



About Kapaeeng Foundation

Kapaeeng Foundation as a human rights organisation for Indigenous Peoples in Bangladesh was established on 1 April 2004 with the view to working for promotion and protection of the rights of Indigenous Peoples in the country. The term 'Kapaeeng' is derived from indigenous Khumi language, meaning 'Rights'. Kapaeeng Foundation is duly registered with the Office of the Registrar of Joint Stock Companies and Firms of Commerce Ministry, Government of Peoples' Republic of Bangladesh under the Societies Registration Act XXI of 1860.

Vision: The vision of Kapaeeng Foundation is to establish a society based on the values of justice, equity and freedom where human rights and fundamental freedoms of Indigenous Peoples are ensured.

Mission : The mission of Kapaeeng Foundation are, among others, to promote and protect the human rights of the Indigenous Peoples of the country and to conduct advocacy, lobby and campaign programme for the same at local, national, regional and international level; to establish a strong network and partnership with national, regional and international organizations and individuals working on promotion and protection of human rights as well as Indigenous Peoples rights and to raise the capacity of the Indigenous Peoples in promoting and protecting the human rights.



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HUMAN RIGHTS
REPORT 2014
ON INDIGENOUS PEOPLES IN BANGLADESH

HUMAN RIGHTS REPORT 2014

ON INDIGENOUS PEOPLES
IN BANGLADESH



Human Rights Report 2014 on Indigenous Peoples in Bangladesh

Editor
Prof. Mong Shano Chowdhury
Pallab Chakma

Kapaeeng Foundation

Human Rights Report 2014 on Indigenous Peoples in Bangladesh

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CONTENT

EDITOR'S NOTES	09
ACKNOWLEDGEMENT	15
EXECUTIVE SUMMARY	17

I. INTRODUCTION 25-44

Human Rights Obligation and Bangladesh elected to the UN Human Rights Council	29
Laws and Policies Adoption in 2014	30
10th National Parliamentary Election 2014 and four indigenous MPs elected	31
4th Upazila Elections 2014: Indigenous candidates win 18 chairman posts, 20 female vice chairman and 17 vice chairman posts	33
NGOs registration must to receive foreign funds	35
Jum farmers cheated by brokers in Sitakunda	35
Seven Indigenous villages suffered food crisis in Baghaichari	36
Indigenous peoples set examples of food & social security in Rajshahi	36
110 Santal families living in the edge at Panchari	37
Story of Tea-workers' agony: Still the British imposed regulations in the garden!	37
Eight thousands indigenous peoples living a miserable life	38
Infiltration of 42 Rohingyas in Longadu and construction of illegal settlement	40
Media Reports	42

II. SITUATION OF CIVIL AND POLITICAL RIGHTS 45-84

At A Glance: Human Rights Violations on Indigenous Peoples in 2014	48
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Massive Communal Attacks	54
Attack, Torture and Intimation	65
Arbitrary Arrest and Detention	70
Killing and Other Cruel Treatment	72
Religious Persecution	77
Migration to neighbouring countries	81

III. SITUATION OF THE RIGHTS OF LAND AND NATURAL RESOURCES 85-134

At A Glance: Land-related incidents and casualties of Indigenous Peoples in 2014	89
Land-related Incidents in the CHT	93
Land-related Incidents in the plain lands	113
Media Reports	125

IV. SITUATION OF THE RIGHTS OF INDIGENOUS WOMEN AND GIRLS 137-176

At A Glance: Violence Against Indigenous Women (VAIW) 2014	141
Killed / Killed After Rape	150
Rape	152
Gang Rape	155
Attempt to Rape	157
Kidnapped / Attempted to Kidnap	162
Molest/ Physical Assault	164
Follow-up: Case Study	169
Media Reports	172

V. SITUATION OF THE RIGHTS OF YOUTH, CHILD AND EDUCATION 177-194

BGB headquarters establishment in Dighinala: education of children at stake	180
280 victim BCS candidates receive justice	181
University and medical college debate: the CHT under development paradox	182

Education Ministry hands over the secondary schools to the HDCs	185
Surge of education progress fails to reach remote communities	186
How indigenous peoples are introduced in school textbooks	187
Cabinet approves Child Marriage Restraint Act 2014	188
No progress in mother tongue-based education for indigenous peoples	189
Survey on indigenous languages goes slow	190
Media Reports	192

VI. CHT ACCORD OF 1997:	195-208
Present State and Challenges of Its Implementation	197

ACRONYMS

ADP	Annual Development Programme
AIPP	Asia Indigenous Peoples Pact
BCS	Bangladesh Civil Services
BGB	Border Guard Bangladesh
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 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 Tracts
CHTDB	Chittagong Hill Tracts Development Board
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

IPO	Indigenous Peoples Organisation
IPs	Indigenous Peoples
MoCHTA	Ministry of Chittagong Hill Tracts Affairs
MP	Member of Parliament
NHRC	National Human Rights Commission
OC	Officer-in-Charge
PCJSS	Parbatya 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
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNO	Upazila Nirbahi Officer
UNPFII	United Nations Permanent Forum on Indigenous Issues
VAIW	Violence Against Indigenous Women

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EDITORS' NOTES

Kapaeeng Foundation has, as usual, come out with its yearly reports on the situation of human rights of indigenous peoples in Bangladesh for 2014. In recent years, the overall human rights situation in Bangladesh has nose-dived due to the brutal violence and killing of innocent people for political point scoring. Caught up in the fray are the two mainstream political parties and their alliances which, driven by their lust for political power, are bent on a game plan, fair or foul, to be in control of the state power. The acrimonious relationship between the two mainstream political parties and their alliances has resulted in ruthless ravaging of human rights following violent actions such as arson, hurling of petrol bombs, cocktails, removing of fish plates to derail passenger trains etc. by the opposition political activists. Such an incorrigible and deep-seated political rivalry characterized by inflexibility and high handedness is telling upon the very fabric of governance in the country. The absence of democratic norms and practices to face off problems or issues has aggravated the situation further. We can see the country is gradually slipping into anarchy which, unless sanity prevails with the political leadership to reverse the trend, promises us nothing but ruination. The political fluidity, the whole country is presently through, has further aggravated the already beleaguered indigenous peoples who have been relentlessly engaged, since many years, in an asymmetrical struggle to realize their rights to survive with honor and dignity.

As a matter of fact, it is really disturbing to note that the curve showing the trend of violations of civil and political rights of indigenous peoples has skewed up. There were 7 communal attacks on indigenous peoples by Bengalis killing many of them. Scores of houses were looted and vandalized, and many were arrested either arbitrarily or on fabricated

charges. At least, 126 indigenous people were physically assaulted or tortured by 'non-state actors with influence' from the mainstream society. Often time, it has been observed that different agencies of the government wrongfully interfere with the lawful rights of indigenous peoples. The state authorities also, in most cases, appear reluctant to put a stop to such unlawful violation by state and non-state actors. It is also distressing that state actors such as members of security forces or law enforcement agencies play supportive or passive role at the time of committing such crimes.

The government failure to address rights to traditional lands has left tens of thousands of indigenous peoples in the CHT and in the plains landless and trapped in the cycle of violent clashes with the Bengalis. Hundreds of families, it has been reported, from Bandarban and Khagrachari districts in the Chittagong Hill Tracts silently left for Myanmar and Indian State of Tripura respectively in the face of continued threats and harassment from settlers as well as corporate entities. Communal attacks and fear of further persecution from the Bengali land grabbers forced 60 indigenous families numbering about three hundreds to leave for India in search of safe home. 3,911 acres of lands in the CHT were taken over by both state and non-state actors in 2014. The Forest Department has finalized processing 84,542 acres of land for acquisition in the name of creating reserved and protected forests, while the Bangladesh Border Guards took control of lands in Bandarban and Khagrachari Districts violating customary land rights of indigenous peoples and the concerned provision of the Hill District Council Act. The current situation, with violent clashes being fuelled by disputes over land, continues to cause insecurity and suffering for indigenous peoples and Bangladesh government have to address it without delay. The violence is likely to continue as long as these serious land disputes remain unresolved.

Violence against women has registered an upward swing as 122 women and girls were sexually violated compared to 67 in number in the previous year, an increase by 82%. Of the victims 7% were killed after rape. Of such a high number of incidents of sexual violence, only 46 cases were filed against the perpetrators, 91% of whom are from the mainstream population. Strange enough, not a single perpetrator has been punished in the past decades.

Bangladesh as a member of the UN system has ratified a number of international human rights instruments having fundamental bearing on indigenous peoples. These instruments include the International Convention on Civil and Political Rights (ICCPR), International Convention on Elimination of all forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), ILO Convention 107 on Indigenous and Tribal Peoples, the Convention on the Biological Diversity (CBD) etc. However, the implementation status of these instruments in Bangladesh is far from satisfactory. The government seems to be less interested to implement the international human rights mechanisms and conventions relating to indigenous peoples.

The idiosyncratic mindset of the ruling elite in the country, a section of intelligentsia, civil and military bureaucrats, who are deeply influenced by a chauvinistic frame of mind, is largely responsible for the total disregard of the inalienable rights and freedoms that indigenous peoples in Bangladesh are entitled to. The views about indigenous peoples are often biased and prejudiced as these are mostly founded on false or twisted information. The majority of the mainstream population has either no idea or is misinformed about the history and traditions of indigenous peoples, their culture and way of life etc. They have been misled about the demands and struggle of indigenous peoples for their rights. The indigenous issues, twisted and distorted as they are, have been deliberately inflated to make room for the power coterie to take a good bite at the bargain. Similarly, the indigenous issues were taken advantage of, for playing around by coteries for their advantage to have a better share of the cake. Such a situation has been facilitated by non-recognizing indigenous peoples' rights and existence in the national constitution.

What has been described in the preceding paragraph has largely contributed to dry up the political will of the government to implement the CHT Accord and to set up a Land Commission for indigenous peoples in the plains. Implementation of the former holds out the promise of a rich region contributing to the development of the national economy by cutting down the expenses being incurred presently for the upkeep of a large number of security forces and law enforcers with their huge installations. The presence of the army in the CHT is excessive in number by any

standard especially in a country which is not participating in a war. Question also arises as to the logic of providing continuing food rations to settlers in the CHT since 1979, while more than 90,000 indigenous peoples evicted from their lands and properties during the insurgency period are languishing and awaiting return of their lands, get no humanitarian assistance from the government. The execution of the latter i.e. formation of a Land Commission for indigenous peoples in the plains will facilitate restoration of dispossessed indigenous lands to the rightful owners. This, in reality, constitutes a major challenge in protecting the rights of indigenous peoples in Bangladesh. However, the political philosophy that had diffused through the nation's psyche following the "August Change Over" in the mid-1970s has prepared the way for secular democratic values to be eclipsed by a combine of monocracy and orthodoxy which tends to curb respect for views of others, especially of ethnic, cultural and religious minorities. This has severely impaired the culture of democratic application of looking at and resolving of issues through understanding and participation, but instead has given way to increased temptation to take recourse to the use of force to settle issues. The abuse of human rights in general and that of indigenous peoples in particular can conveniently be traced to the absence of democratic order in the country. Representative governance only, runs not by fiat but by consent, can create necessary conditions to promote the greatness in humans. However, without decentralization of power and self-governing system, representative governance loses all its grace to serve the greatest number to do the greatest good.

The CHT Accord promises a special administrative system with decentralized authority and representative governance, suitable to address the kind of issues the CHT is beset with. But with the impasse that the Accord has been landed in, due largely to lack of commitment to democratic practices among the political mentors of the country, the human rights situation in the CHT will continue to be a lopsided one. That is why in April 2014, despite assurances at the Universal Periodic Review-second cycle in Geneva to take stern action against those violating human rights in the CHT, the government could not keep to the promise it made. The incidents relating to land alienation and violence against women and children with impunity have increased since. The authorities remained ineffectual throughout, failing to protect indigenous peoples' right to

security and their right to traditional land – as well as their livelihoods and way of life. So, there is no alternative but to set up a Land Commission for indigenous peoples in the plains land to restore their land rights which will increase their access to human rights. Similarly, the promotion and protection of human rights of indigenous peoples in the CHT and the return of peace to this violence-battered land depends largely on the honest and fullest implementation of the CHT Accord. As long as the terms of the Accord are not honored and Jumma peoples' concerns over the return of their lands are not addressed, peace in the CHT will remain elusive and human rights will continue to be violated.

Prof. Mong Shano Chowdhury
Pallab Chakma

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My opening appreciation goes to Kapaeeng Foundation's organizational networks and focal persons working across the country which helped to accumulate for documentation all the relevant information relating to human rights violations of indigenous peoples in Bangladesh. The organisational networks include Indigenous Peoples Human Rights Defenders' Network, Bangladesh Indigenous Women's Network and Bangladesh Indigenous Youths Network.

The Secretariat of Kapaeeng Foundation has regularly been monitoring the media reports which helped to keep secretarial staff active for systematic documentation and information collection. In many cases, fact-finding missions, consisting of the members of civic group and facilitated by Kapaeeng Foundation Secretariat, were despatched for collecting authentic information and observe for themselves the "on-the-ground reality" related to human rights violations perpetrated against indigenous peoples. I would like to thank all the media houses and online news services at the national and local levels, civil society organizations and individuals, and Kapaeeng Foundation Secretariat for their contributions that made the current human rights report possible.

My sincere acknowledgement goes to the Indigenous Peoples Organisations (IPOs) as well, working in Bangladesh at the grassroots level in the country. These include, among others, Bangladesh Indigenous Peoples Forum, Jatiya Adivasi Parishad, CHT Headmen Network, Khagrachari District Headmen Association, Khasi Welfare Society, Patro Sampraday Kallayan Parishad, Bangladesh Adivasi Chhatra Sangram Parishad, Adivasi Juba Parishad, Adivasi Chhatra Parishad, Joyenshahi Adivasi Unnayan Parishad, Adivasi Cluster Development Forum, CHT

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Rabindranath Soren
Chairperson
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EXECUTIVE SUMMARY

As many as 54 indigenous communities, apart from the Bengalis, are found to be living in different parts of Bangladesh, whose ancestry in this country is rooted deep in the past thousands of years. . The Constitution of Bangladesh does not recognise the ethnic, linguistic and cultural minorities in the country as 'indigenous peoples.' Through the 15th Amendment to the Constitution in 2011, the government termed indigenous peoples as "tribes, minor races, ethnic sects and communities", while also calling all the people of Bangladesh, irrespective of their ethnic, linguistic and cultural backgrounds, as "Bangalee". In addition, unlike in 2008's general election, ruling Awami League in its 2014 election manifest for the 10th General Elections used the terms 'small ethnic group' and 'tribal' to refer to indigenous peoples of the country.

In the 4th Upazila Elections held in 2014, indigenous candidates in the Chittagong Hill Tracts (CHT) bagged 18 positions of chairman, and 20 positions of female vice chairman both in the CHT & in the plains. In addition, 17 indigenous candidates in the CHT were also elected as vice chairmen in the genera/male category. On the other hand, in the 10th National Parliamentary Election 2014, four indigenous candidates including one from the plains land got elected as Member of Parliament (MP). However, election and violence has become indissoluble in Bangladesh for long and the 10th National Parliamentary Election was no exception as it witnessed one person killed and 10 others abducted, 4 people tortured while 1 person was threatened with death in the CHT. In the plains land, 10 houses belonging to indigenous people were burnt to ashes and 5 houses were vandalised in Naogaon district.

As a member-State of UN, Bangladesh is a signatory to a number of international human rights covenants and conventions and has been elected a member to the UN Human Rights Council for 2015-2017. Bangladesh has the obligation to respect, protect and fulfill the rights of indigenous peoples. However, different government agencies are often found to interfere with the human rights of indigenous peoples enshrined in the international law. It has also been noted many a time and with concern that the state authority is reluctant to prevent violations of these rights by state agencies and other non-state actors. Such reluctance and failure of the state authority to bear its obligation to respect, protect and fulfill the rights of indigenous peoples, encourages perpetrators to commit human rights violations with impunity.

Situation of Civil and Political Rights

The frequencies of violation of civil and political rights against indigenous peoples in Bangladesh have further intensified during the year under review. Bengali settlers and Land Grabber carried out at least 7 communal attacks on indigenous peoples, and destroyed and looted their houses and properties. At least 8 indigenous people were killed (apart from killing of 7 indigenous women) and 5 indigenous people from the CHT were arrested and detained either arbitrarily or on fabricated charges. At the same time, at least 126 indigenous people were physically tortured and assaulted. While most of the physical assaults were carried out by non-state actors such as influential Bengalis or Bengali miscreants, in many cases, the state actors such as members of security forces and law enforcement agencies played either supportive or passive roles at the time of committing such crimes. As many as 58 indigenous houses in the CHT were set on fire and burnt to ashes by Bengali settlers in the presence of law enforcing agencies and security forces. What is, therefore, extremely pitiful is that the perpetrators involved in most of the crimes are seldom arrested, let alone facing exemplary punishment.

About 150 families numbering about 500 souls from the hills of Alikadam-Thanchi under Bandarban district migrated to Myanmar in the face of mounting insecurity, while at least 300 indigenous people belonging to 60 families in the plains land were forced to leave for neighboring India due to communal attack and fear of further persecution from Bengali land grabbers.

At least 4 (four) Buddhist temples in the CHT and 1 (one) Hindu temple belonging to the indigenous people in the plains were ransacked and defiled. Building of two Buddha statues/temples was intimidated and later on was ordered to stop building them by the local administration and the security forces deployed in the area of occurrence. It was also reported that a so-called Laden Group took away 20 Mro and Tripura children from Lama Upazila to Dhaka in the name of education. These children were later converted to Islam.

Situation of the Rights of Land and Natural Resources

The government continues to ignore the fact that indigenous peoples, under international human rights laws, have the right to their ancestral lands. This is tantamount to denying not only of indigenous peoples' access to their ancestral lands but it leads to frequent violent clashes as well, between indigenous and mainstream Bengali land grabbers.

In 2014, around 3,911 acres of lands in the CHT were taken over by state and non-state actors while 84,647 acres of lands are currently under the process of occupation and acquisition. Forest Department intensified its process to acquire more than 84,542 acres of lands declaring them as reserved and protected forest, while BGB acquired lands violating customary land rights of indigenous peoples and provisions of the Hill District Councils Act 1998.

Throughout the reporting period, about 102 families including two from the plains land were evicted from their ancestral homesteads, while 886 families including 300 families in the plains are currently facing eviction. A total of 153 families, 89 from the plains and 64 from the CHT, over the year, came under attack by the land grabbers who organized these assaults to grab lands belonging to indigenous peoples. 10 people from indigenous communities were arrested by the police in connection with land related cases, which were of course fabricated ones, while 150 indigenous persons, 106 in the CHT and 44 in the plains, were implicated in the false and fabricated cases.

What is plainly discernible from the observation of situations obtaining at the ground level is that the land grabbers have turned more aggressive in their mission in 2014 than they were ever before. Cases are filed against indigenous families with the motive to harass them. Litigation in

Bangladesh takes unusually longer time for resolution. Indigenous people, largely poor and illiterate, find it hard to hang on to the court case for long. Land grabbers seize the opportunity to put pressure on the helpless victims to sell their property. When the land grabbers fail in their techniques, they eventually go for harming (to the extent of killing even if necessary) their opponents.

It has been seen that state actors are also not lagging behind non-state actors in seizing lands belonging to indigenous peoples. For instance, general secretary of Awami-league of Chowgram Union unit in Natore is involved in the attack on Oraon families, while an advisor to Awami League, who is also a prosecutor of the International War Crimes Tribunal and a seating MP too, in addition to being the chairman of Jatiya Mohila Sangstha, is found in occupation of indigenous peoples' lands in Bandarban hill district.

Situation of the Rights of Indigenous Women and Girls

Although the Constitution of Bangladesh guarantees equality for all citizens, the minority population in the country confronts severe discrimination and indigenous peoples are no exception to this. A stunning figure of 122 indigenous women and girls were subjected to sexual and physical violence in 2014. A total of 75 cases on violence against indigenous women and girls were documented in 2014. Of the 75 cases, 51 and 24 cases were reported from the CHT and the plains respectively. There were 75 such cases in 2014, up from 48 the previous year. The increased number of sexual and physical violence against indigenous women and girls is an indication of serious deterioration of human rights situation of indigenous population in the country.

In 2014 a total of 7 women and girls were killed after rape while a total number of 21 cases on rape and gang rape were reported from across the country with 12 of them took place in the CHT, while 9 of such crimes were committed in the plains. The severe forms of human rights violation against indigenous women and girls were physical assaults/ molestation/ sexual harassment with a total number of 62 in the year 2014. Rape attempts were made on 22 indigenous women and girls, and 10 women and girls were kidnapped and attempted to kidnap during the reporting period.

The majority of the victims/survivors are children (60%) in the age group of 4-18 years, and 40% were adults above 18 years of age. The striking feature of this crime against indigenous women and girls was that the dominant perpetrators were Bengali settlers in the CHT and Bengalis in the plains (91% in both the cases). In addition, 4% of the members of the security forces are reported to have committed such offence in contrast to a nominal number of indigenous men perpetrator.

In comparison to 50 indigenous women and girls who were victims of rape, attempted rape and gang rape as reported by KF against the 615 victims of mainstream Bengali women and girls reported by ASK in 2014. It is worth mentioning that 7.52% of these victims/survivors were from indigenous communities, who are merely 1.8% of country's total population, while the remaining 92.48% victims were from the Bengali community, who are the majority in the country with 98.2% of the total population. From the statistical data given above, it is clear that the propensity of committing sexual and physical violence against indigenous women is more than violence against the mainstream Bengali women. Such incidents occur massively due to ethnic and cultural differences. Violence against women and girls is one of the weapons used widely to evict ethnic, cultural and religious minorities from their ancestral lands. Hegemonic chauvinism to dominate over and subdue minorities also acts as an inducement to exploit indigenous women sexually and physically.

Out of 75 cases 42 cases were filed on physical and sexual violence against indigenous women and girls and six cases were resolved through local arbitration. Although a few of the perpetrators were put in the jail following the cases filed against them, but soon most of them got released. A culture of impunity along with patriarchy, hegemonic masculinities and gender disparities towards indigenous women bar limited or no access to justice.

Situation of the Rights of Youth, Child and Education

The situation of the children and that of education rights in the country have also remained far from satisfactory over the years. The issues of human rights of indigenous youths and children are often overlooked and not much discussed about. Bangladesh recently enacted the Children Act

2013 in line with the CRC with a view to respect, protect and fulfill the rights of children in Bangladesh. However, this law remained largely on paper, the provisions of this act are yet to be properly complied with by the government. Besides, this law does not have any specific provisions for indigenous children and no mention of indigenous children could be found in the law. In consequence, the situation of human rights of indigenous children in 2014 remains vulnerable.

The state of education in 2014 witnessed similar trends despite having some mixed developments. Although a number of positive developments could be observed throughout the year, some of the initiatives taken by the government resulted instead, in the violation of the rights to education. The educational life of over a hundred indigenous children in Dighinala upazila has been threatened with uncertainty allegedly due to setting up of a battalion headquarters by the BGB on the lands belonging to indigenous peoples. Government's decision to set up the Science and Technology University and a Medical College in Rangamati, despite mass opposition, has generated fear of losing lands among indigenous peoples of Rangamati. Government's plan to kick off mother tongue based Multilingual Education (MLE) for indigenous children have failed to make any headway even after the end of nearly two years. Government claims that this stalemate is due to lack of budget to implement the plan.

On the contrary, 280 indigenous candidates of 34th batch of BCS, who were left out in the revised results of preliminary test published in 2013, won the right to sit for written exams after a High Court directive in February 2014. The Transfer of secondary education to the three Hill District Councils, (HDC) in May 2014, generated a new hope for positive change in secondary education of underprivileged indigenous communities in the CHT. The government has taken an initiative to conduct a survey on the languages of indigenous peoples in Bangladesh with the intent to revitalize and preserve the indigenous languages at risk. Ministry of Education through International Mother Language Institute has started to implement this project since early 2014.

CHT Accord of 1997: Present State and Challenges of Its Implementation

This year marks the conclusion of 17 years since the signing of the CHT Accord in 1997 between the Government of Bangladesh and the PCJSS.

Since Awami League-led grand alliance took over power in 2009, the 6th year of its continuation in power if taken into account the previous five years of its office at the center, it has not taken any step towards implementation of the core issues of the Accord which could have been a milestone for the government .

The government keeps on claiming that altogether 48 out of 72 sections of the CHT Accord have been implemented and 15 sections out of the rest have been partially implemented, while the remaining 9 sections are under the process of implementation. In fact, the said statement of the government is not true on the whole. As per the observation of the PCJSS, only 25 out of 72 sections of the CHT Accord were implemented so far. 34 sections of the Accord still remain totally unimplemented, while 13 sections had been partially implemented. It means that two-third of the sections of the CHT Accord still await implementation .

After forming new government on 12 January 2014, the government took few initiatives for implementation of the CHT Accord, such as, (1) transfer of 5 subjects/department to the HDCs; (2) enactment of CHT Development Board Act 2014 despite reservation of the CHT Regional Council; passage of three Hill District Council (Amendment) Acts 2014 ignoring the advice of the CHT Regional Council and amid popular protest against these amendment bills; (3) Holding of a meeting of Task Force on Rehabilitation of Returnee Refugees and Internally Displaced Families; and (4) Holding of two meetings for amendment of the CHT Land Disputes Resolution Commission Act 2001. These initiatives failed to bring any substantial progress in resolving the core issues of the Accord.

On the contrary, government as well undertook few initiatives which created controversy. This includes (1) plan to set up a Science and Technology University and a Medical College in Rangamati in the face of strong popular protest from the CHT people and the civic rights groups as it would lead to land alienation of indigenous peoples who already faced evictions for a number of times during the last 55 years; and (2) land acquisition in the name of establishing camps, magnificent and grand looking tourist complexes by the army and the BGB, declaration of extensive areas into reserved & protected forests by the forest department and leasing out of thousands of acres of lands under customary ownership of indigenous peoples to non-residents for rubber plantation.

Recently in a press conference held on 29 November 2014 in Dhaka, the PCJSS threatened to wage a non-cooperation movement from May 1 next year if the government does not take effective measures to implement the CHT Accord by 30 April 2015. This has sparked off quite a bit of uneasiness among the people in the CHT.

Recommendations

- 1) To take effective measures to fully implement the CHT Accord of 1997 based on a road map with time frame and priorities set, and to amend the CHT Land Dispute Resolution Commission Act on the basis of the 13-point amendment proposals finalised by the CHT Regional Council and the CHT Affairs Ministry and agreed at the Inter Ministerial Meeting.
- 2) To form a separate land commission for indigenous peoples in the plains to facilitate restoration of their dispossessed lands.
- 3) To stop communal violence and physical abuse against indigenous women and girls and to conduct judicial inquiries into the communal violence and abuses against indigenous women.
- 4) To provide constitutional recognition to the indigenous peoples as per international human rights instruments ratified by the Government of Bangladesh.
- 5) To conduct investigation into the human rights violations against indigenous peoples by the National Human Rights Commission regularly.

I. INTRODUCTION



Photo: Joel Chakma

Human Rights Report 2014 on Indigenous Peoples in Bangladesh

19

26

Human Rights Report 2014 on Indigenous Peoples in Bangladesh

I. INTRODUCTION

Indigenous peoples or Adivasis as they are known in Bangladesh are among the most marginalized and vulnerable groups in the country. Apart from Bengalis, more than 54 indigenous communities are known to be living in different parts of Bangladesh for thousands of years. Indigenous peoples in other parts of Bangladesh are located mainly in the border regions of the northwest (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), northeast (Greater Sylhet), south and southeastern (Chittagong, Cox's Bazar and Greater Barisal) part of the country.

According to 2011 Census, the country's indigenous population is approximately 1,586,141 which represent 1.8% of the total population of the country. However, indigenous peoples in the plains claim that their population alone is estimated at 2.0 million. The Chittagong Hill Tracts (CHT), southeastern part of Bangladesh, comprises a total area of 5,093 sq. miles with around 1.6 million populations (as per census 2011). Among them, the indigenous Jumma peoples are around 845 thousands and Bengali Muslim settlers are around 752 thousands.

The Constitution of Bangladesh does not recognise the ethnic, linguistic and cultural minorities of the CHT and of the plains of Bangladesh as 'indigenous'. Through the 15th Amendment to the Constitution in 2011, the government termed indigenous peoples as "tribes, minor races, ethnic sects and communities", while also calling all the people of Bangladesh, irrespective of their ethnic, linguistic and cultural backgrounds, as "Bangalee" (Article 6.2).¹ It violates the rights of self-determination, determining own identity as Adivasi/indigenous peoples, and instead,

1 Indigenous World 2012: Bangladesh Chapter

forcing indigenous peoples to use an imposed identity. In addition, unlike in 2008's general election, ruling Awami League used the terms "small ethnic group" and 'tribal' instead of indigenous people in its 2014 election manifesto for the 10th General Election to refer to indigenous peoples.²

Bangladesh has ratified most of the international human rights treaties including the International Covenant on Civil and Political Rights (CCPR) and the International Covenant of the Economic, Social and Cultural Rights (ICESCR). Despite the ratification of the International Covenant of the Economic, Social and Cultural Rights and other relevant human rights instruments and charter, the State fails to ensure economic and social rights of indigenous peoples who suffer severe economic and social exploitation at every stage. They are also denied of an adequate participation to a decent livelihood. In Bangladesh, at the national level, a number of national development policies and activities were taken up. However, this could not bring about any significant change in the lives of indigenous peoples.

Constitutional recognition of indigenous peoples as "Adivasi" is one of the most crucial issues which might work as effective safeguards to protect human rights, both individual and collective. It might also be of help in developing national sectorial policies: i.e. healthcare, education, employment, and other fundamental rights of indigenous peoples.

Above all, the most important prerequisites are the respect for the rights of self-determination, political participation, free prior informed consent, and freedom from political intimidation and human rights abuses. The right to self-determination is embodied in the international covenants of Civil and Political Rights, and the Economic, Social and Cultural Rights to which Bangladesh government is a party. The UNDRIP incorporates safeguards for indigenous peoples. The Declaration on the Rights of Indigenous Peoples does not actually establish any new rights and freedoms that do not exist in other UN human rights instruments but it does spell out how these rights must relate to the specific conditions of indigenous peoples.³ As Bangladesh has ratified almost all the international human rights instruments, it is thus quite logically expected of Bangladesh that it

2 Human Rights Report on Indigenous Peoples in Bangladesh 2013, page 22

3 Source: Making the Declaration Work by Rodolfo Stavenhagen, chapter 4, page 354

endorses UNDRIP to respect its commitment to equality, non-discrimination and social justice.

Human Rights Obligation: Bangladesh elected to the UN Human Rights Council

Bangladesh has been elected a member of the top UN human-rights forum for 2015-2017 term in what the foreign minister touts as a massive global endorsement of the Sheikh Hasina government amid a barrage of criticism by international human-rights groups.⁴



In the 47-nation UN Human Rights Council's highly competitive" elections held in New York, it was pitted against South Asian giant India, Indonesia, Qatar and Thailand in the Asia group. Bangladesh had been a member of this UN body for the two successive terms until 2012. This Human Right Council created in 2006 oversees global human-rights standards, mechanisms and normative deliberations on promotion and protection of human rights.

While declaring candidature, Bangladesh made pledges to promote, protect and respect human rights, and committed to the principle of a pluralistic society nurtured through genuine and constructive dialogue, and cooperation and mutual respect for one another.⁵

4 www.bdnews24.com, 21 October 2014

5 Source: Para 1, A/69/393

In order to eliminate discrimination and inequality, the UN Committee of the Elimination of Racial Discrimination (CERD), under the Convention on the Elimination of all forms of Racial Discrimination, stated in its general comment 23 on indigenous peoples to the State that they would "recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories."⁶

Law and Policy Adoption in 2014

The National Assembly in 2014 held a total of 4 regular sessions and passed 19 Acts. Among these acts, the government passed two acts in the first session, six acts in the second session, five acts in the third session and six acts in the fourth session.⁷ Four Acts relating to the Chittagong Hill Tracts were passed in the parliament; the CHT Development Board Act 2014 was passed in the second regular session of the parliament, while the three Acts of the three Hill District Councils (HDCs) were passed in its fourth regular session.

15 following the amendment, remained controversial as many organizations claimed this amendment as contravening to the spirit of the CHT Accord. The amended three Hill District Council Acts were passed in the parliament on 23 November 2014. The CHT Development Board Act 2014 passed during the budget session of the Parliament on 1 July 2014 turned it into a statutory body.

Different organizations in the CHT and at national level were critical of the three HDC amendment Bills and CHT Development Board Act on the ground that the intention of these Bills and Act was not free of any misgivings as the government, violating the CHT Accord, did not consult the CHT Regional Council.⁸ Part C of the CHT Accord, article 13 has

6 Committee on the Elimination of Racial Discrimination General Comment 23, para 5, adopted fifty-first session 1997

7 Source: <http://www.parliament.gov.bd/index.php/en/parliamentary-business/business-of-the-house/bill-and-legislation/acts-of-parliament/acts-of-10th-parliament>.

8. Chittagong Hill Tracts Regional Council Act, 1998: 53 (1) The Government if it initiates to make any law concerning the Council or the Chittagong Hill Tracts shall take necessary measures for making the law in consultation with the Council and the concerned Hill District Council and after by considering the advice of the Council.

clearly stated “in making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government”.

In its 3rd regular parliamentary session, the government amended [known as the Constitution Act (16th amendment) 2014⁹] article 96 of the Constitution of the People’s Republic of Bangladesh. The government could have taken the advantage of this amendment to the constitution to accord recognition to indigenous peoples.

10th National Parliamentary Election 2014: Four indigenous MPs elected

The 10th general election was held on 5 January 2014 amidst widespread violence killing at least 20 people across the country. 153 MPs from 300 constituencies were elected uncontested. Elections to the remaining 147 parliamentary seats took place which was marred by widespread violence, low turnout of voters and stuffing of ballot boxes by ruling party men across the country. Over 52 per cent of the voters, including President Abdul Hamid and Prime Minister Sheikh Hasina, did not have the chance to cast their votes as polls were not held in 153 constituencies. The Bangladesh Nationalist Party-led 20-party alliance boycotted the polls demanding a neutral administration to oversee the polls and the Awami League to quit the government.

The ruling Bangladesh Awami League had managed to bag over two-thirds of the parliamentary seats in the election. Of the 300 seats, the share of Awami League MPs stood at 231, Ershad’s Jatiya Party 33,

9 Amendment of article 96 of the Constitution: In the Constitution, in article 96, for clauses (2), (3), (4), (5), (6), (7) and (8), the following clauses (2), (3) and (4) shall be substituted, namely: “(2) A Judge shall not be removed from his office except by an order of the President passed pursuant to a resolution of Parliament supported by a majority of not less than two-thirds of the total number of members of Parliament, on the ground of proved misbehaviour or incapacity; (3) Parliament may by law regulate the procedure in relation to a resolution under clause (2) and for investigation and proof of the misbehaviour or incapacity of a Judge; (4) A Judge may resign his office by writing under his hand addressed to the President.”

Workers’ Party of Bangladesh 6 (3 contested with election symbol ‘Boat’ and 3 with ‘Torch’), Jatiya Samajtantrik Dal (JSD) 5 (4 of them contested with symbol ‘Boat’), Anwar Hossain Manju JP got one (1), Tariqat Federation got one (1) and BNF got one (1). A total of 14 independent candidates including one (1) PCJSS won the election.

On 5 January 2014, election to three constituencies in the Chittagong Hill Tracts (CHT) region was held. The contest was tough as compared to other constituencies in the country. In Rangamati constituency, Mr. Ushatan Talukdar, an independent candidate defeated Awami League candidate and the State Minister of the CHT Affairs Ministry Mr. Dipankar Talukdar by a margin of 18,852 votes. On the other hand, Awami League candidate in Bandarban and Khagrachari constituencies, Mr. Bir Bahadur Ushwe Shing and Mr. Kujendra Lal Tripura respectively won the election.

Compared to three (3) indigenous MPs winning from the CHT, only one (1) MP, Advocate Promod Mankin from Haluaghat constituency in Mymensingh district, could be returned by indigenous communities in the plains.

In the election violence in the CHT following the 10th National Parliamentary Election, 1 was killed, 10 were abducted, 4 were tortured and another 1 person was served with death threat in the Khagrachari district. In the plains land, on 3 January, miscreants attacked the house of Mantu Hasda and Habil Baske at Dhamurhat Upazila in Noagaon district. On 7 January, houses of Prabhash Hembram of Haripur-Lato Para under Nawabganj Upazila, Bishwanath Tigya of Harina-Jala Para of Nawabganj Upazila, Ajit Mandol and Nukul Pramanik of Gangadaspur under Birampur Upazila in Dinajpur were burnt to ashes. On 10 January, almost all the indigenous-inhabited villages of Naogaon district had to face election violence. Houses belonging to Bhaya Mardi, Raban Soren, Kamal Murmu and freedom fighter Lukas Murmu of Jagatnagar village under Naogaon district were set on fire in the violence. On that day (10 January), houses of Emenda Marandi and Shiril Soren of Shivrampur and Ejikel Tudu of Jagadal village came under attack by miscreants. On 16 January, a house of Bhaleen Mardi of Singra village under Ghoraghat Upazila was burnt to ashes. On 22 January, indigenous-inhabited village named Chatni Para of Rishikul union under Godagari Upazila was attacked and two houses belonging to Laxmi Oraon were torched.

4th Upazila Elections 2014: Indigenous candidates win 18 positions of chairman, 20 positions of female vice chairman and 17 vice chairmen

Indigenous candidates won 18 positions of chairman in the Chittagong Hill Tracts (CHT), 20 positions of female vice chairman in the CHT & the plains and 17 vice chairman (general/male) in the CHT during the 4th Upazila Elections of Bangladesh held in 2014,.

The 4th Upazila Parishad (Sub-district Council) election was held in five phases - from February 19, 2014 to March 31, 2014. It was held amidst allegation of irregularities, vote rigging, snatching of ballot papers, attack on opponent groups etc. It is to be noted here that the Upazilas (sub-districts) are the second lowest tier of local government administration in Bangladesh with major responsibilities for ensuring local service delivery in all the key sectors. The constitutional administrative structure in Bangladesh consists of 7 Divisions, 64 Districts, 489 Upazila Parishads and 4451 Union Parishads.

Each Upazila Parishad has a chairman, a vice chairman and a woman vice chairman. They are elected through a direct popular ballot. Union Parishad (lowest tier of administration) chairmen within the Upazila are considered as the members of the Upazila Parishad.

Chairman: Of the 25 Upazilas in the CHT, the position of chairman in 18 upazilas was captured by the candidates belonging to indigenous communities, while the remaining 7 positions were bagged by Bengalis. However, no chairman from among indigenous peoples in the plains was elected to the Upazila Parishad.

Out of 18 indigenous chairmen, 11 belonged to Chakma while 7 were from Marma ethnic group. On the other hand, among the 18 winning indigenous chairmen, 14 chairmen were supported by indigenous peoples' political parties while the remaining 4 chairmen were backed by national level mainstream political parties.

In the upazila election, the only one indigenous female candidate fielded by indigenous political party won the election to become chairman of Barkal upazila under Rangamati District.

Vice Chairman: Out of 25 winner vice chairmen (general) in the CHT, 17 vice chairmen belonged to indigenous Jumma communities. As was in

the case of chairman election, none was elected as vice chairman from among indigenous peoples in the plains.

Out of 25 vice chairmen (general) elected in the CHT, 17 belonged to indigenous Jumma communities and the rest 8 were from Bengali community. Out of 17 indigenous vice chairmen (general/male), 8 were from Chakma and 5 belonged to Marma while one each from Tripura, Mro, Tanchangya and Bawm ethnic groups. Of the 17 winner vice chairmen belonging to indigenous communities, 13 were supported by indigenous peoples' political parties while the remaining 4 were supported by national level mainstream political parties.

Woman Vice Chairman: Throughout the country, 20 positions of vice chairman (female), 17 in the CHT and 3 in the plains land, were captured by indigenous women candidates.

Of the 17 positions of vice chairman won by indigenous women in the CHT, 9 were from Chakma and 5 from Marma while one each from Tripura, Tanchangya and Bawm communities, while among the 3 winner vice chairman in the plains, one each was from Monipuri, Santal and Rajowar communities. 15 of the 17 female vice chairmen in the CHT were backed by indigenous peoples' political parties while the other 2 winning vice chairmen were supported by national level mainstream political parties. All the 3 female vice chairmen in the plains were supported by mainstream political parties as indigenous peoples in plains. Indigenous peoples in the plains do not have their own political party.

Conclusion: Compared to Upazila election held in 2009, indigenous peoples' political parties in the CHT performed better in 2014. In 2009 Upazila election, out of 25 Upazilas in three hill districts, indigenous candidates won in the 15 Upazila. However, among them, only 6 chairmen were candidates from indigenous political parties while 9 chairmen were from mainstream political parties. It thus clearly shows that indigenous political parties fared relatively better in the 2014 Upazila parishad election than what they could accomplish in the year 2009.

Indigenous peoples of the country, particularly in the CHT, are not happy with the mainstream political parties for their failure to implement the CHT Accord, to resolve land problem in the plains & the CHT, to provide constitutional recognition to the CHT Accord and ethnic identity as

indigenous peoples. Indigenous peoples were really hurt when the 15th Amendment to the Constitution in 2011 termed them as “Bangali”. Against this backdrop, mainstream political parties produced a dismal show in the Upazila Parishad election in the CHT, contrary to which indigenous political parties fared well, at least to some extent.

NGOs registration must to receive foreign funds

On 1 December 2014 the cabinet gave the final approval to the draft Foreign Donations (Voluntary Activities) Regulation Bill, 2014 making registration mandatory for all non-government organisations receiving foreign funds.¹⁰ The new law would combine the Foreign Donations (Voluntary Activities) Regulation Ordinance 1978 and the Foreign Contributions (Regulation) Ordinance 1982, which were made through military proclamations.

The government took the initiative to frame a comprehensive law to regulate activities of growing number of NGOs. Each NGO will have to maintain a separate bank account for receiving foreign donations. The NGO affairs bureau will monitor and evaluate the operations of the NGOs that implement projects with foreign donations. The NGOs would require permission from the Chittagong Hill Tracts Affairs Ministry for activities in the hill districts of Bandarban, Khagrachari and Rangamati, home to various ethnic minorities, according to the draft.

It is reported that the Prime Minister ordered the departments and agencies concerned to prepare list of foreign citizens, who were overstaying or working without work-permit in various sectors including NGOs and readymade garment industry for immediate legal action against them. The cabinet secretary said that the NGOs would require approval of the home ministry for appointing foreigners as advisers or in other positions of their organisations operating in the country.

Jum farmers cheated by brokers in Sitakunda

Sitakunda is the residence to more than three hundred indigenous families. Most of them are poor and Jum farmers. However, Jum cultivation requires a significant amount of capital which most of these farmers cannot

¹⁰ New Age, 2 December 2014

afford. Since banks do not allow loan for Jumming, they have no option but to seek loan from informal loan brokers with high interest rate. The brokers then provide loan to indigenous farmers with one condition that they have to sell their Jum crops to brokers in a nominal price. Hence, farmers in Sitakunda are being forced to sell per ‘maund’ (40 kilograms) of raw turmeric to brokers for BDT 2,000 whereas the current market price is BDT 7,000, sources said. Thus, indigenous farmers are being deprived of their lawful income and trapped by brokers.¹¹

Seven Indigenous villages suffered food crisis in Baghaichari

Poor Jum production caused a medium food crisis in seven remote villages in Baghaichari upazila of Rangamati in mid 2014. More than 3,000 families at Batling, Bhuachari, Gongaram, Shiyaldoi and Tuichui of Sajek union and Dojorpara of Baghaichari union under Baghaichari upazila in Rangamati district experienced food crisis due to low Jum production. The ban on bamboo collection from forests imposed by the government added to this situation, victims said. To handle the situation, Baghaichari Upazila Parishad sought immediate food assistance from the government.¹²

Indigenous peoples set examples of food & social security in Rajshahi

Indigenous peoples have set an example of food & social security through a collective approach named ‘a handful of rice’. It is a practice where every indigenous family puts aside a handful of rice every time they cook a meal. An organization of indigenous peoples known as ‘Rokka Gola Gram Somaj’ (Protective Rice Bank Village Society) started the practice in Rajshahi back in 2003. Currently, ‘a handful of rice’ is practiced in 26 villages. As of 2003, they had been able to collect 176,905 kilograms of processed rice and 64,196 kilograms of unprocessed rice. Besides, they had raised an amount of BDT 2,470,581 from selling the accumulated rice. Thus families engaged in such practice have by now achieved food security. The practice, in fact, has also helped to increase school enrolment of indigenous children and decrease child marriage.¹³

¹¹ Suprabhat Bangladesh, 4 February 2014

¹² The Daily Star, 4 June 2014

¹³ Prothom Alo, 29 March 2014

110 Santal families living on the periphery at Panchari

The Santals are one of the most marginalized indigenous ethnic groups in the Chittagong Hill Tracts. Most Santal families in the CHT are now living in the periphery, and they are among the region's poorest of the poor. Recently, 110 Santal families, evicted from their homesteads, took shelter at Chengi river bank of Panchari Upazlia in Khagrachari District. They were displaced from their homesteads three times since construction of the Kaptai dam in 1960. Lastly, they had to vacate their homesteads when buildings of Panchari Upazila Parishad were constructed, sources said. Presently, these poor families do not have access to water and sanitation facilities nor do they enjoy any education and healthcare facility.¹⁴



Story of Tea-workers' agony: Still the British made regulations are operation in the garden!

After the British were deported from the sub-continent in 1947, the authority of the tea gardens went to the Pakistani capitalists. Nevertheless, the Pakistani capitalists continued enforcing British made regulations. Following the liberation war in 1971, Pakistani exploiters were expelled and Bengalis took over the ownership. However, ownership changed, but exploitation on workers continued. After 42 years of independence of Bangladesh, the abuse on tea-workers still continues. Even now, the tea gardens are governed by regulations conceived by the British. The British

¹⁴ Dainik Azadi, 19 April 2014

imposed hierarchical language e.g. Mem Shaheb (Mam), Shaheb (Sir), Sarder (Leader) etc is still practiced. The workers still need to bow their head in front of influential ministers, owners and managers.

The workers daily salary is only BDT 69 (about 1 USD). They earn around BDT 8 per hour. They neither have basic living facility nor any sanitation. The amounts of ration that they get and their healthcare facilities are ridiculous. Exploitation by the owners is an essential part of their daily life.

The British merchants exploited all the resources from this land. Pakistani rulers followed their footstep. In return, the tea-workers got nothing. The current Bangladeshi owners have also continued such exploitation on the workers. It does not make any sense when a tea-worker gets paid BDT 69 only compared to a daily laborer who normally earns around BDT 250-300 per day. Given that, they are not even provided with any kind of basic facilities. The miseries of the Tea-workers in the remote areas are far worse than the ones who live in nearby city.¹⁵

Eight thousands indigenous peoples living a miserable life

Around 8000 indigenous peoples belonging to Chakma community are leading a miserable life in Ukhiya and Teknaf area of Coxbazar District,



¹⁵ Banglanews24.com, 30 April 2014

due to poverty and scarcity of resources. Their traditional Jum (shifting) cultivation is about to be stopped off as land grabbers have grabbed all their Jum lands. Besides, due to inaccessible road communication, they do not even get a proper price for their crops.

Around 5000 Chakma people live in the coastal villages of Monkhal, Telkhola and Mocharkhola under Ukhiya upazila. Now, they have no work to do as they have lost their cultivable lands.

Thoaymong Chakma (40), from Uttor Chakmapara, used to do Jum cultivation on one acre of land. However, he is jobless now, as someone else has occupied his land. Without any income, he has been suffering very badly with a family having 6 members. He cannot even feed his four children once a day. Some forest villager (who lives on forest department's land with permission) occupied his Jum land 7 months ago. He is now forced to work as a day laborer.

It has been observed that few hundreds Chakma families have been leading a miserable life. They have been forced to live in unsafe huts, made out of thatch, bamboo and wood. Maichaching Chakma, a local resident has said that they have to take high-interest loan from wealthy people in order to sustain their life. The Chakmas have become jobless, as the Bengalis grabbed their Jum lands. Similar situation could be seen at Horikhola Chakma village of Hoaing Union, under Teknaf Upazila. In the absence of any income source, many people, including women and children, have been forced to starve.

Taiya Chakma (35), a housewife from Horikhola village said, before Eid, a lot of indigenous women, including her, could earn around BDT 150-200 by working at other peoples' lands. However, at present, they are completely jobless. With 3 children, she has been passing through extreme hardships.

Few local women laborer said, before they used to live on crops, produced from Jum cultivation. Now they do not have such land anymore for Juma cultivation. The influential people have occupied all their lands. As a result, around 800 indigenous women have become jobless. Some women are engaged in producing a little amount of crops on abandoned lands. However, due to backward road communication, they are unable to get a good price for their crops.

Apart from such severe poverty, they are living with another nuisance, elephants! The wild elephants often raid their villages at night and destroy their belongings and gardens. Many people also got injured from their attacks.

Amal Chakma (40), a local villager said that around 3 thousands Chakmas live in different villages of Teknaf. Though 98% of them depend on cultivation, at present, most of them are landless. Local people said that there are two non-government primary schools for Mocharkhola and Telkhola villagers. But, there is no Secondary or Higher Secondary school in these villages.

Goffur Uddin Chowdhury, Chairman of Palongkhali Union Parishad mentioned that, different projects have been undertaken to improve the education and health system of Chakma people living in Telkhola and Mocharkhola villages. Md. Mohiuddin, Ranger of Hoaingkong Range said that, the government and non-government organizations can provide the Chakma women with training on sewing, poultry farm, etc. and can create an alternative livelihood for them. Otherwise, this acute problem will get further aggravated. It might be hard to protect the reserved forest in such a situation.¹⁶

Infiltration of 42 Rohingyas in Longadu and setting up of illegal settlement

In January 2014, settlement of 42 Rohingyas, belonging to 7 families in Bogachodor and Gulshakhali area of Longadu upazila in Rangamati district, had been reported. It was reported that these Rohingyas were driven out from Paktu area of Arakan state in Myanmar. At first, they lived secretly at Dholghata area of Moheshkhali for a few days. Later, they purposely moved to Longadu Upazila.

Md. Hossain, leader of the Rohingya group, when asked first denied his Rohingya identity. When pressed to show his national identity card, he admitted that he fled the violence in Paktu area of Arakan following the killing of many Rohingya women and children by the Burmese who also burnt their villages. To save their life, they crossed the Naf River with an engine boat and entered Teknaf area of Bangladesh. Instead of heading

¹⁶ Prothom Alo, 28 August, 2014

to makeshift refugee camps in Noyapara of Teknaf and Kutupalong of Ukhiya, they directly moved to Dholghata of Moheshkhali and Chokoriya areas. From there, with assistance from another illegal Rohingya fisherman, they used fake identity and moved to Kattoli area of Rangamati. As they could not find convenient place to live in the narrow marketplace of Kattoli, later, they moved to Bengali dominated areas of Bogachottor and Gulshakhali of Longodu. In an attempt to live here permanently, they have already bought some lands to establish settlement.

It is also gathered that a local influential person, named Siddique Master, has already sold 40 decimals of lands for BDT 170,000 for their settlement. At present, the Rohingyas are setting up their houses on the the lands they purchased. They even started sending their kids to nearby schools.

Regarding this, Md. Abdur Rahim, chairman of Gushakhali Union Parishad and secretary of Upazila Awami League, said that, at first, he was not aware of such incident. Later, he heard about Siddique Master selling his lands to Rohingyas. When asked if he took any action, he said he was busy with a lot of things, and could not do anything.

Siddique Master, the seller of the land, and also the president of Union Awami League, when asked about the incident, said that when the Rohingyas wanted to purchase lands from him, he asked them to show Chairman's (residence) certificate. They showed him certificate from the Chairman of Bashkhali of Chittagong. So, he took them to be from Bashkhali. However, when asked which Chairman from Bashkhali gave them such certificate, he replied that he forgot the name and would inform about it after checking the documents.

The local Bengalis said, if any resident of Bangladesh were settled here for balancing the population, they would not have complained. However, there is no land for foreigners to settle in this densely populated country. Once they get the chance to settle, they will start arriving in groups. If investigated, such settlements of many Rohingyas in the Hill Tracts will come to light. The local authority needs to make a decision analyzing the records of Rohingyas, humanitarian aspects and the interest of Bangladesh.¹⁷

¹⁷ Parbattanews.com 2 February 2014.

MEDIA REPORTS

The Daily Star

The Daily Star, February 21, 2014

Initiative on to save indigenous languages

Mahbubur Rahman Khan

The International Mother Language Institution has begun a survey on languages of indigenous communities to revitalise and preserve them through documentation.

It is expected to complete surveying at least four to five languages by the next International Mother Language Day that is observed every year worldwide on February 21 to promote linguistic and cultural diversity and multilingualism.

Every mother tongue or dialect has its beauty and rhythm. People ignore their mother tongue giving importance to popular languages, which often leads to extinction of their own languages, Director General of the institution Jinnat Imtiaz Ali said.

"Dialects are like mother and should not be disregarded. It will be a great loss if dialects and mother tongues die out," he added.

With the completion of the ethno-linguistic survey, many native languages will get recognition. The documentation will also lessen the possibilities of their extinction.

A 40-member committee comprising anthropologists and linguists has been conducting the survey. Researchers and field workers will also be engaged in collecting data from native speakers.

The anthropologists will work on the nature of ethnic groups, which will help linguists understand as to how they express their emotion, anger, happiness and other feelings in their own languages.

Researchers will be sent to villages of indigenous people to learn their pronunciations of different words and the variation in those.

Regarding the languages that do not have any written form, Jinnat said field workers would use voice recorders to learn pronunciation of a particular word. In case of variation in the pronunciation, they will collect several samples, and linguists with the help of local experts will give it an alphabetical shape.

About the ethnic languages that have written forms, he said their usage would be examined to identify grammatical errors.

"It will be a great achievement even if we can complete work on at least four to five languages by the next February," the director general of the language institution said.

Bangladesh Adivasi Forum General Secretary Sanjeeb Drong welcomed the initiative. He, however, requested for inclusion of indigenous people in the project from the beginning to pre-empt error and controversy.

Back in 1952, students demonstrating for recognition of Bangla as a national language in the then East Pakistan were shot and killed on this day by police.

The Daily Star

The Daily Star, May 26, 2014

Upcoming National Budget

Allocate Tk 6,000cr for indigenous welfare

Demands Bangladesh Adivasi Forum

Staff Correspondent

Bangladesh Adivasi Forum yesterday demanded that the government allocate Tk 6,000 crore in the upcoming national budget for the development of indigenous people living both in Chittagong Hill Tracts (CHT) and the plains.

"The government this year plans to pass the national budget of Tk 3 lakh crore. We, the indigenous people, are two percent of the total population in the country. So, we deserve allocation of Tk 6,000 crore of the budget," said Sanjib Drong, general secretary of the forum.

He made the demand while presenting a keynote paper on a dialogue on demand of indigenous-friendly budget, jointly organised by the forum and Actionaid Bangladesh in the city's The Daily Star Centre.

In the last five fiscal years since 2009-10, the government's allocation for CHT Affairs Ministry was Tk 2,943 crore, while only Tk 74 crore for indigenous people on plain land, he said. Out of the CHT region, there are around 20 lakh indigenous people on plain land, but the government's allocation for them is very poor, Sanjib added.

Some invited guests also took part in the discussion and put emphasis on the government's equal importance for keeping sufficient allocation in the budget for the two groups of ethnic people.

Shaktipod Tripura, organising secretary of the adivasi forum, said the indigenous people had been becoming poorer gradually mainly because of losing their agricultural lands.

If the government had truly wanted the welfare of the ethnic people, it must have protected their lands from being grabbed by non-indigenous people, said Rabindranath Saren, president of forum.

The corrupted government policymakers and officials do not distribute allocations properly among the indigenous people, lawmaker Ushaton Talukder alleged.

Prof Dalim Chandra Barman, vice-chancellor of ASA University, said the government should ensure the rights of the indigenous people as per the directions of constitution.

Addressing as the chief guest, Civil Aviation and Tourism Minister Rashed Khan Menon said the government should take a coordinated policy to ensure fair budget allocation for the indigenous people living both in the CHT and the plains. Lawmaker Fazle Hossain Badsha, among others, spoke.

II. SITUATION OF CIVIL AND POLITICAL RIGHTS



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Bangladesh has ratified “The International Covenant on Civil and Political Rights (ICCPR)” and the “International Covenant on Economic, Social and Cultural Rights (ICESCR)”, affirming civil and political rights of all peoples living in Bangladesh to participate in political, social and economic spaces. In addition, the “United Nations Declaration on the Rights of Indigenous Peoples” has several principles for civil and political rights of indigenous peoples. These include the rights of indigenous peoples to self-determination; their active participation; free, prior and informed consent of indigenous peoples; and the duty of the state to consult and cooperate with indigenous peoples.

Article 5 of “International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)” stipulates, “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”. ICERD ensures that all acts of tortures should be treated as offences, under its criminal law; and ICCPR prohibits all kinds of torture, or cruel, inhuman or degrading treatment or punishment. Indigenous peoples have the right to be protected from genocide, arbitrary execution, torture, forced relocation, or assimilation; and have the rights to enjoy freedom of expression, association, and religion.

As a member-State of UN, Bangladesh is a signatory to a number of international human rights covenants and conventions. Bangladesh has the obligation to respect, protect and fulfill the rights of indigenous peoples. However, different State agencies have been directly engaged in interfering with the human rights of indigenous peoples that are enshrined

in international law, and in most cases, the state authority is reluctant to prevent violations of these rights by state agencies and other non-state actors.

Such reluctance and failure of the State authority to bear its obligation to respect, protect and fulfill the rights of indigenous peoples, encourages perpetrators to commit human rights violations with impunity. There were cases, where perpetrators were allowed to go scot-free even after the confession of their wrongdoings. Besides that, life and safety of the witnesses and the advocates involved in the prosecution process are often threatened, when court verdicts go against the perpetrators. Today, the discrimination and violence against indigenous peoples, including women and children, continue to be a serious issue.

At A Glance: Human Rights Violation on Indigenous Peoples in 2014

In 2014, the incidents of human rights violations against indigenous peoples got intensified on some particular issues. At least 7 communal attacks, 3 in the CHT by Bengali settlers and 4 in the plains by Bengali land grabbers, were carried out on indigenous peoples where they destroyed indigenous houses and looted their properties. At least 8 indigenous people (6 from plains and 2 from the CHT) were killed (apart from killing of 7 indigenous women, please see ‘Chapter IV: Situation of Women and Girls’ Rights’ for details) and at least 5 indigenous people from the CHT were arrested and detained either arbitrarily or on fabricated charges.

At the same time, at least 126 indigenous people were physically tortured and assaulted. Among them, 84 are from the CHT and 42 are from the plains. While most of the physical assaults were perpetrated by influential Bengali non-state actors, in many cases, the state actors such as members of security forces and law enforcement agencies played either supportive or passive roles in the commitment of such crimes.

In some cases, houses and properties were destroyed and looted by the miscreants. In 2014, at least 58 houses of indigenous peoples in the CHT were set on fire and burnt to ashes by Bengali settlers in presence of law enforcing agencies and security forces.

Around 150 families numbering approximately 500 souls from Alikadam-Thanchi areas under Bandarban District migrated to Myanmar as they felt threatened due to opening up of their habitat to outsiders, while in the

plains land, at least 300 indigenous people belonging to 60 families fled to neighboring India due to communal attack and the fear of further persecution from the Bengali land grabbers. Besides, at least 92 Jumma villagers from Khagrachari district crossed the state border to take refuge in the neighboring State of Tripura of India in the face of continued terrorist activities, harassment and threat by the miscreants.

At least 4 (four) Buddhist temples in the CHT and 1 (one) Hindu temple belonging to indigenous peoples in the plains land were ransacked and defiled by security forces during the reporting period. Image of Lord Buddha and Hindu idols were also vandalised and looted during the attacks. In Baghaichari of the CHT, local administration and security forces prevented the locals from constructing two statues of Lord Buddha. It was also reported that a so-called Laden Group took away 20 Mro and Tripura children from Lama upazila to Dhaka in the name of education. They were converted to Islam later. Similarly, another indigenous Marma woman was also converted to Islam.

Table1: Human Rights Violations in 2014 and 2013

Type of violation	2014			2013		
	CHT	Plain	Total	CHT	Plain	Total
Arrest and ditention	5	0	5	29	7	36
Killing	2	6	8	2	5	7
Torture, assault and intimidation	84	42	126	82	41	123
Communal attack	3	4	7	6	4	10
Destruction and looting of house and property	15	10	25	275	71	346
Person cross border escape /migrated	500	150	650	2000	-	2000
Houses set on fire	58	-	58	46	1	47
Temple ransacked	4	1	5	3	-	3
Idol looted and destroyed	5	1	6	1	3	4
Families fled to safe places for security	92	-	92	1219	-	1219

Figure 1: Human Rights Violations against Indigenous Peoples in Bangladesh in 2013 and 2014

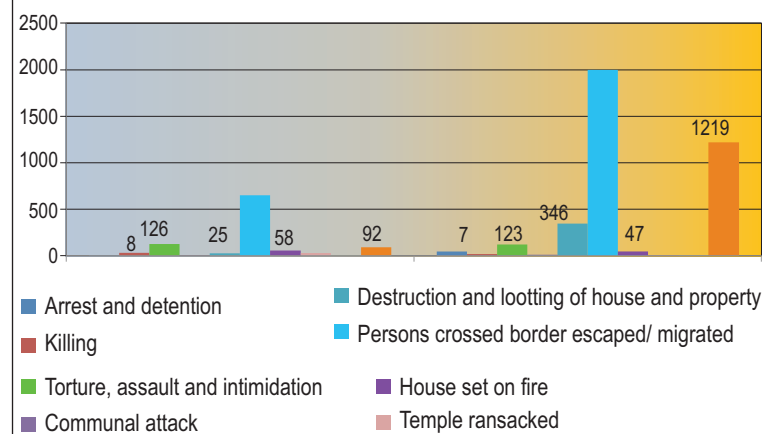
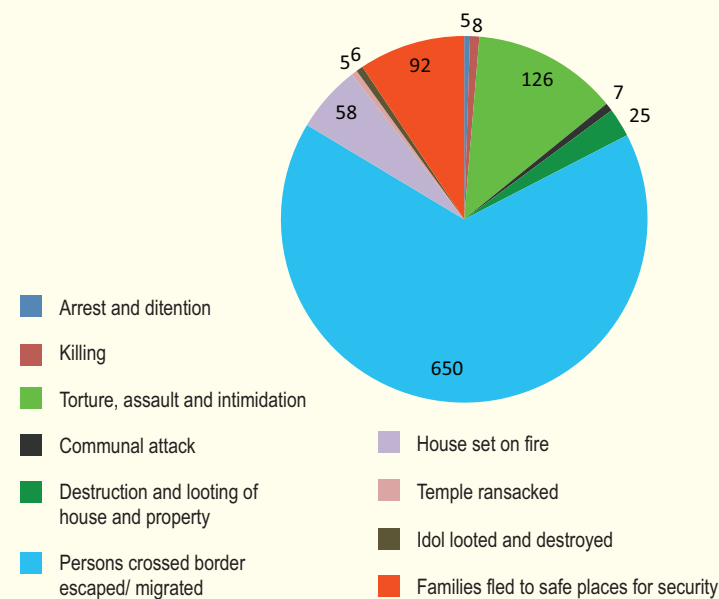


Figure 2: Types of Human Rights Violations against Indigenous Peoples in Bangladesh in 2014



It has been observed that the perpetrators, in most of the cases, are seldom arrested let alone facing exemplary punishment. For instance, none of the perpetrators who committed communal attacks on Jummas at Betchari-Kamalchari in January and Bogachari-Naniarchar areas in December were arrested by the police. Even though perpetrators, who attacked UP woman member Bichitra Tirki, were sent to jail by the local court following their surrender before it, but they were released on bail later.

Culture of Impunity:

An example can be cited in regard to impunity that perpetrators enjoy is the release of alleged killer (Abu Musa) of three Marma people including a woman and a child in July 2011 in Lama upazila of Bandarban District on bail in 2014. Soon after his arrest, Abu Musa confessed his misdeed.

Indigenous peoples blamed the law enforcers for taking side with the Bengali settlers while discharging duties during clashes between the groups. Rights defenders blame 'absolute impunity' to the perpetrators pave the recurrence of such incidents in 'frightening regularity'.¹⁸

Such attacks were carried out to make indigenous communities feel insecure and to drive them out of the country. The main aim of the perpetrators is to grab the property of indigenous peoples. Massive communal attacks, including murder of indigenous peoples continue unabated as the perpetrators keep enjoying full impunity.

Gulshakhali-Bogachatar communal attack: Follow-up and Culture of Impunity

After investigation for one year, on 26 August 2014, Md. Enamul Haque Khan, CID police inspector of Rangamati district, submitted its investigation report on Gulshakhali-Bogachatar communal attack to the Chief Judicial Magistrate Court in Rangamati district. In its investigation, CID found 13 persons involved in the attack,

and recommended acquittal for 5 alleged persons who he found not involved in the offense.

On the same day, 26 August 2014, Milan Chakma, who lodged the case, accepted the report. In the investigation report, among the alleged persons mentioned in the deposition of the case lodged by Milan Chakma, following 13 persons were proved to have been involved in the incident:

1. Rafique Uddin member, son of late Ahmad Khalek, Rahmatpur;
2. Md. Kamal Hossain, son of late Adam Ali, Rangipara;
3. Md. Solayoman, son of Md. Samsuddin, Thekapara;
4. Mohan Mian, son of late Edan Lian. Rangipara;
5. Md. Kamal, son of late Samshul Haque, Thekapara;
6. Jasim Uddin, son of Ahmad Malek, Rangipara;
7. Mr. Marfat Ali, son of Atab Uddin, Mohammadpur;
8. Md. Ramzan Ali, son of late Nabi Hossain, Rahmatpur;
9. Md. Liyakat Ali, son of late Saheb Ali, Rangipara;
10. Abu Taher, son of late Noor Mohammad, Rangipara;
11. Md. Noor Hossain, son of Abu Taher, Rangipara;
12. Md. Salauddin, son of late Nurul Islam Soudagor, Thekapara;
13. Md. Abdul Wadud, son of Mohan Mian Jamidar, Rangipara.

The CID police inspector of Rangamati district urged the Chief Judicial Magistrate to issue warrant order against above-mentioned persons for arrest and accordingly, the court issued warrant order against them. However, arrest of any of the accused person could not be made so far.

It is mentionable that as the court ordered for inquiry, CID started working on the case earlier this year. On 20 March 2013, CID took statements of the complainant and other 6 witnesses about the Gulshakhali-Bogachatar communal attack. The statements of the complainant and witnesses were recorded by police inspector of CID office, Md. Enamul Hoque Khan, at Chiitagong office, which is

¹⁸ **Troubled hills**, New Age, 7 March 2014

situated about 90 km away from complainant's residence. Earlier, on 3 March 2014, Md. Enamul Hoque Khan issued a notice to the complainant and witnesses to be present at CID office in Chittagong for their statement. Accordingly, Milan Chakma, along with six witnesses, went to the Chittagong CID office. Md. Enamul Hoque Khan took statement from the complainant and each of the witnesses separately for 4 hours. The police inspector wanted to know from complainant and witnesses about how the incident had happened, whose houses were burnt, who conducted the attack, names of the attackers, etc.

It is to be recalled that on 16 February 2011, police and BGB recovered the dead body of Saber Ali from Rangi Para area who was suffering from epilepsy. Following the incident, Bengali settlers intentionally started to accuse local indigenous Jumma people for the death of Md. Saber to spread communal tension against Indigenous peoples. Consequently, on 17 February 2011 at around 5.30 pm, Bengali settlers numbering 200-250 from settler inhabited areas of Gulshakhali union, under Longadu upazila of Rangamati District, allegedly in collaboration with Border Guard of Bangladesh (BGB, formerly Bangladesh Rifles- BDR) made a massive communal attack on Jumma villages of Gulshakhali and Rangi Para areas. At least 23 houses of Jumma villagers including one BRAC school and 3 tobacco ovens were reportedly burnt to ashes in the attack, while two Jumma students were seriously injured in another attack made at Tintilya Launchghat in Longadu at noon. Bengali settlers looted huge valuables before setting fire on the houses. The names of the villages affected in this incident are Ranjit Para, Rangi Para and Shanti Nagar under Gulshakhali Union and Bogachatar Union in Longadu Upazila.

Following the incident, Mr. Milan Chakma filed a case with Longadu police station on behalf of the victim Jumma villagers on 28 February 2011 accusing Md. Jasim Uddin, the mastermind of the incident, and 17 other Bengali settlers.

After inquiry, police submitted 'Final Report' twice before the court on 6 March 2012 and on 29 January 2013. In both reports, police

stated that the commission of the communal attack was found to be true, but involvement of any person of the 18 accused, specifically identified in the written complaint, or any other person was not found to be true. In that circumstance, rejecting the Final Report of the police and filing a disagreement petition, Milan Chakma, appealed to the court for CID inquiry of the case twice. Eventually, hearing the last appeal petition of the complainant on 21 August 2013, Chief Judicial Magistrate (CJM) Tahmina Afroz Chowdhury ordered for CID inquiry of the case.

It was learnt that the local court sent the accused 13 perpetrators to jail while they went to surrender before court. However, the perpetrators later took bail from High Court and walked out of jail. Now, they are threatening to kill Milan Chakma.

Massive Communal Attack

Communal attack at Betchari-Kamalchari following killing of Sabita Chakma

On 25 February 2014, at about 11:30 am, a group of Bengali settlers attacked the villagers of Kamalchari area of Khagrachari district, with sharp



weapons and sticks when funeral (sradha) ceremony (a ritual done by the Chakma people after the death) of Sabita Chakma was going on in the village. Panekya Chakma alias Pandukya, 32, son of late Binoy Kumar Chakma and Ananda Lal Chakma, 45, son of late Surjo Mohon Chakma of the same village got seriously injured as the attackers hit them with sticks and machete repeatedly. Panekya Chakma was admitted to Khagrachari General Hospital with serious injuries in his head and in other parts of the body.

It was reported that, on the day, Bengali settlers of Bhuachari cluster village staged a human chain at Khagrachari Sadar in connection with the case filed against Bengali settlers alleged to have been involved in the killing and rape of Sabita Chakma. While they were passing by the village of Sabita Chakma, they chanted offensive slogans against indigenous peoples and at some point, hurled stones at two Chakma girls of that village. Learning that incident, the villagers who were at the funeral ceremony obstructed the Bengali settlers. As a result, settlers were forced to retreat and went towards the cremation ground of Kamalchari. On their way, they found Panekya Chakma and Ananda Lal Chakma and pounced on them with sharp weapons. At some point, an Ansar (an auxiliary force) member, named Rasel, was also seen taking part in the attack. Later, the indigenous villagers managed to rescue the victims with severe injuries.

The next day, on 26 February 2014, at around 8:00 am, hundreds of Bengali settlers from Bhuachari cluster village cracked down on the villagers of Betchari Christian Para of Kamalchari Union of Khagrachari on the plea that a 12 year-old Bengali kid was missing since the day before. In this attack, Bengali settlers destroyed the idols of Buddha, furniture and loudspeaker of a Buddhist temple named “Chaitya Adarsha Bouddha Vihara.” Indigenous villagers of Betchari came to know about this attack after a little while and immediately rushed and resisted the attack. As a result, clashes broke out between the groups, and at least five Bengali settlers and three indigenous persons were injured. Among the injured settlers, only two persons, named Alam and Mintu could be identified. Name of two injured indigenous persons were:

1. Bishwajit Chakma, 29, son of Bilas Chandra Chakma, village-West Christian Para, Betchari, Kamalchari Union;
2. Sukhamoy Chakma, 30, son of Anil Kumar Chakma, village-Sakrachara, Betchori, Kamalchari Union.

Also, on the same day, at around 11:00 am, in a separate incident, the Bengali settlers of Bhuachari village attacked 3 indigenous villagers, who sustained serious injury. All of them were given treatment at Khagrachari General Hospital. The names of the victims were:

1. Biplob Chakma, 30, son of Tara Chandra Chakma (Vogo)
2. Rombapudi Chakma, 60, wife of Tara Chandra Chakma (Vogo)
3. Mamuni Chakma, 18, daughter of Hekkala Chakma.

Following these incidents, and according to the decisions of a ‘law and order’ meeting, the Khagrachari District Administration imposed section 144 at the Kamalchari union areas from 26 February to 28 February 2014.

It is to be mentioned here that Sabita Chakma, 30, an indigenous Jumma woman was allegedly killed after rape at Chengi Char area of Kamalchari union in Khagrachari by some Bengali settlers on 15 February 2014.

Miscreants vandalize houses of indigenous peoples in Tanore

On 30 March 2014, a group of land grabbers forcefully seized 9 houses of Indigenous peoples in Pachondor village under Tanore upazila in Rajshahi District. The miscreants forcefully evicted the indigenous peoples from their lands and vandalized their houses showing a court order. Later, it was learnt that the miscreants produced false court documents with an intention to grab the lands of indigenous people.



The victims were- Lobin Murmu, Mangra Murmu, Biren Kisku, Anjinius Tudu, Johan Hasda, and Sakoda Karmakar. Land grabber Fazler Rahman, Anisur Rahman, Estar Ali of Sadipur Village, were said to be involved in the heinous activity. Around fifty people were learned to have participated in the act of vandalism. Though the miscreants claimed to possess court order, victims said that they did not receive any such legal notice. The victims further informed that miscreants also threatened to kill them.

Communal attack on Khasi people by land grabbers of Nahar Tea Estate in Moulvibazar

On 30 May 2014, a group of miscreants led by Pijush Kanti Bhattacharya, Manager of Nahar Tea Estate, made a brutal attack on indigenous Khasi villagers after they resisted an attempt of land grabbing by the tea estate authority. In the attack, at least 20 Khasi villagers including 13 women were seriously injured. However, instead of framing charges against the perpetrators of the attack, police accepted a false case filed by the perpetrators themselves and arrested some of the Khasi villagers over the last few months. On 2 June, tea estate authority filed a case against 16 Khasi villagers including one woman. The arrested indigenous persons were taken to police custody and the rest were reported on the run.



Destroyed trees and victim khasi woman in Nahar Punji

It was learnt that on 30 May, Friday, at around 12:00 noon a big group of tea garden workers from Nahar-1 (Aslom) tea garden with stick and sharp weapons came to the Khasi Punji where 79 Khasi families were reported to be living. The attackers first occupied the newly built but unfinished houses belonging to Khasi people. They also tried to build house using their house building materials that they brought with them.

Learning this news, Asrin Poshayad (28) wife of Punji's assistant 'montri' Dibarmim Pohtam (38) went to the spot and requested the tea workers not to build any house in the Khasis' land. However, the tea workers refused to listen to her and attacked her instead. In this situation, some of the Khasi people came forward to save her and they were also beaten up by the attackers. The identified injured Khasis were – Dil Sumer (45), Asrin Poshayad (28), Daimond Lamin (40), Kmen Khongstia (30) and Twis Chella (30). When this news spread out among the Khasis, other Khasi people from the Punji rushed to the spot and started throwing stones to the attackers in self-defense. As a result, the attackers retreated and some of them got injured when they were retreating hurriedly. With the help of the police the critically injured Khasis were admitted in the Sylhet and Srimangal Health Complexes.

On that Friday, it was learned that most of the Khasi men were in their work. In the meantime, the land grabbers took this opportunity to grab land by erecting new house on Khasi peoples' land.

Communal attack on indigenous villagers by police and BGB personnel at Babuchara

On 10 June 2014, members of police and Border Guard Bangladesh (BGB) carried out an attack on indigenous villagers at Babuchara under Dighinala upazila in Khagrachari District. In the attack, at least 18 people including several women were injured. The incident took place following the setting up of a BGB battalion headquarters at Babuchara.

It was reported that, on that day, when BGB personnel tried to plant a flag at the proposed site of the camp at Babuchara, under Dighinala Upazila, dozens of indigenous women protested, and got into an altercation with the BGB men claiming that the land belonged to them. The argument led to clashes that left several indigenous people and BGB members wounded. Police later went to the spot, and fired rubber bullets and tear gas shells to bring the situation under control.

It was learnt that, BGB took an initiative to acquire 45.0 acres of land belonging to the people of three indigenous villages namely Santosh Kumar Karbari Para, Gobinda Karbari Para and Notun Chandra Karbari Para in Dighinala Upazila of Khagrachari District, in order to establish battalion headquarters. The area that BGB poised to take control of, included not only lands of indigenous families, but land of a primary school and a Buddhist temple. Following the action taken by the BGB, at least 21 indigenous families were evicted their lands.

The injured persons were indentified as:

1. Jharna Chakma, 35, wife of Dharma Ratan Chakma of Jatna Mohon Karbari Para;
2. Prandevi, 32, wife of Prem Ranjan Chakma of Jatna Mohon Karbari Para;
3. Fulrani Chakma, 30, Husband- Sneha Ranjan Chakma of Jatna Mohon Karbari Para;
4. Pinki Chakma, wife of Chanba Ratan Chakma of Jatna Mohon Karbari Para;
5. Surati Chakma, 32, wife of Juba Mohan Chakma of Jatna Mohon Karbari Para;
6. Angabi Chakma, 33, wife of Sukhamoy Chakma of Jatna Mohon Karbari Para;
7. Gopa Chakma, 35, wife of Fulmoy Chakma of Jatna Mohon Karbari Para;
8. Maya Rani Chakma, 33, wife of Pradip Chakma of Jatna Mohon Karbari Para;
9. Madhurika Chakma, 32, wife of Kiran Chakma of Jatna Mohon Karbari Para;
10. Kamala Ratan Chakma, 37, son of Surjoy Chakma of Jatna Mohon Karbari Para;
11. Chameli Chakma, 32, wife of kamala Ratan Chakma of Jatna Mohon Karbari Para;
12. Angadevi Chakma, 32, wife of Kamala Ranjan Chakma of Jatna Mohon Karbari Para;
13. Sontosh Kumar Karbari, 70, wife of late Shashi Mohan Karbari of Jatna Mohon Karbari Para;

14. Ananda Bala Chakma, 35, wife of Kamal Kumar Chakma of Jatna Mohon Karbari Para;
15. Shymolika Chakma, 32, wife of Shyam Chakma of Jatna Mohon Karbari Para;
16. Sadhana Chakma, 33, wife of Mangal Chakma of Jatna Mohon Karbari Para;
17. Sonadevi Chakma, 32, wife of Gopajoy Chakma of Jatna Mohon Karbari Para;
18. Subarna Chakma, 33, wife of Shaymal Chakma of Jatna Mohon Karbari Para;

On 12 June 2014, BGB also filed a false case against 100 unknown local indigenous Jumma people accusing them of camp vandalism. In this case, BGB included two dead persons and one lawyer as defendant in order to harass them. On that day, the local indigenous people brought out a procession against setting up of BGB camp in Dighinal Upazila. On 13 June 2014, police arrested Pradip Chakma and another unknown Jumma person of Jotno Kumar Karbari Para on their way to work. Police also raided their village and closed down their village road.

Three Tripura villagers assaulted at Mirsarai in Chittagong

Three Indigenous Tripura villagers came under attack by land grabbers on 14, 16 and 17 August 2014, at Koila Barapara of Kerethat Union, in Mirsarai Upazila of Chittagong District. The attacks were allegedly carried out to evict Indigenous Tripura people from their land.

On 14 August 2014, Md. Zakir Hossain (50), s/o Mohammad Bojler Rahman, of Koila Barapara, assaulted Hiran Kuman Tripura (28) of the same village wounding him seriously. The same miscreant assaulted another villager Paklati Tripura (50), with his shoes and pushed her down from a hilltop on 16 August. The villagers took Paklati to a nearby hospital. A third incident of physical assault took place when on 17 August Md. Zakir, son of Md. Shipan (30) beat up Ratan Kumar Tripura with a stick and broke his left arm.

According to the locals, attacks made on indigenous villagers of Koila Boropara were connected to land grabbing. Therefore, indigenous villagers submitted a written complaint to Md. Ashraf Hossain, Upazila Nirbahi Officer, demanding justice for the victims. But, so far, no action

was taken by the Upazila administration. Instead, the land grabbers continued to threaten the Tripura villagers.

Attack on Chakma women in Teknaf, 7 Chakma women injured

A number of vested groups, since long, had been attempting to evict indigenous Chakmas (Tanchangya) from their ancestral land in Teknaf and Ukhiya Upazila in Cox's Bazar District. As a part of their evil design, on 24 November 2014, land grabber Mattul Mandol and his henchmen attacked Chakma women and attempted to mow down their paddy crops. The Chakma villagers demanded exemplary punishment of Mottal Hossain and his group of the alleged land grabbers who led the attack on Chakma women. They also demanded to stop all kind of conspiracy to evict the Chakmas from their ancestral land in Teknaf.

On 24 November, a group of miscreants led by Mottal Hossain attempted to crop the ripened paddy of the Chakmas in Duingyakata village of Hoiyangkhong Union, under Teknaf Upazila (Sub-district). When the Chakma women of the village tried to stop them, the alleged miscreants started beating them up indiscriminately and injured 7 Chakma women. The injured women were identified as Ms. Jantrabi Chakma (50), Ms. Ramiching Chakma (30), Ms. Shinka Mala Chakma (27), Ms. Thoiching-U Chakma (45), Ms. Paiyaching Chakma (25), Ms. Thoima Chakma (25) and Ms. Utpal Chakma. They were admitted in the Teknaf Health Complex, but as their condition was critical they were then referred to Cox's Bazaar District Hospital for better treatment.

Massive communal and arson attack on three indigenous villages by Bengali settlers in Naniarchar

On 16 December 2014, when the whole country was celebrating the Victory Day, indigenous houses and shops were burnt down by Bengali settlers in Bagachari area under Burighat union of Naniarchar upazila in Rangamati district. This arson attack by Bengali settlers was allegedly carried out in connection with the land grabbing.

On that day, between 6:00 am-7:00 am, a mob of Bengali settlers of Islampur and Bagachhari villages under Burighat union set three neighboring indigenous villages on fire. As a result, 37 houses of Chhuridaspara, 6 houses of Nabin Karbari Para and 7 houses of Bagachari; were completely burnt. They also torched 7 shops at Ananda Bazar areas of Choudhdomel.



Besides that, the settlers vandalized a Buddhist temple named "Karuna Kuthir" of Bagachari. The settlers broke down some idols of Lord Buddha and looted five brass-made idols of the temple. A Buddhist monk named Ubasa Thero, who was present there, was also physically assaulted during the attack. At some point, the settlers were even preparing to burn the temple down, but were hindered by the military men present there.

Earlier, Bengali settlers including Absar Master, Azad, and Abul Kalam grabbed around 4.75 acres of land of Nishi Kumar Chakma of Bagachari village and developed pineapple fields on that land. Bengali settlers



alleged that, on the night before the attack was made, a group of unknown miscreants of indigenous Jumma people chopped down those pineapple plants. In the morning when Bengali settlers learnt about the incident, they got angry and spread communal sentiment. They started to attack and set Jumma houses on fire. At that time, the Jumma villagers tried to resist Bengali settlers. Shortly, a group of security forces went to visit the spot. Local Jumma villagers alleged that Bengali settlers set fire on nearby indigenous Jumma villages at the presence of the security forces.

Indigenous villagers alleged that some members of security forces backed the attack. There were even allegations that security forces tortured the following indigenous villagers:

- 1) Ananda Chakma, 35, member of No. 3 Burighat Union council, s/o Manek Chandra Chakma;
- 2) Alomoy Chakma, 28, s/o late Shanti Kumar Chakma.

During the attack, valuables in the houses such as clothes, cookeries, furniture, huge amount of rice and paddy, husking machine, solar panels, articles of regular usage, including cash, and goods in the shops were completely destroyed by fire. The amount of loss and damage of 50 houses was estimated at approximately BDT 16.1 million, while the amount of loss and damage from 12 shops stood at approximately BDT 4.87 million.

Communal attack on indigenous Jumma people by Bengali settlers at Basanya union in Longadu

On 12 December 2014 at around 3.30 pm, a total of 54 indigenous Jumma people came under attack of Bengali settlers at Shilkabachara under Basanya Adam union of Longadu Upazila in Rangamati District. Among them, 14 persons sustained injuries. Later, a group of BGB men rushed there and rescued them.

It was learnt that as usual in every week, on that day (Thursday) afternoon, the Jumma villagers brought their home grown crops (Bananas, Papaya, Potatoes, Chilies and different vegetables) to Shilkabachara shops, near the jetty to take them to Shuvolong Bazar (market) the next day (Friday, which is the market day in Shuvolong) for selling. During this time, out of nowhere, a group of Bengali settlers, led by Md. Babul Miya alias Minister Babul (45), Md. Tajul Islam (36) and Md. Javed Ali (48), started attacking

the Jummas with sharp knives, spears and wooden clubs. Some of the innocents Jummas, dumbfounded in such a situation, were able to escape, some took shelter inside shops and some tried to resist the attack. Some local Bengali elders also came forward to save the Jummas. They provided shelter to 54 Jummas in a Bengali owned shop and tried to stop those Bengali settlers who were attacking the Jummas.

After receiving information, a group of BGB men, led by deputy-commander of Rajnagar BGB camp, and another two groups of BGB from local Fokhshapara and Ghonomor BGB camps, rescued the Jummas who got stuck up. Later on, they were handed over to Amar Chakma, headman of Khagrachari mouza. He took the responsibility to send them home safely.

The Bengalis complained that, a group of indigenous terrorist had demanded extortion from a Bengali person, named Md. Nobi Hossain (25), s/o Md. Omar Ali, from Shilkabachara. It was alleged that the Jumma terrorist had beaten him up as he refused to pay taxes. Out of 54 Jummas who got injured, 14 were identified as:

1. Nobodip Kumar Chakma (35), s/o Shurlal Chakma, Shilkabachara
2. Shanti Kumar Chakma (40), s/o Bir Mohan Chakma, Shilkabachara
3. Tapas Chakma (16), s/o Shontosh Kumar Chakma, Khagrachari.
4. Probhat Chandra Chakma (47), s/o late Shundor Moni Chakma, Shilkabachara
5. Nolini Ranjan Chakma (32), s/o late Olodhor Chakma, Shilkabachara.
6. Shufol Chakma (16), s/o late Ashok Kumar Chakma, Shilkabachara.
7. Prem Ranjan Chakma (48), s/o Lanka Kanta Chakma, Shilkabachara.
8. Kalim Chakma (26), s/o Joy Moni Chakma, Shilkabachara
9. Sudarshan Chakma (16), s/o Doyal Chakma, Shilkabachara.
10. Shohel Chakma (16), s/o Lorgi Kumar Karbari, Shilkabachara.
11. Babul Chakma (27), s/o Jugal Chandra Chakma, Shilkabachara.

12. Shona Moni Chakma (17), s/o Shanti Kumar Chakma, Kerangachari.
13. Proti Ranjan Chakma (35), s/o Ratna Kumar Chakma, Shilkabachra
14. Bijoy Giri Chakma (40), s/o Brojendra Chakma, Shilkabachara.

Torture, assault and intimidation

Barbaric attack on four Santal workers by land grabbers in Dinajpur

On 9 May 2014, a group of land grabbers headed by Mohammad Mahabur Rahman and Mohammad Hafijur Rahman attacked four indigenous Santal workers of Sreerampur village under Nawabgonj Upazila of Dinajpur District while they were loading paddy on a vehicle. The culprits encircled the victims and started beating them up and took them to the Kazipara Bazar. There the perpetrators tied hands and legs of the victims with ropes and hanged them upside down to a tree. The culprits beat the indigenous men inhumanly with iron rods until they became senseless. Then the criminals left the spot immediately. The eyewitnesses and local people rescued them from the scene and sent them to Dinajpur Medical College Hospital for better treatment.



On 14 May 2014, Sonaram Tudu, one of the injured, filed a case with the Nawabgonj police station against Mahabura Rahman (30) son of Noor Islam; Hafizur Rahman (26), Kamal (37) son of late Kawsar; Nur Islam (50), Rafiqul Islam (32) son of late Ansar Ali; Rezaul Islam (32) son of late Mofar; Md Atul Mia (44) son of Aчитullah, Khorshed Ali (24) son of Atul Mia. The case No. was 10 under the section of 43/447/323/325/326/307/506/144.

Following the filing of the case, the main accused Md. Mahabubur Rahman was arrested but after two days he got bail and came out of the jail. The other accused also got out on bail. Taking this opportunity, the accused started threatening the victims and their families continuously and giving pressure for withdrawal of the case.

Land grabbers attack Indigenous Leader in Pabna

On 9 May 2014, the residence of Ramprasad Mahato, President of National Indigenous Council in Pabna, came under attack from a group of miscreants at Baghalbari village of Chatmohar Upazila in Pabna. The attackers were identified as Nur Mohammad, Md. Amjad Hossain, Md. A Latif, Md. Hanif Uddin, Arnab Mahato, Md. Dabir Uddin, Kamod Mahato, and Biplab Hossain. Six people were critically injured in this brutal attack. Miscreants dragged the victims out of their house and physically assaulted them. The victims were identified as Monika Rani Mahato, Swapan Mahato, Ripan Mahato, Kanchan Mahato, Ruma Mahato and Md. Salam. The injured were admitted to Chatmohar Health Complex.

According to the villagers, the attackers were land grabbers. They were demanding illegal tolls from the villagers. However, when villagers refused to pay the money demanded, the miscreants carried out the attack.

Bangali settlers attacked the CHT Commission convoy in Rangamati

On 5 July 2014, a convoy of International Chittagong Hill Tracts Commission (CHTC) came under brutal attack by Bengali settlers in front of local DGFI office at Tabalchari of Rangamati, in presence of the police forces. Two vehicles were badly damaged and three people including two CHTC members and Officer-in-Charge (OC) of the Kotwali police station were injured in the attack. The injured were- Commission member Dr.

Iftekharuzzaman, researcher Ilira Dewan and Monu Sohel Imtiaz, and the OC of Rangamati Kotwali Police Station. Following the incident, two cases were filed with the Kotwali police station, one by Monu Sohel Imtiaz and another by Hana Shams Ahmed, coordinator of the CHTC on 6 and 7 July respectively. However, none was arrested so far in this connection.

According to eye witnesses, some 100-150 people, led by Mr. Piar Ahmad of Somo Odhikar Andolon, Mr. Jalal Uddin Ahmed of Parbatya Gono Parishad, Md. Imran of Banglaee Chhatra Parishad, Ms. Noor Jahan Begum of Parbatya Nagorik Parshad, Mr. Ujjal Pal of Parbatya Bangalee Chhatra Oikya Parishad and Md. Hannan of Parbatya Juba Front, carried out the attack. Police fired three blank shots to disperse the attackers. Yet, no one was arrested.

Indigenous leader stabbed in Sylhet

An indigenous leader of Sylhet Adivasi Forum was stabbed at Baligaon Bazaar in Kamalganj Upazila of Sylhet in early August of 2014. The victim, Mr. Sadananda Singha, s/o late Prafulla Kumar Singha was admitted in the Moulvibazar Hospital with critical injuries in hands and head. The family members had informed that he was attacked by a group of 12/15 on his way back to home from Baligaon Bazaar. Following the incident, a case was filed with Kamalganj Police Station.

Attack on UP woman member to occupy her land in Chapainawabganj

On 4 August 2014, a group of land grabbers made an attack on a central member of Bangladesh Indigenous Peoples Forum, and member of Parbotipur Union Council at Gomostapur Upazila in Chapainawabganj District. In this attack, the woman activist was sexually and physically assaulted.

On the day of incident, a group of 30/35 miscreants led by Afzal Hossain and Manirul Islam attacked the victim with sharp weapons and stick when she was working in her peddy field. They repeatedly stabbed her with knives. Afterwards, Rezaul Karim (30), Akbar Ali (25) and Akhter Hossain (35) forcefully dragged her to an open place and sexually harassed her. The miscreants threatened to kill the victim if she files any case against them.

They also looted all the valuables and agricultural equipment from her house, that include a power tiller machine, a shallow machine and a pair of buffalos, amounting to BDT 300,000. After the incident, villagers rescued the victim from the spot and took her to Gomastapur Health Complex. When her health condition deteriorated, she was transferred to Chapainawabganj General Hospital for better treatment.

Bengali settlers committed similar attack and sexual harassment on another indigenous leader in Gomostapur. The woman leader filed a case, however, the 18 accused culprits were granted bail on 24 September 2014 by the District and sessions Judge's Court.

Indigenous night guard attacked and hospitalised in Comilla

On 6 August 2014, Ram Bahadur Tripura, a night guard of Comilla University was attacked by the miscreants and hospitalised after being critically injured. The victim identified Mosharaf Khan, a grocery



shopkeeper as his attacker. However, his poor family was afraid to file a case on security ground.

According to the city-scan report, his forehead bone was fractured. The incident occurred while two snatchers tried to snatch belongings of Mr. Tripura's relative, 150 meters away from his residence. The miscreants struck the victim on forehead with brick-chips when he tried to resist.

Farmer rescued nine days after abduction

On 25 October 2014, an indigenous person named Rabi Sangma (50), s/o Amarendra Marak was kidnapped from his village Somnathpara in Bakshiganj Upazila of Jamalpur District. Police rescued the farmer after nine days of his abduction in Jamalpur.

According to his wife Serula Khaksi, the kidnappers demanded BDT. 500,000 as ransom over phone and threatened to kill her husband if she fails to pay the money. The victim's wife informed the local police station as soon as she received the phone call. After tracking the phone calls, a team led by two senior police officers of Bakshiganj police station rescued Rabi. Police also arrested three kidnappers from the spot. They are Alimul Haque Anik (28), s/o Hamidul Haque, Abdus Samad (23), s/o Amir Uddin, and Dulal Kabiraj (35), s/o Ashu Fakir. An abduction case was filed with Baksiganj police station following the incident.

An indigenous media activist attacked by Bengali settlers in Dighinala

On 28 December 2014 at mid-night, a group of Bengali settlers numbering around 100 persons led by Shahjahan Mian (42) from Jamtali settler village under Dighanala Upazila attacked an indigenous media activist named Papen Tripura of Bhoirafa Naya Para under Dighinala Upazila in Khagarchari District.

Bengali settlers threw brick-chips on the house of Papen Tripura and beat up Papen's younger brother Mithun Tripura when he tried to stop Bengali settlers from throwing brick-bats. At a stage, Bengali settlers kidnapped Mithun Tripura. Having informed, police from Dighinala police station rushed to the spot and rescued Mithun Tripura.

A Tanchangya family harassed by BGB personnel in Ghumdhum

On 30 December 2014, at 8:30 pm a group of BGB personnel from Mongjoy Para BOP camp led camp commander Abul Kalam conducted a raid in the house of Ushwehla Tanchangya s/o late Aunghla Thowai Tanchangya of Baroitoli Ranchangya Para of Razu mouza under Ghumdhum union of Naikhyongchari upazila in Bandarban District. It was alleged that family members of Ushwehla Tanchangya were harassed in the raid.

Arbitrary Arrest and Detention

Student activist Aung Chinu Marma held under fabricated case in Rajasthali

On 2 February 2014, Aung Chinu Marma was arrested from his home in Rajasthali Upazila under Rangamati District following the killing of Mangkya Marma, assistant secretary of Rajasthali sub-district Awami League, who was gunned down by unidentified terrorist.

Some vested groups used this killing of Mangkya Marma to gain political advantage and in consequence, Aung Chinu Marma was arrested on the charge of murdering him. It was also claimed that acting Office-in-Charge (OC) of Chandraghona Police Station brutally tortured Aung Chinu Marma to make him confess about the killing.

Bengali settlers attacked indigenous villages and set fire on houses in Ramgarh

Security forces arrested two innocent indigenous Jumma villages, filed fabricated cases and sent them to prison

Bengali settlers attacked Jumchara village of indigenous Jummas, located in Patachara Union of Ramgarh Upazila under Khagrachari District.

On 15 March 2014, at around 8:00 pm, the security forces arrested two innocent Jumma villagers, Debendra Tripura (35), son of Bandaram Tripura; and Borendra Tripura (40), son of Upai Tripura. The security forces carried out the arrest accusing that some Jumma terrorist had

chopped down the trees of a garden belonging to Colonel (retd.) Kamrul Hasan. The retired colonel had set up the garden after grabbing land belonging to the Jummas. Later on, at around 12.30 am, Bengali settlers from Patachara cluster village attacked Jumhara village of Jori Chandra Para. As a result, Jumma villagers had to abandon the village to escape to safer places. Bengali settlers vandalized seven Jumma houses. The military filed a fabricated case against the two arrested innocent villagers under the Forest Act (Lawsuit no. 2/ 15 March Section- 143/447/436/427) and sent them to jail. House of Solendra Tripura (35) son of Doyal Chandra Tripura was completely gutted by fire after being torched by Bengali settlers.

Security forces arrested two Jumma villagers with gun and ammunitions

On 16 April 2014, at around 3.30 am, the security forces of 4-field regiment artillery of Shindukchari Zone arrested two Jumma villagers from Manichandra Karbari Para of Patachara union in Ramgarh Upazila. A lawsuit was filed against them with Ramgarh police station under Arms Act (section 19).¹⁹

It was learned that on that fateful night, security personnel surrounded the house of Pushta Kumar Tripura. Later on, they dragged all the people out of the house and made them stand up at the front yard. It was alleged that in the name of searching the house, they placed a gun (one country made 3.2 revolver and 4 rounds of ammunition) in their rice storage. Afterwards they placed the gun with ammunition in the hands of Pushta Kumar Tripura (33), son of Kha-Lal Tripura and his son in law Chaihl Marma, son of MonglaPrue Marma from Singinala village of Khagrachari, and forced them to pose for photographs. Both of their eyes were blindfolded and hands were tied up. They were not even provided water when they asked for. Since morning to midday, these two innocent villagers were forced to stand up, out in the field, under the bright sun with blindfolded eyes and tied hands. Later on, at around 1 pm, they were taken to Ramgarh police station and a fabricated case under Arms Act was filed against them. In the morning, on 17 April, they were sent to Khagrachari District jail.

¹⁹ Dainik Purbakone, Thursday, 17 April 2014

Killing and Other Cruel Treatment

An indigenous government official murdered by miscreants in Gaibandha



On 11 January 2014, an indigenous government officer named Obidio Murdy, Assistant Commissioner (land) was killed by a group of miscreants in Gobindgonj Upazila of Gaibandha District. It was learnt that on that day he was going to his workplace in Gobindgonj Upazila of Gaibandha District from his home located at Beniduar of Dhamairhat Upazila in Noagaon District. On his way, at around 6:00 pm, a group of miscreants at Fashitola location stopped him. The group killed him and later spread that he was killed in a road accident. A general diary was filed with Gobindgonj police station regarding this.

Imelda Murdy, sister of deceased Obidio Murdy said criminals of that area had been trying to use his brother to serve their ill purpose. As they failed to use him, they killed him and made it look like he died in a road accident. The family strongly demanded of the Prime Minister to carry out an autopsy of the deceased, proper investigation and ensure punishment of the perpetrators.

Dead body of an indigenous person found

On 24 January 2014, police discovered a dead body of an indigenous person, named Dhonda Murmu (25), son of Maida Murmur from Malar Para village of Nobabgonj Upazila in Dinajpur District. The body was found in his own residence located at Nobabgonj Upazila of Dinajpur District.²⁰

Sherfina Murmu, sister of the deceased said that Dhonda Murmu used to live alone at his residence. On that day, Dhonda was sleeping at the veranda of his house. At around 9:00 pm, Sherfina brought dinner for her brother and found her brother was not responding. Later, police were informed of the incident. Abdullah Al Sayed, office in Charge of Nobabgonj police station said that no symptom of injury was found on the deceased's body. The body was sent to Dinajpur Medical College for autopsy. Family members of the deceased believed that miscreants killed him.

An indigenous person believed to have been killed in Phulbari

On 22 April 2014, police recovered the dead body of an indigenous person named, Doyal Thakur Murmu (55), son of Thakur Mangal from Gopalpur village of Shibanagar Union under Phubari Upazila in Dinajpur District.

Eye witnessed said that on 22 April 2014 in the morning, a villager, named Mahmud Islam, discovered the dead body when he went to water his own cornfield. Afterwards, he informed local word member Hossain Ali and UP Chairman Harunur Rashid about the dead body. Later on, police came and took the dead body to police station.

The indigenous people of Gopalpur village said that Doyal was killed and his dead body was left there. Son of the deceased, Albenus Murmu said that his father went out of home on 20 April evening and never returned. Autopsy was done, but the actual reason of his dead could yet to be known. His family said that few days back, Doyal had an argument with an influential person over land issue. Family members of deceased believed that land-related dispute was the reason behind the killing.

An indigenous Hajong villager killed in Sherpur

On 27 July 2014, an indigenous Hajong villager, named Subal Hajong was killed in an attack by a miscreant named Abu Sayed (41) at Deflai village under Jhinaigadi Upazila in Sherpur District.

²⁰ Prothom Alo, 26 January 2014

It was learnt that on that day, at 11:00 pm, the miscreant Abu Sayed (41) entered the house of Jabodhor Hajong with ill motive. At this time, Jabodhor Hajong was not present at his house. Finding his wife alone, Abu Sayed caught her and attempted to rape. Hearing the screaming of the victim, elder brother of Jabodhor Hajong, Subal Hajong (60) woke up and went to his brother's house to rescue his sister-in-law.

In an attempt to save his younger brother's wife, Subal had to scuffle with the miscreant and at one stage Subal fell down on the ground following a fata blow from the perpetrator. After a while Subal breathed his last on the spot. In the meantime, Abu Syed, the culprit fled the scene. Arbitration was held in Deflai village where the UP Chairman was also present. However, a local influential group, in the name of solving the matter, tried divert the issue by issuing threats to indigenous peoples.

It was Eid day on the day of the incident. Victim's husband, Jabodhor Hajong was outside the house driving a rickshaw when the incident occurred. The perpetrator was their neighbor from the same village.

An indigenous Santal killed by land grabbers in Dinajpur

On 2 August 2014, an indigenous Santal villager, named Dhudu Soren (50), was killed by a family of land grabbers led by Abdul Goffar (40) and Azgor Ali (47) at Kachuya village, under Kushdoho union of Nawabgonj Upazila in Dinajpur District. Deceased family said that land-related disputes were the reason behind the killing.



Dhudu Soren's family members

The witness said that on the day of the incident, Dhudu Soren went to Kushdoho bazaar to repair his bicycle in the morning. On his way back to home at about 8:00 am, a resident of the Kachuya village, named Ajgor Ali, intentionally pushed him and threw him from the bicycle. Then Ali dragged him to his brother Abdul Goffar's house, which was just beside the road.

Incidentally, one Altaf Ali was present on the spot and instantly went to inform Dhudu's family. Rabi Soren and Milon Soren (25), sons of Dhudu Soren came to rescue their father. However, they were also attacked by Ajgor Ali and were forced to leave the place.

After a while, Rabi and Milon returned with more people and they found their father senseless near Abdul Goffar's house. Instantly, family members took him to the Phulbari Upazila Health Complex, but the doctor referred him to Rangpur Medical College Hospital as Dhudu's condition had deteriorated. Family members took him quickly to the Medical College where he died at noon.

Aminul Islam, sub-inspector of the Nawabganj Police Station confirmed the incident and said, police arrested Abdul Goffar's wife Hawa Begum but other family members fled away. Dhudu's elder son Rabi Soren filed a case with the Nawabganj Police Station.

It is worth mentioning here that a case was pending in the law court over a disputed land between Dhudu Soren and Abdul Goffar's family. It was the again same accused person who killed Dhudu's father Fagu Soren in 1973 with the ill intention to occupy the land of the deceased.

An indigenous motorcycle driver killed in Naniarchar

On 4 August 2014, dead body of Chandan Kumar Tripura (30) was found at Kengelchari area of Naniarchar Upazila in Rangamati District, who went missing from Khagrachari. He was a professional motorcycle driver who used to transport passenger for living.²¹

It was learnt that the villagers of Kengelchari discovered a dead body at around 1.30 pm and informed the Naniarchar Police Station. Later on, police went there to take the dead body. Ranjit Tripura, brother of the

deceased confirmed that it was the body of missing Chandan Kumar Tripura. The body was sent to Rangamati General Hospital for autopsy. Family members of the deceased believe that Chandan Kumar was probably kidnapped first for ransom and later on was killed by the armed extortionists.

An indigenous political activist killed under custody of security forces in Matiranga

Timir Boron Chakma, 52 (alias Duran Babu) was brutally tortured to death while in custody of the security forces in Matiranga Upazila of Khagrachari District, on 10 August 2014. It was also alleged that the victim was cremated amid high security arrangement by both the army and the local police without carrying out any post-mortem.²²

Death of an Indigenous prisoner in Noagaon jail

On 3 December 2014, a prisoner from Noagaon District jail, named Subhash Pahan (45), died mysteriously. The prisoner died at Noagaon General Hospital where he was undergoing treatment. He was the son of Danesh Pahan from Mirjapur village of Bodolgachi Upazila under Pahan District.²³

The local indigenous leaders were suspicious about his death. The family of the deceased was keeping quiet over the issue. Indigenous leaders had urged to set up a transparent investigation team.

Bodolgachi police arrested Subhash on 3 December at around 7:00 am, with 10 liters of home made alcohol. A case was filed against him. He was sent to Noagaon jail in a bad health condition. Later, in the evening, as his condition was worsening, he was taken to Noagaon Hospital for treatment. He died at night while undergoing treatment. His body was sent to mortuary for autopsy.

Azizul Haque, Officer-in-Charge (OC) of Bodolgachi Police Station said that Subhash was not tortured under custody. He was all fit when he was transferred to the jail.

21 Prothom Alo, 4 August 2014

22 PCJSS man 'tortured to death' in army custody, Dhaka Tribune, 12 August 2014

23 Sonali Sangbad, 5 December 2014

The local indigenous leaders were wondering how he died under the police custody and prison authority. Joynal Abedin, advisor of central committee Jatiya Adivasi Parishad, said that Subhadh was very well fit when he was arrested from his home in the morning. His death evoked suspicion.

It was reported that authorities were putting pressure on the family of the deceased to remain silent. The indigenous leaders urged to form a transparent committee to investigate the reason of his death.

Religious Persecution

20 Mro and Tripura students converted to Islam by Laden Group

An alarming activity allegedly being conducted by Laden Group is the forced religious conversion (to Islam) of local indigenous people who practice different religions other than Islam. Indigenous Buddhist and Christian children are the prime victims of religious conversion. With that end in view, leaders of Laden Group were seen tempting the locals with money, health care, education and other facilities. It is seen that previously above 20 indigenous Tripura and Mro children from this area were taken to a madrasa in Dhaka and converted them to Islam and given Islamic names dropping their indigenous names. Indigenous children from nearby Naikhyongchari, Bakkhali, and Baishari were also taken to Dhaka in the similar way. Now their parents were learned to be passing their days in extreme anxiety. The following indigenous children were taken to Dhaka (some were rescued):

1. Lengkrata Mro (12), son of Kaiya Mro
2. Lengklang Mro, son of Paiya Murong, vill: Chiru Mro Para, Sangu Khal, Sangu Mouza
3. Aungsain Mro (9), son of Mong-e Mro
4. Than Thui Mro (8), son of Cheton Mro
5. Premu oi Mro (10), son of late Kidong Mro, Christian Para, Sangu Khal, Sangu Mouza
6. Koying pre Mro (11), son of Kongyeng Mro and Lengpao Mro, Langni Mro Para, Yengcha Mouza
7. Badumoni Tripura (10), son of Gajon Tripura and Hanrung Tripura

8. Alexandar Tripura (10), son of Vosinik Tripura and Enjena Tripura
9. Tereza Tripura (10)
10. K chandra Tripura (11), son of late Nodaram Tripura and Hantima Tripura
11. Roshi Chandra Tripura (12), son of Biswabot Tripura

Further, on 20 August 2014, an indigenous Marma woman named Aungmaching Marma (20), father's name- Mong Chau Marma and mother's name- Mousaching Mrama from Myo Upar Para of Tarasa union under Rowangchari upazila in Bandarban was converted to Islam. Her name was given as Fatema Akhtar Roji. An affidavit for conversion was done by Md. Abdus Sattar, Advocate and Notary Public in Dhaka.

A Buddhist monk sexually assaulted by security personnel in Bilaichari

On 16 January 2014, Thursday, an army personnel and a member of Ansar Battalion, sexually assaulted a Buddhist monk in Bilaichuri Upazila of Rangamati District.

It was learnt that on 16 January 2014, two law enforcers entered the Buddhist Bihar (temple), where they sexually assaulted and tortured the monk and ran away after looting all the money and other valuable possessions of the monk. However, at first, due to shame and fear, the monk did not disclose it to anyone. Later on, when the Buddhists community came to know about it, they found the matter as extremely immoral and a shameful act, and they strongly condemned it.

BGB personnel desecrated Buddhist temple by entering it with shoes on

On 19 February 2014, a group of BGB personnel, led by Shantinagar BGB camp Nayek Subedar Md. Taher, entered inside Shanti Nagar Buddhist temple, located at Longadu Upazila under Rangamati District. Despite being told not to enter inside the holy temple with shoes on, still they did and took pictures inside.

It is to be mentioned that, they did the same thing in the past too; they ended up hurting the religious sentiment of the local Buddhists who believe that entering inside temple with shoes on, vitiate the sanctity of the temple.

Construction of the statue of Lord Buddha was prevented in Baghaichari

On 30 April 2014, upazila administration imposed section 144 in Todekmarahijing area of Baghaichari Upazila in Rangamati District for an uncertain period to hinder the local people from building a statue of Lord Buddha in Ajalchug Temple area in Baghaichari Upazila. It was learnt that local indigenous people of Bongaltali union under Baghaichari Upazila started to build a 10 feet high statue of Lord Buddha in Todekmarahijing area. On 28 April, soon after the construction work began, security forces of nearest camp obstructed the locals from building the statue. Local administration declared that the area was reserved for the Department of Forest and any type of infrastructure could not be built on that land. Upazila Nirbahi Officer (UNO) of Baghaichari Upazila imposed section 144 for an uncertain period of time claiming that the situation was not good and trouble could ensue at any time.

However, local indigenous people were of the views that the main target of the administration for imposing section 144 was to stop the indigenous peoples from building the Buddha statue and create an opportunity for the settlers to grab the land of indigenous peoples.

Hindu temple and idols of indigenous families vandalised in Mymensingh

On 9 May 2014, miscreants attacked indigenous family and vandalised religious idols at Batajor Chatiachala village of Kachina union, under Bhaluka Upazila in Mymensingh District. In this attack, two indigenous persons were injured. Police made one arrest in connection of the attack.

According to the family and the neighbours, on that day, a group of miscreants numbering 10/12, led by Khalilur Rahman and Sharif, from the same area, attacked the house of Rahim Koch (55), son of Srikanta Barman. They vandalised the house and the idols. Rahim Koch and his wife Renu Barman (40) were also beaten up as they tried to stop them. After receiving information, Sarowar Hossain, Upazila Nirbahi Officer and Moniruzzaman, Officer in Charge (investigation) of Bhaluka Model Police Station, rushed to the spot and rescued the injured persons and admitted them in the Bhaluka Health Complex. On the same night, police arrested a person named Shahjahan (45), son of Amjat Ali, in connection with the attack.

Bengali settlers attempt to grab land of Buddhist meditation centre in Longadu

On 11 May 2014, a Bengali settler named Md. Jalil (45), son of Md. Hazrat Ali from Sonay Block of Mainimukh union occupied a house (cottage) of meditation centre (Prashanta Aronya Kuthir) at Bhakta Kumar Karbari Para of Atarakchara union, under Longadu Upazila in Rangamati District. Since then, he along with his family started to live in that house.

Soon the incident was reported to local administration, including to the Military Zone Commander of the area who were requested to take action. Md. Jahir, INCO of Longadu Zone and Md. Ibrahim, Sub Inspector of Longadu police station visited the area and found Md. Jalil's family in the cottage. However, no step was taken by the administration to remove them from the meditation cottage. It was suspected that some local influential high-level people were involved in the matter.

Bengali settlers, since long, were trying to illegally grab lands belonging to this meditation centre. With this purpose, they chopped down Teak and Agor (incense) trees planted by the authority of the centre, cleared the area and erected infrastructure to build house. The local administration was informed about it several times but did not take any action whatsoever. On 08/06/2014, a group of people consisting director of the meditation centre, headmen of the village and local respected leaders met the chairman of Longadu Upazila and requested him to take action to save the Buddhist holly place. The chairman assured that he would solve the issue permanently in a day or two. However, he did nothing.

Jumma villagers prevented from building a statue of Lord Buddha at a place in Sajek being eyed by BGB for setting up their camp

On 22 July 2014 local administration of Baghaichari upazila and security forces prevented Jumma villagers to build a statue of Lord Buddha at Gangaram Doar area near Ujo Bazar under Sajek union of Baghaichari Upazila in Rangamati District. It was learnt that the BGB planned to set up a camp on the land selected for building a Buddhist temple. In the evening on 22 July, tension mounted in this area while the army and the BGB intensified their patrolling at Ujo Bazar area and on the contrary, the local indigenous villagers gathered there to continue building the statue of Buddha.

On 23 July 2014 Additional Deputy Commissioner (revenue) of Rangamati Hill District Mr. Mostafizur Rahman and Upazila Nirbahi Officer (UNO) of Baghaichari Upazila Mr. Suman Chowdhury rushed to the spot. During their stay at Uja Bazar, local indigenous villagers observed road blockade programme. It was reported that local people withdrew blockade programme while local administration assured them to resolve dispute by holding meeting. At present police kept the place encircled to prevent Jumma villagers from erecting the Buddha statue.



Migration to neighbouring countries

On 22 December 2014, over 31 Rakhine families from Cittagong Hill Tracts of Bangladesh sought asylum in Kyauktaw Township under Arakan

State in Myanmar. Maung Aye Thein, a local resident who was assisting the asylum seekers said, “There are 31 people, including women and children, who fled from the Chittagong Hill area. Now they are staying at the Sarsana Temple”.

It was also learened that therewere nine men, 11 women and 11 children in the group who hailed from Ya-Mat-Gyi Village under Bandarban District in Bangladesh. They crossed the border through Platwa Township in Chin State, Myanmar, before heading to Kyauktaw Township.

It was also reported that about 150 families with around 500 members from Alikadam and Thanchi areas of Bandarban District left for Myanmar as they felt increasingly insecure in the place of their living. At present, a road from Alikadam to Thanchi is being constructed by the Bangladesh Army. A rumour got spread to the effect that Bengali settlers would be settled along the roadside of this inter-Upazila road. Fearing possible eviction from these areas, indigenous Marma and Mro people started migrating to Mayanmar.



The Rakhine people who migrated to Mayanmar were learned to have said that it became increasingly difficult for them to earn a living because Bengali Muslim people were causing them a lot of trouble, and their

business in Bangladesh was also failing. As they were afraid of persecution from Bengali Muslims they fled to Myanmar. This was the first group to come over this dry season; over 1,000 asylum seekers from Bangladesh already entered Myanmar in the previous years.²⁴

On the contrary, over 150 indigenous families from different villages of Godagari upazila in Rajshahi district crossed over to India following persecution by Bangalee land grabbers and communal attacks during the political turmoil that gripped the country for the last two years. Many more are reported prepared to leave anytime amid the escalation of ongoing violence.

Indigenous peoples had been the majority in at least a dozen of villages since the British era. However, things changed as hundreds of shoal (char) people, mostly victims of river erosion from Chapainawabganj, started settling in those villages, few years back. 14 Munda families out of 22 from Shialipara village, 6 out of 8 families from Notun Shialipara village and 9 out of 32 families from Bottoli making up 150 souls in total left for India, while the rest are waiting for their turn to leave.

It was also alleged that, Bengali settlers set up a makeshift toilet, right on the graveyard of indigenous people in the Chhatrapukur of Godagari Upazila under Rajshahi District.

Jumma villagers from Dighinala-Khagrachari take shelter in the Indian State of Tripura

At least 92 innocent Jumma villagers of a remote village of Naraichari of Babuchara union under Dighinala Upazila of Khagrachari Hill District were reportedly compelled to leave their homesteads and cross the State border to take refuge in neighboring State of Tripura of India in the face of continued terrorist activities, harassment and threat by the miscreants.

As a sequel to continued threat and burning down of a number of houses by the miscreants, 92 extremely vexed and panic-stricken villagers of 29 families of Naraichari found no alternative but to take refuge in the neighboring country.

²⁴ www.bnionline.net, Ethnic Arakan Refugees Arrive from Bangladesh.

On 3 May 2014, terrorists set on fire more than a hundred shops at Naraichari Bazaar. As a result, many villagers, shop-owners and shop-keepers were displaced.

In both these incidents, the local BGB, despite repeated call for assistance by the villagers, did not come forward to help the distressed people in their needs.

These asylum seekers were later sent back following a flag meeting between the BSF and the BGB (led by Major Jahangir Alam) held on 7 June 2014.

III. RIGHTS TO LAND AND NATURAL RESOURCES



III. RIGHTS TO LAND AND NATURAL RESOURCES

In order to eliminate discrimination and inequality, the UN Committee of the Elimination of Racial Discrimination (CERD), under the Convention on the Elimination of all forms of Racial Discrimination, stated in its general comment 23 on indigenous peoples to the State that they would “recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.”²⁵

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) also stipulates: ‘Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return’ (Article 10).²⁶

Land and natural resources are life of indigenous peoples. If their lands are occupied, they fall short of relishing the life and the dignity associated with it. However, the present scenario is totally opposed to favoring indigenous peoples. Indigenous peoples from both the plains land and the Chittagong Hill Tracts (CHT) continue to be dispossessed of their lands by different

²⁵ Committee on the Elimination of Racial Discrimination General Comment 23, para 5, adopted fifty-first session 1997

²⁶ United Nations (2008), United Nations Declaration on the Rights of Indigenous Peoples, at http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

government authorities, Bengali settlers, land grabbers and migrants. Many indigenous families have been displaced from their traditional lands as a result of large-scale development projects, such as establishment of military and para-military camps, training centers, social forestry, tourist resorts, afforestation, and various other institutions. Acts of land alienation often take place through covered or overt government abetment or patronage, and other acts and omissions of civil and military personnel.

In order to resolve the land problem, the government needs to take special measures to recognize traditional land management systems of indigenous peoples that would respect the practices of collective rights of the community. This arrangement would help to reduce the gross human rights violations as most of the violations occur due to land grabbing and eviction.

Acts of land alienation in the country are in contravention of some existing national and regional laws and policies (e.g. The East Bengal State Acquisition & Tenancy Act 1950, the CHT Accord 1997 etc.), and international laws (e.g. the ILO Convention No 107 & 169, UN Declaration on the Rights of Indigenous Peoples etc.) that provide safeguards to land rights of indigenous peoples.

The East Bengal State Acquisition and Tenancy Act 1950 regulates and forbids transfer of lands from indigenous to non-indigenous person in the plains without the consent of Deputy Commissioner (DC). Despite the law being in operation, its provisions are not widely adhered to. Land grabbers produce false documents in the office of the DC and the officials, by taking bribe, eventually give the land grabbers necessary approval of “having bought the land” in question without any investigation. Even, the administration does not keep proper records of land transfers in Naogaon district’ as because most of the lands grabbed were from indigenous peoples and the grabbers were influential persons or members of both the ruling or opposition political parties.

In the name of lease (pond, Jolashoi), the land grabbers occupy lands of indigenous peoples. Mosque construction is another way. Because it is sensitive, evokes religious sentiment and in the name of mosque, the majority support is available, so it is the easiest way to grab land.

A glance at land related incidents and casualties of indigenous peoples in 2014

In 2014, about 3,911 acres of lands in the CHT, as were reported, were grabbed by state and non-state actors while 84,647 acres of lands in the CHT were under process of occupation and acquisition. Forest Department alone intensified its process to acquire more than 84,542 acres of lands declaring them as reserved and protected forest while BGB acquired lands violating customary land rights of indigenous peoples and provisions of Hill District Councils Act 1998.

Through out the year, about 102 families including two from plain lands were evicted from their ancestral homesteads and 886 families were under threat of eviction including 300 families in the plains. Attacks aimed at grabbing lands were carried out on 153 indigenous families, 89 from the plains and 64 from the CHT during the reporting period. 10 indigenous persons were arrested by the police and 150 indigenous persons, 106 from the CHT and 44 from the plains, were implicated in the false and fabricated cases. Many indigenous women were made victims in many land-related incidents.

The growing incidents of land alienation are indicative of the fact that land grabbers have become more aggressive in their drive for grabbing lands in 2014. Land grabbers implicate indigenous families in false cases. Most indigenous families, being poor and illiterate, find it difficult to carry on with the cases. Taking advantage of their vulnerability, land grabbers exert pressure on them to sell out their properties. If this strategy does not work, they just hesitate little to harm them physically, even can go to the extent of physically eliminating them.

State actors often abet non-state actors in occupying lands belonging to indigenous peoples. For instance, the Officer-in-Charge of Tanore Police Station Bazlur Rahman and Magistrate Nasir Khan participated in the eviction operation with false court order in favour of influential land grabbers at Tanore upazila in March 2014. In most cases, public representatives and ruling party leaders are involved in land grabbing. In this regard, attack on Oraon families to evict them from their homesteads by general secretary of Awami-league of Chowgram union unit in Natore Mr. Abdul Bari is an example. Advocate Syed Rezaul Rahman, Advisor of central committee of Awami League and Prosecutor of the International

War Crimes Tribunal and Professor Mamta Begum, MP and Chairman of Jatiya Mohila Sangstha are the lease-holder at Toinfa mouza of Alikadam Upazila in Bandarban District, who engaged Badiul Alam in exchange of handsome amount of money to look after the plantations, and to grab more lands belonging to indigenous Jumma and permanent Bengali residents in Alikadam.

Police, on the contrary, do not take strong action against the alleged land grabbers against whom cases were filed by indigenous victims. For example, on 9 May 2014, the four indigenous Santal men were attacked by a group of land grabber headed by M Mahabur Rahman and Mohammad Hafijur Rahman in Dinajpur District. On 14 May 2014, injured Sonaram Tudu filed a case against them with Nawabganj Police Station. Following the filing of the case, the main accused Md. Mahabubur Rahman was arrested, but after two days he got bail and came out from the jail. Now at large, the accused continue to threaten the victims' families and exerting pressure to withdraw the case.

Even the government itself ignores the fact that under international human rights laws, indigenous peoples have the right to their ancestral lands. This constitutes not only a denial of indigenous peoples' access to their ancestral lands but it also leads to frequent and violent clashes between indigenous and mainstream Bengali population. In 2014 seven (7) communal and arson attack on indigenous peoples were carried out by Bengali settlers in the CHT and influential Bengalis in the plains. These attacks were aimed at evicting indigenous peoples from their ancestral lands and homesteads.

The government of Bangladesh affirmed, in the second cycle of Universal Periodic Review (UPR) of the United Nations Human Rights Council on Bangladesh held in Geneva on the 29 April 2013, to undertake measures to end the culture of impunity and strict actions to punish the perpetrators who commit human rights violations. There has been no evidence to show that the wrongdoers got punishment for committing human rights violation against indigenous peoples in Bangladesh. In most of the cases, the perpetrators remained out of justice. Thus, the indigenous victims are always deprived of justice. Lack of access to justice encourages the offenders to become more aggressive in grabbing indigenous peoples' lands as well as committing brutal acts against them.

Table 2: Land-related incidents and casualties in 2014

Form of atrocity	CHT	Plains	Total
No. of houses burnt to ashes	58	-	58
No. of houses looted and ransacked	5	9	14
No. of families attacked	64	89	153
No. of persons assaulted & injured	84	42	126
No. of persons killed	-	1	1
No. of evicted families	100	2	102
No. of families threatened to eviction	586	309	886
Amount of land grabbed (in acres)	3,911	-	3,911
Amount of land under grabbing/ acquisition (in acres)	84,647	8	84,650
No of persons against whom false case filed	106	44	150
Arrest	-	10	10

Source: This table was produced based on data (2014) collected from media reports and KF's networks

Table 3: Land-related incidents and casualties in 2013

Form of atrocity	CHT	Plains	Total
No. of houses burnt to ashes	36	-	36
No. of houses looted and ransacked	263	15	278
No. of families attacked	-	66	66
No. of persons assaulted & injured	34	7	41
No. of persons killed	-	-	-
No. of evicted families	26	-	26
No. of families threatened to eviction	1038	24	1062
Amount of land grabbed (in acres/bighas)	3792 acres 103 bighas	-	-
Arrest	2	8	10

Source: Human Rights Report 2013 on Indigenous Peoples in Bangladesh (2014, p. 89)

Figure 3: Land related incidents in CHT 2013 & 2014

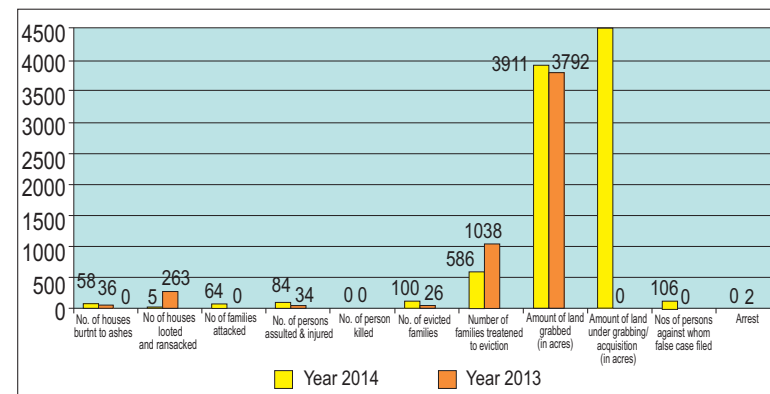
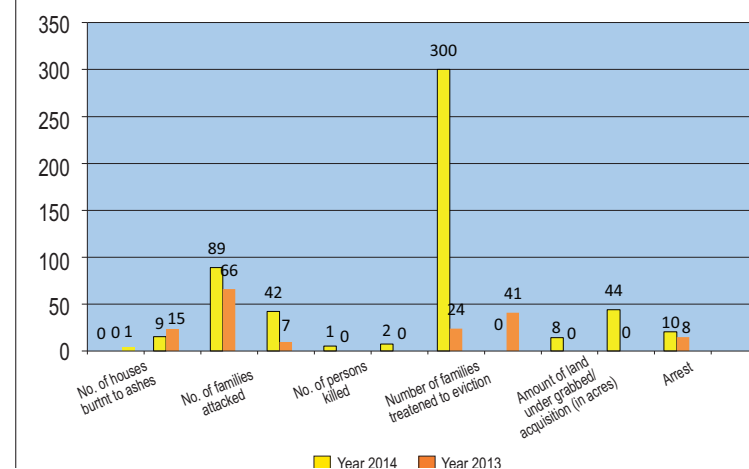


Figure 4: Land related incidents in Plain Land 2013 & 2014



Land related incidents in the Chittagong Hill Tracts

Article 17(a) of the Part 'D' of the CHT Accord²⁷ stipulates to withdraw all temporary military camps, including the camps of Ansars and the Village Defense Party (VDP) in phases to their permanent bases in the CHT and to fix a timeline for this purpose. However, no time limit has been worked out for the withdrawal of all temporary camps. Since the signing of the CHT Accord, 66 camps out of more than 500 were withdrawn so far. On the contrary, a kind of 'de facto' military rule is in operation with the promulgation of 'Operation Uttoron' (Operation Upliftment) on 1 September 2001 in the post-Accord period. Military interference with and its dominance over the civil administration, law and order, construction and repairing of roads, tribal affairs, forest resources etc. are still continuing on the one hand, while they continue to provide active support to the Bengali settlers in expanding and establishing new cluster villages in the CHT through counter-insurgency programme named "Shantakaran Prakolpa" (Pacification Project) on the other. Around 400 temporary camps are yet to be withdrawn and the military control being exercised under "Operation Uttoron" is yet to be lifted.

Forest Department unlawfully declares mouza land as reserve forest

Recently, Forest Department intensified its process to acquire 84,542.42 acres of mouza land in Rangamati District as reserve forest under Section 20 of Forest Act 1927, which is a clear violation of the CHT Accord of 1997 and customary land rights of indigenous peoples. Following the declaration, a meeting chaired by the Deputy Commissioner (DC) of Rangamati District on 28 January 2013 decided to strengthen land acquisition in the district's 22 mouzas, sources said.

In this regard, Additional Deputy Commissioner (ADC) (Revenue) of Rangamati District along with Forest Settlement Officer Dr. Mohammad Mostafizur Rahman submitted a report to the Deputy Commissioner on 7 July 2014. The report states that 20 mouza Headmen protested Forest

²⁷ The CHT Accord was signed on 2 December 1997 between the then government of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS), only political party of indigenous Jumma peoples in CHT, aimed at resolving the CHT crisis through political and peaceful means.

Department's declaration under Section 9 of the Forest Act. A meeting was held following their objection. As per the decision taken in the meeting, Deputy Revenue Collector and representatives of Forest Department visited No. 110 Shukarchari mouza and submitted a report accordingly. The report reveals that 46 families own registered lands in the 500 acres area in the mouza proposed for a reserved forest and 42 families already applied for registration. The report further states that there is no unoccupied land in the mouza in question. Headmen of other mouzas also put up similar claims. The report further notes that if the authority declares the proposed area as reserve forest as has been planned, hundreds of families will be evicted from their homesteads which would not be a rational decision in the context of the CHT.

It can be mentioned here that Ministry of Forest and Environment took initiatives to acquire 218,000 acres of land for reserve forest through different official gazettes notification between 25 June 1990 and 31 May 1998. If their proposed plans are implemented, more than 200,000 people will be evicted from their homesteads.²⁸

Badiul Alam & gang files writ petition in the High Court against cancellation of land leases

Land grabbing and eviction of Jumma villagers in Alikadam continues

On 13 March 2014, on behalf of nine leaseholders, Mohammad Badiul Alam & gang filed a writ petition in the High Court seeking direction upon the government to reinstate the land leases which were cancelled due to their failure to meet the terms and conditions of the lease agreement.

In early January 1996, on behalf of the Government of Bangladesh, the then Deputy Commissioner of Bandarban District Md. Mohi Uddin leased out 200 acres of land in Bandarban Hill District, to a number of outsiders most of whom were renowned industrialists in the country, on certain terms and conditions. The allotment of the leases was given for rubber plantation and afforestation including the plantation of various fruit bearing trees and wood trees for a period of 40 years.

²⁸ Mobile Support to stop the Eviction of Indigenous Peoples from Ancestral Lands in the Chittagong Hill Tracts, Bangladesh in the name of Afforestation and the Protection of Environment, Committee for the Protection of Forest and Land Rights, Chittagong Hill Tracts.

Although the Government took steps against the lessees and cancelled some of the leases on grounds of violation of the terms and conditions, three of them holding the lease case no. 209(D)/R/95-96, lease case no. 216(D)/R/95-96 and lease case no. 215(D)/R/5-96, have been acquitted of the allegation recently. On 14 September 2009, the Deputy Commissioner of Bandarban, on behalf of the government, issued notices upon the lessees cancelling the lease agreement stating that the lessees violated the terms and conditions of the lease agreement, and as such the said lease agreement stood liable to be cancelled.

Following the cancellations of the leases mentioned above, on 13 March 2014, Mohammad Badiul Alam son of Alhaj M. A Rashid, his wife Mrs. Suraiya Alam and his son Md. Shahzadul Alam, all of House 2, Road 2, Block-B, Section-10, Mirpur, Dhaka filed, on behalf of following nine leaseholders, the writ petition (petition no. 1482/2014) under the Article of 102 of the Constitution of Bangladesh to the High Court division of the Supreme Court. The nine leaseholders were:

1. Zaki Ahad, son of Nur-Al-Ahad, House 5, Block-29/A, Pallabi, Dhaka;
2. Zia Ahad, son of Nur-Al-Ahad, House 5, Block-29/A, Pallabi, Dhaka;
3. Fahima Ahad, wife of Zaki Ahad, House 5, Block-29/A, Pallabi, Dhaka;
4. H J Ahad, wife of Nur-Al-Ahad, House 5, Block-29/A, Pallabi, Dhaka;
5. Murad Mohammad Taj, son of Hazrat Shah Sufi Taj Islam, of Bishura Darbar Amantola, Khanka Sharif, Mirsharai, Chittagong;
6. Popy, daughter of Sirajuddin Ahmed Chowdhury, of 42/ Ka, Mohamamdpur, PC Culture and Housing Society, Mohamamadpur, Dhaka;
7. Hosner Jahan Ahad, wife of Nur-Al-Ahad of House 5, Block-29/A, Pallabi, Dhaka;
8. Lamiya Ahad, wife of Zaki Ahad of House 5, Block-29/A, Pallabi, Dhaka;
9. Rayeed, son of Zakia Ahad of 42/Ka, Mohammadpur, PC Culture Housing Society, Mohammadpur, Shyamoli, Dhaka.

The writ petition was filed against seven respondents, such as, Secretary of the Land Ministry, Secretary of the CHT Affairs Ministry, Divisional Commissioner of Chittagong Division, Deputy Commissioner of Bandarban hill district, Upazila Nirbahi Officer of Alikadam upazila under Bandarban district, Assistant Commissioner (Land) of Alikadam upazila and Headman of 291 Toinfa Mouza of Alikadam upazila. It is worth mentioning that Mohammad Badiul Alam & gang tactfully did not mention the name of Bandarban Hill District Council and CHT Regional Council, the apex institutions of administration and development in the CHT, to avoid strong opposition from these authorities.

As the respondents did not oppose the writ petition strongly, the High Court issued a stay order on the cancellation of leases pending a Court decision on this matter. Following the stay order, the leaseholders are carrying out works to raise plantation on their respective lands and at the same time issuing threats to the indigenous Jumma villagers to leave the localities.

On 9 June 2014 K M Tarikul Islam, Deputy Commissioner of Bandarban Hill District sent a para reply to the writ petition to the Solicitor Wing of Writ Branch of Supreme Court. Deputy Commissioner mentioned in his reply that the statements made in paragraph No.6 of the writ petition in respect of General Power of attorney sworn in by the lessees in favour of petitioners with a proposal of sub-lease to the petitioners are not acceptable as consistent with the terms of lease mentioned in the lease deed. It is submitted that no where the lessee is authorised as per concluded prescribed lease deed u/r 34(I)(f) to empower a specified person to act for and in the name of the lease executing power of attorney. Further it is detrimental to the Government Policy to encourage real and appropriate ambitious entrepreneurs directly to come forward in taking risk and opportunity working practically in the rubber plantation or other plantation on commercial basis. Handing down impliedly to sub-leasee without prior permission of the Deputy Commissioner is clear violation of term 12(a) and term 18 of the lease deed for which lease is subjected to cancellation.

In his reply, Deputy Commissioner also mentioned that petitioners have no right to get any remedy from this Hon'ble bench. It is submitted that, section 19 of the CHT Regulation 1900 is very clear with regard to Jurisdiction - "Except as provided in this regulation or in any other enactment for the time being in force a decision passed, act done, or order

made under this regulation or rules there under, shall not be called in question in any civil or criminal Court." That in view of the above provisions of law, the petitioners' application is not maintainable.

Leaseholders hire Badiul Alam & gang to grab more lands and look after the plantations

The following seven leaseholders who are leaders of ruling Awami League engaged Badiul Alam in exchange of handsome amount of money to look after the plantations on the leased out lands and to grab more lands belonging to indigenous Jumma and permanent Bengali residents. The seven leaseholders were:

1. Advocate Syed Rezaul Rahman, Advisor of central committee of Awami League and Prosecutor of International Crimes Tribunal (ICT), lease plot no. 12 of Toinfa mouza of Alikadam upazila;
2. Professor Mamtaz Begum, MP and Chairman of Jatiya Mohila Sangstha (National Women Committee), plot no. 13 of Toinfa mouza of Alikadam upazila;
3. Syed Rizia Begum, lease plot no. 14 of Toinfa mouza of Alikadam upazila;
4. Ahmed Kabir, plot no. 15 of Toinfa mouza of Alikadam upazila;
5. Raihan Ara, plot no. 16 of Toinfa mouza of Alikadam upazila;
6. Shahjahan Mukul, plot no. 17 of Toinfa mouza of Alikadam upazila;
7. Brigadier Morsed Alam, plot no. of Toinfa mouza of Alikadam upazila.

Badiul Alam and his gang have created a reign of terror at Toinfa mouza of Alikadam Upazila of Bandarban District. This influential land-grabbing gang has already grabbed hundreds of acres of land of indigenous Jummas and permanent Bengali residents. Badiul Alam & gang have been grabbing the ancestral lands of indigenous Jummas of this area adjacent to Alikadam-Thanchi road for the last four years. The lands include land for shifting cultivation of indigenous Jummas.

According to the local people, Md. Badiul Alam is a resident of Comilla District headquarters and he lives in Dhaka. However, in Alikadam, he has locally formed a cadre group by hiring some desperate people comprising

both Bengali and indigenous people. His terrorist group regularly threatens local innocent permanent Bengali and indigenous peoples. The Badiul Alam & gang have also built a few mile long roads for their expediency. Daily 15-20 people are found to regularly work in the farmhouse of Badiul Alam. He is used to regularly threat, as alleged by the local people, the members of local Mro, Tripura, Marma and Tanchangya communities with implicating them in false cases or eliminating them physically.

Bengali settlers attempt to grab Jum land in Longadu

A group of Bengali settlers of Bhaibonchara Bazaar area of Longadu union under Longadu Upazila in Rangamati Hill District made an attempt, on 16 May 2014, to grab Jum land owned by local Jumma people and erected three houses there.

On the day of occurrence, Bengali settlers erected two houses on the Jum land at Bhaibonchara area. The Jum land is owned by Mrs. Dipti Chakma (65) w/o late Chitta Ranjan Chakma with Holding No. H12-A (4 acres). However, one Shanti Ranjan Chakma (30) is presently engaged in cultivating the land. The two Bengali settlers who grabbed the land were identified as Mr. Razzak (30) s/o late Ali Newaz and Eusuf (32) s/o late Hakim Khan from Bhaibon Chara Bazaar area.

On the other hand, it was reported that another Bengali settler named Oli Ullaha alias Rikswa Oala (55) also erected a house on a piece of land owned by late Mr. Tridip Chakma, s/o late Noaram Chakma with Holding No. H80 (5 acres) in the same area. The land is now under cultivation by Milan Chakma (28) s/o late Tridip Chakma.

In consequence, tension, worries and anxieties keep on mounting among the Jummas living in the area.

Laden Group grabs huge lands belonging to indigenous people in Lama

74 families were evicted & 221 families are threatened with eviction

Expropriation of ancestral lands of indigenous peoples by a group of influential land grabbers locally known as Laden Group in Lama Upazila of Bandarban District intensified in the reporting period. Reportedly 74 families belonging to Mro, Tripura, Marma and permanent Bengali communities from six villages of Faisakhali union under Lama upazila in

Bandarban had already been evicted by the land grabbers. However, the activities of Laden Group were not kept limited to land grabbing only. They were found engaged in violating human rights as well such as killing, rape, torture, and forced religious conversion etc., as alleged by the locals.

It was reported that all the wrongdoings by Laden Group used to be executed chiefly by Mohammad Anisur Rahman, son of Prakash Laden, project in-charge of Laden Group from Hospital Para of Ward no. 4 in Chokoria Municipality under Cox's Bazar District and Mohammad Mohsin Badal & gang. Under their leadership, Laden Group was alleged to have been using members of Rohingya Solidarity Organization (RSO), drug smugglers, and Rohingya refugees from refugee camps in Teknaf and Ukhiya and Cox's Bazaar areas with the intention to grab lands of indigenous peoples in Lama. Rohingya refugees, under the leadership of Laden Group, already made several attacks on local people to get hold of their lands.

In March 2014, more than a hundred Rohingyas led by Laden Group forcefully evicted and occupied 175 acres of lands belonging to 74 indigenous families that include villages and lands for fish farming, horticulture, forestry, and rubber plantation. Evicted families and villages including the head of the village are:

Table 4: List of evicted families

	Evicted villages	Name of Karbari	Families evicted	Year of eviction
1.	Mongbichara Marma Para	Baching Marma	27	January 2014
2.	Amtali Mro Para	Kriwai Mro	17	January 2012
3.	Reipod Tripura Para	Natichandra Tripura Chaigya	12	January 2012
4.	Chinijhiri Para	Jungley Mro	18	January 2014
Total			74	

During the same period, on 21 March 2014 at around 11:00 am, the same miscreants, disguised in the attires of indigenous Mro people so that false allegation can be made against Mro villagers, allegedly gunned down Kyajai Mong Marma (60) of Baching Para under Lama upazila in the broad day-light. Seven days after this incident, on 28 March 2014, the miscreants

occupied 55-year-old plantation and cultivable lands of 300 acres belonging to 21 families of Baching Para including that of Kyajai Mong Marma. Currently, the Rohingyas are stationed there with weapons in hands guarding the land occupied by Laden Group.

Given below is the list of 10 villages with 221 families facing not only the threat of eviction, but also of killing, abduction, and harassment through instituting false cases by the Laden Group are:

Table 5: List of villages under threat of eviction

	Village under threat of eviction	Name of Karbari	No. of families
1.	Sapmara Jhira Para	Menchhon Mro	12
2.	Goyalmara Muktaram Para	Muktaram Tripura	26
3.	Goyalmara Balastor Tripura Para	Balastor Tripura	30
4.	Goyalmara Muslim Para	Nurul Alam Sardar	20
5.	Ramgati Para	Chandramoni Tripura	32
6.	Banpur Paiprue Para	Sahitya Tripura	12
7.	Wayakrau Para	Hanrai Karbari	39
8.	Naya Para	Rengleng Mro	10
9.	Kaitara Jhiri Para	Nati Chandra Tripura	10
10.	Headman Para	Pale Mro	30
Total		10 villages	221

Anisur Rahman and his gang also occupied a total 2099 acres of land from Sangu mouza and 60 acres of land from Eangcha mouza in Lama Upazila. Laden Bahini used false promises to allure innocent villagers telling them that employment would be provided and none would remain unemployed; road would be constructed and madrasa, mosque and temple would be built; financial supports and health care would be provided to the destitute poor families and free education would be given to the children etc.

Name of persons who help Laden Bahini in land grabbing in Lama and Naikhyongchari are Jaker Hossain Majumdar, chairman of Faisyakhali union (he helps Rohingya to enroll them in the voter lists); Lutfar Rahman, s/o Aatahar Ali, village- Banaphul; Abul Kalam, s/o Sundar Ali, village- Banaphul; and Badruddoja Master, village- Banaphul.

It is to be noted here that according to the Hill District Council Act of 1989, and the CHT Accord of 1997, “no land including the khasland suitable for settlement within the jurisdiction of three Hill District shall be leased out, settled with, purchased, sold out or transferred otherwise with the prior approval of the Hill District Council.” Therefore, transfer, lease or settlement of land to any person or organization from outside of the CHT are not allowed without prior approval of the HDCs. Laden Group has seriously violated a number of provisions of the Hill District Council Act of 1989 as well as the CHT Manual of 1900.

The victims, 237 signatories from Fasiakhali union, the Headman and Karbari of Sangu Mouza and Yeangcha Mouza under Lama Upazila in Bandarban submitted a memorandum to the Prime Minister of the Government of the Peoples Republic of Bangladesh on 21 May 2014, urging for quick intervention in this matter. However, the government is yet to take any measure on this matter.

65 Tripura and Pangkho families are under threat of eviction following a construction of tourist complex in Sajek

Bangladesh army set up a tourist resort at Ruilui village of Ruilui mouza under Sajek union of Baghaichari Upazila in Rangamati District. Already five families of indigenous Tripura villagers were evicted from their ancestral homesteads. The army erected houses for them in another place and forced them to shift to new houses which were not suitable for them as these were built with CI sheets. About 53 families of Tripura and 12 families of Pangkho communities in North Ruilui and South Ruilui villages would get uprooted any moment from their homesteads with further expansion of the complex. It is learnt that there is a plan to acquire a total of 68 acres of land for this project.

It is worth mentioning here that Bangladesh military in Bandarban is acquiring more than 600 acres of lands at Dola Mro Para (Jaban Nagar), Kaprupara (Nilgiri), Chimbuk Shola Mile, Owai Junction (Baro Mile) and Keokradong hills under Bandarban sadar and Ruma Upazila in Bandarban District. The proposed locations are the traditional dwelling places of Mro and Bawm people, the most marginalised indigenous communities in the CHT.²⁹

²⁹ Human Rights Report on Indigenous Peoples in Bangladesh 2013, Kapaeeng Foundation

BGB Battalion Headquarters evicting 21 indigenous families in Dighinala



The government acquired 45.0 acres of land belonging to the people of three indigenous villages namely Santosh Kumar Karbari Para, Gobinda Karbari Para and Notun Chandra Karbari Para of Babuchara union under Dighinala Upazila in Khagrachari District in order to establish BGB Battalion Headquarters. In doing so the government did not offer slightest consideration to the well being of the families, many of whom were evictees of the Kaptai Hydro-electric project of 1960s. The land thus taken over by the government includes, apart from lands of 21 indigenous families, land of a primary school and Buddhist temple as well. The BGB forcefully evicted 21 indigenous families before the land in question was fenced off by barbed wire. The primary school with 200 students had to be closed down. On 10 June 2014, at least 18 indigenous villagers including several women were injured in a clash between indigenous people and members of the BGB over the issue of establishing the Battalion Headquarters.

Many Jumma families used to live on the said piece of land until 1980 when they were forced by circumstances to take refuge in India following anti-insurgency operation in the area by the army. Then an army zone was established at the area during that period. After the CHT Accord was signed, the refugees returned home in 1998, but failed to return to their

homesteads. Afterwards, they filed a writ petition with the High Court in 2005 to get their homesteads back. A stay order was issued by the Court which said that no one was to use the piece of land in question until a verdict over the ownership of the said land was delivered by the Court. However, they are yet to receive any notice to this effect from the High Court. The evictees who had been living there for many years are now heartbroken and frustrated at the role of the State which instead of providing shelter to its citizens assumes the role of hard taskmaster. They also wonder as to how far it is morally tenable to deprive a group of people of its peaceful living in the name of security when the country is not at war with any other country.

The entire exercise was carried out without the prior approval or the consent of the Hill District Council which is mandatory by law and thus contravenes the provisions of the CHT Accord as well as that of Hill District Council Act 1998 (amended up to 1998). With regard to the expropriation of land belonging to three villages in question, there was no consultation with the Khagrachari Hill District Council or consent from it.

On 10 June 2014 when BGB personnel tried to hoist a flag at the proposed site of the camp at Babuchara under Dighinala Upazila, dozens of indigenous women protested, and got into an altercation with the BGB men claiming that the land belonged to them. The argument led to clashes that left several indigenous people and BGB members wounded. Police later went to the spot, and fired rubber bullets and tear gas shells to bring the situation under control.

Indigenous villagers questioned the logic of acquiring land belonging to three villages for setting up BGB headquarters as there already exists a helipad, an Ansar camp and an army camp on 5.20 acres of land in the identified area. The helipad was established on 2.00 acres of recorded land of one Bajaram Chakma, the army camp was constructed on 2.20 acres recorded land of late Lalit Mohan Chakma and the Ansar camp was set up on 1.00 acre of recorded land of Mano Ranjan Chakma.

BGB claimed that as per government rules, they acquired the land for BGB at Babuchhara in 1991. Fearing eviction, local indigenous people filed a writ petition with the higher court against the move. (Please see communal attack at Babuchara under 'Chapter II: Civil and Political Rights' for details).

An indigenous couple shot over a land related clash in Matiranga

Jyoti Bikash Tanchangya and his wife Rini Chakma of Taindong Union in Matiranga Upazila under Khagrachari District received bullet injuries when land grabber Khorshed attacked and shot them at 11 a.m. on 23 July 2014. As their condition was critical, both of them were immediately referred to Chittagong Medical College Hospital from Khagrachari Sadar Hospital.

It was reported that there was a long-standing land dispute between Monindra Lal Chakma, in-law of Jyoti Bikash Tanchangya and Khorshed Alam, son of Rahmat Ali, a resident of word no. 7 of Taindong Union. Jyoti Bikash was assisting his father-in-law in legal matters to protect the land from Khorshed. That is why he became a target of Khorshed who carried out the attack on Jyoti Bikash and his wife with a group of Bengali settlers including a person named Ripon (23). Later on that night, Ripon was caught by BGB.

Houses of two indigenous families demolished by forest department in Bandarban

On 9 August 2014 the district forest department demolished dwelling houses of two indigenous families at Tharacha mouza in Roangchhari Upazila under Bandarban District. Ana Chandra Tripura and Pachiha Tripura, who lived with their families in the two houses with permission of Ba Chaw Maung, who claimed ownership of the land. They became helpless as the forest department suddenly demolished their dwelling houses. "Four months ago I built the houses on a portion of the five-acre land that I have been using since 1990 and I have legal documents from the district administration with regard to the land. The headman's report is also in my favour. But the district forest officials demolished the houses without giving any legal notice," said Ba Chaw Maung Marma.³⁰

BGB's Sector Headquarters on indigenous peoples land at Khraikkhong para and Hangsama para in Rowangchhari

BGB authority was eyeing on 33.36 acres of land at Khraikkhong para and Hangsama Para of Hlapaikkhong mouza under Rowangchhari Upazila in Bandarban District for setting up of a sector headquarters. Hundreds of

³⁰ The Daily Star, Sunday, 10 August 2014

Marma families used to live in Khraikkhong para and Hangsama para located at the roadside of Bandraban-Rowangchari road under the Hlapaikkhong mouza. However, the BGB took initiative to set up its sector headquarters in these two villages. The proposed land includes a religious temple and a cremation ground of Marma communities living in Khraikkhong Para and Hangsama Para. Moreover, there are also lands against which applications for settlements have been submitted and these lands are already under the possession of the Marmas. They have been living here for many years which in the course of time have contributed to shaping up their culture, way of life and livelihood. A living environment that was created after years of living would be shattered with the full commissioning of the BGB Sector Headquarters. Many indigenous Jumma families would get evicted from their traditional land and this would create negative impact on their livelihood. Therefore, the Headman of this mouza was abstaining from recommending land acquisition process for this project.

However, ignoring repeated appeal of the locals for not to establish BGB camp and prior to the completion of land acquisition process, the BGB hoisted red flag and put restriction on entering the land by both the land-owners and the locals.

Following the move by the BGB, villagers belonging to two villages submitted a memorandum to the Prime Minister demanding cancellation



of land acquisition for BGB Sector Headquarter. Earlier, local leaders and public representatives also submitted application in this regard to the Chairman of the CHT Regional Council. However, land acquisition process has not been cancelled as of now.

Members of Indigenous Marma communities, about 800 in number, used to live in 11 villages under Hlapaikkhong mouza of Bandarban District for decades. Total land area in the mouza is about 7000 acre of which near about 4550 acres are under the occupation of forest department, about 1000 acres are not usable due to hilly stream and steep slopes. A very little portion of the remaining lands of 1450 acres is plain suitable for plough cultivation.

BGB camp set up on the indigenous village in Ruma

In September 2014, BGB authority completed setting up a camp at Chandupara and Chaipopara area of Poli mouza under Ruma Upazila in Bandarban District despite protest of indigenous people. A total of 40 acres of land were recorded in the name of villagers of Bathel and Chaipupara villagers.

The indigenous Marma families have been living in these villages for centuries. However, the forest department grabbed most of the lands mentioned-above. The villagers depend on the remaining lands for survival.

The land acquired for BGB was in violation of the CHT Accord, Hill District Council Act 1998, and indigenous customary laws. Indigenous villagers submitted memorandum in 2013 to the Prime Minister seeking her intervention and support to stop acquisition process. However, no action was taken to reverse the plight of those who faced eviction.

Arson attack on Jumma villagers to occupy land at Bogachari of Naniarchar

6.8 acres of land occupied, 50 houses and 7 shops were burnt to ashes

Chopping down of pineapple and teak sapplings planted on controversial lands was followed by a communal and arson attack on 16 December 2014 at Bagachari area under Burighat union of Naniarchar Upazila in Rangamati District.

It was learnt that Bengali settlers including Abchar Master, Azad, and Abul Kalam grabbed around 4.8 acres of land of Nishi Kumar Chakma of Bagachari village by cheating and developed pineapple farm on that land. Another Muhammad Afsar Ali of Bogachari Bengali settler village forcibly occupied more than 2.0 acres of land from Prafulla Chakma, s/o Padma Ranjan Chakma of Suridaspara and planted pineapple and teak sapplings in it in the reporting year. Bengali settlers alleged that on the night before the attack was made, a group of unknown miscreants of indigenous Jumma people chopped down those plants. In the morning when Bengali settlers learnt about the incident, they got angry and spread communal sentiment. They started to attack and set Jumma houses on fire.

In the attack, Bengali settlers from Islampur and Bagachhari villages under Burighat union torched neighboring three indigenous villages. As a result, 37 houses of Suriidaspara, 6 houses of Nabin Karbari Para and 7 houses of Baghachari were completely burnt to ashes. They also burnt down 7 shops at Ananda Bazar areas of Chouddomel.

Besides, Karuna Kutir, a Buddhist temple of Bagachhari was vandalized by settlers. A number of idols of Lord Buddha were broken and five brass-made idols were looted. A Buddhist monk named UbasaThero present there was also physically assaulted during the attack. At some point, the settlers were even preparing to burn the temple down, but were prevented by the members of security forces present there. (Please see Communal attack at Bogachari-Naniachar on 'Chapter-II: Civil and Political Rights' for details)

From 1980 and onward, the then government, like in many other parts of the CHT, illegally settled hundreds of outsider Bengali settler families in Jumma-predominated Bogachari area and in some other parts of Naniachar Upazila to achieve its mean political objective. At present, at least 1500 settler families are living in Bogachari, Boradam, Burighat and Nanaprum mouzas under Naniachar Upazila. From Dakbunglow of Naniachar Sadar to Bogachari along Rangamati-Khagrachari road side, within the range of 8 km at least 1000 acres of lands (500 acres each in Bogachari Mouza and Boradam Mouza) are lying under illegal occupation of settlers.

Kaptai dam evacuees served with land acquisition notice to pave way for establishing a university

Indigenous Jumma residents of Jhagarabil area including Bilaichari Para and Mitingyachari Para of Jhagarabil mouza in Rangamati, who once were uprooted by Kaptai Dam, were served land acquisition notice to establish Rangamati Science and Technology University evicting them from their ancestral lands and homesteads.

The Jumma residents of Jhagarabil area formed human chain in front of the Deputy Commissioner's office of Rangamati Hill District on 28 December 2014 from 11:00 am to 11:45 am in protest against the acquisition. The event was presided over by Mr. Milan Chakma, chairman of Jhagarabil Goutam Smriti Bouddha Bihar Committee. Advocate Chanchu Chakma conducted the event. The human chain was addressed, among others, by Asim Chakma, Basuki Karbari et al. The human chain was followed by submission of a memorandum to the Prime Minister through the Deputy Commissioner of Rangamati Hill District. The memorandum was submitted by a delegation of Jhagarabil residents led by Suranjan Chakma, Headman of No. 104 Jhagarabil mouza.

The memorandum was signed by 249 persons including Siratan Dewan, Headman, No. 104 Jhagarabil Mouza; Basuki Chakma, Karbari, Bilaichari Para; Milan Kanti Chakma, president, Goutam Smriti Bouddha Bihar Committee; Chanchu Chakma, lawyer, Rangamati Judge Court; Asim Chakma, Ratan Chakma of Bilaichari Para et al.

It was learnt that the the Deputy Commissioner of Rangamati served a notice to more than 80 residents of Jhagarabil area on 17 December 2014 for acquisition of lands covering around 100 acres under Section No. 3(2) of the Chittagong Hill Tracts Land Acquisition Act 1958 for establishment of Rangamati Science & Technology University. Besides 80 landowners and at least 250 Jumma families would be affected if the university project is implemented.

In 2001 the villagers in Jhagarabil area, when learned that a University would be established in Jhagarabil mouza and the inhabitants of the area would be evicted from their ancestral homesteads and lands, appealed to the government urging not to establish the university in that area and to cancel the project. Later on, the said Rangamati Science & Technology

Project and the order for acquisition of lands under jurisdiction of L.A. Case No. 01(D) 2001-01 dated 28/01/2001 were cancelled. But following the assumption of power in 2009 by the grand alliance, the government led by Awami League revived the plan for establishing the proposed university. The inhabitants of Jhagarabil Mouza once again submitted a memorandum to the government on 11 May 2009 appealing to cancel the Rangamati Science & Technology University project.

They further mentioned that most of the inhabitants residing in Jhagarabil area were evicted from their respective homesteads and lands where they and their forefathers lived for generations together due to the Kaptai Dam constructed for generating hydro-power. In the later decades of 1980's, many of them were evicted for the second time due to building of Tourism Motel while many others had to face eviction for the third time due to the establishment of BDR (now BGB) Sector Headquarters.

List of land owners to whom land acquisition notice was issued for establishment of Rangamati Science and Technology University

Sl. No	Name	Father/husband's name	Village	Quantity of Land (in acre)
1.		Dr. Jibesh Chakma	Tarun Kanti Chakma	0.25
2.	Mitingyachari Para	Mr. Tapan Kanti Tanchangya	gang	Bittasukh Karbari 2.77
3.	Mitingyachari Para	Mr. Natun Kumar Tanchangya	Krishna Kumar Tanchangya	0.70
4.		Mr. Kanak Chapa Chakma	Bijay Chandra Chakma	0.30
5.		Mr. Praborton Chakma	Rajen Chakma	0.15
6.	Mitingyachari Para	Mr. Tapan Kanti Tanchangya	Bittasukh Karbari	2.00
7.	Para	Mr. Badichan Chakma	Paisa Ram Chakma	Bilaichari 0.45
8.		Mr. Suman Chowdhury*	Sandan Chowdhury	1.75
9.		Mr. Kalachan Chakma	Subal Chandra Chakma	

Bilaichari Para	4.00		
10.	Mr. Dipak Khisa	Chandra Shekhar Khisa	
0.12			
11.	Mr. Kantilal Chakma	Binod Kumar Chakma	Bilaichari
Para	3.67		
12.	Md. Rezaul Karim	Md. Mozaffor Ahamed Chowdhury	
0.22			
13.	Ms. Joya Chakma	w/o Badichan Chakma	Bilaichari
Para	1.00		
14.	Mr. Badichan Chakma	Prasenjit Chakma	Bilaichari
Para	2.54		
15.	Mrs. Padma Devi Chakma	w/o Pravat Chakma	
0.10			
16.	Mr. Shantimoy Chakma	Jagot Bikash Chakma	Bilaichari
Para	0.35		
17.	Mr. Jashef Chakma	Pravat Chandra Chakma	
0.23			
18.	Ms. Sima Das	w/o Nripesh Prasad Das	
0.10			
19.	Mr. Sanjit Nath	late Sukendu Nath	0.25
20.	Mr. Ranjit Nath	late Sukendu Nath	0.59
21.	Mr. Suman Chowdhury	late Sadhan Chowdhury	
0.35			
22.	Ms. Bina Rani Dey	w/o Anil Kumar Dey	0.10
23.	Ms. Pratima Datta	w/o Tapas Kanti Datta	0.40
24.	Ms. Renu Nath	s/o late Roy Mohan Nath	
0.20			
25.	Mr. Mridul Kanti Das	late Rahini Ranjan Das	
0.20			
26.	Mr. Raju Das	late Anil Das	0.25
27.	Dr. Tandra Chakma	w/o Bipash Khisa	0.125
28.	Mr. Chitta Ranjan Chakma	late Bhoirab Chandra Chakma	
0.20			
29.	Ms. Songbattika Roy	w/o Biplab Chakma	K K Roy Road
0.30			

30. 0.30	Mr. Imon Tanchangya late Chiranjib Tanchangya		
31. 0.20	Ms. Beli Chakma	w/o late Nirmal Kanti Chakma	
32.	Dr. Asit Boran Dam	Nripesh Prasad Das	Rajbari 0.30
33. Rajbari 0.30	Dr. Ripan Tanchangya gang	Ajit Kumar Tanchangya	
34. Bilaichari Para	Mr. BasudevChakma gang	late Madhu Mongal Chakma	0.60
35.	Dr. Asit Boran Dam	Nripesh Prasad Das	Rajbari 2.85
36. Bilaichari Para	Mr. Manuta Ranjan Chakma	Ashwathama Chakma	2.30
37.	Ms. Shabori Khisa	w/o Sajib Chakma	0.10
38. 0.10	Ms. Kabita Chakma	w/o Swapan Kishor Chakma	
39. 0.70	Mr. Ratan Khisa	Buddha Joy Khisa	College Gate
40. 0.10	Mr. Bivas Khisa	Buddha Joy Khisa	College Gate
41. 0.125	Mrs. Parumita Chakma	w/o ParomasishKhisa	
42. 0.80	Mrs. Seema Das	w/o Nripesh Prasad Das	
43. 0.10	Mr. Pravat Chakma	Becharam Chakma	Amchari Para
44. Para 0.99	Mr. Amarchan Chakma	Prasenjit Chakma	Bilaichari
45. 0.10	Mr. Arnob Chakma	Angana Ranjan Chakma	
46. 0.10	Ms. Mitra Talukdar	w/o Sanil Jibon Chakma	
47. 0.10	Mr. Bidhan Chakma	Nalini Mohan Chakma	
48. 0.10	Ms. Sujata Chakma	w/o Bimal Kanti Chakma	
49.	Mr. Amarchan Chakma	Prsenjit Chakma	Bilaichari

Para 0.24			
50. 0.60	Mr. Preeti Milan Chakma	late Kalijoy Chakma	Chitmaram
51. Para 0.35	Mr. Shantimoy Chakma	Jogat Bikash Chakma	Bilaichari
52. Gate 0.30	Dr. Nitish Chakma	late Tarun Kanti Chakma	College
53. Para 1.71	Mr. Bhupati Ranjan Chakma	Panchalal Chakma	Bilaichari
54. 0.90	Mr. Nimal Kanti Chakma	Chitta Ranjan Chakma	
55. 1.50	Mr. Kiranlal Chakma	Dilip Kumar Chakma	Deppochari
56. Deppochari	Mr. Rahul Chakma gang	Koramlal Chakma	1.90
57. 0.05	Mr. Kaladhan Chakma	Dipu Das Chakma	
58. Colony 015	Mr. Joy Gopal Chakma	Dhal Kumar Chakma	Tribal Off
59.	Mr. DipalChakma	Nirupam Chakma	0.11
60.	Mr. Shovit Chakma	Sambu Lal Chakma	Banarupa 0.19
61. 0.15	Ms. Minati Chakma	s/o Prasanna Kumar Chakma	
62.	Ms. Supria Chakma	w/o RoseChakma	0.15
63. 0.13	Mr. Chaihl Prue marma	late Chathowai Marma	
64.	Mr. Rupam Dewan	Bipuleshwar Dewan	0.60
65. 2.50	Ms. Anuprava Chakma®	w/o Kalyan Mitra Chakma	
66.	Ms. Hili Chakma	w/o Shuvam Chakma	0.10
67. 17.50	Mr. Anumadarshi Chakma®	Sanjit Kumar Chakma	
68. 0.29	Mr. Dijendra Lal Chakma	late Prahlad Chandra Chakma	
69.	Ms. Biva Chakma	w/o Sujay Chakma	1.00

70.	Mr. Amal Dhan Chakma	late Kusum Bikash Chakma	
Bilaichari Para	0.10		
71.	Ms. Namita Chakma	w/o Samesh Talukdar	0.20
72.	Mr. Joydhan Chakma	late Kusum Bikash Chakma	Bilaichari
Para	0.30		
73.	Mr. Sonaram Chakmalate	Dilip Kumar Chakma	
0.05			
74.	Mr. Daniyel Chakma	Pravat Chandra Chakma	
0.20			
Total	65.2		

5.0 acres of land belonging to two indigenous villagers occupied by Bengali settlers in Naniarchar

Bengali settlers led by Abdul Hamid from Bogachari settler village occupied a total of 4.90 acres of land belonging to two brothers namely Rajendra Chakma and Manindra Chakma s/o Sadhan Chandra Chakma of Bogachari Koilash Para under Burighat union in Naniarchar upazila.

Bengali settlers had been trying to occupy the land since long. As part of conspiracy, on 8 December 2014 Bengali settlers cut down Jackfruit tree planted by Rajendra Chakma and Manindra Chakma.

Land-Related Incidents in the Plain Lands

UP Chairman grabs land belonging to indigenous Oraon peoples in Sylhet

Illegal land grabbing poses a serious threat to the livelihood and welfare of indigenous peoples in the plains. On 18 February 2014, a small indigenous Oraon community noticed a group of five to ten people on their land. They brought building materials and started to illegally construct a house on land belonging to the Oraon community. Immediately after noticing the land grabbers, Oraon community members reported the incident to the local police and to the Upazila Nirbahi Officer (UNO) through the Assistant Commissioner of Land (AC-Land). Together with the AC Land, a group of local government officials, NGO and media representatives visited the place of occurrence to document the incident and offer support to the victims.



A General Diary (GD) was lodged with the local police station on behalf of the Oraon community as an official record of the incident. A separate memorandum was also submitted to the Commissioner of the Sylhet Metropolitan Police (SMP), which was signed by a number of organizations, civil society members, legal workers and other significant supporters of indigenous rights.

The leader of the land grabber was identified as local Union Parishad Chairman, Abdul Mossobbir, who claimed that he had purchased the land years ago, and presented a set of false documents in an attempt to support his claim.

On 15 December 2014, a gang of land grabbers led by Abdul Mossobbir, Chairman of Tultikor union of Sadar Upazila in Sylhet District once again started construction work on the land of Oraon community despite pending a case involving the land with the Joint District court in Sylhet. The Oraon community, on 17 December 2014, submitted an application to the Deputy Commissioner (DC) of Sylhet and on 20 December 2014, they have submitted another application to the Police Super of Sylhet to get rid of these land grabbers. However, the administration did not take any action against the land grabbers.

Miscreants attack, vandalize and grab indigenous people's land in Tanore

On 30 March 2014, a group of land grabber carried out an attack on indigenous families at Pachondor village under Tanore Upazila in Rajshahi District. The miscreants forcefully evicted the indigenous peoples from their lands showing a court order and vandalized 9 houses of 7 indigenous families. Later it was learnt that the miscreants produced false court documents with an intention to grab the lands of indigenous people.



According to the locals, on the day of incidents, land grabber Fazlur Rahman, Anisur Rashid and Etab Ali gang along with Officer-in-Charge of Tanore police station Mr. Bazlur Rahman and Magistrate Nasir Khan carried out the eviction operation. They also vandalized valuables belonging to indigenous peoples during the eviction operation.

The victims of the incident were Lobin Murmu, Mangra Murmu, Biren Kisku, Anjinees Tudu, Keletus Tudu, Johan Hasda and Sakoda Karmakar. They informed that they had been living in this area for many years. They also said that the land grabbing gang of Fazlur Rahman, Anisur Rahman, Etab Ali had tried to grab their ancestral lands several times even before this incident.

After one and half month of the incident, on 18 May 2014, the administration of Rajshahi District filed a case against illegal occupants Fazlur Rahman, Etab Ali and Anisur Rahman on behalf of affected indigenous families with Tanore Sub-Judge Court in Rajshahi.

Indigenous people attacked by land grabbers with an intention to grab their land in Pabna, 6 injured

On 9 May 2014, miscreants attacked the house of Ramprasad Mahato, general secretary of Jatiya Adivasi Parishad, Pabna District committee at Bagalbari village under Chatmohar Upazila in Pabna District. The attack was carried out all on sudden and the inmates of the house were beaten one by one. As a result, 6 members of the house were injured badly. They all had to take treatment at the Chatmohar Health Clinic. It was learnt that the victims had been catching fish in Madordigi Khas pond from the past years as it was taken on lease till Bangla 1421 year (mid-April of 2015). However, the miscreants and land grabbers had been asking for money from the villagers since many days. But when the villagers refused to give money, the miscreants attacked on them.

Attack on an indigenous Koch family in Mymensingh, 2 injured

On 9 May 2014, a group of miscreants attacked an indigenous family at Chatiyarchala village of Kachina union under Bhaluka Upazila in Mymensingh District. The attackers led by Khalilur Rahman and Sharif from the same village along with 10 to 12 miscreants attacked and vandalized the temple and two statues of the Goddess. The Upazila Nirbahi Officer (UNO) Mr. Sarwar Hossain and Officer-in-Charge of Bhaluka Police Station Mr. Moniruzzaman inspected the spot immediately and took necessary steps to send the victims to the Bhaluka Upazila Health Complex. On the same day at night, police arrested Shahjahan, son of Ajmot Ali from the same village in this connection.

Land grabbers mowed ripe paddy of 2.69 acres of land belonging to Rabidas community in Joypurhat

On 25 May 2014, a group of 10/12 land grabbers led by Nur Islam (45) forcefully harvested ripe paddy from 2.69 acres (8 bighas) of land that belongs to Rabidas community at Dhakarpara village of Panchbibi Upazila under Joypurhat District. The paddy field located under Sonakul mouza

which is under C S ledger no-50/1, J L no 181 and the land marks are 85, 106 and 134. The tentative market value of the paddy has been estimated at about 1,53,000.00 taka. The paddy was stored in the house of Nur Islam. A case was filed against 10 persons with Joypurhat Sadar Police station in connection with this incident.

Indigenous Khasi villagers attacked by land grabbers in Moulvibazar, 20 injured

Bengali land grabbers, on 30 May 2014, attacked 79 Khasi families at Nahar Punji-1, a hilltop village of the indigenous Khasi people in Srimangal Upazila under Moulvibazar District with the intention to take possession of the land belonging to Khasi people. The attackers occupied newly built but unfinished houses belonging to Khasi people. They also tried to build the house using their house building materials that they brought with them. In the attack, at least 20 Khasi villagers including 13 women were seriously injured. On 2 June, tea estate authority filed a case against 16 Khasi villagers including one woman in connection with the killing of a labourer of the tea estate.

According to Khasi people, the community is living on government khas land and paying tax to the union parishad. They started living there years before Nahar Tea Estate was set up, in 1964, whose owner took lease of the tea garden land from the government. However, the Tea Estate owner is unlawfully claiming the ownership of that khas land where Khasis are residing. In Khasi Punji-1 and 2, a land of 200 acres, more than 600 indigenous Khasi and Garo families have been living for many years.

The authority of Nahar Tea Estate filed another false case with Sreemangal Police Station against Khasi villagers of Aslom (Nahar-1) Punji under Sreemangal Upazila of Moulvibazar District on 2 September 2014 while the Khasi villagers are already being harassed by another false case filed by the same complainant. The fresh case accused 28 Khasi villagers including names of a deceased person and another in police custody.

Rakhaine people are threatened of eviction from their ancestral land in Kuakata

In Kuakata of Patuakhali District, indigenous Rakhine people are losing their traditional lands continuously. There is an influential section of



mainstream population, who always try to grab the land of indigenous people using their power and muscle. In most cases, they use tactics that includes manufacturing of fake documents, fake ownership deeds, filing of false cases aimed at intimidation and attacks to grab lands of indigenous peoples. Moreover, there are corrupt officials in the local land office who, in exchange of monetary benefits, work in collusion with vested groups whose preponderant target is to seize lands of the weaker communities. With such an evil alliance emerging rapidly in Patuakhali region, most of the lands belonging to Rakhaine families started changing hands in favor of influential Bengalis rapidly; many of them having dispossessed of their lands already left or forced to resettle elsewhere, preferably in Myanmar in most cases.

An indigenous Santal man killed by land grabbers in Dinajpur

On 2 August 2014, a group of land grabbers led by Abdul Goffar (40) and Azgor Ali (47) killed Dhudu Soren (50) in Kachuya village under Kushdoho union of Nawabgonj Upazilla in Dinajpur District. Deceased's family said that land-related disputes were the reasons behind the killing. Dhudu's elder son Rabi Soren filed a case with the Nawabgonj Police Station. Police arrested Abdul Goffar's wife Hawa Begum in this connection. On 05 September 2014, the main accused of Dhudu's murder case, Abdul Goffar, was arrested from Kashimpur area in Gazipur District. On 15 September 2014 the same land grabbers' group at Hili Dangapara Bazar attacked

Dhudu Soren's wife Phulmoni Mardi (42) and her mother Surujmoni Mardi (68)

Dhudu Soren and Abdul Goffar's family was locked in a dispute over land since long. Dhudu's father Fagu Soren was also killed by a member of Gaffur's family in 1973 and the purpose behind the killing was to occupy the land of the deceased.



Dhudu Soren's ancestors had lived at Kushdodho village of Darkamari union under Nawabgonj Upazila in Dinajpur District for generations. Dhudu inherited 33 acres of land, which were recorded in 1940 and 1962.

In 2002, Dhudu Soren's father Fagu Soren was allegedly killed by the members of Abdul Goffar's family. Fagu sacrificed his life to save 31 acres of lands owned by his family. But he could not save the land. After Fagu's murder, his son, Dhudu Soren, had loaned money by mortgaging 2.0 acres of land that remained with him. The land grabber family filed as many as 8 cases against him at different times just to harass him. He faced harassment and intimidation almost everyday. As for instance, one day he found that miscreants burned the school, which was built on the land he had donated. Another day he found the miscreants ravaged his maize seedlings he just planted. Though he got the land after winning the case, he could not cultivate it for lack of money. In another incident, the land grabbers attacked him. They threatened him to kill if he does not give up the land.

It is also learnt that, Dhudu wanted to negotiate with land grabbers when the land grabbers forcefully took 5.0 bighas of land. However, the land grabbers were greedy; they wanted more land. So, they turned down the proposal of Dhudu. Gradually the greedy land grabbers turned ferocious enough to kill him. Perhaps Dhudu would have been alive now, if he had given away all the lands he had to the land grabbers. "I would rather die than leave my land for which my father died."— Dhudu Soren was quoted to have said.

Dhudu Soren probably knew that one day land grabbers, who grabbed his land, would kill him. He had got the message before he was killed and he hinted about it in a documentary film named 'Manush Manchitra' directed by a cultural activist Moinuddin Chisti. This film was documented in 2009(?). The prediction of Dhudu Soren has unfortunately turned out to be true. The land grabbers killed him. His killing is due to a decade long feud between the families of Dhudu Soren and Abdul Goffar over a landed property that originally owned by the family of Dhudu Soren. The same accused killed Dhudu's brother named Gosai Soren in 2011 and his father Fagu Soren in 2002.

Land grabbers attack on indigenous women UP member to grab her land in Chapainawabganj

On 4 August 2014, influential Bengali land grabbers physically assaulted an indigenous woman member of Parbotipur Union Council and an indigenous woman leader in Gomostapur Upazila under Chapainawabganj District. It was also alleged that the perpetrators also harassed the victim sexually. A case was filed by the victim with Gomostapur Police Station against the perpetrators in this connection.

On the day of the incident (4 August 2014), the victim along with workers went to work in the paddy field near her village. At around 12:00 noon, a group of miscreants numbering about 30/35 people led by Afzal Hossain and Manirul Islam went to the paddy field with sharp weapons and stick. They obstructed the victim and her workers while she was working. When the victim protested, one of the land grabbers tried to stab her with a knife and another land grabber hurled a farsa (a type of long and sharp knife used for farming) towards the victim but the victim survived the attack. At that time Rezaul Karim (30) Akbar Ali (25) and Akhter Hossain (35) forcefully dragged her to an open place. After that, they harassed her

sexually. The miscreants left the spot threatening the victim to kill if she files any case against them.



The victim has always been a very good organizer and remained active for the protection and promotion of the rights of indigenous peoples of her area. She has many success stories of protecting the land rights of local indigenous people. Over the last couple of years, the victim organized different successful movements against local land grabbers in her area and has been able to restore ten acres of lands belonging to her husband from the land grabbers. Hence, land grabbers including Afzal Hossain has been threatening the victim and trying to extort BDT 300,000 from her for around a week before the incident.

300 indigenous families do not have their own land in Sitakunda

More than 300 indigenous families, who are living in the hilly area of Sitakunda upazila under Chittagong District, do not have their own land. But they have been living there for years. The administration is yet to provide land settlement to them. Most of the indigenous families belong to Tripura community and most of them live in Choto Kumira hill of the Upazila of the same name. A total of 85 families are said to be living in this hill. Moreover, 15 families in Choto Darogarhat hill, 25 families in Shitolpur

hill, 20 families in Sultanamondir hill, 22 families in Bashbaria hill and 50 families in Aoulia hill are living under Sitakunda Upazila. The indigenous peoples have talked with local political leaders and administration on several occasions to resolve the situation but nothing has been done as of now.

Indigenous Tripura villagers attacked again in Mirsarai

Three indigenous Tripura villagers including a woman were seriously injured in an attack committed by land grabbers in three separate incidents on 14, 16 and 17 August 2014 at Koila Barapara of Kerethat Union in Mirsarai Upazila of Chittagong District. The attacks were made allegedly to evict Indigenous people from their land.

As was reported, on 14 August 2014, Md. Zakir Hossain, 50, son of Mohammad Bojler Rahman, of Koila Barapara, assaulted Hiran Kuman Tripura, 28, son of Samacharan Tripura, of the same village in his shop with a bamboo club seriously. The incident occurred because of a minor argument between Hiran Kumar and Zakir Hossain regarding football-playing tricks.

After that on 16 August 2014 at 4:00 pm, as Paklati Tripura, 50, went to Md. Zakir Hossain's shop, Md. Zakir Hossain randomly beat her with his shoe and pushed her down from the top of a hill. Two days earlier Paklati Tripura borrowed a sum of BDT 1,000 from Zakir Hossain for the treatment of her daughter who was suffering from epilepsy. On 16 August, before the beating of Paklati took place, Zakir detained Paklati's son Monoram Tripura at his shop and demanded BDT 5,000 as against the borrowed sum of BDT 1,000. Monoram Tripura somehow managed to escape from there and informed his mother about the incident. Paklati then rushed to Zakir and requested for some more days to repay the money. But Zakir rebuked her using abusive language, pulled her out of the shop, beat her with his shoe and pushed her down from the hilltop. Paklati sustained serious injuries in different parts of her body. Even though some other Indigenous villagers were eyewitnesses of this the incident, they remained silent being fearful about getting victimized similarly by Zakir. Paklati was then taken to the hospital.

On 17 August 2014, Md. Zakir Hossain's son Md. Shipan, 30, assaulted Ratan Kumar Tripura, 35, son of Hederam Tripura, in quite a similar way.

An Awami-league leader tried to evict Oraon indigenous peoples in Natore

A local leader of the present ruling party has been trying to evict Oraon indigenous people from Ratal village of Singra Upazila under Natore District. He already occupied the village pond, the only means of living of the Oraon people, in the name of lease. He also tried to keep the movement of Oraon people in check when they protested and demanded for cancellation of the lease.

Indigenous peoples had been trying to get lease of the pond since 2009, but they failed to prepare papers due to the opposition from local influential people. On 29 April 2014 the villagers submitted an application signed by 97 persons to Junaid Ahmed MP requesting to accept their lease application. The MP recommended to the Upazila Nirbahi Officer (UNO) to give them the lease but after few days they came to know that the lease was given to Abdul Bari, General Secretary of Awami-league, Chowgram union unit of Singra upazila for a year only at a nominal price of 21,000 taka.

Land grabbers file series of cases against indigenous people to grab their land in Dinajpur

Land grabber named Nuru Mia (45) and his younger brother Saiful Islam (42) have been trying to grab 1.77 acres of land of an indigenous family at Belwa village of Palsha union under Ghoraghat Upazila in Dinajpur District for the last four years.

The indigenous peoples own 11.58 acres of land in Belwa mouza. However, in 2010, Nuru Mia and Saiful Islam noticed that they bought 1.77 acres of land in 1978 from the part of Dag no. 2 of the same mouza. Since then, they filed five cases in Dinajpur court to take hold of the land and other four false cases with Ghoraghat Police Station to harass the indigenous family and they have been doing it for the last 4 years.

Land grabbers tried to grab 6.11 acres of land belonging to indigenous people in Chapainawabganj

On 21 October 2014, a group of land grabbers attacked Tongpara village of Jhilim union under Sadar Upazila of Chapainawabganj District and tried to grab the land belonging to indigenous peoples. As a result, at least five

persons were injured in the attack. Indigenous peoples have been living at Tongpara village for the last one hundred years and they possess 6.11 acres of land and a pond. However, different land grabbers have been trying to evict the indigenous peoples by showing false documents. Following the incident indigenous peoples blocked the road on the same day to demand immediate arrest of the land grabbers.

Land grabbers attempt to occupy temple-land belonging to Barman indigenous people in Gazipur

On 28 November 2014, a land grabber family tried to occupy a piece of land belonging to a temple owned indigenous peoples at Bagchala village under Kaliakoir Upazila in Gazipur District. They tried to occupy 41 decimal of land of Dag no. 697 (SA) of a temple located at Bagchala Sakinath Mouthazuri Mouza. Indigenous Peoples have been living beside the temple and a banyan tree which they worship since long. But on the day of the incident, the land grabbers cut the branches of the banyan tree intentionally to grab the land. The land grabbers threatened the indigenous peoples when they tried to stop them. A case was filed against four land grabbers named Chofiruddin, Khobir uddin, Hahibur Rahman and Hafez Mia with the Kaliakoir Police Station by a villager named Uttam Kumar son of late Lal Mohon Barman. But police did not arrest any land grabber.

An indigenous Munipuri family attacked by land grabbers in Sylhet

On 29 December 2014, an indigenous Munipuri family was attacked by Bengali miscreants at Rasnagar village under Chatak Upazila in Sunamganj District. In connection with this incident, Swapan Kumar Singha filed a case (no. 02, dated 03.01.15) against Abdul Hai (40), leader of the gang, along with 11 persons with Chatak Police Station. Abdul Hai and his gang have been trying, for the last few years, to grab the land of indigenous peoples living in Chatak Upazila. The gang threatens and harasses the indigenous peoples. On one occasion the gang threatened the family of Swapan Kumar Singha, resident of Rasnagar village, forcefully entered his house and beat up the family members. Nanda Rani Sinha and Lalbihari Sinha were seriously injured as a result. The gang chopped Rabindra Kumar Singha, a retired sergeant and the younger brother of Swapan with sharp weapon. The gang also looted the valuables of the house valued at BDT 155,000.

Media report

The Daily Star

The Daily Star, 28 November 2014

It's so easy to grab lands

Land grabbers evict 29 Marma families

Twenty-nine Marma families have been compelled to live inside some shabby huts since they were allegedly forced out of their ancestral land at Lama upazila in Bandarban nearly seven months ago.

They had no other option but to flee their homes at Mangbichar Baching Marma Para as the land grabbers in the name of making a rubber plantation there had been threatening them with life.

They claim that hired thugs had vandalised and looted their homes and valuables when they refused to bow to the threats and pressure of the land grabbers.



*Remains of an indigenous house evicted by land grabbers in Marma Para of Bandarban. About 29 have been forced to leave their ancestral land.
Photo: Sanjoy Kumar Barua*

As they had nowhere else to go after their “eviction”, they built and took shelter in temporary huts in the upazila's Tirishdeba Para, Gajalia area and other places in nearby Alikadam upazila.

Visiting the places recently, it was seen that the Marma families consisting of around 150 members, including children and the elderly, were simply living in appalling condition.

They had limited access to food, drinking water and sanitation.

“You can't imagine our condition here. We are passing our days in extreme misery. We just want our homes back,” said Baching Karbari, chief of the group.

“The armed men used to snatch all our belongings, and threaten us. They also started raiding our houses at night and robbing us of our belongings, including domestic animals.”

Karbari alleged that Mohammadia Jamia Sharif, a local organisation, was behind everything.



An indigenous man in Trishdeba Para where the evicted families now live like refugees.

Photo: Sanjoy Kumar Barua

However, Mohammad Anisur Rahman, director of the organisation, refuted the allegation, saying they did not evict anyone.

The official said they “bought” some 600 acres of land in Sangumouza from the Marma families. He also claimed to have a No Objection Certificates (NOC) signed by them.

Contacted, a top police official of the district said they had sent some of their officers to the scene recently to look into the matter and found the land had actually been sold by the Marma families.

Asked, Thank Pre, headman of the mauza, claimed that the organisation committed forgery during signing of the papers.

Anisur denied the allegation too. Mohammadia Jamia Sharif is involved in rubber, tree plantation and horticulture and has illegally purchased 2,000 acres of land in Sangumouza, locals say.

The mouza headman claimed that he approached Bandarban Deputy Commissioner KM Tariqul Islam several times in this connection. “But he could not assure of our safety,” he claimed.

Contacted, The DC said, “We have heard about the eviction. The concerned UNO has already been told to look into the matter.”

Asked about the alleged paper-forgery, he said, “Action will be taken if anyone is found guilty.”

In 2012, 17 indigenous Mro families of Amtali Mro Para, and another 17 families of Chariggyo Karbaripara in Lama upazila were also reportedly “evicted” by the same plantation company.

Indigenous people of five other villages -- Muktarom Karbari Para, Goyalmara Para, Nitichandra Tripura Karbari Para, Keranijiri Para, and Banfur Painchaprue Para -- are also under threat, the headman alleged.

Since the 1997 signing of the Chittagong Hill Tracts Peace Accord, people of 10 indigenous villages of the district have been evicted by Bangalee settlers, private rubber plantation owners and horticulturists, said Jumlian Amlai, president of Parbatya Chattagram Forest and Land Rights Protection Movement (Bandarban Chapter). “The administration is yet to take action against the land grabbers,” he added.

“Mohammadia Jamia Tree Plantation has violated the Hill District

Council Act of 1989 and CHT Manual of 1900 as they have purchased khas land, and played a trick to receive no demand agreements from the innocent people,” said KS Mong Marma, a member of Chittagong Hill Tracts Regional Council.

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The Daily Star

The Star, 4 July 2014

Reflections

A Night of Fear

Mintu Deshwara

Hiramon Helena Talang is a research associate working with a local NGO called the Kapaeeng Foundation. She is from the Khasi community in Moulvibazar. Anyone can see that my friend is confident, capable and skilled. What is not so obvious, what I came to learn on the night of Friday 30 May 2014, is that to her community she is also a heroine.



Hiramón Helena Talang visits a home in Nahar-1 to discuss the latest conflict with the neighbouring tea garden.

That afternoon word had come from the Nahar-1 punjee – punjee is the word used locally for Khasi villages – that, at around 12 p.m., about two hundred people, allegedly instigated by the manager of the nearby Nahar Tea Estate Pijush Kanti Bhattacharya, had started marching towards the punjee. According to the villagers, the tea garden has long been claiming some 200 acres where the Khasi reside. It seemed as if plans were afoot to evict the residents and occupy the land. It was not the first time.

When she heard the news Talang was visiting her sister in Kulaura, on her day off. She immediately headed for the shared CNGs to take her to Sreemangal and suggested I accompany her. From there we traversed fifteen kilometres of hilly road en-route to Longlia punjee, from where we could walk through the garden to reach the 210 villagers, from around twenty extended families, of Nahar-1. It is a remote area, perhaps not often enough considered by the local authorities.

By the time we arrived the sky was darkening. It was calm by then which on a normal day would be charming. But it wasn't that natural hillside calm. There was no villager attending to some household chore in their house yard, none sitting on the veranda of their home enjoying the twilight. The punjee seemed empty; the quiet foreboding.



The villagers of Nahar-1 stayed awake that night, fearing further attack from the tea garden.

As we approached the villagers did begin to emerge, looking both tense and relieved. They seemed pleased, to have taken courage from Talang's arrival. Soon all the villagers were sitting together in the middle of the punjee to discuss the problem and think about what to do next. It is Khasi tradition for villagers to come together in the presence of their montri or head villager, to discuss problems that arise.

I listened, some part was translated for me, about how the village men had been as usual, busy in their betel leaf gardens, the principal income source and traditional occupation for the Khasi, when the tea garden mob arrived. It was explained that such attacks often occur while the village men are busy – the target was the village women.

The attack on that day left twenty injured, thirteen women and seven men, they said. Some were beaten on their hands or legs. Five villagers sustained more serious injuries, as did at least one of the attackers.

Another usual goal of such attacks is to destroy betel vines. Each vine takes three to four years to grow before it will yield leaves for the subsequent ten to twelve years. To cut a vine is to hack into the local economy, in the hope that the then penniless Khasi families will have no choice but to move on, except that they have nowhere to go. Nor, of course, do they harbour any desire to leave their customary lands.

Talang spoke strongly, in Khasi language. Although I could not understand her every word I was surprised to see the reaction. The daughter of the village was an expert motivator. She busied herself cultivating courage in her fellow villagers.

I watched Talang's face, dedicated and emotional. I saw in her shock; and at times tears fell from her eyes. She asked me, "If the Khasi are Bangladeshi citizens too, why are they, so often, targeted and harassed?" She wondered aloud why land grabbing was a constant, nagging problem to which the government had thus far been unable to offer a lasting solution.

The montri of the punjee then explained the plan of such attacks: to evict the Khasi from their lands. He described the day's events in detail

and added that the usual tactic was for the tea garden management to later blame the Khasi.

"They threatened to murder me," said villager Lari Lamin, 27. "They said they would kill me if I said anything."

"We are insecure. They will evict us at any moment," said Thiari Suting, 45. "Every day we pass in a state of panic."



The village men of Nahar-1 undertook patrols and sentry duty of their punjee and betel gardens that night.

"They will stop us from selling our betel," said mother of six, Airin Pohlong, 30, "They threatened that the tea labourers will destroy our crops if we try to carry them to the market along the road that passes through the tea garden."

"We are scared to go out of the punjee," said mother of two, Therida Kongwang, 30, "due to the state of siege."

It's not only Nahar-1. The same road leads to Nahar-2. The ongoing situation had the potential to leave up to 700 people stranded and isolated. Even eight-year-old Arkid Pohshyad, who studies in class three in Sreemangal, would be unable to attend his classes after that day's events, the villagers considered. It is well known that he is the

son of the assistant montri and to send him was considered too risky.

Ironically, the villagers of Nahar-1 also rely upon tea garden labourers seeking to supplement their low wages, to help harvest the betel crop. Another issue is that the labourers would likely be forced to stop coming, which would make continuing the ongoing harvest, which runs from May until December, difficult.

"Hai bhah e e pyem e t pthai," said Kongwong, "We live on betel leaf totally."

"We suffer too much for the tea garden. We don't know when this fight will finish. De sah kot diam nge – We are fed up," added Pohlong.

During the night the village men did their duty, patrolling the betel gardens and village in order to protect their land, their families and their lives. At around 10 pm, a BGB patrol arrived to preserve security and observe the situation.

Yet at 12 a.m. some outsiders spread rumour by phone that the tea estate had filed a case and the police were on their way with two jeeps to arrest the Khasi "criminals". The rumour proved unreliable, at least on that evening, but had its effect: the distressed villagers did not sleep all night.

I stayed awake until 2am As I finally decided to give in to sleep, I saw that Talang, educated and respected, was still moving from house to house, discussing, abating fears and improving morale. It was certain she would not sleep. Those hours, along with undoubtedly many more while the situation remained critical, would be consumed by her unflinching devotion to her community.

I was but a listener that evening. Talang was speaker, motivator, counsellor, human rights activist, villager, neighbour and friend.

Some days later, when I contact tea garden manager Bhattacharya, as the montri had predicted, he says that the disputed land belongs to the tea garden and that the Khasi, attacked them when they went to "recover their land." "Khasi land grabbers murdered a tea labourer," Bhattacharya alleges, "for which we filed a case against fifteen identified and 160 unidentified people."

In response, the Khasi claim that as far as they know the attacker, who sustained serious injury as they defended themselves, died some days after the incident. Unfortunately, such claims and counter-claims are likely to be the way of things while there remains a lack of certainty regarding Khasi traditional lands in the area. It seems the villagers of Nahar-1 punjee will absolutely require Hiramón Helena Talang's ongoing leadership skills in the coming days.

Mintu Deshwara is The Daily Star correspondent for Moulvibazar.

(Story prepared with assistance from Andrew Eagle)

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The Daily Star

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Grabbers eye two khas ponds used by Rakhines

Our Correspondent, Patukhali

Two khas ponds-one at Kalachandpara in Kuakata area of Patuakhali district and the other at Kabirajpara in Taltoli upazila of Barguna district-are being grabbed by local influential people.

The influential people are building concrete structures, occupying the khas ponds in the two areas, mostly inhabited by Rakhines.

In Kuakata, the khas pond at Kalachandpara is the only source of sweet water. Locals, especially Rakhines, have been using clean and sweet water of the pond for long.

An influential man has already built a concrete structure, grabbing a portion of the pond, which belongs to Patuakhali Zila Parishad (district council).

Moncho Talukder, a Rakhine, has recently leased the pond from Zila Parishad to cultivate fish, but some local influential people are illegally occupying the pond and erecting structures.

"We urged the local administration to save the pond from grabbers, but to no effect," he said.

In Barguna, Monthinjo, a Rakhine community leader of Kabirajpara under Taltali upazila, said he filed a written complaint to the upazila nirbahi officer (UNO) and other officials concerned on July 7 against some influential people who are trying to grab the khas pond in the area, but no action has been taken yet.

IV. SITUATION OF THE RIGHTS OF INDIGENOUS WOMEN AND GIRLS



IV. SITUATION OF THE RIGHTS OF INDIGENOUS WOMEN AND GIRLS

The Constitution of the Peoples' Republic of Bangladesh stipulates,

27. All citizens are equal before law and are entitled to equal protection of law.

28. (1) The state shall not discriminate against any citizens on grounds only of religion, race, caste, sex or place of birth.

(2) Women shall have equal rights with men in all spheres of the state and of public life.

The Bangladesh government is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and thus it is a legally binding instrument and applicable by laws to ensure and respect the rights for all women including indigenous women. The Convention affirmed to take appropriate measures to eliminate discrimination against women in the political and public life of the country and, to participate in the formulation of government policy and the implementation, and to participate in non-governmental organizations and associations concerned with the public and political life of the country.³¹ Though this Convention has not unequivocally pointed out "indigenous women", it is pertinent with the norms of equality and non-discrimination as fellow citizens of the country where the discrimination is prohibited under the constitutional rights.

³¹ Article 7: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Although the Constitution of Bangladesh guarantees equality for all citizens, the minority population including indigenous peoples in the country confronts severe discrimination. Due to the domination of patriarchal structure both from the broader public to private level, indigenous women and girls confront acute marginalization and disparities in every step of their lives not only within their own communities but also within the larger arena of the society. Women in the indigenous communities have unequal access to inheritance and decision making process in the traditional administrative structure. The multiple forms of discrimination and barriers indigenous women and girls face are most likely to emerge from the sexual, gendered, religious, traditional, racial, ethnic and socio-economic factors and sometimes from geographical context. Even though the successive governments in Bangladesh have undertaken a number of initiatives to address gender disparity and women's empowerment, there have been no specific development plans, policy mechanisms and legislative measures to integrate indigenous women into mainstream development paradigm on the basis of their distinctive concerns and needs mostly different from mainstream Bengali women. The Constitutional non-recognition of indigenous peoples and the absence of gender disaggregated data on indigenous peoples tend to indicate state's unwillingness to recognize indigenous people's existence and mainstreaming them into the sustainable development process.

Indigenous women and girls are one of the disadvantaged and vulnerable sections of the country's population and deprived of human rights, such as, lack of access to education at all levels and forms, health care, economic and political participation and control over material and intangible resources. Moreover, they are subjected to different forms of sexual and gender violence that are associated with state's domination through different actors and structures to control indigenous women and girls, communal aggression over the indigenous peoples' ancestral lands, militarization, negative masculine and social attitude towards women and so on. Violence against indigenous women and girls occur within the framework of their communities too. One of the forms of such violence is domestic violence and intimate partner violence which remains undocumented till now may be due to lack of attention and social awareness. It is worth mentioning that the government representatives in the 13th session of the United Nations Permanent Forum on Indigenous

Issues in 2014 delivered insensitive speech on violence against indigenous women in Bangladesh. The government underpinned by stating that the incidents of violence against indigenous women in the CHT are trivial than the rest of the country. Such generalized statement of the government tends to perpetuate state's ignorance on the issue of violence perpetrated against indigenous women in the country. It is notable that the indigenous population comprises about two per cent of 160 million populations in Bangladesh. It is absolutely inadvisable to ignore the issue of sexual violence committed against indigenous women and girls which are rapidly growing in the recent years manifesting the severe form of violation of human rights.



However, the government has endorsed a number of international and national human rights conventions, treaties, policy mechanisms and legal instruments to ensure women's empowerment and gender equality. The government has ratified CEDAW, National Women's Development Policy (NWDP) in 2011 and a number of legal initiatives to promote human rights of women. However, the government does not have any distinguished laws/ sections/articles or any specific development initiatives to address indigenous women's issue from indigenous perspective and NWDP contain very few provisions on indigenous women. Despite the limited development measures by the government, one of the positive measures is the establishment of three separate courts in the CHT to deal the cases of women and children under the Women and Children Repression Prevention Act 2000 (amended in 2003) and victim support center in

association with UNDP-CHTDF programme. However, One Stop Crisis Centre (OCC) at the divisional level to support the victim of violence survivors is not enough to address the need of poor indigenous women and children residing in the rural remote locations. Furthermore, the gender budget 2014 of Bangladesh, more specifically of the Ministry of the CHT Affairs, do not provide for any substantial measures to advance the causes of indigenous women and girls through sustaining and promoting their traditional economic activities and integrating them into technical and ICT-based skills and opportunities.

In addition, there is no mention of initiatives in the Gender Budgeting Report 2013-2014 to prevent sexual violence against indigenous women and girls. Rather it concentrates more on typical agricultural involvement of indigenous women.³² It is to mention that there have been no governmental steps to integrate indigenous women and girls in the plains. Nonetheless, the government in partnership with several national non-governmental institutions has started to introduce curriculum on mother tongue and culture preservation for indigenous communities on pilot basis in recent years. Further, the ministry of the CHT Affairs claims by mentioning about government's health coverage service to indigenous women to reduce maternal mortality, access to safe drinking water and nutrition. Even though the government claims that it provides the above-mentioned service to indigenous household in the Gender Budgeting report of 2013-14, the situation of indigenous women and girls living the remote remain static with limited access to health care services, education, nutrition and safe drinking water. In addition to this, the government tends to overlook the political empowerment of indigenous women and as well as indigenous women in decision making. There have been no specific policy measures or mechanisms to allocate reserve seats for indigenous women in the parliament and at the local government bodies. Despite quota system for indigenous candidates in the public service, indigenous women are minimally visible in this regard.

32 Finance Division 2014, Gender Budgeting Report 2013-2014: Ministry of Chittagong Hill Tracts Affair, http://www.mof.gov.bd/en/budget/13_14/gender_budget/en/21%20Chapter%2022_55_Hill%20Tracts_English.pdf

At A Glance: Violence Against Indigenous Women and Girls (VAIWG) 2014

As reported, 122 indigenous women and girls fell victims to sexual and physical violence in 2014 in Bangladesh. A total number of 349 indigenous women and girls became victims of multifaceted forms of human rights violation from 2007 to 2014 shown in the table 6 and figure 6. Furthermore, 75 cases on violence against indigenous women and girls in Bangladesh have been documented in 2014 (table 7). Of the 75 cases, 51 incidents of violence were reported in the CHT and 24 in the plains (figure 6, table 9 and 10). Table 8, 9 and 10 illustrates the number of cases and victims of sexual and physical violence perpetrated against indigenous women and girls. The increasing number of sexual and physical violence against indigenous women and girls in the past eight years shown in the tables and graphs indicate a serious deterioration of human rights situation of indigenous women and girls. Table 38.4 illustrate the number of cases and victims survivors of sexuals and physical violence. Table-1 shows the modalities of violence and maximum number of victims/survivors (122) documented in 2014. In 2014, a total of 7 women and girls were killed after rape while 21 victims were reported to have been raped and gang raped across the country with 12 rape and gang rape victims from the CHT and 9 from the plains.

The highest forms of human rights violation against indigenous women and girls was physical assaults/ molestation/sexual harassment (62) in the year of 2014. Of total number of 62 victims, 4 were reported to have been sexual harassed with one (1) shown as molested. Rape attempts were made on as many as 22 indigenous women and girls in Bangladesh while kidnap and kidnapping attempts were made on 10.

Table 3 indicates that the 60% of the victims who were killed after rape, gang rape or attempted rape were children in the age group of 4 to below 18 years of age while 40% were adult women above 18 years of age. The most significant feature of violence against women and children was that the perpetrators were Bengali settlers in the CHT and Bengalis in the plains (91%). The second perpetrator group was the security personnel, indigenous men and the rest were unknown. The identity of the perpetrators was unknown in two cases. The identity of the largest perpetrators' group is an element that can conveniently be linked to ethnic cleansing which is also generally associated with land grabbing. Sexual

violence against women and girls is also a tool universally used to seize lands. At the same time, the hegemonic masculinity to dominate and control over sexuality and reproductive health of women and girls cannot be denied or overlooked in this regard.

A total of 46 cases were filed so far against physical and sexual violence on indigenous women and girls of which 5 cases were resolved through local arbitration. However, the depressing aspect is that the few perpetrators, who were nabbed following the cases filed against them, get released soon on bail due to weak charge sheets. The rape case of an indigenous Santal girl aged 17 years (case no. 6 in the section of rape) shows how daring are the perpetrators Faijul and Barek who, after kidnapping and raping the young girl, took her to the police station and threatened her not to give any statement against them and asked the police to lock her in the jail for life imprisonment. It sounds incredible. But it happened. It shows the extent of impunity that the perpetrators can enjoy notwithstanding the monstrosity of the crime committed. Even though the victim's father filed a case against all the persons who brought her daughter back to the police station, the police did not arrest anyone. Instead, the survivor along with her family members received constant threat to withdraw the case.

According to Ain O Salish Kendra³³, 615 women were victims of attempted rape, rape and gang rape across Bangladesh in 2014. On the other hand, according to Kapaeeng Foundation, similar crimes were committed in 2014 on 55 indigenous women. If aforementioned information of Ain O Salish Kendra covers only the victim women of mainstream population, then the total victims of both Bengali and Indigenous women in 2014 would be 670. Accordingly out of 670 women victim/survivor 8.2% victims are from indigenous community, who are just 1.8% of country's total population. On the other hand, out of 670 women 91.8% are from the Bengalis, who are the majority in the country with 98.0% of the total population. From statistical calculation given above it becomes clear that indigenous women are more targeted in crimes like sexual violence than the mainstream women due to their ethnic and cultural differences.

33 <http://www.askbd.org/ask/2015/01/17/political-violence-2014/>

35 indigenous women in CHT, compared to total 670 similar victims in the country, were victims of attempted rape, rape and gang rape in 2014 which is 5% i.e. 1.8% of total population. However, in the 13th session of the United Nations Permanent Forum on Indigenous Issues in May 2014, Bangladesh government representative had said that comparing to the violence against women in the country, women in the CHT were less violated.

However, there are laws in Bangladesh to prevent violence against women and girls. Disturbingly, these instruments did not succeed or proved effective enough to secure human rights of indigenous women and girls. The alarming figure of violence committed against indigenous women and girls in recent years (2007-2014) shows no instance of a single case where the survivor/victim availed justice. Rather, in most cases the perpetrator/s got out of bail and avoided punishment due to corruption in the justice system which tends to show biasness towards the perpetrators. In addition, the state party plays impassive role to provide adequate justice to indigenous women and girls. Even the police administration is insensitive to ensure justice for indigenous women and girls and the instances have been given in the reports on rape, assault and abduction cases. One of the key motives behind committing sexual violence against indigenous women and girls is to terrorize the indigenous population, create uneasiness and worries among them in order to uproot them from their ancestral lands. Even after the 17 years of signing of the CHT Accord the government has not fully implemented it. One of the crucial features of the CHT Accord is the resolution of land dispute which has remained an elusive agenda so far and the goal of perpetrating sexual violence against indigenous women and girls is likely to have a critical relation to land occupation by the Bengali settlers.

A clear picture that emerges from the cases so far documented is that most of the violence between indigenous peoples and the Bengalis/Bengali settlers has the roots in land and land related disputes. Moreover, the general hegemonic masculine attitude pervading the mainstream society, despite exceptions in plenty, to treat women and girls as sexual objects is also one of the key factors behind perpetrating sexual violence. There are also the reasons e.g. lack of getting justice, lack of financial access to continue the cases, insufficient legal and health support centers, lack of awareness, lack of knowledge to file cases and lack of authorities to follow up the cases contribute to perpetuation of sexual

violence. Furthermore, language barrier, lack of adequate administrative measures to appoint and encourage indigenous police, justice, lawyers and doctors (where possible), lack of bureaucratic transparency and accountability prolong the process of women and girls' access to justice.

The following tables and graphs demonstrate the summary of VAIWG cases documented from 2007 to 2014-

Table 6: Modalities and Number of Indigenous Women and Girl Victims/Survivors of Violence in Bangladesh (2007-2014)

Year	Rape/ Gang Rape	Killed after rape	Killed/ shot dead	Physical assault	Attempt to rape	Kidnap/ attempted to kidnap	Sexual harassment/ molested	Traffi- cking	Total
2007	5	-	-	-	3	1	-	-	9
2008	3	-	1	-	-	-	-	-	4
2009	2	2	2	6	3	1	-	-	16
2010	7	3	2	6	5	2	-	-	25
2011	11	5	2	-	8	5	-	-	31
2012	17	4	3	36	13	2	-	-	75
2013	15	2	2	16	9	5	10	8	67
2014	21	7	0	58	22	10	4	0	122
Total	81	23	12	122	63	26	14	8	349

Figure 5: Modalities and Percentage of Violence against Indigenous Women and Girls in Bangladesh (2007-2014)

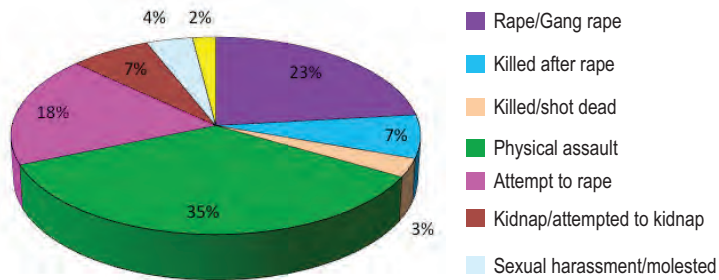


Figure 6: Total number of cases on violence against indigenous women and girls in 2014

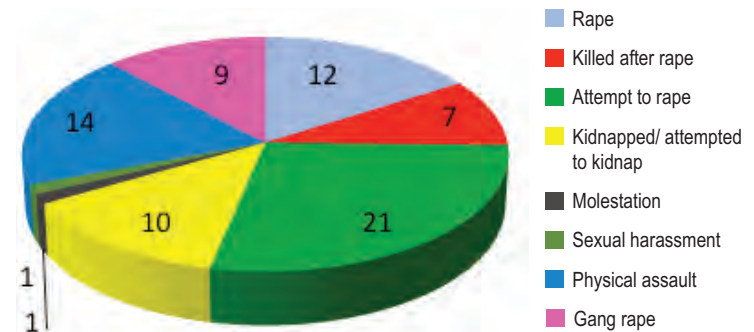


Table 7: No. of cases on sexual violence against indigenous women and girls in Bangladesh 2014

Types of violence	Number of cases
Killed/ Killed after rape	7
Rape	12
Gang rape	9
Attempt to rape	20
Kidnapped/attempted to kidnap	9
Molestation	2
Sexual harassment	2
Physical assault	14
Total	75

Table 8: Violence Against Indigenous Women and Girls at a Glance (January to December 2014)

Age → Form of Assault ↓	4-10	11-17	18-25	25+	Age not mentioned	Total victims	Cases filed	Resolved through local arbitration
Killed/ Killed after rape	-	1	-	5	1	7	6	-
Rape	2	6	1	3	-	12	8	1
Gang Rape	-	6	1	2	-	9	6	1
Attempt to Rape	2	8	1	4	7	22	12	2
Kidnap/Attempt to kidnap	-	4	1	1	4	10	4	-
Molestation/ Physical Assault	1	6	-	3	49	59	10	1
Total	5	33	4	18	62	122	46	5

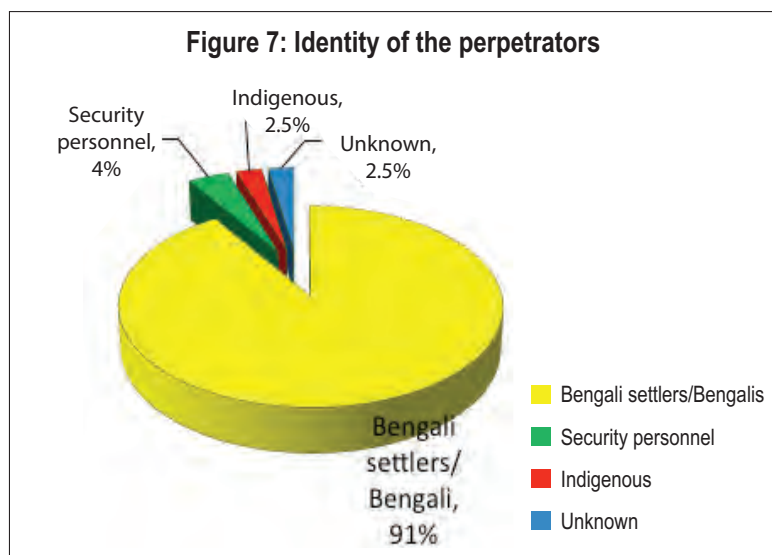


Table 9: Types and Number of Indigenous Women and Girls Victims/Survivors of Violence in the CHT 2007-2014

Year	Rape/ Gang Rape	Killed after rape	Killed/ shot dead/	Physical assault molest	Attempt to rape	Kidnap/ attempted to kidnap	Sexual harassment/ molested	Trafficking	Total
2007	5		-	-	3	1	-	-	9
2008	2		-	-	-	-	-	-	2
2009	2	2	-	3	3	1	-	-	11
2010	5	3	1	5	4	1	-	-	19
2011	10	3	2	-	7	4	-	-	26
2012	14	3	1	23	12	2	-	-	55
2013	11	1	1	12	6	4	10	8	53
2014	10	6	-	27	18	10	-	-	71
Total	58	18	5	70	53	23	10	8	246

Table 10: Types and Number of Indigenous Women and Girl Victims/Survivors of Violence in the Plains 2007-2014

Year	Rape/ Gang Rape	Killed after rape	Killed/ shot dead/	Physical assault molest	Attempt to rape	Kidnap/ attempted to kidnap	Total
2007	-	-	-	-	-	-	-
2008	1	-	1	-	-	-	2
2009	-	-	2	3	-	-	5
2010	2	-	1	1	1	1	6
2011	1	2	-	-	1	1	5
2012	3	1	2	13	1	-	20
2013	4	1	1	4	4	1	14
2014	11	1	-	35	4	-	51
Total	22	5	7	56	11	3	103

Killed/ Killed After Rape

1. On 15 February 2014, an indigenous Chakma woman named Sabita Chakma (30) was allegedly murdered after gang rape by a group of Bengali settlers at Chengi chor area of Kamalchari union under Khagrachari sadar upazila in Khagraghari district. As was reported, Sabita went out to nearby Chengi River to collect fodder for their cattle in the morning on the day of occurrence. Later at around 5.30 pm, the villagers spotted the naked dead body of Sabita Chakma in a crop field nearby Chengi Chor. The police of Khagrachari sadar and military of Bhuachari camp jointly rescued the dead body from the spot of incident. In a communal attack that followed the incident 7 Indigenous villagers including a woman were injured. A case had been filed.

2. On 26 March 2014, an indigenous Chakma women's dead body was found at west Kiyangghat area under Mahalchari upazila of Khagrachari district. The deceased was identified as Bharoti Chakma (28), daughter of late Ajoy Kumar Chakma. As was reported, Bharoti Chakma rode on a motor cycle towards home, when she reached at Kiyangghat area; five Bengali settlers from Pagjachari and Kalopahar village forcibly took her to nearby Teak garden and killed her after gang rape. Then the rapists dragged the dead body to a hill in west Kiyangghat and left the body in a Mango garden. Police rescued the half decomposed body on 29 March, when the local villagers saw the body and informed them. A case had been filed.

3. On 6 June 2014, an indigenous Marma woman named U Phru Marma (27), daughter of Mong Phru Hla Marma of the Taracha union was allegedly killed after rape by a miscreant. On 7 June in the morning, local people recovered the dead body of U Phru from the hill area of Rowangchari Upazila in Bandarban. It was learnt that U Phru Marma was going to Rowangchari weekend bazar in the morning. On her way back home she was raped by some miscreants' forcibly. After raping her, the perpetrators hit her on the head with a brick to kill her. A rape and murder case was filed with Rowangchari police station; the local villagers pointed accusing finger to Muslem Mian (25) and Roshot Tanchangya.

4. On 4 August 2014, the dead body of Rachana Devi Tripura (50) of Gachban area of Bhaibonchara Union under Khagrachari Sadar upazila was recovered by the Khagrachari Sadar police. It was suspected that

she was killed brutally by the miscreants while coming back from her neighbour's house at night. The neighbours informed the police after finding the body in the morning. Later the police rescued the body and took it to Khagrachari central hospital. It is presumed that the perpetrators chopped her neck after raping her. A case was filed and the police investigation, it was learned, was going on.

5. On 20 August 2014, dead body of an indigenous Chakma woman named Bishakha Chakma (30) was found in Kaptai Lake adjacent to a government tourist motel in Rangamati. Police and locals suspect that Bishakha Chakma was allegedly killed after rape. After hours of searching, they found the corpse floating on the lake. Later, the police force of Kotwali police station led by Officer-in-Charge (OC) Sohel Imtiaz reached the spot and rescued the dead body. However, the police could not uncover the mystery of Bishakha Chakma's killing and take any action against the perpetrators. No case was filed in this regard.

6. Umra Ching Marma (Chhobi) (15), an indigenous schoolgirl was killed, on 15 December 2014, allegedly by two Bengali settlers named Md. Nizam Uddin and Md. Masud Rana at Chitmaram area under Kaptai upazila in Rangamati district. It was learnt that at around 11:30 am, Chhobi, daughter of Anu Mong Marma and Naisui Marma, went to collect vegetables from a Jum farm. At around 1:15 pm, Chhobi's mother found the half-naked dead body of Chhobi. It was assumed that both Nizam Uddin and Masud Rana tried to rape her. At some point the perpetrators slit the throat of Chhobi. Anu Mong Marma, father of Chhobi, filed a murder case with the Kaptai police station. Masud Rana confessed his involvement with the killing. He was produced before the court on 17 December 2014.

7. On 17 December 2014, an indigenous Munda woman Bulu Rani Pahan was allegedly raped by Afzal Hosssain Bacchu at Brojobon village under Dhamoirhaat upazila in Naogaon District. After the incident, the victim, driven by the fear of social stigma and shame, took poison and died while under treatment at Rajshahi Medical College hospital. It was reported that, on that day at noon around 12:00 pm, wife of Hari Pahan and wife of Bulu Pahan went to feed her goats to the nearby field. At some point, the neighbouring villager Afzal appeared before her and dragged her to a side of a canal and raped her. After hearing the scream of the survivor, the villagers rushed to the spot and caught the perpetrator instantly. Later the perpetrator was discharged through arbitration in the local Union Parishad

(Union Council) chairman. The deceased's brother filed a case in connection with the incident against the perpetrator.

Rape

1. On 5 January 2014, a 9-year old girl was allegedly raped by a local Bengali settler in Manikchari Upazila of Khagrachari District. A local arbitration was carried out and the perpetrator was fined BDT 12,000 and caned in public. No case was filed in this regard.

2. On 23 March 2014, a 13-year old indigenous Marma girl, a primary school student of grade IV, was allegedly raped by a Bengali settler named Md. Belal, a daily laborer of Tarabania Brickfield of Kolompoti union under Kaukhali Upazila in Rangamati District. On her way back home, Md. Belal suddenly seized and raped her forcibly in a jungle. Her relatives found her in a jungle at around 4:30 pm in a senseless stage and took her back home, and after having a primary treatment she explained about the mishap and filed a case against Md. Belal with Kaukhali police station in connection with the incident. The villagers handed over Belal to police in the meantime.

3. On 2 April 2014 a 19-year old Rabidash woman was allegedly raped by a member of Ghurka union council named Haidar Ali at Bhuiyan Ghati Uttor Para under Salangya Upazila in Sirajganj District. A case had been filed. Police arrested a criminal Md. Haider Ali in this connection.

4. On 4 April 2014 a Patro indigenous woman (35) was allegedly raped by an army personnel named Md Azijul Haque (32), Lens corporal of Para commando at Pulauti village of Khadimnagar Union in Sylhet District. It was learnt that on the day of incident, at around 1.00 PM, the victim was going to bring lunch for her husband in their vegetable garden with her son. The rapist assaulted and pressed her throat when she reached at Puti Chara Garden. The local police caught the perpetrator when he was fleeing from the spot and sent information to the Area Army camp because he introduced himself as a member of the Army. After that, a group of army came and picked him up. The victim was admitted to One Stop Crisis Centre in Sylhet Osmani Medical College. A case was filed in this connection. The Police had yet to arrest the culprit.

5. On 24 April 2014 an 18-year old indigenous Tripura girl from Mairung Para of Guimara union of Matiranga Upazila in Khagrachari District was

allegedly raped by a Bengali settler Imam Hossain (28). The military offered the guardian of the victim one lac taka compensation to mediate the incidence instead of filing any case against the culprit. So far no case had been filed in this connection.

6. On 30 April 2014 a 17-year old Santal girl of Birganj Upazila in Dinajpur District was allegedly kidnapped by her neighbor Rumi Akhter, daughter of Md. Kashem Ali of Matiakura village, Mohonpur Union of Birganj Upazila. The victim returned home on 18 May 2014. It was learnt that the survivor went missing with her neighbor Rumi Akhter when they went to buy cosmetics in the evening of 30 April. Seeing that she did not return home, the girl's father went to the police station to file a General Diary (GD) against Abul Kasem, Laily Begum and Rumi Aktar with Birganj Upazila police station. The GD number is 29 (05)14. On 7 May, Naren Tudu again filed a case when he did not receive any update of the rescue of his daughter even after 8 days. After 18 days when the girl returned home she informed her family members that Rumi Akhter took her to the bank of Khansama ghat on 30 April on the plea to buy cosmetic. When they reached there a local student political group leader named Jahidul Islam son of Ajahar Ali, from neighboring village Miratungi, and the owner of Bhai Bhai Telecom in Lathat bazaar forced her to go with him by an auto rickshaw, he took her to an unknown place where he raped her forcibly. Later, Rumi Akhter, on the order of Jahidul, took her to Dhaka with the help of a man named Ayub. The victim was raped again in an empty house by Ayub in Dhaka. After 18-19 days the victim got chance to escape from the house, but she was caught again by Rumi while escaping. Rumi handed over the victim to UP member Md. Jahir Uddin, Dr. Roisul Islam, A. Barek and Faijal son of Sadar Ali in Birganj upazila. Later Faijal and Barek brought the victim in Birganj police station threatening the girl not to give any statement against them and asked the police to hand her down a life term imprisonment. Naren Tudu filed another case against all persons who brought his daughter back to police station. But police still did not arrest anyone instead Naren Tudu is being threatened to withdraw the case.

7. On 27 June 2014 a disabled/physically challenged indigenous girl (7) has been allegedly raped by a Bengali settler Saheb Ali (22), son of Nur Mohammad of Bakaura village of Jhinaigati Upazila in Sherpur District. It was reported that, the rapist took the girl in a quiet place telling her lie. The

local people seized him on the spot. The perpetrator has two housewives. Police arrested the culprit and a case was filed against the perpetrator with Jhinaigati police station.

8. On 25 August 2014 in the evening, an indigenous girl (16) from Bhairo Lara of Katabari Union under Gobindoganj Upazila was allegedly raped by Kalam (24) s/o Janab Ali Golla of neighboring Bograpara village. Seeing the victim alone in the house, Kalam took her out to the football field of Kutrapara and raped her and fled the scene. The victim's father filed a case in this connection with the Gobindoganj Police Station. The Officer in Charge of Gobindoganj Police Station ABM Jahidul Islam informed that they were trying to nab the rapist.

9. On 3 September 2014, a sixth grade student (aged between 12 to 13 year) of Kadamtoli High School was allegedly raped by a Bengali settler in Lal Kumar Para under Tabalchari Union of Matiranga Upazila, when the victim went to the stream near their house to take bath. As she was alone, Md. Salam, son of Md. Ali of Adarshagram, grabbed and raped her. When the incident became known, the local Bengali elders met in an arbitration meeting in the evening and settled the issue by ordering Salam, the offender, to pay a sum of Taka twenty thousand as compensation to the victim.

10. On 2 October 2014 a 13-year-old indigenous Tripura child was allegedly raped by a Bengali settler in Ranyabari village under Bhaibonchara union of Khagrachari sadar Upazila in Khagrachari District. At around 10:00 am, Md. Zia Rahman (32), son of Md. Abdul Malek of Bhaibonchara village entered their house for a glass of water. At the time, seeing no one in home, Md. Zia held down her neck, hit her right hand and in face then escaped after raping forcibly. Smritypurna Tripura, father of the survivor filed a case with the Khagrachari Sadar Police Station under Women and Children Repression Prevention Act. The case no. is- 02, dated 02/10/2014.

11. On 16 November 2014, a 17 year old Tripura girl of Patachari village was allegedly raped by Bengali miscreant named Md Saiful Islam (28) of Balutilla village of Daatmara Union. The agitated villagers complained to Saiful's parents and demanded to resolve the case. In order to keep the privacy of the case, on 21 November in the morning, they locally arranged arbitration at Abu Ahmed's house. In this arbitration the former Union

Parishad member Md Nurujjaman, Saiful were proved as rapists and were fined BDT 100,000 and 50,000 to be given to the victim's family. The victim's brother informed that 'there is no alternative but to accept the local leaders' decision; otherwise we have to endure threats from them'.

12. On 29 November 2014 at night, one Ariful Islam, 30, son of late Mohammad Kata and Mohammad Ziaurul, 32, son of Mostofa of Atahar village, picked up 28-year-old indigenous house wife from her house at Jugidaing under Sadar Upazila in Chapainawabganj District and took her to a nearby mango orchard and raped her. Hearing the hue and cry, the mother-in-law of the victim, also the mother of two children, rushed to the spot and tried to resist them but they beat her up mercilessly. The rape victim then filed a case with Sadar Police Station on December 1, accusing the two youths. But police did not arrest them. The accused were threatening the family of the victim repeatedly for filing the case but police remained indifferent despite repeated pleas.

Gang Rape

1. On 15 January 2014 a 13-year-old Marma girl was allegedly raped by four Bengali settlers in Naikhyongchari Upazila in Bandarban District. One of them named Jashim Uddin, who the girl recognized, was arrested. The adolescent's father filed a case with Naikhyongchari Police station. The case number is 1/16 under Women and Children Repression Prevention Act 2000. A medical test, it was learned, was carried out on the victim.

2. On 25 February 2014 at around 11:00 am, Bengali settlers allegedly raped a 15 year old indigenous Marma girl at Kumar Para of Amtali union under Matiranga Upazila in Khagrachari District. It was learnt that in the morning on the day of the incident, the victim went out to nearby bush areas to collect wild vegetables. On her way back home two Bengali settlers named Abdul Khalek (22) son of Rahim Mian and Mohammad Taru Mian (23) son of late Lal Mian both from Ramshira Para under Matiranga Upazila forcibly raped her. Later the victim was rescued by local indigenous people after they heard her scream. Nothing was known if a case was filed or not.

3. On 7 March 2014, around 12:30 pm a 19 year old Marma girl was allegedly gang raped by a group of three Bengali settlers of Pichlatala union under Manikchari Upazila in Khagrachari District. It is learnt that on

the day of the incident the girl went to Khagrachari town for a visit. While returning home, she got on the wrong bus and she did not have enough money to pay for the bus fare. The bus supervisor forced her to get off the bus at some point. Some Bengali settlers nearby a tea stall noticed the matter. In the name of helping the girl they arranged a motorcycle ride for her. However, in the middle of the journey the motorcycle driver Shahidul spoke to Sohrab and Billal over phone. According to their plan they came and raped the girl. As soon as the locals heard hue and cry of the victim they rushed onto the spot and caught the perpetrators and handed them to police. A case was filed with the Manikchari Police Station by a relative of the victim and the court sent the perpetrators to jail.

4. On 3 April 2014, around 3:00 pm an indigenous speech impaired Chakma girl (16), was allegedly gang raped forcibly by two Bengali settlers in Dhungmukh village of Laxmichari union of Khagrachari District. It was learnt that the miscreants caught and forcibly raped the girl in a quiet place near the village when the victim went to fetch water to Hatichora. The local people caught hold of the perpetrator. On 4 April, the village elders called for a local arbitration based on a public demand and consent from the local administration about this matter.

5. On 14 April 2014, on the day of Bengali New Year, a Garo indigenous girl (14) was allegedly gang raped by three Bengali men locally known as gangster at Shershah Road under Mohammadpur police station in Dhaka. The rapists were identified as Md. Alif Ahmed Nishan, Md. Sazu and Md. Ripon. It was learnt that, on the day of incident, the victim was returning home from the public fair with her relative. When they reached at Shershah Road nearby Town Hall area, the culprits forcibly took them in a house and they tied up her relative and raped the girl one by one. One rapist was caught by local people and then they handed him over to the police while two perpetrators fled from the spot. The victim herself filed a case with the police station accusing the three culprits.

6. On 19 June 2014, an 11 year old indigenous girl was raped in a hotel in Sylhet city. On the day of incident, it was reported, the victim was going to Jainta to visit her aunt's home from her village Goainghat. On her way, unfortunately, she missed her right stoppage. Later, when she reached near the area of Sylhet rail station, two Bengali persons named Humayun Rashid (25) son of Aatur Rahman from Kuchai Sarping and Zunel Ahmed (25) son of Ponki Mian from Gonganagar of Sylhet took her to a nearby

hotel named Biroti and they both raped her forcefully in that room. Police rescued the girl from the scene and arrested the culprits, along with hotel manager Mohammad Alamgir Hossain (18) and owner of the hotel Sajid Mirza (28) for helping the accused during the crime. On 20/06/2014 victim's father filed a case under Women and Children Repression Prevention Act 2000 (Amendment 2003) with the South Surma Police Station accusing arrested four persons for the crime.

7. On 4 August 2014 a central member of Bangladesh Indigenous Peoples Forum, president of Chapainawabganj district unit, member of Parbotipur Union Council and indigenous woman leader (30) was raped and physically assaulted by a group of land grabbers in Gomostapur Upazila under Chapainawabganj District. A case was filed with Gomostapur Police Station in this connection. Police arrested some of the perpetrators. However, all the accused perpetrators later received bail from the court.

8. On 10 December 2014, two Bengalis, namely Ariful Islam, 30, son of late Mohammad Kata and Mohammad Ziaurul, 32, son of Mostofa of Atahar village, picked up the 28-year-old indigenous Santal woman from her house in Jugidaing and took her to a nearby mango orchard and allegedly raped her. Hearing the hue and cry, the mother-in-law of the victim, rushed to the spot and tried to resist them but they beat her up mercilessly. The victim then filed a case with Sadar police station, accusing the two youths. However, police failed to arrest the culprits. The accused were threatening the family of the victim repeatedly for filing the case but police remained indifferent despite repeated pleas.

9. On 19 December 2014, around 8:00 am a 13-year old indigenous Chakma girl of Bhangamura village of Atorkochra Union under Longadu Upazila in Rangamati District was allegedly gang raped by four Bengali settler gang rapes her. the rapists are Saleiman Khan's son Nobi Hossain (15), Kalapagjaja village's Md Masum (16), Md Abul Hossain's son Md Samraj (16) and Md Najrul's son Shafiqul Islam (16) while she was going to collect water from the neighbouring village. The case was settled by local arbitration by the village elders.

Attempt to Rape

1. On 9 January 2014 a Bengali settler was alleged to have attempted to rape a 13-year old Marma girl in Lama Upazila under Bandarban District. Victim's brother filed a case with the local police station. Local Awami

League leaders allegedly arranged arbitration and fined the perpetrator BDT 15,000 and got him released from police custody.

2. On 18 February 2014, a member of the security forces was reported to have made a rape attempt on a 28 year old indigenous Chakma woman in Laxmichari areas of Sajek union under Baghaichari in Rangamati District. On that day at around 12:00 noon, warrant officer Muhammad Kader, finding her alone, took the advantage and embraced the victim from behind and attempted to rape her. The victim shouted and indigenous people from surrounding areas came to her rescue. On 21 February 2014, Inter Service Public Relation Directorate, at a press briefing, denied the occurrence of this incident. The press release said that there was a misunderstanding in relation to the incident occurred on 18 February. Nothing was known about the case.

3. On 14 March 2014, an attempted rape was made on a 13-year old indigenous Chakma girl by a Bengali settler named Mohammad Aitullah at victim's home in Logang Machchochara under Panchari Upazila in Khagrachari District. At around 1:30 pm on the day of the incident, Md. Aitullah of Logang Cluster Village in Panchari went to collect bamboo from a forest next to the victim's village. While he was passing by the victim's house, Md. Aitullah thought that the victim was alone at home and tried to rape her forcefully. Due to financial insolvency the victim's father did not want to file a case with the police. He rather preferred to receive justice from the society. On 17 March 2014, arbitration was held where decisions were made to provide BDT 5000 by the Union Council and BDT 5000 by the perpetrator to the victim as compensation.

4. On 10 April 2014, a 10th grade Santali indigenous girl of Kadma Fulbari under Godagari Upazila in Rajshahi district became a victim of attempted rape by three Bengali perpetrators Naim, Saiful and Rakib. A case was filed in this connection, and they were imprisoned for six months.

5. On 12 April 2014, Bitan Barua (27) son of Roton Barua and Laxmi Barua from Barua Para of Devasish Nagar in Rangamati town tried to rape a 22-year old indigenous Chakma girl. On the day of the incident, victim and her friends Sajib Chakma and Merion Chakma were standing in front of her neighbor's house to celebrate Phul Biju festival in the morning. At this stage, Biton Barua tried to hug and kiss the victim. When refused the accused bit the victim's chick. The victim filed a case (no. 04/28) the next

day with the Kotwali Police Station against Biton Barua and his associates for alleged attempt to rape.

6. On 13 April 2014, around 10:30 pm at night, a rape attempt was made on an eighth grade indigenous student (15) of Chotodulu area under Kaukhali Upazila in Rangamati District by two Bengali men Md Saiful and Md Sujon. A case was filed in this connection.

7. On 23 April 2014, around 8:00 in the morning a Bengali settler named Md Romiz s/o Md. Hiroz Mian of Pannabil area's Bottola village allegedly tried to rape a indigenous women (22) from Dhakaiya Shibir village of Botnatoli Union under Manikchari Upazila in Khagrachari District. The perpetrator is a motorcycle driver in occupation.

8. On 27 April 2014 an indigenous woman, wife of a farmer from Gokulpur agricultural farm fell victim to a rape attempt by a group of miscreants in Maheshpur Upazila of Jhinaidah District. It was learnt that the perpetrators were from the nearby Jadobpur village named Moydul Islam (40) s/o Golam Mondol, Samaul Huq (32) s/o Ansar Ali and Sobur Ali (30) s/o Rezaul Hossain and Yunus Ali (35) s/o Abdul Karim had been offering bad proposal to the housewife. As she did not agree to their immoral proposal, they forcibly took her at night to the nearby bush and tried to rape her. While she tried to protest, the perpetrators started beating her. In the meanwhile, the villagers ran into the spot hurriedly after hearing the scream of the victim. The villagers admitted the victim to Maheshpur hospital for better treatment. On 5 May, the victim filed a case against four perpetrators in this connection. But no one was arrested by the police.

9. On 31 May 2014, a Bengali settler Razzak (40) in Barkal Upazila under Rangamati District made a rape attempt on an indigenous teenage girl. The victim's parents filed a complaint with Barkal Police Station and the police immediately arrested Razzak.

10. On 5 June 2014, an indigenous Santal woman (40) of Ghoraghat Upazila in Dinajpur District was way-laid for a rape attempt by Anwar (25) son of Ranju Mia and Md. Md Tawhidul Islam (32) village Velain Para under Ghoraghat Upazila. The victim herself filed a case against the perpetrators with Ghoraghat Police Station on 7 June 2014.

11. On 10 June 2014, an indigenous woman (28) stood up to a rape attempt by a Bengali man Md. Hanif (22) in Manikchari under Khagrachari

District. Police arrested the perpetrator after the local people caught hold of the man and handed him over to the police.

12. On 15 June 2014 an indigenous housewife faced a rape attempt in Sajek of Rangamati district from Md Md. Rahim (45), a cattle trader from Baghaichari Pourasova Model Town. He was caught and beaten by villagers for trying to rape a woman and was handed over to Anwar, Officer-in-charge of Sajek Police Station. No case was filed against him by the victim.

13. On 28 July 2014, a rape attempt was made on a Hajong house wife by a Bengali rickshaw puller Abu Sayeed (45), s/o Gedu Mian at Deflai village under Jhinagati when she was going to wash room outside their house. But hearing the scream of his sister in law, Subol Hajong (55) rushed hurriedly to the spot. During scuffle with the rapist, the brother in law of the victim died and the criminal fled away. No case was filed against the perpetrator.

14. On 22 September 2014, head master of Borunachari Govt Primary School, Rafikul Islam made an attempt to rape a third grade indigenous Chakma girl student at Suvalong union under Barkal Upazila in Rangamti District. After the school, he called the third grade student to his office and touched her sensitive parts and tried to rape her. No case was filed.

15. On 2 October 2014 evening a Chakma girl (14) from Nanakrum village was subject to attempted rape by a Bengali settler named Kabir Hossain (45), son of Abdur Rashid of Bogachari area of Burighat Union in Naniarchor Upazila under Rangamati District. A case was filed accusing Kabir Hossain with the Naniarchar police station at 10:30 pm under the Women and Children Repression Prevention Act. Police arrested the accused from his house on the following day with the help of local Bengalis.

16. On 15 October 2014, at noon two indigenous Chakma girl students aged 16 faced up to an attempted rape by three young Bengali settlers in Bagachator union under Longadu Upazila of Rangamati District while returning from the school. The three accused were arrested with the help of the locals, but were not handed over to the police. Local elders mediated the matter by awarding light punishment to the perpetrators and taking bond from the culprits. Nothing was known about the case.

17. On 16 October 2014 in the evening a 4-year old Chakma girl was subjected to a rape attempt by a Bengali settler named Md. Lalan Mian (35) at Kanungo village under Panchari Upazila in Khagrachari District. It was learnt that, in the evening of that day around 4:00 pm, mother of the victim girl and one another woman went to the nearest stream to take bath with their two children. After taking bath, they both returned home and left their children in the stream. Finding the children alone, Md. Lalan Mian son of Farid Mia of Islampur village forcibly attempted to rape one of the children. Hearing the screaming of the girl, a neighbor rushed to the spot and Lalan Mian escaped from the scene. After then, that child was rescued bleeding and got admitted to the Panchari Upazila Hospital.

18. On 3 November 2014, two Tripura women came under a rape attempt by two soldiers of Siyaladai camp of Border Guard Bangladesh (BGB) under Sajek Union of Baghaichari Upazila in Rangamati District when they were going for shower to nearby stream. However, hearing the screaming of the victims, villagers rushed to the spot. But in the meantime the BGB soldiers fled to the camp. The villagers immediately lodged an objection with the commander Subedar Nasir. However, Subedar Nasir did not take any step and termed it as 'minor issue'. One of the accused was identified as Rafiul, but the other one could be identified.

19. On 19 December 2014, in the evening, a Bengali settler named Md Sumon from Kaptipara areas under Mahalchari Upazila in Khagrachari District allegedly attempted to rape a Marma indigenous girl. Later the locals beat up the culprit and handed him over to the police. Nothing could be known about the case.

20. On 21 December 2014, around 9:00 am, a 5th grade indigenous Tripura girl student (12) of Headman Para of Taindong union under Matiranga Upazila fell to a rape attempt by a Bengali settler name Md Badshah Mian. It was learnt that 5-6 Bengali settlers were returning home after cutting trees. While passing by the victim's house, they asked her to give some water to drink. After taking the water when everyone left Badshah Mian (22) s/o Harunur Rashid of Majhpara asked the girl if anyone was in the house. When he learned that no one was there in the house he attempted to rape the girl. Later hearing the girl cry, the locals rushed to spot but Badshah Mian fled the scene. The victim's father filed a case under Child and Women Repression Prevention Act 2000 (Amendment 2003).

Kidnapped/ Attempted to Kidnap

1. On 21 March 2014, four Bengali settlers allegedly tried to kidnap a 15-year old indigenous girl using drugs at Betbunia Union in Kaukhali Upazila under Rangamati District. The victim is a student of grade 9th of Betbunia high school from Shialbukhya village. It was reported that the victim was going to school which was close to their house. Four Bengali settler youths attempted to kidnap her by using drugs. All of them are members of Bangladesh Chatra League, student wing of Awami league. Mother of the victim Ushaiching Marma filed a case against Shihab Uddin (23) s/o Khorshed Mistri from Purba Adarsha Gram, Kalampati Union and President of Bangladesh Chatra League; Md Layek (20); Md Nasir (19) and Md Monir Hossain (25).

2. On 5 April 2014 around 6:00 pm an indigenous Tanachangya woman was allegedly kidnapped by a group of 5-6 Bengali settlers led by Dr. Hamja, Reju Garjanbonia Head Teacher of a non-government primary school and Dr. Muktar, Reju Fattrajhiri at Reju Fattrajhiri village of Naikhyongchari Upazila in Bandarban District. It was learnt that, the gang kidnapped her when they found her alone at home in evening. The woman worked as an agent of Tofael Ahmed, an independent candidate of the Upazila Election on 23 March while Dr. Hamja and Dr. Muktar were supporters of Awami League. The victim and the perpetrators had an argument about their candidates in the polling centre. The villagers apprehended that the victim was kidnapped for that reason. Later, the woman was rescued with the help of Ukhiya police station although police could not arrest any of the culprits in this connection.

3. On 23 May 2014, a 9th grade indigenous Marma girl of Chengchari Headman para under Mahalchari Upazila in Khagrachari District was a victim of attempted kidnapping by an Md Shahzahan and Md Sanowar. Hearing the scream of the girl people from near by area came to her rescue and took her to her home. No case was filed.

4. On 22 June 2014, a kidnapped female school teacher was rescued by the police from Chobbishdona village of Konakhali Union under Chakaria Upazila in Cox's Bazaar three month's after her abduction. The mother of the teacher filed a case in this connection. Hearing the news Head Inspector Kaisar Hamid of Bandarban Police Station went to one of the kidnappers' house in Konakhali Area of Chakaria for investigation. The

kidnapped teacher was rescued from there but the kidnappers couldn't be traced.

5. On 19 August 2014, police rescued a school girl 5 days after abduction. It was revealed that an eighth grade Marma student from Manikchari Upazila in Khagrachari District allegedly went missing while coming back from the local coaching centre. After 5 days of investigation police arrested a Bengali motorcycle driver Md Shahajalal. SI of Manikchari Police Station Md. Delwar Hossain rescued the abducted student from Nayabazar area of Hajigonj Upazila under Chandpur District on the basis of information from the detained person.

6. On 20 August 2014, two young indigenous girls from Nanairchar Upazila in Rangamati were allegedly abducted while they came to Dhaka on a visit from Chittagong. While they came to visit their friends at Bangshal, miscreants abducted and detained them. One of the victim's brother informed the Officer-in-Charge of Dhaka Central Police (South) Krishnapada Roy. The OC informed that due to lack of information it was difficult to locate the location. The guardians did not inform anything in detail but the brother told that they did not wish to get involved in any legal complications. Later on, the police rescued the victims.

7. On 11 September 2014, a 19-year old Chakma woman was allegedly abducted by Bengali motor cycle driver Md. Kamal Hossain (30) at Bagachar union under Longadu Upazila in Rangamati. When her relatives found that she went missing they informed the Jumma villagers and the Bengali settlers in the locality. Then they started to look for the girl and found Kamal and the girl on the 12 September on a boat in the river and they handed her to the local BGB camp. The Camp Commander informed that Kamal abducted her and informed nothing. No case was filed.

8. On 15 October 2014, an indigenous Marma woman (27), resident of Baradalu village in Kaukhali Upazila under Rangamati District was allegedly abducted by a Bengali settler. It was reported that, on that day at around 11:00 pm the victim went out of her house. Around 2:30 am she was found in front of the mini-market near the Kaukhali BRAC office. Later police rescued her and handed over to upazila female vice chairman Anee Chakma. She was admitted to Kaukhali health complex. No case was filed in connection with the incident so far.

9. On 11 November 2014 a 16-year old Tripura girl (grade X student) was allegedly abducted by Jafar Ahmmed (37), a leader of Juba League from

Dewan Para of Belchari union under Matiranga Upazila in Khagrachari District. An abduction case was filed by the victim's father with Matiranga Police Station and the victim was rescued later by the police. The rapist named Md. Saiful Islam (28) was released on payment of a fine amounting to taka 150,000 in Fatikchari Upazila of Chittagong District bordering Laxmichari Upazila in Khagrachari District.

Molest/ Physical Assault

1. On 15 February 2014 a Hujur allegedly molested a 17 year old girl while she along with her mother was returning home from Sindukchari village of Mahalchari sub-district. They boarded a bus at Guimara. One Begali settler was sitting on a seat behind the girl. In the middle of the journey, the Begali settler put his hand on the girl's chest. Getting down from the bus in the evening the girl along with her guardian went to Khagrachari Sadar Police Station to complain against the Begali settler under the act of molestation. However OC Mizanur Rahman suggested that if they complain both the parties would be harassed, therefore it would be better not to complain. Later in the presence of Golabari Union Council Chairman, the Begali settler was asked to apologize in front of the girl. However it was reported that investigation was going on.

2. Since 3 April 2014 the first week of April two high school indigenous Tanchangya girls (one in grade 7 and the other in grade 8) aged 15-16 from Tambru Headman Para of Ghumdhum union of Naikhongchari upazila in Bandarban district, had to face eve teasing from a Bengali local goon Yusuf Ali s/o Bodiur Rahman on their way to and from the school. It was learned that on 30 March last, when the two girls went to collect water, Yusuf Ali had tried to physically violate a girl. However, being unsuccessful in his attempt, he grew furious attacked one of the victim's mother and physically assaulted her. Later on, the mother of victims filed a case against the perpetrator. As the families of the victims felt insecure, the girls had to leave the village to take shelter at their relatives' house.

3. On 3 May 2014 an indigenous Garo woman worker in a beauty parlour in Dhamrai was allegedly assaulted. It was reported that Komla Mrong (13) d/o Suresh Manik of Hariyakona village under Shribordi Upazila in Sherpur District had come to Oishi Beauty Parlour of Kayat Para of Dhamrai to learn a bit if the trade, but the parlour's owner Mukta used to physically assault the girl and at some point of time he cut her hair. As her

father did not have a mobile phone, Mukta called Komla's father with their neighbour's phone and demanded BDT 50,000 at first, later BDT 20,000 as ransom. As suggested by the police, Komla's father was kept waiting in the restaurant with the ransom money. As Mukta's husband Ashraf Ali arrived to collect ransom money he was immediately arrested by the police. Komla's father then filed a case with the police.

4. On 3 May 2014, an uncle and her niece in Rangamati Sadar Upazila of Rangamati District were allegedly beaten up by a karbari named Shanti Chakma in connection with a land dispute. Shanti Chakma was learnt to have been in conflict with the girl's father over a piece of land since long. However no case was registered against the beating.

5. On 24 May 2014, a 17-year indigenous Chakma girl of Nanaprum village of Burighat union under Naniarchari Upazila in Rangamati District was alleged to have been physically assaulted by a Bengali pineapple seller Md Jamal (40) from Noyakhali.

6. On 30 May 2014, in an attack on indigenous Khasi people by land grabbers of Nahar Tea Estate in Srimangal Upazila under Moulvibazar District, 20 Khasi villagers including thirteen women were injured. The miscreants led by Pijush Kanti Bhattacharya, Manager of Nahar Tea Estate, made a brutal attack on indigenous Khasi villagers after they resisted an attempt of land grabbing by the tea estate authority. A case was filed in this regard.

7. On 10 June 2014, in a communal attack on indigenous village at Babuchara under Dighinala upazila under Khagrachari district by members of the police and the Border Guard Bangladesh (BGB), 18 indigenous Chakma women were injured. The incident took place following controversy over setting up of a BGB battalion headquarters on the land belonging to indigenous families at Babuchara.

8. On 24 June 2014, a 4th grade indigenous girl student was both physically and mentally tortured by a Bengali settler named Md Yusuf Ali in Matiranga Upazila under Khagrachari District. The case was settled at a local arbitration.

9. On 16 August 2014 at 4:00 pm an indigenous woman named Paklati Tripura (50) was physically assaulted by Md Zakir Hossain at Mirsarai Upazila in Chittagong District. It was learnt that on the day of the incident

Paklati Tripura went to Zakir Hossain's shop, where he randomly beat her with his shoes and pushed her down from the top of a hill. It was reported that two days earlier Paklati Tripura borrowed a sum of BDT 1000 from Zakir Hossain for the treatment of her daughter. On the day of occurrence Zakir detained Paklati's son and demanded an amount of BDT 5000 instead of 1000. Paklati's son somehow managed to escape and informed her mother. Paklati rushed to the shop and requested Zakir to give her some more days to pay back the money. However Zakir using abusive language beat her up mercilessly. However, no case was filed in this connection.

10. On 3 September 2014 an indigenous man named Sufal Murmu was imprisoned for six months for harassing an indigenous woman in Tanore Upazila under Rajshahi District. It is learnt from the Officer-in-Charge of the police station that on the night of 3 September Sufal Murmu sexually harassed the victim. The victim informed the locals in the next morning and the locals caught and handed the culprit over to the police station. The police presented Sufal Murmu before the Upazila Nirbahi Officer (UNO) who gave him six months' detention.

11. On the 11 September 2014 an indigenous Garo woman was allegedly assaulted by Mohsin Shikdar, an owner of Seniorita Beauty Parlor in Lokkipur area of Rajshahi District. After hearing the news, the victim's husband Prokash Chimon rescued her and admitted her in the Rajshahi Medical College Hospital and filed a case against Mohsin Shikdar. Prakash informed that Mohsin did not have good relation with his sister. When the victim went to the residence of Mohsin's sister, he suddenly became angry and beat her mercilessly throwing her on the ground. She was injured seriously as a result and was admitted in the hospital for treatment. However, she was later forcefully discharged from the hospital before completion of her treatment. Mohsin, it was learnt, kept on threatening the victim and pressing hard to withdraw the case against him.

12. On 15 September 2014 Dhudu Soren's wife Phulmoni Mardi (42) and her mother Surujmoni Mardi (68) were attacked by some land grabbers at Hili Dangapara Bazar in Dinajpur district. The land grabbers led by Md. Sabuj Mia (30) son of Md. Gulzar Ali of Kachua village in the Upazila swooped on Phulmoni Mardi and Surujmoni Mardi at Hili Dangapara Bazar where the victims went to buy basic household needs at around 8:30 am. The gang beat up the duo and fled from the scene. Locals took the victims

to Chapainawabganj Upazila Health Complex where they received treatment. The incident triggered panic among the indigenous people in the Upazila. Dhudu Soren (50) was killed by the land grabbers at Kachuya village under Kushdoho union of Nawabgonj Upazila in Dinajpur District on 2 August 2014. A case was filed against the land grabbers in connection with the assault on the said indigenous women.

13. On 11 October 2014 in the afternoon stalkers allegedly attacked Nandita Debi, a grade 10th Monipuri girl student of Syed Hatim Ali High School in Sylhet city. Students of the school alleged that Sakib, a local gangster, along with his two cohorts, stormed into the examination hall at about 1:30 pm and attacked Nandita when the test was about to start. They physically assaulted her and stabbed her in the forehead before leaving the spot. On the same day at night Manosh Singha, brother of the victim, filed a case (no. 4) with Shahporan Police Station mentioning the names of three persons including Sakib and his father and 2/3 unknown persons. Accused persons are (1) Milad Ahmed, resident of shivganj Sonarpara, (2) Sakib, son of Milad Ahmed, resident of Shivganj Sonarpara and (3) Mamun, whose address could not be ascertained.

14. On 12 October 2014, an adolescent indigenous girl (14) was allegedly harassed sexually by a Bengali settler Md. Kabir (25), a timber businessman. On the day of the incident the perpetrator went to the victim's house in Nanaprum village under Naniarchar Upazila in Rangamati District to ask for water to drink. As there was no one in the house except the girl, the culprit took the advantage to sexually assault the girl. When the villagers got to know about the incident they tried to apprehend the culprit. However, he ran from the spot hurriedly by his motorbike. A case was being readied to file against the perpetrator.

15. On 5 November 2014 police rescued two Tripura girls from a house in Dhaka. According to the girls' parents, their daughter Nindobala Tripura (17) and Anjali Tripura (16) from Dittokarbari Para of Patachara Union in Ramgarh Upazila under Khagrachari District were brought to Dhaka by a Bengali man Surojit Barua for providing employment. However, they were allegedly made house maids in Surojit house for the last one and a half year. Later, with the help of members of the Tripura Kallyan Sangsad their families contacted human rights organization Ain O Salish Kendra (ASK) for rescuing Nindabala and Anjali. One and half year of this cruelty ended when police raided Surajit Baruas house on 5 November 2014. After being

informed of the physical torture, the police rescued the girls and householder Suronjit Barua was arrested but his wife Sumita Barua (55) fled away. The survivor, Anjali Tripura's father Purna Kumar Tripura filed a case under Women and Children Repression Prevention Act against the householder. The case no. is 05, dated 05/11/2014, section 344/323/506 of Penal Code.

16. On 6 November 2014 a Tripura woman was physically assaulted by Ibrahim Khalil, son of Ishak Ali of Khiyangghat cluster village under Mahalchari Upazila in Khagrachari District. It was reported that on that day in the morning the victim went to "Rash Festival" at Mahalchari from her village Ponkhimura. In the festival premises, she was physically assaulted by Ibrahim Khalil, son of Ishak Ali of Khiyangghat cluster village. Immediately the culprit was caught by the crowd and handed over to the police. On the following day, police filed a case against Ibrahim Khalil in this connection with Mahalchari Police Station and arrested him accordingly.

17. On 24 November 2014, a group of henchmen of Bengali land grabbers led by Mottol Hossain mowed the crops from the paddy field of the Chakma people in Teknaf under Cox's Bazar District and physically assaulted 7 Chakma women. A case was filed in this connection. Bengali land grabbers had been repressing indigenous peoples living in Teknaf and Ukhia area since long with the motive to uproot them from their lands.

18. On 8 December 2014 an indigenous Munda woman was seriously injured due to alleged physical assault by some Bengali miscreants on account of land disputes at Dhumghat (Aantakhali) village of Esshoripur union under Shyamnagar Upazila in Satkhira District. A group led by Abdul Bari Gazi came to reap the paddy from the personal land of Anil Munda. The miscreants did not pay heed to when Anil's wife tried to stop them from their misdeeds and continued destroying the paddy field. They came again to reap the paddy in the evening. Kabita Munda, wife of Anil Munda tried to thwart their criminal act. But the perpetrators caught her by the neck in an attempt to kill her. As soon as the villagers learned about the incident they rushed in to her rescue and informed the Upazila administration of the incident. She was under medical observation as her condition was critical. A case was filed in this connection.

Follow-up: Case Study

Kalpana Chakma



On 12 June 1996 at mid-night Kalpana Chakma (23), the Organizing Secretary of Hill Women's Federation (HWF), was abducted from her home at New Lalyaghona under Baghaichari upazila in Rangamati district.

The update of Kalpana Chakma's case since her abduction, the Superintendent of Police (SP) of Rangamati District Ms. Amena Begum was supposed to submit her report to the Rangamati Court on 6 March 2014 but she could not come up with the report. The Junior to the Chief Judicial Magistrate, in absence of the latter, ordered a fresh date 6 March 2014 for submission of the report. In the meantime, Amena Begum said that she spoke to Lt. Ferdous and the two suspected VDP officers last year and took their testimony for her report. Kalindi Kumar Chakma, brother of Kalpana Chakma, had given a na-raji to the DNA test but the court stayed that order. The Officer-in-Charge of Baghaichari Police Station Md. Rafikullah sent a junior officer to Kalindi Kumar Chakma 23 January 2014 evening and asked him to accompany him to Chittagong for a DNA test. Kalindi Kumar was not clear about the purpose of this DNA test and also was not told anything in advance about it. His lawyer Jewel Dewan was also not told anything about any DNA test

either. It was learnt that Kalindi Kumar denied submitting to DNA test. The police super Amena Begum was summoned to submit the subsequent progress report of investigation on Kalpana's case in December 2014. However, it was learnt that she had not submitted the progress report within the prescribed date.

Sabita Chakma

After the death of Sabita Chakma violence erupted in different parts of Khagrachari District in the CHT. At least 11 people were injured since 25 February 2014. The Administration imposed section 144 in order to 'control' the situation. On 25 February 2014 at about 11:30 am, a group of Bengali settlers attacked the villagers with sharp weapons and sticks when funeral (sraddha) ceremony (a ritual done by the Chakma people after the death of someone) of Sabita Chakma was going on in the Kamalchari village of Khagrachari.

The next day on 26 February 2014 at around 8:00 am, hundreds of Bengalis settlers from Bhuachari cluster village cracked down on the villagers of Betchari Christian Para of Kamalchari Union under Khagrachari District on the plea that a 12 year-old Bengali kid was missing since the day before. In this attack, Bengali settlers



destroyed the idols of Buddha, furniture and loudspeaker of a Buddhist Temple named "Chaitya Adarsha Bouddha Vihara." Having learned about the attack a little later, indigenous villager of Betchari came out and resisted the attack strongly. Clashes, in consequence, ensued between the two groups, and at least five Bengali settlers and three indigenous persons were injured in the fight.

Besides, on the same day at around 11:00 am, in a separate incident the Bengali settlers of Bhuachari village attacked 3 indigenous villagers, who sustained serious injury. All of them were admitted in the Khagrachari General Hospital for treatment. Following these incidents, according to the decisions of a 'law and order' meeting, Khagrachari District Administration imposed section 144 in the Kamalchari Union areas from 26 February to 28 February 2014.

Bichitra Tirki

Soon after the alleged gang rape and attack on 4 August 2014, Bichitra Tirki filed a case with Gomstapur Police Station. In the case, Bichitra Tirki accused 18 persons as the perpetrators. Later, in the absence of the trying judge, who went on a pilgrimage during the Eid Vacation, and by bribing the investigating officer and other concerned officials, the perpetrators succeeded in obtaining bail for themselves. The accused in the case alleged to have sold the land to manage money for bribing, Bichitra Tirki claimed.

Later Bichitra Tirki somehow managed to file another case against the same perpetrators under Child and Women Repression Prevention Act 2001 (Amendment 2003) on the same incident. As a result, around 15-20 days ago the court issued a charge sheet/arrest warrant against the perpetrator. However, none of the alleged perpetrators could have been arrested so far.

MEDIA REPORT

The Daily Star

The Daily Star, Monday, July 28, 2014

Rape used as weapon

Indigenous women in CHT increasingly becoming victims of violence designed to displace them

Tamanna Khan

Rape has become a most pervasive crime against indigenous women in the Chittagong Hill Tracts, and the perpetrators in majority of the cases are Bangalee settlers, lawyers and rights activists say.

The idea behind this is to create panic among indigenous women and thus force them to leave their homes and stay somewhere else. This makes it easier for the settlers to occupy their land.

Before the signing of the peace treaty between the government and the Parbatya Chattagram Jana Sanghati Samiti in 1997, rape was used as a weapon to suppress the indigenous community's movement for autonomy, said Somari Chakma, a lawyer and rights activist in Khagrachhari.

"But over the past few years, incidents of rape have increased to evict the hill people from their land," she told The Daily Star.

Between January and April this year, 15 cases of violence against indigenous women have been reported in the region. Of them, eight were rape incidents and two murders after rape, according to a report by Kapaeeng Foundation.

LAND OF FEAR

The foundation's 2013 report shows that between 2007 and 2013, some 175 incidents of violence against women took place in the three hill districts -- Rangamati, Khagrachhari and Bandarban. As many as 49 of them were rape and gang rape.

"Minor girls, particularly those below 18, are the most common victims. Many are murdered after rape," said Tuku Talukdar, convener of Narir Proti Sohingsota Protirodh Andolon, a Rangamati-based rights organisation. Young girls usually fall victim on their way to and from school or when they go to nearby bushes to collect firewood or bring their cattle home, added Tuku, also an advocate.

As a result, it is becoming increasingly difficult for women and young girls to come out of their homes alone, something they did without fear even five to six years ago.

And even as such violence against women rises, the perpetrators go unpunished or even unidentified.

Between January 2010 and December 2011, 22 cases were filed for rape in Bandarban, 36 in Khagrachhari and 37 in Rangamati. Trials in several cases have ended, but not a single accused was convicted, according to a study by the Chittagong Hill Tracts Commission.

"Most perpetrators have links with local Bangalee councils or influential political leaders of the Awami League, BNP and Jamaat. They often try to prevent the families from reporting to the police by settling the matter with money," said Tuku.

In other cases, victims do not report those because of the social stigma associated with it.

According to the Kapaeeng Foundation report, four of the eight rape incidents between January and April this year have been reported to the police.

Weak charge sheets, language barriers faced by the indigenous community at police stations and courts, where most of the officials are Bangalees, weaken the cases, according to lawyers.

Somari cited the example of a Tripura girl who, already overwhelmed by the trauma of recounting the assault, failed to properly relate the incident to the defence lawyer during cross-examination in the court.

This will certainly give the accused some benefit of doubt and may weaken the merit of the ongoing trial, lawyers said.

In some cases police do not take the complaints. In other instances, they write the first information report ignoring the victim's statement, said Tuku.

Then there is the lengthy legal process.

"The dates of hearing are set so far apart that the accused often get bail in the meantime and threaten the witnesses and the victims," said Shefalika Tripura, executive director of Khagrapur Mohila Kalyan Samity, an NGO that provides legal help to rape victims.

'IT'S ALL ABOUT LAND'

Nobomohan Tripura, whose mother was raped and killed in September 2009 over a land dispute, described how all the five accused have been threatening his family since.

"Four accused were arrested but they came out of jail after getting bail from the High Court. They have been threatening us to withdraw the case.

"They say I will meet an end like my mother if I do not comply," he said, adding that they cannot go near their land out of fear.

Shefalika of Khagrapur Mohila Kalyan Samity said, "Had there been conviction in at least one case, people would have received a message and refrained from committing such crimes."

Another problem cited by lawyers and rights activists is tampering with the medical report in many rape cases.

Both Somari and Tuku alleged that doctors in the hill districts have been ordered by the higher authorities to produce negative medical examination report in cases of rape by Bangalee settlers to prevent communal tension.

Somari gave the example of Sabita Chakma's case. The 30-year-old was raped and killed on February 15 this year, allegedly by three Bangalee sand collectors.

The medical examination report came out negative though Sabita's

body was found almost without any clothes, said Somari.

Sanjib Tripura, residential medical officer of Khagrachhari district Sadar hospital where the examination was done, said all the tests were conducted as per the due procedures and reports were given based on the findings.

But he declined to speak about any particular case.

The troubles in the hills have a link with the non-implementation of the peace accord, according to Meghna Guhathakurta, a researcher and advisor of the CHT commission.

Because of the government's failure to keep its promise, Bangalee settlers have continued to occupy the land that once belonged to the indigenous community, she said, adding that there was no trust between the two peoples there.

"The issue of land grabbing has created this mistrust in the hills where sexual violence is part of the day to day conflict," she said.

Under the peace treaty, no one can buy, sell, lease or even transfer the ownership of land there without the prior permission of the CHT regional council. But the authorities have failed to ensure this.

Contacted, Rangamati police superintendent Amena Begum denied that police were reluctant to take rape case.

"There is a strict order that they must inform the SP or their senior officials whenever such an incident takes place. If we come to know of the incident from the media or any other sources, then the police officer is held accountable."

She, however, said attempts were often made by indigenous community leaders or Bangalee union chairmen or members to settle the rape cases out of court. "We are trying to build awareness to prevent this."

V. SITUATION OF THE RIGHTS OF YOUTH, CHILD AND EDUCATION



V. SITUATION OF THE RIGHTS OF YOUTH, CHILD AND EDUCATION

Given that the overall situation of indigenous peoples in Bangladesh is in a dreadful state, the situations of child and their rights to education in the country can neither be expected to be satisfactory. The issues of human rights of indigenous children are often overlooked and not much discussed about. There is the lack of segregated data and information on the issues of indigenous children. Accordingly, it is problematic to analyze the human rights situation of indigenous children in the country. However, from the observation of their situation it becomes clear that indigenous children in Bangladesh are doubly discriminated — firstly, because they are indigenous and secondly, because they are children. Their human rights enshrined in the Convention on the Rights of the Child (CRC), to which Bangladesh is a signatory, are routinely violated. Bangladesh recently enacted the Children Act 2013 in line with the CRC with a view to respect, protect and fulfill the rights of children in Bangladesh. However, this law remained largely on paper. The provisions of this act are yet to be properly complied with by the government. Besides, this law does not have any specific provisions for indigenous children and nor does it mention about indigenous children whatsoever. In consequence, the situation of human rights of indigenous children in 2014 remained similar to what they were in the previous years.

Education rights are intertwined with the rights of the children, although education has other dimensions too as it covers people of all the age groups. Education rights of indigenous peoples got some focus from the policy makers in the recent years. Yet, the initiatives undertaken in this regard are not sufficient enough to protect and fulfill educational rights of indigenous peoples including that of their children. In 2014 too, situations

of educational rights experienced similar trends as in the past years in spite of having some mixed developments. Although a number of positive developments have been observed throughout the year, however, some initiatives actuated by the government have violated the educational rights of children instead.

BGB headquarters establishment in Dighinala: education of children at stake

The education of over a hundred indigenous children of three indigenous villages namely Santosh Kumar Karbari Para, Gobinda Karbari Para and Notun Chandra Karbari Para under Dighinala Upazila in Khagrachari District has become uncertain with the fencing off the areas under these villages in order to establish a battalion headquarters for Border Guard Bangladesh (BGB).



As was reported, on 10 June 2014, personnel from 51 BGB Battalion tried to plant a flag at the proposed site of the camp at Babuchhara under Dighinala sub-district of Khagrachari Hill District. Indigenous villagers, especially the women of this area, claiming the ownership over the land in question, protested against the attempt made by BGB. The altercation between them, at some point, resulted in violent clashes, leaving 18 people including indigenous women and BGB members wounded.

Following the acquisition by BGB, at least 21 indigenous families were reported to have been evicted from their ancestral lands. These families later took shelter in two tiny class rooms of the Babuchhara High School where they are still languishing in an inhuman condition.

The acquisition of lands in the three indigenous villages not only affected the indigenous villagers seriously, but it also had critical bearing on the indigenous children of the area. A 16-year-old girl named Opsora Chakma was arrested allegedly under a false case instituted by BGB in connection with the incident of June 10. The children of the evicted 21 families living in Babuchhara High School do not have access to their basic needs, let alone to their fundamental rights as children.

Following the setting up of an enclosure by BGB around the lands of the three villages mentioned above the Baghaichhori Government Primary School (No. 2) can no longer be accessed by its 105 students, all of whom are indigenous. BGB, however, declined this allegation. On 21 August 2014, Assistant Upazila Primary Education Officer, Susmita Tripura, submitted an investigation report after conducting an on-site enquiry of the school. In her report, Susmita mentioned that she found only three teachers present in the school. However, no student was present there. No student sat for the examination in the 2nd mid-term examination which started from 12 August. The report also mentioned it that the school was fenced with barbed wire.

It is learnt that there are two entrances left open to go into and come out of the school. Although BGB later opened up another entrance, still students didn't go to school due to fear. The villagers claimed that the students did not want to go to school because they heard the sound of gunfire and tear shell shot by the police and the BGB on their parents when the 10 June clash took place. The victim villagers demanded to reconstitute their lands and the school and ensure congenial educational environment for the children.

280 victim BCS candidates receive justice

280 indigenous candidates of 34th Bangladesh Civil Services (BCS), who were left out in the revised results of BCS Preliminary Test published in 2013, won the right to sit for written exams after a High Court directive on 11 February 2014.

On 11 February 2014, the High Court gave a direction to the Public Service Commission (PSC) to republish the results of 34th BCS preliminary test including 280 indigenous candidates who were dropped out in the revised result published on 14 July 2013. The high court bench of Justice Naima Haidar and Justice Zafar Ahmed gave the directive after disposing a writ petition by indigenous candidates on 28 July 2014.

On 8 July 2014, the first result of preliminary test of 34th BCS was published, where a total of 12,033 candidates including indigenous candidates were successful. Meanwhile, an age-long controversy around the quota system in Bangladesh surfaced once again. Some vested groups started propagating against allocated priority quotas including 5% quota for indigenous candidates. They claimed that indigenous peoples are 'well advanced' now, so they do not need quota any more. They also claimed that civil service recruitments should be based on merit, rather than on the basis of quota. After 34th BCS preliminary examinations, a group of BCS candidates even protested in the street against quota allocated for different disadvantaged groups including indigenous peoples.

Following the protest, PSC republished the results, declaring 46,250 candidates qualified. Although PSC claimed that all the 12,033 candidates from the earlier list were included in the revised result, 280 indigenous candidates were left out. Later, 49 of them filed a writ petition with the High Court. BM Elias Kachee and Jyotirmoy Barua, both lawyers at the Supreme Court argued for the petitioners while Mokleshur Rahman, Deputy Attorney General was for the government. PSC was then served with a directive by the High Court to submit a report explaining the reasons for not including 280 candidates.

The High Court, at last, came up with the judgement on 11 February that cleared all the bars allowing indigenous candidates to sit for the written and other tests of the BCS. Accordingly, indigenous candidates sat for the written test that began on 24 March 2014.

University and medical college debate: the CHT under development paradox

Government's plan to set up Rangamati University of Science and Technology (RUST) and Rangamati Medical College (RMC) has mounted tension in the Chittagong Hill Tracts (CHT). While the government is very

keen to go ahead with the project, indigenous peoples across the country and civil society groups demanded postponement of the move to set up these two institutions before full implementation of the CHT Accord, being fearful that these two institutions would seriously and adversely affect the lives of indigenous peoples living in and around the area earmarked for building these institutions.

In 2001, the then Awami League led government enacted the “Rangamati University of Science and Technology Act” to set up the first university in the CHT without any consultations with the CHT Regional Council as mandated by law. Indigenous inhabitants of Jhagarabil Mouza of Rangamati District, the site where the government proposed to set up the university, also vehemently opposed the move to establish the university in their locality where they finally settled and started building their livelihood anew after 1st eviction by Kaptai Dam in 1960, 2nd eviction following the construction of Rangamati Tourism Complex, and 3rd eviction when the BGB Sector Headquarters was set up. In 2009, Awami League swung back to form the government again, and to cover up its failure to implement the CHT Accord fully, has embarked on a strategy to trick observers in and outside the country by drawing their attention to the fact that the government is seriously engaged in developing the CHT, and the vivid example of this is the establishment of a University of Science & Technology and a Medical College in Rangamati. But the reality is that any development initiative taken in the CHT will, in most cases, backfire unless the mechanisms necessary to safeguard the interests of indigenous peoples are in place through the full and sincere executions of all provisions of the CHT Accord. On this understanding basically, both indigenous peoples and the CHT Regional Council claim that they opposed the government move this time too.

On 23 February 2013, Prime Minister Sheikh Hasina laid foundation for the RUST and RMC at Rangamati Circuit House, overriding the popular demand against the university. Accordingly, during the years 2013-2014, the Ministry of the CHT Affairs and the Ministry of Health and Family Planning made attempts respectively to select sites for RUST and initiate intake for 50 students for MBBS first year course at RMC for 2014-15 session.

The government plan to set up these two institutions caused strong resentment among indigenous peoples and different citizen's forums,

indigenous and non-indigenous alike, in the country. They have protested the government move vehemently through a series of activities and actions both at the local and national level.

While there is the fear that the educational institutions would eventually initiate new settlement from the plains to the CHT, indigenous peoples and civic groups argued that the laws and the process of setting up these two institutions should be suspended for the time being as this move by the government failed to take into critical account the distinct historical context, culture, language, custom, economy and way of life of the people of the CHT. The RUST Act did not incorporate any special provisions for offering priority to the indigenous and non-indigenous residents of the CHT. Also, there is no provision in the Act with regard to giving priority to aforementioned groups for the major decision-making positions such as vice-chancellor, pro vice-chancellor, treasurer, registrar and dean of RUST and RMC.

Besides, indigenous peoples claimed that prior to proceeding to set up the tertiary level educational institutions, government should take measures to address the problems facing indigenous children at the primary, secondary and higher secondary levels. The quality of education at the primary and secondary levels in the CHT is far behind in comparison to other parts of the country. Many indigenous children are there who do not have any access to education facilities in many parts of the CHT. There are problems like shortage of infrastructural development, education materials, qualified teachers and adequate budget allocation from the side of the government. Situation is quite similar with the college education too. As a result, indigenous students fail to fill up the allocated quota in the established public universities and medical colleges due to their poor qualities.

Based on the ground reality, therefore, claim both indigenous peoples as well as civic groups, that they demanded suspension of the process for setting up of RUST and RMC until the CHT Accord is fully implemented. They demanded for creating a congenial educational environment in the CHT, where quality education of indigenous and non-indigenous residents of the CHT would be ensured. In this regard, they demanded of the government to set up primary schools, high schools, and colleges in sufficient numbers; employ adequate qualified teachers; provide adequate teaching materials in the educational institutions; introduce more honors

courses at the existing government colleges in the CHT; enroll more indigenous students in existing public universities and medical colleges through the 'quota system'; allocate adequate budget for ensuring quality education and introduce multilingual education for indigenous students at the pre-primary and primary level.

Education Ministry hands over the secondary education to the HDCs

An agreement between the Ministry of Education and the three Hill District Councils (HDC), on 26 May 2014, gave new hope for positive changes in secondary education of underprivileged indigenous communities in the CHT. The Education Minister Mr. Nurul Islam Nahid and State Minister for CHT Affairs Mr. Bir Bahadur MP were present while the agreement was signed.

According to the agreement, the management of 279 secondary schools of which 128 are in Rangamati, 99 in Khagrachari and 52 in Bandarban will be transferred to the respective HDCs. However, the ministry of education will continue to provide administrative and financial assistance including salary of staff, textbooks and other materials to the schools. The agreement was made as a part of implementation process of the CHT Accord.

Section B, clause 33 (a) of CHT Accord provides that "The following subjects shall be added to No. 3 of the function of the Council- (1) Vocational training; (2) Primary education in mother tongue; (3) Secondary education." Furthermore, Clause 23 of Hill District Council Act 1989 declares that "Transfer of functions of the Government and the Council. – Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, with the consent of the council, direct that-(b) any institution or service maintained by the Government shall be transferred to the management and control of the Council."

Earlier, the control of primary education was handed over to the district councils. Primary and secondary educations are vital instruments to educate a nation. They have long been neglected due to remoteness of the region (CHT) and in part, due to lack of attention of the authority. Now the change in the management of these schools could open up avenues not only for potential transformation in education but also make it face tougher challenges on way to progress. The big question remains is how

to make local institutions more effective and transparent. The experience of the management of primary education points to lack of effective & meaningful coordination as one of the main obstacles.

Progress in education fails to reach remote communities

The country has arguably come a long way in terms of its education. Although the quality of education is not beyond question, the increased rate of literacy and successes in public examinations such as that of Junior School Certificate (JSC), the Junior Dakhil Certificate (JDC) and Primary School Certificate (PSC) examinations give an indication of progress in the education sector.

89.85 percent of total number of grade eight students who appeared for the Junior School Certificate (JSC) examinations in 2014 came out successful. Of the Junior Dakhil Certificate (JDC) candidates, the madrasa equivalent of JSC examination, 93.50 percent succeeded in the examination. In the PSC results also, the rate of success was quite high – 95.98 percent.

While high rate of success in school exams give us a positive signal about the progress in education, the situation of education of remote communities, particularly indigenous communities living in far-flung areas of Bangladesh, is far from satisfactory. Since segregated data for the remote communities is unavailable, conclusive data regarding the situation of students of remote communities cannot be provided. However, it is apparent that the situation of education at the primary, secondary and higher secondary levels of the remote communities is far from being satisfactory.

The pass rates of Rangamati, Khagrachari and Bandarban, the three hill districts of the CHT domiciled by the remotest indigenous communities in Bangladesh, are 83.06%, 80.29% and 74.33% respectively. The rate of success in the three hill districts is below the national average. However, the rates given above also fail to clearly reflect the situation of remote indigenous communities of the CHT Region, as they remain hidden in the results of their 'relatively privileged' counterparts at the urban settings.

As for instance, the educational situation in Sajek union of Baghaichari, one of the remotest places in the country, is in real disaster. There are only 371 students in the 8 primary schools of the union with 52 thousand

people. But it has been gathered that the number of children who are supposed to be going to schools is some three thousand. There are only 19 teachers in the 8 primary schools in the entire union. However, only 3 of them are learnt to have been attending to their duties in the school while the remaining 16 teachers do not come to school but receive their monthly pay sitting at their home town/village. As a result, villagers are forced to hire teachers who are paid from fees collected from the students, in spite of the fact that education is free at the primary level.

Situation of indigenous communities, both in the plains and in the CHT, living in the hard-to-reach and frontier areas is quite similar. Many of them are located far from the center of educational facilities provided by the government. The benefits of estimated 11.7% of the total annual budget (2013-2014) on education and technology hardly trickle down to the remote indigenous communities. Currently, they face some major problems like lack of schools, absence of teachers, less inspection by education officers, lack of enrollment by indigenous students, dropout rate and so on. Lack of mother tongue-based primary education is also a key reason for students to get dropped out.

How indigenous peoples are introduced in school textbooks

School textbooks of class IV and VI that contain description on indigenous peoples call indigenous peoples in the country using terms other than 'adivasi'.

Chapter three of the textbook titled 'Bangladesh O Bishwa Parichay' of class IV introduces more than 45 indigenous communities in Bangladesh and gives an account of some larger indigenous groups namely Chakma, Marma, Santal and Manipuri. The description of these communities in the textbook mentioned above, though apparently seem to carry the intent to point to the ethnic and cultural diversity of the country, but the terms the book uses to refer to indigenous peoples are contentious. Rather than mentioning indigenous peoples as 'adivasi', it mentions indigenous peoples as 'khudro jatisotta' or 'minor races'.

A textbook of class VI titled 'Khudro Nrigosthir Vasha O Songskriti', however, mentions indigenous peoples as 'khudro nrigosthi' or 'ethnic minorities'. This book, which basically orients the students with anthropology, has a separate chapter on indigenous peoples in the country

titled 'Bangladesher Khudro Nrigosthi Porichiti'. While the chapter attempts to define indigenous peoples in the country as 'ethnic minority', it identifies indigenous peoples in Australia, USA and other countries as 'indigenous peoples'. The chapter in question mentions that it is 'difficult' to distinguish indigenous peoples from other people in Bangladesh as it is for Australia and USA.

According to the ILO Convention No. 169 (section 2), self-identification is considered a fundamental criterion for identification of indigenous peoples. In other words, it is indigenous peoples who are to define their own identity. Accordingly, indigenous peoples in Bangladesh are the ones who are to determine their own identity.

Nevertheless, the State is reluctant to identify indigenous peoples as 'indigenous'. Through the 15th amendment to the constitution, Bangladesh now terms all the citizens of the country as 'Bengalis' and identifies indigenous peoples as "tribes, minor races, ethnic sects and communities." However, indigenous peoples have never agreed to these terms. They continue to assert for their constitutional recognition as 'indigenous peoples'.

Since the issue of identity of indigenous peoples has not yet been resolved, the inclusion of different contentious terms in school textbooks to identify indigenous peoples may turn out to be misleading and would give wrong message to both indigenous and non-indigenous children of the country. There is the danger that the identity of indigenous peoples would be established as 'khudro nrigosthi' or 'khudro jatisotta' rather than 'adivasi', while it is a long-standing demand of indigenous peoples to be recognized as 'adivasi' or indigenous peoples. Hence, the government should take effective measures to provide constitutional recognition to indigenous peoples in the country and properly describe, in the school textbooks, their identity, culture, tradition, language and way of life.

Cabinet approves Child Marriage Restraint Act 2014

On 15 September 2014, the Cabinet approved the Child Marriage Restraint Act 2014, in order to eradicate child marriage in Bangladesh, one of the highest rates in the world.

While the Child Marriage Restraint Act 1929 failed to prevent child marriage, Cabinet approved the draft law at a regular meeting held at the

Secretariat, chaired by Prime Minister Sheikh Hasina. As per legal procedure, the Law Ministry will review the draft law and table it once again in the cabinet meeting for final approval.

Initially, some newspapers published reports claiming that the Cabinet was considering setting the minimum age of marriage at 18 for men and 16 for women. It created much disagreement and different rights groups especially women rights organizations expressed their concerns and urged to keep the existing age bar of 21 for men and 18 for women.

Eventually, the Cabinet accepted the proposal and the proposed law that sets the minimum age of marriage for men at 21 and for women at 18. This law states that the marriage of a minor with another minor or an adult will be considered a 'child marriage'. There is a provision of maximum two years in prison and Tk. 50,000 as penalty for the offenders.

Remarkably, a report of UNICEF shows an alarming rate of child marriage prevalent in Bangladesh. It shows that 74% of Bangladeshi girls under 18 years and 39% of girls under 15 years are being married off. This is one of the highest percentages of child marriage in the world.

No progress in mother tongue-based education for indigenous peoples

Government's plan to introduce mother tongue based Multilingual Education (MLE) for indigenous children has not made any remarkable progress even after the passage of nearly two years. Government claims that the stalemate is due to lack of budget to implement the plan.

In early 2013, the Ministry of Primary and Mass Education undertook a groundbreaking initiative to introduce mother tongue based education at the pre-primary level for indigenous children in light of the National Education Policy of 2010. As a part of the implementation process, government formed a National Committee, which includes indigenous representatives and linguists, to play an advisory role while preparing textbooks and training teachers. According to the plan, the textbooks were supposed to be produced in following stages: Chakma, Marma, Kakbarak, Mandi and Sadri in the first stage; Mro, Manipuri (Bishnupriya and Maitei), Tanchangya, Khasi and Bawm in the second stage; Koch, Kuduk (Oraon), Hajong, Rakhain, Khumi and Khiyang in the third stage and other indigenous languages of the country at the final stage.

While the initiative to introduce primary education in mother tongue made indigenous peoples in the country hopeful about the possibility of learning their respective languages, however, no further progress has been noticed in this regard. As per the plan, the mother tongue-based education was supposed to start in 2014. But the way the work on this project is proceeding, it is likely that that government would not be able to initiate mother tongue-based education even in 2015. No textbook in the stipulated indigenous languages would reach indigenous children in the face of fund crisis.

Notably, some non-government organizations including indigenous peoples' organizations in several districts of the plains and the CHT of Bangladesh have been conducting MLE programs for indigenous children for more than a decade now. However, such organizations often suffer from the crises of necessary resources that include adequate funding and human resources.

Article 14 (1) of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) states: "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." Article 14 (3) of the same document requires the States to take effective measures in this regard. Besides, it is a proven fact that students learn better and faster if the education is provided in own mother tongue. Mother tongue-based elementary education is critically important for the development of indigenous children's faculties. Therefore, government should implement its planned programs regarding MLE for indigenous children in Bangladesh without any further delay.

Survey on indigenous languages goes slow

The government has taken an initiative to conduct a survey on the languages of indigenous peoples in Bangladesh with the intent to revitalize and preserve the indigenous languages at risk. Ministry of Education through International Mother Language Institute has started to implement this project in early 2014.

The survey titled "People of Bangladesh: Cultural Landscape and Anthropological Profiling of Communities" is led by a team of experts composed of linguists and anthropologists from different universities in

Bangladesh. Representatives from indigenous communities are also part of the team.

The ethno-linguistic survey project to be conducted would supposedly cover different areas of languages, scripts, pronunciations, language characters, traditions and histories of around two and a half million indigenous peoples living in different parts of the country. The survey data and records are expected to be preserved at the data bank of the Mother Language Institute. They would also be published in the form of books in English and Bengali and shared on the website of the institute. According to the plan, another large-scale survey and in-depth research would also be conducted later.

Notably, this is probably the first linguistic survey of this kind in Bangladesh. Previous surveys, like the current one, did not include all indigenous languages. It is expected that this ethno-linguistic survey will contribute to the protection and preservation of the indigenous languages, literature, cultures, customs and traditions in the country.

While this groundbreaking initiative has created hope among many, especially indigenous peoples, the pace of progress of implementation of the project is very slow. Although the fieldwork was supposed to start in March 2014, it is yet to kick off its fieldwork. The recruitment test of the field workers took place from 14-17 December 2014, but the results of the test have not been published as of now.

MEDIA REPORTS



New Age, 1 March 2014

Nationalisation of 228 pry schools in CHT uncertain

EU seek PM's intervention

Mohiuddin Alamgir

The nationalisation of 228 non-government primary schools in the Chittagong Hill Tracts has become uncertain because of problems in land registration.

Field-level education officials, international donor agencies funding the schools, academics and rights activists demanded the nationalisation of the schools considering them special cases as land registration process in hill areas is difficult and these schools are located in remote areas in the three hill districts.

The third phase of the nationalisation of primary schools is under way and the government is nationalising institutions having or waiting for approval.

The primary and mass education ministry has some criteria for schools to be nationalised. For the third phase of nationalisation, schools need to have 30 decimals of land either registered or leased before May 24, 2012.

Because of a long, complicated land registration process in the Chittagong Hill Tracts, the 228 schools could not complete land registration by the deadline although they had began the process before before May 24, 2014, primary education officials in Rangmati, Khagrachari and Bandarban said.

Land registration in the CHT is not as what it is in the plain land. The registration of land in the CHT requires a long process to be followed,

Sanjeeb Drong, general secretary of the Bangladesh Indigenous Peoples' Forum, said.

Ministry officials said that the CHT affairs ministry had submitted a 365-page document on the schools managed by the hill district councils to the primary and mass education ministry on May 12, 2013 according to a decision made at an inter-ministerial meeting on February 5, 2013.

It was agreed at the meeting of the sixth technical advisory committee on education on August 22, 2013 that a joint committee composed of representatives from the CHT affairs ministry and the primary and mass education ministry, the primary education directorate and the CHT Development Facility would review the information submitted and decide the relaxation of the rules enabling schools managed by the hill district councils for nationalisation.

'Unfortunately, although the joint committee tried to meet three times, it was not able carry out its task because of non-attendance of the primary education ministry representative,' a CHT affairs ministry official said.

'Consequently, at a policy-level meeting in October 2013 attended by both the ministers and the secretaries of the primary and mass education and the CHT affairs ministry, a consensus was reached that the primary education ministry would send a brief to the prime minister requesting her to grant a special waiver for schools managed by the hill district councils to include them in the third phase of the nationalisation process. That, however, did not take place because of the general elections and related developments,' the official said.

Against this backdrop, the European Union ambassador, William Hanna, sent a letter to prime minister in February for 'a waiver necessary to relax land registration condition which is holding back the process of nationalisation.'

Hanna in the letter said, 'The ministry of CHT affairs already submitted the complete documentation for nationalisation of the schools to the ministry of primary and mass education. However, as the procedures for nationalisation do not take fully into account some challenges

specific to the CHT — particularly related to the length of land registration process — the schools could not meet the deadline for land registration imposed by the government.'

Dhaka University professor emeritus Serajul Islam Choudhury said that as the CHT is still underdeveloped, special considerations are needed to nationalise primary schools.

Rangamati primary education officer AKM Reazuddin and Khagrachari primary education officer Ramendra Nath Poddar both said that the nationalisation of these schools was needed as without the schools, the children would need to travel for up to 3 days to attend the nearest government primary schools, or most likely, not to attend schools at all. This would be a serious setback to the progress in education among communities living in remote areas, they said.

The nationalization committee chief, Ashraful Islam, also additional secretary of the primary and mass education ministry, said that these schools were not included in the list of nationalisation of 26,290 schools. 'We will look into the matter separately only after the completion of the ongoing nationalisation process,' he said.

'We will also look into whether all these schools were necessary in the area as we have heard that many of these schools were located near government primary schools,' he added.

VI. CHT ACCORD OF 1997: Present State and Challenges of Its Implementation



VI. CHT ACCORD OF 1997:

Present State and Challenges of Its Implementation

1. Introduction

Following a decade-long dialogue between successive governments of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS), an accord popularly known as 'Chittagong Hill Tracts (CHT) Accord' was signed between the PCJSS and Sheikh Hasina-led Awami League government in Dhaka on 2 December 1997. The CHT Accord brought to an end the decades-long armed conflicts that paved the way for peace, development, demilitarization of the region and open up opportunities for meaningful engagement and representation of the Jumma peoples. But substantial progress is yet to be achieved due to non-implementation of the main features of the Accord.

The CHT Accord provides recognition of the CHT as the “tribal-inhabited region”, introduction of special governance system through the formation of the CHT Regional Council (CHTRC) and three Hill District Councils (HDCs), demilitarisation of the region, resolution of land disputes, rehabilitation of returnee Jumma refugees and internally displaced persons, setting up the CHT Affairs Ministry at national level and so on.

2. The Present State of the Implementation of the Accord

This year marks the 17th of the years since signing of the CHT Accord, between the Government of Bangladesh and the PCJSS on 2 December 1997. Since assuming the power in 2009 Awami League-led grand alliance, did not do anything to implement the CHT Accord, even though it is the 6th year since forming of the government by it for the second time in 2014.

Study of the post Accord period reveals that the then Awami League government (1996-2001) initially implemented a few provisions of the CHT Accord e.g. passing of the CHTRC Act and the three HDC Acts in 1998, establishment of the CHT Affairs Ministry, repatriation of Jumma refugees from India, withdrawal of around 66 temporary camps (the government claims withdrawing 172 camps) etc. However, the vital features such as, preservation of tribal-inhabited feature/status of the region, introduction of special governance system in the CHT through devolution of powers and functions as envisioned in the Accord to the CHTRC and the HDCs, resolution of land disputes and demilitarization, etc. are yet to be implemented.

The government including the Prime Minister has been claiming that 48 out of 72 sections of the CHT Accord have already been implemented, 15 sections out of the rest have been partially implemented while the remaining 9 sections are under implementation process.³⁵ In fact, the said statement of the government is not true as a whole. As per observation of the PCJSS, only 25 sections out of 72 sections of the CHT Accord have been implemented so far. 34 sections of the Accord still remain totally unimplemented while 13 sections have been partially implemented. It means that two-third of the Accord are yet to be implemented.³⁶

After forming the new government on 12 January 2014, the Awami League led government took the following initiatives claiming them to contribute to the implementation process of the CHT Accord:

- (a) Transfer of 5 subjects/department to the HDCs;
- (b) Enactment of the CHT Development Board Act 2014 despite reservation of CHT Regional Council;
- (c) Passage of three Hill District Council (Amendment) Acts 2014 ignoring the advice of the CHT Regional Council and amid popular protest against these amendment bills;

35 Barshik Pratibedan 2012-13 (Annual Report 2012-13), Chittagong Hill Tracts Affairs Ministry, Bangladesh Secretariat, Dhaka.

36 Parbatya Chattagram Chukti Basbayaner Pratibedan 2014 (Report on the Implementation of CHT Accord 2014), Parbatya Chattagram Jana Samhati Samiti (PCJSS), Rangamati, Bangladesh.

- (d) Holding of a meeting of Task Force on Rehabilitation of Returnee Refugees and Internally Displaced Families;
- (e) Holding of two meetings for amendment of the CHT Land Disputes Resolution Commission Act 2001;
- (f) Continuing attempt to set up a Science and Technology University and a Medical College in Rangamati in the face of strong popular protest from the CHT people and civic rights groups as it would endanger (if the CHT Accord is not fully implemented) the rights of indigenous peoples;
- (g) Land acquisition in the name of establishing camps and luxurious tourist spots by the army and the BGB, declaration of reserved & protected forests by the forest department and leasing them out to non-residents for rubber plantation.

A brief description of present state of implementation of the core features of the CHT Accord are as follows: Feature

2.1. Recognition of the CHT as “Tribal Inhabited Region”

Section 1 of the Part A of the CHT Accord stipulates that Government and the PCJSS, having considered the CHT region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof. But this declaration has remained confined to papers only. No legal or effective protective measures have so far been taken to preserve or restore the tribal-inhabited feature of the region. No office order, directives or notification to that effect have so far been issued by the government. As a result, migration of outsiders including Rohingyas into the CHT is taking place unabatedly and this is eroding away the very tribal-inhabited character of the region. For instance, 42 families of Rohingyas settled in Longadu upazila in Rangamati District in February 2014.³⁷ Besides, thousands of Rohingyas already settled in Naikhyongchari, Lama, Alikadam and

³⁷ Parbattynews.com, 22 February 2014

Bandarban sadar Upazilas under Bandarban District and most of them got enrolled in the voter lists.

2.2. Devolution of powers and functions to CHT institutions

The CHT Accord stipulates to introduce a special administrative arrangement with formation of the CHT Regional Council and three Hill District Councils in CHT region. It also provides to devolve the authority of 33 subjects/departments including general administration, law and order, police (local), land and land management, development, education, health, environment and forest (except reserved forest) on three Hill District Councils. The government has been claiming that 30 subjects have been transferred to three HDCs. However, PCJSS claims that till to-date, 17 subjects³⁸ have been transferred. In 2014, the present grand alliance government has transferred 5 (Five) subjects to the Hill District Councils, e.g. (a) Shifting cultivation, (b) Secondary education, (c) Birth & Death and other Statistics, (d) Money lending business and (e) Tourism (Local). In addition, 7 (seven) offices/functions under previously transferred departments have also been transferred to the HDCs during grand alliance's earlier terms in office (2009-2013). But other important subjects which are yet to be devolved are – Supervision, Preservation and Development of Law & Order in the district; Land & Land Management; Police (Local); Development & Preservation of forests except government reserved forest; Preservation and Development of Environment; Improvement Trust and other Local Administration except pourasava and union council; Primary Education through mother tongue, etc. However,

³⁸ 1. Agriculture Extension Department- (a) Office of the Civil Surgeon, (b) Horticulture Centre, (c) BADC & (d) Cotton Development Board; 2. Health Department- (a) Family Planning Department, (b) Family Welfare Superintendent Training Institute, (c) Rangamati Nursing Institute & (d) Health Engineering Department; 3. Primary Education Department; 4. Industry and Commerce- (a) Bangladesh Small and Cottage Industry Corporation (BSCIC), (b) Bazar Fund Administration, (c) Rangamati textile vocational institute; 5. Cooperative Department; 6. Social Welfare- (a) Government Child Home; 7. Fishery Department- (a) Ramgarh Hatchery Farm; 8. Livestock Department; 9. Public Health; 10. Culture- (a) Small Ethnic Group Cultural institute, (b) Shilpakala Academy, (c) Public Library; 11. Youth Welfare Department; 12. Sports- (a) District Sport Association; 13. Jum (shifting) Cultivation; 14. Secondary Education; 15. Birth-Death and Other Statistics; 16. Money Lending Business and 17. Tourism (local).

devolution of Subjects or Functions/Departments on HDCs, have also been done defectively. For instance, the Tourism (Local) has been transferred through signing an agreement between Ministry of Tourism and three Hill District Councils on 28 August 2014.³⁹ But the transfer was partial. The said agreement devolves authority on the HDC to oversee development of tourism in the district that is being managed through its own resources. However, the HDC has no control or authority over the tourism activities being conducted and managed by Tourism Corporation/Ministry of Tourism, Local Government Authorities, private sectors or any other state agencies.

The powers and functions of the CHTRC, such as, Supervision and Coordination of General Administration, Law & Order and Development, three Hill District Councils, Local Councils including Municipalities, CHT Development Board, NGO Activities, and Disaster Management and Relief Operation, Tribal Law and Community Adjudication, Issuance of License for Heavy Industries, Prerogative Rights in Making Law on the CHT Affairs are yet to be operationalized.

Elections to the CHTRC and three HDCs are yet to be held since the signing of the CHT Accord. The Election Rules and Electoral Rolls Rules of three HDCs have not been formulated till today. Preparation of a voter list in the three hill districts, as per the provision of the HDC Acts, with the inclusion of the permanent residents only is yet to be executed. On the other hand, non-residents continue to be included, violating the HDC Act and the CHT Accord, in the CHT electoral rolls. The five-member interim Councils (of each HDC) formed with and headed by ruling party members have been functioning years after years in an undemocratic way. Therefore, it is crucial that all necessary measures are taken for holding elections to the CHTRC and the three HDCs.

But instead of holding elections to the three HDCs and the CHTRC, and disregarding the popular opinion in the CHT, the government amended three HDC Acts on 23 November 2014, enhancing the size of the interim HDCs from 5 members to 15 including the chairman.⁴⁰ It is to be noted

39 Prothom Alo, 30 August 2014

40 The Bills of Rangamati, Khagrachari and Bandarban Hill District Council (Amendment) Act 2014, Parliamentary Standing Committee on CHT Affairs Ministry, Dhaka, November 2014.

here that the tenure of the HDCs had expired much before the signing of the CHT Accord. But the government kept elections to these Elctive Bodies pending for the last 22 years. The interim HDCs, being nominated, work without any obligation and accountability to the people. Enlarging the size of the interim Council without initiative for holding elections to these public representing institutions will deepen the sense of deprivation among the CHT people. They will stand deprived of their political and citizen's rights to franchise and access to representative governance. It will also hinder the implementation process of the CHT Accord.

2.3. Land Disputes and Land Commission

The CHT Accord stipulates formation of a Land Commission headed by a retired justice to resolve the land disputes in accordance existing laws, customs and practices in the CHT. Land Commission was formed, but land disputes are yet to be resolved even though more than 16 years have passed after signing the Accord.

CHT Land Dispute Resolution Commission Act was passed in 2001 without having any consultation with and taking advice from CHTRC. As a result a number of provisions contradictory to the CHT Accord were included in the Act. No sooner forming the government in January 2009 by the Awami League-led grand alliance, the CHTRC once again sent its recommendations to the government for bringing amendment to this law. After convening a series of meetings, on 20 June 2011, CHT Affairs Ministry, in consultation with the CHTRC, and endorsed by the CHT Accord Implementation Committee, finalised 13-point amendment proposals aimed at bringing an amendment to the Act. Accordingly, a Bill named "CHT Land Disputes Resolution Commission (Amendment) Act 2013" was introduced in the Parliament on 16 June 2013, during the last session of the 9th Parliament (2009-2013). However, eight provisions have been placed in conformity with the 13-point proposals and the other five provisions have not been incorporated properly. Even, the government finally kept it pending from adoption.⁴¹

Recently on 7 September 2014 the government appointed retired Justice Anowar-ul Hoque as chairman of the CHT Land Commission. This

41 An Appeal for Proper Implementation of the CHT Accord 1997, PCJSS, 1 May 2014

appointment is meaningless unless the amendment takes place. Very recently, two high level meetings on amendment of the CHT Land Dispute Resolution Commission Act 2001 were held between the government and the CHTRC which was attended by the chairman of the CHTRC Jyotirindra Bodhipriya Larma. The first meeting was held on 27 October 2014 at the office room of Dr. Gowhar Rizvi in the Prime Minister's office and the second meeting was held on 1 December 2014 at the CHT Affairs Ministry. As per decision of the first meeting, Shahidul Haque, secretary of Law Ministry, brought a draft bill on the CHT Land Disputes Resolution Commission Act and placed it in the second meeting. After review, almost all the issues except proviso of Section 6(1) of the CHT Land Disputes Resolution Commission Act 2001 were finalised as per 13-point amendment proposals of this law. It was decided to hold another meeting within a short period to decide about the unresolved proviso of section 6(1).

In fact, the government has not been able to break the vicious cycle of its dilly-dallying tactics in amending this law. Due to non-resolution of land-related disputes in the CHT, ethnic conflicts and forcible occupation of lands belonging to the indigenous Jummas continue unabatedly.

Recently, illegal occupation of homesteads and religious sites of the Jumma peoples and their recorded and traditional lands has increased extensively throughout the CHT. Together with the alarming increase in illegal land occupation by individuals, groups and corporate bodies from outside, the acquisition of lands by different government agencies and men has aggravated the issues of land alienation in the CHT seriously. Alongside the existing innumerable army installations throughout the CHT, the proliferation of BGB bases and camps across the CHT has become a growing concern for the indigenous peoples, raising the question if the CHT is a living place for civilians or it is virtually a cantonment. Competing with these military and security structures are the sprouting of tourist complexes, resorts, restaurants, motels, entertainment and business centers (being set up on the indigenous homesteads, Jum lands or in lands in occupation of the Jummas) without giving much thought if and how these developments would contribute to protect and promote indigenous culture and their way of life. Have, ever, any attempts were made to measure out the effects of these developments on the life, economy and culture of the Jumma people? Has the extent of eviction

that the indigenous people experienced during the last four decades contributed in any measure to their betterment? Has, ever, the policy makers thought for a while that the indigenous peoples in the country need an integrated living place of their own within the jurisdiction of the national constitution to continue to survive with their distinct identity? Have the mentors of the country ever thought it out sensibly that the denial of the rights of indigenous peoples would expedite the process of their extinction in the country?

2.4. Dismantling of temporary camps

The CHT Accord stipulates that immediately after return of the members of the PCJSS to normal life, all the temporary camps of the army, Ansars and the VDP, excepting the Bangladesh Rifles (presently called Border Guard Bangladesh) and 6 permanent army cantonments shall be dismantled in phases from the CHT and the time-limit shall be fixed for its purpose.

The government claimed that around 172 camps were withdrawn since the signing of the CHT Accord. However, the PCJSS claimed that out of more than 500 camps, only 31 camps had been withdrawn during the then Awami League government (1996-2001). In addition, 35 more camps including a brigade (Kaptai brigade office) had been withdrawn during present grand alliance government. But it is alleged that APBN have been re-deployed in at least 10 camps out of 35 camps withdrawn.⁴² Even, no time limit has been worked out for the complete withdrawal of camps. The indefiniteness in the provision concerning the withdrawal of camps is, in fact, tantamount to delaying of this process.

Despite the CHT Accord's call for the demilitarization of the region through the full activation and devolution of powers on the CHT institutions, there has been a further strengthening of military control over the region. This includes the retention of "Operation Uttoron", which is an executive order conferring authority on the military to intervene in civil matters beyond their normal jurisdiction.⁴³ The military forces is also continuing

⁴² Report on the Implementation of the CHT Accord, Parbatya Chattagram Jana Samhati Samiti (PCJSS), Rangamati, 1st January 2013.

implementation of counter-insurgency programme named “Shantakaran Prakalpa” (Pacification Project) under which they receive 10,000 metric tons of food grain.

2.5. Cancellation of Land Leases

Huge tracts of land were given in lease to non-indigenous outsiders in 1980s and 1990s for rubber plantation and other commercial purposes. Around 2000 plots covering 50,000 acres of land have been given in lease in the three Hill Districts. The Accord provides that the lease of lands to any lease holders who do not undertake any project during the last ten years or do not properly utilize the lands shall be cancelled. Accordingly, and during the terms of office of the present government, about 593 plantation plots were cancelled. But to the utter frustration of the CHT people, the Deputy Commissioner of Bandarban District was found to have reinstated most of the plots to the lessees.

On the other hand, allotments of land under this category continue unabated by the district administration. The Deputy Commissioner of the Bandarban District continues to give hundred of acres of land in lease to the non-tribal Bengali people from outside in violation of the concerned provisions of the CHT Accord.

Recently on 13 March 2014, on behalf of nine leaseholders, Mohammad Badiul Alam & gang filed a writ petition to the High Court seeking direction upon the government to reinstate the land leases which were cancelled due to non-fulfillment of the terms and conditions of the lease agreement. The writ petition was filed against seven respondents, such as, Secretary of the Land Ministry, Secretary of the CHT Affairs Ministry, Divisional Commissioner of Chittagong Division, Deputy Commissioner of Bandarban hill district, Upazila Nirbahi Officer of Alikadam upazila under Bandarban district, Assistant Commissioner (Land) of Alikadam upazila and Headman of 291 Toinfa Mouza of Alikadam upazila. Interesting enough, Mohammad Badiul Alam & gang tactfully did not mention the name of Bandarban Hill District Council and the CHT Regional Council, the prime institution of administration and development in the CHT, to avoid strong opposition from these authorities.

43 Implementation of CHT Accord : U-turn by the government by Mangal Kumar Chakma, The Daily Star, 2 December 2014.

As the respondents did not oppose the writ petition strongly, the High Court issued a stay order on the cancellation of leases until the disposal of the case in the Court. Following the stay order, the leaseholders are carrying out their plantations on the respective lands freely and threatening the indigenous Jumma villagers to leave the area.

On 9 June 2014 K M Tarikul Islam, Deputy Commissioner of Bandarban Hill District sent a para reply to the writ petition to the Solicitor Wing of Writ Branch of Supreme Court. The Deputy Commissioner mentioned in his reply that the statements made in paragraph No.6 of the writ petition in respect of General Power of attorney sworn in by the lessees in favour of petitioners with a proposal of sub-lease to the petitioners are not acceptable as consistent with the terms of lease mentioned in the lease deed. It is submitted that nowhere the lessee is authorised as per concluded prescribed lease deed u/r 34(I)(f) to empower a specified person to act for and in the name of the lease executing power of attorney further it is detrimental to the Government Policy to encourage real and appropriate zealous ambitious entrepreneurs directly to come forward in taking risk and opportunity working practically in the rubber plantation or other plantation on commercial basis. Handing down impliedly to sub-leasee without prior permission of the Deputy Commissioner is clear violation of term the 12(a) and term 18 of the lease deed for which lease is subjected to cancellation.

In his reply, Deputy Commissioner also mentioned that petitioners have no right to get any remedy from this Hon'ble bench. It is submitted that section 19 of the CHT Regulation 1900 is very clear with regard to Jurisdiction "Except as provided in this regulation or in any other enactment for the time being in force a decision passed, act done, or order made under this regulation or rules there under, shall not be called in question in any civil or criminal Court." That in view of the above provisions of law the petitioner's application is not maintainable.

2.6. Task Force on Rehabilitation of Returnee Refugees and IDPs

Task Force was formed and Jumma refugees were repatriated from India as per 20-point package program. About 64,609 souls of 12,222 families were repatriated to Bangladesh. It is also to be mentioned here that GoB had also signed another 16-point agreements in 1994 with the leaders of the Jumma refugees in order to bring them back to their homes with the

promise of security of life and restitution of their ancestral lands. Accordingly, 379 families (1841 people) in February 1994 and another batch of 648 families (3345 people) were repatriated in July 1994.

Barring lands and homesteads, most of the economic facilities as stated in the 20 Point Package Agreement were provided to most of the refugees through the Task Force. According to the CHT Returnee Jumma Refugee Welfare Association, 890 families are yet to get cash against pairs of bullocks and still 40 ancestral Jumma villages are under the occupation of the settlers and 9,780 Jumma families are yet to get back their lands.

In addition, no internally displaced Jumma people have been rehabilitated so far. Rather, Bengali settlers were included as IDPs violating the CHT Accord. The PCJSS has strongly opposed the inclusion of Bengali settlers in the IDP category, because the CHT Accord stipulates to rehabilitate only India-returnee refugees and tribal IDPs and the PCJSS considered them as intruders in the CHT area. Since reconstitution of the Task Force during previous grand alliance government (2009-2013), there has not been any progress in rehabilitating the internally displaced Jumma families, returnee Jumma refugees and ex-combatants of the PCJSS. Recently on 29 September 2014, the 5th meeting of the Task Force was held at the Chittagong Circuit House. But the government side is still following the previous policy to rehabilitate Bengali settlers in the CHT identifying them as IDP which is contradictory to the CHT Accord and the spirit of the movement of the indigenous people. As a result, there has been a deadlock in the rehabilitation process of the tribal IDPs.

2.7. Appointment of Permanent Residents in different Category of Services within the CHT

The CHT Accord provides that against all the posts of officers of all ranks and employees of different categories in government, semi-government, local government and autonomous bodies of the CHT, the permanent residents of the CHT shall be appointed, subject to priority being given to the tribals.

But no step has so far been taken by the government for inclusion of the said provision in the concerned appointment or service rules and regulations of the ministries to be put into practice in the CHT region. As a result, Bengali settlers and outsiders are encroaching upon all

employment facilities created for the permanent residents of the CHT including the Jumma people.

3. Conclusion

The implementation of the CHT Accord is no longer in the agenda of the government. Ignoring popular demand for declaring a road-map for implementation of the CHT Accord, the government is dilly dallying with the disposal of the case pending in the Appellate Division of the Supreme Court against the CHT Accord and CHT Regional Council, and taking unusually longer time in amending the CHT Land Dispute Resolution Commission Act of 2001 as per agreed amendment proposal between the CHT Affairs Ministry and CHT Regional Council. The purposive delay on the part of the government gives a blatant hint that the issue of implementation of the CHT Accord is no longer in the priority list of the government.

Recently in a press conference held on 29 November 2014 in Dhaka, PCJSS threatened to start a non-cooperation movement from May 1 next year if the government does not take any effective measures to implement the roadmap of the CHT Accord by 30 April 2015. PCJSS president Jyotirindra Bodhipriya Larma said that the framework for the non-cooperation movement would depend on time and situation.

In fact, there cannot be any alternative to implementation of the CHT Accord for ensuring proper political solution to the longstanding crisis and establishing peace in the CHT. The CHT people would like to urge the government for a speedy resolution of the CHT issues by drawing up a roadmap with specific time frame for the steady implementation of the Accord in order that good governance through elected bodies settles down and firmly takes its root to steer through a pro-people and environmentally balanced development in the CHT for the sake of durable peace which has been proved elusive for the people living in this part of the world.