under Rangamati district and sent to Rangamati district jail under Arms Act
4. On 21 March 2007 Dixton Chakma was arrested in Naniachar under Rangamati district and sent to Rangamati district jail under Arms Act;
5. On 21 March 2007 Shokta Chakma was arrested in Naniachar under Rangamati district and sent to Rangamati district jail under Arms Act;
6. On 31 March 2007 Bipin Bihari Chakma was arrested from his house at Korollyachari village under Maischhari in Khagrachari district and was sent to Khagrachari jail on false charges.

### **Two PCJSS leaders arrested by joint forces in Dighinala and Baghaichari**

On 5 March 2007 the Joint Forces arrested two PCJSS leaders (one from Khagrachari and another one from Baghaichari). Mr. Balabhadra Chakma alias Pranjal (45) s/o Kalendra Chakma of village College Tilla under Dighinala upazila (Vice President of Dighinala upazila branch) was arrested from the house of Ms. Jarita Chakma (Central Member of PCJSS) at Mahajan Para in Khagrachari municipality. At first, the Joint Forces searched the house of Jarita Chakma. But they found nothing. However, they arrested Mr. Balabhadra Chakma from this house. The victim has been staying there for treatment after stone operation. He was first taken into Khagrachari army zone and then handed over to Khagrachari police station. He was shown arrested on section 54. He has not been given medicine in time during army and police custody. He was produced before Khagrachari magistrate court and then sent to Khagrachari jail.

On the other, Mr. Manubha Ranjan Chakma (47) s/o Sudhir Chandra Dewan of village Karengatali under Baghaichari upazila (President of Baghaichari upazila branch of PCJSS) was arrested on that day from Baghaichari upazila in Rangamati district. At first he was called by BDR (Bangladesh Rifles) zone commander to meet at his zone office on that day. Usually he went to BDR zone to meet with the zone commander at 6.00 p.m. However, no sooner he reached the zone office, he was arrested by the BDR zone commander and next day (6 March) he was handed over to Baghaihat army zone under Dighinala cantonment in Khagrachari district. He was produced before magistrate court in Khagrachari district on 7 March after brutally torture and sent to Khagrachari jail.

Mr. Balabhadra Chakma and Mr. Manubha Ranjan Dewan were charged in connection with extortion. An extortion case (case no. 2 of Dighinala police station dated 06-03-2007, section 385/507 of Bangladesh Panel Code) was lodged against them by Mr. Ranjit Kumar Palit, OC of Dighinala police station. Mr. Balabhadra Chakma was released on bail on 3 April 2007. Mr. Manubha Ranjan Dewan was also granted bail but not released as he was charged in connection with two more separate murder cases for killing Rinku Mani Chakma (case no. GR 37/2007, section 302 of Bangladesh Panel Code) and Chandra Chakma (case no. 49/2007, section 307/34 of Bangladesh Panel Code) respectively in Dighinala upazila. Charging with two murder cases was fully motivated and baseless. He finally got bail in 2008 from Khagrachari judge court.

### **Army tortures and arrests innocent villagers in Naniachar**

On 27 April 2007 a group of army personnel from Naniachar zone carried out raids on four Jumma villages namely Egarallya Chara, Chongrakuttya, Gobchari and Gunguttyachari. It was a predawn raid and the soldiers encircled the villages on all sides, with rounding up the people at day-break.

At least eight villagers were beaten up inhumanly during the raids. The victims have been identified as Udoi Kiron Karbari (Egarallyachara), Sunil Bikash Talukder (Egarallyachara), Siddharth Chakma (Gobchari), Gyana Joti Chakma (Gobchari), Chokka Chakma (Gobchari), Mother of Babudhan (Gobchari), Purno Kumar Chakma (Gunguttyachari) and Barallya Chakma (Gunguttyachari).

Of them, Siddhartha Chakma (55) s/o Buddha Moni Chakma and Jyana Joti Chakma (40) s/o Moti Lal Chakma were handed over to the police, while Purna Kumar Chakma was taken to the camp. He was tortured again there and released at night the same day.

The joint forces, on the other hand, do not often verify the information they receive and work in a mechanical way, putting their image at stake and victimizing the innocent people at the same time.

### **Central member of PCJSS arrested by army in Khagrachari**

On 5 May 2007 military forces from Dighinala zone arrested a PCJSS senior leader named Mr. Tatindra Lal Chakma alias Pele (55) (Central Committee member of PCJSS) from his home of Khagrachari sadar. At first two civil army personnel went to his house and told him that Zone Commander of Dighinala zone has invited him to go to zone office. Hence, Tatindra Lal Chakma alias Pele went along with the army personnel to Khagrachari brigade first and then to Dighinala zone. But when he reached at the Dighinala zone office, he was arrested falsely charging for extortion from Grammen Bank. It is learnt that recently some miscreants extorted TK 26,620 from Grammen Bank office at Babuchara under Dighinala upazila in Khagrachari district. The miscreants demanded more



TK 2.5 lacs. Consequently, the Babuchara branch office of Grameen Bank was closed. With this backdrop, Md. Fuyad Hussain, Manager of Grammen Bank of Babuchara branch filed a case against Mr. Nagor Chakma (31) s/o Sudhir Chandra Chakma of Baradam under Dighinala upazila and Mr. Tatindra Lal Chakma alias Pele (55) s/o late Deba Mohan Chakma of Kamakuchara village under Dighinala upazila including 2/3 unknown miscreants with Dighinala police station on 6 May 2006. Md. Fuyad Hussain alleged that the miscreants themselves intentionally claimed they are the members of the 'Pele Group'.

It is also learnt that the head of the Grammen Bank, Nobel laureate Dr. Yunus informed it to Chief Advisor of present Caretaker Government of Bangladesh for necessary action and the Chief Advisor's office informed it to Chief of Staff of military forces, and office of the Chief of Staff ordered to Dighinala army zone to take necessary action. Hence, without taking any proper investigation, Mr. Tatindra Lal Chakma and Mr. Nagor Chakma (small businessman in Dighinala) were arrested. They were charged for extortion under section 385/386 of Bangladesh Penal Code and section 16(b) of Emergency Power Rules of 2007.

Mr. Nagor Chakma was brutally tortured by the army to force for saying the name of Mr. Tatindra Lal Chakma. Both Mr. Tatindra Lal Chakma and Nagor Chakma were handed over to Dighinala police station in the evening of 5 May and produced before Khagrachari magistrate court on 6 May and sent to jail. On 10 May the magistrate court placed Tanindra Lal Chakma 2-days remand and Nagor Chakma 4-days remand.

It is also learnt that Md. Fuyad Hussain, Manager of Grammen Bank of Babuchara branch was compelled by military forces to file case against Mr. Tatindra Lal Chakma and Nagor Chakma. In fact, he knows very well that Nagor Chakma is a businessman in Dighinala area who cannot involve with extortion.

Nagor Chakma got bail in 2007 and Tatindra Lal Chakma also got bail on 25 September 2008 from Khagrachari judge court.

#### **UP Chairman arrested by army in Rangamati**

On 7 May 2007 the military forces arrested Chairman of Ghilachari union parishad Mr. Amar Jiban Chakma (36) from Manikchari area in Rangamati sadar upazila. He was arrested planting a locally-made gun, hemp and Tk 50,500 counterfeit notes from Manikchari-Kudukchari road under Rangamati district while he along with a relative was returning home from Chitmaram Buddha Bihar of Kaptai upazila after taking order of Buddhist mendicant. Case was lodged against him in connection with keeping illegal arm, ganja and fake notes. He was produced before Rangamati magistrate court and sent to jail custody.

It is also learnt that a camp named Jurachari army camp under Ghilachari union in Naniarchar upazila was recently withdrawn and the local people set up a Buddhist temple on the land of the abandoned camp. The military forces became angry due to setting up Buddhist temple and suspected Amar Jiban Chakma that he might organise the villagers in setting up the temple. The military forces of Ghilachari army camp ordered Amar Jiban Chakma to be present at the camp. However, Amar Jiban Chakma could not attend to the camp due to taking order of Buddhist mendicant at Chitmaram Buddha Bihar. But he was caught on 7 May though there was no case with any police station against him. Like other incidents, the arrest of Amar Jiban Chakma is nothing but to suppress the indigenous activists by taking the advantage of the emergency. Amar Jiban Chakma got bail in 2008.

#### **Milton Chakma arrested by police in Khagrachari**

On 29 May 2007, Mr Milton Chakma, Assistant Coordinator of the Hill Watch Human Rights Forum was arrested from Chengi Bridge in Khagrachari without any arrest memo. Mr Chakma was shown arrested on the basis of a First Information Report (FIR) filed by Md. Shahidul Islam, Sergeant (No. 3998686) of 24 Bengal Regiment. In the army records, he has been shown arrested on 31 May 2007, although the Bangladesh army had picked him up on 29 May 2007 from Chengi Bridge area. He was implicated in a false murder case. He got bail in 2007.

#### **PCJSS Leaders threatened to arrest by army**

In May 2007 PCJSS leaders in Bilaichari were threatened by security forces to give up involvement with PCJSS, otherwise they would face severe consequences. Among other, Shuva Mangal Chakma, PCJSS leader and Chairman of Kengrachari Union confirmed that due to tremendous pressure of Bilaichari army zone he signed on a paper where contained that he would not continue work with PCJSS and give up politics and would be liable if any crime, such as, extortion, kidnapping etc was happened. Similarly indigenous activists including public representatives and PCJSS members in Rangamati and Khagrachari districts have been compelled by the military to sign on such paper.

It is also reported that in May 2007 Zone Commander of Jurachari army camp of 8 Bengal under Kaptai brigade organised public meeting with the indigenous people where he spoke against the indigenous activists, particularly PCJSS leadership. He threatened indigenous people and permanent Bengali residents to face severe consequences if they would continue supports to the PCJSS and other indigenous activists.

Similarly, PCJSS leaders in Khagrachari district were also asked by security forces to leave PCJSS and to compromise with military forces; otherwise they would face cases like Shaktipada Tripura and Bholash Tripura.

False cases were lodged against the PCJSS leaders in Longadu upazila in Rangamati district. Mangal Kanti Chakma (32), Chairman of local Union Parishad (UP) and PCJSS leader in Longadu sub-district said that a case for extortion and kidnapping against 14 activists including himself and Laxmi Prasad Chakma, Vice President of PCJSS was filed with Longadu police station by Rup Kumar Chakma from Jurachari sub-district on 22 June 2007. He said that Rup Kumar Chakma is well known army informer in Rangamati.

#### **Returnee refugee leader arrested by Joint Forces in Khagrachari**

On 3 June 2007 Mr. Santoshita Chakma alias Bakul, General Secretary of CHT Returnee Jumma Refugee Welfare Association was arrested by the joint forces from Khagrachari district town while returning from Circuit House after attending the meeting of the Task Force on rehabilitation of returnee Jumma refugees and internally displaced persons. It is mentionable that Mr. Santoshita Chakma Bakul (48) is a member of the Task Force representing returnee Jumma refugees. On that day, the Task Force meeting was held at Khagrachari Circuit House, chaired by Mr. Samiron Dewan, Chairman of the Task Force. The other members of the Task force Md. Mokhlesur Rahman, member secretary & divisional commissioner of Chittagong division, PCJSS representative Mr. Sudhasindhu Khisa, representative of three Hill District Councils, representative of CHT Affairs Ministry, representative of General Officer of Commanding of 24<sup>th</sup> infantry division of Chittagong cantonment and other members attended as well.

It is reported that the joint forces cordoned the area of the circuit house while the Task Force meeting was going on. The joint forces arrested Mr. Santoshita Chakma Bakul while he was leaving the meeting place along with representative of Rangamati Hill District Council Mr. Sujit Dewan for Rangamati at around 2.00 p.m. He was taken to Khagrachari police station.

It is mentionable that the joint forces encircled the house of Santoshita Chakma Bakul at Mahajan Para in Khagrachari municipality on 5 May 2007. However, he was absent at home at that time.

He was falsely charged with 5 cases in connection with murder, kidnapping and extortion. He got bail on 23 July 2008 from Khagrachari judge court.

#### **Houses of Shakti Pada Tripura raided by Joint Forces in Khagrachari**

On 14 June 2007 at 5.00 a.m. Joint Forces raided the houses of three PCJSS leaders namely, Organising Secretary of central committee of PCJSS Mr. Shaktipada Tripura, General Secretary of Khagrachari district branch of PCJSS Mr. Sudhakar Tripura and General Secretary of Khagrachari sub-district branch of PCJSS Mr. Biplab Kanti Tripura at Khagrapur in Khagrachari district. One group of army encircled the houses of Sudhakar Tripura and Biplab Kanti Tripura. Military forces searched the houses, but found nothing. The military forces ordered Sudhakar Tripura to be present at the army zone headquarters if the joint forces desire. Another group of army also encircled the house of Shaktipada Tripura, however, Mr. Shaktipada was absent at the home at that time. Military forces

searched the house, but found nothing and left the house. However, they came back after few minutes to the house of Mr. Shaktipada. They again encircled the house and declared that they found a country-made gun and a cartridge in the boundary area of the house. They also searched an almirah breaking it and declared in the same way that they found some foreign currency in the passport of Mr. Tripura. The relatives of Mr. Shaktipada claimed that the gun and foreign currency were put by the military forces in order to involve Mr. Shaktipada with the illegal activities. The military forces picked up Mr. Bholash Tripura, Finance Secretary of Khagrachari district branch of Hill Student Council, from the house of Shaktipada. He was handed over to the Khagrachari police station and sent to jail on that day. Two cases for keeping illegal arms and foreign currency were filed against Shaktipada Tripura and Bholash Tripura with Khagrachari police station. Bholash Tripura was also shown arrest under section of 16(b) of Emergency Power Rules of 2007. Bholash Tripura was brutally beaten up and placed on 3-day's remand.

Bholash Tripura got bail on 7 October 2008 from Khagrachari judge court.

#### **Arrest of returnee PCJSS member in Rangamati**

On 16 June 2007 around 4.30 p.m. a returnee member of PCJSS named Fattua Chakma Jangi was arrested from Kalyanpur area in Rangamati municipality by the military forces. He was handed over to Kotwali police station. He was charged with 2 cases in connection with murder, kidnapping and extortion.

#### **False case filed against PCJSS leaders including Vice President in Rangamati**

On 22 June 2007 a false case for extortion and kidnapping against 14 activists including himself and Laxmi Prasad Chakma, Vice President of PCJSS and Mangal Kanti Chakma (32), Chairman of local Union Parishad (UP) and PCJSS leader in Longadu sub-district was filed with Longadu police station by Rup Kumar Chakma from Jurachari sub-district.

#### **Local NGO organisers arrested charging with DANIDA officer Shahid Sumon kidnapping in Bandarban**

Soon after the kidnapping of DANIDA officer Mr. Shahid Suman on 25 June 2007, military forces detained all the NGO activists including another Danida programme officer Mr. Kirti Nishan Chakma and following local NGO organisers and villagers-

1. Mong Mong Sing Marma, Executive Director of Humanitarian Foundation,
2. Sajib Chakma, upazila organiser of Humanitarian Foundation
3. Suman Tripura, upazila organiser of Humanitarian Foundation,
4. Gabriel Tripura, Executive Director of Toymu and
5. Aung Kyew Khing, Executive Director of Eco Development
6. Nasarang Tripura, innocent villager and his two sons

In the name of rescue operation the army also detained local villagers, searched their houses and subjected many of them to inhuman physical torture. They were released after six months detention in Bandarban jail.

It is mentionable that Danish foreign development agency Danida's programme officer Mr. Shahid Suman and his car driver Mr. Abu Hanif were kidnapped on 25 June 2007 by an armed group from Khiburipara village under Thanchi upazila in Bandarban district. The kidnappers released Abu Hanif four days after abduction, while the Joint Forces rescued Suman on 8 July. In a press conference in Chittagong held on 21 July after undergoing medical treatment at a military hospital, Mr. Suman claimed that he was kidnapped by "Pahari People's Army".

Local people believed that the kidnapping of Shahid Suman was orchestrated by a vested interest group to create an opportunity to focus the local NGOs in bad light and then crush them and to justify the continued presence of the army in CHT.

After the incident, the representatives of the local NGOs held a press conference in Bandarban town where they denied their involvement in the kidnapping and protested the attempt of the army and the

media to implicate their NGOs with the incident. But the press conference was completely blacked out.

### **3 innocent Jumma villagers arrested in Jurachari**

On 5 May 2008, a group of army led by Major Tanvir from Pukirachara camp under Jurachari upazila in Rangamati district arrested three Jummas. It is learnt that army arrested Niranjan Chakma after calling him to the camp. Thereafter, the army conducted operation to Pukirachara village and arrested Ranangan Chakma (23) son of Nishanto Chakma from his own house.

The army tortured them severely and implicated them with false cases after placing one country-made gun and a donation book in their hands. They were handed over to Jurachari police station and later sent to Rangamati jail.

### **Arrested 4 Jumma villagers released on bail**

On 29 May 2008 arrested 4 innocent Jumma villagers namely Sushil Chakma (26) s/o Asomi Chandra Chakma, Sangram Chakma (22) s/o Ashok Kumar Chakma, Ratna Bikash Chakma (22) s/o Gunodhar Chakma and Rabindra Chakma (23) s/o Shashi Mohan Chakma were released on bail. They were arrested by military forces from Simanachara village in Sajek union falsely accusing of setting fire to settler house.

### **A returnee PCJSS member held by the army in Dighinala following the Sajek arson attack**

On 13 May 2008 Mr. Anunay Chakma alias Manas (55) s/o Nalini Kanta Chakma, a returnee member of PCJSS as per CHT Peace Accord was arrested by the army at Dighinala check post in Khagrachari district while he was returning home after attending the wedding ceremony in Rangamati. He was taken first to Dighinala cantonment and after keeping there a night, he was handed over to Dighinala police station. A case was filed against him under section 16(2) of the Emergency Power Rules 2007 with Dighinala police station. The army had falsely shown a recovery of UPDF's leaflet from him during the arrest. He was sent to Khagrachari jail.

It is mentionable that following the incident of arson attack on 7 indigenous villages in Sajek union under Rangamati district, a group of Bengali settlers also encircled his shop at Baghahat bazaar on 21 April at around 10.30 a.m. However, other shopkeepers of the market saved him from physical assault by the Bengali settlers. After this incident, he wanted to go Rangamati, but zone commander Lt. Col. Sajid Imtiaz did not allow him to leave Baghahat bazaar without showing any reason. However, he went to Rangamati at the end of last month to participate in a wedding ceremony of his relative.

According to the sources, investigating officer sub-inspector Khokan Chandra Debnath of Dighinala police station submitted report to the court stating that Anunay Chakma was fully innocent. In accordance with the police report, Chief Judicial Magistrate issued his release order during the last hearing held on 16 May 2008. On 17 May 2008 returnee PCJSS member Anunay Chakma Manas was again shown arrested at Khagrachari jail with an old murder case.

Sources also informed that no sooner issuance of court release order, military forces of Dighinala zone sought arrest order against Anunay Chakma with an old murder case lodged in 2006 with Dighinala police station from the court, but it was rejected as he was not enlisted as defendant to this case. However, joint forces shown arrested him at Khagrachari jail when all the procedures have been completed to set him free.

On 25 May 2008 arrested PCJSS member Mr. Anunay Chakma alias Manas (55) was taken for one-day police remand to Dighinala police station. After interrogation at Dighinala police station, he was again taken to Khagrachari jail.

It is mentionable that joint forces frequently arrest those indigenous activists in Chittagong Hill Tracts (CHT) who get release or bail from the court, in order to keep them detention month after months.

## **PART C**

### **MAIN HUMAN RIGHTS ISSUES**

#### **(II) Extra-Judicial Killings**

The International Convention on Civil and Political Rights, which was ratified by Bangladesh, ensures that every human being has the inherent right to life. It stipulates that this right shall be protected by law and no one shall be arbitrarily deprived of his life.

International Convention on the Elimination of All Forms of Racial Discrimination ensures that State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; and State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

Constitution of Bangladesh stipulates that no person shall be deprived of life or personal liberty save in accordance with law. The constitutional guarantee of the right to life cannot be suspended or derogated from under any circumstances. However as in 2007 and 2008, state security forces reportedly continued to be responsible for extra-judicial killings and for custodial killings. During the State of Emergency, extra-judicial killings by the joint security forces continued unabated.

Although the joint forces has been successful in arresting a number of highprofile terrorists, they seem to have been given the power to act in whatever way necessary to apprehend criminals, and their lack of accountability has lead to much criticism from human rights groups. As part of this drive, a few godfathers and corrupt leaders of last four-party alliance government had been arrested throughout the country. However the military forces had used the state of emergency with a different motive in case of indigenous peoples, particularly in the CHT. Basically they had used to suppress the voice of indigenous Jumma people of the country. In particular, the military forces have been responsible for extra-judicial killings and incidence of torture during custody and interrogation. Few instances are given below:

#### **Killing of Choles Ritchil**

On 18 March 2007, Mr Choles Ritchil, a potential indigenous leader, was arrested and then killed by a group of Joint Forces led by army at Kalibari under Muktagacha Upazila. Mr Ritchil was coming from Mymensingh town in a microbus accompanied by 3 indigenous persons namely Mr Piren Simsang, Mr Tuhin Hadima and Mr Protab Jamble. The security forces took them to nearby Khakraid army camp at about 2:00 pm. According to the eye-witnesses, the Joint Forces personnel used pliers to press the testicles of Mr. Choles Ritchil and put needle on his fingers. They poured hot water into his nostrils. He was then hanged upside down and brutally tortured. He vomited blood again and again and fainted many times. Some of those who tortured Mr Chales Ritchil were identified as Warrant Officer Jamal, 2<sup>nd</sup> Lt. Minhaj, Sergeant Shahadat and Major Toufiq Elahi. On 20 March 2007, Choles Ritchil's wife Sandha Simsang had filed a complaint with Modhupur police station, but Modhupur police station did not register any case. (See media report below).

#### **Human Rights Bodies concerns over killing of Choles Ritchil**

On 28 February 2008 in a press conference, five prominent human rights bodies in Bangladesh, namely, Ain O Salish Kedra (ASK), Bangladesh Legal Aid and Services Trust (BLAST), Association of Land Reform and Development (ALRD), Nijera Kori and Bangladesh Environment Lawyer Association (BELA) demanded immediate publication of the judicial inquiry report of the killing of indigenous leader Mr. Choles Ritchil and punishment to the persons involved with this incident.

Ms. Sultana Kamal, former Advisor of Caretaker Government and Executive Director of ASK presided over the conference. A written statement was read out by Mr. Sayeed Ahmed, Coordinator of ASK. Among others, eminent human rights activist Dr. Hamida Hossain, Executive Director of BLAST Mr. Taslimur Rahman, Executive Director of ALRD Mr. Shamsul Huda, Coordinator of Nijera Kori Ms. Khushi Kabir and senior lawyer Mr. Iqbal Kabir were present at the press conference. It is mentionable that Mr Choles Ritchil was tortured to death in the custody of the joint forces at Khakraid under Modhupur police station in Tangail district on 18 March 2007.

In their press statement, the human rights bodies expressed their frustration over the government attitudes after the killing of Mr. Choles Ritchil. They said that though 10 months have been passed after the incident, but judicial inquiry committee formed by the government did not publish its report so far. For the sake of justice, the report of the inquiry committee should be published soon and the culprits should be punished accordingly, they demanded.

They expressed that the family members of the victim as well as indigenous peoples would be deprived of justice if the publication of the inquiry report is delayed. They also opined that it would also be hindered in establishing the rule of law and good governance in the country.

The human rights bodies also said that soon after the killing of Mr. Ritchil, ASK, BLAST and ALRD conducted joint investigation to the incident on 19 March 2007 and in a press conference organised on 20 March, they claimed that they found torture marks like wounded on back, two hand palms smashed, nails of thumbs of the right leg removed, eyes plucked, anus mutilated etc. With this backdrop, the five organisations submitted memorandum to the Chief Advisor of the Caretaker Government on 21 March demanding judicial inquiry to probe real fact and punishment of the culprits.

They also said that Executive Director of ASK Ms Sultana Kamal, Coordinator of Nijera Kori Ms. Khushi Kabir, eminent lawyer Ms. Sara Hossain, senior lawyer of BELA Mr. Iqbal Kabir and relatives of the victim called on local administration on 7 April demanding punishment of the culprits of the incident. Even they also submitted memorandum again to the Advisor on Agriculture and Forest. However, the government is yet to take appropriate actions against the culprits, they claimed.

It is worth mentioning that wife of victim Ms Sandha Rani Simsang had filed a complaint with Modhupur police station on 20 March 2007, but no First Information Report (FIR) has been registered by the police. On 18 March 2007, Mr Choles Ritchil was arrested by a group of Joint Forces at Kalibari under Muktagacha upazila in Tangail district. Mr Ritchil was coming from Mymensingh town in a microbus accompanied by 3 indigenous persons namely Mr. Piren Simsang, Mr. Tuhin Hadima and Mr. Protab Jamble. The joint forces took them to nearby Khakraid army camp and tortured them there inhumanly. Three of them were released after inhuman torture, but Mr. Ritchil died due to serious injuries.

It is also mentionable that Mr Choles Ritchil, an indigenous leader in Modhupur area has been struggling against the repression of the forest department on indigenous peoples for long time. In 2003, the government of Bangladesh declared an Eco-Park in Modhupur forest and started constructing a wall around 3,000 acres of Modhupur forest without taking consent from the Garo indigenous people living in the area. During a peaceful protest procession against the Eco-Park in Modhupur held on 3 January 2004, police and the forest guards opened indiscriminate firing that left killing one Garo protester named Mr. Piren Snal on the spot and injured 25 others including women and children. After this incident, the Forest Department postponed implementation of construction of the wall.

#### **Innocent Jumma villager killed by Bengali settlers in Naniarchar**

On 3 March 2007 an innocent villager Suresh Mohan Chakma (40) died after severe military torture in Ghilachari under Naniarchar upazila of Rangamati district. It has been reported that on 3 March 2007 a group of army personnel from Ghilachari camp under Naniachar Thana raided the house of Suresh Mohan Chakma s/o Phedera Chakma in the village of Choichari. The victim was groaning with high fever with an intravenous drip set up when the arrest was made. However, the army provided no rationale reason for the arrest nor showed any warrant. After the arrest Mr. Chakma was

taken to the camp and was severely beaten. He was released after three days on 6 March and the next day he died as a direct result of the torture.

### **Shanto Chakma tortured to death by army in Naniarchar**

On 5 August 2007 Shanti Bikash Chakma alias Shanto was tortured to death by the military forces. He was arrested along with his co-activist Inton Chakma from Bakchari Duar area under Naniachar upazila in Rangamati district. Shanto Chakma was hung upside down from a branch of a tree and was brutally tortured resulting in his death. As police authority denied received dead body of Shanto Chakma, Naniarchar zone authority sent dead body to Rangamati hospital for autopsy. However, Dr. Amal Chakma of Rangamati hospital transferred the dead body to Chittagong Medical College hospital for post-mortem, as he found discrepancy between the local report of the police and tortured marks all over the dead body.<sup>1</sup>

### **Custodian death in army custody in Belaichari**

On 7 July 2008 one Jumma villager named Niranjon Chakama (40) s/o Lalit Kumar Chakma of Nareychari under Kangarachari Union was tortured to death in army custody in Belaichari under Rangamati district. The soldiers took him to the camp and beat him mercilessly, resulting in his death.

### **Two Santal farmers killed by Bengali land grabbers in Dinajpur**

On 5 June 2008 two indigenous Santal farmers named Sarkar Tudu and Soom Hasda of Joat Bhobanipur village under Nababgonj upazila in Dinajpur district were killed when they are returning home after attending a funeral ceremony. Nagen Tudu, son of Sarkar Tudu filed a murder case accusing Md. Momtaj Ali and Lokman Hossain of Khalipur Bagda Para and Baccu Mian and Nazrul Islam of Sama Para on 10 June 2008. It was learnt that the above mentioned accused were illegally occupied more than 19 acres land of Sarkar Tudu. On the other, the Vice Principal of Dinajpur Medical College and also the chief of Forensic Department of the college Dr. Md. Rasfiqul Islam said that no sign was found in dead body as the bodies rotted completely.

### **One Jumma Villager killed by Bengali Settlers in Sajek**

On 19 August 2008 one Jumma villager named Ladu Moni Chakma (50) s/o Kuji Kumar Chakma of Retkaba village of Sajek union under Baghaichari upazila in Rangamati district was killed by a group of Bengali settlers.

It is learnt that on that day around 10.00 p.m. a group of Bengali settlers led by Mohammad Ali encircled the house of Ladu Mani Chakma. Of them, three Bengali settlers, with their faces under cover, entered the house while the others remained outside. They caught Ladu Mani Chakma and brought out him from his home. Victim's wife Ms. Chikanpudi Chakma (alias Shanti Bala) (45) was also hit on her head with a knife when she tried to prevent Bengali settlers from bringing out her husband. Then Ladu Mani Chakma was taken into the place nearby his house where he was brutally chopped to death. Bengali settlers also tried to rape victim's daughter. But her mother Chikanpudi pulled her away. Soon after kidnapping her husband, Chikanpudi with her son and daughter fled into the forest.

Bengali settlers who entered the house were identified as Mohammad Ali (28) s/o Nachor Ali, Jahar Ali (24) s/o Achania Ali and Nurul Alam (24) s/o Julfu Ali. It is also reported that at some distance, there were a few dozen army personnel providing protection to Bengali settlers.

The deadbody of Ladu Mani Chakma was recovered from the place barely 50 yards from the army camp at Gangaram area. The military forces immediately seized the deadbody and sent it to Khagrachari hospital. It is learnt that military forces had cordoned off the hospital during the postmortem and no Jumma was allowed to enter it.

It is also learnt that Chikanpudi Chakma filed a murder case against Bengali settlers including Mohammad Ali, Jahar Ali and Nurul Alam with Baghaichari police station under Rangamati district. Police arrested Mohammad Ali, but other culprits including Jahar Ali and Nurul Alam were not

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<sup>1</sup> Daily Prothom Alo, 7 August 2007

arrested. They were staying at Baghaihat bazaar openly and have been threatening Jumma villagers for severe actions.

## **MEDIA REPORT**

Star Weekend Magazine, Volume 6, Issue 15, April 20, 2007

### **The Price of Protest**

On March 18, 2007 Choles Ritchil, the popular and very outspoken Garo leader from Modhupur in Tangail district was arrested in Kalibari Bazar while returning from a wedding. While in the custody of the army this healthy, 41-year-old man died that very day bearing marks of severe torture all over his body. Two conflicting statements were received from government spokespersons one was that he had died of a heart attack and the other was that he had died trying to run away from his captors. An unnatural death (UD) case was filed but when Sandha Rani Simsang, Choles' 28-year-old wife went to register an FIR (First Information Report), it was refused by Officers at the Police Station who said that a UD case had already been filed and an FIR was unnecessary. An autopsy was apparently carried out at the Tangail Sadar Hospital but the report has yet to see the light of day.

Asian Centre for Human Rights (ACHR) made an appeal to the heads of the delegations participating in the 14th SAARC Summit to request registration of an FIR and order a judicial inquiry into the killing and cancelling of the Eco-park project in Modhupur, among other things. NGOs Odhikar, Ain o Salish Kendro (ASK), Bangladesh Environmental Lawyers Association (BELA), Bangladesh Legal Aid and Services Trust (BLAST), Association for Land Reform and Development (ALRD), Forum of Environmental Journalists of Bangladesh (FEJB), Centre for Sustainable Development (CFSD) and Nijera Kori have been closely following the case and stressed on the registration of an FIR, which is said to be the first step to ensuring justice.

There is no such thing as a clean crime and Choles Ritchil's death was far from clean. There were conflicts and controversies from the very beginning like the marks on his body, the rejection of the FIR, the absence of an autopsy report even four weeks after his death and the lack of any progress in a case so highlighted in the media (a special feature on the Star Weekend Magazine on March 30, 2007 drew attention to the corruption within the forest department officials and the army and how Choles' fight against a scam under the name of an eco-park made him very powerful and furious enemies).

According to ASK soon after the incident, the person who arrested Choles, along with his troops and some forest department officials were transferred from Modhupur. Fortunately for Ritchil and his family, there were eyewitnesses to his death. Three of Choles' companions, 40-year-old Protap Jambil, 38-year-old Piren Simsang and his son 22-year-old Tuhin Hadima were also taken along with him from the microbus they were travelling in.

According to a statement given to ASK by Protap Jambil from his hospital bed in Mymensingh Medical College Hospital: Members of the combined military forces dressed in plainclothes took Choles and three of the others forcefully from their rented car into their pickup. Choles and Protap were taken to adjoining rooms at the army camp in Kakraid farm. They were both beaten up inhumanely. Choles was asked where he kept his firearms and he answered that he only had a licensed shotgun and he had deposited it to the Modhupur Police Station. But they continued to beat him up. An army doctor was called when blood started coming out from his nose and mouth. After some time Protap Jambil was set free by the army officer and his men.

According to Piren Simsang's statement to ASK: when they were returning from Mymensingh the driver of the hired car kept talking to someone on his cell phone and giving their whereabouts. When he was asked whom he was speaking to, he made up something about his next customers wanting to know when he will be available. In Kalibari the driver suddenly slowed down and a plainclothes army officer stuck a pistol to Choles' head and everyone was taken to their pick up and blindfolded. When the blindfolds were taken off it was very easy for them to recognise the Kakraid Army Camp as it was



very close to their house. The army personnel made racist comments about the adibashis and started beating them up. Simsang, in his statement added that since there was only a wooden partition between the rooms Choles and the others were kept they heard everything that was said on the other side. The army personnel shouted out orders to bring different tools like pliers and needles to torture Choles with. In the evening Piren and his son Tuhin were set free.

On March 19, 2007 when a representative group from different human rights groups met the police superintendent and assistant police superintendent at Modhupur station, they said that Choles Ritchil was involved with terrorist activities and had a warrant for his arrest. When asked about the circumstances of his death they refused to comment. They acknowledged that an autopsy had been carried out but refused to talk about what it had revealed.

Md. Nur Khan, the Director of the Investigation and Documentation Unit of Ain o Salish Kendro was one of the representatives of the investigation by the human rights groups. "Although the duty officer at the police station received and signed the FIR (a copy of the signed FIR is available) on March 20, 2007, the FIR was never registered and that is delaying the whole proceedings," says Khan, "in cases involving the law-enforcing agencies or the joint forces there is a certain amount of tardiness in the whole case."

Khan thinks that the claim the authorities are making about how he had a heart attack and fell and died when he tried to run from the army contradicts completely with the torture marks on his body. All these contradictions are making the locals (of Beribaid, Choles' neighbourhood) doubt whether they will ever see a conviction in this case, and whether justice will ever be served. "As a result, the confidence that the common people were gaining on the government in recent days that even people in power were not above the law, will be lost," says Khan, "from the evidence available, it is clear to us that the death occurred because of severe torture that was inflicted on him while in custody but the district magistrate [of Tangail] said that he sent two magistrates and they said that they saw no such marks on his body."

Khan says that the transfer of the army officer who allegedly led the torture and his cohorts doesn't really help. "In such a situation it's not good enough to withdraw the suspect from his position. Under the current emergency situation, he should be suspended from the army and a proper investigation carried out which should be transparent, impartial and independent," adds Khan, "we want the army to take an initiative themselves and carry out an enquiry in order to keep the discipline within the army and gain the trust of the people."

The security of Protap Jambil, the main eyewitness to the incident is now a big question and he is believed to be either hiding in fear of further persecution. Drishtipat, the online human rights organisation is trying to raise funds to help Protap Jambil and his family.

Choles Ritchil was an admired and uncompromising leader of the Garo community in Modhupur. From the very beginning of the controversial Eco-park project, which threatened to take away the land and livelihoods of the adibashis, his outspoken protests made some forest officials very unhappy. Every time corrupt forest officials who bribed to get a position in Modhupur, tried to cut down trees to sell them off for personal profit, he pounced on them to protect his homeland and the ultimate ecological balance of the country. For these actions cases upon cases were filed against him and the disadvantaged forest officials and army personnel secretly waited for revenge.

And they got it on March 18. Thousands of mourners attended the memorial service of Choles Ritchil, their favourite leader. Black flags were set up atop all the houses of adibashis. And now the people want justice. By arresting high profile political leaders the interim government has proven that they mean business in their fight against crime and corruption and no one is above the law. An incident like this can seriously mar the government's current drive. If the operations of the army are not transparent then the general conclusion will be that a certain section, whether it's the powerful political party in power or the law-enforcing agency, will always remain above the law. In a democratic country, it is completely unacceptable that a person should die during an interrogation under the custody of law enforcing agencies.

## **PART C**

### **MAIN HUMAN RIGHTS ISSUES**

#### **(III) Torture and Harassment**

Bangladesh is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which stipulates that State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. It also stipulates that State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

International Covenant on Civil and Political Rights ensures that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Constitution of Bangladesh also outlaws any form of torture. However, many indigenous persons became victims of torture carried out by law and security personnel in the period of 2007-08.

The last military-backed Caretaker Government of Bangladesh of Dr. Fakruddin Ahmed imposed the State of Emergency in the country amid conflict political situation on 12 January 2007. Under the state of emergency, the Joint Forces led by military forces conducted drive against the corrupt politicians, businessmen and godfathers.

The military forces used the emergency rules to unleash sweeping political repression against indigenous Jumma peoples. To materialise their allegation, the government forces had shown arm recovery from arrestees' possession putting their (army) arm and hence lodging false arm case against them. Since the promulgation of the State of Emergency, at least three innocent indigenous activists were killed and 50 indigenous activists were arrested by the government forces. They were tortured and forced to provide a false confession to the forces.

In addition, in CHT the security forces, in the name of check to the passengers of buses, which ply on the Khagrachari–Rangamati, Khagrachari-Dighinala-Baghaichari and Khagrachari–Chittagong road, continue harassment on the indigenous Jumma people at the check posts.

The military forces still hold the powers imposed on them in the post Accord period under the programme named 'Operation Uttoran'. In addition they have got the taste of power and money in tackling the law and order situation and running the development programmes in the region.

They are also against the issue of withdraw of temporary camps from CHT which was stipulated by the CHT Accord. With this in view, they once again has taken up the programme of operation in CHT and highlighting it in the news media widely so that they can thwart the government to have any camp withdrawn or closed down at this moment. With this end the organization has taken up programmes to create chaos in the region on the pretext of falsely cited action upon them by so-called terrorists from among the Jumma people.

Under this programme, military interference with and dominance over general civil administration, law and order, indigenous social affairs, forest resources etc. continue. The military forces also continue to conduct operations in villages and to check and control public transports like bus, car, boat etc. by setting up newer military check posts throughout the CHT.

Few instances are given below:

### **Military operation continues in Naniachar**

On 3 January 2007 a group security forces led by Lt. Col. Abdul Wadud set up check posts at a number of entry points to Naniachar bazaar and searched the body, bags and baskets of every Jumma who passed them.

The check posts were set up at Saw Mil, Lunch Ghat, Jatri Chauni of Upazilla Sadar, High School ground, Naniachar College, Ratnankur Buddhist Temple, T&T area and the first sentry post at army zonal camp.

The day was market day. The soldiers halted all the market-bound Jummas at those entry points from 6 in the morning and made them waiting till 2 p.m. so that they could not sell their merchandises. As a result the Jummas suffered financial losses. Many could not buy rice, the staple food of the Jummas, and other necessities for want of hard cash which they could have earned after selling their own goods. This meant that the whole family was forced to starve. Some of the goods were perishable and no compensation was given for the damage caused to them.

The Jumma women's bodies were searched in objectionable manner and sexually suggestive comments were passed.

At High School check post a Jumma youth had the courage to ask the soldiers why they were being searched and kept waiting for hours. He did not know that asking questions is an offence under Army pocket law book which might lead to serious troubles. Mr. Moni Swapan Chakma (30) s/o Anil Kanto Chakma of village Noadam was punished for asking the question by stripping his pants and detaining him until sun set. The soldiers also gave him corporeal punishment.

### **Joint Forces raid Beribaid village in Madhupur**

On 10 February 2007, the Joint Forces personnel including Warrant Officer Jamal, 2nd Lt. Minhaj, Sergeant Shahadat raided Beribaid village in search of Mr Choles Ritchil. Not finding Mr Ritchil, the Joint Forces personnel detained Mr Protab Jamble, Mr Biswajit Simsang, 10th grade student (son of Mr Ritchil), Mr. Prem Kumar Sangma, 10th grade student, Mr Nosil Ritchil, a relative of Mr Ritchil and Nokul Chandra Burman (41) working at Choles Ritchil's house. All of them were beaten mercilessly and received medical treatment at Health Complex, Modhupur from 11 to 13 February 2007.

It is mentionable that after the declaration of the state of emergency on 11 January 2007, the Forest Department officials restarted the construction of the controversial boundary wall for the Eco-Park. Indigenous Garos under the leadership of Mr Choles Ritchil again protested. The Forest Department had to suspend the construction of the wall but this had further enraged the Forest Department officials.

### **Colleagues of Choles Ritchil tortured by military forces in Madhupur**

On 18 March 2007, Mr Protab Jamble, Mr Piren Simsang and Mr Tuhin Hadima along with Mr Choles Ritchil were arrested by a group of 6 plainclothes personnel belonging to the Joint Forces at Kalibari under Muktagacha Upozila. They were coming from Mymensingh town in a microbus accompanied by Mr. Ritchil.

In the army camp, while Mr Choles Ritchil and Mr Protab Jamble were in kept one room, Mr Piren Simsang and Mr Tuhin Hadima were taken to another room.

All other detainees i.e. Mr Protab Jamble, Mr Piren Simsang and Mr Tuhin Hadima too were tortured. While Mr Piren Simsang and Mr Tuhin Hadima were released at about 5 pm on 18 March 2007, Mr Protab Jamble was released from Khakraid army camp at about 10 pm on the same day, as he was given medical treatment because of severe torture.

### **Innocent villager beaten by army in Mahalchari**

On 23 November 2007, Ram Kamal Chakma, 28, s/o Summey Chakma of village Hullyang para under Mubhachari Union in Khagrachari district was beaten up by army personnel from Mahalchari zone.

Mr. Chakma was returning from Mahalchhari bazaar at around 8 p.m. after participating in Ras Puja festival of the Hindus, when Major Gaffar, second-in-command of Mahalchhari army zone (24 Bengal), detained him.

He was taken to the torture cell of the camp with his hands tied down and tortured inhumanly. He was kicked and punched so badly that ten days after the incident he is still unable to stand up and walk.

The army personnel asked him whether he had possessed any firearms. Initially he told them that he did not have any. But when the beating became severe and intolerable, he confessed to having a gun in his home.

Then, after midnight he was taken there, and the army searched the house. However, no firearms were recovered. Around 3 a.m. he was set free after the local Union Council member and other village elders spoke of his innocence.

### **Jumma houses burnt down by army in Baghaichari**

On 7 December 2007, members from the Ninth Rifle Battalion of Bangladesh Army burnt down at least five Jumma houses in the village of East Gobhochari Falu Karbari Para under Baghaichari UP in Rangamati district.

The villagers whose houses have been set afire have been identified as Sukriti Chakma (28) s/o late Amar Singh Chakma, Dhongo Chakma (26) s/o Bogora Chakma, Reboti Ranjan Chakma (45) s/o Kamini Chakma, Jubok Dhan Chakma (30) s/o late Lakshmi Bikash Chakma and Mohendra Chakma (28) s/o Mon Kumar Chakma.

### **Army torture five Jummas who came to enlist voter list in Naniachar**

On 6 May 2008, captain Shamim and Sebedar Abdul Kashem from Naniachar zone tortured five Jummas who came to Morachengi Government Primary School ground to be enlisted as voters. It is learnt that the Jummas stood up in a long queue in the simmering summer heat. The unwelcome abusive language of the army personnel deployed there to help the voter registration officials seemed to have shot up the temperature level beyond any tolerable point. Some of the Jummas protested at such rude behaviour of the army, but of no use. But at a stage, soldiers became furious and beat up five Jummas.

The victims were identified as Bir Ranjan Chakma (30) s/o Jharbodhan Chakma, Shanti Ranjan Chakma (35) s/o Sur Sen Chakma and Maya Dhan Chakma (22) s/o Allo Chakma of village North Morachengi, Ms Kalabi Chakma (35) d/o Roghunath Chakma of village South Morachengi and Kalamua Chakma (28) s/o Ah-Mua Chakma of village Karallyachari.

### **Army conduct searching operation at Soileshchhari in Naniarchar**

On 7 May 2008 two group of army from Longudu and Naniachar zone raided the village of Soileshchhari village under Burighat union in Naniarchar sub-district. In this raid, army encircled the village and gathered the villagers at a corner of the village. Four innocent Jumma villagers have brutally been tortured. The victims have been identified as Samiran Chakma (35) s/o Dulalya Chakma, his brother Mona Chakma (28), Ranjan Chakma (30) s/o Dhana Mohan Chakma and Dev Ranjan Chakma (18) s/o Pitto Ranjan Chakma.

### **Army frequently conducts searching operation and tortures villagers in Bilaichari**

On 3 June 2008 a group of army led by Lt. Tanvir from Dhupchhari camp in Bilaichari upazila in Rangamati district raided the village of Down and searched for Bimal Kanti Chakma. The army stripped Riton Chakma (26) s/o Kandara Chakma naked and then beat him up severely. He is a resident of Dujuri Para village in Kaindia in Rangamati sadar upazila.

Thereafter, the army took Bishwa Sagor Tanchangya (35) s/o Roma Kanti Headman to the camp along with his licensed gun, stripped him naked and tortured. He was set free the following day. The seized gun was also returned.

On 4 June 2008 Lt. Tanvir and his soldiers took 4 innocent Jummas of Down village to the camp and beat them up alleging that they are engaged with terrorist activities. The army released them after

torture. The victims have been identified as 1) Anil Karbari (52) s/o Dhulon Chandra Chakma; 2) Ranjan Chakma (50), s/o Dhulon Chandra Chakma; 3) Kanchon Tonchongya and 4) Shanti Kumar Chakma (60).

On 6 June 2008 Lt. Tanvir tortured another three Jummas. This happened at around 9 a.m. when he detained them at the camp gate. He took them inside the camp and beat up after stripping them naked. The victims have been identified as 1) Chandra Chakma (45); 2) Jibon Chakma (25) and 3) Subhash Chakma (30).

They were on their way from Bogakhali to Balaichari to collect relief being provided to the rodent-hit Jum cultivators by Belaichari TNO and UP chairmen. The army released them after torture.

On the same day at about 12 noon, another Jumma named Shanti Muni Chakma (18) s/o Jonokdhan Chakma was subjected to physical torture. Mr. Chakma is orally challenged. He was on his way from his village Shalbagan to the village of Down when the incident took place.

On 12 June 2008 at around 11 a.m. Lt. Tanvir also raided the village of Down and conducted searches into seven houses of the Jumma villagers.

The army broke into the houses of following villagers before searching. The doors of the houses were latched as all their family members were away to their jum fields. They were also inhumanly tortured. The victims were:

- 1) Bishwa Sagor Tanchangya (36) s/o Roma Kanta Headman and
- 2) Priti Moy Tanchangya (30) s/o Roma Kanta Headman.
- 3) Nanda Moy Tanchangya (45) s/o Badhu Chandra Tanchangya
- 4) Indrajit Chakma (45), (head teacher of Dujuripara Government Primary School) s/o Jonmajoy Chakma
- 5) Rupayon Chakma (25) s/o Jonmajoy Chakma,
- 6) Jotonphu Tanchangya (35) s/o Rai Charan Tanchangya and
- 7) Allyabo Tanchangya (50) s/o Rotia Tanchangya.

#### **Army conducts searching operation in Naniachar**

On 4 June 2008 a group of army from Naniarchar zone led by Adjutant Nazmul Hassan conducted searching operation in shops belonging to the Jummas at T&T area of Naniachar upazila in Rangamati district. But nothing has been found in this operation. It is learnt that military operations were conducted in Kudukchari, Naniarchar, Barkal and Bilaichari areas in Rangamati district in the name searching terrorists.

#### **Jummas who interviewed CHT Commission harassed by military and Bengali settlers**

Military forces and Bengali settlers targeted those Jummas who gave interview to the delegation of the CHT Commission during the visit in CHT from 7-10 August 2008. The Commission visited Sajek on 8 August 2008.

It is learnt that soon after visit of the CHT Commission's visit to Sajek area, on 9 August 2008 the Bengali settlers backed by military forces from Baghaihat zone carried out an attack on the village of Gangaram Mukh under Sajek union in Rangamati district. At least 6 Jumma villagers were wounded in this attack. One of wounded persons, Mr. Hriday Ranjan Chakma (70) s/o Ramani Mohan Chakma got admitted first at MSF hospital at Sajek and later transferred to Khagrachari hospital with serious injuries.

The settlers ransacked the house of Buddho Dhan Chakma and the shop of Tungkala Chakma. They also ransacked the house of Hriday Ranjan Chakma and took him away. He was beaten seriously. As a result he sustained injury in his head and in his right thigh, and his left arm paralysed. During the attack settlers caught some Jumma villagers who were not able to run away. The military forces also took part in the ransacking the houses. They particularly searched for Ms. Pramika Chakma (a teacher of UNICEF-run Para Kendra or village centre) and asked the villagers whereabouts Pramika Chakma. They were looking for her because she had given an interview to the CHT Commission.

The others who gave interview to the Commission included Ms Pramita Chakma (26), teacher of Unicef Para Kendra (Unicef-run village centre), one woman who is wife of Shuddhodhan Chakma, Jiban Shanti Chakma of village Simana Para and wife of Bilash Karbari or Gadabi's mother.

It is learnt that wife of Shuddhodhan Chakma (name is not available) was beaten by the CO of Baghaihat zone, and as a result her right hand got fractured. Others have gone into hiding, fearing arrest and harassment.

#### **Jumma village attacked by Bengali settlers at Gangaram Duar in Sajek**

On 9 August 2008 at around 11.00 p.m. a group of Bengali settlers made an attack on Jumma houses at Gangaram Duar of Sajek union under Baghaichari upazila in Rangamati district. Bengali settlers beat the villagers and looted the valuables of houses. At least 6 Jumma villagers were wounded in this attack. One of wounded persons got admitted first at MSF hospital at Sajek with serious injuries. The following Jumma villagers were wounded-

- 1) Mr. Buddhadhan Chakma (60) s/o Surendra Chakma was beaten and his house was looted.
- 2) Mr. Kaloketu Chakma (68) s/o Rajendra Chakma was beaten.
- 3) Mr. Joyanta Chakma (70) s/o unknown was brutally beaten.
- 4) Mr. Tungkala Chakma (42) s/o Rai Mohan Chakma was beaten.
- 5) Mr. Mukul Kumar Chakma (50) s/o Suresh Swapan Chakma was beaten.
- 6) Mr. Hriday Ranjan Chakma (70) s/o Ramani Mohan Chakma was chopped by sharp lethal weapon and one of hands was broken. He got admitted at MSF hospital. His house was also looted.

It is learnt that at day time a quarrel was happened between Bengali settlers and Jumma villagers at Baghaihat bazaar. In retaliation to this incident, the Bengali settlers along with few army personnel attacked the said village. The attack was led by (1) *Habilder* Shariful from Baghaichari army zone, (2) Md. Nasim Dactor, shopkeeper of Baghaihat bazaar, (3) Md. Rafiq, shopkeeper of Baghaihat bazaar, (4) Rahman, shopkeeper of Baghaihat bazaar and (5) Ali, shopkeeper of Baghaihat bazaar.

Wife of Hriday Ranjan Chakma filed a General Diary with Baghaichori Police station.

#### **Military operation conducted on in Rowangchari**

Since 15 August 2008 massive military operation was conducted through out Rowangchari upazila in Bandarban district.

It was learnt that Brigade commander of Bandarban brigade ordered to launch operation through out Rowangchari upazila in the name of kicking out terrorist from the area. He also ordered to destroy Jum houses constructed by Jum cultivator for temporary use alleging that the terrorists hide at these houses. The army deployed to this operation ordered Jum cultivator not to make hedges of the houses. However, Jum cultivators alleged that they would not leave without hedges of the houses.

#### **PCJSS member harassed by police and intelligent personnel in Khagrachari**

On 18 October 2008 police of Khagrachari police station and intelligent personnel arrested PCJSS members namely Buddha Kinkar Chakma Samichin and Priti Chakma in charging for photocopying of the "Report of the eminent citizens' visit to Chittagong Hill Tracts". They were released after confining them for two hours at police lockup of Khagrachari police station.

**PART C**  
**MAIN HUMAN RIGHTS ISSUES**

**(V) Religious Persecutions**

Bangladesh is a party to the International Covenant on Civil and Political Rights (ICCPR), which ensures the rights to freedom of religion and expression. In addition, the Constitution of Bangladesh provides for all citizens to enjoy equality before the law, freedom of religion, and so on. It provides for the right to profess, practice, or propagate all religions, subject to law, public order, and morality. It also states that every religious community or denomination has the right to establish, maintain, and manage its religious institutions.

However, indigenous peoples as religious minorities are deprived from the fundamental rights guaranteed under international conventions and the Constitution of Bangladesh, after the 8th Amendment incorporating “Islam” as state Religion. Indigenous Peoples face repression from the Government’s discriminatory laws, with individuals and religious sites frequently being the targets of attacks. While the Government publicly supported freedom of religion, attacks on religious and ethnic minorities continued to be a problem during the reporting period. There were reports of societal abuses and discrimination based on religious belief or practice during the period of 2007-08. Few instances are given below:

According to the Bangladesh Hindu-Buddhist-Christian Unity Council, during the period from July 2007 to April 2008 there were a total of 58 killings, 52 attacks on or occupation of temples, 39 incidents of land grabbing, and 13 cases of rape.

**Military search Buddhist temple in Lakshmichari**

On 10 January 2007 a group of about 25 army personnel led by Lakshmichari zone commander raided Arya Mitra Bouddha Vihara in Beltoli Para village. The soldiers encircled the temple before the search.

Hearing the sound of their boots, the chief priest of the temple Ven. Shraddha Tisso Bhikkhu came out of his room and asked what they wanted. The soldiers said they would search the temple to see if there were any outsiders inside. They then entered the temple with their boots on and searched all the rooms of the temple topsy-turvy everything they laid their hands on. The soldiers did not find any outsider and left, without saying sorry for disturbing him in the dead of night.

**Buddhist monk arrested by police in Dighinala**

On 14 January 2008, the Bangladesh Police arrested Reverend Arya Jyoti Bhikkhu, Head Priest of Sarnath Aranyo Kuthir, after a settler, Abdul Majid, son of late Akad Zaman from Karallyachari cluster village, filed a First Information Report (No. 1 of dated 11/1/2008) under sections 143, 447, 379, 427, 506 and 109 of the Bangladesh Penal Code. The complainant accused about 500 indigenous peoples including Rev Aryo Joti Bhikkhu and Late Tumbo Chakma of committing offences of illegal gathering, theft and destruction to private properties. In reality, it appears that these indigenous Jummas were making temporary houses to accommodate the Buddhist monks and the devotees within the temple premise.

On 21 January 2008, the Additional District Magistrate of Khagrachari Mr Manindra Kishor Majumder in a communication (je.pra.kha/je.em/tin-75/2008-63) ordered the Officer-in-Charge of Mahalachari Police Station area to issue show cause on the Headmen and Karbaris (traditional village chiefs) of Karallyachari area as to why they had failed to notify the administration about the religious programme. He also ordered that the court examine the land documents of the temple and threatened legal action against the headmen and Karbaris if they failed to provide satisfactory documentation.

On 21 January 2008, Bangladesh army personnel prevented local people from constructing a makeshift bridge over the river Chengi at Karallyachari - Paujjyachari area under Mahalchari Police Station. The bridge was being prepared for the religious programme.

### **Two Buddhist novices detained, released later**

On 17 July 2007 a group of army personnel led by Shuknachari camp commander raided "Bhujuli Bhavana Kendra", a Buddhist meditation centre, situated on remote Bhujulichuk hill-top in Lakshmichari upazila under Khagrachari district, destroyed the prayer hall and took two Buddhist novices and their attendant to the camp.

The Buddhist novices - Shashan Ujjal Sraman (22) and Nykishtic Sraman (26) - had been meditating at the Bhavana Kendra since March 2007. Situated in the east of Lakshmichari upazilla (sub-district) headquarters, the area is accessible only by foot and it takes 4-5 hours to reach there from Shunachari army camp. The raid was conducted by a group of 20 army personnel under the command of Captain Raihan. The soldiers destroyed the bamboo-and-thatch-built prayer hall of the meditation centre and cut the bamboo pole used to hoist the Buddhist flag to pieces.

The commander ordered the Sramans (novices) and their attendant Boishisty Chakma (20) s/o Khagendra Chakma of village Lakshmichari to pack their belongings and leave the meditation centre immediately. When they refused to obey his order, the commander threatened them with dire consequences. Later, the soldiers took the Sramans to Shuknachari army camp against their will, while Boishisty Chakma, the attendant, was released from Shuknachari village. They reached the camp around 6 p.m. and kept them there until 8 p.m.

The Sramans were also subjected to interrogation at the camp. The army asked them when the meditation centre was built and who had sent them to the meditation centre. In reply they told them that they had been meditating there at the instruction of the Bana Bhante, the most venerated Buddhist monk in Chittagong Hill Tracts, and that they had been living there since March 2007. The Sramans also said that they had surveyed the area in 2005 for the construction of the meditation centre.

The army photographed the Sramans before setting them free. After being released, they stayed at Naba Joti Buddhist Temple in Shuknachari village for the night and left for Rangamati Bana Vihar the following day.

### **Signboard & boundary wall of Sadhana Tila Buddhist Temple broken by Bengali settlers**

On 1 September 2007 at around 12 noon, a group of Bengali settlers led by Md. Malek and Chand Mian supported by the military forces and the police forces pulled down the signboard of Sadhana Tila temple and smashed it. They also threatened the Buddhist monks to leave the temple and destroyed a few houses of the Jumma people at Sadhana Tila. On 2 September 2007, the Bengali settlers also destroyed some of the houses of indigenous Jumma peoples around Sadhana Tila Buddhist temple.

It is mentionable that since 13 August 2007, the Bengali settlers supported by the Bangladesh army personnel and the Bangladesh police had launched programmes to forcibly capture the lands of the area. Bangladesh army personnel led by Dighinala Zone Commander, Major Qamrul Hassan ordered the Buddhist monks residing in the Sadhana Tila Buddhist Temple and indigenous peoples living around the Buddhist temple to leave in order to settle over 800 families of Bengali settlers.

As indigenous Jumma peoples refused to comply, trucks and jeeps load of Bengali settlers came to Sadhana Tila and started cutting the jungle around the Buddhist temple for constructing houses under the protection and command of army and police personnel.

On 23 August 2007 at about 5.00 pm a group of Bengali settlers broke into the temple boundary and began cutting tress and shrubs belonging to the temple. When the Jumma villagers protested, the army and the police falsely accused the Buddhist monks of possessing arms and wanted to search the temple. A violent confrontation between the Jummas and the illegal settlers was narrowly prevented after the intervention of Union Council Chairman Mr Paritosh Chakma. Due to tremendous pressures



from national and international levels, the drive was postponed for time being at the last of September 2007.

### **Army threatens not to use loudspeaker in Dighinala**

On 5 November 2007, Major Qamruzzaman, commander of Babuchara zone, called Sneha Moy Chakma and Santosh Jibon Chakma to his camp and threatened them not to use loudspeaker for public announcement of the Kathin Chibor Danotsab, the biggest religious festival in Chittagong Hill Tracts.

The Major gave no reason for the whimsical embargo, but added that he would allow using loudspeakers only if they could show written permission from the Deputy Commissioner of Khagrachari district in this regard.

The KCD festival is observed after the end of the rainy season recluse or Barshabas (Buddhist Lent) in the later half of October. There is no fixed date for it; temple committees usually choose a convenient date after consultation among themselves.

Sadhana Tila Bana Vihara, which came under the spotlight when the settlers made a futile attempt to capture it in August-September this year, will observe the festival on 8 and 9 November. To make the festival a success and to ensure that large numbers of people do take part in it, the Vihara committee decided, as they did in the past, to publicize the programme through loudspeakers attached to a jeep.

But the army commander came in the way. He would not allow them to publicize the programme in this way unless they show a written permission from the DC.

But there is no restriction put on the use of loudspeakers in any religious events. Muslim Imams are always using them during their religious functions and gatherings, not to say the Muazzin's call to prayers five times a day.

On 1 November, the army personnel halted the car carrying Rev. Sumanalankar Mahathero at a check post in Babuchara. He was on his way to attend the Katin Chivor Dan festival at Baghaichari Mukh Jyanangkur Buddha Vihara in Babuchara under Khagrachari district.

Other vehicles carrying Buddhist monks were also halted and checked. The soldiers tried to prevent them from attending the religious festival.

### **Restriction of religious freedom in CHT**

As expansion of illegal Bengali settlement continued in Maischhari under Khagrachari district, the Upazilla Nirbahi Officer of Mahalchhari, Md. Abdul Matin issued a public notice prohibiting construction of new religious institutions without prior permission of the authorities concerned.

The notice, issued on 12 September 2007 against the backdrop of a failed attempt to capture the land of Sadhana Tila Ban Vihara in Babuchara, did not mention what prompted the UNO to issue it. Neither did it specify under which authority the notice has been issued.

Although the prohibitory measure is applicable to all the three major religious places of worship in CHT such as Hindu's Mondir, Muslim's Masjid and Buddhist's Kiyang, the objective of the issuance of the notice becomes clear once the recent policy of land aggression of the government is taken into account. And it is to restrict the practice of religions other than Islam and to facilitate further expansion of illegal Bengali settlement in CHT and particularly in Mahalchhari.

Below: notice issued by Upazila Nirbahi Officer (UNO) of Mahalchhari, Khagrachari (in Bengali)

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
উপজেলা নির্বাহী অফিসারের কার্যালয়  
মহালছড়ি, খাগড়াছড়ি পার্বত্য জেলা ।

” বিজ্ঞপ্তি “

এই মর্মে মহালছড়ি উপজেলার সর্বসাধারণের অবগতির জন্য জানানো যাচ্ছে যে, কর্তৃপক্ষের পূর্বনুমতি ছাড়া কোন এলাকার নতুন বেনান মন্দির, মসজিদ, কেয়াং নির্মাণ করা যাবে না । বিনাঅনুমতিতে কোন ধর্মীয় প্রতিষ্ঠান নির্মাণকারীর বিরুদ্ধে আইনানুগ শাস্তিমূলক পদক্ষেপ গ্রহণ করা হবে ।

স্বাঃ/

(মোঃ আবদুল মতিন )  
উপজেলা নির্বাহী অফিসার  
মহালছড়ি, খাগড়াছড়ি পার্বত্য জেলা ।  
তারিখ- ১২/৯/২০০৭ খ্রিঃ ।

স্মারক নং- ১১৪৭

অনুদ্বিপি - সদয় অবগতির জন্য :-

- ০১। জেলা প্রশাসক, খাগড়াছড়ি পার্বত্য জেলা ।
- ০২। কমান্ডিং অফিসার, মহালছড়ি জোন ।

অবগতি ও কার্যার্থে :-

- ০৩। চেয়ারম্যান, (সকল) মহালছড়ি উপরোক্ত ব্যাপারে তাঁর ইউপি এলাকার সকল জনসাধারণকে অবহিত করার প্রয়োজনীয় পদক্ষেপ গ্রহণ করার জন্য অনুরোধ করা হলো । ২৪৬ নং মুহুরতি
- ০৪। হেডম্যান, মৌজা, মহালছড়ি (সকল)
- ০৫। বাজার সৌধুরী, বাজার, মহালছড়ি । উপরোক্ত নোটিশ বাজারে ঢোল শব্দেবাম্বো ব্যাপক প্রচারণার প্রয়োজনীয় ব্যবস্থা গ্রহণ করার জন্য অনুরোধ করা হলো ।

(মোঃ আবদুল মতিন )  
উপজেলা নির্বাহী অফিসার,  
মহালছড়ি, খাগড়াছড়ি পার্বত্য জেলা ।

No such notice was issued in other places of CHT. This also made the design of the civil administration clear. In the last few months, the military forces brought in hundreds of settler families in Dadkuppya under Mahalchari Thana and settled them on Jumma villagers' lands.

### **Khasi people harassed by local Forestry Department officials**

In April 2007 leaders of the Catholic Khasia community in Moulvibazar complained to the local government about harassment by local Forestry Department officials, who oversee the Monchhara Forest where many Khasia live. They stated several forest officials had filed false cases against members of their community, including the head of the local Catholic mission, in order to intimidate them. A meeting between Khasia community leaders, Forest Department officials, and Kulaura subdistrict officials in early 2008 resulted in a government promise that the Khasia would not be harassed if they lived on their own land and refrained from occupying Forest Department land. The conflict, however, continued as the Forest Department filed fresh cases against some Khasia alleging they had occupied government land. (International Religious Freedom Report 2008 released by the Bureau of Democracy, Human Rights, and Labor)

According to another ASK investigation report, three Muslim neighbors tried to grab part of the homestead of non-Muslim Harolal Coch in Kaliakoir of Gazipur district on February 7, 2008. The report claimed that the local police refused to file his official complaint.

### **Army collects information about Buddhist temples in CHT**

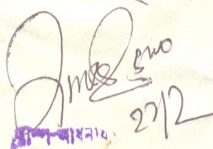
On 21 February 2008 the commander of Shontila camp in Pujgang under Panchari Thana of Khagrachari district issued a notice notifying that all the Headmen and village chiefs under the

jurisdiction of Shontila camp are requested to appear in the camp on the 22 February 2008 by 8.00 a.m. In the end, the notice, signed and sealed by the camp commander, ordered its recipients to furnish themselves with documents relating to the temples and meditation centres and names of the presidents of the committees and the monks.

Local Jumma villagers said that the army adopted this measure to harass and humiliate Buddhist monks and their lay followers.

এই মর্মে জানালে থাকছে যে, শান্তিনী ক্যাম্পের আওতাধীন  
সকল পাড়া/হেউয়াত/কাষকাষী/দেবকে আগামী ২২ ফে  
ব্রুয়ারী-০৮, ইং ০৮০০ ঘটিকায় সন্ধ্যা-শান্তিনী ক্যাম্প  
ক্যাম্পে উপস্থিত থাকতে হবে-অন্যথা-জব্দা হইবে।

বিশুদ্ধ: কেশব বসু, দলিমপত্র, তবনা ধর্মের কাগজপত্র এবং কমিটি  
সভাপতি নাম ও লেখক নাম নিয়ে আগামে।

  
শান্তিনী ক্যাম্প ২২/২  
শান্তিনী ক্যাম্প

## **PART D**

### **WOMEN RIGHTS VIOLATIONS**

Bangladesh ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 6 November 1984, with certain reservations based on religious Islamic laws. However, the situation for women in Bangladesh is poor.

It is often the case that gender discrimination overlaps with and is compounded by other forms of discrimination, such as religion, class or ethnicity. Gender based violence is a major problem, especially for indigenous women. The main reasons that female victims do not receive effective justice are the general barriers to accessing the justice system, police corruption, mismanagement of evidence, ignorance of the law and a lack of proper medical report (which is also a result of corruption).

They are victims not only of repression and negligence for centuries, but also of violence like rape, kidnap and murder by the mainstream population. Rampant violation of women's human rights takes place not only within a home or public but in police custody as well.

The last Caretaker Government declared amended National Women Development Policy on 8 March 2008. However, no provision for indigenous women is included in this policy. Indigenous women rights groups criticised the government for not taking into consideration the indigenous women's rights while formulating the National Women Development Policy 2008.

It is worth mentioning that the Nari O Shishu Nirjatan Domon (Suppression of Violence against Women and Children) Tribunal is yet to be set up in three hill districts of CHT region, though High Court directed to the government to do so on 24 February 2008.

Due to the non-implementation of the CHT Accord, Jumma women are still not safe. Rape and kidnapping, in particular, is reported with regularly. Many of the incidents were reported in leading national dailies but none of the accused was punished. Sometimes the culprits go unpunished even when they are identified by the victims or the witnesses.

#### **Jumma girl raped by Bengali settler in Panchari**

On 5 January 2007 an 18 year old Tripura girl of Kassi Para of Logang union under Panchari upazila in Khagrachari was raped by a Bengali settler. It is learnt that on that day the victim went to Jumfarm to collect wild potato. When she was digging for wild potato, at that time a Bengali settler caught her from backside. However, she and her guardians did not disclose fearing bad reputation on her future life.

#### **Marma girl kidnapped in Naikkyongchari**

On 7 February 2007 Bengali settlers kidnapped a Marma girl (16) in Naikkyongchari under Bandarban district. The abduction was masterminded by a bunch of settler youths who had been eve-teasing her for a long time. Ms Nunu Ujai Marma from Lohajhiri village under South Baishari was kidnapped on 4 February 2007 when she was grazing her cows in the field. It was mid-day when the incident took place.

The alleged masterminds are Mostafa s/o Nurul Haq, Bodia s/o Abu Subahan, Md. Hossain, s/o Hanif and Md. Putul s/o Zakir Hossain. Her father Ming Mong Marma reported the incident to the Baishari police outpost, but no action has been taken. Mr. Marma told the journalists that the terrorists had made sexual advances to her several times earlier and added that he believed that they kidnapped her because she refused them all. He expressed fear that the terrorists might kill his daughter. About the same time last year the Bengali settlers had kidnapped another Marma girl named King Chai Marma

from the same area. She was killed after rape and her dead body was recovered from the rubber garden of Humayun Kabir.

#### **Settler attempts to rape a Jumma woman**

On 17 April 2007 an unidentified settler is alleged to have attempted to rape a Jumma woman in Manikchari under Khagrachari district. It is learnt that on that day at around 12 noon Mrs. Arema Marma (20) w/o Kyoching Maung Marma of Mohishkhali Dojori Para village went to a nearby rivulet to fetch water.

A settler, who was working in the arum filed of Md. Kabir Ahmed, saw her alone and grabbed her. She exerted all her strength to shake him off and screamed for help. Hearing her shouts, the villagers rushed to the spot and rescued her. However, the culprit melted away before their arrival.

Mrs. Marma could not recognize him nor could remember whether she had seen him before in the area. She thinks he might have come from some other parts of the area to work as a day labourer.

The culprit is believed to have been hired by Kabir Ahmed of Gocchabil cluster village under Manikchari Thana. Her family did not raise the issue with Kabir Ahmed to avoid unnecessary hazards.

#### **Garo woman murdered in Dhaka**

On 30 May 2008 the dead body of Surma Snal, a Garo domestic worker was found in a house at Baridhara in Dhaka. Bangladesh Adivasi Adhikar Andolon claimed that she was killed and demanded justice of Surma Snal killing. They urged authorities to file case and take the legal action against the culprit.

#### **Chakma girl raped by Bengali miscreants in Chittagong**

On 19 July 2007 a seventeen-years-old Chakma girl was gang raped by a group of Bengali miscreants in Free Port area under Bandar police station in Chittagong district.

On the day of incident, at about 10.00 a.m. she went to visit her friend Shyamol Jyoti Chakma at "Abul Kashem Building" in No. 2 Miler Matha area under Bandar police station. Apart from Syamol Jyoti Chakma, present in his room on the first floor of the building were Suman Chakma, Babu Chakma and a few others. When they were busy talking inside the room, the gatekeeper of the building Md. Alamgir suddenly locked the room from outside and a few minutes later came back with a group of Bengali terrorists including Rubel, Farooq and Monsur of the area.

The terrorists unlocked the room and got inside. They asked the Jumma boys to get out of the room leaving the girl inside. Sensing their ill-motive, the Jumma boys refused to get out. Then the miscreants bound them and beat them mercilessly. The gatekeeper Alamgir also took part in the beating.

At one stage, the terrorists stripped naked victim and her boy friend Suman Chakma, forced them to give dirty sexy poses together and then photographed them. After that, two of the miscreants raped her repeatedly, while others stood guard outside. The whole incident lasted from around 10.00 am to 5.00 pm.

Chakma woman from Mozekaba village under Baghaichari upazila in Rangamati district and worked at a factory named BHB in Chittagong Export Processing Zone (CPEZ).

After the incident, she and other victims went to Bandar police station to file a criminal case. However, the police asked them to go the next day. When they went there next day, the police initially refused to receive any complaint from them.

Instead the police intimidated them and threatened to send them to jail on charge of conspiracy to file false cases against innocent Bengali people. The victims refused to be cowed down by the threats and finally the police had to agree to register the statement of victim.

#### **Minor Tripura girl raped by Bengali settler in Panchari**

On 15 August 2007 a minor Tripura girl named (16) of village Kasi Para of Boro Panchori mouza under Panchari upazila in Khagrachari was raped by a Bengali settler.

It is reported that on that day at 12:30 p.m. the victim went to Jumfarm to collect vagitables. The Jum was 1.5 k.m distance from her home. When she was coming back home it was raining. Suddenly an unknown healthy Bangali settler caught her back. Her teeth were broken while she tried escaped. At a stage, victim became senceless. After an hour she got sense back and she felt pain and bleeding from her teeth. Victim told this incident to her mother. Her brother informed it to village karbari and Kazi Para BDR camp. The camp authority asked the name of rapist but they did not know him. Camp authority give some medicine to victim and taka 500 for treatment. On 18 August victim went to Khagrachari district hospital, but hospital authority refused to admit her. On 19 August her brother and others went to Panchari police station to file a case, but Officer-in-Charge (OC) did not agree to register case.

#### **Garó woman was raped in Kalmakanda upazila**

On 16 September 2008 a Garó indigenou women of Baluchura village under Kalmakanda upazila in Netrokana district was rapped by Jamal Mian (20) of the same village.

#### **Hajong woman raped in Kalmakanda upazila**

On 10 October 2008 at the evening a Hajong indigenou women, also a mother of two children of Radhanagar village of Lengua union under Kalmakanda upazila in Netrokona district was raped by Amir Hamza son of Md. Elahi Mian of Jigatola village of the same union while she is returning home from bazaar. The accused Amir Hamza had forcefully taken the victim to nearby graveyard of Rustom Bepari and raped her there. The following day the victim filed a case against Amir Hamza under the Women and Child Torture Act. The Officer-in-Charge (OC) of Kalmakanda police station informed that they have found evidence and they were trying to arrest the culprit.

Protesting these two incidents, hundreds of people staged human chain in front of UNO office and demanded urgent arrest of culprits of these two incidents

#### **Settler attempts to rape a Marma girl in Lakshmichari**

On 26 October 2007, a Bengali settler Md. Mostafa of Moyurkhill cluster village under Lakshmichari in Khagrachari district made an attempt to rape a 23 year old Marma girl.

The incident occurred at around 10.00 am when the victim was on her way to Shalbon Buddhist Temple at Hatichara to make food offering to the Buddhist monks on the occasion of Prabarana or full moon festival. Seeing her alone on the road, Md. Mostafa barged in front of her at a place near Kalimondir, a Hindu temple, and then grabbed her. Desperate in his attempt, the settler also struck her in the neck with a sharp knife leaving her wounded seriously.

As she resisted and screamed for help, people from the nearby village rushed there and rescued her. But by that time, the settler was able to snatch her golden necklace and run away. She was admitted to Lakshmichari Health Complex and needed many stitches in her neck. A case was filed with the Lakshmichari police station in this connection. However, the culprit was not arrested.

#### **Minor Tripura girl raped by Bengali settler in Panchari**

On 26 November 2007 a 15 year minor indigenou Tripura girl of Rohindra Karbari Para under Lognag union of Panchari upazila in Khagrachari district was raped by a Bengali settler named Nurun Nabi (32) s/o Siraj Mian of village Logang under Panchari upazila.

It is learnt that the incident was happened when victim went to the Jum for collecting firewood at 1.00 pm on that day. The culprit was caught red handed when the villagers rushed there following hearing the victim's shouting. The parents of the victim went the Panchari police station for general diary, but authority of the police station did not accept the general diary. Then the parents of the victim informed local army zone authority. The army authority did not take any action against the culprit. Rather, army zone authority held a so-called arbitration for the incident at the office of the Panchari union council where they fined taka 5,000 to Narun Nabi. However, Narun Nabi did

not pay this amount. Zone authority also compelled victim family to accept three sweaters and three blankets as compensation.

#### **A teen aged Marma girl attempted to rape in Ramgarh**

On 4 December 2007 a teen aged (10 year) Jumma girl was subjected to sexual assault in Ramgarh under Khagrachari district.

The victim was on her way back home from school when an illegal Bengali settler named Shahin (30) from Gochchabil cluster village in Manikchari upazila attempted to rape her. The incident occurred at around 4 p.m. on that day.

As the settler seized her, she screamed for help and Jumma people from nearby areas rushed there and rescued her. However, by the time they reached there, the culprit escaped from the scene. The victim studied in class five in Wakchari Government Primary School.

No case was filed in connection with the incident so far. The army stepped up its presence and vigil to protect some 14 settler families who lived near the house of Ms Apruma Marma.

These Bengali families were settled in 2006 in Rimrong Para and Wakchari after displacing many Marma families.

#### **Marma NGO worker raped by her Bengali colleague in Khagrachari**

On 5 February 2008 an indigenous Marma women working with Padakhep Manabik Unnayan Kendra was raped by her boss Mr. Sultan Mahabub, Area Manager of Khagrachari branch office of Padakhep Manabik Unnayan Kendra.

It is learnt that on that day at 8.00 p.m. Mr. Sultan Mahabub called the victim at Khagrachari area office in the name of official work. At that time, no body was at the office. Whole night the victim was confined at the office and raped by Sultan Mahabub. At a time, victim became senseless. After getting her sense early in the morning, she could not speak at all due to weakness. Durbar Network, a national women network took the case against this barbarous incident.

#### **Indigenous girl raped by Bengali teachers in Rangamati**

On 5 March 2008 a 16-year old indigenous Chakma girl was raped by two Bengali teachers who were in training at Primary Training Institute (PTI) in Rangamati. The teachers were arrested by the police. A rape case was lodged with Kotowali police station.

It is reported that at 3.30 pm on that day the two girls aged 16 year and 15 year from Dighinala went to the roof of teacher hostel of PTI to collect jackfruit. At that time, the two teachers namely Mr. Tisu Kanti Nath of Uttar Hatimara Government Primary School in Naniarchar upazila and Mr. Al Masud, teacher of Baghaichari Model Government Primary School in Baghaichari upazila tried first to take the girls to their room by coaxing, but their attempt was failed. In the meantime, they turned out children who accompanied the girls from the hostel. Later the two teachers took the girls forcibly to their two separate rooms. Tisu Kanti Nath raped a girl while Al Masud failed as the guardians rushed there to rescue them. The raped girl was admitted to Rangamati general hospital. One adolescent girl Kajal Chakma who accompanied the girls said that after turning out them from the teacher hostel, the cook of the hostel Md. Tajuddin locked up the gate of the hostel. The activists of the 'Committee on Protect of Violence Against Women' rushed at the hospital.

#### **PCMS and HWF organise roundtable on National Women Dev Policy and Indigenous Women's Rights**

On 18 July 2008 Parbatya Chattagram Mahila Samiti (PCMS) and Hill Women's Federation (HWF) jointly organised roundtable conference on national women development policy and indigenous women's rights at VIP Lounge of national press club in Dhaka. Presided over by vice president of PCMS Ms. Jyotiprova Larma, the roundtable was attended by president of Bangladesh Mahila Parishad Aiyasha Khanam, general secretary of Bangladesh Economics Association Abul Barakat, Dhaka University teacher Dr. Sadek Halim and Dr. Meghna Guhathagurta, women affairs secretary of Bangladesh Awami League Dr. Dipumoni, president of Karmajibi Nari Ms. Shirin Akhter, human

rights activist Rosaline Costa, president of Parbatya Chattagram Mahila Samity Madhabi Lata Chakma, general secretary of Bangladesh Indigenous Peoples Forum Sanjeeb Drong and president of Dhaka Journalist Association Shah Alamgir as discussant.

On behalf of PCMS and HWF, Nishi Dewan read out a paper on national women development policy and indigenous women's rights. General Secretary of HWF Ms. Shashwati Chakma conducted the roundtable.

'There is no alternative to launching a movement for recognition of the indigenous women's rights as their rights are rarely valued in the patriarchal society,' Meghna Guhathakurta, a former professor of Dhaka University, told a discussion styled National Women Development Policy 2008 and Indigenous Women's Rights. She urged the major political parties to incorporate the issue of rights of the ethnic minority groups in their respective manifestos.

The women affairs secretary of the Awami League, Deepu Moni, expressed her frustration over the government's surrender to the fundamentalist forces in terms of implementation of the women development policy. She said the nation had expected a compatible policy, upgraded from the previous one. This unelected government came up with a policy but failed to go beyond the one, formulated in 1997, when the Awami League was in office, she added. The AL leader said the people should raise their voice against any form of disparity and deprivation.

Economist Abul Barkat observed that poverty was one of the reasons for deprivation in the indigenous societies. He warned the community leaders against the adverse impact of handout approach of development and asked them to launch a movement for recognition of their rights. 'Political will and a commitment are a must for a meaningful development,' the economist said.

The speakers criticised the government for not taking into consideration the indigenous women's rights while formulating the National Women Development Policy 2008. They urged the indigenous women to launch a united movement with the mainstream organisations to establish the rights of the indigenous women. They urged the major political parties to incorporate the issue of rights of the ethnic minority groups in their respective manifestos. The speakers criticised the government for not taking into consideration the indigenous women's rights while formulating the National Women Development Policy 2008.

The PCMS and HWF placed a 10-point charter of demands that included followings-

- (1) To insert a separate clause in the National Women Development Policy specifying the rights of the indigenous women;
- (2) To take opinions from indigenous women's organisations for the same;
- (3) To reserve seat in the parliament for the indigenous women;
- (4) To introduce reserved seats in the local government bodies for indigenous women;
- (5) To ensure participation of the indigenous women in local and national developments;
- (6) To undertake special measure for education of indigenous women and introduce primary education through mother tongue for indigenous children;
- (7) To generate employments for indigenous women;
- (8) To provide special training to promote entrepreneurs for indigenous women and provide loans with less interest or without interest;
- (9) To take special measure for stopping violence against indigenous women; and
- (10) To implement policy agenda of PRSP with an aim to ensure socio-economic development of indigenous women.

## **MEDIA REPORT**

### **'Punish rapists of indigenous women'**

*The Daily Star, 14 October 2008*



Hundreds of indigenous people from Kalmakanda and Durgapur upazilas in Netrakona district yesterday formed a human chain in front of the office of Kalmakanda upazila nirbahi officer demanding punishment of two persons for raping indigenous women.

Two cases were filed with Kalmakanda Police Station on September 20 and October 11 against Jamal Mia of Baluchara village and Amir Hamza of Jigatola village for raping two indigenous women on September 19 and October 10, said police and indigenous leaders.

After the human chain organised by local NGO Sarbik Manab Unnayan Sangathan, indigenous leaders submitted a memorandum to Kalmakanda UNO. Police failed to arrest the accused of the two cases although they are seen moving in the area, said the memorandum to UNO.

## PART E

### EDUCATION AND CHILDREN

International Covenant on Civil and Political Rights (Article 27) stipulates that ‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.’

Further, International Covenant on Economic, Social and Cultural Rights (Article 13) provides that ‘The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms.’ It also stipulates that ‘Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.’

Article 21 of the ILO Convention on Indigenous and Tribal Populations Convention, 1957 (C107) ensures that ‘Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing with the rest of the national community.’ In addition, Article 23(1) stipulates that ‘Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.’

On the other, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) ensures that ‘Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.’ [Article 14(1)(2)].

Article 28 of Convention on the Rights of the Child ensures that ‘States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, ....take measures to encourage regular attendance at schools and the reduction of drop-out rates.’

Though Government of Bangladesh ratified the International Convention on the Rights of the Child, but the worsen situation of the child have not been improved in general. Indigenous peoples in Bangladesh enjoy fewer opportunities in education and skill development than their mainstream counterparts. As a result the illiteracy rate among them is very high. Existing regulations on setting up schools do not take into consideration the dispersed and remote nature of their settlements, particularly in the CHT.<sup>2</sup> There is no information from the government side on the educational status of the plain land indigenous peoples.

Indigenous peoples mainly live in isolated areas, outside the mainstream of national economies and development support. The areas they inhabit are even more likely to lack basic infrastructure such as roads, markets, schools and health facilities than the other areas of population.

Majority of indigenous children usually attend NGO or private schools. Among the Garos, Khasi and some other indigenous children mainly go to Christian Missionary Schools. The primary enrollment rate is 12.5%. The 2001 census does not provide information regarding the indigenous population because there were no columns in the survey format for including information on indigenous issues.<sup>3</sup>

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<sup>2</sup> UNLOCKING THE POTENTIAL: Poverty Reduction Strategy Paper (PRSP), People’s Republic of Government of Bangladesh, 2005, p-152

<sup>3</sup> Situational Analysis for Mainstreaming Indigenous Children’s Education PEDP-II

There is little or no information available on the status of education in CHT. National surveys like the '62-village study' conducted by the Bangladesh Institute of Development Studies (BIDS) and the 'Assessment of Basic Competencies' conducted by BRAC bypassed CHT. However it is a fact that the literacy rate in the CHT lagged behind the national rate, and levels of education in the CHT are very low. The status of women's education is even lower. Seven out of every ten women in the CHT have received virtually no education.<sup>4</sup> In some cases, education for girls is not encouraged. Fewer girls than boys are attending school, and girls drop out at an earlier age than boys.<sup>5</sup> The study shows that the literacy rate, of the children aged 11-12, varied significantly by the ethnicity. In a study in some particular villages in CHT conducted by Mohammad Rafi and A Mushtaque R. Chowdhury shows that the literacy rate was highest in the Chakmas (37.7%) and lowest in the Mros (only 3.2%)<sup>6</sup>, though this data does not reflect whole picture of indigenous peoples.

It was observed that only one in five villages had primary level educational institutions in CHT. In contrast, at the national level there are two schools in every three villages. Thus it can be concluded that children in CHT have less opportunity for education compared to children in the rest of Bangladesh. At the primary level, the net enrollment rate was 56% in CHT, whereas it was 77.1% in the entire country. Again, gross enrollment ratio was 64.2% in CHT as against 107% in the whole of Bangladesh. Even, in the case of the literacy rate, of the children aged 11-12, CHT was lagging behind the rest of the country.<sup>7</sup> The turbulent situation during armed conflict disturbed the smooth functioning of educational activities in the CHT. Even after the signing of the Peace Accord, the situation is almost the same due to non-implementation of the Accord. These realities have contributed to the present educational status of the region and also its variation from the rest of the country.

Having to study in the national Bengali language – which is not the mother tongue of the indigenous peoples – is known to lead to learning difficulties. The Constitution of Bangladesh also stretches the importance of advancing the back warded society with special arrangement.<sup>8</sup> Moreover, the CHT Accord of 1997 provides for the introduction of primary education in the languages of the indigenous peoples, but concrete measures to reform the school curricula are yet to be taken. No similar arrangements have been proposed for the plains. These omissions are contrary to the provisions of the ILO Convention No. 107 and the Convention on the Rights of the Child, both ratified by Bangladesh.<sup>9</sup> The situation is still same though the demand is increasing at national level through various awareness programs.

Drop-out of indigenous children is one of crucial barriers for education of indigenous peoples. In most cases, language barrier, acute poverty among the indigenous society, inconsistent of school timing to work season like *Jum* season, long distance of school from the home, lack of awareness among guardians etc are the main causes behind drop-out of indigenous children from primary and secondary level.

In the fields of higher education the scenario is also unsatisfactory. Under the provisions of the constitution, the government undertakes some affirmative actions in favour of indigenous peoples including quota reservation in the government jobs and educational institutions for 'tribal' students. However, government does not have any written policy of quota reservation. In regard to the higher education, the public universities in Bangladesh do not have clear policy in terms of admitting indigenous students.

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<sup>4</sup> Gender Profile: The Chittagong Hill Tracts, CHTDF-UNDP 2005

<sup>5</sup> CHT Livelihood Security Assessment Report, CARE-Bangladesh, Sutter, Phil, 2000

<sup>6</sup> Counting the Hills, Assessing Development in Chittagong Hill Tracts, edited Mohammad Rafi and A Mushtaque R. Chowdhury, UPL, 2001

<sup>7</sup> Ibid

<sup>8</sup> Article 24 (4), Constitution of Peoples Republic of Bangladesh

<sup>9</sup> An assessment of the United Nations First International Decade of the World's Indigenous Peoples 1995-2004, conducted by International Centre for Integrated Mountain Development (ICIMOD), Nepal in 2006.

The situation of indigenous women in this section is more vulnerable. The absence of constructive policies in the universities is affecting the indigenous women more than men as they are more discriminated against.<sup>10</sup> In addition to that, no measure has been taken on the part of the government to provide scholarship to the indigenous students for higher education and research studies in foreign countries.

GoB also formulated the National Child Policy in 1994, but it was not focused to the national budget. Moreover, there is no single word on indigenous child in the National Child Policy. In fact, indigenous children are deprived of education, health-care, nutrition and other basic needs of livelihood. They are confronting double discriminations as children and as ethnic minority.

Infrastructures of the hills and also the plains where indigenous people live is not in good position. As a result, the students are reluctant to go to schools. Again, these children help their families in various works, like farming, weeding, household work etc. their school timing is a hindrance to their household work.

Drug addiction by the indigenous children and youths is one of the growing issues in CHT. Huge numbers of drug addicted indigenous children in three hill districts of CHT are found. They have been basically targeted by drug smugglers. Indigenous Jumma children have been victims of torture, rape and other sexual abuses at the hands of the security forces and the illegal plain settlers. There were no juvenile correctional homes in the CHT and the juveniles were often put in prisons along with adults.

## **MEDIA REPORT**

The Daily Star, February 28. 2007

### **Kokborok, Chakma and Marma alphabet charts launched in Khagrachhari**

Speakers at a recent meeting emphasised the importance of purveying primary level education in the students' own languages. This view was expressed at the launch of alphabet books of three major indigenous communities in Khagrachhari district. The function was jointly organised by Khagrachhari District Council, Save the Children and local NGO Zabarang Kalayan Samity. The venue: Parjatan Motel in the hill district of Khagrachhari.

Speakers said that to protect indigenous customs, traditions and cultural heritage, it was necessary to preserve the languages. With this end in view they announced the launch of alphabet books for the Tripura community (Kokborak), Chakmas (Chakma alphabet) and Marmas (Marma alphabet).

This step is likely to benefit the 13 indigenous communities who live in Chittagong Hill Tracts (CHT). The speakers pointed out that the district council plays a major role in promoting education for indigenous children.

Khagrachhari Hill District Council Chairman Manindra Lal Tripura was present as chief guest while local NGO Zabarang Kalayan Samity president Chandra Kishore Tripura presided over the inauguration ceremony.

Among others, Save the Children (UK) country director Shumon Sen Gupta, language specialist Dr Pamela, Save the Children (UK) representative Terry Durnnian, Khagrachhari Press Club secretary Azim Ul Haq, Zabarang Kalayan Samity chief executive Mothura Lal Tripura and UNDP programme officer Abhilash Tripura were present and spoke at the event.

After the discussion District Council chairman Manindra Lal Tripura formally introduced the children to the alphabets.

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The Daily Star, 20 February 2008

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<sup>10</sup> Ibid

### **Adibashi students demand quota in civil service**

Jatiya Adibashi Chhatra Parishad, a forum of indigenous students yesterday formed a human chain at Shaheb Bazar square here demanding preservation of Adibashi quota in Bangladesh Civil Service (BCS) examinations.

They protested and condemned what they said an anti-liberation circle's demand for cancellation of quota system. They said the quota system is still necessary for promoting interests of underprivileged people like Adibashis.

They demanded preservation of two seats for Adibashis in every department of Rajshahi University. They also demanded preservation of seats at every public universities and government colleges.

Their other demand included study in primary schools in the mother tongue of Adibashis.

Among others, Rajshahi city unit convenor of Jatiya Adibashi Chhatra Parishad Harendranath Singh, joint convenor Nabadip Kumar, Manik Saren, Adibashi students Bonnya Kujur, Subash Hembrom, Jiban Mahato and Luice Tudu participated and addressed.

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The Daily Star, Monday, 10 March 2008

### **'Use mother tongue for schooling indigenous children'**

Speakers in a discussion at Khagrachhari yesterday said unavailability of primary education through their mother languages acts as a barrier for indigenous children's schooling in Chittagong Hill Tracts (CHT).

At the discussion marking the inauguration of a two-day long regional workshop, they also identified other reasons including poverty, lack of awareness, communication problem in remote areas and shortage of teachers as barrier to ensuring quality primary education in those areas.

National Primary Education Academy organised the workshop at Sadar upazila auditorium in the town to discuss ways to ensure compulsory and quality primary education in Khagrachhari hill district.

Children cannot be made attracted to learning if the mother tongue is not used at the initial stage, speakers said at the discussion.

Lack of teachers who can instruct in the mother language is responsible for large-scale dropouts of indigenous children at the primary level.

After gaining literacy through the mother tongue, the indigenous students can learn Bangla, English or any other language as per requirement for their practical life later, they said.

Primary education is the foundation of enlightened life, they said, adding that enjoyable, friendly, cooperative and smooth teaching environment is needed to check dropout and ensure quality education at primary as well as higher levels.

Development of infrastructure at all primary schools and ensuring the attendance of both teachers and students is required for this purpose, they said.

Director General of National Primary Education Academy Mohammad Elias Ali was present as chief guest at the function presided over by Deputy Commissioner Mohammad Shahadat Hossen.

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The Daily Star, 3 April 2008

### **Indigenous children learn in mother tongue**

*Save the Children officials visit aided project in Khagrachhari*

Children of indigenous communities are leaning in their mother tongue at 60 pre-primary schools set up in remote hills in Khagrachhari with assistance of Save the Children, a UK-based donor organisation.

The schools with 1546 children on roll are run by Zabarang Kalayan Samity, a local NGO, with 73 teachers including 56 females.

It have also set up four community learning circles (CLCs) at Panchhari, 3 in Khagrachhari Sadar upazila and 3 in Dighinala upazila Chumki Chakma, Sadar Upazila Project Officer (PO) said.

The Chief Executive of Zabarang Kallayan Samity Mothura Lal Tripura said, Chakma language is being used at Chakma villages, Kokborok language in Tripura villages and Marma language in Marma villages.

In the process, children are also learning their own culture and tradition in a very enjoyable atmosphere. They come to school regularly, he said.

Terry Durnian, Head of Programme of Save the Children, during a visit to remote Semanapara village yesterday, said the pre-school centers are doing a wonderful job by teaching children in their mother tongue. Robert Hardy, chief financial officer and Ken Caldwell, Director (International Operation) of Save the Children were in the team.

They said they are trying to set up more such schools in the hills.

Khagrachhari Hill District Council (KHDC) chairman Monindra Lal Tripura lauded the effort. More such schools will be set up under the project, he said.

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### **Indigenous students demand higher quota in institutions**

*The Daily Star, Saturday, 26 July 2008*

A dibasi Students' Association in Rajshahi University, an organisation for indigenous students, at a freshers' reception held at the university central cafeteria on Thursday urged the caretaker government for increasing quota of indigenous students at all educational institutions including the university. Association president Mukul Kisko presided the reception while it was attended by former president Arab Toppo as chief guest and former executive member Dipok Ekka as special guest.

Indigenous students demanded their constitutional recognition and ensuring rights to education in their mother language. They urged the government to form a body to look into their problems including those of underprivileged communities.

They demanded an equal opportunity like Bangalee students in educational and other government sectors. They urged the university authorities to ensure residential facilities for them as well as increasing their scholarships.

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### **Santal students demand higher quota**

*The Daily Star, Sunday, 3 August 2008*

Santal Students' Union (SASU) in Rajshahi, an organisation for indigenous students, at a discussion called on the caretaker government to increase quota of indigenous students at all educational institutions, including the university. SASU, Rajshahi city unit organised the discussion at the Caritas auditorium on Friday to mark the International Day of the World's Indigenous People.

Presided over by SASU Rajshahi University unit President Mukul Kisko, the meeting was attended by founding president Shusil Kisko as the chief guest. SASU central President Suvor M Basky, Rajshahi city President Sapon Murmu, former city president Nirmol Tudu, Raju Hemron, Inmanuyel Baske and Shusil Tudu spoke at the programme as the special guests.

Speakers said Santal community is poor and they face discrimination in educational institutions, particularly in primary and high schools, alleging that many indigenous children leave Bangalee

schools, as they do not get opportunities equal to Bangalees. They demanded books written in Santal language and education materials in the primary level. They also demanded the constitutional recognition to the indigenous people and ensuring rights to education in their mother language. They urged the government to form a body to look into their problems, including those of underprivileged communities.

The speakers demanded an equal opportunity like Bangalee students in educational and other government sectors and urged the university authorities to ensure residential facilities to them as well as increasing their scholarships. SASU also called on the government to enact laws to protect rights of the indigenous people and their traditional culture and language.

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**Ethnic minority people want education in mother tongue**

New Age, Dhaka, September 6, 2008

Leaders of the ethnic minority communities, from both hill and plan land, of different districts on Friday called on the government to take necessary steps to stop occupation of land of the people in their areas.

They also urged the government to take initiative to introduce primary education system of the ethnic minority communities in their mother languages, saying that the ethnic minority people should be given their constitutional recognition.

The call came from an extended meeting of the Bangladesh Adivasi Union, held at Mukti Bhaban at Purana Paltan in Dhaka.

Chaired by Rebeka Soren, convener of the union, the meeting was also addressed, among others, by Woo Soo Rey of Patuakhali, Kasa Mong of Bandarban, Amin Kujur of Naogaon, Khagendra Hajong of Netrakona, Emil Hajda of Dinajpur, Thirati Rani of Chapainawabganj, Srimati Moormo of Phulbhari and Dhirendra Nath Mahato of Bogra.

Demanding constitutional recognition of the ethnic communities, Woo Soo Rey said, 'The ethnic minority people would be deprived of their basic rights as long as a repression-free society is not established.'

The land of the indigenous people was being encroached upon in various ways. This malpractice must be stopped, he said.

The land and homesteads of the indigenous people were being occupied indiscriminately by the influential quarters across the country, the speakers said, and called upon the ethnic groups to forge a unity to realise their demands.

They also demanded introduction of a permanent rationing system for them and exemplary punishment for the killers of Alfred Soren, Satyaban Hajong, Piren Snan, Kalpona Chakma and other indigenous people.

## PART F

### CHT ACCORD : CONTINUING NON-IMPLEMENTATION

During the period of Awami League government (1996-2001) on 2 December 1997, the CHT Accord, popularly known as *CHT Peace Accord*, was signed between the Government of Bangladesh and the PCJSS. The Accord ends more than two-decade old armed struggle for self-determination and paves the way for the peace, development and representation of the Jumma people. It recognises CHT as a tribal-inhabited region, establishment of CHT Regional Council, three Hill District Councils, CHT Affairs Ministry and Land Commission, demilitarization of the region, rehabilitation of the victims etc.

The government of Awami League implemented some provisions of the Accord. But the issues which help introduce self-rule government system in CHT and help resolve the problem through political means were not implemented at all. For instances, the following crucial issues, among others, could be mentioned, as follows:

- As per the CHT Accord, the CHTRC Act was passed in the parliament in 1998 and interim CHTRC was also constituted accordingly. However, the powers and functions of the Council have not been activated. Even Rules of Business of the council were kept pending.
- The HDC Acts were amended in the parliament as per the Accord; but these Acts have not fully been executed. Not a single subject has been transferred to the HDCs and elections of the HDCs have not been held since the 1990s, even after signing the Accord.
- The CHT Affairs Ministry was established in 1998 and an MP (Awami League) elected from CHT region and a person belonging to the indigenous Jumma community was appointed as minister of the ministry. But the ministry had not played effective role towards accelerating the implementation process of the Accord.
- The Task Force on Rehabilitation of Returnee Refugees and Internal Displaced Persons was constituted and an MP (Awami League) elected from the CHT was appointed as its Chairman. At a unilateral meeting held on 15 May 2000, Task Force identified 90,208 Jumma (tribal) families and 38,156 non-tribal Bengali settler families as IDPs and recommended a package programme for them, but rehabilitation has not been done. Inclusion of Bengali settlers as IDPs violating the CHT Accord created complexity in rehabilitation of IDPs.
- A Land Commission for resolving land disputes was formed in 1999, but disputes have not been settled. On the contrary, the CHT Land Dispute Settlement Commission Act was enacted in 2001 containing 19 contradictory provisions with the Accord.
- An MP (Awami League) belong to indigenous community was appointed as Chairman of CHT Development Board, but the board has not worked (still is not working) under the general and overall supervision of the CHTRC as per the Accord.
- Only 31 temporary (base) camps,<sup>11</sup> out of 545 camps<sup>12</sup> of army, Anser, VDP and APBN, were withdrawn. On the contrary, de facto military rule known as '*Operation Uttoron*' was imposed in 2001 changing its earlier name of '*Operation Dabanal*'.

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<sup>11</sup> Report on the Implementation of the CHT Accord published by PCJSS in April 2004.

<sup>12</sup> Briefing notes issued by CHT Affairs Ministry for ministerial meeting.



- Repatriation of 64,609 refugees of 12,222 families was completed in 1998, but most of returnee families (9,780 families)<sup>13</sup> have not been given back their lands.
- As per the Accord, the CHT Accord Implementation Committee was formed in 1998, but the committee has not been made operational properly.

Since taking over of the office in October 2001, the BNP-led coalition government also followed delay-dulling tactics in implementing the Accord. In addition, the coalition government distorted some vital clauses of the Accord that were implemented during the period of Awami League government. For instance:

- The responsibility of the CHT Affairs Ministry has been kept under the control of the Prime Minister herself. In violation of this provision, a Deputy Minister, rather than a Minister, from amongst the Jumma people, has been appointed to the post.
- The Advisory Committee to the CHT Affairs Ministry has not been activated. Instead of forming the Advisory Committee, the government is rather monitoring the functions of the Ministry through the Parliamentary Standing Committee in a violation of the Accord.
- Mr. Abdul Wadud Bhuiyan ruling party MP elected from Khagrachari who belongs to non-indigenous Bengali settler has been appointed as Chairman of the CHT Development Board in a gross violation of the Accord.
- The CHT Implementation Committee has not been formed. Rather the government has been monitoring the CHT affairs forming a committee renamed “Cabinet Committee on the CHT Affairs” in the chairmanship of Mr. Abdul Mannan Bhuiyan, Minister of Local Government and Rural Development Ministry.

Given the circumstances, most of the provisions, especially the main issues of the Accord, such as, effective enforcement of the three HDCs and CHT Regional Council Act, resolution of land disputes through the Land Commission, rehabilitation of returnee Jumma refugees and internally displaced Jumma families, withdrawal of temporary camps of security forces and de facto military rule, preparing voter lists only with the permanent residents of CHT and etc. have been either left unimplemented or only partially implemented.

On the other, most of the subjects, especially the main subjects like land & land management, law & order, police (local), land commission, primary education in indigenous language and secondary education, forest & environment and etc. of the Accord have not been taken into account for implementation.

Lack of political will is a major challenge for non-implementation of the Accord. There lacks not only government sincerity in implementing the Accord, but vested groups from ruling parties, civil administration, military in CHT and Islamic fundamentalist have also been impeding the Accord from the very beginning.

#### **Attitude of the Caretaker Government Towards Implementation of CHT Accord**

During the period of last Caretaker Government led by Dr. Fakhruddin Ahmed, government did not implement the CHT Accord. In several meetings and discussions, Chief Advisor and Advisors articulated the implementation of the Accord. However, in practical, no effective and positive initiative was taken by the Caretaker Government.

The Caretaker Government appointed a non-indigenous person as Advisor for Ministry of CHT Affairs. However, in November 2007 Chakma Circle Chief, Raja Devasish Roy was appointed as Special Assistant to the Chief Advisor and put in charge of the Ministry. But most of the officers and employees at the MoCHTA continued to non-indigenous persons.

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<sup>13</sup> Report of the CHT Returnee Jumma Refugees’ Welfare Association, Khagrachari, 2002

On the contrary, during the period of Caretaker Government, government forces used the state of emergency as a political tool to suppress their democratic voice for proper implementation of the CHT Accord. The Jumma were not able to raise their voice and move freely. Indigenous rights activists were continuously repressed and harassed and have faced arrest, false cases, military harassment.

It is also alleged that the military forces as well as military-back last Caretaker Government were reluctant to implement the Accord. The military authority continued to be final policy making and law enforcing authority in the CHT like as before during the political government. Anti-Accord attitude of the military forces was the main challenge in implementing the Accord. Few instances of attitudes of Caretaker Government are given below:

#### **Curtail of CHTRC Budget**

The Caretaker Government curtailed at least one-third budget of CHT Regional Council, an apex body of the special administrative arrangement for CHT. Now CHT Regional Council is facing financial crises to run its activities.

Rules of Business of CHTRC and budget for CHTRC complex are yet to be approved by the present Caretaker Government.

#### **Advisor for MoCHTA holds meeting with 4 chairmen of CHT institutions**

In April 2007 a meeting was held by Dr. Iftekhar Ahmad Chowdhury, Advisor for Ministry of CHT Affairs (MoCHTA) with four chairmen of CHT Regional Council and three Hill District Councils. It is reported that development activities of the CHT, implementation of the CHT Peace Accord and other issues were discussed in the meeting, but no concrete decision has been taken in the meeting. Indigenous people in CHT claim that the meeting was nothing but eyewash.

#### **Meeting of the Advisory Committee of the MoCHTA held**

On 31 May 2007 meeting of the Advisory Committee of the Ministry of CHT Affairs (MoCHTA) was held at conference hall of the ministry, chaired by the advisor to the MoCHTA Dr. Iftekhar Ahmad Chowdhury. Among others, Chairman of the CHT Regional Council Mr. Jyotirindra Bodhipriya Larma and three Chairmen of HDCs attended the meeting.

Development activities of the CHT, implementation of the CHT Peace Accord and other issues were discussed in the meeting, but no concrete decision has been taken in the meeting. In fact, the meeting was nothing but eyewash.

#### **Meeting of the Task Force held**

On 3 June 2007 meeting of the Task Force on Rehabilitation of the Returnee Jumma Refugee and Jumma Internally Displaced Persons was held at circuit house of Khagrachari district, chaired by Mr. Samiron Dewan, Chairman of the Task Force.

Though Mr. Samiron Dewan was the Chairman of the Task Force, but it was reported that this meeting was controlled by its member-secretary as well as Divisional Commissioner of Chittagong Division Md. Mokhlesur Rahman. He misbehaved with the Chairman of the Task Force. He even charged Chairman of the committee Mr. Samiron Dewan for not functioning well during last four-year tenure. He threatened that the government would take action for abolition of the Task Force if it does not work properly. At a stage he dictated the Task Force to rehabilitate the 26 refugee families with a month evicting them from Dighinala residential school. In fact, this meeting was nothing but eyewash.

#### **Voter List in CHT**

Violating the CHT Peace Accord and three Hill District Council Acts, voter list in CHT is going on enlisting non-permanent Bengali residents. It is worth mentioning that the CHT Peace Accord and three Hill District Council (HDC) Acts provide that the voter of the CHT region will be prepared only with the permanent residents of CHT. As per CHT Peace Accord and HDC Acts state that a non-tribal person is deemed to be a permanent resident of CHT region who has lawful land property.

Meanwhile, the local people alleged that some Rohingya citizens were listed for voter registration in several upazilas of Bandarban district.

On the other, Election Commission denied registration of the PCJSS. It is mentionable that on 29 October 2008 a delegation of PCJSS led by its president Mr. Jyotirindra Bodhipriya Larma called on Election Commission. PCJSS delegation demanded to the Election Commission to consider application for registration of PCJSS with Election Commission as a political party considering distinct socio-political, cultural and historical background of the indigenous Jumma peoples and CHT region.

### **BNP-Jamaat men appointed as chairman and members Khagrachari HDC**

On 12 July 2007 BNP-Jamaat men were appointed members of the Khagrachari Hill District Council (KHDC). The members were Sadar Upazila BNP vice president Animesh Dewan Nandit, district Jubodal organising secretary Sanumong Marma, Mohalchhari upazila BNP president Ruhity Karbari and Ramghor Upazila Chhatra Shibir president Abu Bakkar Siddique.

Earlier, arrested 'corrupt' BNP lawmaker Wadud Bhuiyan proposed names of the following persons to Ministry of CHT Affairs for appointment as members of the council on March 28 last year. But the then BNP-Jamaat led Alliance government did not give appointment to anyone of them as the KHDC member.

Animesh Dewan Nandit earned bad name as a hill plunderer. Sanumong Marma allegedly played a key role in dividing the indigenous Marma community into two groups. Some other alliance leaders were blamed for communal activities. In the last week of July 2007 high military officials in Khagrachari met with District Awami League and BNP leaders in a meeting at Brigade Headquarters. Ultra communalists like Joynal Abedin, chairman of Khagrachari Municipality, leader of so-called Sama Odhikar Andolon and a close aide to jailed ex-MP Abdul Waddud Bhuiyan, and Zahedul Alam, General Secretary of Khagrachari branch of AL, among others, were present at the meeting. They discussed the settler issue and decided to begin settlement expansion. The military officers urged both the AL and BNP leaders to shun mutual political bickering and work for the common interest of the Bengalis in CHT.

### **Writ Petition against CHT Accord**

On 22 August 2007 a writ petition (no. 6451/2007) against CHT Peace Accord was filed at High Court by Advocate Md. Tajul Islam. According to prayers of the petitioner, on 27 October the Court issued a Rule Nisi calling upon the Respondents to show cause as to why the execution, signing and implementation of the CHT Peace Accord of 1997 by the Government of Peoples' Republic of Bangladesh and the Jana Samhati Samiti (PCJSS) by violating the provisions of the Constitution of the People's Republic of Bangladesh and in contravention with the sovereignty of Bangladesh and supremacy of its sacred constitution shall not be declared to have been done without lawful authority and is of no legal effect. The Court further issued an interim order directing the Respondent no. 8 (the Election Commission) not to deprive of any non-tribal citizen residing at CHT area from being enlisted as voter during the ensuring voter enlistment process on ground of being non-permanent resident in CHT pending disposal of the rule.

### **Appointment of GOC as Chairman of CHT Development Board**

On 22 October 2007 the Caretaker Government appointed General Officer of Commanding (GOC), 24<sup>th</sup> Infantry Division of Chiitagong Cantonment as Chairman of the CHT Development Board. It is mentionable that before signing of the CHT Accord, GOC was also appointed as Chairman of the board and the board was directed in line with the military point of view. After the signing of the Accord, it is the second time to appoint a non-indigenous person as Chairman of CHTDB, though CHT Accord provides that the Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board. Indigenous leaders believe that appointment of GOC as Chairman of CHTDB is a kind of militarisation of CHT Issues that was done before signing the Accord.

### **Meeting of the Advisory Committee of MoCHTA held**

On 23 October 2007 meeting of the Advisory Committee of the Ministry of CHT Affairs (MoCHTA) was held at the MoCHTA's conference hall of Bangladesh Secretariat in Dhaka. Dr. Iftekhar Ahmad Chowdhury, Advisor of the CHTAM of Caretaker Government presided over the meeting. Among others, Chairman of CHT Regional Council Mr. Jyotirindra Bodhipriya Larma, Circle Chief of the Chakma Circle Barrister Raja Devasish Roy and three Chairmen of HDCs attended the meeting.

Development activities of the CHT region, implementation of the CHT Accord, transfer of subjects to HDCs, land commission and resolution of land disputes, relief support to affected Jum cultivators etc. were discussed in the meeting. However, no concrete decision was taken in the meeting. Chairman of CHT Regional Council Mr. Jyotirindra Bodhipriya Larma and Circle Chief of the Chakma Circle Barrister Raja Devasish Roy raised the issue of judicial separation of three hill districts of CHT region.

#### **Then Law Advisor Mainul Hossain demand to amend CHT accord**

On 2 December 2007 in a discussion organised by Sama Odhikar Andolon, the then Law Advisor Barrister Mainul Hossain opined that the CHT Accord can be reviewed, as new distrust, discrimination and conflicts have risen between the Bengalis and indigenous people in the CHT districts in the last 10 years. He said the Bengalis make complaints of being deprived of equal rights in comparison with the indigenous people.

Eminent citizens strong condemned his comment. They demanded withdrawal of his comment. They said by attending the discussion which was organised by a controversial organisation, the adviser has lost his neutrality. "Parbatya Chattagram Samo Odhikar Andolon is a platform founded by Wadud Bhuiyan, who is now behind the bars on charge of corruption," said the statement. The followers of the organisation attacked Dr Kamal Hossain during the tenure of last government, it added.

#### **CHTRC delegation called on the Finance Advisor and the Special Assistant**

A 6-member delegation of CHT Regional Council led by its member Mr. Goutam Kumar Chakma called on the Finance Advisor Mr. A.B. Mirja Azizul Islam and Special Assistant to Chief Advisor on MoCHTA Raja Devashis Roy on 06 and 07 February 2008 respectively.

It is learnt that fund allocation for the supplementary budget of the financial year 2007-2008 and the yearly budget of the financial year of 2008-2009 of CHTRC, funding for construction of CHTRC complex and for salaries and allowances for reinstated employees to their previous jobs from among the Returnee PCJSS members and Jumma Refugees etc were discussed. The Delegation explained that CHTRC Budget was mainly of revenue budget and in the past two years it was cut down extremely for which serious deficit of funds for running the functions of the CHTRC occurred. The Finance Adviser, in spite of financial restraint, assured of considering the budgets of CHTRC with sympathy. But it was not seen in practical.

#### **Opinion-exchange meeting held by Chief Advisor in Rangamati**

On 27 March 2008 an opinion-exchange meeting was held by Chief Advisor of Caretaker Government Dr. Fakhruddin Ahmed with the government officials and people of different professional groups of the region at Rangamati Tribal Cultural Institute auditorium in Rangamati. Chief Advisor said that CHT Accord was to uphold hill people's rights and signed in full accordance with country's sovereignty. He also added that in conformity with the Accord, some government steps have already been taken and the process is on.

During his visit to CHT region, Dr. Fakhruddin Ahmed showed positive attitude to the CHT issues in his speech. However, he did not mention even single word on the burning issues of CHT, such as, withdrawal of temporary camps and de facto military rule 'Operation Uttoron' as per CHT Accord, Bengali settlers' issue and continuous land grabbing by the Bengali settlers, fresh settlement programme of Bengali settler families even during his period, preparation of voter list only with permanent residents of CHT as per CHT Accord, appointment of Chairman of CHT Development Board among from indigenous community and bringing it under overall supervision of CHT Regional Council as per CHT Accord etc. In other word, he indirectly supported to the ongoing land grabbing by the Bengali settlers in his speech by urging "to work unitedly on the basis of mutual trust and

confidence regarding land-related matters". Even he did not clearly mention whether his government would undertake immediate initiative to amend the controversial provisions of the CHT Land Dispute Settlement Commission Act 2001. It is also worth mentioning that he used the derogatory term 'tribe/tribal' rather than 'indigenous people'.

It is reported that in organizing the opinion-exchange meeting, the government authority did not involve key institutions of the special administration system of CHT, namely, CHT Regional Council and three HDCs. The Chairmen and Members of these councils were invited as guest, but not host. It is one of the dishonor attitudes to the CHT institutions by the government.

### **Roundtable Discussion on Land Disputes in the CHT held in Dhaka**

On 31 March 2008 a roundtable discussion titled "Land Disputes in the CHT: Ways to Settling the Issue" was organized by the eminent citizens at WVA Auditorium in Dhaka. Former Vice Chancellor of Jahangirnagar University Zillur Rahman Siddiqui presided over the discussion while Prof Ajoy Roy of Dhaka University presented the keynote paper in the discussion. The discussion was attended by Dr. AMM Shawkat Ali, Adviser to the Caretaker Government of Bangladesh on Food and Disaster Management as Chief Guest and Chakma Circle Chief Barrister Raja Devasish Roy, Special Assistant to the Chief Adviser of the Caretaker Government in charge of the Ministry of CHT Affairs and the Ministry of Environment and Forest as Special Guest.

Chief Guest of the discussion Dr. AMM Shawkat Ali reaffirmed that the Caretaker Government would soon reconstitute the CHT Land Commission to settle the longstanding land disputes between indigenous communities and Bengali settlers in the region. He said the government would investigate why lands in the CHT area have been handed over to Bengali settlers despite the ban on reallocation of all lands there.

Barrister Raja Devashish Roy said that there is no recognized special policy on CHT affairs. No Ministry including the Ministry of CHT Affairs and the Ministry of Land has any plan or policy to bring demographic change or start land reallocations in CHT. The previous land allocations to the Bengali settlers in CHT including unlawful allocation to non-resident powerful elites should be reviewed under existing laws.

### **CHTRC delegation calls on Law and Land advisor A F M Hassan Arif**

On 5 May 2008 a delegation of the CHT Regional Council (CHTRC), led by Mr. Goutam Kumar Chakma, councillor of the CHTRC, called on Mr. A F M Hassan Arif, Advisor for Law, Justice and Parliamentary Ministry and Land Ministry at his office of the Bangladesh Secretariat in Dhaka.

It is learnt that the issues of amendment of the CHT Land (Dispute Settlement) Commission Act of 2001 as per CHT Accord, alteration of the local government acts to insert a provision relating CHT affairs, approval of the Rules of Business of the CHTRC, allocation of adequate fund for the CHTRC and the three Hill District Councils (HDCs), repeal of the Hill Districts (Laws Repeal and Enforcement and Special Provisions) Act of 1989, District Act of 1936 and Bhumi Khatiyon (Parbatya Chattagram) Odhyadesh, 1984 etc. were discussed in the meeting. But no concrete decision has been taken in this regard. However, Mr. A F M Hassan Arif said that he would take necessary measures for consideration of these issues. High officials were also present during the meeting.

### **CHT Commission urges government to speed up CHT Accord execution**

On 14 August 2008 in a press conference held at national press club in Dhaka, the CHT Commission (CHTC) urged the government to speed up the implementation of the CHT Accord of 1997 and to take early measures to activate the land commission and the refugee rehabilitation task force.

It is mentionable that the twelve-member CHTC was re-constituted in a meeting held on 31 May and 1 June 2008 in Copenhagen, Denmark. There are three co-chairs of the newly constituted CHTC. They are member of the Upper House of the UK Parliament and vice chair of the Parliamentary Human Rights Group of UK Lord Eric Avebury, former advisor to caretaker government of Bangladesh and eminent human rights activist Ms. Sultana Kamal and indigenous people expert from Denmark Dr. Eda Nicolson.

CHTC visited three hill districts of the CHT from 7-10 August 2008 to observe the prevailing situation of the region and help promote human rights, democratic practices and land rights of indigenous people. They talked to the advisors to the caretaker government, chairmen-members of the CHTRC and three HDCs, civil and military officials, representatives of permanent residents of CHT both indigenous Jumma and Bengali peoples, leaders of Bengali settlers, political and traditional leaders, civil society members, public representatives in CHT and Dhaka during the visit. They also visited Baghaihat and Sajek area under Baghaichari upazila where arson attack was made on 7 indigenous Jumma vilages by Bengali settlers, land dispute areas of Karalyachari under Mahalchhari, Twi-tilla and 4 Kilometre area on Dighinala-Baghaichari road and Baragram in Dighinala.

After completing the visit, CHTC organised this press conference where its co-chairs Lord Eric Avebury and Ms. Sultana Kamal, its members Ms. Victoria-Tauli Corpus, Dr. Swapan Adnan, Dr. Muhammad Zafar Iqbal and Barrister Sara Hossain, and its resource persons Dr. Meghna Guhathakurta, Ms. Yeneki Arens and Tom Erickson.

Lord Eric Avebury read out the written statement of the commission. He said that this was a familiarisation trip to gather and establish a database on information received during and after the first mission. The commission will make recommendations to the government, political parties and stakeholders in the light of gathered information.

Lord Avebury also added, "The commission is still at an initial stage of its operations. In the coming months, it will gather and establish a database on information received during and after this mission." He said that individuals or groups looking to contribute to the recommendations can do so before November 30 by contacting the CHTC secretariat. He expressed that there was a common view about the urgent need for peace in the region and for implementation of the CHT Accord, although there were diverse views on the possible means available. They also received reports on ethnic tensions and disharmony surrounding land disputes.

Co-Chair of the Commission and former Adviser to the Caretaker Government Sultana Kamal and its members educationist Zafar Iqbal, Sara Hossain and Swapan Adnan attended the briefing. They also answered to question of journalists in the conference.

It is mentionable that CHTC was formed in 1990 and operated till 2001. It published a report on land and human rights of CHT people titled 'Life is not Ours' and updated it four times.

## **MEDIA REPORTS**

### **Prepare CHT voter lists as per peace accord**

*The Daily Star, National, July 1, 2007*

*Political, civil society leaders in hill dists demand*

Indigenous and Bangali political leaders in Chittagong Hill Tracts (CHT) belonging to different parties have demanded preparation of voter list in the three hill districts according to provisions of the CHT peace accord.

Signed in 1977, the accord provides for enrolment only of 'permanent residents' of the hills in any voter list. The leaders opposed preparation of voter list by enrolling all eligible voters in CHT.

Sources said the Election Commission (EC) is planning to prepare voter lists in the CHT as per the Constitution, which allows enrolling all eligible voters.

The Daily Star Correspondents in Rangaamati and Khagrachhari talked to indigenous and Bangali political leaders on the issue. They said preparation of voter list by ignoring the CHT peace accord would be breach of trust with the people of CHT. The CHT peace treaty was signed between the then Awami League government and PCJSS which spearheaded the insurgency.

Some top leaders of PCJSS seeking anonymity said the peace treaty ended three decades of insurgency by ethnic people and established peace in the hills.

They said people in CHT have been demanding full implementation of the peace accord for consolidation of peace and development of the three hill districts but the two governments since signing of the accord did little in that direction. Preparation of the voter list by avoiding provisions of the peace accord would create a 'fresh source of tension' in the hills, the PCJSS leaders said.

The peace accord provides for preparation of voter list with only Bangali and indigenous people who are permanent residents of Rangamati, Bandarban and Khagrachhari hill districts for holding national and local body elections, they said.

District Awami League secretary Md. Selim Chowdhury said, "We demand full implementation of peace accord. Everything including preparation of electoral roll should be done as per provision of the accord".

He said peace in the hills is becoming fragile day by day as because the peace accord is yet to be implemented fully.

Civil society leader Nirmalendu Tripura said the peace accord was signed considering CHT as a special region, different from other areas of the country. The Election Commission should not ignore the peace accord, he said.

Dr. Nilukumar Tangchangya, a top leader of PCJSS and member of CHT Regional Council, said, "All people in CHT want proper implementation of CHT peace accord. There are some options in the Constitution also for welfare of ethnic people. So, government should follow it," Nilukumar added.

PCJSS leader Sadhuram Tripura in Bandarban said preparation of voter list by ignoring the peace accord would mean its violation, which will hurt the sentiment of permanent residents and spoil peace in hills.

Secretary of Upajatiya Samajik Forum Sukumar Dewan said the caretaker government should respect the peace accord as it was signed by a former government.

Bandarban district Awami League president Prashannakumar Tangchangya said the caretaker government has taken some steps which have been appreciated by all sections of people.

When contacted, a high official at Khagrachhari district election office said, they would prepare the new voter list according the Article 121 of the Constitution, which says, "There shall be one electoral roll for each constituency for the purposes of elections to parliament, and no special electoral roll shall be prepared so as to classify electors according to religion, race, cast or sex".

PCJSS leaders said Article 17 of Khagrachhari Parbataya Zilla Parishad Ain (act) also provides for enrolling only permanent residents in the voter list.

Kayas Mong, a PCJSS leader and Regional Council member from Bandarban said, "We heard about Election Commission (EC) decision. Neither the government nor the Election Commission (EC) talked to us in this regard".

PCJSS central leader and Regional Council Member Rupayon Dewan said, we have right to demand a voter list as per the peace accord.

### **No move by EC on CHT local elections in Bangladesh**

*Biplob Rahman, bdnews24.com Senior Reporter*

Dhaka, Oct 26 (bdnews24.com) - The Election Commission has taken no initiative to hold elections to the regional and three district councils, administered under specialised rule, of the Chittagong Hill Tracts.

Chief Election Commissioner ATM Samsul Huda told bdnews24.com, Friday morning, that according to the CHT peace treaty and laws related to it, the elections in those areas were to be held according to a voter list prepared separately for the permanent residents of those areas.

"But the voter list currently being prepared with photographs in the CHT was for the national election," he added.

The CEC, in reply to a question, said that no decision had been taken whether a separate voter list for permanent residents of the regional and council areas would be made following preparation of voter lists for the national election.

Meanwhile, an official of the regional council told bdnews24.com that council chairman Jyotirindra Bodhipriyo Larma alias Santu Larma had met CHT affairs adviser Iftekhar Ahmed Chowdhury last Tuesday. "Santu Larma requested the adviser to speed up the CHT treaty implementation process." Larma also demanded holding of the local and regional council elections, the official added.

In 1989, three separate district councils, each with five-year tenures, were established for Rangamati, Khagrachari and Bandarban. However elections to these councils have not been held in the 18 years since their formation. They have continued to function with government appointed 'interim' council heads, with permission of the courts.

### **Foot-dragging over implementation of CHT Peace Treaty**

*New Age, Editorial, Dhaka, Monday, December 3, 2007*

On December 2, 1997, when the government of the day entered into a peace agreement with Parbatya Chattagram Jana Sanghati Samiti, the political umbrella of the armed Shanti Bahini, it heralded more than an end to 22 years of guerrilla warfare in the Chittagong Hill Tracts – the state had, for the first time, come up with the theoretical recognition of the conflict of interest between the majority Bengalis and the minority ethnic communities. Regrettably, ten years on, the possibility of natural peace in the war-ravaged terrains has not yet been translated into reality. It seems now that the nationalistic chauvinism of the majority Bengalis, which may have stirred resentment in the minority ethnic communities and prompted them to take up arms for their rights in the first place, stands inexorably in the way of the peace treaty being implemented effectively.

Admittedly, there are legal anomalies in the peace treaty, especially vis-à-vis voter registration and eligibility criteria. First, the treaty indicates that there should be a separate electoral roll for the non-Bengali residents of the hill tracts, which runs contrary to the constitution of the republic. The constitution categorically says 'no special electoral shall be prepared so as to classify electors according to religion, race, caste or sex.' Second, the treaty also indicates that only those who own land will be deemed eligible for registration as voters, which again is in contravention with the constitution. The constitution details a clear guideline as to who is eligible to be enrolled as voter and who is not. Nowhere does it say that land ownership is a necessary precondition for becoming a voter. Besides, it is unacceptable in a democratic polity to deny a person his or her inalienable right to exercise adult franchise just because he or she is poor and does not own a piece of land.

Curiously, successive governments have not only made no attempt to untangle these legal hitches but also shown inexplicable indifference to those provisions of the treaty that could have been implemented without raising any legal controversy. For example, the issue of settlement of land disputes in the hilly region, a major component of the peace agreement, has hardly been addressed, as the land commission assigned with the job could not even start functioning despite two extensions to its tenure. The commission's tenure expired on October 31 and a proposal for its reconstitution remains pending with the law ministry.

The authorities need to realise that they cannot simply wish away whatever problems there are vis-à-vis implementation of the peace treaty. The implementation of the treaty cannot remain at a standstill for ever. The authorities need to understand that the longer the treaty remains un-implemented the stronger the suspicion of the minority ethnic communities will get. Simmering sense of deprivation and increasing mistrust among the ethnic communities about the motive of the majority Bengali community cannot augur well for the integrity of the state.



## **Mainul asked to withdraw comment on CHT accord**

*The Daily Star, 7 December 2007*

Eminent citizens in a statement yesterday demanded withdrawal of the comment of Law Adviser Mainul Hossain, who on December 2 said Chittagong Hill Tracts (CHT) Peace Accord could be reviewed.

Expressing deep concern over the comment they said by attending the discussion which was organised by a controversial organisation, the adviser has lost his neutrality. "Parbatya Chattagram Samo Odhikar Andolon is a platform founded by Wadud Bhuiyan, who is now behind the bars on charge of corruption," said the statement. The followers of the organisation attacked Dr Kamal Hossain during the tenure of last government, it added.

Signatories to the statement included Justice KM Sobhan, Prof Zillur Rahman Siddiqui, Selina Hossain, Rashed Khan Menon, Hasanul Haq Inu, Pankaj Bhattacharya, MM Akash, Prof Ajoy Roy, Prof Rashid-e-Mahbub, Rokeya Kabir, Prof HKS Arefin, Prof Dalem Chandra Barman, Mesbha Kamal and Mafizur Rahman.

## **Internally displaced in CHT continue to suffer**

*New Age, Dhaka, Thursday, 14 February 2008*

Barendra Tripura cannot afford the 20-odd-kilometre ride on 'chandergari', ramshackle jeeps turned into public transports that meander through the hilly terrain with more passengers and goods than they ought to carry, to the Massalong bazaar to buy a month's provisions for his family.

Once every month, the 55-year old starts from his house in the remote hills of Rangamati for the bazaar very early in the morning. He walks 40-plus kilometres to the bazaar and back to buy rice, salt, kerosene and vegetables for his four-member family.

On his latest trip to the bazaar, he had Tk 200 to buy provisions for the family, which translates into 83 paisa per person per day. 'I could manage only Tk 200, that too after two months. If I take chandergari, half of it will be spent on the fare,' said Barendra, as he walked through Konglak, a hill top locality more than 2,200 feet above the sea level, on his way to the Massalong bazaar on February 7. Barendra, who has recently migrated from the Toi Choi mauza to Natunbari High School para (neighbourhood), is one of many internally displaced people in the Chittagong Hill Tracts who have virtually no social and economic security.

Like many others, he was forced to leave his ancestral home in Khagrachari because of the decades-long armed conflict in the hill tracts. Internal displacement in the hill tracts started with the construction of the Kaptai dam and intensified during the armed conflict, which left more than 8,500 people killed.

Forced eviction, atrocities during the conflict between the government and the rebels, confiscation of land to establish military camps, population transfer programme, clashes between Bengali settlers and minority ethnic groups have also compelled many hill people to flee their homesteads.

Repatriation and rehabilitation of refugees was started with the signing of an agreement between the government and the Parbatya Chattagram Jana Sanghati Samiti, bringing an end to the insurgency in late 1997, paving ways for resettlement of the displaced people.

But the problem remained thanks to inefficacy of two bodies formed to resolve the problems. The task force to rehabilitate the displaced people and the land reforms commission to settle land disputes have never functioned effectively even after 10 years of signing of the deal.

A large number of displaced people still live in reserved forest areas in the deep interior of Rangamati and Khagrachhari. Most of the refugees, repatriated from neighbouring India, live in makeshift camps housed at different government institutions in the districts with little food aid from the government.

There has been no charity for the internally displaced ones. They lack food, water, medical treatment, education, sanitation and other amenities, forcing them to continuous habitat shift from one place to

other in search for better livelihood supports. Additionally, they face eviction threat from forest officials on a regular basis.

Neither the district administration nor the taskforce on CHT refugee has correct statistics on the number of displaced people, although the government spends a significant amount of money on the refugees' cause.

In the last 20 years, Tk 1,100 crore was spent from the public exchequer on the refugees, the deputy commissioner of Khagrachari, Shahadat Hossain, said. Asked about the condition of the internally displaced persons, the chairman of the taskforce, Samiran Dewan, told New Age that a list of displaced people was prepared. 'But not all displaced people were accommodated in it.'

The list stirred a controversy as Bengalis from the plains were also included it, he added. The hill leaders opposed inclusion of Bengalis settlers in the list, almost stalling the rehabilitation process. 'We had a series of dialogues over the matter but failed to come to any conclusion,' Samiran said.

He added that the taskforce is now tasked with distribution of rations among 12,222 families, including 90,208 from indigenous communities. Official estimates say between 500,000 and 550,000 people were displaced due to the conflict.

According to available statistics, some 5,100 people from 1,000 families were repatriated while the internally displaced people could not return to their original villages. 'Dithering by the government has put us on the street. We are not sure whether we'll get back our home and land,' a member of a repatriated family told New Age at Dighinala Upazila headquarters, where several hundred repatriated families took shelter on the premises of different government establishments. He said the administration serve them with eviction notices on a regular basis. 'Where should I go...my land is still occupied by Bengali settlers with the assistance from the administration, why they [Bengali settlers] are not served notices,' the returnee, who was evicted from his home in 1986 in the wake of arson attacks by Bengali settlers.

After the military-controlled interim government came to power, the taskforce chairman claimed that it had rehabilitated 26 refugee families at Dhiginala.

However, local sources said, these families were not rehabilitated on their land. They were rehabilitated on a highland, not suitable for agricultural production.

## **PRESENT STATE OF IMPLEMENTATION OF CHT ACCORD**

### **Part A: General**

1. CHT Accord recognizes the CHT region as Jumma indigenous peoples-inhabited area. The government has yet to take proper step in this direction. Rather efforts have been geared up to wipe out the "special character" of the region by implementing the rehabilitation of the Bengali settlers in the CHT who were brought in here from various plain districts.
2. As per this Clause of the CHT Accord in order to monitor the process of implementation of this Accord, Accord Implementation Committee was formed during the period of Awami League government in 1998. However, it was not reconstituted during the period of BNP-led four-party coalition government and Caretaker Government led by Dr. Fakhruddin Ahmed. At present the process of monitoring the implementation of the CHT Accord has been stopped totally.

### **Part B: Hill District Council**

1. On 3, 4 and 5 May 1998 Rangamati, Khagrachari and Bandarban Hill District Council (Amendment) Acts were passed respectively in the Parliament, and these were published in official gazette on 24 May 1998. But the provision relating to 'all development programmes undertaken or to be undertaken at national level' is yet to be amended.
2. The Election Rules and Electoral Rolls Rules of three HDCs have not been formulated till today. The Interim HDCs formed with and headed by ruling party members have been functioning years after years in undemocratic way. In fact, these HDCs work without any obligation and accountability to the people.
3. Since after the amendment of the HDC Acts in order to strengthening the HDCs as per the CHT Accord, the Rules of Business of the HDCs are yet to be amended so far.
4. Out of 68 functions under 33 subjects of the HDCs, only 12 subjects have been transferred to the Councils so far. The most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics on death-birth etc. are yet to be transferred to the HDCs.
5. The three HDC Acts have not been implemented fully and properly. Rather, these Acts are being violated in various ways.
6. Election of HDCs is not held even after the signing of the CHT Accord. HDCs are running with nominated interim councils. Nominated HDCs are not accountable to people. The following issues are yet to be done for election of the HDCs-
  - (a) Rules for election of HDC Chairmen and Members yet to be passed
  - (b) Electoral Rolls Rules for election of HDC yet to be passed
  - (c) Voter list with permanent residents of CHT yet to be prepared
  - (d) Electoral areas for election of HDC yet to be demarcated
7. HDCs are vested with law and order, but Deputy Commissioners of three hill district continue to exercise this power.
8. Circle Chiefs are vested with issuing of permanent resident certificate, but on 21 December 2000, the Ministry of CHT Affairs issued an instruction authorizing the Deputy Commissioners of the three hill districts to issue "Permanent Resident Certificate". It was a complete illegal instruction.
9. CHT Accord provides voter lists only with the permanent resident of CHT. However, voter lists prepared in 2000 and 2007-08 were not made in accordance with this provision.

**Part C: Chittagong Hill Tracts Regional Council (CHTRC)**

1. The CHTRC Acts had been passed on 6 May 1998. Mr. Jyotirindra Bodhipriya Larma took the responsibility of the Interim CHTRC as Chairman on 12 May 1999 and interim CHTRC started its office on 27 May through a ceremonial function organized on that occasion.
2. The election of the CHTRC could not be held, as the HDCs have not been formed as per the provisions of the CHT Accord.
3. The CHT Act is not executed properly. The government has not yet approved the Rules of Business of the CHTRC.
4. CHTRC is vested with general administration, law and order and development; but Deputy Commissioners (DCs), Upazila Nirbahi Officers (UNOs), Superintendent of Police (SPs) and Officer-in-Charges (OCs) ignore the CHTRC authority
5. CHTRC is also vested with supervision and coordination of local councils including municipalities; but Union Parishads (UnPs) ignore the CHTRC authority as they are under Local Government and Rural Development (LGRD) Ministry
6. CHTRC is vested with overall supervision and coordination of CHT Development Board, but it ignore the CHTRC authority

7. CHTRC is vested with overall supervision and coordination of all development activities under HDCs, HDCs ignore the decision of the CHTRC of several issues
8. CHTRC is vested with coordination of NGO Activities, and Disaster Management and Relief Operation; but Deputy Commissioners continue to exercise this power.
9. CHT Accord stipulates that government shall enact law related to CHT in consultation with and as per advice of the CHTRC, but it is not being followed by the successive governments.

**Part D: Rehabilitation, General Amnesty and Other Matters**

1. Jumma refugees numbering 64,609 souls of 12,222 families were repatriated from India. However, most of them have not got back their lands occupied by Bengali settlers and military authorities although they availed most of the economic facilities. Still many families are yet to get cash against pairs of bullocks, still 40 ancestral Jumma villages are under the occupation of the settlers and 9,780 Jumma families are to get back their lands.
2. Task Force formed by the Awami League government, at a unilateral meeting held on 15 May 2000, identified 90,208 Jumma (tribal) families and 38,156 non-tribal Bengali settler families as Internally Displaced People (IDP) and recommended a package programme for them. However, so many Jumma IDPs were excluded. In addition, listed Jumma IDPs have been rehabilitated so far. In addition, in violation of the CHT Accord, all the Bengali settler families were identified as internally displaced persons.
3. Settlement of land in the name of landless could be done people due to pending land-disputes that arisen due to forcible land grabbing by the Bengali settlers.
4. During the period of Awami League government and BNP-led coalition government, three successive retired justices have been appointed as Chairman of the Land Commission. The Commission has not been able to work for settlement of land disputes. The CHT Land-disputes Commission Acts 2001 was passed by the Awami League government. However 19 provisions contradictory to the CHT Accord were included in this Acts. These contradictory provisions are yet to be amended so far.
5. The leases of land given to “non-permanent residents” (Bengali outsiders) for rubber plantation and other purposes have not yet been cancelled. On the contrary, lands have been given in lease to non-permanent residents even after the CHT Accord. Only in Bandarban district in CHT, 40,077 acres of land were given lease to the outsiders.
6. The government has allocated fund for development in CHT. But it is to meager to meet the requirement. During the BNP-led coalition government and last Caretaker Government led by Dr. Fakhruddin Ahmed, lion share of the fund was allocated for CHT Development Board bypassing the CHTRC and the HDCs.
7. There is reserved quota for indigenous students. However, it is very limited. There is not adequate scholarship of indigenous students for higher education.
8. The successive governments have not taken any step for promotion and preservation and patronage of the traditions and culture of the indigenous people.
9. The PCJSS has laid down all its arms and ammunitions after the CHT Accord.
10. Decision to withdraw 720 cases lodged against PCJSS members and permanent residents of CHT involved with PCJSS activities have been taken. However, the decision is yet to be implemented. In addition, cases pending in martial court are yet to be withdrawn.
11. The government has provided PCJSS members returned to normal life with Taka 50,000 as per the CHT Accord. 64 PCJSS members have been reinstated in their jobs. 675 PCJSS members have been appointed in police services. However, projects submitted by PCJSS members for employment and income generation have not been approved and bank loans taken by PCJSS members are also yet to be exempted.

12. PCJSS received documents on withdrawal of 31 camps out of 543 temporary military camps in the CHT. The government claimed that 172 camps have been withdrawn from CHT since then signing of the Accord. However, no information on the list of camps withdrawn is available from the government side. On the other, de facto military rule was imposed in CHT by declaring 'Operation Uttoron' in 2001 by which expansion of military installations is also continuing in CHT unabated.
13. No initiative has been taken by the government to appoint the permanent residents with priority of indigenous people in all posts and services in the CHT. As a result, most of the posts and services are still manned by Bengali outsiders and Bengali settlers.
14. Ministry on CHT Affairs (MoCHTA) was set up and its list of business was also published in official gazette on 15 July 1998 under the Schedule-1 (Allocation of Business among the different Ministries and Divisions) of Rules of Business, 1996. But the Ministry does not play effective role towards implementation of the CHT Accord. Most of the officers and employees are non-indigenous persons who are sensitized to CHT Issues. MoCHTA issue several executive orders violating the CHT Accord and Acts of CHTRC & HDCs, i.e.
  - (a) Inclusion of Bengali settlers as IDPs and initiative to rehabilitate them in CHT
  - (b) CHTRC has no jurisdiction to supervise the function of the HDCs
  - (c) Authorizing the Deputy Commissioners to issue permanent resident certificate

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## **PART G RECOMMENDATIONS**

It is expected that during the period of present Awami League-led grand alliance government, indigenous peoples of Bangladesh will be able to advocate more for their rights and transmit their views to others. It is important that civil society, NGOs, media and majority community be more sensitised about indigenous issues. On the other hand, the constitutional recognition of indigenous peoples is a must for promotion and protection of human rights and fundamental freedoms of indigenous peoples. Furthermore, it is important to take necessary steps to implement the international human rights instruments including the UNDRIP. The following recommendations should be addressed for the same-

### **General**

- To ensure the formal constitutional recognition of Indigenous People;
- To ensure full and effective participation of indigenous peoples in major decision-making processes at all levels;
- To sensitize political leaders, bureaucrats, judges, security forces and other sections of society regarding the the human rights and fundamental freedoms of indigenous peoples and the their situation of marginality;
- To formulate policy guidelines for the development of indigenous society;
- To reserve seats for indigenous peoples in parliament (including the 3 parliamentary seats of the hill districts) and in,local government councils for all regions inhabited by indigenous peoples, both in the CHT and in the plains;
- To ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples;
- To revise national sectoral policies (on Health, Education, Culture, Gender, Forests, Land, Environment, etc.) and bring them in conformity with international standards on the rights of indigenous people, including the UN Declaration on the Rights of Indigenous Peoples;
- To include training on the CHT Accord, the special administrative system of the CHT, and on indigenous peoples' rights in the curricula of the Bangladesh Public Administration Training Center (BPATC), the judicial service, the police service, the Bangladesh Military Academy and the National Defence College, among others;

### **Land Rights and Land Grabbing**

- To recognize, more categorically, the collective and individual rights of indigenous people over land and natural resources, in accordance with international human rights standards and in consonance with their customs and traditions;
- To stop the systematic and forcibly displacement of the indigenous peoples from their ancestral lands and to develop legal mechanisms to save the illegal land possessions of the indigenous peoples;
- To stop the clandestine and secretly-sponsored settlement programme of Bengali settlers and land grabbing and return back them to their cluster villages until and unless land disputes are resolved through land commission.
- To form separate land commission for plain land indigenous peoples
- To respect principle of Free Prior and Informed Consent (FPIC) before giving the priority for any activities on indigenous peoples.

**Arbitrary Arrest**

- To stop arbitrary arrest of the indigenous peoples' activists and
- To withdraw the cases filed against the indigenous peoples, and release them immediately;
- To punish those responsible for the arbitrary arrests and prosecution.

**Extra Judicial killing**

- To ensure adequate and impartial investigation of allegation of extra-judicial killings by law enforcement agencies and security forces;
- To ensure prosecution of those responsible and reparation for victims;

**Torture, Harassment and Abuses**

- To ensure independent, impartial and adequate investigation of allegations of torture;
- To prosecute those found responsible, and to provide adequate and effective redress to victims
- To stop military atrocity and harassment on the indigenous peoples' activists;
- To withdraw all temporary camps of military forces and de facto military rule 'Operation Uttoron';

**Religious Persecution**

- To stop religious persecution against indigenous peoples
- To conduct judicial inquiry to religious persecutions;

**Women Rights Violation**

- To include indigenous women's perspective to the National Women Development Policy
- To stop communal violence physical abuses against indigenous women
- To conduct judicial inquiry to the communal violence and abuses against indigenous women
- To prosecute those responsible for the physical violence and abuses against indigenous women

**Education and Children**

- To introduce education through mother tongue for indigenous children
- To include indigenous peoples' perspectives to the education policy

**Implementation of CHT Accord**

- To implement the CHT Accord in letter and spirits that paves the way for the peace and development in the region;
- To declare roadmap for speedy implementation of the CHT Accord;
- To execute CHTRC Act 1998 and approve its Rules of Business soon;
- To transfer all subjects, giving priority to most important subjects, such as, law and order of the district, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics on death-birth etc.;
- To withdraw all temporary camps of army, APBN, Ansar and VDP and 'Operation Uttoron' and cancel pacification programme of military forces.
- To resolve land dispute through Land Commission as per CHT Accord by amending the contradictory of provisions of the CHT Land Disputes Resolution Commission Act of 2001;
- To rehabilitate returnee Jumma refugees and internally displaced Jumma persons in their original homes and lands;

- To appoint permanent residents of CHT, prioritizing indigenous people to the post of officers of MoCHTA;
- To prepare voter list of the region only with the permanent residents of CHT as per CHT Peace Accord;
- To hold election of three HDCs and CHTRC as per CHT Accord;
- To rehabilitate the Bengali settlers outside CHT with due dignity.



**ANNEX-1**  
**FACT FINDING REPORTS**

**(a) Report of the eminent citizens' visit to Chittagong Hill Tracts**

28-30 January 2008

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They are also human being  
Let them to live with their rights  
Let's join establishing their just rights

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Recently a delegation of eminent citizens constituting university teacher, writer, columnist, journalist, photo-journalist, development activist and some enthusiastic youths have visited many areas of Khagrachari & Rangamati in Chittagong Hill Tracts (CHT). They were Professor Ajoy Roy, social and human rights leader Pankaj Bhattachariya, journalist and columnist Syed Abul Maksud, journalist and cultural activist Kamal Lohani, Physician and former vice chancellor of BSMMU Dr. Rashid-e-Mahabub. The name of the other members of the delegation were given in appendix (please see appendix-1).

Wherever the delegation visited, the general people of the region unanimously expressed, “we have been oppressed, evicted and exploited for centuries. We are becoming vulnerable and deprived of rights. We are now refugee and alien in homeland. Let us to survive, let us return back our stolen glory.” We have captioned this heartiest rending cry of the Jumma people as “*They are also human being, let them to survive with their rights*”. The delegation of eminent citizens have held discussion and opinion-exchange, during their 3-day visit with following section of people:

1. Representatives of Jumma people, general people and elite class
2. Religious leaders
3. Representatives of Equal Rights Movement, among them-
  - (a) Central leaders in Khagrachhari
  - (b) Two representatives in Rangamati
  - (c) A student leader of Bengali Students Council
4. Deputy Commissioners of Khagrachari and Rangamati districts
5. Chairman of the Khagrachari Hill District Council
6. Chairman of the CHT Regional Council Mr. Jyotirindra Bodhipriya Larma accompanied by Councilors and Officers.

Besides, on the way to Rangamati from Khagrachari, hundreds of victimised and evicted people including men, women and children tried to put their appeal to us by halting us along the road side. They wanted to draw our attention to their miserable conditions, continuous loosing of their rights, dispossession of their homesteads, orchards and ancestral lands etc. Due to time constraint, we could not able to hear all their appeals, but we talked to them as much as possible. It might take at least one week to come Rangamati from Khagrachhari if we talked to all peoples at place to place. All of the people urged us to do something for them. They demanded to us again and again that ttheir appeal was not formality, but their heart-rending expression. We were seemed to be very helpless and powerless.

**History and Background:** Various ethnic groups live in the human habitation of Chittagong Hill Tracts. Many ethnic people of Tibetan-Himalayan-Burmese groups have been residing here since time immemorial. History says that though this region is presently an inseparable part of Bangladesh, but it

was ruled by many kings and emperor at different historical periods. Some time the region became under Burmese and Arakani rulers, and even in some extent under representatives of Mughal emperors. Again it is also true that this region is basically ruled by its local dynasty. Chakma dynasty is a such traditional dynasty whose headquarters is now situated in Rangamati. They extended their frontier till Chittagong. Another strong dynasty was Tripura dynasty. They spread their territory from plain land of Tripura (presently Comilla district) to Narsingdi district of Dhaka. The contribution of Pathan Kings as well as Tripura dynasties are undeniable for the development of Bangla language. On the contrary, Arakani Kings of Marma people extended their influences over the riverine plain land of South Bengal during Pathan-Mughal period. They were known as pirate or Moghs to South Bengal people. Thus the Moghs established their colony across Cox'sbazar-Barisal-Barguna-Patuakhali by their strong naval power. They are known as Rakhain. At last, the British established their reign over the CHT region. It is well known to all that the British made their permanent reign over Chittagong around 1760. Its inevitable result was Anglo-Burmese war and the conquest of Burma by British.

British created Bohmong circle and Mong circle in 1873 and in 1883 respectively. Consequently, the CHT was divided into three circles, namely, Chakma circle, Bohmong circle and Mong circle. British, however, maintained a policy of non-interference with the kings in governing the CHT till 1860. In 1860, more than a hundred years afterwards the British Government formally annexed the CHT region with Bengal and created a Non-regulated Tribal District known as "Chittagong Hill Tracts" with limited autonomy. The British declared the region as 'Excluded Area'. These constitutional safeguards provided a measure of protection to the Jumma people from economic exploitation by outsiders and helped them to preserve their traditional, socio-cultural and political institutions based on customary laws, community ownership of land.

During its 24 years suppressive and oppressive regime, the Government of Pakistan, however, recognised special status of the CHT region as a fully Regulated Area. It prohibited migrations of non-indigenous peoples into the CHT. The outsiders who were engaged in government service, business, anthropological and flora and fauna studies entered into CHT with taking special permission. They were regarded as non-permanent resident.

Despite strict restriction on migrations into the CHT, many people from plain lands infiltrated into CHT for various purposes and they settled there permanently. The descendents of these settlers made habitat around flat land adjacent to commercial centres and bazars. They are called 'non-tribal permanent resident'<sup>14</sup>

It is worth mentioning that there was no conflict or jealousy between old Bengali residents and indigenous Jumma people, even no such conflict till to-date. They have been living there in peace and harmony since British period. But the ratio of permanent Bengalis was very low. The ratio of indigenous people and non-indigenous people was 98:02 during the partition of subcontinent in 1947. Even, total Bengali population were only 10-15 thousands in 1950-51.

**Causes of Unrest :** Unrest was started there since Pakistan period, particularly for (a) Kaptai Hydro-Electricity Project, (b) Jum Cultivation and (c) Land management and land distribution. Chakma-Marma-Tiperra-Tangchonga-Mrung-Khyang had been thinking from era to era that they were the pure residents of these hilly regions. But government deprived the Jum cultivators from their rights and keeping unrest in Chittagong hill-tracts in the name of forest reservation and extension and also cultivation of Tea, Coffee and Rubber by newly distributed land. They can understand that they are losing their sovereign land and they are almost depriving in the name of development. They have observed the building of Kaptai embankment with eagle-eyes. They could understand with their general knowledge and experiences the Kaptai dam would destroy their homesteads, lands, houses, monasteries. Thousands of families and lacs of people will be rootless. This type of doubt didn't

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<sup>14</sup> CHT Accord of 1997 provided a definition to this population is "Non-tribal permanent resident" means "who is not a tribal and possesses land legally in the Hill District and generally lives in a certain address in the Hill District shall be meant".

express only the people of Rangamati but also sociologists. Social theorist Lucian Bernot spent here one year to know the language, culture and life styles of various races in the year 1950<sup>15</sup>.

The doubts of ethnic people proved with truth. Cultivable (Plain and Jum) 54-55 thousand acres land, village and habitation, religious institutions educational institutions, roads were submerged under Kaptai Lake. Electricity was produced only for the Urban people. But those who were sacrificed their drop of tears for the development of civilization they were fully deprived. The weeping of refugee was echoed in the hill. When we the people of plain land were fighting for autonomy to liberation, the people of hills were who uniting themselves for establishing their rights against the policy of Pakistani for Bangalee residence. The motives of policy of Bangalee residence is to create hill tracts as a colony of Bangalee. Though it was too late. The Ethnic people understood it.

Through this struggle came liberation born a sovereign land of Bangladesh. Like, Bangalee the people of Hill tracts also thought that they would return their rights. They wanted live in peace. They also thought that the hill tracts will be the true homeland of them. They will rule their land holding own culture, religion and rituals. Late leader of Jumma people. Manobendra Larma, went to parliament to say about Jumma language, culture, characteristics, self-rule to his plain land members of parliament. But he didn't get sympathy rather get mockery from their plain land members. Even Sheikh Mujib didn't understand the heart core pain of people of Hill tracts rather he said them to be Bangalee. But it is a matter of discussion that for what background and which philosophy he proclaimed this sentence. Even it is known to all that he was agreed about the main demand of the people of Chittagong hill tracts in a cordial-heartrending discussion with Manobendra Larma. But Sheikh Mujib imposed a condition that Manobenra Larma had to join his government to implement this task and join Bakshal. There is hearsay that Monabendra larma didn't join with Mujib government but join in Bakshal.<sup>16</sup>

But with the assassination of Sheikh Mujib the reactionaries and communalist forces strangled the shining possibility of nice solution hill tracts problem. Each government of post-75 considered the demands rights and struggle of ethnic people with colonial outlook like Pakistanis. So the government accepted the policy of settlement of Bangalee in Chittagong hill tracts. Thus the govt. suppressed the just movement of ethnic people in the name military actions against peace force and in the name of defencing the villages of Bangalee side by side, civil administration extended the aggressive activities of settlement of Bangalee very rapidly. Though it was started in the era of General Zia, it was spread during the period of General Ershad. The Act of local council of Hill-districts was adopted in the year 1989 in the name of local government at Chittagong hill tracts during the period of Ershad Khagrachhari, Rangamati and Bandarban are circled by this act.

**Peace force and peace treaty:** Jana Samhati Samiti of Chittagong Hill Tracts was established by the leadership of late Manobendra Larma to protect the rights of Jumma people which became popular to the people of Hill tracts. When all the paths of legal movement were closed in the post-75 period, then the ethnic people established the military wing of Jonosonghati. The conflict between peace force and Bangladesh military caused haphazard situation the peaceful and mild people of Hill tracts. This fear-stricken people left for country beside the eastern part of India specially the province of Trippera. This number exceeded lacs very speedily. The people of Khagrachhari and Rangamati became refugee for the second time. We are carrying this painful result yet. Peace treaty of Hill tracts was signed between govt. and Jumma people during Awami period in 1997. The main essence of this treaty are : (a) The recognition of Chittagong Hill tracts as a tribal area. (b) the recognition of its anthropological, cultural, linguistic characteristics and commitment of preserving such characteristics. For these purpose, the recognition of autonomy and rights of the people of Chittagong hill tracts had been proclaimed. It is remarkable that this treaty was written and signed holding the Act of 1989 as

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<sup>15</sup> See, 'Ethnic Groups of Chittagong Hill Tracts', by Lucian Bernat, social research in East Pakistan Ed. Pierre Bessargnet, P-113-140, Asiatic Society of Pakistan, 1960.

<sup>16</sup> 'Monobendra Larma- the founder of Jumma nation', Pankoz Phattacherzo, Mourum, special supplement of Monobendra Larma, p-3, 2007.

nucleus. Further amendment, acceptance and rectification was added. Thus this treaty was signed in 1997.<sup>17</sup>

#### **Experiences of our tour:**

- a. There is prevailing a fearful and anxious situation in Hill-tract at present. It may be exploded in anytime. Civil administration is doing their activities of establishment of colony and land distribution, selection of non-tribal permanent residents and giving certificate adopting the opportunity not to implement the peace treaty. As a result, district commission and local council are going to be inactive and already became ineffective. Again dual administration is going somewhere.
- b. The extended policy and recent activities of Bangladesh military in the name of protecting law and order situation and tackling the violent tasks of United Peoples Democratic Front (UPDF)<sup>18</sup> has been fearful the ethnic people. Many new hills and land acquisition by military seem to be aggressive steps against the ethnic people. However this land acquisition is carrying pressure on land.

Many of them believe that military and orthodox communalist Bangalee are assisting the alienated ethnic people behind the screen. They want to use the UPDF and the Bangalee orthodox people to keep Hill tracts in unrest. They also want to keep the peace treaty inactive and finally they want to cancel this treaty.

- c. The people of Hill Tracts are claiming that military backed civil administration are trying to reside the Bangalee living in Gussogram to Hills. Govt. has a bad intention of special accommodation in hill and establishment of colony of Bangalee in land at present. As a result the balance of stability is deteriorating and thus the ethnic people & settler are facing each other. Conflict also has been created in some where. There is arising question in peoples minds that such suitable situation are being created willingly so that government can cancel the peace treaty. But has the conspiracist considered the terrible results of this?
- d. General ethnic people are claiming that the distributed lands of 1972 to them were again newly distributed to the families of Bangalee during their staying in India in post 1982. That is why there is being created a conflicting situation in Hill tracts. They have suited many cases in many times. They have handed over the file of cases to leaders of tour hoping that they can rise such miserable condition to whole nation. Government has adopted steps to accommodate the Bangalee living in Gussogram to Hills, not rehabilitating the ethnic people in anger.

It has been known with the discussion between the leaders of local council and leader of tour that the numbers of floating refugee of ethnic people are above lacs. There is none to hear the demands of this proletariat populace.

- e. Not only lands, homesteads but also religious institutions, monasteries have been occupied. One /Two examples are added (Appendix-2)
- f. How are being the ethnic people landless by the recent aggressive policy of govt.? One/Two examples are added as sample (Appendix-2)
- g. Besides this another type of oppression has been said to tour-band. Such as-political oppression, physical oppression, religious suppression, communal irritation and assistance of propaganda.
- h. Some facts were cleared in the discussion of 30 January with the members of local council :

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<sup>17</sup> The peace treaty was signed on 2<sup>nd</sup> December in 1997, Abul Hasnat Abdillah (Convener, national Committee about Chittagong hill tracts) signed on behalf of Bangladesh govt. and Jotirindra Budhipriya Larma (Chairman, Jonosonghati Samiti of Chittagong hill tracts) signed on behalf the people of Chittagong hill tracts.

<sup>18</sup> Many people said that they were alienated minority portion of main peace force. Those who protested against signing the peace treaty they had no influence over ethnic people. And they have no right power to create instability in Hill-tracts. Many of them think that it is not political or legal organization.

- a. District administration is registering lands willingly or suspending the previous registration adopting the opportunity of inactiveness of land survey commission during last one decade. This land registration activities are mostly against the interests of ethnic people and Bangalee has found maximum opportunity. As a result, the ratio of Ethnic and Bangalee people are 52 :48. This ratio will fall on behalf of the Bangalee during coming census compulsorily.
- b. Chittagong Hill Tracts will be a Muslim Bangalee district within a certain time by adopting present policy of Bangalee settlement and activities of Gov. For this reason, the task of uprooting of ethnic people are being done quickly and being occupied the religious institutions. Are these tasks the part of ethnic cleansing process?
- c. As the process of selecting the non-tribal permanent residents are questionable so new Bangalee settler are being enlisted as voters in poling list. It is very anxiousful to ethnic people.

#### **Urges of Bangalee leaders:**

Respectful citizens exchanged their views with Bangalee leaders in Khagrachhari and Rangamati. Many of them are engaged with same rights movement. When the respectful personalities described the communal and extremist activities of main leader of same rights movement named Wadud Bhuiyan to agitators and however this organization is linked with BNP, then the agitators refuse it. They want to say that all political parties as well as the people of ethnic races are also engaged with them. But they didn't show any proof. Their speeches are as follows.

1. They do not speak about the anthropological specialties of Chittagong Hill Tracts. They do not admit the Hill Tracts as tribal region written in peace treaty. They think that this sentence is against the constitution of Bangladesh.
2. According to constitution, any citizen of Bangladesh has right to live anywhere he wishes. As the peace treaty has denounced this, so it is unconstitutional. According to them, the peace treaty is against some articles of constitution so it is illegal. So it is cancelable. This is their main demand.
3. They claim that as they are also Bangalee settler of Hill Tracts so they to give the same opportunity like the ethnic people.
4. They also claim that according to their counting the Ratio of Bangalee-ethnic people are same at present. So the balance of number have to be maintained in every institutions of local council. This is the basis of same rights movement.
5. Though some articles of peace treaty are against the interests of Bangalee, there came peace through peace treaty in many extents. This is the positive side of this treaty. They have admitted that their demands are not to cancel the treaty completely rather they want amendment of some articles.

#### **Our anxiety and proposal:**

1. The situation of Chittagong Hill Tracts is like volcano. It will burst out in any moment. It will destroy not only the people of Hill Tracts but also its result will feel all over Bangladesh.
2. From administration to general people accepted with chorus that peace treaty has returned peace in this land. So people demand is full implementation of peace treaty. This the prime demand of people. It is also our proposal.
3. Present govt. with the assistance of military has taken a recent initiative to rehabilitate the Bangalee people living in Gussogram to land of ethnic people. Thus the govt. has taken the measure to make the Bangalee people as permanent residents of Hill-Tracts. It is very alarming for the ethnic people. As a result, Bangalee population exceed the ethnic people. So our proposal is to prevail the stable situation and enlist only the established and permanent resident as voters.

4. There is an intention behind the new rehabilitation initiative of government. It is a process of reducing the ethnic people. It is a great anxiety for the ethnic people as well as Bangalee. As a result, three districts. of Hill Tract will be the Muslim Bangalee populated area. Then we will think that it is not the habitation of Mogoloid races but an extended area of plain land of Chittagong<sup>19</sup>
5. It is very alarming that govt. is assisting to make homesteads at Nakkangchhari, Ruma, Lama, Alikadam and proper areas of Bandarban for fugitive Muslim Rohingya of Mayaman in secret. So govt. want to see Hill Tracts as synthesisation of Rohingya and Bangalee Muslim. We have to find out the query of ethnic people. ‘Where will we go, where will we flee away?’
6. Govt. military and Bangalee have to think that there is no scope to tackle the rights and spontaneous movement of ethnic people with colonial out look. We have to accept such words that Chittagong hill tracts are for the ethnic people of this region. We have to return the previous ratio of population of Chittagong of hill tracts (minimum this ratio will be 70 : 30). Rapid rehabilitation of Bangalee people from Chittagong hill tracts to various places of plain land are beneficial for the country as well as settlers. The leaders of Bangalee-Jonsonghaoti Samiti –UPDF have to sit a discussion with cold brain for this matter. Then, they have to invent a nice solution on behalf of peace. General people will keep beside them.
7. If we destroy the ethnic people because of our imprudence by making the habitation of Bangalee Rohingya Muslim in Chittagong Hill Tracts, it will be great mistake for us. It will be very painful in the long run. We cannot perceive it yet.
8. Truly speaking, we became astonished when we did not see any ethnic in the hilly roads from Fatikchhari to Ramgod. Khagrachhari. But we saw general Bangalee, Labour, wearing topez and bearded moulavi spontaneous steps of borka wearing muslim women and also saw tea stalls, small shops of Bangalee both side of roads at bazar area. We thought with despair that where did go the ethnic people? Then we are writing for the painful words of Shanjib Drong in next future. It is miserable to think about this.<sup>20</sup>

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#### **Appendix –1: Complete list of tour-band.**

1. Professor Ajoy Roy, professor (retired) Dhaka University Scientist, Academician, Chairman Fraternity Platform and HRCBM.
2. Ponkoj Bhattacharzo, ex politician, human rights leader, vice-chairman-Concerted social movement.
3. Kamal Lohani, Journalist, Columnist, Convener-Recollection committee of delivered property.
4. Syed Abul Muksud, Journalist and columnist.
5. Dr. Rashid-E-Mahbub, physician, ex-chairman- Bangladesh Doctors Club, ex-vice Chancellor-Bangobandhu Medical University.
6. Robindranath Tribedi, ex-additional Secretary, Secretary General-HRCBM.
7. Dr. Shaurov Sikdar, associate professor, D.U., General Secretary- Fraternity platform.
8. Belal Ahmed, social activist, Leader of Solidarity Movement –Bangladesh.
9. Shahidul Alam-Photo Journalist, Film director, Drik Galleary.
10. Firoz Manna-Journalist, reporter, Daily Jonokanto.
11. Nazrul Islam (Mithu), Journalist, Reporter, New age.

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<sup>19</sup> Jonosonghati Samiti expressed their anxieties like us : “The ruling class are implementing the intrusion of outsider Bangalee and settlement activities throe planning by army & civil administration in the ethnic people habited Chittagong Hill Tracts making the area as an outsider Muslim Bangalee region,” on the content of implementation of peace treaty, 2 December 2006.

<sup>20</sup> I came the town of Bandarban many times. Wherever I came here, I was in despair not to see the ethnic people. I can understand that they will be destroyed in future. We have to go deep forest to find out them. And we will become frustrated. I can hear the songs of life on the bank of Shanko.

Sangjib Drong special supplement of Manabendra Larma, mourum, 2007.

12. Kobita, Journalist and reporter, Daily Ittafaq.
13. Srikona Biswas, Development Activist.
14. Anwar Kabir, Free Lance Journalist.
15. Anjojo Marma, student Young Human Rights Activist.
16. Thuiy Young Marma, Student Young Human Rights.
17. Dipaon Khisa, Editor, Mourum.

### **Appendix-2**

1. A Buddhist monastery holding five acres land and near to it a Buddhist temple, were established at Sadhan Tila in Dighinala of Khagrachhari. There was a well-managed educational institution carrying ten class at Buddhist monastery. Besides this, there were some hermitages to acquire knowledge for Buddhist monks.

This monastery was engaged for many beneficial works. The authority of monastery gave application distributing 300 acres land for extending the activity of monastery during post-liberation and though the land distributing process was at the ending phase. it didn't proceed after the 75-assassination event. Then the authority and the ethnic people of monastery were compelled to leave for country when they returned to country after signing peace treaty. They found that the monastery was occupied by culprits. In spite of giving application they cannot restore it only three acres extending monastery was handed over to the authority. Bangalee are managing the school, not returning the school to its former managing committee wherever the authority of monastery gave application for 300 acres land for extending monastery at Sadontila, the administration are trying to make Bangalee colony there.

2. The sepoys of military broke a Buddhist monastery situated at Bhnjulisuk in Lakkhichhari of Khagrachhari. It happened on 30 December in 2007.
3. A monk named Srimoth Arzo Zuthi of Saronath Arronna Kotir Buddhist asylum situated at Korallachhari village at Mahalchhari in Khagrachhari was captive in jail again 14<sup>th</sup> January in this year. Next he was freed on bail. The normal & repairing activities of monastery were being hindered upon deploying military in this monastery at present. Further claims that Bangalee are planning to occupy the lands of monastery by the aid of military forces.
4. Military ordered the monks of world solidarity Buddhist monastery at Hathchara village of Baghaichari in Khagrachhari to flee away the monks showing fright on 17<sup>th</sup> January in 2008.
5. 37 acres land of 28 No Rankazza mouza of Marung, 149 18 acres land of 29 No small Marung mouza, 5.2 acres land of 30 No large marung mouza and 26 acres land of Bualkhali Buddhist monastery of Dighinala in Khagrachhari have been occupied forcefully.

### **Appendix -3.**

1. The villagers of Dabafada village of Khangghat union of Mahalchhari thana in Khagrachhari claimed that when their homesteads & habituated lands were flooded under Kaptai lake, then the govt. made registry the Hills to villagers from 1962 to 1968. From then on they had been living there. But Bangalee families were occupying these lands accepting the opportunity of instable situation during liberation war with the direct or indirect assistance of administration. This process is also going yet. As a result most of distributed lands of ethnic people were handed over to Bangalee. They claimed that in spite of recurring application to govt. and administration, they can not find any fruitful result. They urged the leaders of Tour-band to return their lost property and protect the present property which is at their hand from further attacks.
2. Bangalee occupied total 299.22 acres land forcefully after the proclamation of Emergency rule in the country from March to 3<sup>rd</sup> December of last year.
3. A land of Bangalee occupied 25 acres land of 10 peoples at Burighat in Rangamati. There found no result through proper inquiry.

4. 131.27 acres land acquisition for extending Bandarban Cantonment at densely populated Balaghata mouza in town and 9.560 acres land acquisition for extending garrison at Ruma are on the process of end.
5. Extremist organization UPDF claimed that outsider Bangalee settler occupied the registered lands of ethnic people forcefully in July-August of 2007. Military are assisting them to occupy the lands of ethnic people. Even they are planning about land occupation and rehabilitation works of settler.



**(b) Sajek's Burnt Villages:  
Citizen's Team Calls for Inquiry and Urgent Relief**

A group of citizens conducted an on-site inquiry on 28<sup>th</sup> and 29<sup>th</sup> April 2008 in Sajek Union, Rangamati District, following press reports of about 150 houses being burnt down across seven villages in the area. On arrival in the area, we saw that in eight villages within the reserved forest area in Sajek Union -- Nursery Para, Daney Bhaibachora, Bamey Bhaibachora, Purbopara, Balughatpara, Retkaba, MSF Para and Gongaram Mukh – the mostly Pahari (indigenous Hillman) houses which had been burnt down to the ground remained just as they were. The charred remains of burnt houses could be seen across a four kilometer long area. Many people are still in hiding. Others told us that several persons were injured during this incident. People do not have proper shelter, and some remain under open skies.

During the on-site inquiry, we spoke to victims and witnesses among both Paharis and Bengalis, other local persons, and to Army personnel, to clarify what had happened. Today we will attempt to outline for you the situation we witnessed, the main causes behind it, and the required action which we believe is necessary at this point. Those of us who visited the area at our own cost did so because we believed that the full facts of what had occurred in Baghaichari, a remote hilly area, had not been fully covered in the national media.

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To date, no official record appears to have been made of exactly how many houses were burnt down, or how many people affected. According to news reports, about 150 to 200 families have been affected, of whom most are Chakmas. Speaking to victims and eyewitnesses of the incident, we came to learn that on 20<sup>th</sup> April from about 9 p.m. till early morning houses in the area, mostly belonging to Paharis, and some to Bengali Settlers, with most of their contents including cooking utensils, books, clothes, were burnt to ashes.

Several Chakma inhabitants of the area described how they stood aside in fear, as their houses were burnt to the ground.

- A Chakma inhabitant of Balurghat Para village, aged 45/50, stated *'Our rice, clothes, pots-pans-plates have all been burnt. School books, birth registration certificates, SSC certificates, they're all totally burnt.'*
- Several eyewitnesses and victims mentioned that valuables were looted by those who burnt down the houses. A Chakma inhabitant of Daney Bhaibachora village, aged 35/40, ran out of his home on hearing screaming at about 9.45 p.m. on 20<sup>th</sup> April, to see a house was burning and people shouting to be saved from the flames. His whole house had been burnt to ashes. Only the charred remains of the wooden pillars could be seen. He stated, *'The people who were setting things alight, they first took out from our homes, the TVs, beds, wardrobes, whatever they found, they looted, and at the end they torched the houses. Those who set the houses alight. They took everything.'* Another Chakma woman stated, *'I've heard that a TV was found in the Bangali Para. The Army has said that they will return the TV.'*
- An elderly Chakma, aged about 80 *'I've never faced such misery (oshanti) before.'* In this home, there are two school going students in this family, one studying for the SSC and another in class seven, whose books have all been burnt and who cannot attend classes.

Bengalis are also alleged to have put up huts after having broken down the place of worship in Gongaram Mukh. Local residents said that even after making a complaint to the local Army Camp, there has been no action. After the fire, about 30/35 families came to take shelter at the Baghaihat Moitripur Jogi Bono Bihara [Buddhist Temple].

- The priest of the Bihar said *'I am ashamed to say this. I am also a religious leader. This kind of incident has happened in my area.'*

Some of the Bengalis affected also described the events of 20 April. These Bengalis are known as 'settlers' to the local Paharis.

- Md Rafiqul Islam came to Baghaichari about 10/11 years ago. He lives in the Musulman Para. About two months ago, he put up a hut near the Pahari houses in Gongaram Mukh. On the night of the incident, he said he had heard the sounds 'Ujao, Ujao', and fled from his home in fear. He said: *'Hearing the cries of Ujao Ujao coming closer, I fled and took shelter in the army camp.'* Another eyewitness, the General Secretary of Baghaichori Bazaar Shomiti stated that *'On the night of the incident, at about 9.45 I was in Major Hafiz's vehicle [as we came out of the Camp, where there was an event going on for the founding anniversary of the 2 B Regiment, on hearing a hullabaloo from outside]. We heard the sounds 'Ujao, Ujao' and saw about 100/150 masked people wearing black clothes setting houses alight. They were not local Paharis. They were outsiders.'*

**Victims' Accounts of the Background to the Arson Attacks:** The vast Sajek Union is located at one end of Rangamati district, and mainly comprises of Reserved Forests. Any settlement in this area is considered to be illegal. But many Paharis have lived in this area for generations in accordance with their customary norms and without any official title deeds.

Both Paharis and Bengalis noted as a cause of the incident that there had been rising tension in the area for about two months. The main reason for this tension was that the Bengalis had been erecting houses near or adjacent to the Pahari's houses. The same sight could be seen all along the four kilometers of the main road between Baghaihat and Gongaram. Next to the Pahari house or across it is a house of a Bengali settler, in which no-one appears to stay or to sleep at night. After talking to the settler there, we learned that these huts have been put up over the last two months or so. From the beginning the Paharis could not accept that Bengalis would establish settlements on their traditional lands. There had already been conflict and confrontation over this issue. First the Paharis had objected to the Bengalis erecting these buildings. Although the hut construction did not end in the face of these protests, the tensions certainly increased.

From a visit to the area, it became evident that the fire could not have spread from house to house given the sparse density of their location, rather each house must have been separately set alight. For example, we saw in Bhaibachora village that between two burnt down Pahari houses a Bengali settler, Abul Malek and his mother in law Anwara Begum were in residence. Even though the two Chakma houses burnt down on 20<sup>th</sup> April the hut in the middle did not.

Except for in Gongaram Mukh, we could see that the Pahari homes had been burnt to the ground, but next door or close by Bengali homes or huts remained standing. This pattern indicated that whoever had been responsible for the burnings had most likely planned the exercise, identified the Pahari and Bengali houses and then set them alight. Almost everyone mentioned two names, Ali and Babul, as being the ones most involved with trying to displace the Paharis from the area through fear. A Chakma inhabitant of Gongaram Mukh said that Ali and some others had come to his shop on 19<sup>th</sup> April and threatened him that if he remained there till after dusk, then they would burn him and the shop down and kill his whole family. In fear, he sent his wife and children to another house that very evening. On the next night, 20<sup>th</sup> April, his house was burnt down. With tears in his eyes, this man said, pointing to his torn short sleeved shirt and lungi, *'I've been wearing these same clothes ever since the burnings'*.

A Karbari from one village said *'If they see 2/3 of us talking to each other, they inform the Army Camp.* Another Pahari inhabitant of Gongaram Mukh, unwilling to state his name, said *'We were told to put up our houses about 2/3 km away from the road. The settlers' houses would be next to the road. Ali and his cronies said that they would slaughter us like sacrificial cows if we said anything about it.'*

It is true that the fires began because of the ongoing tensions between Paharis and Bengalis, but in our view the reasons were deeper, that is the construction of Bangali settlements here and pushing the Paharis into an even more marginal and vulnerable existence. But it is also true that most of the

Bangalis who live in that area are extremely poor, dependent on government rations. These marginal people, from different districts of the country, are surviving there on government patronization.

**Relief and Rehabilitation:** Relief has now been distributed in the area on three occasions, most recently on the occasion of the visit by the Army Chief on 29 April, when each affected person was given Taka 500 and some food (5 kg rice, 1 kg dal and 2 kg potatoes). On two earlier occasions, Taka 500 had been given from the army and civilian administration respectively. During the Army Chief's visit it was announced that each family would be given Taka 10,000 for reconstruction of their homes. Several of those we interviewed said that this amount would not be adequate. Some Paharis alleged that Bangali settlers had been given more relief. We also saw a number of Chakmas come back empty handed from the event.

**Who is Responsible?** When traveling from Khagrachari to Baghahat in Baghaichari located at the end of Rangamati up to Gongaram Mukh, any ordinary citizen would wonder 'Is this my country'? Because of the intensity of army checking. There is very tight screening there. The names of whoever enters or exits the area is written down. Each such person has to give their identity. The car numbers are noted. And on leaving the area, that number is again checked. We thought it was important to ask how such an arson attack could take place in the midst of such close monitoring.

We asked some of the Pahari victims, who do you think is responsible? They said without any hesitation that they saw Bengali settlers burning down the houses, and the Army were with them. On the other hand, the Bengali victims said that local Paharis were not involved with the incident, but rather outsiders.

**Army's Statement:** We met with personnel at the Baghahat Army Camp. When asked about whether the Army Camp had any involvement with the incidents, Commanding Officer Lt. Col. Imtiaz stated '*There is no question of any connection. We heard the sounds 'Ujao! Ujao!' and shouting and quickly went there. I sent forces. I also went there myself. I would definitely say that outsider Paharis carried out this terror, those who don't want to see Paharis and Bangalis living together in peace and harmony*'. He further informed us that it appeared to him that prima facie the JSS or UPDF were responsible for this incident. In response to a query about whether any action had been taken re the activities of Ali and Babul, Lt. Col. Imtiaz further stated that '*The Karbari of Gongaram Mukh, Bilash Chakma had raised a complaint about threatening Mongol Kumar Chakma, and after that we held Ali for four days but then let him go. No-one else has brought any complaints to us.*' He also said that he would take action if he found that our claim that Ali was using the CO's name to terrorize or exploit the local inhabitants is made out.

**Our Recommendations:** We want to place a few recommendations on the basis of our on-site inquiry, interviews with related persons and an analysis of the situation is as follows:

1. Establish an independent and impartial Judicial Inquiry Commission, required to publish its report within a fixed time period; prosecute and provide exemplary punishment to those found responsible for the attacks;
2. Provide adequate compensation and undertake prompt rehabilitation of persons affected during the arson attacks in Sajek Union, including reconstruction of houses;
3. To release the three persons held in the Baghaichari Army Camp;
4. To cease all Bengali settlements in Sajek Union and the three Hill Districts;
5. In accordance with the CHT Accord 1997
  - a) To activate the Land Commission, to review and settle all land disputes;
  - b) To withdraw army camps from the CHT; and
  - c) To enable full functioning of the civil administration, including through effective functioning of the CHT Regional Council.

\*\*\*\*\*

The group of citizens which conducted an on-site inquiry at Sajek Union in Baghaichari Upazila in Rangamati District comprised of:

1. Syed Abul Maqsd, Writer, Journalist	7. Robayet Ferdous, Associate Professor, Dhaka University
2. Ziauddin Tareque Ali, Member, Shonmilito Shamajik Andolon	8. Sara Hossain, Advocate, Supreme Court
3. Pankaj Bhattacharya, Member, Shomilito Shamajik Andolon	9. Abu Ahmed Faizul Kabir, Investigator, Ain o Salish Kendra
4. Shameema Binte Rahman, Journalist	10. KCing Marma, Student, Chittagong University
5. Supriyo Chakma, Prothom Alo, Rangamati	11. Rajiv Mir, Assistant Professor, Chittagong University
6. Jewel Dewan, Advocate, BLAST, Rangamati	12. Anirban Saha, Investigator, Ain o Salish Kendra

### **(c) Report on 20th April 2008 Incident at Sajek Union**

We learnt from the daily newspapers that seven villages in Baghaichari had been burnt to the ground, including more than a hundred homes of Paharis and Bengalis, that Paharis and Bengalis were blaming each other for the incident. It was difficult to get a clear picture of what had happened on the basis of media reports. Beside that, most daily newspapers quoted ISPR, the Army news agency as its news source. In this situation, we felt it was urgent that we go there ourselves, and try to found out what had happened. A team of fourteen consisting of political activists, a university teacher, a journalist, cultural and student activists and leaders, left for Sajek on 26 April 2008. The team was led by Moshrefa Mishu, convenor, Biplobi Oikko Front. From the morning of 27 April to 30 April 2008, we went to the area where the incident took place, and also to other places in Marishya in Baghaichori, Dui Tila, Kobakhali in Dighinala, Sadhana Tila, Lichu Bagan, Moner Manush, Chongrachori as well as surrounding habitations, markets, forest area, garden and hillocks. We spoke to both Paharis and Bengalis, and also to some of the victims of the Sajek incident. We strongly feel that general members of the public should be informed about what we saw, heard and observed, and the conclusions that we reached on the basis of our fact-finding exercise. This is the reason for this press conference.

To ascertain what had truly happened on the night of 20th April in Sajek, our investigation team left for Sajek from Khagrachari. On the morning of 27th April, before we could reach the affected area, our investigation team was stopped at Baghaihat Zone. We were asked to get out of our cars, write our full names at the army camp gate, our bags were checked and list of items were prepared. After this we were taken inside the camp on orders of its second in command, Major Kabir. While we were waiting, Major Hafiz came and told us that in the current situation, it would be dangerous for us to visit the area, that we would not be permitted to go there because of concerns about our personal safety. Major Kabir came into the area where we were seated, and we were asked to introduce ourselves again, to re-enter our names and address in the identity record book. Both majors reminded us of the kidnapping of Danida employee Shumon a few months earlier. We were advised to return to Khagrachari. While we were talking, an army official came and began taking our photographs with a still camera. After a while, he began to use a video camera, and to take our photographs from different angles. We could not help but think: if we could not go to the area then why take our photographs? Was our personal safety the major concern?

For the next two days, we went on field visits outside Sajek. Each army camp that we came across, seemed to know about us. There are two zones in Khagrachari, and both combined have more than 18 army camps. While on the road, we were stopped several times and asked where we had come from, where we were going, etc. Our vehicles were stopped and inspected, we were asked to come out of our cars. The Committee's experience convinced its members that concerns over their personal safety was not the issue. What struck them was the army's ability to exercise power.

On 27th April, when we were stopped at the army camp in Baghaihat Zone, Major Kabir narrated the incidents of 20 th April. After his narration, the army officials changed their mind and decided to let us visit the affected area. But this was to be under their supervision, and in army vehicles. We were bundled into two army vehicles, and taken to only one of the four affected villages. Major Hafiz and Major Kabir accompanied us, alongwith twelve soldiers, in an army pickup. We were permitted to stay there for 20 minutes, then brought back. When we said we wanted to go to the three other villages (Purbopara, Retkaba, Baibacchora), we were told there was no need, that we would be met by similar scenes.

While passing Baghaihat market area, we saw burnt houses on both sides of the road. The village we were taken to, Gangarammuk Dor, was deserted, and looked more like a burial ground. As we stood there, Buddhi Ranjan Chakma, a Pahari, suddenly appeared, rushed to Moshrefa Mishu, leader of the Fact Finding Committee, held her tight, and began recounting the events of 20th April. He wept and said that Bengali settlers were responsible for the arson attack of 20th April. This incident took place

in front of the army members who had taken us there. Major Kabir quickly intervened, in a manner which prevented us from speaking further with Buddhi Ranjan Chakma. Another Pahari came up to us and whispered, we are not allowed to say anything. He was too afraid, he said, to tell us his name. We saw a Bengali settler, we learnt from him that the settlers were staying at the local market, under the supervision of the army. We learnt that the affected Paharis, who were feeling terrified, had taken refuge in the local Buddhist Bihar (five hundred feet from the Gangarammuk Dor army camp). Some Paharis had taken refuge in the forest and in the homes of relatives. We were not allowed to walk more than two hundred feet away from the place where we had gotten down from the army vehicle. We were asked to return to the army vehicles under armed guard, and were forced to leave the area. While in the affected area, we also learnt that forcible acquisition of land by Bengali settlers has increased since the state of emergency was declared on 11 January, 2007. Bengali settlers are building houses on the occupied pieces of land. This bit of information was substantiated by both Paharis and Bengalis, when we inspected adjoining areas.

Subsequently, we managed to meet Pahari victims of Sajek. One of them, who did not wish to reveal his name, told us:

“Last January, our houses were grabbed by the settlers, under the leadership of Shomo Andolon leader Golam Mowla. We don’t get a chance to speak when council office meetings are held. When the Raja (Devasish Roy) came to visit, the army camp ordered us not to speak to him. On the night of 20th April, it was very hot, and I was sitting outside the house that I had raised after the January attacks. Suddenly I heard some Bengalis shouting “Narae Takbir Allahu Akbar”. I could see fire in the distance. I could hear Paharis shouting “Ujo, Ujo” (advance). At this time, I saw an army vehicle. By then, both my house and other surrounding houses had caught fire. On the one hand, our houses were burning, while on the other, the settlers were looting.”

When we visited Baghaichori Marishya, Dui Tila, Kobakhali in Dighinala, Sadhana Tila, Chongranchori and other areas over the next couple of days, we saw more evidence of state-supported land-grabbing, Bengali occupation of Pahari land by force, and the setting up of new settlements. The picture was the same in all areas: since 11 January 2007, the process of Bengali settlers grabbing Pahari land has accelerated, this is happening under the supervision of the armed forces. We saw the following:

1. Bengalis have houses which are temporary shelters, with only four khuti (pillar). There are hundreds of such homes in the Dui Tila area. We spoke to Bengali inhabitants, who told us that they live there for short periods only (see attached picture 1).
2. Members of the Fact Finding Committee found that most Bengalis have two houses, the more elaborate ones are lived-in permanently. Dighinala and Lichu Bagan are 12 kilometers apart, while travelling from one place to the other, we saw only Bengali houses, clustered on either side of the road. We counted three madrasas, more than one mosque, and Bengali shops standing by the roadside. We interviewed settlers who told us that they had received 4 acres and 1/70th land in Lichubagan (for cultivation), and the remaining 1/30th land on BetChari (for living).
3. We encountered similar processes in Dui Tila and Chongranchori. When we went inside Bengali homes, we saw only a few utensils, and no bedding or other household items. When asked, they admitted that they were given 4 acres and 1/70th land here, and the rest, 1/30th portion in the more populated areas, for living. The settlers informed us that the local administration had told them that these lands belong to the government, not the Paharis. Therefore, Bengalis have just as much right to this land. This area is guarded by soldiers who patrol at night.

Major Kabir, second-in-command of Baghaihat zone told us: “Some external terrorists from outside Sajek have set these fires. There is no conflict between Bengalis and Paharis in this area. Those who set the fire don’t want the current communal harmony between Bengalis and Paharis to stay intact. Since they want to create a terrorist center in this area, they try to keep both sides agitated.”

Even though army officials claimed that there was “communal harmony,” the fact remains that tension and conflict prevails in the area over land grabbing of Bengali settlers. So how can there be “communal harmony”? On the contrary, we think that words like “terrorist attack” are often used to

hide the administration's role in assisting Bengali settlers to forcefully occupy Pahari land. Many incidents of violent attacks of Pahari villages by Bengali settlers exist. For instance, the Mahalcchari incident of 26 August 2003 when ten Pahari villages were attacked by settler Bengalis, with Army support, leading to the death of a former Union Parishad chairman, and a child. Or, the Maishcchari incident of 4 April 2006, when Bengali settlers occupied the land of a Buddhist temple. In the subsequent conflict, 4 Pahari villages were burnt to the ground, a Buddhist monk was attacked, and four teenage girls were raped. These are only two among many such incidents.

During the Fact Finding Committee's visit, another incident of arson took place. On 28 April 2008, a Bengali settler's house was set on fire around 10 pm, in an area where the army was on patrol. The army immediately arrested Rabindra Chakma (22, father's name, Shashimohon Chakma), Shushil Chakma (26, father's name, Lakhmichandra Chakma), Ratna Bikash Chakma (22, father's name, Gunobir Chakma), and Shangram Chakma (22, father's name, Ashok Kumar Chakma). The next day, the national dailies reported the arrest of three Paharis. We are concerned about the fourth arrestee, and generally speaking, about the fate of all those arrested.

Based on the investigation carried out by the Fact Finding Committee, we demand:

1. The immediate formation of an independent judicial committee to investigate the Sajek incident, and that the judicial report be completed and made publicly available within 6 days of this press conference.
2. The Chittagong Hill Tracts area should be opened up to the national media in the interests of the right to know, and the free dissemination of information.
3. Work should immediately begin on the preparation and publication of a White Paper on past incidents of killing, rape and oppression in the Chittagong Hill Tracts.
4. Land grabbing and oppression of the Paharis should cease immediately.

Members of the Fact Finding Committee:

1. Moshrefa Mishu, convenor, Biplobi Oikko Front.
2. Dr. Manosh Chowdhury, professor, Department of Anthropology, Jahangirnagar University.
3. Udisa Islam, journalist
4. Rico Chakma, chairman, Greater Pahari Student Parishad
5. Manjurul Ahsan, convenor, Shangskritir Naya Shetu
6. Md Arifuzzaman, member, Shangskritir Naya Shetu
7. Nurur Rahman, convenor, Biplabi Chatra Jubo Andolan
8. Saifuddin Sohel, organizer, Biplabi Chatra Jubo Andolan, Chittagong branch
9. Sohan, Garments Workers Unity Forum
10. Nepali Chakma, member, Hill Womens Federation
11. Rina Chakma, organizational editor, Hill Womens Federation
12. Shahadat Hussain, Jatiyo Biplabi Front
13. Asif Akbar, poet and little magazine worker
14. Nisha Chakma, student, Khagrachari

**ANNEX-2**  
**MEMORANDUM**

**(a) Letter written by Laurie Ferguson MP to High Commissioner of Bangladesh in  
Australia**

4th September 2007

H.E Mohammed Restadul Islam  
Acting High Commissioner for Bangladesh  
21 Culgoa Circuit,  
O' Malley ACT 2606

Dear Excellency

I and a number of other MPs on both sides of the Australian Parliament have had prior contact with advocates for the Jumma / Chittagong Hill Tract People. It was also valuable to attend an exhibition of artefacts and photographs in the electorate of my colleague Bruce Baird and meet a visiting dignitary, some years ago. In the interim I have had correspondence with Foreign Affairs Minister Alexander Downer concerning the Australian Scholarships designed for the indigenous population and other matters.

Members of the Australian Diaspora have expressed concern about events in their region in recent months. It is noteworthy that they have detected some positive aspects of the military seizure of the reins of government in the pursuit of corruption. Nevertheless, there are disturbing pressures on the community.

An especially worrying development has been the High Court challenge to the 1997 CHT Peace Treaty. One would have thought that a preferable line of conduct from the human rights, preservation of culture and civic harmony would have seen Government efforts to protect those subject to the threat of ethnic cleansing through adherence and operation of Treaty provisions.

Correspondence has pointed to persistent efforts to change the population balance in favour of Bengali Muslim families at the expense of indigenous people, oppressive measures against the PCJSS, UPDF and other representative groups, the detention of leaders and activists under seemingly questionable charges of having arms, improper directives to the court by elements such as Major Yasin of the Rangamati Brigade, torture of people such as Mr Ranglan Mro to the point where the police would not take custody, of him for fear of complicity in his treatment pressure on individuals to desist from activity in support of indigenous parties, and land seizures at Kripapur, and Dantkupya and other> villages. It is also noted that the budget of the CHT Regional Council has been reduced by a third at a juncture when objective observers would consider that it needed strengthening rather than efforts to undermine its operation.

The Accord should be enforced and the campaign against corruption should not act as a veneer for destroying Jammu culture, land ownership and institutions.

Yours sincerely

Laurie Ferguson MP  
Federal Member for Reid



Shadow Minister for Multicultural Affairs,  
Shadow Minister for Urban Development, & Shadow Minister for Consumer Affairs

**(b) Memorandum submitted by Jumma Peoples Network, UK to the Chief Advisor of  
the Caretaker Government of Bangladesh**

(Through the courtesy of Bangladesh High Commission, London)

October 25th, 2007

To  
Dr. Fakhruddin Ahmed  
Chief Advisor  
Interim Caretaker Government  
People's Republic of Bangladesh  
Dhaka, Bangladesh

Subject: Continuous land-grabbing, false imprisonments in Chittagong Hill Tracts;

**Dear Chief Advisor,**

The Jumma Peoples Network UK, would like to congratulate the taking of office of your government for the purpose of eliminating corruption, crime & injustice from Bangladesh society and for the establishment of a truly democratic, accountable and transparent country.

At the same time we regret to observe that the indigenous people are not being able to enjoy the success of your government. They are facing dispossession of their lands, eviction, extra-judicial killings and suppression of their activities.

We are saddened to learn that illegal settlers with the help of the military have intensified the process of confiscating lands belonging to the Jumma indigenous people after the imposition of Emergency Rule in January 2007.

For your information, we'd like to mention the following cases & incidents:

**Land-grabbing**

- In March 2007 Ruma cantonment acquired about 7,570 acres of ancestral land belonging to indigenous people for extension of its garrison and ordered more than 400 families to leave the area. In Bandarban district alone, 40,077 acres of land have been given in lease to illegal settlers while a total of 94,066 acres of land were acquired for so-called afforestation projects and 75,686 acres were acquired for establishment of military bases in the district.

In another recent case of land-grabbing, illegal settlers have reportedly taken over 59 acres of land belonging to 17 Jumma people in Kobakhali mouza (No. 51) under Dighinala police station in Khagrachari district. In an operation lasting from 1st to 15th August 2007, large groups of settlers led by former Union Parishad (UP) member Mohammed Abu Taleb of Hashinchonpur village and former UP member Mohammed Kader of Kobakhali bazar took control of the hilly lands belonging to Chakma people with the direct assistance of the army, the para-military forces and the local Village Defence Party (VDP) members.

Due to the presence of the security forces, that provided protection to the illegal settlers, the people could not offer any resistance. Presently, works for construction of houses on lands seized from indigenous peoples are reportedly underway. The army has reportedly planned to settle 200 plain settler families in the same mouza.

-In June 2007, the military reportedly settled down at least 200 Bengali settler families at Dhankupya village under Khagrachari district after forcibly evicting 12 indigenous families from their ancestral lands. Earlier, on 8 March 2007, an army camp was set up on the land of Prithviraj Chakma at the same village to protect the settlers.

You will also be aware about the on-going activities of the Bangladesh military that has unleashed a reign of terror across the CHT by carrying out extrajudicial killings, arbitrary arrests, illegal detention, lodging false cases and terrorizing the people by frequent raids, military operations, torture, threats and intimidation.

### **Extra-judicial killing**

-On 5 August 2007, Rasel Chakma, son of Paritosh Chakma of Dewan Para village under Naniarchar upazilla (sub-district) in Rangamati district was arrested by the security forces and killed in custody. The security forces claimed that he died of a heart attack but the body reportedly bore injury marks of torture.

-Earlier, on 3 March 2007, a group of army personnel from Ghilachari camp under Naniachar Thana arrested Suresh Mohan Chakma, son of Phedera Chakma at Choichari village in Rangamati district without any warrant or reason. The victim was tortured at Ghilachari army camp in Rangamati district and he died on 7 March 2007, a day after being released.

### **Arrest under false charges**

It has also been observed that Jumma activists have been unfairly targetted by the military that are taking advantage of the Emergency situation. Since the declaration of Emergency on 11 January 2007, at least 50 Jumma activists have been arrested, including 20 members of PCJSS (Parbattya Chattagram Jana Sanghati Samity) and 10 members of UPDF (United Peoples Democratic Front).

False cases such as extortion, kidnapping, murder etc have been lodged against the arrested activists. During raids, the military plants weapons and ammunition and claims to have recovered the same from the houses of the detained persons to show a ground for arrest. Most cases have been filed under Section 16(b) of the Emergency Power Rules of 2007, which denies release on bail to the accused during the enquiry, investigation, and trial of the case. Many have been indicted by courts under the Arms Act.

### **Persecution of indigenous leaders**

-In July this year, Satyabir Dewan, general secretary of PCJSS; Ranglai Mro, chairman of Sualok Union Parishad and headman of Sualok mouza and Bikram Marma, president of Kaptai upazilla PCJSS branch were sentenced to 17 years of jail for each by a court in Chittagong under the Arms Act for allegedly possessing illegal arms. Another indigenous leader, Sai Mong Marma, organizing secretary, PCJSS Kaptai upazilla branch was sentenced to 10 years in jail under the Arms Act.

It has been widely alleged that these leaders have been falsely implicated under the Arms Act for protesting against the injustices committed by the Bangladesh military in CHT.

For example, UP chairman Ranglai Mro was targetted for protesting against the eviction of 750 families of the Mro indigenous community from their lands to make way for an army training centre in remote villages of the Bandarban Hill District in December 2006.

-On 3 June 2007, human rights defender, Santoshito Chakma alias Bakul (age 52), who also serves as the general secretary of the Chittagong Hill Tracts Jumma Refugee Welfare Association was arrested by the police from the Chengi Square in Khagrachari town. His arrest was totally unlawful and politically motivated. He was arrested when he was returning home after attending a meeting of the Task Force on rehabilitation of the returnee Jumma refugees at the Circuit House. The police did not give any reason for his arrest.

-On 29 May 2007, Milton Chakma, assistant co-ordinator of the Hill Watch Human Rights Forum and also a leader of United Peoples Democratic Front (UPDF), was arrested from Chengi Bridge in Khagrachari without any arrest warrant. Mr Chakma was shown arrested on the basis of a First Information Report (FIR) filed by Mohammed Shahidul Islam, Sergeant (No. 3998686) of 24th Bengal Regiment. In the army records, he has been shown arrested on 31 May 2007, although the Bangladesh army had picked him up on 29 May 2007 from Chengi Bridge area. He was implicated in a false murder case.

-On 5 May 2007, Tatindra Lal Chakma, central committee member of PCJSS, was arrested in connection with false extortion case filed by Mohammed Fuyad Hussain, manager of Grameen Bank of Babuchara branch with Dighinala police station in Khagrachari district. The military allegedly compelled Mr. Hussain to file the false case against T. L. Chakma. This was proved when the complainant denied involvement with Mr. Chakma before the court and the court granted bail to Mr. Chakma in June 2007. But the bail was cancelled on 23 July 2007 as Mr. Hussain was forced to withdraw his statement under tremendous pressure from the military. Again on 2 August 2007, two false cases of murder have reportedly been filed against Mr. Chakma with the Dighinala police station to ensure that he is not released from jail. Presently, he has been kept at Khagrachari jail.

It is indeed a shame that the present government has failed to respect the rights of indigenous people worldwide (estimated to be around 350 million) & in particular Bangladesh by abstaining from voting on the United Nations Resolution on September 13<sup>th</sup> this year on the rights of indigenous people which was passed recently. Your government continues to ignore the presence of millions of indigenous people on Bangladesh soil.

Seeing all norms and practices of this rejection and ignorance of indigenous people's presence implies putting them in more danger in their own land. Therefore, indigenous people of Bangladesh feel more insecure for their lives than ever before.

You are well aware that the Bangladesh government has signed a Peace Accord in 1997 with PCJSS, who represent the whole of Chittagong Hill Tracts. But it is very shameful for the government for not implementing its' very important clauses. If the accord were fully implemented, the indigenous people of Chittagong Hill Tracts would feel more secure of their lives & property. Instead, the government is continuing to exhibit the CHT Regional Council as a show piece, which has no power to do anything. It is high time to implement the accord and we strongly urge that your government complies with all the remaining un-implemented clauses of the accord. Otherwise the renewed implantation of illegal settlers and continued land-grabbing will pose the most serious of threats to the Jumma people of the region. With indigenous leaders being implicated in false cases, one can only protest against such policies in Bangladesh only at one's own peril.

In view of the above, we would like to mention the following issues to be considered urgently by your government:

1. Stop arresting Jummas under false charges;
2. No more land-grabbing for settlers & military installations;
3. Return stolen land to rightful indigenous owners;
4. Immediately halt State-sponsored settlements in CHT;
5. Release CHT political prisoners;
6. Immediately implement all provisions of CHT Peace Accord of 1997 including withdrawal of all military camps;
7. Rehabilitation of returnee Jumma refugees from India;
8. Drawing up a voter list as per the provisions of the CHT Accord;
9. Re-settlement of inducted Bengali settlers from CHT to elsewhere in Bangladesh;

Sincerely yours,

Jumma Peoples Network, UK  
Website: [www.jpnu.org.uk](http://www.jpnu.org.uk)  
E-mail: [Jpn\\_uk@hotmail.com](mailto:Jpn_uk@hotmail.com)

CC: Foreign & Commonwealth Office (FCO), London  
Ministry of Foreign Affairs, European Commission, Brussels  
United Nations High Commissioner for Human Rights, New York  
Embassies & High Commissions of SAARC (South Asian Association for Regional Cooperation), London

**(c) Memorandum to A F Hassan Aariff by JUPNET-Asis-Pacific and Jumma Peoples Network – Japan**

A F Hassan Aariff  
Honourable Adviser to the Care Taker Government  
Special Assistant to the Chief Adviser  
Ministry of Law, Justice and Parliamentary Affairs  
Government of the People's Republic of Bangladesh  
Building No. 721, Floor 7<sup>th</sup>, Building No. 4  
Bangladesh Secretariat  
Dhaka 1000  
Bangladesh

30 March 2008

Dear Honourable Adviser,

Congratulations on your appointment as the Law Adviser to the Care Taker Government.

We commend the government's initiative to partly enforce the Chittagong Hill Tracts Regulation Amendment Act of 2003 through the activation of criminal courts in the Chittagong Hill Tracts by early March 2008 (The Daily Star, 27 February 2008).

We would also call upon the government to immediately establish:

- Civil courts in the CHT to fully enforce the CHT Regulation (Amendment) Act 2003;
- Special Tribunals on Violence against Women in the CHT, to eliminate discrimination against CHT citizens vis a vis other citizens of Bangladesh.

Reflecting on your previous work in defending human rights, including your work as a founder member and the President of the Odhikar, and remembering your visit with a multidisciplinary group of activists on an informal investigation at the Logang massacre site in 1992, we would like to draw your attention again on the CHT.

We, the Jumma diaspora and Jumma supporters around the world, are concerned about the resumption of illegal land grabbing by the Bengali settlers with active and passive support from a good number of individually motivated military personnel and civil administrators in the CHT since 2007 (for example, Human rights Practices Report on Bangladesh by US State Department 2007, Pratham Alo, 11 February 2008, reports of the Hill Watch Human Rights Forum and the Kapaeeng Watch).

We ask for your immediate attention on the following demands which are important in resolving long standing land dispute in the CHT, and by extension restoring long lasting peace and prosperity in Bangladesh:

1. Immediate action from the government to stop the resumption of illegal land grabbing in the CHT;
2. Activate the Land Commission by amending the CHT Land (Dispute Settlement) Commission Act 2001, for example, the most important relate to the mandate, functions and process of the Land Commission's work, including:
  - (i) the undemocratic veto powers currently vested upon the Chairperson (Section 7 (5)) which is not enjoyed by comparable judicial and quasi-judicial bodies in Bangladesh or elsewhere;
  - (ii) the Section 2(f) which exclude the indigenous CHT refugees repatriated from India under a 16-point Accord signed by the then Bangladesh government and the indigenous CHT leaders in 1992; and

(iii) the provisions, under the Section 6 and Section 13 of the CHT Land Commission Act 2001, which are inconsistent with the CHT Peace Accord.

Yours sincerely,

CHT Jumma Peoples Network of the Asia Pacific  
Warawara School of Indigenous Studies  
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NSW 2109 Australia

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**(d) Torture to Death of a Prominent Indigenous Leader, Mr Choles Ritchil of Bangladesh:**

**An Appeal to the Heads of Delegations of the 14th SAARC Summit**

**I. An appeal for justice**

Asian Centre for Human Rights (ACHR) urges the heads of the delegations (members and observers) participating in the 14th Summit of the South Asian Association for Regional Cooperation (SAARC) to intervene against torture to death of prominent tribal leader, Mr Choles Ritchil in the custody of the joint forces of Bangladesh stationed at Khakraid under Modhupur Police Station, Tangail District on 18 March 2007. Mr Ritchil was tortured to death, among others, by Warrant Officer Jamal, 2nd Lt. Minhaj, and Sergeant Shahadat under the instructions of Major Toufiq Elahi of Khakraid army camp.

Mr Ritchil's dead body, which was handed over to the family members on 19 March 2007, bore torture marks like eyes plucked, testicles removed, anus mutilated, two hand palms smashed, nails of 3 fingers of the right hand removed etc.

Though deceased Ritchil's wife, Sandha Rani Simsang, had filed a complaint with the Modhupur Police Station on 20 March 2007, no First Information Report (FIR) has been registered as of 2 April 2007. Many NGOs in Bangladesh such as *Ain o Salis Kendro*, Bangladesh Environmental Lawyers Association (BELA), Bangladesh Legal Aid and Services Trust (BLAST), Association for Land Reform and Development (ALRD), Adhikar, Forum of Environmental Journalists of Bangladesh (FEJB), Centre for Sustainable Development (CFSD), Action Aid and *Nijerakori* demanded registration of the FIR. But, because of the fear of reprisals from the joint forces, no further action has so far taken to approach the judiciary against the police for their failure to register the FIR.

The caretaker government of Bangladesh has failed to take appropriate actions against the culprits.

**II. Background on repression against indigenous Garos and the role of Choles Ritchil**

Mr Choles Ritchil hails from Beribaid village under Modhupur Upozila under Tangail District. Beribaid village is one of the oldest villages in the area established over 300 years ago. It presently has 82 Garo families with a population of 520 persons. Mr Ritchil was one of the prominent leaders of the Garo indigenous people in the area.

In 2003, the government of Bangladesh announced a plan to create an Eco-Park in Modhupur forest and started erecting a wall around 3,000 acres of Modhupur forest without seeking the consent of the Garo people living in the area. About 25,000 indigenous Garo people faced eviction because of the Eco-Park. On 3 January 2004, thousands of Garo people staged a peaceful protest against the Eco-Park. At Jalabada village, the police and the forest guards resorted to indiscriminate firing, killing one Garo, Piren Snal on the spot and injuring 25 others including women and children.

After the incident of 3 January 2004, the Forest Department postponed implementation of the Eco-Park. But the officials subsequently filed more than 20 false against the indigenous Garos.

Mr Choles Ritchil, who was one of prominent indigenous leaders to oppose the Eco-Park, was implicated in all these false cases.

After the declaration of the state of emergency on 11 January 2007, the Forest Department officials restarted the construction of the controversial boundary wall for the Eco-Park. Indigenous Garos under the leadership of Mr Choles Ritchil again protested. The Forest Department had to suspend the construction of the wall but this had further enraged the Forest Department officials.

On 10 February 2007, the Joint Forces personnel including Warrant Officer Jamal, 2nd Lt. Minhaj, Sergeant Shahadat raided Beribaid village in search of Mr Choles Ritchil. Not finding Mr Ritchil, the Joint Forces personnel detained Mr Protab Jamble, Mr Biswajit Simsang, 10th grade student (son of Mr Ritchil), Mr. Prem Kumar Sangma, 10th grade student, Mr Nosil Ritchil, a relative of Mr Ritchil

and Nokul Chandra Burman (41) working at Choles Ritchil's house. All of them were beaten mercilessly and received medical treatment at Health Complex, Modhupur from 11 to 13 February 2007.

### **III. Arrest of Mr Choles Ritchil on 18 March 2007**

At about 1:30 pm on 18 March 2007, Mr Choles Ritchil was arrested by a group of 6 plainclothes personnel belonging to the Joint Forces at Kalibari under Muktagacha Upozila. Mr Ritchil was coming from Mymensingh town in a microbus accompanied by 3 indigenous persons namely Mr Piren Simsang, Mr Tuhin Hadima and Mr Protab Jamble.

Following their arrest, the Joint Forces personnel made telephone calls and about 40 law enforcement personnel in two lorries arrived. The security forces took them to nearby Khakraid army camp at about 2:00pm.

In the army camp, while Mr Choles Ritchil and Mr Protab Jamble were in kept one room, Mr Piren Simsang and Mr Tuhin Hadima were taken to another room.

### **IV. Torture to death of Mr Choles Ritchil**

According to the eye-witnesses (names withheld for security reasons), Mr Choles Ritchil was tied to the grill of a window and mercilessly beaten by nine law enforcement personnel.

At one stage Major Toufic Elahi entered the room and ordered the junior officers "to size up Choles" and torture began again.

The Joint Forces personnel used pliers to press the testicles of Mr Choles Ritchil and put needle on his fingers. They poured hot water into his nostrils. He was then was hanged upside down and brutally tortured. He vomited blood again and again and fainted many times. At one point of time, one physician in uniform accompanied by Major Toufic Elahi came into the room. Mr Choles Ritchil was taken out of the army camp.

Some of those who tortured Mr Choles Ritchil were identified as Warrant Officer Jamal, 2nd Lt. Minhaj, Sergeant Shahadat and Major Toufiq Elahi.

All other detainees i.e. Mr Protab Jamble, Mr Piren Simsang and Mr Tuhin Hadima too were tortured. While Mr Piren Simsang and Mr Tuhin Hadima were released at about 5 pm on 18 March 2007, Mr Protab Jamble was released from Khakraid army camp at about 10 pm on the same day, as he was given medical treatment because of severe torture.

### **V. Evidence of torture**

Mr Ritchil's dead body was handed over by the Superintendent of Police (officiating) of Tangail District and the Assistant Superintendent of Police of Gopalpur Circle of Tangail District to Ms. Jita Ritchil (aunt of Mr Ritchil), and Kholes Ritchil (elder brother of Mr Choles Ritchil) along with Rev. Father S. Tolentino and other indigenous leaders at about 2:00 pm at the Jalchatra Corpus Christi Church compound on 19 March 2007.

Mr Ritchil's burial took place at Beribaid village at about 1 pm on 20 March 2007.

Before the burial, as per religious customs, Choles Ritchil's dead body was given a bath. Those who performed the religious bath (name withheld for safety reasons) reported the following torture marks:

"Choles's two eyes plucked, testicles removed, anus mutilated, two hand palms smashed, nails of 3 fingers of the right hand removed, left hand thumb finger nail removed, two palms had holes, upper right hand had severe wound, several blood stains on the back part of the body, in both thighs middle part there had been two holes, back part of the body had several black marks, several deep marks of wounds on both lower legs, there had been black marks on feet, no nail on thumb of right foot, all fingers of two hands were broken."

### **VI. Failure to register the First Information Report**

Mr Choles Ritchil is survived by his wife Sandha Rani Simsang (28), son Biswajit Simsang (15) and three daughters: Priyanka Simsang (13), Konka Simsang (10) and Tiromoni Simsang (6).



On 20 March 2007, Choles Ritchil's wife Sandha Simsang had filed a complaint at the Modhupur Police Station but as of 2 April 2007, Modhupur Police station has not registered any case.

Many prominent NGOs in Bangladesh such as *Ain o Salis Kendro* (ASK), Bangladesh Environmental Lawyers Association (BELA), Bangladesh Legal Aid and Services Trust (BLAST), Association for Land Reform and Development (ALRD), Adhikar, Forum of Environmental Journalists of Bangladesh (FEJB), Centre for Sustainable Development (CFSD), Action Aid and Nijerakori demanded registration of the FIR. However, as of 2 April 2007, no further action has been taken to approach the judiciary against the police for their failure to register the FIR. ACHR believes that the atmosphere of fear created by the security forces who act as law unto themselves prevails over.

## **VII. Request for action**

It is unfortunate that an appeal has to be made to the heads of the delegations participating in the 14th SAARC Summit to request registration of a First Information Report against the torture to death of a prominent tribal leader to allow the law to take its own course. The registration of an FIR is the first step towards ensuring justice.

If the care-taker government of Bangladesh is serious about respect for human rights, it must take appropriate actions against such blatant violations of the right to life. ACHR fervently appeals to the heads of delegations of the 14th SAARC Summit to intervene with the delegation of the government of Bangladesh to:

- Order a judicial inquiry into the killing of Mr Choles Ritchil;
- Order registration of the First Information Report by the Modhupur Police Station;
- Order suspension of the Warrant Officer Jamal, 2nd Lt. Minhaj, Sergeant Shahadat, Major Toufiq Elahi and other security personnel of Khakraid army camp to ensure a free and fair inquiry;
- Order exhumation of the dead body of Choles Ritchil for autopsy by independent panel of doctors;
- Award compensation of Taka 10 lakhs (one million) to the family of the victim;
- Provide safety and security to Ms Sandha Rani Simsang and her family members and other witnesses against intimidation by the Joint Forces; and
- Cancel the Eco-park project in Modhupur forest.

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3. H.E. Khandu Wangchuk  
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5. H.E. Mr Pranab Mukherjee  
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6. H.E. Maumoon Abdul Gayoom  
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5. H.E. Mr. Francisco da Câmara Gomes  
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<sup>[1]</sup>. Joint forces consist of Bangladesh army, police and other para-military forces.

<sup>[2]</sup>. Indigenous World 2005, International Work group for Indigenous Affairs, Copenhagen, Denmark

<sup>[3]</sup>. Indigenous World 2006, International Work group for Indigenous Affairs, Copenhagen, Denmark.

**OMCT ACTION FILE: BGD 290808.ESCR**

**Bangladesh: Arson Attack On Indigenous Jumma Community in Sajek Union, the  
Chittagong Hill Tracts**