

Human Rights Report 2012 on Indigenous Peoples in Bangladesh

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 of the country. The term 'Kapaeeng' is derived from indigenous Khumi language, meaning 'Rights'. Kapaeeng Foundation is duly registered with the Joint Stock Company 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 fundamental freedoms and human rights 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.

ISBN : 978-984-33-7088-4

Kapaeeng Foundation

Salma Garden, House 23/25, Sheikertek, PC Culture Housing
Road 4, Mohammadpur, Dhaka-1207, Bangladesh
E-mail: kapaeeng.foundation@gmail.com, Web: www.kapaeeng.org

Kapaeeng Foundation

Human Rights Report 2012 on Indigenous Peoples in Bangladesh



Supported by



**Human Rights Report 2012
on Indigenous Peoples in Bangladesh**

Editor
Dr. Dalem Chandra Barman
Mong Sing Neo

Kapaeeng Foundation

Human Rights Report 2012 on Indigenous Peoples in Bangladesh

First Edition

10 January 2013

Published by



Kapaeeng Foundation

House # 23/25, Salma Garden Apartment, Road # 4

PC Culture Housing, Block # B, Mohammadpur, Dhaka-1207

Tel: +88-02-8190801

E-mail: kapaeeng.foundation@gmail.com

Web: www.kapaeeng.org

Copyright

© Kapaeeng Foundation

Supported by



Oxfam

House 4, Road 3, Block I, Banani

Dhaka 1213, Bangladesh

Tel: +88-02-8813607-9

Web: www.oxfam.org.uk

OXFAM

Printed by

Tangsree Color System

Price

Taka 200

US \$ 10

ISBN : 978-984-33-7088-4

Disclaimer

Oxfam is not responsible for any comments, contexts and subjects of this report.

CONTENT

EDITORIAL	08
ACKNOWLEDGEMENT	10
EXECUTIVE SUMMARY	12
I. INTRODUCTION	17-33
Induction on Indigenous Peoples.....	19
Wildlife (Protection and Safety) Act 2012	21
Amendment of Forest Act	22
Ministry of LGRD issues a racial letter against Indigenous.....	24
Government imposes restrictions on foreigners visiting the CHT .	24
Non-Government Organisations	24
Census 2011 and population of Indigenous Peoples in CHT	25
Unrest in tea industry, pay increases, but dissatisfaction	27
CHT people deprived of share from Semutang gas.....	28
Media Reports	29
II. MAIN HUMAN RIGHTS ISSUES	35-67
At A Glance: Human Rights Violations on Indigenous Peoples....	38
Massive Communal Attacks	41
Killing and Other Cruel Treatment	53
Attack, Torture and Intimidation	56
Arbitrary Arrest and Detention	58
Discrimination	59
Media Reports	63
III. LAND RIGHTS AND LAND DISPOSSESSION	69-114
At A Glance: land-related incidents and casualties of	

Indigenous Peoples in 2012	72
Land Commission for plain land Indigenous Peoples	75
Vested Property (Return) Act 2011.....	75
Ashroyon Project in CHT	76
Rights to Food of Indigenous Peoples	77
Land-related Incidents in the plain lands	77
Land-related Incidents in the CHT	91
Media Reports	108

IV. WOMEN RIGHTS	115-147
Violence against indigenous women and casualties in 2012	122
Rape	127
Killing after rape	132
Killed	135
Physical Assault and Molestation	136
Attempt to rape	141
Abduction	145
Media Reports	146
V. PRESENT STATE OF IMPLEMENTATION OF THE CHT	
ACCORD OF 1997	149-183
Recognition of the CHT as “Tribal Inhabited Region”.....	156
Enactment of new laws and the amendment of existing laws	158
CHT Accord Implementation Monitoring Committee	159
Three Hill District Councils	160
CHT Regional Council	164
Land Disputes and Land Commission	166
Dismantling of temporary camps	175
Cancellation of land leases.....	177
Rehabilitation of the Returnee Jumma Refugees	178
Rehabilitation of Internally Displaced Persons (IDPs)	178
General Amnesty and Withdrawal of Cases, and Surrender of Arms and Rehabilitation of the Ex-combatants	180
Appointment of Permanent Residents in services of the CHT.....	181
Ministry of CHT Affairs	182
Other matters and issues	182

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
KF	Kapaeeng Foundation
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

EDITORIAL

Contributors

Myentthein Promila

Executive Member of Kapaeeng Foundation, promilapromi@yahoo.com

Trimita Chakma

Member of Kapaeeng Foundation, trimita@gmail.com

Bipasha Chakma

Research Coordinator of Kapaeeng Foundation, bipashachakma1@yahoo.com

Laya Lata Murmu

Intern of Kapaeeng Foundation, laya_lata2000@yahoo.com

Mangal Kumar Chakma

Advisor of Kapaeeng Foundation, mkchakma@gmail.com

Gouranga Patra

Member of Indigenous Peoples' Human Rights Defenders' Network, patragourango@yahoo.com

Manik Soren

Member of Indigenous Peoples' Human Rights Defenders' Network, maniksoren@gmail.com

It is our great pleasure to present this “Human Rights Report 2012 on Indigenous Peoples in Bangladesh”. Kapaeeng Foundation has been publishing the human rights report on the human rights situation of Indigenous Peoples in Bangladesh since 2007 and wishes to continue this endeavour.

The human rights report contains five major sections dealing with different issues pertaining to the civil and political rights and economic, social and cultural rights of the Indigenous Peoples of Bangladesh. Based on several international standards ratified by the government of Bangladesh and national legislation, the state authority or GoB is expected to respect, protect and fulfill the rights of the Indigenous Peoples. However, the rights of the Indigenous Peoples have been subject to violation since time immemorial by both state and non-state actors.

The rights of all human beings must be protected regardless of their sex, nationality, ethnicity, colour, religion, linguistic origins or any other status. Nonetheless, the studies of human rights groups confirm that Indigenous Peoples are the most marginalized and vulnerable groups in the world. The Indigenous Peoples of Bangladesh are not an exception in this regard.

Despite the fact that Indigenous Peoples are non-discriminately entitled to their human rights according to most state policies, they are regularly subjected to chauvinism, racism, social exclusion, intolerance, inequity, injustice and violence. In Bangladesh, the Indigenous Peoples are subjected to land grabbing, militarization, government-sponsored population transfer and demographic engineering, non-recognition, stereotyping and forced identification, forced eviction and displacement, physical assault, communal attacks, killing, torture, false charges, arbitrary

arrest and detention in general. The indigenous women are subjected to several forms of sexual violence that includes rape, killing after rape, attempt to rape, kidnap, physical assault, sexual harassment, trafficking and so on.

While international human rights laws lay down obligations of the States to act in certain ways or refrain from certain acts in order to promote and protect human rights and fundamental freedoms of individuals or groups, the Indigenous Peoples of Bangladesh are deprived from enjoying their inherent rights. The role of Bangladesh government in promoting and protecting human rights of Indigenous Peoples of Bangladesh is yet not satisfactory, although it has state obligation to promote and protect the rights of all citizens including Indigenous Peoples, under several international human rights treaties. As a result of constant negligence concerning this, injustice and human rights violation against Indigenous Peoples in the Chittagong Hill Tracts and plain land are predominantly prevalent in Bangladesh, which often are perpetrated by several government agencies and mainstream vested quarters.

This report is a compilation of accounts of the human rights situation of Indigenous Peoples in Bangladesh. Kapaeeng Foundation expects that this report will assist in building awareness of the stakeholders on the scope of the situation of human rights and fundamental freedoms of Indigenous Peoples as well as raise concern in supporting the promotion and protection of human rights of Indigenous Peoples in Bangladesh.

ACKNOWLEDGEMENT

The reports of the human rights incidents have been collected through Kapaeeng Foundation (KF) networks, particularly, Indigenous Peoples' human rights defenders' network, indigenous youths' network, indigenous women's network etc. and also the focal persons working across the country. In addition, media reports in Bangladesh have also been monitored regularly by KF's secretariat. In many cases, fact-finding missions have been conducted directly by or in facilitation of KF upon receiving media reports of human rights violations to collect authentic information.

Besides, Kapaeeng Foundation also received help from Indigenous Peoples organisations (IPOs) working in Bangladesh at grassroots level in Bangladesh in monitoring human rights situations of Indigenous Peoples and in collecting information of particular human rights incident. The IPOs include Bangladesh Indigenous Peoples Forum, Jatiya Adivasi Parishad, Khagrachari District Headmen Association, CHTnews Online (chtnews.com), Khasi Welfare Society, Patra Sampraday Kalyan Parishad, Bangladesh Adivasi Chhatra Sangram Parishad, Adivasi Chhatra Parishad, Joyenshahi Adivasi Unnayan Parishad (JAUP), Adivasi Cluster Development Forum (ACDF), CHT Citizens Committee, Adivasi Jagoran Samity, Ethnic Community Development Organisation (ECDO), Durbar Nari Network in CHT etc.

This report has been edited by Dr. Dalem Chandra Barman, Vice Chancellor of ASA University of Bangladesh and Mr. Mong Sing Neo, Coordinator of KF. Contributions are made by a team of human rights activists, namely, executive member of KF Myenthein Promila, member of KF Ms. Trimita Chakma, research coordinator of KF Bipasha Chakma, Intern of KF Ms. Laya Lata Murmu, advisor of KF Mr. Mangal Kumar

Chakma, Member of Indigenous Peoples' Human Rights Defenders' Network Mr. Gouranga Patra and Mr. Manik Soren.

Kapaeeng Foundation is grateful to those, who worked hard in formulating this report, particularly, Vice Chairperson of KF Dipayon Khisa, Trijinad Chakma of Indigenous Youth Network, Pallab Chakma, Bablu Chakma and Sayon Dewan from Australia and finally all activists at KF's secretariat.

Kapaeeng Foundation would like to express sincere gratitude to Oxfam, particularly, Programme Officer Saikat Biswas and D&IPLP project team, for coming forward and supporting the research and publication of this report.

Rabindranath Soren
Chairperson
Kapaeeng Foundation

EXECUTIVE SUMMARY

More than 54 indigenous ethnic communities have been living in Bangladesh for centuries. The Constitution of Bangladesh does not recognise these ethnic, linguistic and cultural minorities as 'Indigenous Peoples'. The 15th Amendment to the Constitution in 2011 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". Indigenous Peoples rejected this provision arguing that they are Bangladeshi as citizen, but they are not "Bangalee" as a nation. They all are a separate nation possessing separate ethnic identity, culture, customs, language and society apart from Bengalis. Further more, a number of legal government documents, referred to "tribal", "indigenous" or "aboriginal" interchangeably. Indigenous Peoples rejected the Fifteenth Amendment to the Constitution saying that it undermined the human rights and fundamental freedoms of Indigenous Peoples.

The government adopted the Wildlife (Protection and Safety) Act 2012 without having consultations with or taking opinions of Chittagong Hill Tracts (CHT) Regional Council and Indigenous Peoples of the country. The government also initiated to amend the Forest Act of 1927, but Indigenous Peoples and forest-dependent communities are not being consulted in amending the Act. Conversely, these two Acts would cause the Indigenous Peoples of the forest regions to lose their rights and affect their rights. These Acts did not ensure the forest people's rights regarding occupations, traditions and livelihoods. Besides, the Ministry of Local Government and Rural Development issued a circular on 'World's Indigenous Peoples Day' directing officials at the district and sub-district levels to discourage the observance of the World Indigenous Day programme. Police obstructed rallies of Indigenous Peoples in Joypurhat,

Khagrachari and Bandarban districts celebrating world indigenous day this year.

Human Rights Situation

Continuing human rights violations by state and non-state actors, marginalization of indigenous communities and other abuses on the Indigenous Peoples have been intensified in 2012. These include rape and sexual assault against women and children, killings, arson, grabbing of lands, unlawful arrest and torture, and structural forms of discrimination based upon ethnicity, religious affiliation and gender. The government has expressed its intent to protect the rights of Indigenous Peoples, but has taken inadequate steps to prevent the violation of human rights of Indigenous Peoples.

In 2012, the numbers of incidents of human rights abuse against Indigenous Peoples have increased drastically compared to the previous year of 2011 both in the CHT and in the plains. 16 people (6 from the CHT and 10 from the plains) including 7 women were reported to be killed and 23 were either arrested or detained throughout the year whereas around 150 were tortured or intimidated, and around 300 indigenous houses were demolished. A total of 9 communal attacks were made on indigenous communities across the country; of which 4 were in the CHT and 5 were in the plains. It is reported that Bengali settlers committed most communal attacks in the CHT where security forces played a role either passively or collaboratively. No perpetrator of the said communal attacks, except Ramu attack, was arrested by the administration. Moreover, 165 people fled and took shelter in the neighboring state of India during brutal communal attacks on indigenous villages in Matiranga upazila under Khagrachari district.

Situation of Indigenous Women

Violence Against Indigenous Women (VAIW) is one of the major issues in Bangladesh and perpetrators enjoy the absolute impunity due to lack of access to justice. In 2012, a total of 75 indigenous women and children across the country, 55 from the CHT and 20 from plain land, were subjected to violence. Of them, 17 indigenous women and children (14 from CHT and 3 from plain) were raped. 7 indigenous women, of them 4 from the CHT and 3 (including 1 committed suicide due to sexual

harassment) from the plain lands, were killed. In addition, attempts to rape were made on 13 indigenous women including 1 from the plain lands while 2 women from the CHT were abducted. Besides, 33 indigenous women were physically assaulted, harassed and molested. 30 of the victims, out of 75, were children under the age of 16. Violence against indigenous Jumma women in the CHT have allegedly been committed by Bengali settlers and security forces. Cases were filed for 32 incidents related to VAIW, out of 50 incidents committed in 2012. The police arrested perpetrators of 17 cases, out of 32 cases. But no one was given exemplary punishment so far.

Land Rights and Land Dispossession

The main problem of the Indigenous Peoples in the plain lands is land-centered. The government is yet to form a Land Commission for plain land Indigenous Peoples despite its assurance in their election manifesto that “Special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed.”

It is because of non-settlement of the disputes over the lands, conflicts and communal attacks occurring in the CHT and plains centering the issue of the land disputes and the process of forcible seizing of lands belonging to Indigenous Peoples. In 2012, 31 families were attacked, 27 persons were assaulted and injured and at least 725 families, 185 families in the plains and 540 families in the CHT, have faced threat to eviction in connection to land grabbing. Indigenous Mro villagers numbering 13 families left their village due to grabbing their land by the outsiders in Bandarban district. More than 11 business companies including Destiny Group occupied thousands acres of lands recorded and owned by indigenous Jumma and permanent Bengali residents in CHT. At least 8 cases were filed by the victimised indigenous villagers against land grabbers, but no action was taken by administration.

The government passed a landmark bill named the Vested Property (Return) Act 2011 that will enable the return of land property seized from the country’s Hindu minority and Indigenous Peoples expropriated over the last four decades. However, the process of returning the property to the rightful owner is yet to start and it was not enough to address Indigenous Peoples’ demand to return all seized properties to their rightful owners.

Implementation of CHT Accord

Despite repeated commitment of implementation of the CHT Accord by the present grand alliance government including Prime Minister Sheikh Hasina, but as of today, except reconstitution of some committees and appointment to the some high level posts, the government has not stepped up any measure that is effective towards implementation of the Accord. The government has not even come up with a time-framed 'Road Map' directing to implementation of the CHT Accord, though the present government led by Awami League that signed the Accord in 1997 has already consumed almost 4 years of its tenure.

Meetings at different levels over the Amendment of CHT Land Dispute Resolution Commission Act of 2011 as per CHT Accord are being held. Even, the 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act was adopted in the 4th and 5th meetings of CHT Accord Implementation Committee and Inter-ministerial Meeting held on 30 July 2012 with the Law Minister in the chair. However, as per the decision of these meetings, the Act is yet to be tabled before the Parliament for adoption. The issue of disposal of the land disputes in CHT has landed on an extreme uncertainty.

The government has not yet approved the Rules of Business of the CHT Regional Council (CHTRC). The election of three HDCs and CHTRC has not been held till today. The 5-member Interim HDCs formed with and headed by ruling party members have been functioning years after years in undemocratic way. Though the government transferred 7 offices/works of previously transferred subjects during its period of last four years, however, the most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, forest and environment, local tourism, preservation of statistics on death-birth, Jum cultivation etc. are yet to be transferred to the HDCs.

Recommendations

1. To take effective measures to fulfill Awami League's election promises to fully implement the CHT Accord of 1997 with a declared time-frame for a road map and solving land disputes of Indigenous Peoples in CHT and plain lands.
2. To stop the systematic and forcible displacement of Indigenous

Peoples from their ancestral lands and to develop legal mechanisms to save the illegal land dispossessions of Indigenous Peoples.

3. To form a separate land commission for plain land Indigenous Peoples for restoration of dispossessed land.
4. To stop communal violence and physical abuse against indigenous women and to conduct judicial inquiries into the communal violence and abuses against indigenous women.
5. To provide constitutional recognition to the Indigenous Peoples as per international human rights instruments ratified by the Government of Bangladesh.
6. To conduct investigation to the human rights violations against Indigenous Peoples by National Human Rights Commission regularly.

I. INTRODUCTION



I. INTRODUCTION

Background on Indigenous Peoples

More than 54 indigenous ethnic communities have been living in the country for centuries. According to the official census of 2011, the total number of Indigenous Peoples in Bangladesh was 1,586,141. However, Indigenous Peoples claim their number to be more than 54 with a population exceeding 3 million. The Chittagong Hill Tracts (CHT) is the only region in the country where Indigenous Peoples are largely concentrated. Indigenous Peoples in other parts of Bangladesh are located mainly in the north-west (Rajshahi-Dinajpur), central north (Mymensingh-Tangail), north-east (Greater Sylhet), south-west (Patuakhali-Barguna-Barishal) and south-east (Chittagong-Cox's Bazaar).

Nevertheless, the Constitution of Bangladesh does not recognise the ethnic, linguistic and cultural minorities of Bangladesh 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" (Article 23A), while also calling all the people of Bangladesh, irrespective of their ethnic, linguistic and cultural backgrounds, as "Bangalee" (Article 6.2).

Indigenous Peoples rejected this provision arguing that they are not "Bangalee" as a nation, but Bangaldehyis as citizens. They all are a separate nation possessing separate identity, culture, customs, language and society apart from Bengalis. Further more, a number of legal government documents, referred to "tribal", "indigenous" or "aboriginal" interchangeably. Indigenous Peoples rejected the Fifteenth Amendment of Constitution saying that it undermined the human rights and fundamental freedoms of Indigenous Peoples.

The Constitution of Bangladesh (Article 27) states that all citizens are equal before law and are entitled to equal protection of law. In addition, the Constitution (Article 28) outlaws discrimination on grounds of race, religion and place of birth and states that nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens. It is understood that the Indigenous Peoples form part of the disadvantaged part of the citizens, which the constitution terms 'backward section of citizens'. Under these provisions of the constitution, the government undertakes some affirmative actions in favour of Indigenous Peoples. Notable among these are:

- setting up of a Special Affairs Division (SAD) under the Prime Minister's Office particularly for plain lands Indigenous Peoples;
- signing of the CHT Accord with the PCJSS as a solution of the CHT problem through political and peaceful means and accordingly establishment of CHT Regional Council and three Hill District Councils as special administrative arrangements for the CHT;
- enactment of the CHT Land Dispute Resolution Commission Act of 2001;
- amendment of CHT Regulation of 1900 in 2003 for establishment of a separate district judge court in CHT;
- continuing of quota reservation in the government jobs and educational institutions for 'tribal' people etc.

On the other hand, Bangladesh has commitment and obligation to promote, protect and respect of almost all international human rights treaties, including the International Covenant on Civil and Political Rights (CCPR), International Covenant on Economic, Social and Cultural Rights (CESCR), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), ILO Convention on Indigenous and Tribal Populations 1957 (No. 107), Johannesburg Declaration on Sustainable Development and the Economic and Social Council Resolution 2000/22 on establishment of the United Nations Permanent Forum on Indigenous Issues.

In the same way, the Government of Bangladesh has ratified ILO Convention on Indigenous and Tribal Populations (No. 107) but is yet to

ratify the revised version, ILO Convention No. 169, though in the 6th Five Year Plan (2011-2015), the government expressed its desire to consider ratifying it. The implementation status of the provisions of the ILO Convention No 107 which deals with administration, land, education, vocational training, employment, language rights, all of which are vital for the welfare of Indigenous Peoples in Bangladesh, is unsatisfactory. Crucial issues like the collective and individual rights of Indigenous Peoples over lands traditionally occupied by them, children's rights to learn in their mother tongue (as stipulated in the CHT Accord of 1997), constitutional recognition of the Indigenous Peoples etc, are yet to be implemented.

Similarly, Bangladesh ratified Convention on Biological Diversity, which includes measures on the protection of traditional knowledge systems and genetic resources of indigenous communities and measures for their equitable utilization (articles 8j and 10c), but most of the aforesaid provisions remain unimplemented, especially in the plains.

Correspondingly, the Small Ethnic Groups Cultural Institutes Act 2010, passed at the Parliament without consulting Indigenous Peoples on the terminology to be used, recognized only 27 out of more than 54 "small ethnic groups" thus facilitating to exclude them from the 2011 population census and development facilities provided by the Special Affairs Division (SAD) which looks after the welfare of Indigenous Peoples in the plains. There is no decision-making role of Indigenous Peoples in the SAD and the demand for forming an advisory committee comprising representatives of Indigenous Peoples is being ignored by the government.

Wildlife (Protection and Safety) Act 2012

On 8 July 2012 the Jatiya Sangsad (Parliament) adopted the Wildlife (Protection and Safety) Act 2012 without having consultations with and opinions of Chittagong Hill Tracts Regional Council and Indigenous Peoples of the country. Indigenous leaders, environmentalists and rights bodies expressed deep concern over some provisions of the Act. During the adoption of the Wildlife (Protection and Safety) Act 2012 bill in the parliament on 8 July, Environment and Forest Minister Hasan Mahmud said that the government consulted with indigenous leaders during the formulation of the Act. However, indigenous leaders alleged that the government did not organise any meaningful consultation with Indigenous Peoples of the country.

Conversely, this Act would cause losing their rights and affect the rights of forest dependent people and forest dwellers who are mostly indigenous peoples. The Act did not ensure the minimum rights of the forest dependent people's including the traditional occupations, livelihoods and traditional resource management system.

Amendment of Forest Act

The government initiated to amend the Forest Act of 1927. The amendment bill of the Act was already place in the Parliament and was sent for review to the Parliamentary Standing Committee on the Forest and Environment Ministry for review. It is alleged that Indigenous Peoples and forest-dependent communities are not being consulted in amending the Act. Even, opinion of the CHT Regional Council has been taken so far.

It is alleged that if the proposed forest amendment bill is passed in the parliament as it is, the cultures, traditions and livelihoods of concerned indigenous, forest dwellers and forest dependent communities will be severely threatened since livelihood, culture, custom, belief, property rights and administrative structure of the residents of CHT are significantly different than that of the rest of Bangladesh.

The Forest Act 1927 was framed with an aim to facilitate interests of colonizers, which is not merely obsolete today in current context but also inappropriate for an independent democratic country. Instead of changing the basic structure and or adjustment of a few articles is not in fact adequate to make it people-oriented and effective for environmental protection. In order to formulate an effective and efficient legislation, Indigenous Peoples suggested, in line with Section 18(Ka) of the fifteenth amendment to the Constitution of Bangladesh and concerned international legal instruments, it is necessary to formulate a people-oriented, environment protective and sustainable forest uses act by taking into consideration the opinions of indigenous peoples, forest dwellers, forest dependent communities and environmental specialists.

Ministry of LGRD issues a racial letter against Indigenous Peoples

On 11 March 2012 Ministry of Local Government and Rural Development (MoLGRD) issued a racial letter against Indigenous Peoples. The letter

titling “regarding celebration of Indigenous Peoples day” signed by deputy secretary of the MoLGRD Dr. Md. Sarowar Bari was sent to all Deputy Commissioners (DCs) of the country on 11 March 2012. The DCs forwarded it to Upazila Executive Officers (UNOs) and UNOs forwarded to all Union Parishads (UPs), the lower administrative units of the country. The letter stated that in April 2010 a bill named “Small Ethnic Group Cultural Institute Bill 2009 was passed in the parliament. Recently these ethnic communities were termed as small ethnic group in the constitution. On 26 July 2011 foreign minister Dr. Dipu Moni briefed diplomats and development associates that the tribal people of the CHT are not Indigenous Peoples. The letter also stated that like previous years, this year Indigenous Peoples are going to undertake several programmes on the occasion of the next Indigenous Peoples day on 9 August. They may organise adivasi fair, cultural show, seminar, rally and other programmes at different places of the country including Shaheed Minar, Cox’s Bazar and even on electronic media on the occasion of next Indigenous Peoples day. The national dailies may publish supplementary issue on this occasion. With this backdrop, MoLGRD, in said letter, asked the deputy commissioners-

- (a) to issue necessary direction that no important person of the government delivers any speech to be contradictory to the government policy on Indigenous Peoples during the Indigenous Peoples day.
- (b) to monitor intensively that no support from government side is granted to any programme of the Indigenous Peoples day.
- (c) to take necessary measure to propagate that there is no Indigenous Peoples in Bangladesh, by collecting necessary information and evidences in this regard.
- (d) August is a mourning month, so unnecessary delighting ceremony should not be organised during this month.

Indigenous leaders said that it is nothing but a racial act of the government. Every citizen has rights to liberty, freedom of assembly and association. Constitution of the country stipulates that the State shall not discriminate against any citizen on grounds only of religion, race, caste etc. So, the letter issued by MoLGRD is direct violation of the fundamental rights of the constitution. They also added that Awami League-led grand alliance government is acting more fanatic than the communal and fundamentalist groups.

Police obstructed rallies of Indigenous Peoples in Joypurhat, Khagrachari and Bandarban districts. In an inter-ministerial meeting held on 21 July 2011 in the presence of representatives from the Prime Minister’s office, Foreign Ministry, Ministry of the CHT Affairs, Military Headquarters and Intelligence Departments, the Government decided to erase the term ‘indigenous’ from all laws, policies, documents and publications of the Government. The current 6th Five Year Plan changed the terminology from ‘indigenous’ to small ethnic communities.

Government imposes restrictions on foreigners visiting the CHT

In the name of ‘higher security’ the government imposed restrictions on foreigners visiting the CHT. They are instructed to keep a representative of district administration with them when they meet any indigenous/religious person/groups. Restrictions were also placed on cash endowments to indigenous children and their families for education or any other purposes. In November 2011, the International CHT Commission was compelled to discontinue its 6th Mission in the CHT aimed at assessing the human rights situation in the area as a consequence of unprecedented interference from officials of the district administration and intelligence agencies during meetings with civil society groups. In August 2011-July 2012 three foreigners (a British, a US and a Swedish national) were ordered to leave Bandarban district. Such restrictions create an air of intimidation and fear on residents of the CHT and help to add to the culture of impunity by making it difficult for human rights activists to investigate allegations of human rights violations perpetrated by members of the security forces.¹

A number of restrictions were placed on the activities of NGOs, foreign journalists and human rights activists in the CHT, including the International CHT Commission.

Non-Government Organisations

The government is coordinating and monitoring NGOs working in the CHT through Deputy Commissioners instead of the CHT Regional Council and three Hill District Councils (HDCs). It is direct violation of CHT Regional

¹ Joint submission on the human rights situation of Indigenous Peoples in Bangladesh by Coalition of Indigenous Peoples Organisations

Council Act and three Hill District Council (HDC) Acts. These Acts authorise the Councils to coordinate and supervise the NGO activities.

On 22 November 2011, the Deputy Commissioner's office asked all NGOs in the three hill districts to submit information about the ethnic balance of the beneficiaries (percentage of indigenous and Bengalis) as well as the ethnic balance of the employees of the organizations. Some Deputy Commissioners and other district officials verbally instructed the indigenous-managed NGOs to include a higher number of Bengali employees. The concerned NGOs provided verbal and written explanation that the higher number of indigenous beneficiaries and employees was a result of the high degree of marginalization of the indigenous population and their habitation in remote rural areas, where the NGOs usually work. These explanations were not accepted, in violation of the constitutional principles on non-discrimination and affirmative action, and contrary to the provisions of ICERD.

Census 2011 and population of Indigenous Peoples in CHT and Plain land

According to 2011 Census, there are 27 indigenous (small) ethnic groups in the country whose population in total stands at 1,586,141 (male 797,477 and female 788,664), which represents 1.1% of the total population of the country. In 2001 Census, this figure was 1,410,169. Over a span of 10 years, the populations of Indigenous Peoples of the country have risen only by 175,972. According to the population and housing census 2011, the population of Indigenous Peoples has decreased in 47 districts out of 64. The number increased by 175,972 in the rest of 17 districts. This statistics does not conform to the real situation, and therefore, there are a lot of raised eyebrows following the 2011 Bangladesh Population and Housing Census. Indigenous leaders are of the opinion that their exact numbers of population have wrongly been represented in the Census. Several independently carried out censuses show that the number of the Garos, Koch, Khasi and Santals is much more than what is shown in census carried out by the government. This is, perhaps, due to the deficiency of proper instructions from the high-ups of the Statistics Bureau, or to gleaning of wrong data by the field level workers.²

² Prothom Alo, 17 August 2012

The proportion of Bengalis to Indigenous Peoples in the Chittagong Hill Tracts (CHT) is almost equal, according to the final report of the fifth population census 2011. The current population of CHT is 1,663,214. According to population census of 2001 the population of CHT was 1,391,790. The population has increased 271,424 over the 10 years. The rate of population growth in three hill districts is higher than that of national level. According to district statistics office, the rate of population growth in Bandarban district is 2.64%, which is the highest among the three hill districts, where the rates are 1.58% and 1.54% in Rangamati and Khagrachari district respectively. The main cause of the higher rate of population growth in Bandarban district is the higher rate of the migration from plain lands, which generated from the increasing job opportunities in the district. According to population census of 2001, the population of Bandarban district was 311,570, where it became 404,033 in 2011. In Rangamati district the population was 531,267, where it became 620,214. In Khagrachari district the population was 548,953 in 2001, where it became 638,967 in 2011.

On the other hand, disaggregated data based on ethnicity was not included in the 2001 census report. However, in 2011 census report the population of major 3 indigenous groups of the three hill districts was demonstrated, where remaining people were presented collectively in a separate column as 'others'. There are 856,541 indigenous people and 806,673 Bengali people in three hill districts. In Bandarban district, among the Indigenous Peoples, the population of Marma community is 77,477, the population of Mro community is 38,021, the population of Tripura community is 20,685 and the populations of remaining other communities are collectively 36,218. In Rangamati district the population of Chakma community is 260,445, the population of Marma community is 51,235, the population of Tripura community is 27,052 and the populations of remaining other communities are 17,421. In Khagrachari district the population of Chakma community is 161,960, the population of Tripura community is 86,196, the population of Marma community is 67,000 and the population of other communities are collectively 820. On the other hand, the population of males in Bandarban district is 203,350, where the population of females is 184,984. In Rangamati district the population of males is 325,823 and

the population of females is 295,391. In Khagrachari district the populations of males and females are 313,793 and 300,124 respectively.³

Unrest in tea industry, pay increases, but dissatisfaction continues

As a result of continuous movement, the daily payment of the tea laborers was increased by the tea garden holders. Recently, the pay was raised as an 'interim relief' without maintaining any procedures and discussion with the leaders of the tea garden laborers. But the dissatisfaction continues in spite of the increment, as it did not fulfill the requirement of the laborers. Therefore, it may arise unrest in tea industry. On the contrary, the tea garden holders stated that the negotiation on the increment and other issues was not possible due to dissidence of the leaders. Considering the price hike, the 7.00 taka increment was fixed from September 2011, until the disagreement of the leaders is resolved. The increment was fixed following a meeting of tea garden holders. Consequently, the daily payment of the laborers became 55 taka, where the sum was 48 taka earlier. The payment and other benefits of the 85,000 registered and 15,000 unregistered laborers of the 165 tea gardens are being fixed by meetings after two years interval based on an agreement between tea garden laborers' union and the Cha Samsad (tea garden holders' association). The span of the agreement has finished on 31 August 2011. But the faction emerged in the tea garden laborers' union before expiration of the agreement. Both faction groups started to put several demands including increment immediate after expiration of the agreement, where they demanded to fix the daily payment to minimum 150 taka.

Although the agreement has expired, the tea garden owners do not renew the agreement with any of the faction groups as hearings continue in the court and the laborers continue to be deprived. Therefore, the frantic laborers have been carrying on several movements such as simultaneous strikes in all tea gardens of the country putting an 18 point demand and to fix the minimum wage at 150 taka. But their program was withdrawn as the 7.00 taka increment to 55 taka was ensured. According to the convener of a faction group of the laborers' union Bijoy Bunarjy, based on the commitment of Minister of Labour and Employment and the request of the

³ Prothom Alo, 17 July 2012 and The Daily Sun, 17 July 2012, Bengali-ethnic ratio almost equal in Khagrachari

leaders of tea association, the program was postponed. But the strike will be conducted if the possessors do not fix the 150 taka wage. The increment was a tactics to stop the movement. The general secretary of another faction of the laborers' union Ram Bhajon Koiri stated that the movement for the equitable pay would be continued until it is ensured. The tea laborers are going to organize greater movement to achieve their goals in future. The president of Bangladesh Cha Samsad (tea association) Safwan Chowdhury stated that, the laborers are deprived due to the division of the union leaders. The decision cannot be taken due to faction of the leaders and unsettled legal encounter in the court. Nevertheless, considering the humanitarian side the 7 taka increment was ensured as 'interim relief'. The actual pay increment will be given from the termination date of the agreement. If the conflict of leaders is settled, the pay increment issue can be also resolved.

CHT people deprived of share from Semutang gas

The Semutang gas field is situated at Manikchari upazila in Khagrachari district, the north-most district of the CHT. The local residents, particularly people from Khagrachari, have been deprived of its share, access and exploration. Local government representatives in the Chittagong Hill Tracts recently called for movement, demanding that the gas from Semutang field be supplied to the CHT region before it is fed into the national grid. Representatives elected at different local government bodies including upazila and union councils in Khagrachari district gave the call from their district conference. They said the inhabitants of Khagrachari district had a claim of priority on the Semutang gas, which the government was not paying heed to. According to them, the gas should be supplied to CHT to meet its residential and industrial demands as well. They also criticised the government for not holding elections at the three hill district councils saying that running the local government institutions with unelected people turned them into a den of corruption.⁴

The indigenous peoples in Bangladesh have been marginalized, discriminated and deprived enjoying the fundamental rights even as citizens of the country. The gross human rights violation such as killing,

⁴ The daily New Age, 26 February 2012

murder, violence against indigenous women and children, non-equality and discrimination, religious persecution among many others have increased in 2012. In most cases, the perpetrators enjoy impunity and this culture of impunity has accelerated the violations of indigenous peoples' rights in the country. The laws and the acts affecting the Indigenous Peoples pass in the parliament without any consultation and consent. The practice of principles of the free, prior and informed consent (FPIC) has been ignored in Bangladesh. The amendment of the Forest Act 1927 or the Wildlife Act had passed in the national parliament without an effective and meaningful consultation with the indigenous peoples and forest dwellers which vastly affected their traditional livelihoods and natural resource management systems. The discrimination and deprivation such as the right to get proper wages or the uses of the natural gases have been practiced. This attitude towards indigenous peoples makes them more insecure, and creates distrust.

MEDIA REPORTS

theindependent

Sunday, 19 February 2012

'Implement tribal quota for cadre services'

AUTHOR / SOURCE: JAGARAN CHAKMA

DHAKA, FEB 18: Since the introduction of tribal quota system for appointment in the cadre service through the Bangladesh Public Service Commission (PSC), candidates from the tribe people have been mostly deprived of the special quota due to absence of rules and guidelines. A review of results of examinations conducted by the Bangladesh Civil Service (BCS) shows that not more than 18 candidates from the tribes were appointed for the top jobs in the bureaucracy so far.

According to gazette notifications of Public Administration Ministry, 17 tribal candidates were recruited in the 24th BCS, eight candidates in 25th BCS, two candidates in 26 BCS (Special), 18 candidates in 27th BCS, seven candidates in 28th BCS and 11 candidates in the 29th BCS.

According to the quota policy, five per cent jobs were reserved for the tribal candidates along with freedom fighters, women and district quota in 1985 during the government of president HM Ershad.

Earlier, there was no quota in cadre service for the tribal people. In 1972 the government introduced an interim recruitment policy for the people of all the districts of Bangladesh in various services and posts under the government, (including the defence services). For autonomous and semi-autonomous organisations and the national enterprises (including financial, commercial and industrial organisations), the government decided, as an interim measure, to fill all future vacancies by candidates from all the districts, on the basis of population.

According to the interim recruitment policy, when the number of vacancies is so small that it cannot be distributed district-wise, the vacancies shall be calculated division-wise and quotas shall be calculated 'class-wise'.

After introducing the quota policy for the cadre service, the government revised the policy twice in 1997 and 2011. But the reserve percentage has not been changed.

Besides there is no record on the recruitment of tribal quota system in the research wing of PSC as well as in the research report published every year.

Chairman of Bangladesh Public Service Commission (PSC) at Ahmedul Huq Chowdhury on December 20 stated that quota policy would be implemented properly for all, including the tribal quota, to ensure transparency in cadre service recruitment. "Quota policy will not be violated during my tenure," he said.

Ahmedul Huq Chowdhury admitted that the tribal candidates are being deprived because of absence of any clear-cut guideline on tribal quota, and it is a quite tough calculation.

However, he suggested that the tribal candidates should be competitive and maintain communication with the PSC to ensure their quota; otherwise other candidates will fill the vacuum.

The immediate past PSC chairman Dr Shahdat Hossain had admitted that the tribal candidates were being deprived because of absence of any clear cut policy on tribal quota.

“According to the rules, no candidates can be recruited in the vacant post against tribal quota. But officials of the earlier commissions allegedly disqualified them in viva voce examinations and recruited general candidates,” he observed.

I tried to follow the quota policy strictly when I joined as chairman of PSC and the tribal candidates have not been deprived, Dr Shahdat added.

He underscored the need for honesty and integrity of the chairman and members of PSC to ensure free and fair recruitment of qualified candidates for the cadre services as well as to ensure the tribal quota. Otherwise administration and state machinery will not be strengthened, he said.

About the recruitment policy in cadre service on tribal quota, the former special assistant to the chief adviser of the caretaker government, Barrister Raja Debasish Roy said, there is a big problem in the tribal quota distribution system, having no clear cut way to avoid the five per cent reserve post.

“Five per cent quota for the tribal candidates is not clear in the policy, for this reason they are eligible only for the administration and police cadres. But seldom are the candidates being recruited in other cadres due to such unclear policy,” he said.

A retired additional secretary and former Ambassador to Bhutan Sharadindu Shekhar Chakma alleged that most of the time the tribal candidates were deprived due to non-compliance of the PSC recruitment policy.

Besides a study on “Bangladesh Public Service Commission: A Diagnostic Study” conducted by Transparency International Bangladesh (TIB) observed that from the very beginning of the PSC’s operation, its credibility has been subject of controversy.

The Daily Star

Thursday, September 20, 2012

Primary textbooks contain misinformation on Adivasis- Roundtable told

Staff Correspondent

Despite making corrections, the primary school level textbooks still contain some wrong and misleading information about the culture and lifestyle of the country's indigenous communities, speakers said at a roundtable yesterday.

The inaccurate information is leaving a negative impression on the young minds and may put communal harmony at stake, they said, calling for bringing more modifications in the books, portraying Adivasis positively and including their contributions.

The roundtable "Ethnic identity in textbooks: Our attitude" was organised by Development Initiative for Inclusive People (DIIP) and Zabarang Kalyan Samity in cooperation with Manusher Jonno Foundation (MJF) and Ministry of CHT Affairs at Jatiya Press Club.

Speaking on the occasion, DIIP Executive Director Chowdhury Aatur Rahman Rana gave some examples of misinformation. The class V textbook Poribesh Porichiti Samaj (Social Science) says Garo women wear blouse and lungi, which is not correct, he said. "Garo women put on a traditional dress which resembles their identity."

He also said the social science book for class IV described rabbit meat, pork, and crabs as favourite food items for Santal community, which was irrelevant in the children's textbooks and might create a mental distance between people who consumed them and who did not.

Aatur Rahman urged the writers of the National Curriculum and Textbook Board (NCTB) books to be more responsible while writing about indigenous people.

"The textbooks portray mostly negatives things on indigenous people,"

claimed Shaktipada Chakma, organisational secretary, Bangladesh Adivasi Forum.

Shaheen Anam, executive director of MJF, said, "We've to portray them positively so that our children do not have any negative attitude towards them."

Primary and Mass Education Minister Afsarul Ameen said making correction was a continuous process, and they would bring necessary changes to the textbooks.

NCTB Chairman Mostofa Kamaluddin said the class V textbook would be replaced next year with more positive contents under a modern curriculum.

The Daily Star

Sunday, September 2, 2012

Indigenous People's Rights

Law demanded for protection

Staff Correspondent, Rajshahi

Adivasi leaders and rights groups in a views exchange meeting in Rajshahi city yesterday urged the government to pass the proposed "Bangladesh Indigenous People's Rights Act" so that their rights can be well protected.

The parliamentary caucus on indigenous peoples' affairs has prepared the draft law and organised the meeting with supports from Oxfam, Research and Development Collective (RDC), and Jatiya Adivasi Parishad (JAP) to draw recommendations from grassroots level to make the law effective.

The speakers proposed constituting a national commission and a separate ministry to protect indigenous people's rights to their ancestral land as a way of ensuring their social-economic and cultural well-being.

Eminent litterateur Hasan Azizul Haque attended the programme as chief guest while lawmaker Fazle Hossain Badsha, a member of the caucus, presided over the meeting at Rajshahi Chamber's of Commerce and Industries.

RDC General Secretary Prof Mesbah Kamal and JAP President Robindranath Soren attended as special guests. Indigenous leaders Anil Marandi, Noresh Orao, Romanath Mahato, Zakaria Mardi also spoke on the occasion.

They demanded inclusion of names of all tribes and ethnic groups and the issue of adivasi women's empowerment in the law to protect their rights. They also reiterated their demand for primary education in their mother tongues.

The speakers said the law would lay down the legal framework for eliminating indigenous people's poverty in order to mitigate their plight.

II. MAIN HUMAN RIGHTS ISSUES



II. MAIN HUMAN RIGHTS ISSUES

Since independence in 1971, Bangladesh has ratified a number of international human rights agreements. Foremost of them are International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957 (also known as ILO Convention No.107), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and Convention on the Rights of the Child (CRC). However, gross human rights violations against Indigenous Peoples in the CHT as well as in the plains of Bangladesh continue to exist at an alarming manner. Failure to properly investigate human rights violations committed by Bengali settlers with latent support from the security forces, illegal land grabbers and local administrations remains a matter of serious concern.

Perpetrators are not being captured, prosecuted and punished at all. The law enforcement agencies of Bangladesh Government are neither providing adequate protection to the Indigenous Peoples nor co-operating in filing cases against the criminals. Rather their negligence of handling the issues of human rights violation is facilitating criminals to commit outrageous and barbaric activities to a major extent. There are instances where perpetrators are released unpunished even after the confession of their crimes. Besides, life and safety of the witness and the lawyers involved in the prosecution process are often threatened where court verdicts announce punishment against criminals. Discrimination and violence against Indigenous Peoples including women and children continues to be a serious issue today. Although, many government officials state that most of these violence activities often have political or economic

motivations, they cannot be attributed only to religious beliefs or ethnic affiliations.

At A Glance: Human Rights Violations on Indigenous Peoples in 2012

In 2012, the numbers of incidents of human rights abuse against indigenous peoples have increased drastically compared to the previous year of 2011 both in the CHT and in the plains. 8 people (2 from the CHT and 6 from the plains) were reported to be killed, 23 were either arrested or detained throughout 2012 while 133 were tortured or intimidated. Also, 276 indigenous houses were demolished. A total of 9 communal attacks were made on indigenous communities across the country; of them, 4 were in the CHT and 5 were in the plains of Bangladesh. Moreover, 165 people fled and took shelter in the neighboring state of India during brutal communal attacks on indigenous villages in Matiranga upazila under Khagrachari district. It is reported that Bengali settlers committed most communal attacks in CHT where security forces played a role either passively or collaboratively.

Religious extremism has been one of the most anxious issues in 2012. Indigenous peoples largely follow Buddhism, Christianity, Sanatanism or their traditional religion. In September, 23 Buddhist temples including 2 Hindu temples were burnt to ashes by the Muslim extremists in Ramu, Ukhiya, Teknaf and Cox's Bazaar municipality in Cox's Bazaar district and in Patia under Chittagong district. Such type of religious violence is unprecedented in the history of Bangladesh. Unlike previous few years, intensity of violence against indigenous peoples has reached a critical stage in 2012 where more than hundred Bangladeshi indigenous citizens have fled to Indian state of Tripura in order to survive from brutal communal attacks. Cross border escape due to communal violence has rarely been seen since the CHT Accord was signed in 1997 in the past.

Table 1: Basic human rights violations and casualties of Indigenous Peoples in 2012

Type of violation	CHT	Plain	Total
Arrest and detention	1	22	23
Killing	2	6	8
Torture & intimidation	117	16	133

Attack on Buddhist temple & Hindu temple	2	23	25
Communal attack	4	5	9
Destruction of house and property	17	259	276
Cross border escape	165	-	165

Figure- 1: Basic HR violations and casualties of IPs in 2012

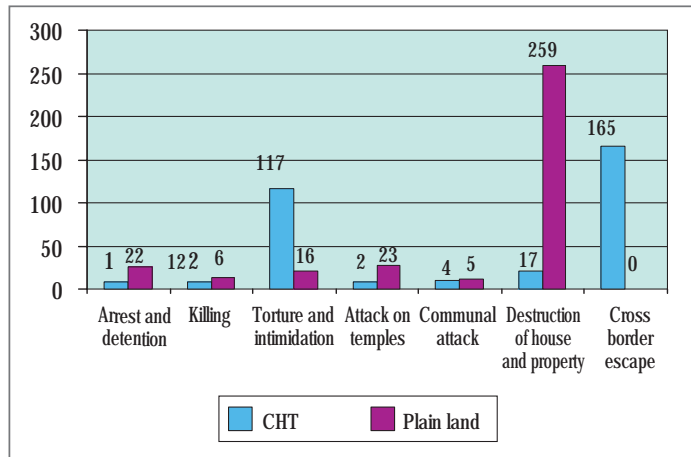


Figure- 2.1: Basic HR violations and casualties in CHT: 2012 vs. 2011

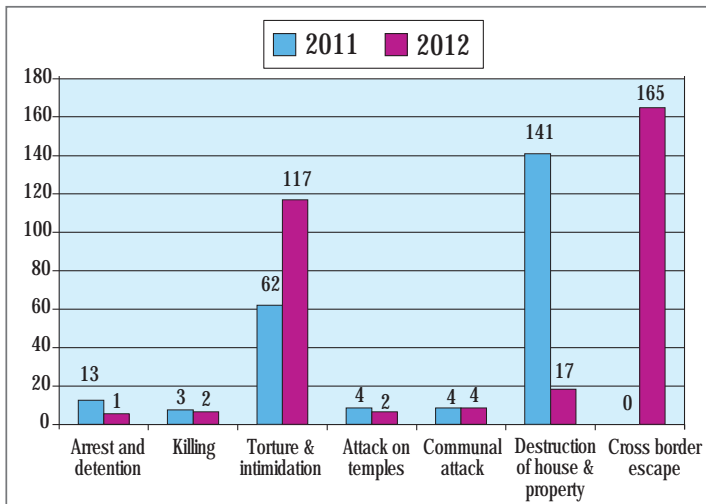


Figure- 2.2: Basic HR violations and casualties in plain land :2012 vs.2011

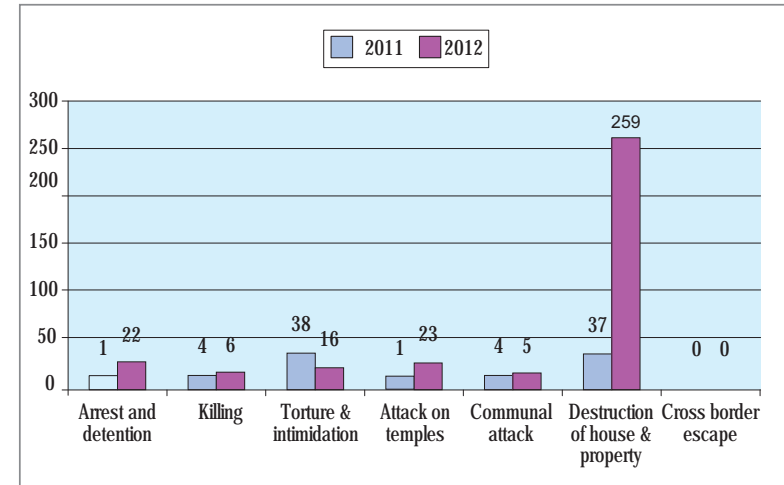


Table 2: Main human rights violations and casualties of Indigenous Peoples in 2011

Violation	CHT	Plain	Total
Arrest & Detention	13	1	14
Killing	3	4	7
Torture & Intimation	62	38	100
Attack on temple	4	1	5
Communal Attack	4	4	8
Destruction of house and property	141	37	178

Table 3.1: Human Rights Violations in CHT 2009-2010

Form of atrocity ↓	Perpetrator →	Security Forces	Bengali Settlers	SF+B S	Total
No. of person killed		3	4		7
No. of person tortured		47	25	25	97
No. of person arrested		7			7
No. of person harassed		15	19		34
No. of house set fire			77	434	511
No. of house looted & destructed		9	4		13
No. of person whose land grabbed			3		3
Total		81	132	459	672

Table 3.2: Human Rights Violations in Plain Lands 2009-2010

Form of atrocity	Total
No. of person killed	4
No. of person injured	1
No. of person arrested	3
No. of family attacked	155
No. of house destroyed & looted	74
No. of family evicted	13

MASSIVE COMMUNAL ATTACKS

A Buddhist temple attacked by Bengali settlers in Bilaichari

On 28 January 2012 at about 8:00 a.m. a Buddhist meditation centre (Kilachari Bidarshan Bhabana Prosikkon Kendra) of Harinchara Bill area of Bilaichari upazila bordering Kaptai upazila of Rangamati Hill District was attacked by a group of Bengali settlers. In the attack, different parts of the temple, images of Lord Buddha were broken down and valuables of temple were looted by the Bengali settlers who came from nearby settler inhabited areas.

It was alleged that the attack was led by Md. Barek s/o late Mannan, Md. Mahedul s/o Sheikh Kabiruddin, Kasem member s/o Shamsul Haq, Md.

Mohar s/o Jalaluddin, Md. Ismail s/o Nehar Khan, Md. Tarekul s/o Abu Bakar Molla and Nazarul s/o Nehar Khan.

It was learnt that on 27 January 2012 one Agar (a medicinal tree) cultivator named Md. Shah Alam (45) was killed by unidentified miscreants at Harinchara Bill area. Following the killing, without any clue, nearby Bengali settlers indiscriminately attacked upon the Buddhist temple to take revenge of the said killing.

On 29 January 2012 a delegation of Parbatya Bhikku Sangha, an organisation of Buddhist monks, led by Dharma Nanda Mahathera, vice-president of Central Committee, visited the spot. The monks also organised a press conference where they condemned the killing of Md. Shah Alam and demanded immediate punishment of the perpetrators involved in killing and attack by proper investigation.

Police attacked on indigenous Chakma (Tanchangya) village in Teknaf

In the early hours of 30 May 2012 a group of police from Teknaf police station, along with miscreants of mainstream Bengali population, led by Sub-Inspector (SI) Bakhtiar and local influential Abdul Haque, raided indigenous Tanchangya (generally called Chakma themselves) villages of Howaikyong area under Teknaf upazila in Cox's Bazaar district. In this attack, nine houses were completely ransacked and 11 Chakma villagers were severely wounded. Besides, 7 villagers including 4 Chakma youths and students were arrested. One pregnant woman gave birth to a premature baby due to brutal torture and several women were sexually harassed.

It was learnt that on 29 May 2012 at around 10.00 pm, a group of miscreants numbering 10-11 persons led by one policeman Sipon Mian (32), a village police member Md. Hossain and a local land grabber Md. Abdul Haque attacked on Amtali Chakma village of Howaikyong union in Teknaf. They first raided the houses of Bhantu Ching Chakma (25) s/o late Neemong Chakma and Chingkyahla Chakma (40) s/o Chaigya U Chakma and tried to bring out young women from the houses. The neighbours of this village rushed there while the young women were shouting. Sensing public presence, the two police personnel and miscreants fled the area hurriedly.



Victims of attack on indigenous village in Teknaf

At around 3.00 am on 30 May 2012, with more police force from Howaikyong police post led by Sub-Inspector (SI) Bakhtiar and some more musclemen led by local influential Abdul Haque again attacked Amtali Chakma village. They beat the Chakma villagers indiscriminately and looted the valuables of the houses.

Sources said that the police and miscreants first raided the house of Ucha Thaoi Chakma (40) of Amtali village and arrested him without any allegation and then beat severely. At that time, Mr. Chakma's 8-month pregnant wife Ms. Malaimy Chakma (30) was also beaten indiscriminately while she tried to protect her husband from beating of attackers. Due to beating her indiscriminately, Malaimy gave birth to a premature baby. She was first admitted at local health complex in Teknaf and on 1 June she was transferred to Cox's Bazaar district hospital with serious condition. The victims of this attack were identified as-

- 1) Ms. Lucky Chakma (18), beaten and sexually harassed;
- 2) Ms. Samiya Ching Chakma Sumi (15), beaten and sexually harassed;
- 3) Roi Mey Chakma (85), severely wounded;
- 4) Usa King Chakma (55), severely wounded;
- 5) Rima Sai Chakma (50), severely wounded;
- 6) Kishore Uoisa Chakma (10), severely wounded;
- 7) Sain Ming Chakma (9), severely wounded;
- 8) Uchha Thain Chakma (35), severely wounded and arrested;

- 9) Sathaing Chakma (25), severely wounded and arrested
- 10) Nayan Chakma driver (24), severely wounded and arrested
- 11) Sathai Sing Chakma (26), severely wounded and arrested

Md. Mahjuzur Rahman, assistant sub-inspector of Howaikyong police post, filed a case on 30 May 2012 with Teknaf police station against 37 Chakma and Bengali villagers including arrested four persons charging attack on police force with the intension to kill them while the police were returning to police post along with two arrested defendants.

Police falsely claimed that some police personnel of Howaikyong police post went to the Amtali village following a case filed by Abdul Haque to arrest the culprits. Police also claimed that when they were returning with two arrested accused, the villagers swooped down on them with sharp weapons, and gravely injured one of their colleagues namely Shipon Mian. On the contrary, the villagers claimed that police's version of the incident was fully fabricated and baseless. Police went to the Amtali village on plain cloths with the motive to conduct robbery in the name of searching accused persons.

11 Indigenous Jummas become victim of robbery by Bengali settlers in Longadu

On 9 July 2012 at around 8:00 am, 11 indigenous Jummas became victim of armed robbery by a gang of Bengali settlers in lake area known as Kalatila-Swamatila area around six miles away to the south-east from Longadu upazila headquarters of Rangamati hill district. The robbers made 3 Jummas wounded by attacking with sharp knife and machete, looted 11 mobile phones, ornaments, money, clothes etc. that worth around BDT 2 lakh.

It is learnt that the said Jummas were coming from Baghaichari area by a county-boat towards Rangamati headquarter. At around 8:00 am when they reached at Kalatila-Swamatila area, the gang of Bengali robbers numbering 10-12 coming by boat suddenly attacked them and committed the robbery. Later, the victim Jummas went nearby Kattoli area. Then taking help from Jumma villagers of Kattoli area, they went to Longadu headquarters and informed the police and local Jumma leaders. After that the wounded 3 jummas who were admitted to Longadu hospital were as

follows-

- 1) Mr. Utpal Kanti Chakma (37) son of Narendra Chakma, village- Chintaram Chara, Sarwatali union, Baghaichari upazila; he was cut in the back of head.
- 2) Mr. Dronacharjo Chakma (45) son of late Sumati Ranjan Chakma, village- Galachipa, Chijak area, Baghaichari; he was hurt in left hand.
- 3) Mr. Riken Chakma (28) son of Mr. Surjo Kumar Chakma, village- Sijakmukh area, Baghaichari upazila. he was hurt in the upper right arm.

Communal attack on Jumma villagers in Matiranga

On 4 August 2012 Bengali settlers attempted to commit a communal attack on indigenous Jumma villagers at Kadamtali village of Bamal union under Matiranga upazila in Khagrachari district. Following the communal tension, hundreds of Jumma villagers took shelter into the Indian boarder of Tripura State.

It is learnt that on that day Bengali settlers spread rumor that a dead boy of Bengali settler was found near Jumma locality at Lalmian Bagan of Mongsajai Karbari Para of Tabulchari union under Matiranga upazila. But this propaganda was found baseless and fabricated.

The Bengali settlers again propagated that a group of Jummas attacked three Bengali settlers who were returning from Matiranga bazaar. They also alleged that BDT 50,000 were looted from Bengali youths. Following this propaganda, at around 8.30 pm, a group of Bengali settlers gathered at Kadamtali area to attack indigenous Chakma villagers by two jeeps and around 30 motorbikes. At that time two Chakma youths namely Pratulya Chakma (28) s/o Japani Mohan Chakma and Pantha Moni Chakma (25) s/o America Chakma of Amtali village were confined by Bengali settlers. However, Ali Akbar, chairman of Bamal union council rescued these two Chakma youths from the attack of Bengali settlers. At that time, Bengali settlers also carried out attack on indigenous houses at Kadamtoli area and Buddhist temple at Dak Banglow Bazaar area.

A group of BGB led by lieutenant colonel Md. Tabid rushed there and refrained Bengali settlers from attack on Buddhist temple. However,

Bengali settlers threw brickbat on the Buddhist temple and some shops of Dak Banglow Bazaar.

Following the attack of Bengali settlers, at around 9.30 pm indigenous Chakma villagers of Kadamtali village numbering 165 persons fled to India. The Border Security Force (BSF) of India gave to the Jumma people formally registering the names. On 5 August 2012 in the morning, a flag meeting between the BSF and the Border Guard Bangladesh (BGB) was held and 165 Jummas who were registered by the BSF were handed over to the BGB.

Three Jumma villagers attacked by Bengali settlers in Panchari

On 26 August 2012 three Jumma villagers including a woman were attacked by Bengali settlers at North Shantipur village under Panchari upazila in Khagrachari district. Two victims were admitted first at Panchari upazila hospital and then transferred to Khagrachari district hospital with serious condition.

It is learnt that on that day Bengali settlers led by Masud Rana (30) s/o Sadeq Ali from Amarpur village in Ward No. 4 of Ultachari Union under Panchari upazila started construction of a house on the land of Kanti Bhushan Chakma (70) s/o Girish Chandra Chakma of North Shantipur village. Getting this news, Kanti Bhushan Chakma went to the Panchari police station to seek help against the construction. But Officer-in-Charge (OC) of the Panchari police station did not take any action.

Hence, Kanti Bhushan Chakma, along with his wife and son, rushed to the spot at around 3.00 pm. The Bengali settlers attacked on them with sharp weapons when they tried to resist Bengali settlers to erect house on their land. In this attack, Kanti Bhushan Chakma got cuts on his three fingers of the left hand while his wife on her thumb. His son Triratan Chakma sustained cuts on his left shoulder and left hand.

All of them were admitted at Panchari upazila hospital. Later, Kanti Bhushan Chakma and his son were transferred to the Khagrachari district hospital with critical condition. Kanti Bhushan Chakma filed a case against aforesaid Bengali settlers with Panchari police station. But the police have taken no action so far.

Two indigenous men were tortured by a UP chairman in Birol

On 7 September 2012 two indigenous men were tortured by a UP chairman at Dhukarjhari village under Birol upazila in Dinajpur district. Two victims were identified as Reshom Vunger (27) and Nokul Vunger (55) from Pipalla Kanchanpalli Cluster village.

It is learnt that on that day at around 4:00 pm Md. Moslem Uddin Ahmed, chairman of Dhamer Union Council has attacked the victims physically in public at Dhukarjhari Bazar. The victims have received first aid at local hospital. The villagers informed that this incident has happened due to long standing land related clash between the chairman and Indigenous Peoples. They also confirmed that on the same day the chairmen along with his gang attacked on indigenous women. After the torture upon two indigenous men, Indigenous Peoples submitted memorandum to the Upazila Nirbahi Officer (UNO) of Birol upazila. They also filed a GD (general diary). But the administration did not take any action against the miscreants.

Massive communal attack in Rangamati, injured more than 100 Jummas

On 22 September 2012 the Bengali settlers conducted savagery attack upon the Indigenous Jumma peoples in different localities of Rangamati district town in presence of the security forces. In this attack more than 100 injured Jummas were identified including a government physician, 14 Union Council Chairmen. Three college teachers and nine Bengali settlers and students were also victimized in this attack. Moreover, the Chittagong Hill Tracts Regional Council (CHTRC) office and rest house came under attack and many Jumma houses including their commercial establishments were vandalized. After much delay of the beginning of the attack, Army, Border Guard of Bangladesh (BGB) and police were deployed in the spots of occurrence. Even after their deployment, the law enforcing authorities miserably failed to undertake proper measures to control the situation and save Jumma people and their valuable properties from the attack of Bengali settlers. Finally district administration imposed section 144 around at 1.00 pm on 22. However, even after promulgation of Section 144, the Bengali settlers continued to stage organized attacks in different areas of Rangamati town. During this time, the army and police did not take any initiative to disperse away or to arrest the Bengali settlers

on the ground of breaking the Section 144. Even on 23 September, while Section 144 was still in force, with exception to making dispersed, no Bengali settler was arrested during the attack on Jummas at Rangamati Hospital area, rather attempted to organise attack on Jummas at East Tribal Adaam, Rajmoni Para and Garjantali.

It is learnt that altogether 4 cases were filed with the Kotwali police station in Rangamati. Dr. Binode Shekhar Chakma, member of Bangladesh Medical Association and Medical Officer of Rangamati Civil Surgeon office; Himel Chakma, the Rangamati district correspondent of private Television Channel Independent and The Daily Manob Kantho; Shimul Chakma and Dinesh Tanchangya, the victims of the attack from Kalindipur and Hospital area submitted *Ajahars* with the police station. It was learnt that the two *Ajahars* of the attack on Dr. Sushobhan Dewan and on the attack upon Himel Chakma were accepted as cases. The remaining two *Ajahars* have not yet been accepted as suits. However, the police have not yet put any effort to arrest the persons mentioned in the cases filed with.

About 30 injured people were admitted to Rangamati General Hospital. Later, Dr. Sushobhan Dewan, Mangal Kanti Chakma, Subhash Mitra Chakma, Shimul Kanti Tanchangya, Monghlau Marma and 5 numbers of Bengalis were sent to Chittagong Medical College Hospital. Considering the critical condition, Dr. Sushobhan Dewan was again transferred to Dhaka.



The atrocities of Bengali settlers during communal attack in Rangamati

A three-member Probe Committee headed by Mr. Mostafizur Rahaman, Additional Deputy Commissioner (Revenue) with two members Mr. Brishaketu Chakma, member of the Rangamati Hill District Council and Mr. Habibur Rahaman, Additional Superintendent of Police was formed to investigate into the communal attack in Rangamati. The investigation report was made public in October. Though various recommendations were mentioned in the investigation report, it lacked the reflection of complete and authentic picture of the real incident. As a result, the report failed to embody the root causes of the attack and failed to identify the mastermind and instigators behind the attack.

Communal attack on indigenous villagers by Bengali settlers in Matiranga

On 15 September 2012, Bengali settlers attacked on indigenous villagers at Rajdor Para of Tabulchari mouza under Bernal union of Matiranga upazila in Khagrachari district. Following the attack of Bengali settlers, at around 10.30 pm, more than 15 houses including a Hindu temple (belonging to Tripura community) were smashed.

It was learnt that the Bengali settlers spread that tribal miscreants kidnapped Md. Mostafa with his son while they were going back home from bazaar. Following this information, around 10.30 pm, a group of Bengali settlers numbering 50/60 people, led by Md. Ali Akber (60) of Bernal union and former UP member Alauddin Babul, s/o late Osman Goni, started attacking on indigenous Tripura village with stick and sharp weapons. At that time Bengali settlers smashed more than 15 houses, damaged a temple, and ransacked the valuables from houses. Priest Lali Mohon Tripura, son of Hori Charan Tripura managed to flee from his house nearby temple during this violent attack. At the same time, the Bengali settlers busted and looted the shop of Mr. Priti Bindu Barua, son of Biral Chandra Barua.

After they had made this violent attack, the Bengali settlers were again preparing for another attack at Boropara village (approximately 2 km away from Rajdor para). However, at that time a group of BGB personnel led by 2IC Major Kamrul of Jamini para went there and refrained the Bengali settlers from attacking. At night the Indigenous villagers of Rajdor Para and Boropara fled and took shelter in the nearby jungles for their security and safety.

Massive communal attack on Buddhist community in Cox's Bazaar and Chittagong

On 29-30 September 2012 Islamic extremists conducted a massive communal attack on Buddhist community in Ramu, Ukhiya, Teknaf and Cox's Bazaar municipality area under Cox's Bazaar district and Patia in Chittagong district, following a photograph defaming the holy Quran was reportedly tagged by someone on the wall of a Facebook user, Uttam Barua. In this attack, at least 21 temples including 2 Hindu temples and around 50 houses belonging to Barua community were completely burnt to ashes and more 200-250 houses were ransacked and looted. Hundreds of people became homeless and hundreds of families left their houses for safer places.



Burnt Buddhist temple and image of Buddha after Ramu communal attack

It is learnt that on 29 September around 9.00 pm a militant procession was brought out Chowmuhini area of Ramu upazila sadar. Conducted by leader of Chatra League (student wing of Awami League) Md. Saddam, the procession was addressed, among others, by president of Ramu press club Nurul Islam Selim, leader of Sechhasehabak League (volunteer wing of Awami League) Apel Bhutta et al. Besides, Abul Kasem of Chatra Dal (student wing of Bangladesh Nationalist Party), Md. Didar of BNP, Md. Jahangir of Jamat-e-Islam et al were present in this meeting. Around 8 thousand militant Muslims attended the procession. At a subsequent rally, they claimed a youth by the name of Uttam Barua (24) had posted the purportedly offensive photo in the social networking website and demanded his arrest.

It is also learnt that at around 11.30 pm another militant procession was taken out that marched down towards the Barua Para in Ramu upazila and some youths from the procession set some homes of the Barua Buddhists on fire. At that time, BNP lawmaker of Cox's Bazar-3 constituency Lutfar Rahman Kajal and vice chairman of Ramu upazila Sohel Sarwar Kajal were also present there and they did not prevent the mob from attacking the Buddhist community.

From then on, at least 30 houses, three temples including 'Saada Ching' and 'Laal Ching' were burnt to the ground. A 100-foot high under-construction Buddha sculpture was also ravaged in Bimukti Bidarshan Bhabana Centre in Ramu. The monk of this temple was also wounded. Also, Ramu Maitree Bihara, Saada Chinglaal, Ramy Sina Bihara and Jadiparha Bouddha Bihara were torched, ransacked and looted. At least 10 Buddhist villages were attacked and Purbo Merongloa locality that had around 40 houses was burnt. One of Buddhist temples was Ramu Bara Bouddha Bihara in which thousand-year old Buddha statues were destroyed. Mobs looted and damaged more than 200 houses until 3.00 am in this attack. It is reported that several people were injured in the midnight attack and the Buddhist villagers got panicked and left their houses for safer places. Local people alleged that Md. Didar of BNP led the mob during the arson attack.

The fire services managed to douse the blaze around 3.00 am but the temples and the houses were already gutted by then. Around 3.30 am, units of Border Guard Bangladesh (BGB), Rapid Action Battalion (RAB), and police managed to quell the attack. Local administration imposed section 144 to control the situation. The home minister Mahiuddin Khan Alamgir and industry ministry Dilip Barua visited the spot on 30 September.

In Patia: on 30 September at noon Islamic militants brought out a militant procession at Patia, which was followed by attack on Buddhist, and Hindu temples at Patia in Chittagong.

It is reported that several hundred fanatic Muslims took out a procession and launched attacks on the Lakhara Abhoy Buddhist Bihara at around noon and set it on fire. They also attacked the Kolagaon Rotnangkur Buddhist Bihara, Kolagaon Nobarun Sangha Durga Mandir (temple) and the Matri Mandir at Jele Para in Patia upazila.

In Ukhia: On 30 September around 7.00 pm hundreds of extremist

Muslims led by general secretary of Awami League of Ukhia upazila Hamidul Hoque Chowdhury and former chairman of Ukhia upazila Mahmudul Haque Chowdhury brought out militant procession at Court Bazar area in Ukhia upazila under Cox's Bazaar district. The mob conducted attack on Barua-inhabited villages namely Wakhyong Barua Para, Kutupalong, Court Bazaar and Marijya area of Ukhia. They set fire on five Buddhist temples. The Buddhist temples include- Paschimratna Sudarshon Buddhist Bihara situated at Court Bazar area, Uttar Borobil Buddhist Bihara, Paschim Maricya Shradhangkur Buddhist Bihara, Rajapalong Zadimura Buddhist Bihara and Rejur Kul Dhormashok Buddhist Bihara.

In Teknaf: On 30 September at 7.00 pm thousands of extremist Muslims took out a procession from Hoaikang Lombabil area in Teknaf. The procession was joined by many others when it reached Hoaikang station. They marched down to Laturikhola remote hill area and torched houses of one Buddhist and four Hindu families. In order to disperse the mob, the law enforcers fired some rounds from their guns to disperse the mob.

In Cox's Bazaar municipality: On 30 September around 9.00 pm hundreds of Muslims from Rahmania Madrasa of Pahartali running with the support of Rohingya Solidarity Organisation, Khajamandir Burmaiya Para and Boidyaghona and Maheshkhali Para under Cox's Bazaar municipality brought out a procession. The police rushed there and the mob marched towards Rohingya-inhabited area namely Khajamandir Burmaiya Para and Boidyaghona and Maheshkhali Para. During the procession, the mob threw brick-bats on Rakhaine houses and Buddhist temple.

Communal attack on indigenous villagers in Matiranga

On 15 October 2012 at around 10 pm a Tripura village named Rajdor Para of Bornal union in Matiranga upazila under Khagrachari district was attacked by Bengali settlers. In this attack a Hindu temple of Tripura community and houses of Jumma families were destroyed and looted.

It is reported that on that day a group of unidentified miscreants abducted Mohammad Mostofa and his son on their way back to home from local Dakbanglow bazaar under Bornal union. Receiving the news of abduction,

the Bengali settlers led by Ali Akbar, chairman of Bomal union attacked Rajdor Para Tripura village with sticks and sharp weapons. They destroyed and looted almost 15 houses of this village and also attack a Hindu temple.

A Durga Mondir (temple) attacked by Bengali settlers in Matiranga

On 21 October 2012 at around 11:00 pm Bengali settlers led by Abul Kashem (35), son of Bulbul Ahmed of Tabalchari settler village along with other five settlers have attacked Tripura inhabited Laisapara village (Rambabu Dheba) under Matiranga upazila in Khagrachari district. In this attack Bengali settlers destroyed Durga Mondir (temple) of Tripura people in this village.

KILLING AND OTHER CRUEL TREATMENT

An indigenous adolescent killed allegedly by forest guards in Kaptai

On 7 April 2012 an indigenous adolescent named Ula Mong Marma (14) s/o Thui Mra Chai Marma of village- Aga Para of Chitmorom union under Kaptai upazila of Rangamati Hill District was allegedly killed by forest guards of Kamophuli forest range of forest department.

Local sources said that on that day at noon Ula Mong Marma with his three friends went to the nearby reserved forest under Kamophuli reserved forest to collect firewood for domestic use. Around 3.00 pm a group of forest guards of forest department chased Ula Mong and his friends. Though the friends of the deceased could narrowly escape, the forest guards caught Ula Mong. As Ula Mong did not return home till evening, his friends informed to chairman of Chitmorom union Mr. Thowai Ching Marma about the matter. The local people searched him in the forest at night, but they failed to trace the victim. The next day on 8 April 2012 around 9:00 am the local people recovered Ulah Mong's dead body covered with bush and leaves at the reserved forest.

Dr. Mong Kyaw Ching Marma, acting Residential Medical Officer (RMO) of Rangamati General Hospital said that Ula Mong Marma had died due to head injury.

Kamophuli range officer Mamunur Rashid declined the involvement of any forest staff with this incident. However, local villagers confirmed that a

group of forest guards led by beat officer Md. Abdul Rahman was patrolling at that area of the reserved forest on that day.

It was learnt that on 10 April 2012 a case was filed with the Chandraghona police station in this connection. But none was arrested.

Four indigenous laborers killed at Manda in Noagaon

On 4 May 2012 at around 11.00 am four indigenous laborers were killed and 10 more, including woman, were seriously injured at Chakgopal field in Kashpur union of Manda upazila in Noagaon district in a clash over land dispute.

It is learnt that Mr. Maharama Mardi (48), Mr. Madan Mardi (45) and Mr. Ilyas Mardi (40) were killed in the spot and seriously injured Mr. Krishna Mardi died in the following morning in Rajshahi Medical College Hospital. All the deceased were inhabitants of Pungi (Nibuda) village of Niyamatpur police station under Naogaon district.

The Office-in-Charge (OC) of Manda police station Abdullahel Baki said that Mr. Anowar and Mr. Dalim, farmer of Chakgopal village, had a long dispute over 10 Bigha land. In this regard a trial had also been running in the Court. Sources said, Mr. Anowar had implanted Boro paddy in the current season. In that morning Mr. Dalim hired some indigenous laborers for reaping the Boro paddy. While they were reaping the harvest, Mr.



Investigation of onsite inquiry team in North Bengal

Anowar brought some Bengali people with rods and sharp weapons to attack them. As a result, a clash occurred between them. In that afore stated clash, three indigenous laborers were killed on the spot. After hearing the news, police went to the spot immediately and recovered the dead bodies.

Mr. Salam, brother of Mr. Dalim filed a case against Anowar and his gang. Following the incident, police arrested Dalim, who hired the indigenous laborers and 6 persons of the Bengali attackers. On 1 June 2012 police also arrested two alleged perpetrators namely Anwar and Delwar.

Bengali miscreants slit two indigenous' throats in Rajshahi

On 13 October 2012, two innocent indigenous villagers, namely Mr. Robi Das Mardi (30) s/o Jonas Mardi and Foni Kisku (34) s/o Robi Kisku, were slit their throats by local miscreants (Bengali people) Md. Nabin Khan, s/o Ashraful Khan and Md. Jahangir Alam, s/o Moiyod Ali at Polashshi village in Godagari upazila of Rajshahi.

The terrorists attempted to kill Rabidas Mardi by slitting his throat with their sharp knives. The miscreants also attacked Foni, a neighbor of Robidas, with the sharp weapons when he tried to save Robidas. Consequently, both of them rolled on the ground. The victims were admitted to Rajshahi medical college in critical conditions.

In an investigation on the spot, Fani Kisku informed that two Bengali youths Nabin Khan and Jahangir Alam of the village were creating nuisance in the area around 2:00 am, disturbing the sleeping villagers. When Robi asked them to stop the nuisance, they became angry and slit his throat entering his house. A case was filed against the miscreants and an alleged person has been arrested by the police.

An indigenous Jum farmer shot dead by forest guards in Kaptai

On 19 October 2012 around 12.00 noon an innocent indigenous Jum farmer was shot dead by forest guards led by beat officer Md. Jahangir while victim was collecting firewood for domestic work from a broken tree at Shalban Reserve Forest area under Kaptai upazila in Rangamati district. The victim was identified as Priya Lal Tanchangya (35), son of Bishak Dhan Tanchangya from Bagmara village of Kaptai union, the nearest village of Shalban forest area. The dead body was found with sign of bullet mark at stomach and left side of the chest.

It was learnt that around 5:15 pm a troop of police from Kaptai police station recovered the dead body of Priya Lal. Notably, the Reserved Forest Shalban area was permitted for public access although local forest department controlled it. The local community people have been cultivating Jum in this forest area for a long time.

On 20 October 2012, Jibak Tanchangya, brother-in-law of the victim, filed a murder case against unidentified 10/12 forest guards in Kaptai police station. But police did not take any action in this regard. It was learnt that forest department staff offered BDT 200,000 to the wife of Priya Lal Tanchangya to compromise this issue.

It is to be noted that the forest department officials in this area allegedly committed several unlawful killings and disappearances for some time. But they enjoyed impunity against such incidents. Killing of indigenous people in these areas by the forest department staff contravenes unhindered human right.

ATTACK, TORTURE AND INTIMIDATION

Government intimidates chairman of Ruma upazila charging fabricated activities

Government ordered chairman of Ruma upazila in Bandarban district Mr. Aung Thowai Ching Marma to be present before an investigation officer of the Chittagong division with evidences on 25 January 2012 at 11.00 am at Bandarban circuit house. Mr. Marma was charged with some fabricated activities. Mr. Marma said that the charges against him were nothing but to harass him politically.

It is learnt that on 18 January 2012 director of local government of Chittagong division Mr. Shankar Ranjan Saha issued this government notice referring a letter from the Ministry of Local Government, Rural Development and Cooperative.

In the allegation against Mr. Marma, it is stated, "Mr. Aung Thowai Ching Marma is elected chairman of Ruma upazila. However, he continues anti-government propaganda. Such motivated and malicious activities are as follows:

(a) On 21 September 2011, Mr. Tomass Christian, an US citizen, visited to Bandarban to inspect the activities of an NGO named Mrochet and he went to Ruma upazila on 24 September 2011. At that time some banners, placards with demand of Indigenous Peoples and motivated information were hanged at various places of Ruma upazila by the upazila chairman Aung Thowai Ching Marma. Mr. Tomass Christian made videos of these placards.

(b) It is learnt that he spreads anti-Bengali and provocative speech through Lui Prue Marma at various tribal villages. He tries to make tribals agitated misinterpreting that “Md” must be written before the name of tribals.

(c) A new army garrison at Ruma was supposed to set up in compliance with Peace Accord. Procession, meeting protesting against setting up garrison were organised by upazila chairman and Lui Prue Marma.

(d) In 1996 Thanchi upazil chairman was abducted and the then PCP leader (student wing of PCJSS) and current upazila chairman was directly involved with this incident. It is also learnt by various sources that in 2009 Sangu College was set on fire in accordance with his direction.”

Attack on Indigenous Peoples in Jamalpur

On 10 August 2012, a group of miscreants attacked on Dhanata Adivasi Polli under Sorishabari municipality in Jamalpur district. It is learnt that a group of people used to take illegal drug marijuana for a long time just beside the Adivasi Polli. On that day, indigenous villagers protested against this illegal drug taking and in response to this, at night the miscreants conducted attack on Indigenous Peoples with sticks and sharp weapons at night. The attack left at least four people injured. The victims identified were– Swapon Roy (40), Bokuni Rani (35), Sunil Roy (41), and Liton Roy (20). They were admitted at upazila health complex.

On 11 August 2012, Indigenous Peoples staged demonstration at Upazila Dakbanglow (rest house) against this attack. Later, they withdrew their demonstration with the assurance of justice by local lawmaker Mr. Murad Hasan, MP.

Army raided a Jumma village and ransacked two houses in Rangamati

On 14 November 2012, a group of army from Kharikkyong camp of

Bondukbhanga union in Rangamati conducted raid in a Jumma village named Kandobachara under Balukhali union in Rangamati district. In this raid, valuables of two houses were ransacked.

It is learnt that on that day at around 1:00 pm, a group of army of 24 Bengal from Kharikkyong camp led by Captain Paharat and Subedar Joyanal came to the Kandobachara village under Balukhali union and raided the village. The army searched the houses of Balaram Chakma (47) and Sona Ratan Chakma (48). They rummaged through valuables of the houses and broke up the furniture.

Sources said that Balaram Chakma and Sona Ratan Chakma were not present at their home during the search and the reason for this late night raid was the allegation of providing food to the terrorists.

ARBITRARY ARREST AND DETENTION

Two indigenous villagers arrested by police in Tanore

On 17 April 2012, police from Tanore police station led by Sub-Inspector (SI) Masudur Rahman arrested three indigenous villagers from Boidyapur adivasi village under Tanore upazila in Rajshahi district. The arrested villagers were identified as Maniyel Tudu (19) s/o Sunil Tudu, Paramesh Hembram (22) s/o Supal Hembram and Filimon Mardi s/o late Shivlal Mardi.

It is learnt that at least 60 indigenous Santal families had been living at Boidyapur village under Tanore upazila. On 9 March 2012, Omar Faruque s/o Nur Mohammad and his gang suddenly entered the village and tried to evict indigenous families living on the homestead of late Shivlal Hembram aiming to occupy said land.

The land grabbers attacked 5 villagers including Chhalomi Hasda and Nirmal Hembram while indigenous villagers tried to prevent the miscreants from evicting indigenous villagers from their homesteads. Chhalomi Hasda and Nirmal Hembram were admitted at Tanore health complex with serious injury. With regard to this attack, Francis Hembram of Boidyapur village filed a case against 17 Bengali land grabbers including Omar Faruque with Tanor police station on 12 March 2012 (case no. 12). But police did not arrest any perpetrator in this regard, as yet.

On the contrary, on 12 March 2012, Omar Faruque lodged a case (no. 11, dated 14/04/2012) with additional magistrate court of Rajshahi district against 12 indigenous villagers including Feran Mardi, Maniyel Tudu, Paramesh Hembram and Filimon Mardi falsely alleging that they were not vacating the land. Following this false case, police raided the village and arrested those indigenous villagers on 17 May 2012 in the evening.

It is reported that the arrested indigenous villagers got released on bail in the evening of May 18th from the court.

Army arrested an innocent Jumma youth at Suvalong

On 29 October 2012 at late night around 2:00 pm a group of Bangladesh Army led by Captain Masud of local Suvalong army camp arrested a fool-type youth named Rupamoy Chakma from Suvalong bazaar area of Barkal upazila under Rangamati hill district branding him as a member of pro-Accord arm group.

It is learnt that arrested Rupamoy Chakma, son of Nalini Kumar Chakma, village- Digholchari of Suvalong union under Barkal upazila is a very ordinary youth, who is already known as somewhat fool-type and a pilferer at his own area. So, it is beyond question of his involvement with any organisation.

Later, the army handed over Rupamoy to Barkal Thana police along with the arms. Thus, based on false and fabricated information, a case was filed against Rupamoy.

DISCRIMINATION

Bengali lawyers unleash unprecedented hatred against Indigenous Peoples regarding them as 'untouchable' in Joypurhat

In an unprecedented manifestation of hatred, the lawyers of Joypurhat Bar Association asked their fellow lawyer Advocate Babul Rabidash and Jatiya Adivasi Parishad (JAP) to replace 26 water glasses terming those as 'unusable' due to handling by some indigenous persons.

It was learnt that on 4 October 2012 the Indigenous Peoples of Joypurhat conducted a long march from Durgadoho bazaar to Deputy

Commissioner's office of Joypurhat district against suppression, rape, land grabbing, and false charges against them. The Indigenous Peoples submitted a memorandum to the Deputy Commissioner at the end of the long march.



Human chain against manifestation of racial hatred by Bengali lawyers at Joypurhat

At around 3.30 pm the Indigenous Peoples ate lunch at a hotel of Joypurhat bar council building run by one Mohammad Nurul Islam through a lease and paid all bills of their meals. But in the presence of the Indigenous Peoples, one lawyer Mohammad Yunusar Rahman (Yunus) informed the hotel manager that the secretary of Joypurhat Lawyers' Association Abu Nasim Mohammad Shamimul Islam (Shamim) asked him to seize the plates and glasses of the hotel in which the Indigenous Peoples and Dalits took their food and drink. The plates and glasses used by the Indigenous Peoples needed to be replaced, as they were untouchables. Furthermore, according to Yunus, he also ordered to beat the hotel manager for serving meals to the Indigenous Peoples and Dalits.

Advocate Babul Rabidash said that he was forced to buy new glasses for the hotel since the untouchables used those, as lawyers cannot be using the same plates and glasses. He said, this kind of treatment is considered discrimination and violation of human rights as per Article 28 of Bangladesh Constitution.

Seeking justice to this discrimination, Advocate Babul Rabidash submitted an objection to the Deputy Commissioner of Joypurhat district, president of Joypurhat Bar Association, chairman of the National Human Rights Commission (NHRC) and chairman of the Bangladesh Bar Council. But except for NHRC, the authorities did not take any action. The NHRC issued a show cause notice to secretary of Joypurhat Lawyers' Association Abu Nasim Mohammad Shamimul Islam (Shamim).

It is noteworthy that on 14 August 2012, Advocate Babul Rabidash also submitted an objection to Joypurhat Bar Association against a lawyer of Joypurhat court named Advocate Nanda Kishore Agarwal for terming him as low caste and untouchable. But Joypurhat Bar Association did not take any action regarding Babul Rabidash's application.

It is also mentionable that historically the untouchables were not allowed to touch people from the four Varnas (castes). They were not allowed to enter houses of the higher Varnas. They were not allowed to enter the temples and also not allowed to use the same wells used by the Varnas. To some extent, such type of discriminatory practice still exists in the Northern parts of Bangladesh.

11 indigenous Tripura children rescued from Madrasas in Gazipur and Dhaka

In July 2012 eleven indigenous Tripura children from villages of Thanchi, Ruma and Lama upazila in Bandarban district escaped from Madrasas in Gazipur and Dhaka. Of them, 8 children were kept at the Darul Huda Islami Madrasa of Mia Para in Gazipur district, a female child was kept in a madrasa in Muhammadpur, Dhaka and two children were at Darul Huda Islami Madrasa in Maddha Badda at Gulshan in Dhaka.

Their parents had to pay taka 6-15 thousand to one Andrew Tripura (18) s/o Gongfru Tripura, Baromoni Tripura s/o Chondrion Tripura and Norbert Tripura from Bandarban district, when the brokers took the children in January to February 2012 in the name of taking them to a mission for education, although they were taken to various madrasas (Muslim education centres) in different parts of the country. Taking the advantage of poverty and ignorance, they might have sold these children in the

madrasa in which way they are all benefited from the both parties.

When the children heard that they would be circumcised on the next day, they escaped from the madrasa, in which they were forced to conduct Arabic lessons from 8:00-12:00 am, Nurani Shikkha from 2:00-5:00 pm and 5 times prayers regularly in madrasa along with many other smaller adivasi Christian children from Khagrachari and Bandarban district. In the anonymous madrasas they were encouraged to sacrifice themselves for Islam so that they will be rewarded in Behestha (Heaven) which is only granted by Islam.. These children were waiting for chances to flee from the madrasa where they were also tortured if they refuse to practice the Islamic customs.

The 8 children of Darul Huda Madrasa in Gazipur pleaded for help to save them from a mistress of Hindu family next to the madrasa and gave the mobile numbers of their parents. The parents only came to know about the miserable and threatening life of their children when they were informed. The half of the 8 children fled away from the madrasa to Dhaka on 4 July 2012 with an assistance, while another half of the 8 children ran away on 13 July 2012 in the same way. The female child was traced much later when another female child ran away from the same place and informed the matter to all at her home. Another two children who were kept at Darul Huda Islami Madrasa in Dhaka ran away from the madrasa early in the morning on 20 July 2012.

The rescued children are now at St. Joseph Orphanage at Gournadi in Barisal district and started their regular studies along with other children. The rescued were:

1. Shanti Chondro Tripura (Md. AbdurRahman), s/o Robihan Tripura from Shefru Para of Ruma upazila in Bandarban, 10 Years, Class IV;
2. Mathew Tripura (Md. Joshim) s/o Kongsholha Tripura from Boithuni Para of Ruma in Bandarban, 10 years, Class IV;
3. Joseph Tripura (Md. Masud) s/o Nokurang Tripura from Imajhon of Thanchi in Bandarban, 10 years, Class IV;
4. Dominic Tripura (Md. Hafiz Uddin) s/o Machondro Tripura from Durjodhon Para of Lama in Bandarban, 10 years, Class IV;
5. Simon Tripura (Md. Abu Hurera) s/o Atijon Tripura from

- Emmanuel Para of Tongkapoti in Bandarban, 9 years, Class IV;
6. Peter (Pitor) Tripura (Md. Bashir) s/o Rumajon Tripura, from Kiomong Headman Para of Thanchi in Bandarban, 8 years, Class II;
 7. Reshmai Tripura (Abdullah) s/o Chondrion Tripura from Shepru Para of Bilaichori in Bandarban, 10 years, Class IV;
 8. Juel Tripura (Abu Jafar) s/o Anonta Tripura from Kiomong Headman Para of Thanchi in Bandarban, 10 years, Class IV;
 9. Shantona Tripura (Halima Begum) d/o Rumajohn Tripura from Kiomong Headman Para of Thanchi in Bandarban, 10 years, Class II;
 10. Raymond Tripura (Md. Abdur Rahim) s/o Rajbahadur Tripura from Borothali Para of Ruma in Bandarban, 13 years, Class VI; and
 11. Shushanto Tripura (Md. Abdul Bashir) s/o Atijon Tripura from Emmanuel Para of Tongkapoti in Bandarban, 12 years, Class VI.

MEDIA REPORTS

daily sun TRUE & IMPARTIAL

The Daily Sun, 26 January 2012

Buddhist temple land grabbed Former AL lawmaker blamed

→ **Noman Chowdhury, back from Teknaf**

A former lawmaker has allegedly appeared as lawbreaker taking possession of 10 acres of land of a three-hundred-year-old Buddhist temple of the indigenous Rakhine community at Teknaf in Cox's Bazaar.

People of the community have not been able to hold their religious festivals at the temple over the last two years, locals said.

Cox's Bazaar district Awami League vice-president and former lawmaker Prof Mohammad Ali and his son Rashed Mahmud Ali along with their "musclemen" have grabbed about 10 acres of land of South Hnila Buddhist temple, they alleged.

Prof Mohammad Ali, however, claimed that he had taken out a lease on the land of the temple.

Bangladesh Rakhine-Marma Sangha Council Chairman Ven U Pandita Mahathero said the former lawmaker "grabbed the temple", established three hundred years back by Jamindar Rapau Chowdhury.

He termed the transfer of religious property illegal and asked the possessors to return the property of the temple to Rakhine people. He urged the government to recover the land of the historic temple from the hands of the occupiers.

People of the Rakhine community alleged that grabbers launched a series of attacks on the Rakhine people to capture the land.

They alleged the musclemen had carried out attacks at least eight times in the last two years. In the first attack on August 26, 2010, they "physically assaulted principal of the temple Ven Upanwara and looted valuables", said the locals.

On January 21, a team of noted citizens from Dhaka led by Pankaj Bhattacharya went to Teknaf to visit the temple and enquire about the incidents.

But, as soon as the visitors left the place, the grabbers launched another attack, they said. The attackers damaged the structure of the temple and took away 20 Buddha statues, said the community people.

During a visit, this correspondent found that most of the temple belongings, including statues and furniture, were missing.

Krong Kyang, 82, inhabitant of Chowdurypara, told daily sun that he used to take part in prayers at the historic temple. "We have not been able to pray for more than two years." He urged the government to take step to free the temple from the hands of the "grabbers".

Nima, 55, of Hnila Bazar said no religious festivals have been held in last two years at the historic Hnila temple for the ransacking.

In an oblique reference to Mohammad Ali and others, she said they planted trees on the temple land.

Jainul Bari, deputy commissioner (DC) of Cox's Bazaar, said selling or leasing out of religious property is illegal. "The administration will try its level best to recover the land of the temple," the DC said.

Selim Mohammad Jahangir, superintendent of police (SP) of Cox's Bazaar, said they would try to uphold the sanctity of the temple by ensuring security measures. He advised the Rakhine people to go for legal battle to reclaim the property.

Contacted for comment, Prof Mohammad Ali said he took out a lease on the land in 2001 as he didn't know that taking out lease on religious land is illegal.

"I am ready to leave the land of the temple if I get back the cost of plantation," he said. Mohammad Ali denied the allegation of looting valuables from the temple and threatening the Rakhines.

The Daily Star

Monday, May 28, 2012

Blast in Hills Tragedy thrust upon them



While his classmates prepare for upcoming exams, critically injured Jibon Chakma lies on a hospital bed trying to come to terms with the fact that his right leg might be amputated from his knee to save his life.

Jibon, a victim of last week's bomb blast in Rangamati, was to undergo a third round of surgery yesterday which was postponed because of severe bleeding in his leg.

Earlier, physicians at Physicians National Institute of Traumatology and Orthopaedic Rehabilitation (Nitor) Hospital informed his family that the spread of infection from his severely damaged leg might threaten his life.

A third year student of Construction Technology at Bangladesh-Swedish Polytechnic Institute (BSPi), Jibon is among 14 activists of Pahari Chhatra Parishad (PCP) injured on May 20 when unidentified assailants hurled a bomb at a group of PCP activists after they attended a council meeting.

Mongsa Ching Marma, 20, later succumbed to his injuries at Chittagong Medical College Hospital last Tuesday. Critically injured Jibon, Babu Dhan Chakma and Kamonasish Chakma were shifted to Pangu Hospital from Chittagong Medical College and Hospital (CMCH) last Monday.

Jibon's brother Robindra Chakma told The Daily Star on Saturday that the doctors had talked to the family about his brother's health situation. "Life is more valuable than a leg," Robindra quoted Jibon as saying when he was told of the probable amputation.

Prof Dr KH Abdul Awal Rizvi, director of Nitor - popularly known as Pangu Hospital - told The Daily Star on Saturday that Jibon had already undergone two surgeries. "We are trying to save his leg but we may have to decide to amputate it from his knee during the surgery depending on the situation that arises."

"It was our dream that Jibon would become an engineer. This incident has not only changed his life but all our family's aspirations too," said Robindra, whose parents are farmers.

The conditions of Babu Dhan Chakma and Kamonasish Chakma are stable now but they have to go undergo further treatment for a long period, family members said.

Kamonashish, a classmate of Jibon, lost four toes of his left leg and had injuries caused to his hands and legs. "We are concerned whether he will be able to sit for the coming examinations to be held within a month and a half," his brother Deba Priyo Chakma said. "The incident has left him with severe trauma." Kamonashish was grief stricken when he spoke to this correspondent.

"I did not want to harm any one. I just wanted to work to uphold the human rights of my community and that is why I joined that event," he said. "I want a proper investigation and exemplary punishment of those responsible," the 21-year old said.

Babu Dhan Chakma, general secretary of PCP of BSPI unit, also demanded exemplary punishment of those responsible for the heinous attack and proper implementation of the Chittagong Hill Tracts (CHT) peace accord.

The Daily Star

Saturday, May 12, 2012

Metropolitan

Case panics Naogaon Adivasi clash victims

Bulbul Ahmed, Naogaon and Anwar Ali, Rajshahi

Having lost their bread-earners in the May 4 clash, families of four Adivasi labourers in Naogaon are passing their life in panic, as police recorded a case filed by the alleged killers against a number of unnamed Adivasi men.

The families expressed their fears on Friday when a group of social activists, including lawyers, journalists, and development activists led by columnist Syed Abul Maksud from Dhaka, visited them at Pungi Niboda village in Niamatpur.

Kristina Hembrom, wife of Ilias Mardi, one of the four murdered, alleged that police recorded a case of the killers, accusing 10-12 unnamed Adivasi people to counter their murder case.

"We are worried and fearing arrest any time for the case", she said, in tears. Kristina said she was also anxious about her future with her two sons.

Ilias Mardi, Madan Hembrom, Moharam Marang and Koki Tudu were killed in a clash between the supporters of two rivaling land owners at Chalk Gopal village in Manda upazila, where they went to work after being hired by Abdul Alim, one of the owners.

Abdul Alim has been in feud with one Anwar Hossain over eight bighas of land.

Kristina said Alim hired five Adivasi labourers for harvesting paddy for a rate of Tk 2,500 per bigha a day before the clash. "Alim's offer was lucrative as labourers usually work at Tk 200 per day. Alim said he was having a shortage of labourers".

The widows said they were not aware that their husbands had been hired.

"I felt like a bolt out of the blue when I heard of the murder", said Maina Hembrom, wife of Madan Hembrom. "And now police are also acting against us".

The only surviving Adivasi man in the incident, Chandi Kisku, was now fleeing home following the case, they said.

Syed Abul Maksud told the families that they would pressure the government for ensuring justice.

Noted jurist Barrister Rafiq-ul Huq, who was also in the team of visitors, said recording a case against fellow men of the victims was like murdering the victims once more.

Asked why police took the case against the Adivasi men, Superintendent of Police (SP) of Naogaon YM Belalur Rahman said it was because Anwar Hossain claimed that Abdul Alim forcibly wanted to harvest crops of the land, of which he was the actual owner.

He said he would ask police not to harass or arrest the Adivasi men.

The visitors' team also included journalist Saleem Samad, Bangladesh Adivasi Forum organising secretary Saktipada Tripura, Dhaka University teacher Robaet Ferdous, and Kapaeeng Foundation's Dipayan Khisa.

III. LAND RIGHTS AND LAND DISPOSSESSION



III. LAND RIGHTS AND LAND DISPOSSESSION

Indigenous Peoples of Bangladesh in the plains and the Chittagong Hill Tracts (CHT) continue to be dispossessed of their lands by Bengali settlers and migrants. An increasing influx of other actors such as private corporations and individual power-holders who grab plots and plantations of Indigenous Peoples also has been noted lately. Many indigenous families have been displaced from their traditional lands as a result of large-scale development projects such as the establishment of military/para-military camps, training centres, tourist eco/national parks and afforestation. These acts of land alienation often happen both through direct government support, tacit support and patronage and other acts and omissions of civil and military personnel. The aforesaid acts of land alienation are contrary to the applicable national and regional land laws, and the ILO Convention No. 107 - which provides safeguards for Indigenous Peoples' individual and collective land rights. It is to be noted that Bangladesh ratified ILO Convention No. 107 in 1972 and Convention on Biological Diversity (CBD) in 1994.

The East Bengal State Acquisition and Tenancy Act, 1950 regulates and forbids transfer of lands owned by aboriginals to non-aboriginals in the plains without the consent of the government's district officer. Although this act is practiced in some parts of greater Mymensingh district, it is less institutionalized in Dinajpur district and is virtually absent in Rajshahi district. Non-implementation of this Act is leading to illegal encroachment by the mainstream population and also by the government in the name of development. In the north-west of Bangladesh, most Indigenous Peoples lost their traditional lands as the administration listed them as 'Khas' (state-owned) land. The Government plans to extract coal in Fulbari of Dinajpur district, where indigenous Santal and Oraon people in more than 76

villages live in fear of eviction. Execution of the project will also degrade the environment of the area. In Moulvibazar district, more than 1,000 indigenous Khasi families faced eviction from their ancestral land by a government eco-park project initiated in 2001. A similar project taken up in Garo populated areas threatens to evict 20,000 Garos in Madhupur forest.

Indigenous Peoples often face false and harassful criminal cases for allegedly violating the forest laws,⁶ where they are denied of their traditional rights of cultivation, hunting, gathering and so forth. Cases are filed against Indigenous Peoples as they raised their voice against social afforestation, eco-park, rubber planting and land acquisition by government.

The major threat to Indigenous Peoples' homesteads and farmlands is 'land-grabbing' by mainstream population, corporations and government agencies. In Bangladesh, the customary land rights of the Indigenous Peoples are frequently violated. In the name of conservation of forest, the rights of the Indigenous Peoples to extract resources from forest, in accordance with customary law, are restricted and limited. Jumma peoples are also being restricted to continue Jum cultivation. So-called 'development' schemes have also occupied the indigenous resource bases and displaced the indigenous population as a consequence.

At A Glance: land-related incidents and casualties of Indigenous Peoples in 2012

In 2012, a total 30 families including 2 from CHT were attacked and 26 persons, 10 persons from CHT and 16 persons from plain, were assaulted and injured with the intention to occupy land belonging to Indigenous Peoples. At least 725 families, 540 families from CHT and 185 families from plain have faced threat to eviction in connection to land grabbing. Besides, 14 houses were burned to ashes in the plains. Indigenous Mro villagers numbering 13 families left their village due to grabbing their land by the outsiders in Bandarban district. More than 11 business companies including Destiny Group occupied thousands acres of lands recorded and owned by indigenous Jumma and permanent Bengali residents in CHT.

⁶Background Study on the Chittagong Hill Tracts Land Situation, by Raja Devasish Roy, CARE-Bangladesh, 2004.

In 2012, a least 8 cases were filed by the victimised indigenous villagers against land grabbers, but no action was taken by administration. On the other, land grabbers also lodged false and fabricated case against indigenous villagers to harass the indigenous peoples.

Compared to 2011, the number of incidents of arson attacks, looting, assaults and killing has significantly decreased in 2012 in CHT. However, the number of incidents related to uprooting families and threats to eviction in CHT has increased dramatically in 2012. In the plains, the number of incidents of arson attacks, looting, assaults, killing and threats to uprooting has significantly increased in 2012.

Table 4: Land-related incidents and casualties of Indigenous Peoples in 2012

Form of atrocity	CHT	Plain	Total
No. of houses burnt to ashes	-	14	14
No. of houses looted & ransacked			
No. of families attacked	2	29	31
No. of persons assaulted & injured	10	17	27
No. of persons killed		1	1
No. of uprooted families	13	-	13
No. of families threatened to uprooted	540	185	725

Table 5: Land-related incidents and casualties of Indigenous Peoples in 2011

Form of atrocity	CHT	Plain	Total
No. of houses burnt to ashes	111	-	111
No. of houses looted & ransacked	6	6	12
No. of families attacked	146	19	165
No. of persons assaulted & injured	20	1	21
No. of persons killed	2	1	3

Figure- 3.1: Land related incidents in CHT: 2012 vs. 2011

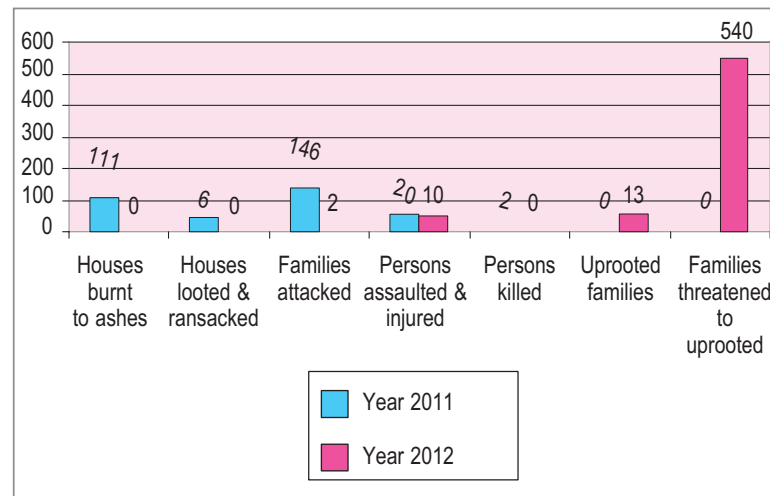
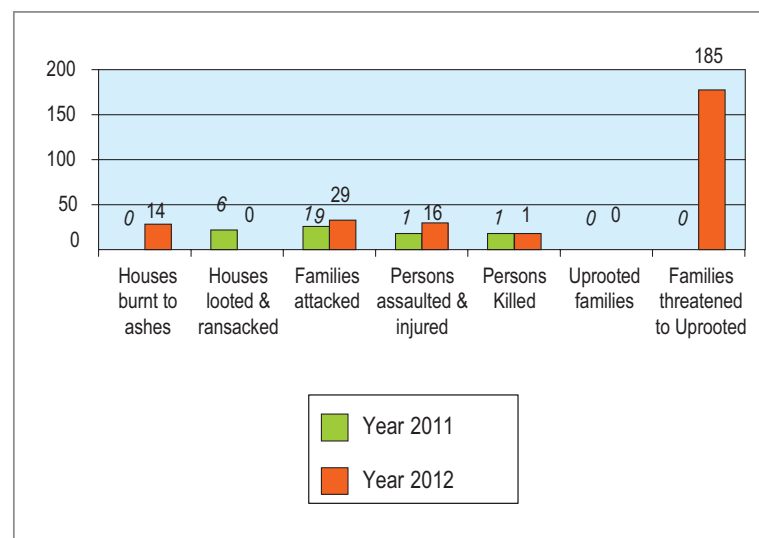


Figure-3.2: Land related incidents in plains: 2012 vs.2011



**Table- 6: Attack on Indigenous Peoples in Plain Lands
2009-2010**

Form of atrocity	Total
No. of houses burnt to ashes & looted	56
No. of houses destroyed and looted	5
No. of families attacked	155
No. of persons assaulted	100
No. of families evicted	13

Land Commission for plain land Indigenous Peoples

The main problem of the Indigenous Peoples in the plain lands is land-centered, which is why they need a separate Land Commission. The government is yet to form a Land Commission for plain land Indigenous Peoples despite its assurance in their election manifesto that “Special measures will be taken to secure their original ownership on land, water bodies, and their age-old rights on forest areas. In addition, a land commission will be formed.”

The Indigenous Peoples in plain land have been urging the government to form a separate land commission for Indigenous Peoples of plain land. The other demands related to land include freeing their lands from encroachers and halting drive to evict them from their ancestral land in the name of afforestation. Indigenous Peoples also reported that encroachers grabbed temple, graveyard and arable lands belonging to the Indigenous Peoples.

Vested Property (Return) Act 2011

On 29 November 2011 the Parliament has passed a landmark bill named the Vested Property (Return) 2011 Act that will enable the return of land property seized from the country’s Hindu minority and Indigenous Peoples that have been expropriated over the last four decades. However, the process of returning the property to the rightful owner is yet to start. Minority leaders said that there were some good provisions but it was not enough to address minority’s demand to return all seized properties to their rightful owners. Most of the indigenous people have not applied for

returning their vested property due to fail collection of necessary documents from land office and local union council office and financial constraints. Many indigenous villagers are not aware how to collect the documents and how to apply.

The rights groups demanded extending deadline to 150 days from the existing 90 days to go to the tribunal regarding any complaints the gazette on vested property list is published. It was alleged that the gazette of the vested property list was supposed to be available at upazila-level by 10 May 2012 but in reality, people did not get it.

Ashroyon Project in CHT

The Government of Bangladesh, in particular, the Prime Minister’s office is implementing a rehabilitation programme across the country for the landless people named Ashroyon Project (Shelter Project). However, the CHT Regional Council (CHTRC) putted objection on it focusing existing land related problem in the CHT while Bandarban district administration took initiative to prepare the list of beneficiaries of this project. In this connection, the CHTRC issued an office order to the Deputy Commissioners of three hill districts to stop activities of the Ashroyon Project until the land related disputes in CHT are resolved as per CHT Accord. Further, the CHTRC believes if this project is initiated, a fresh tension regarding land issue in CHT may arise.

The office order also illustrated that according to the CHT Accord, the repatriated Jumma refugees and internally displaced persons (IDP) should have rehabilitated and land disputes in the CHT are resolved. For these purposes, the government institutionalized the CHT Land Dispute Resolution Commission and Task Force on Rehabilitation of Returnee Jumma Refugees and IDPs. Therefore, if the rehabilitation of Ashroyon Project begins without addressing existing land problems, it will generate fresh land related problem in CHT.

However, it is reported that district administration is conducting project related activities ignoring the CHTRC’s order. Local sources confirmed that district administration ordered Headmen to prepare the list of landless people. Nonetheless, Headmen are facing problem listing the landless families due to absence of particular instruction from administration for identifying the landless households.

Rights to Food of Indigenous Peoples

The protection of Indigenous Peoples' land and their resources is fundamentally important for the realization of Indigenous Peoples' right to food. There is inadequate implementation of the National Food Policy 2006 where the food security of Indigenous Peoples was not addressed. Indigenous Peoples of Bangladesh make up a significant percentage of the food insecure, often facing chronic hunger and malnutrition. For instance, as several studies confirm, the potential destruction of extensive farmland and other natural resources, covering around 15,000 acres, by the Phulbari coalmine project is a serious concern and the affected people are currently food insecure and live below the nutrition poverty line. It is estimated that 50,000 indigenous persons, belonging to 23 distinct indigenous communities would be evicted or impoverished by the mine. Land to be acquired for the Phulbari Coal Mine includes entire villages of indigenous households belonging to the Santal, Munda, Mahali, and Oraon peoples.

In the Chittagong Hill Tracts region, the lands used for traditional shifting cultivation were leased out to Bengali outsiders in 1980s and 1990s for rubber plantation and other commercial purposes. This generated food insecurity among Jumma people and made an adverse impact on livelihood of indigenous villagers, from which they are still to recover.

LAND RELATED INCIDENTS IN THE PLAIN LAND

Attempt to grab ancestral graveyard land of the Punjees in Moulabibazaar

On 16 January 2012 a notice was sent to the Maghatila Punjees by the union land administration of Kormadha union under Kulaura upazila in Moulabibazaar district ordering them to show their paperwork on their ownership of their lands by 22/01/2012. This order was issued by the administration following an appeal by a Muslim Bengali person to the District Commissioner (DC) regarding alleged unlawful residence of the Maghatila Punjees in the grave area in Kormodha union hill area in Kulaura upazila.

Upon receiving this notice, Monika Khongla and Flora Bably Talang met with Kormadha Union Parishad chairman Abdus Saheed Babul. He advised them to meet with the District Commissioner and explain the situation. It is to be noted that Maghatila Punjee has decreed upon 75 acres of the land and 30 acres have already been recorded for permanent settlement on which the villagers have been paying tax (khajna). The Punjees minister and indigenous leaders are aware about the situation.

Attempt to occupy graveyard belonging to Santal community in Dinajpur, 20 families in fear of eviction

In January 2012, around 20 families of indigenous Santal community were forced to leave their homes under Binail union of Birampur upazila in Dinajpur district due to the attacks and threats by the UP Chairman and other influential people. Indigenous villagers took shelter at different missions in Birampur and Phulbari upazila. The villagers alleged that Dashir Uddin and his sons Rashid Ali and Idris Ali tried to occupy the graveyard belonging to the indigenous Santal community using false paper.

On 23 December 2012 when Dashir Uddin started digging the graveyard land in the afternoon, the indigenous villagers halted him. Later, around 5 pm the chairman of Binail union Mr. Hamidur Rahman, along with some 30-35 men attacked the indigenous villagers with sticks and spears. The attackers left the place upon the arrival of BGB personnel from the nearby Ranninagar camp. The next morning the UP Chairman sent his musclemen to catch the indigenous villagers. The indigenous men had gone in hiding in different areas of Birampur since. It is learnt that the indigenous villagers went to the police station to file a complaint, but the police did not accept it.⁷

Indigenous villagers attacked and their houses burnt down in Dinajpur

In January 2012 six indigenous Santal women were harassed and beaten over land conflict in Gopalpur village in Dinajpur district by an Azizul Rahman and his gang. Their homes were also looted and burnt down. The victims were intimidated to lodge a complaint at the police station due to threats from their attackers, Azizul Rahman and his gang.

Mr. Upen Hembram from Purba Mohanpur village said, land grabber Mr. Azizul Rahman from Chak Gopalpur village filed a false case against 22 indigenous men and women at the court on 14 December 2012 in an attempt to occupy their lands. As the indigenous men and women were going for the hearing of the case they were blocked and attacked by Azizul Rahman's men. Som Hembram's wife Fulmoni Murmu, Som Tudu's wife Bosoni Soren, Munshi Murnur's wife Lakshmi Soren, Mandal Murmu's wife Meri Hembram, Budhu Hembram's wife Malati Murmu and Arjun Murmu's wife Arati Baske were severely injured in this attack.

Villagers did not have the courage to stop the violent attackers. After beating the indigenous men and women, the attackers set fire on their houses and looted their furniture, harvest, money and gold jewelry. It was reported that the injured were feeling extremely insecure even at the Dinajpur Medical College Hospital as they were facing continuous threats from Azizul Rahman and his men.

An indigenous woman beaten up over land conflict in Godagari

On 16 January 2012 around noon Meri Soren w/o Ganesh Mardi was beaten by 5/6 people led by Abdus Sattar at Hilal village of Mohanpur union under Godagari upazila in Rajshahi district while she went to wash clothes in a public pond.

It was learnt that a land conflict had been going on between Ganesh Mardi of Kaktiya village and Abdus Sattar of Hilal village in Mohanpur union under Godagari upazila. On 16 January 2012 around noon Ganesh Mardi's wife Meri Soren went to wash clothes in a public pond where she had a quarrel with another woman named Sayera. At one point 5/6 people including Sayera's relatives and Abdus Sattar's son started beating Meri Soren with sticks. She was severely injured and was admitted to a local hospital. Meri Soren's husband Ganesh Mardi filed a case against 4 people including Rakib, Babu and Sayera. Contraryly, Abdus Sattar filed a counter-case against Ganesh Mardi. The non-indigenous community was furious by this incident.

⁷ The daily Prothom Alo, 2 January 2012

Land grabbers attack indigenous villagers with intention to occupy land in Godagari

On 13 February 2012 and 26 February 2012 land grabber Kamal Rabbi and his gang attacked the house of Rameshwar Baske at Saguna Jiban Para of Pakri union under Godagari upazila in Rajshahi district. The wall of the house was destroyed in the attack. Again, on 28 February 2012 Kamal Rabbi and his gang set fire on Jamin Hasda's house of same village.

On 1 March 2012 Rameshwar Baske lodged a case (no. 1/53) against Kamal Rabbi with Godagari model police station. On the same day, indigenous villagers organised a human chain and submitted memorandum to Upazila Executive Officer of Godagari upazila (sub-district) demanding to arrest Kamal Rabbi and his gang and bring them under justice. But the police did not take any action against the culprits, rather the perpetrators moved around openly threatening the indigenous villagers to death.

Tripura village threatened to be evicted in Shitakunda

In February 2012, a total of 110 families of indigenous Tripura community were threatened to be evicted from their ancestral land at Chotokumira of Shitakunda upazila in Chittagong district. One Johir Mian of Shitakunda upazila was accused of threatening Tripura community of eviction and tormenting villagers in various ways.⁸

Sources informed that Tripura Palli is situated 1.5 kilometers from Chotokumira of Shitakunda upazila and it had existed for a very long time. About 110 Tripura families lived in this village. Every year 8,000 taka tax is illegally collected from this village. Those who cultivate *Jum* have to pay a minimum tax of 20,000 taka. Colonel Salahuddin, son of Johir Mian collects these taxes. If the tax payment is delayed, the villagers are locked up in a dark room and tortured as punishment. They are only released if an additional interest is paid. The villagers are often forced to provide free labour by the employees of the Agricultural Farm, a farm owned by Colonel Salahuddin.

⁸ The daily Daily Destiny, 17 February 2012

After much protesting, currently the labourers are paid 170 taka per day. 15 hectare of land was given to the Tripura community by the government in the past, which Jahir Mian and Colonel Salahuddin has forcibly occupied. The Tripura villagers are forced to pay a tax of 10 taka if they collect firewood from the forest. The villagers have to pay tax if they enter the gate to the forest. The villagers are also forbidden to farm poultry and forced to pay 30,000-40,000 taka if the hill catches on fire.

The Tripura villagers claimed that they had been living in Tripura village for generations and if evicted, they have no place to go. The employees of the Chittagong Dairy and Agricultural Farm had hampered their regular lifestyle, including the practice of social and religious events. The Upazila Nirbahi Officer (UNO) of Sitakunda upazila Alamgir Hossain, Chairman and secretary of Union Awami League and the director of the Chittagong Agriculture visited the site in person based on the complaints. But no action was taken accordingly so far.

Arson attack and physical assault on a Rakhaine family by Bengali land grabbers in Cox's Bazar

On 5 March 2012 at around 2.00 am a group of Bengali land grabbers led by Shaful Alam (35), Mahabub Alam (32) and Abu Taleb (28) (s/o late Nur Ahammad) of Gorokghata Bazaar area of Moheshkhali municipality set fire to the house of an indigenous Rakhaine family of Thakurtola Rakhaine Para of Choto Moheshkhali under Moheshkhali upazila in Cox's Bazar district. Earlier on 23 February 2012 the aforesaid land grabbers and their gang physically assaulted the Rakhaine family and vandalized their home.

It was learnt that Mr. Bushe Mong Rakhaine and his wife Ms. Inju Rakhaine along with their children had been living at Thakurtola Rakhaine village of the Choto Moheshkhali of Moheshkhali upazila of Cox's Bazar district for generations. The three brothers namely Shaful Alam, Mahabub Alam and Abu Taleb forcefully occupied a khas land to produce prawn and salt next to the homestead of this Rakhaine family. The perpetrators intended to occupy the land of other Rakhaine families of the adjacent to the Rakhaine village.

The perpetrators and their gang reportedly disturbed and teased the female members of the family of Bushe Mong Rakhaine and others when they passed through the nearby road of their home. The Rakhaine

villagers protested against the distasteful acts of the perpetrators several times when they noticed the matter. Consequently, the attackers became revengeful to them.



Victims of communal attack, Bushe Mong Rakhaine and Inju Rakhaine at Maheshkhali

In accordance with the dispute, on 23 February 2012 at around 5.30 pm the perpetrators along with their 3/4 laborers attacked on the house of Rakhaine family with sharp weapons and started to destroy the house. The attackers physically assaulted and drove away Ms. Inju Rakhaine from her home by frightening, thumping and kicking her when she tried to prevent them. After that, the perpetrators ruined the belongings of their house and broke the boundary of the house made of CIT sheet. The perpetrators threatened that they would again come to attack and kill all the family members, to set their house on fire, to drive away them from the area or file false charges against the family.

At that time, Bushe Mong Rakhaine was not present in the house. After hearing the news of the attack on his family, Bushe Mong Rakhaine rapidly came back to his home and immediately filed a case against the perpetrators. However, the police arrested no one and the perpetrators became more revengeful to the indigenous family.

On 5 March 2012 at around 2.00 pm the perpetrators came to attack on the Rakhaine family and set fire on their house as Bushe Mong Rakhaine

went to catch fish in the sea. His family ran out of the house but they were unable to put out the fire. Their house was completely burnt to ashes along with all the valuables.

Victims alleged that the perpetrators attacked on the indigenous Rakhaine family in order to evict the family from their ancestral homestead and to occupy their land. They would have killed Bushe Mong Rakhaine if he were present at home at the time of the attack. Following the arson attack, Injo Rakhaine filed a case against the perpetrators at Moheskhal police station (the case no.-03, Date: 05-03-2012). But the police arrested no one.

The family has been leading an inhumane life following the attacks by the Bengali land grabbers. In the first attack on 23 February 2012, the valuables worth 35,000 taka were damaged, which were destroyed and looted by the perpetrators. In the second attack on 05 February 2012, the valuables worth at least 100,000 taka were burnt to ashes. They started to build a new house in cooperation with the financial support of their neighbours but still living in fear and insecurity.

Land grabbers attack indigenous villagers to occupy their lands in Tanore

On 9 March 2012 land grabbers attacked indigenous villagers at Boddypur in Tanore upazila and Chokpara of Gagorondo upazila in Rajshahi district with the intention to occupy their lands. In this attack, 5 indigenous villagers were injured. The injured persons were admitted at Tanore Medical Center. Ms. Salami Hajda (28) wife of Francis Hemrom and his younger brother Nirmol Hemrom (20) were severely injured in this incident. Francis Hemrom filed a written complaint against 50 persons including 14 known persons.

It was reported that Francis Hemrom's family had been living in Boddypur village of Badhair union in Tanore upazila for generations. On that day, influential Nur Muhammad and his hired gang attacked the indigenous villagers with knives, spears, and axes. Francis Hemrom was not present at home at the time. The attackers vandalized the indigenous houses and tried to force the family members out of the house including the women. When Moniel Tudu (18), Romesh Hemrom (21) and Moslem (28) tried to stop them they were assaulted too. Francis Hemrom said that they have

been living in our ancestral home for generations. Nur Muhammad had been threatening them to leave their home. Indigenous villagers were supposed to meet with Nur Muhammad to discuss the matter on 9 March 2012. However, bypassing this, Nur Muhammad and his gang attacked indigenous villagers and beat up their families. Francis Hemrom lodged a complaint at the police station. However, police did not take any action.⁹

Land grabbers attempt to occupy land belonging to indigenous villager in Godagari

On 16 March 2012 a land grabber named Rois Uddin and his son Rabiul Islam of Dumuriya village under Godagari upazila in Rajshahi district tried to occupy 13 bighas of homestead of Jadu Roy Bhuiyan of Shiyala village of Matikata union under Godagari upazila with the help of police. The police personnel were led by SI Mahbubur Rahman from Premtali police outpost under Godagari police station.

Md. Rabiul appeared there with a tractor to cultivate the land on the day. SI Mahbubur Rahman ordered Jadu Roy Bhuiyan to leave the land arguing that the land was given as settlement to Rois Uddin and his son Rabiul Islam. Learning this, indigenous villagers including indigenous women became agitated and ran after SI Mahbubur Rahman and Md. Rabiul. Though indigenous villagers prevented land grabbers from occupying the land, Jadu Roy Bhuiyan is passing days in insecurity as the land grabbers threatened him to death. Jadu Roy Bhuiyan lodged a case with local court against the land grabbers, but the court is yet to pass any order in this regard.

Land grabbers burn a house of indigenous Koch to occupy his homestead in Madhupur

On 23 March 2012 land grabbers burnt down a kitchen belonging to an indigenous Koch family with the intention to occupy land attached to the Bhutia Chowrasta Bazaar of Arankhola union under Madhupur upazila in Mymensingh district.

It is reported that some 50-60 men led by Md. Akber Ali, Md. Gani Mia, Md. Akser Ali and Md. Abul Hossain conducted this attack. Due to the growing

⁹ The daily Kaler Kantho, 11 March 2012

market, the price of the land significantly increased in Bhtia Chowrasta Bazaar. After an investigation, it was found that the land grabbers tried to occupy the said land by fabricating documents and forcefully built a construction on it.

It is also mentionable that the miscreant group came from a different area in the past, grabbed lands of the indigenous Koch community through fraud, started living there and carried out various misdeeds in this area since. For instance, they illegally smuggled rubber and wood from Mandhupur forest. The miscreants kept tormenting the minorities using illegal money and using the name of ruling political party. The culprits filed 19 false cases against the indigenous villagers with the intention of grabbing their lands. The lives of the indigenous Koch community became intolerable due to these incidents.

Attack on Santal villagers by Bengali land grabbers in Tanore, 5 houses burnt to ashes

On 23 April 2012 at around 2.00 am, 5 houses of Indigenous Peoples of Shikpur village of Tanore upazila under Rajshahi district were set on fire by the Bengali land grabbers when the indigenous villagers were sleeping in their homes. Consequently, 4 houses were burnt fully and one house was partially burnt to ashes. Concerning the incident, Mr. Chutar Murmu filed a case against 3 persons with Tanore police station.



A victim of arson attack by Bengali land grabbers at Tanore

It is learnt that 35 indigenous Santal families had been living on the 23 Bigha land in Shikpur village, which were recorded in their names since 1922. A group of Bengali land grabbers led by Md. Korban Ali (45) s/o late Soimuddin, Md. Anarul (35) s/o Khairul Islam and Md. Mofijul Islam (40) s/o Kabil Chowkidar of Shikpur village of Tanore upazila of Rajshahi district were trying to evict the Santal families from their land.

The land grabbers threatened indigenous villagers several times to leave the land. Otherwise they threatened to burn down their houses and abduct the women from their homes. On 22 April 2012, the indigenous villagers fell asleep as usual by 10.00 pm after having their dinner. At around 2.00 am they realized that their houses had been set on fire by the perpetrators.

At that time when Lubin Baski came out of his house along with his wife and children, he saw the perpetrators standing about 100 yard away with Ramda (a kind of metal sharp weapon), flambeau and rod. Hearing the screaming of Lubin Baski, Rupen Baski focused the torchlight on the perpetrators and moved forward. At that time one of the perpetrators, Korban Ali, pointing at the Ramda, threatened to kill indigenous villagers, if they (indigenous villagers) come forward one step further.

As Horen Tudu s/o Liku Tudu kept shouting through focusing the torchlight on them, one of the perpetrators Mofijul threatened to burn all the houses if indigenous villagers kept shouting. At the same time, they came forward with rods to attack on the villagers.

At one stage, the land grabbers fled away from the place when other villagers were coming forward to the spot. They were unable to put out the fire due to absence of any source of water nearby the village. Four houses belonging to indigenous families including Chutar Murmu, Lubin Baski, Josef Tudu and Rabon Murmu were completely burnt to ashes. The house of Noren Baski was partially burnt down. The estimated damage of the arson attack was 400,000 taka. A case was filed against the perpetrators after the arson attack on Indigenous Peoples, but the police arrested no one.

Land grabbers hack to death an indigenous Santal villager in Noagaon

10 August 2012 a group of land grabbers led by Md. Joynal hacked to



Family members of Jambu Chonre in Noagaon district.

death an indigenous Santal villager named Jambu Chonre at Boidyabati village of Ishobpur union under Dhamrai upazila in Noagaon district.

It is reported that on that day indigenous villagers opposed the land grabber Md. Joynal and his henchmen while they went to occupy the land of Rabi Hasda and his father Pagla Hasda. At that time, Md. Joynal and his henchmen attacked on indigenous villagers with stick and sharp weapon. During this attack, the land grabbers chopped Jambu Chonre indiscriminately with sharp weapon. The land grabbers also kidnapped him with serious condition. Later, police recovered him from the house of Md. Joynal and admitted him at Dhamrai upazila health complex. The doctor hurriedly referred to Bagura Shaheed Zia Medical College Hospital where the doctor declared him death.

It is learnt that the land grabber Md. Joynal and his gang have been trying to occupy 12 bighas of land belonging to Rabi Hasda and his father Pagla Hasda since 1975. At a stage, Rabi Hasda filed a case with Noagaon district court while Md. Joynal forcefully occupied the said land. Following this case, the court issued an order of status quo. Violating this status quo, Md. Joynal and his henchmen went to plant paddy on this land. The land grabbers jumped over indigenous villagers while they opposed them. Rabi Hasda filed a murder case with Dhamrai police station (case no.

10/2012) on 10 August 2012. Police arrested two alleged persons, but main culprit Md. Joynal is yet to be arrested. Jumbu Chonre left wife and three minor sons.

UP chairman orders 75 Santal families to leave their village in Biral to grab their land

On 7 September 2012, the Chairman of Dhamair union of Biral upazila in Dinajpur district beat up two indigenous villagers from Pipalla Kanchanpalli village, cluster village of Biral upazila. At the same time he ordered 75 Santal families residing in 7.03 acres of land to leave the village. The villagers complained that the chairman also asked other villages not to sell goods to the indigenous villagers or let them sit at restaurants.¹⁰

The indigenous villagers complained that the Dhamair UP Chairman, Md. Moslem Uddin dragged Reshom Bhunjar (27) to his office in Jhukurjhari bazaar and beat him up. When Reshom Bhunjar's uncle Nukul Bhujar (55) came to rescue him, the chairman and his gang beat him up too. Reshom and his uncle Nukul were admitted to Biral upazila health complex.

The injured Nukul Bhunjar filed a general diary with Biral police station. SI Belal Hossain was assigned to investigate the case. The president of Gucchagram Adivasi Samity Harimahan Bhunjar reported that the UP Chairman, Md. Moslem Uddin and his men trampled the indigenous women with their motorbikes as they were protesting the incident.

The indigenous villagers were ordered to leave the village in 24 hours and were forbidden to go to the bazaar. They were also forbidden to sit at restaurants. As Som Bhunjar went to have breakfast at a hotel at Bajnahar Rail Station he was beaten up and kicked out by the nephews of the UP Chairman, namely Rony and Akhter. The owner of the hotel Mr. Amzad Hossain attested to the incident.

Housewife Bannibala Bhunjari said that the Gucchagram was established during Ershad regime with a public pond of 2.72 acres and 4.30 acres of land registered under the name of Buri Thakurani Devi of Matia Maldar. Since then, 75 indigenous families have been living in this area.

¹⁰ The Daily Star, 11 September 2012 and The daily Prothom Alo, 10 September 2012

A land conflict has been going on between the Chairman and indigenous villagers for the last 27 years regarding the pond and the land belonging to Gucchgram.

Brick factory built occupying Land belonging to indigenous villagers in Madhupur

In September 2012, a Dhaka resident was alleged to have grabbed 10 acres of land belonging to indigenous villagers at Idilpur village of Madhupur upazila in Tangail district, to build a brick factory destroying the village's fruit orchard.

It is reported that Rezaul Karim Talukder from Netrokona residing in Uttora in Dhaka took an initiative to build a brick factory named 'Hena Auto Bricks'. He took 3 acres of land in lease from Verena Chisim, which was not registered. As the property was classified as B class (VP) and belongs to several people, which was prohibited from selling.

An indigenous old woman named Nandita Mree informed that she owned 75 decimals of the land in which she produced turmeric. Another indigenous woman named Helta Dofa said she owned 48 decimal of the land but the factory men were forcefully building houses on it. Somapon Chambugon informed that there is a community graveyard of the Christians inside the area as well.

The managing director of Hena Bricks Auto, Mr. Nazrul Islam said they bought the land from John Verena Chisim but they were unable to register the land due to the government restriction. He said no one objected when the negotiation was going on.¹¹

Land belonging to Shankar Patro

Shankar Patro, an indigenous person of Patro community from Doloipara village of Khadimpara union in Sylhet sadar upazila under Sylhet district is about to loss his land following a deception by a local advocate Nowroz Ali (65). It is reported that Shankar Patro (26), son of late Kalachand Patro has been living in this inheritance land which is a total of 2.79 acre in size.

¹¹ The daily Samakal, 15 October 2012

His father gave this land to him. However, Advocate Nowroz Ali and his son Mostaq Ahmed from Sylhet city area have changed the ownership of this aforesaid land falsely into their name. They have prepared fake power of attorney (9560/10) documents on 19 May 2010 for the same land. On the following day, Mostaq has registered (BINAMA-9616/2010) in the name of his father Nowroz Ali. Following these - power of attorney and BINAMA Mostaq Ahmed sold the land to his father Nowroz Ali.

After knowing the arrangements of false documents by Mostaq Ahmed gong, Shankar Patro collected all those duplicate copies. Later on, he filed a petition (422/2012) against Mostaq Ahmed, Nowroz Ali and witnessed of all fake documents with Chief Judicial Magistrate Court on 23 December 2012. On the following day, Shankar Patro also arranged a press conference on this issue with the help of PASCOP, lawyers and civil society members.

It is reported that district administration also aware about this land fraudster and the administration assured to take necessary action to resolve the problem as soon as possible. Even though, Shankar Patro is passing days with great fear of lossing his land.

Indigenous villager Tarak Munda attacked by Bengali land grabbers at Satkhira

On 10 December 2012 at around 8.30 am an indigenous villager named Tarak Munda was injured in an attack by Kamrul gang at Shyamnagar upazila under Shatkira district based on a dispute over land. Latter, he was admitted at local hospital by a van driver in critical condition.

It reported that on 8 December 2012 in the morning when Aswin Munda, the father of Tarak Munda was constructing a latrine in his homestead, a group of musclemen numbering 10/12 of Kamrul Islam with sharp weapons came to the spot and threatened to kill Tarak Munda, Aswin Munda and their family members and stopped the construction of the latrine and ordered not to proceed the construction otherwise they would face severe consequences. Kamrul Islam has forcefully grabbed many lands of Aswin Munda through fake documents and creating panic. Besides, many indigenous Munda people of Kashipur Munda Para were arrested and detained due to false and fabricated charges of Kamrul Islam.

On that day while Aswin Munda and his son Tarak Munda were going to attend in a court hearing at Satkhira court separately, the miscreants attacked on unaccompanied Tarak Munda. Fazlu Gazi s/o late Mohammad Ali Gazi of Iswaripur, Shukor Ali Gazi s/o late Munsur Ali Gazi and some other 4/5 unknown miscreants conducted the attack with stick and sharp weapons, where Tarak Munda was critically injured. Following the attack, Tarak Munda went to police station to file case against the attackers but the police refused to record any case against them. Currently, Tarak Munda and his family are passing days in fear and insecurity.

LAND RELATED INCIDENTS IN CHT

Hundreds of acres of indigenous land occupied in Bandarban

It is reported that hundreds of acres of lands belonging to Indigenous Peoples were being occupied by some Bengali outsiders. They alleged that 32 persons residing in Dhaka had occupied at least 800 acres of land. Moreover, some more Bengali outsiders occupied more than 3000 acres of land owned by the indigenous villagers. At least 8 families of village Ukling Mro Para were evicted from their village and hundreds of Indigenous Peoples of at least 19 neighbouring villages were living in fear of indiscriminate eviction by outsiders.

The villages under an alarm of eviction include (1) Uikling Para, (2) Nehat Karbari Para, (3) Nongdon Karbari Para, (4) Probhat Tripura Para, (5) Chandra Moni Tripura Para, (6) Ukijon Tripura Para, (7) Dhrama Charan Tripura Para, (8) Lang Ring Mro Para, (9) Derik Mro Para, (10) Langrung Mro Para, (11) Ado Mro Para, (12) Domsin Tripura Para, (13) Silchandra Tripura Para, (14) Mangal Mro Para, (15) Jalanta Moni Tanchaungya Para, (16) Menpoy Mro Para, (17) Song Grek Mro Para, (19) Sunag Mro Para.

Below listed are some incidents of land grabbing by outsiders:

Land grabber	Amount of land	Location	Comment
Fandu Mian	300 acres	Uikling Murang Karbari Para of No. 291 Tainfa Mouza	

Land grabber	Amount of land	Location	Comment
Shamshul Alam	400 acres	Do	
Budia Alam	500 acres	Do	
Major Hasan	57 acres	Nihat Murang Karbari Para of same Mouza	Attempted to plant
Major Harun-ar-Rashid, Ex-Army Chief	125 acres	Do	Do
Advocate Sahid Rezaul Rahman	125 acres	Do	Do
Shaber Moulavi	15 acres	Longdon Murang Karbari Para of No. 288 Alikadam Mouza	Planting various trees
Md. Jasim Uddin	20 acres	Do	Do
Siraj Saudagor	25 acres	Do	Do
Menu Driver	25 acres	Chandramoni Karbari Para of 291 Tainfa Mouza	
Md. Abul Kala	Jum land	Ukijon Tripura Karbari Para of 291 Tainfa Mouza	

As per allegation of Indigenous Peoples, the following 22 persons were identified out of 32 persons who allegedly occupied indigenous lands: (1) Mr. Rajib Talukdar, s/o Anaet Abedin, 880, Ba/A, Dhaka; (2) Mrs. Jannat Mosamat Rehana, residence 570/571 Block, Pallabi, Dhaka; (3) Mr. Abdul Mannan, 107, Agrabad, CDA, Chittagong; (4) Md. Salauddin Tipu, Shantirbag, Dhaka; (5) Md. Habibur Rahaman, 63/66 Purana Paltan, Dhaka-1000; (6) Jubaer Maher, Paribag, Dhaka; (7) Md. Mominul Islam, Motijhil, Dhaka; (8) Mr. Mostafijur Rahaman, Residence- 53, road- 4, Rampur, Dhaka; (9) Mr. Golam Kibria Milton, road-2, Residence-2 block, Banoshree project, Rampura, Dhaka; (10) Mr. Jubaer Sohel, 1/Ga/2 Paribag, Dhaka; (11) Mr. Abu Latif, 19/C, A, S Colony, Mirpur-1, Dhaka-1216; (12) Md. Aatur Rahaman, 22/1, fifth floor, Topkhana road, Segun Bagicha, Dhaka-1000; (13) Mr. Rajib Roy, village- Khajupur, Thana-

Sonagazi, District- Feni; (14) Md. Mostafijur Rahaman, residence- 53, road- 4, Rampura, Dhaka; (15) Mr. Delwar Hossain, East Tejturi Bazaar, Dhaka; (16) Md. Manjurul Morshed, Madina Manjil, 1565, Zahurul Nagar, District- Bagura; (17) Mr. S M Ahasanul Kabir, 177, Bijoy Nagar, Dhaka; (18) Jannati Morshed Rahela, residence- 570/571, section- 12, Pallabi, Dhaka-1221; (19) Md. Mominul Islam, 146 Alinagar housing, Motijhil, Dhaka; (20) Mr. Prodig Kumar Das, Plot- 21, 79 Chantmari range, flat-2, A Hill Site Abasik Alaka, Chittagong; (21) Mr. Anwar Shah Choudhury, 27/1, Kobi Jasim Uddin Sarani, Kamalapur, Motijhil, Dhaka-1000 and (22) Mr. Zakir Hossain, 38, second floor, Kakrail, Dhaka-1000.



A signboard of a land grabber in Bandarban

Business companies occupy thousand acres of land in Bandarban

More than 11 business companies including Destiny Group occupied thousands acres of lands recorded and owned by permanent residents of CHT including indigenous Jumma people. The business companies include Mostafa Group, Laden Group, Shahamin Group, S Alam Group, PHP Group, Meridian Group, Exim Group, Babul Group, Agme Group etc. These business companies continue to occupy lands in order to extend its business and area.

It is also learnt that Laden group is conducting militant activities in deep forest by purchasing land illegally and planting on it at Banapur area under Sanghu mouza of Faisiyakhali union in Lama upazila of Bandarban district.

Laden group purchased around 7 thousand acres of land at Eyangcha mouza, Sanghu mouza, Banapur, Trishdeba, Gayalmar, Choumur Khal, Faitong, Faisiyakhali and Alikhyong Murung Jiri area under Lama upazila and Baishari mouza and Gumdhum mouza under Naikhyongchari upazila for this purpose. Laden group is continuing its activities in the name of Muhammadiya Jamia Sharif. Headman of Faisiyakhali mouza Mong Thui Prue Marma alleged that Jamia Sharif occupied more lands of Mro, Tripura and Marma communities including his 25 acres of land.

It is alleged that Laden group is also converting indigenous children's religion to Islam from Buddhism and Christianity by alluring facilities and financial help. They first take indigenous children in Dhaka and then convert into Muslim.

Bandarban administration orders to return indigenous land

On 16 February 2012 the district administration of Bandarban district ordered the chairman of PHP group to return the 125-acre illegally occupied indigenous land to the local headman. The local villagers expressed their appreciation toward this decision. The locals reported that PHP group forcefully occupied the land of Rangajhiri Chakma Para using their power. They also tried to occupy Jum-land and graveyard belonging to Rangajhiri Tripura Para. This incident was reported to the Chairman of CHT Development Board Bir Bahadur MP.¹²

According to the district administration, the Chairman of PHP group Sufi Mizanur Rahman leased 5 rubber plots of 25 acres each totaling 125 acres in 1981-1982 in Eidgar mouza of Naikhyongchari upazila in Bandarban district. The government canceled the lease in 1997, as the land was not being used for growing rubber trees. Sufi Mizanur Rahman again leased 9 plots totaling 225 acres under his, his wife's, children's names. But the plots that were cancelled in 1997 were not renewed. Nonetheless, he used the land in Rangajhiri Chakma Para and nearby Jum lands for his plantation project.

Karbari Rachinda Tripura and Labe Tripura of Rangajhiri Tripura Para complained that due to the conspiracy of PHP group men, 22 families of Rangajhiri Chakma Para were forced to leave their homes in 2007. Those

¹² The daily Prothom Alo, 28 February 2012

families moved to the remote areas of Lama and Alikadom and were living their lives in hardship.

The Managing Director of Naikhyongchari branch of PHP Group Ariful Islalm admitted that PHP group carried out its plantation project in 2007 in the area even after the lease had expired. UNO Shamim Sohel said that the corresponding mouza headman was instructed on 16 February 2012 to take back the 125 acres of land. If illegally occupied land is not given back to the headman, case will be filed against Sufi Mizanur Rahman under criminal law.

Attempt to set up BGB camp on land belonging to Indigenous People in Thanchi

BGB planned to set up a new camp on the land belonging to indigenous people uprooting them from at bus station in Thanchi upazila under Bandarban district. For this purpose, on 23 February 2012, two Upazilla Nirbahi Officers (UNO) of Alikadam upazila and Thanchi upazila and Commandary Officer (CO) of Balipara BGB camp visited the site and measured 25 acres of land. Local people raised objection against setting up camp on their land. A total 40 families of indigenous Marma community would be displaced if BGB camp were established. The indigenous people demanded to set up the camp in some other place instead of people inhabited area.

Grabbing of land belonging to Indigenous People for establishing BGB camp in Ruma

Government took plan to acquire 25 acre of land for setting up new Battalion headquarters of Border Guard Bangladesh (BGB) uprooting indigenous villagers at Chaipo Para under Ruma sadar union of Ruma upazilla in Bandarban district. Earlier, local villagers opposed BGB officers while they went to visit the site. Later, Additional Deputy Commissioner (ADC) of Bandarban district visited the site. Villagers are concerned that this project would result in displacement of 40 indigenous families, one residential school run by Chittagong Hill Tracts Development Board (CHTDB) and an office of local NGO named Toymu.

A Jumma farmer injured in an attack by Bangali settlers with the intention to grab land at Rajasthali

On 11 March 2012 two Bengali settlers attacked on an indigenous villager

named Ushching Marma with sharp weapon at Bangalhali union under Rajasthali upazila in Rangamati district. The criminals were Motaleb Driver (65) s/o late Atik Dulal and Saiful (30) s/o Motaleb Driver from Islampur area under Bangalhali union.

It was learnt that this attack was committed with the intention to grab lands of Ushching Marma who went to work in the field at 4.30 pm on that day. Motaleb Driver and his son Saiful suddenly came there and attacked on them with sticks and chopper. Hearing Ushching Marma shout, villagers rushed there but the miscreants ran away. Seriously injured Ushching Marma was admitted to Chandraghona Hospital. Local army authority put pressure on both parties to compromise the matter.

Bengali settlers from Dighinala lodge writ petition with the High Court to grab land belonging to indigenous villagers

The Bengali settlers at Pablakhali under Dighinala upazila took on a new strategy for taking control of 525 acres of allotted indigenous land under the leadership of Mohammad Eusuf Rahman. Group leader Mohammad Yusuf Rahman wrote an application to UNO for getting the land on 11 March 2012. It is to be noted that he suited a writ at the high court for taking control of the mentioned land in 2008.

It is also notable that Bengali settlers were rehabilitated in the ancestral land of Indigenous Peoples at Pablakhali mouza under Dighinala upazila of Khagrachari district during the 1980's. But these families were withdrawn from this mouza on the account of security. An arbitration (salish) was called on while Indigenous Peoples drew the attention of Muniruzzaman Mian, that then UNO, regarding getting back the above-mentioned land. It was decided at the salish that settlers would be withdrawn, half of 30 acres of land be provided to the Indigenous Peoples and Bengali settlers not be allowed to continue the verdict. Some members of police forces of Dighinala police station forced Bengali settlers to plant tobacco seedlings on the 1.60 acres of land disobeying the verdict.

After that Md. Yusuf Rahman, group leads of 105 Bengali settler families made an writ at the high court for getting the land properties and attempt of land grabbing is being observed in the name of writ. Even they are trying with efforts to take control over the lands with assistance of administration on the ground of accusation of violation of court order against district and Upazilla administration of Khagrachari district.

Indigenous villagers compelled to leave their village, following forcible land grabbing in Lama

13 poor Indigenous Mro families from Amtali Para village of Fasiakhali union under Lama upazila in Bandarban district were forced to evacuate the village due to the alleged persecution of the land-grabbers. Few non-government organizations were working for the advancement of their situation of the Indigenous Peoples—whose endeavor eventually became of no use due to this incident.

It was learnt that local non-government organization 'Ekota' and the United Nations Development Program (UNDP) had allocated four hundred thousand taka for the development of the livelihoods of the indigenous Mro villagers of this area. With the auspices of the UNDP's 'Quick Impact Fund' project, Taka 399,900 had been allocated for cattle farming and food conservation in order to develop the socio-economic condition of the indigenous villagers. Of this overall amount, Taka 216,600 was spent—and no instruction was given for the use of the rest of 186,300 taka by the organizations so far.

The probe report submitted by 'Ekota' to the UNDP showing the reason behind such abandonment stated that the indigenous villagers of Amtali Para used to cultivate Jum (shifting cultivation). They had to vacate the land when the land grabbers grabbed their land. The report also stated that an Islamic organization, namely MuhammadiaJamia Sharif (widely known as Laden Group in the area) from Dhaka is involved with this land grabbing.

Learning about the abandonment of the Indigenous Peoples, Mohammad Ismail, the chairman of Lama upazila said that "many institutions from the outside, including MuhammadiaJamia Sharif are grabbing lands illegally in the area. For this reason, the indigenous villagers of Amtali Para left the area. And many permanent Bengali residents and indigenous villagers are passing their days with eviction-anxiety."

Notably, on 8 May 2012, the deputy commissioner of the Bandarban gave direction to the UNOs of Lama and Naikhyongchariupazilas to take nearly one thousand acres of illegally occupied lands by MuhammadiaJamia Sharif, which were Jum land under the collective ownership of Indigenous Peoples. Local sources confirmed that UNOs were giving letters to the headmen of the area to take the land under government control.

500 Jumma families living in fear of eviction in Kaptai

Over five hundred Jumma families are living in fear of eviction in Kaptai upazila of Rangamati district as the local administration imposed a ban on farming following a false case filed by the authorities of a tea estate.

It is reported that indigenous Jumma villages of Noapara, Nunchari Marma Para, Dolonnya and Boroichari Marma Para of Wagga union under Kaptai upazila are over one hundred years old. Jumma people in these villages scrape a living by *Jum* cultivation and farming ginger and turmeric. They do not have their lands registered, and have been living there on the basis of their traditional land rights. However, since after 1980-81, Waggachara Tea Estate Ltd has been claiming ownership to their lands.'

Villagers argue that the land of which the tea estate authority is claiming ownership dit not belong to it. According to them, the tea estate authority is making this claim by using land holding numbers that fall in Kaptai upazila sadar and elsewhere.

On 17 April 2012, Sahadev Shaha, an office staff of Waggachara Tea Estate Ltd, filed a case against Sajai Marma (56), Karbari (village chief) of Noapara; Meduk Marma (55); Mongthoi Ching Marma (27) and Suicha Pru Marma (30) with Kaptai Police station on charges of trespassing on the tea estate's land, causing fire and destruction, and intimidation.

Waggachara Tea Estate Ltd. claimed that the Jumma people did not have documents pertaining to their lands. The lands on which they live and work are registered in the name of the Tea Estate. The villagers have been farming the lands after obtaining permission from the tea estate authority. Recently, they have caused damage to 800 saplings, and that is why Waggachara Tea Estate Ltd. filed the case.

However, the accused in the case contended that the allegation that they had caused damage to the tea estate is not true since there were no tea seedlings planted on the land in question. They said being framed by false charges against them was harassing them. They were able to obtain anticipatory bail from the Chief Judicial Magistrate's court in Rangamati.

Village chief Sajai Marma said that in May last year, the tea estate authority had written to the local administration that 250 acres of land belonging to the local residents were disputed. Following this complaint, the local administration imposed section 144 indefinitely, prohibiting

access to the land by them. Since then, they were not able to cultivate their lands.

The villagers submitted a memorandum to the local authorities, State Minister for Chittagong Hill Tracts Affairs (MoCHTA) and the CHT Regional Council authorities, seeking redress, but to no avail.

200 acres of lands grabbed by person disguised as Army Major

A person named Mostafa Jamal grabbed 200 acres of lands belonging to Indigenous Peoples by forgery in Faitong area under Lama upazila in Bandarban district. Mr. Jamal introduced himself as a military person and grabbed those Indigenous Peoples' lands that had been used for Jum cultivation and gardening.

It is mentionable that only permanent residents of the hill district of CHT are allowed to buy lands in CHT. However, despite being non-resident, Mr. Jamal, through forgery, documented a permanent resident of Bandarban as his father and used that fake identity to obtain a birth certificate. Later, by showing that fake birth certificate, he even managed to get permanent resident certificate from Union Parishad (UP) Chairman and Headman of the area. After that, he made a fake buying document of lands by showing fake owner/s of those lands. Not only that, he has also introduced himself as a retired Major of military to influence the local people.

It was observed that hybrid "Ekashia" trees have been planted all over the places. This plantation was done after cutting down the natural forest of the area and garden belonging to "Shibtulipara Ekota Shamiti" (a local co-operative agency). A signboard has been placed on the area that reads: "The owners of this land are Mostafa Jamal and Dr. Tabassun Samad, Father: Major General (retired) Abdus Samad".

1000 acres of land illegally occupied declared as 'khas' land

1000 acres of land illegally occupied by Dhaka-based Mohammadia Jamia Sharif based in Naikhyongchari and Lama upazilas in Bandarban district was declared as government owned land. District Commissioner has ordered the corresponding UNOs to reclaim the land.

According to MoCHTA and district administration, locals complained about land grabbing, deforestation, commercial farming and mysterious activities

in the hills by a group locally known as Laden Bahini AKA Mohammadia Jamia Sharif for a very long time. Based on the complaint, MoCHTA ordered the district administration to investigate the matter. Mohammadia Jamia Sharif is a local madrasa run by an organization named Anjumane-al-Baiyat situated at Rajarbagh (no. 5 outer circular road) in Dhaka.

It was also reported that the Upazila Nirbahi Officer (UNO) of Lama upazila, Saiful Islam and the UNO of Nakkhiyanchari Shamim Shohel investigated the matter. Based on this investigation, a report was submitted to the MoCHTA by the district commissioner KM Tarikul Islam. The report stated that Jamia Sharif illegally bought lands in Fasiakhali, Yangsa and Sangu in Lama upazila and Eidgar in Naikhyongchari upazila using Notary Public without the permission of the Government. This included 425 acres of leased land for rubber plantation and horticulture under the names of various people, land given to the settlers for rehabilitation in the 1980s (locally known as R Holding), and land belonging to the Indigenous People and permanent Bengali residents. They also destroyed the forest of the illegally occupied land in Yangsa and Sangu.

Illegal plantation project by Destiny Group in Bandarban

Destiny Group illegally encroached some 5500 acres of land in Lama upazila in Bandarban district for their plantation project. Ignoring the Bandarban Hill District Council Act and other laws related to land administration, they planted some 1.5 crore trees in the area. These trees were sold to the customers in 867,782 packages. According the estimation by Destiny Group, the value of the property is approximately taka 4640 crore.¹³

By showing a plantation project named 'Shobuj Bangla' (Green Bangla) in the illegally occupied land in Bandarban, Destiny Tree Plantation Limited took nearly one thousand crore taka from its customers by selling 'tree certificates' in various packages such as gold, silver etc. This was endorsed illegal by Bandarban district administration and Bandarban Hill District Council.

¹³ The daily Prothom Alo, 22 May 2012

According to section 68 of the Bandarban Hill District Council (Amendment) Act 1998, permission of the headman and karbari is required to lease a piece of land for 40 years. Leased land cannot be used for planting any other tree except for rubber and fruits. Sources said that Destiny had been planting trees forcefully in the area by ignoring the laws. Even after receiving a warning, Destiny continued their plantation project let alone seeking permission from the local authority. As a result, many the indigenous locals lost their traditional land for *Jum* cultivation.

Destiny worsened the situation of land disputes in the hill districts. Some indigenous and socialist groups started protesting against such plantation projects in Bandarban. In 2009 there were conflicts between Destiny and Tripura community, then Destiny tried to occupy land in Kathalchora area of Yangsa union in Lama upazila. On 3 August 2009 Jonerang Tripura and Jothuram Tripura lodged a written complaint to the district administration against Destiny on behalf of the Tripura community. They indicted that 48 Tripura families were deprived from *Jum* cultivation due to Destiny's plantation project.

Destiny group was also accused of destroying preserved forests. The forest department had filed cases against four employees of Destiny Group for deforestation of 150 acres of preserved forest area. On 5 October 2008 an employee of Sangu Range of Bandarban filed cases against 70 people for deforestation of preserved forestry at Naikhyongchari juducual court. In this case Destiny group was accused of being a land grabber, a forest resource smuggler, a government owned land grabber, a destroyer of natural resources and wildlife and an armed terrorist. The case is still ongoing.

Destruction of forest continue without hindrance in Bandarban

Destruction of forest continues in Bandarban without hindrance under the protection of the influential. The poachers cut down large trees such as Garjan, Koroi, Cotton, Rong, Chapalish and many others from the natural forest in Shoroi union under Lama upazila in Bandarban district. They smuggled them using elephants and trucks through the gate of the forest department without any resistance due to their power and money.¹⁴

It was learnt that influential AL leader Md. Morshed was involved in the

¹⁴ The Daily Samakal, 24 May 2012

destruction of the natural forest. In order to carry the big natural woods, the culprits installed 37 dams on the Bomu stream and created an artificial path. Due to this the stream was nearly dying. This caused shortage of drinking water for the local villagers made the villagers frustrated and furious. They also lived in fear of eviction. The Mro villagers complained that even though they tried to resist them it did not help. On the contrary, the culprits threatened the indigenous villagers of eviction. The local administration remained quiet even after the indigenous villagers lodged a written complaint. The culprits continued cutting hills to fill the stream destroying natural resources in the area. Sources informed that the police and forest officers were involved in smuggling the wood.

Bengali settlers attacked Jumma villagers with the intention to grab land in Barkal

On 30 May 2012, three indigenous villagers including a woman of an indigenous family were allegedly attacked and injured by Bengali settlers with the intention to grab the land of that family in Barkal upazila of Rangamati district.

The victims were identified as Mr. Biro Kumar Chakma (60), Mr. Amar Kanti Chakma (28) s/o Biro Kumar Chakma and (3), Ms. Sangeet Mala Chakma (25) w/o Amar Kanti Chakma of village Amtala of Aimachara union under Barkal upazila in Rangamati district. Of them, seriously injured Biro Kumar Chakma was admitted to Barkal upazila Hospital and other two were released on that day after primary treatment was given.

It was learnt that on that day in the morning Biro Kumar Chakma, his son Amar Kanti Chakma and daughter-in-law Sangeet Mala Chakma went to the land nearby their home to build a house together. At that time, Md. Amir Hossein (45) and his two sons Md. Jasim (21) and Md. Ibrahim (18) of nearby Bengali settler area of Amtala suddenly attacked them with stick and wood and beat them indiscriminately, leaving them seriously injured. Of them, Biro Kumar Chakma sustained serious injuries on his head, shoulder and backside.

According to the victims, Bengali settler Md. Amir Hossain and his family coming from nearby Kalabunia area of Barkal upazila had already forcefully occupied paddy land of Biro Kumar Chakma and constructed a house in 2006 on the land. At that time, Biro Kumar Chakma filed a general

diary against Amir Hossain with Barkal police station. Md. Amir Hossain is trying to snatch away the last property of Biro Kumar Chakma again. Biro Kumar Chakma lodged a complaint on the attack at the Barkal police station. But the police took no action against the attackers till reported date.

Bengali settlers settled down on the land belonging to indigenous villagers in Ramgarh

Since 6 June 2012 houses are being erected to settle down Bengali settlers on the land belonging to an indigenous villager at Pilabhanga village under Ramgarh upazilla in Khagrachari district. It was learnt that Puma Chandra Chakma, an inhabitant of Pailabhanga village under Nabhang mouza of Patachhari union under Ramgarh upazila, legally owns 10 acres of land. Currently indigenous villagers including the landowner are refrained from entering the area by the local security forces.

It is reported that 45 families of Bengali settlers are being settled on the lands of around 10 acres owned legally by Puma Chandra Chakma. It is informed that a hospital of 50 beds for Border Guard Bangladesh (BGB) is under construction in Ramgarh in which 52 families of Bangali settlers have been living. These Bengali settler families are planned to settle on the land of Puma Chandra Chakma. Indigenous villagers are living in fear of eviction from their ancestral land and demanded cancellation of the expansion of cluster village of Bangali settlers.

An indigenous house demolished in Bandarban

On 9 June 2012 land grabbers led by Dulal and Taposh with their hired gang attacked and demolished house of Romesh Tanchangya at MDS area of Bandarban municipality in Bandarban district.¹⁵

Romesh Tanchangya informed that his family has been living in their ancestral land in a tin shed house for the last 42 years. His neighbour Dulal and Taposh with their hired gang attacked and demolished his house. They looted their belongings worth 20,000 taka. It was also learnt that the land grabbers carried out this pre-planned brutal act intentionally.

¹⁵ The Dainik Azadi, 14 June 2012

Romesh Tanchangya from the victim's family lodged a written complaint at the Bandarban sadar police station regarding the incident.

Bengali settlers attempt to grab indigenous land in Khagrachari

On 16 September 2012 a group of Bengali settlers numbering 40-50 persons attempted to occupy lands of the indigenous villagers at Bamal village of Betchari in Bhuachari mouza of Khagrachari Sadar upazila in Khagrachari district.

It was learnt that on that day at 3.00 pm Bengali settlers led by Md. Zakir Hossain (20) son of Abdul Hamid, Kauser Ali (21) son of Answer Ali and Md. Rabbani (22) illegally started building houses on lands of the indigenous villagers at Bamal village of Betchari in Bhuachari mouza of Khagrachari Sadar upazila in Khagrachari district. The owners of the land on which Bengali settlers tried to erect houses were Jimit Lal Chakma (60) and Amrita Lal Chakma (63), sons of late Hari Kishore Chakma, who have 11 acres of recorded land; and Indra Mohan Chakma, son of Jogendra Chakma of the same village who has 5 acres of recorded land.

It is to be noted that the Bengali settlers already occupied land belonging to indigenous villagers in Bhuachari in 2008. As the local indigenous community went to prevent the settlers, a heated discussion took place between the two groups and eventually they got into a fight. No one was severely injured in the incident. Later, army and police from the upazila sadar came there to resolve the dispute and forbade anyone to build anything the land. Despite the order from the army and police, the Bengali settlers went to cut trees in the forest the next day. The army again had to stop the Bengali settlers.

On the other hand, following this incident, the miscreants of Bangali Chattra Parishad beat up two indigenous men namely Khokon Chakma (26), son of Nilranjan Chakma, Christian para village of Betchari and Ratnakor Chakma (32), son of Sureshwar Chakma, Christian para village of Betchari who were severely injured. They were admitted to the Khagrachari Hospital. A case was filed by Ratnakor Chakma on 17 September 2012 against 9 Bengali settlers including Md. Zakir Hossain (20) son of Abdul Hamid, Kauser Ali (21) son of Answer Ali and Md. Rabbani (22) with Khagrachari police station. But police did not arrest any culprit.

Land grabbers occupy indigenous land in Barkal

A land grabber named Bhabesh Chandra Das occupied the lands recorded in the name of two indigenous families in Suaripata village of Bhushanchara union under Barkal upazila in Rangamati district.¹⁶

It was reported that Bhabesh Chandra Das from Kolabuna of Aimachara union in Barkal upazila occupied the land belonging to Joy Kumar Chakma and Punno Kumar Chakma and after grabbing, he sold this land to Md. Montaz, Nizam, Shohidul, Kamal and Motaleb, Bengali settlers of Kalabunia area in Barkal upazila. Joy Kumar Chakma lodged a written complaint to the upazila council chairman against Bhabesh Chandra Das. In light this complaint, upazila council chairman had assigned the Officer-in-Charge (OC) of Barkal police station to take appropriate measures. Accordingly, an arbitration committee was formed. After arbitration twice, the committee resolved the dispute by drawing the boundary between the land of Joy Kumar Chakma and Bhabesh Chandra Das. Although Bhabesh Chandra Das agreed the decision by the arbitration committee, he again started to occupy Joy Kumar Chakma's land. Consequently, when Joy Kumar Chakma and Punna Kumar Chakma tried to stop him, he filed fabricated cases against them for land grabbing and theft. This is a conspiracy to harass them to evict them from their land. The families have become helpless and exasperated from being continuously harassed by the false cases by land grabbers.

Allegations against Jamaat supporter Hazi Selim for grabbing indigenous land

A supporter of Jamaat-e-Islam, Hazi Selimullah from Satkania in Chittagong district was alleged for trying to grab indigenous land at Sualok area under Bandarban sadar upazila in Bandarban district.¹⁷

On 11 September 2012 the indigenous villagers submitted a memorandum to the District Commissioner (DC) of Bandarban district demanding to arrest Selim and his men. DC KM Tarikul Islam said that the matter was

¹⁷ The daily Prothom Alo, 12 September 2012

¹⁶ The daily Samakal, 10 July 2012

being investigated seriously after the complaint was received. Strict measures will be taken after the investigation is over. Villagers from Majherpara and Headmanpara of Sualok union said that they have been cultivating *Jum* for generations in Murungajhiri area of Sualok union in Bandarbar sadar upazila. Some of them have build orchards and forests in their legally owned and recorded land. For the last several months, Hazi Selim has been trying to occupy the land by hiring gangs from outside.

Hazi Selimullah claimed that he bought 250 acres of land belonging to various people. He rather intentionally alleged that the indigenous villagers are obstructing him from cultivating this land.

Bengali settlers attacked on indigenous villagers with the intention of grabbing land in Naikhyongchari

There were allegations of land grabbing at Fatrajhiri village of Ghundhum union under Naikhyongchari upazila in Bangdarban that the outsider of Jamaat-e-Islami supporters attacked on indigenous Tanchangya community at midnight on 2 November 2012. At least 10 villagers including one child was wounded in the attack. Of them, one was seriously injured, and was admitted to the Malumghat Christian Memorial Hospital. Other 3 injured were released from Cox's Bazar district hospital on 5 November. A case was filed with the Naikhyongchari police station in this connection.



Victims of attack by Bengali land grabbers at Naikhyanchari

Reportedly BGB police arrested 12 criminals but judicial magistrate court granted them all bail on 5 November. According to the written allegation of Mongkyala Tanchangya, Md. Ali forcibly wanted to control the fruits and forest plantation himself in the lands of the plaintiff. A case was filed against Md. Ali at the local court. Md. Ali became aggressive with the fear of losing the case and tried to grab land forcibly with the help of a group of hired goons. Consequently more than 50 people attacked at Fatrajhiri village, targeting the father of the claimant, Mr. Komol Kanti Chakma and also children and women.

Few instances of Land grabbing in Naikhyongchari upazila

Bengali land grabbers are attempting to take control of 1000 acres of jum lands belonging to indigeous people in Krokhyong mouza under Naikhyongchari upazila led by Selim Reja, elder brother of chairman of Bandarban municipality. It is alleged that some locally and nationally influential persons are involved with this land grabbing. This anti-legal plan would culminate, if successful, the displacement of local Bengali and indigenous families. The local villagers submitted a memorandum to the Prime Minister for taking action against Selim Reja and his followers but no response was made from the Government on this matter.

Faruque Ahmed, the Union Parishod (UP) chairman of Baishari union, and his men cut trees on some 2,000 acres of illegally occupied land under Bakkhali mouza. Instead of taking any legal steps, the local administration is suspected to be assisting Faruque Ahmed is grabbing this land. Similarly the livelihood of hundreds of permanent Bengali resident and indigenous families are threatened due to lack to arable land in Baisari mouza.

Outsiders, with the help of Anwar Hossin and Mohammad Manjur Hossain s/o Latif Haider, have illgally taken control over 500 acres of forest under Kamirchara Mouza in Naikgyongchari upazila. The corresponding headman appealed to the UNO for getting legal remedy on protecting the land property but the local administration is silent in the regard.

Under the leadership of manager Arif, Mizanur Rahman Company (PHP) has grabbed the lands of no. 25 graveyard and 125 acres of jum land belonging to the Tripura community in Eidgar Mouza under Naikhyongchari upazila. Also, Nur Abshar (s/o Ismael) and Ibrahim (s/o Ramjan Ali) have occupied 500 acres of jum lands of Marma farmers through employing 60/70 workers for clearing the jungles. Marma

Indigenous Peoples are now living in fear of being forcibly displaced.

Alhaj Habbibullah, ex-chairman of union parishod, has planted Rubber and Segun trees on 100 acres of lands situated in the eastern side of Kolachi Krokhang public road under Dochari Mouza with false documents. In the same manner, he is attempting to grab 400 acres of land under pinechari Faillah Bainerjeri area that has already been cleared with employing Rohingya refugees. The headman of the respective Mouza has appealed to local administration for preserving these forestlands on 25 February 25 2012. Following the appeal the local administration has ordered Upazilla Surveyor to investigate the matter.

MEDIA REPORTS



New Age, 16 May 2012

Jhimai Punjee Khasi fears eviction

Our Correspondent. Moulvibazar

Families of Khasi ethnic community at Jhimai Punjee in Moulvibazar are facing eviction threat as they have said a neighbouring tea garden authorities are trying to take over the land they have been living in for nearly 80 years.

Khasi and other ethnic minority community leaders at a press conference in Moulvibazar town on Tuesday demanded protection of the 68 families dwelling in Jhimai Punji from eviction allegedly by the Jhimai Tea Garden authorities.

The Greater Sylhet Indigenous Peoples Forum organised the press conference at the Moulvibazar Press Club along with a human chain to press the demand.

The speakers told journalists that the Khasi families had been living in Jhimai Punjee under Kulaura upazila since 1935, taking 335 acres of land on lease from the then Prithimpasa Estate.

Being forest dwellers the Khasis were ignorant of the importance of

land documents and so did not record the land in their names that resulted in the government's declaring it as khas land.

Later on, part of the land was given lease to the Jhimai Tea Garden while in the other part the Khasis continued to live.

But the threat of their total eviction began looming as the Garden authorities started lobbying the administration to obtain lease of the land where the Jhimai Punji is now situated, the speakers said.

The Garden authorities have already started 'encroaching upon' their land, the Khasi leaders said, adding that they built labour sheds on the Punji's land, closed the main road to the Punji and began felling trees reared by the Khasis.

GSIPF chairman Pidision Prodhan, secretary-general Gidison P Shuchiang, Khasi Social Welfare Council secretary Philah Pohthin and Moulvibazar Cha-Janagosthi Adivasi Forum president Parimal Singh Baraik were present at the press conference, among others.

Jhimai Tea Garden manager Tarique Ahmed Chowdhury denied the accusations and told New Age that they were only working on the land they had taken lease from the government.

daily sun
TRUE & IMPARTIAL

The Daily Sun, 7 July 2012

Garo people trapped in forest cases One man implicated in over 100 cases!

→ Noman Chowdhury, back from Madhupur

Several hundred Garo people in Madhupur are forced to live a miserable life for years due to 'forest cases' filed by the jungle-management officials concerned.

Like it or loathe it, a single person from the ethnic minority, Shrin Sangma, staggers under an awful load of over 100 cases.

In another astonishing matter, warrants were issued for the arrest of Garo leader Cholesh Rishil this year even after his death several years back.

Cases were filed against Garo people as they raised their voice against social afforestation, eco-park, rubber planting and land acquisition by government, locals said.



Schoolteacher Maloti Nokrek and her husband Abel who face forest cases filed by jungle-management officials concerned.

Many alleged that forest officials also filed cases against them just before their transfer to other places to prove their activities in protecting the forest.

When contacted, Divisional Forest Officer of Tangail Asit Baran Paul said a single person has been facing 107 cases on charges of forest crimes. "We have not filed any new case against Garos in the last two years as we are trying to dispose of the tremendous backlog of cases," he told daily sun.

"But the trend of committing forest crimes is on the wane as the government has taken a project on employment generation," he said, adding that the move has also lessened the locals' dependence on forest.

Sexagenarian Pancharaj Ghagra of West Kakraguni village of Madhupur had faced nine forest cases since 2003 till 2009 as he raised his voice against the echo-park. He was imprisoned for 70 days in the cases.

Pancharaj has been released from four cases and till today he has been fighting a long legal battle for five cases in the court.

“We want to go ahead by changing out lot. But the forest department made us move backward. In the last nine years, I had to spend more than Tk 0.4 million to continue the legal fight. I failed to educate four of my children for financial woes,” he said.

Pancharaj urged the government to settle the long-drawn-out forest cases speedily as the cases have snatched sleep of the Garo people. “We are ready to face capital punishment but we want quick settlement of forest cases,” he told this correspondent.

Pancharaj’s brother-in-law, Philimon Simsang, is also facing three cases for participating in anti-eco-park movement and the cases were filed in 2004. “I had to sell all of my six cows to bear the expenses of forest cases. Till now, I have to appear in the court once a month,” Philimon told daily sun.

A 58-year-old schoolteacher, Maloti Nokrek, and her husband Abel, 62, of Bheduria village are also facing similar cases. Even, a ‘fabricated’ theft case was filed against the teacher in 2004 just to harass her. “We have no sky-rocketing dreams but for a peaceful life. But forest cases have destroyed our happiness. Legal costs have slowly drained our incomes. So far, we have spent Tk 0.3 to Tk 0.4 million for the reason. We want to see an end to this chapter of harassment,” entreats Maloti.

Ajoy A Mree, president of Adivasi Cluster Development Forum, is a revered person in the tribal community. But he was harassed with forest cases for organising the movement. Even, a theft case was filed against him in 2004 to harass him socially.

Ajoy, also an inhabitant of Gachhabari, said forest department filed cases against locals for their movement against social afforestation and eco-park.

“Some of the forest officials also filed cases intentionally before their transfer only to prove their action to protect the forest,” he claimed.

Blaming officials for destroying country’s third-largest natural forest, Ajoy said, “Forest is part and parcel of life of Indigenous Peoples who

never destroy it as they are dependent on it. It is the activities of forest department and influential quarters which destroyed the forest.”

He called on the government to settle all forest cases against hundreds of Garo people immediately to exonerate them from illegal lawsuits.

http://www.daily-sun.com/details_Garo-people-trapped-in-forest-cases_196_1_1_1_1.html

The Daily Star

The Daily Star September 12, 2012

Murders for land of ethnic groups go on in Dinajpur

Justice eludes minorities while their landed properties continue to shrink fast



Clashes arising from land disputes and attacks by Bangalee settlers have left at least 36 indigenous people, including six women dead over the last ten years in different upazilas of the district, according to

Jatiya Adivasi Parishad (JAP), an NGO working for the welfare of ethnic minorities.

Most of these murders were committed by Bangalee settlers while trying to grab the land of minorities. Incidents of rape and murder were also reported during the same period. In many cases young women were assaulted and raped. Instances of politically backed Bangalee settlers torturing indigenous women were also noted, the leaders of JAP said.

There are 18 different ethnic groups in the district, and over 90 percent people of them belong to Santal community. The other groups include Kora, Turi, Mahle, Malpahari Orao, and Mundal.

Mysteriously, most of the murder, rape and assault cases filed with different police stations of the district still remain unresolved. Police claim that lack of witnesses has prevented them from forming charges. According to records, most killing incidents took place in eight of 13 upazilas since 2002. During the period, in Nawabganj upazila alone, nine indigenous people were murdered. Vast majority of the 250 people, who were sued in connection with the crimes against the minorities were never arrested, alleged the leaders while talking to this correspondent.

In one instance, at around midnight on August 16, three alleged criminals broke into the hut of Parul Hasda, 30, a divorcee living alone in Garhnurpur village under Kaharol upazila. The perpetrators murdered Parul after gang rape. Two days later, on August 18, policemen from Kaharol recovered her body.

Monglu Hasda, elder brother of Parul, filed a case with Kaharol police station on August 19 accusing three people of intrusion, rape and murder. The accused are Delwar Hossain, 40, son of late Md. Hasem (Member) of Purba Sadipur, Jalal Uddin, 45, son of late Afzal of Helenchakuri village and Md. Asraful, son of Md. Bodiar Rahman of Purba Mallikpur village under Kaharol upazila.

Sukumar Mohanta, officer in-charge (OC) of Kaharol police station said that the woman was choked to death. Besides, several marks of torture were found on her body.

"We are waiting for the postmortem report before we go into action,"

added the OC. Meanwhile, the alleged criminals remain at large in the area.

Local said that Bhadu Hasda, father of the slain woman, was beaten to death about 10 years ago. Some Bangalee settlers trying to grab his land were behind the murder.

Ranjit Kumar Roy, Programme Coordinator of Bangladesh Northern Elebethecal Lutheran Church Development Foundation (BNELCDF), quoting his own study on eight cases said, "All the murder cases originated from land related feuds between the settlers and the tribesmen." "Unfortunately years have passed but none of these cases saw justice," he added. "Due to this kind of treatment from the society, the helpless ethnic groups are now migrating to other countries," he further said.

Shanti Murmu, a 70-year-old woman of Garhnurpur village, said since independence at least ten families have left the area for safer places.

Md. Moinuddin Chisty, a filmmaker on the lifestyle of indigenous people in this region said according to land record in the 1960s 60 percent of the land belonged to indigenous communities. "But in 1970, the volume dropped to 30 percent, and a recent survey shows land ownership of the indigenous people is now only two percent," he said.

Bangladesh Bureau of Statistics says there are 400,000 indigenous people living in various upazilas of Dinajpur. Talking with this correspondent, Rabindranath Soren, Secretary General of Jaitiya Adivasi Parishad (JAP) said that he himself became a victim of land grabbing incident in Parbatipur upazila of Dinajpur.

"My ancestral land was secretly recorded in the name of a Bangalee settler," he said. "Until the government is serious about our protection it will be tough for us to survive," he added.

IV. WOMEN RIGHTS



IV. WOMEN RIGHTS

Indigenous women in Bangladesh often face double discrimination as indigenous and also as women. They experience discrimination not only from the surrounding society but often also from within their own communities. The women thus suffer from a range of problems related to the violation of their rights. The indigenous women face lack of participation in decision-making processes, lack of control over income to sustain themselves and their families, lack of land rights, lack of access to education, lack of access to health facilities, domestic violence, and sexual violence in situations of armed conflicts and militarization.

The Government of Bangladesh has ratified the CEDAW, ICERD and CRC. Article 32 of the Constitution of Bangladesh also provides that 'No person shall be deprived of life or personal liberty save in accordance with law.'

The National Women's Development Policy of Bangladesh adopted on 7 March 2011 succinctly contains some provisions on indigenous women and categorizes Indigenous Peoples as "backward and small ethnic groups". However, the policy does not mention anything regarding the state and communal violence perpetrated against indigenous women. Indigenous women were not consulted when the policy was being formulated or amended. Indigenous women demanded to insert a separate chapter for them considering the distinct problems they face.

Three separate courts were set up in the CHT in 2008 to try cases of torture of women and children under the Prevention of Women and Children Repression (Prevention) Act 2000, however it failed to do anything substantial to stop violence against indigenous women due to prolonged judicial processes, non-cooperation of the police and civil administration and other related authorities, financial constraints to run

cases, discriminatory social values, etc. Prevention of Women and Children Repression Act 2000 addresses the need for more effective prosecution of perpetrators of violence against women and children than existed previously and provides redress for victims of various manifestations of violence. The Act makes provision for compensation for the victim from the guilty person/persons. It also contains provisions for remedial measures for negligence or willful faults committed by an investigating officer and for a child born as a result of rape to be maintained by the father.

In addition, Section 376 of the Penal Code of Bangladesh provides that 'Whoever commits rape shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine...'

However, no mechanism was protectable from violence against indigenous women in CHT as well as plain districts in Bangladesh since the numbers of violation on women have been increasing day by day. In fact, nowadays, violence against indigenous women is one of the most widespread forms of human rights violation. The VAW comes in many forms such as domestic violence, rape, assault, sexual harassment, prostitution, trafficking, abduction and forced marriage and early marriage of girls. Very few incidents were reported in leading national dailies and none of the accused received exemplary punishment. In most cases, the perpetrators of these gross human rights violations go unpunished even when the victims and witnesses identify them. Except one rape and murder of Mariam Mummu¹⁸, there is no example, where the indigenous women got justice against her rights.

A deeper look into the VAW cases shows that some these violations are related to land issues, and the perpetrators are mainstream people including military and settler Bengalis. The current occurrences show that the indigenous women are still not safe. Killings, rape and assault, in particular, are being reported regularly.

¹⁸ Murder trial ends with death penalties, UCA News, 17 May 2012, <http://www.ucanews.com/2012/05/17/murder-trial-ends-with-death-penalties/>

Lack of access to justice and impunity of the perpetrators

Persistent corruption, police negligence, impunity, and a general lack of justice for victims of human rights violations were pervasive themes among all the cases committed in 2007-2012. In most of the cases police assistance was sluggish or nonexistent and the perpetrators of violence were in positions of power over the victims. In many cases, victims were unable to file their complaint with the authorities or once filed, the authorities hindered investigations. From January 2007 to December 2012, there were at least 122 indigenous women and children who faced violence in the CHT of which at least 89% were cases of sexual violence. For none of these reported cases perpetrators were prosecuted through the formal justice system till date.

For instance, Md. Ibrahim (32), a Bengali settler who raped a 13 year old indigenous Chakma girl at Longadu upazila under Rangamati district in CHT on 15 June 2011, was arrested, but got released on bail without punishment. Soon after release, he again killed after rape another 11-year old indigenous girl (Sujata Chakma) in the same upazila on 9 May 2012. Though police arrested him again on 10 May, but it is an example that shows that perpetrators get encouraged to commit such crimes as they enjoy full impunity.

The CHT Accord of 1997 created a positive space for the development and security of the indigenous Jumma women. However, the main issues of the Accord are still to be realized. Hence, indigenous Jumma women as a whole still remain the subject of deprivation. CHT Accord stipulates to demilitarize the CHT region with the provision to withdraw all temporary camps from CHT. But this provision is yet to be implemented fully, rather, de facto military rule named "Operation Uttoran (Operation Upliftment)" was imposed in CHT on 1 September 2001 in the post-Accord period. Military interference with and dominance over the civil administration, law and order, tribal affairs, forest resources etc. are still continuing on one hand, and on the other, they continue to actively support the outsider Bengali settlers in expanding and establishing newer cluster villages in the CHT. Further more, non-settlement of the disputes over the lands as per CHT Accord, every now and then, conflicts and communal riots are being occurred in CHT centering the issue of the land disputes and the process of forcible seizing of lands belonging to the Jummas is going on

unabated. This situation completely jeopardized indigenous Jumma women's security and suffered twice as much the Bengali women.

In addition, that the special governance system has not been established in the CHT and the civil administration has not been overhauled and reformed with the combination of officials from indigenous Jummas and permanent Bengali residents both, mentioned with great importance in the Accord, are the major reason behind this. Civil administration of the CHT still is dominated by non-indigenous officials from outside the CHT who are not only ignorant about the social system, but also are ignorant about the culture and rights of the Indigenous Peoples of this region. As a result, when the indigenous women go to the administration for lodging complaints of abuse often they often face non-cooperation and hostile attitude from the police and concerned officials.¹⁹

On 24 February 2008 the High Court ordered to establish three separate courts in the CHT under Prevention of Women and Children Repression Act to try the cases related to the torture of women and children. This step has added a new dimension to the prevention of torture on women in the CHT. The establishment of the courts, however, has failed to do anything substantial progress to stop violence against indigenous women in the CHT. Prolonged judicial processes, non-cooperation of the administration and other related authorities, lack of financial ability of the indigenous people to run the cases, lack of adequate legal assistance; discriminatory social values, etc. are the major impediments towards the indigenous women's access to justice.²⁰

The first victim support center was setup in Rangamati in March 2012 to give legal aid to women and children and gives them rehabilitation assistance with the help of partner NGO UNDP's Police Reform Program (PRP). However, this centre provides shelter for a certain period and assists in filing cases or providing medical support but does not follow up with the rest of the legal process. There is also a lack of indigenous representatives at the service centre.

¹⁹ The Status of Adivasi Hill Women in Light of the CHT Accord, Mangal Kumar Chakma, Bangladesh Nari Pragati Sangha, September-October 2009, Dhaka

²⁰ -do-

VAIW: At A Glance

Violence Against Indigenous Women (VAIW) is one of the major issues in Bangladesh. Almost in all cases the perpetrators enjoyed the absolute impunity due to lack of access to justice. In 2012, a total 75 indigenous women and children across the country, 55 from the CHT and 20 from plain land, were subjected to violence. Of them, 17 indigenous women and children (14 from CHT and 3 from plain) were raped. 7 indigenous women and girls, of them 4 from the CHT and 3 (including 1 committed suicide due to sexual harassment) from the plain lands, were killed. In addition, attempts to rape were made on 13 indigenous women including 1 from the plain lands while 2 women from the CHT were abducted. Besides, 33 indigenous women were physically assaulted, harassed and molested. 30 of the victims, out of 75, were children under 16 years. Most cases of violence against indigenous Jumma women in the CHT has been allegedly committed by Bengali settlers and security forces. Cases were filed in 32 incidents related to VAIW, out of 50 incidents committed in 2012. The police arrested perpetrators of 17 cases, out of 32 cases. But no one was given exemplary punishment so far.

During the time from January 2007 to October 2012, there are 160 reported incidents of violence against indigenous women occurred in Bangladesh of which at least 96% cases were of sexual violence. Most cases were in relation with land related issues as well as militarization and settlers displacement. The scenario clearly demonstrates that perpetrators mostly belong to the mainstream population. In 2012, a total of 120 cases have been filed with local police stations but not a single perpetrator of these reported cases has been prosecuted through the formal justice system till date. It is noteworthy that rape cases are the highest amongst these. In 6 years from 2007 to 2012, different categories of violence occurred in the CHT such as rape (52), attempted to rape (26), killed after rape (13), kidnap (11), abused and physical assault (31). A trend of increasing violence against children and adolescent girls is seen. The child and adolescent girl victims are highest among the VAIW cases.

The table below shows summary of the VAW cases documented so far covering the period of 2007 to July 2012.²¹

²¹ Kapaeng Foundation report on the human rights situation of Bangladesh indigenous peoples

Table- 7 : Types of Violence Against Indigenous Women in the CHT (2007-2012)

Year	Rape	Killed after rape	Killed / shot dead	Physical assault/ molested	Attempt to rape	Kidnap	
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
Total	38	11	4	31	29	9	122

Figure- 4.1: Types of violence against Indigenous Women in the CHT (2007-2012)

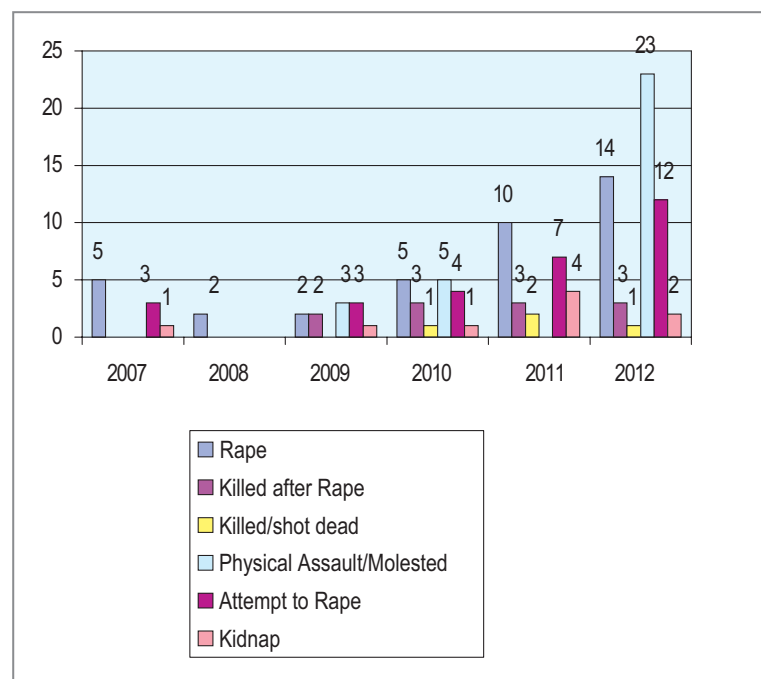


Figure 4.2 Highest rate of violence

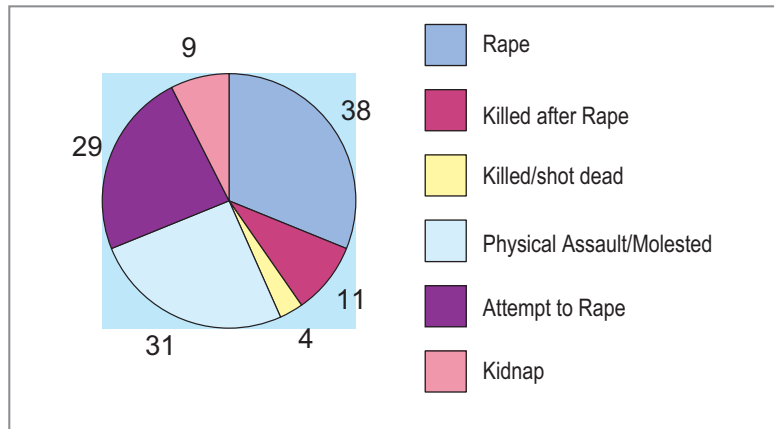


Table- 8 : Statistics on VAW: Plain Land Indigenous Women in 2007-2012

Year	Rape	Killed after rape	Killed / shot dead	Physical assault/molested	Attempt to rape	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
Total	7	3	6	17	3	2	38

*including one committed suicide following miscreants sexually harassed in front of her mother

Figure 4.3: Increasing number of VAW cases in CHT

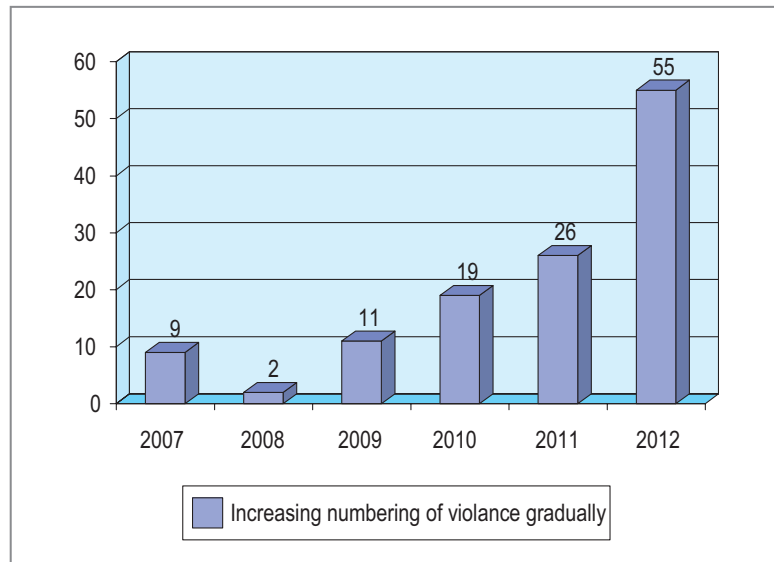


Figure- 5.1 : Statistics on VAW: Plain land Indigenous Women in 2007-2012

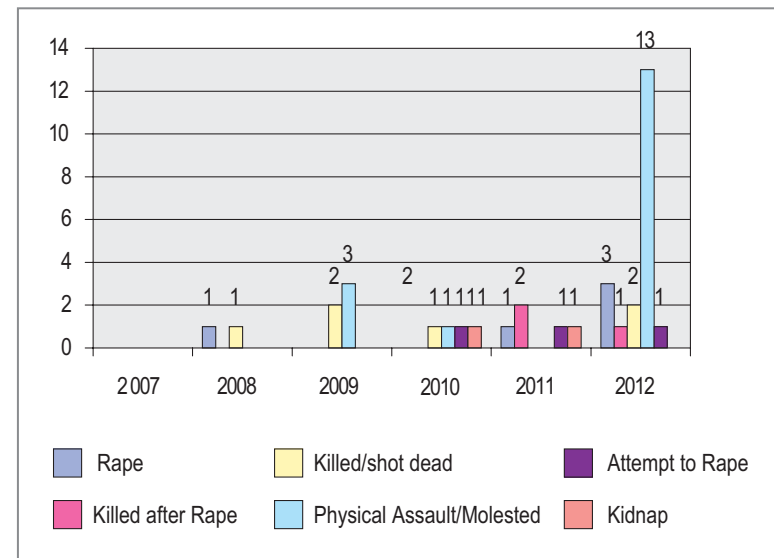


Figure- 5.2 the highest rate of violence in plain district

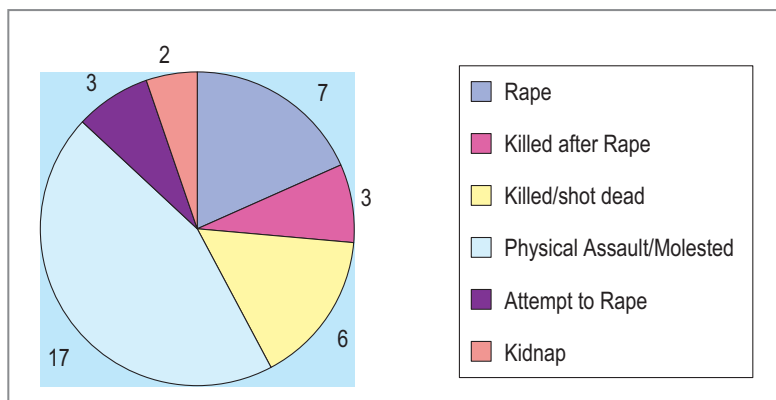


Figure- 5.3 : Increasing number of VAW cases in plain district

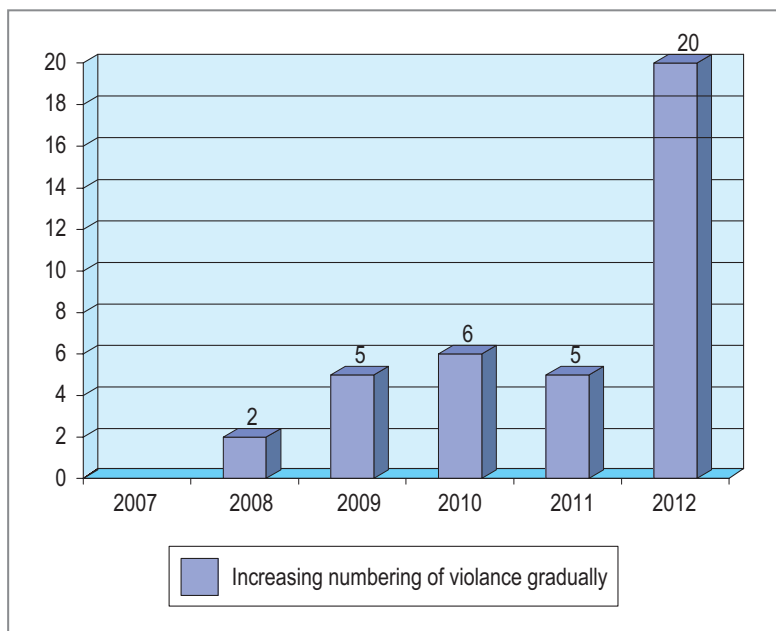
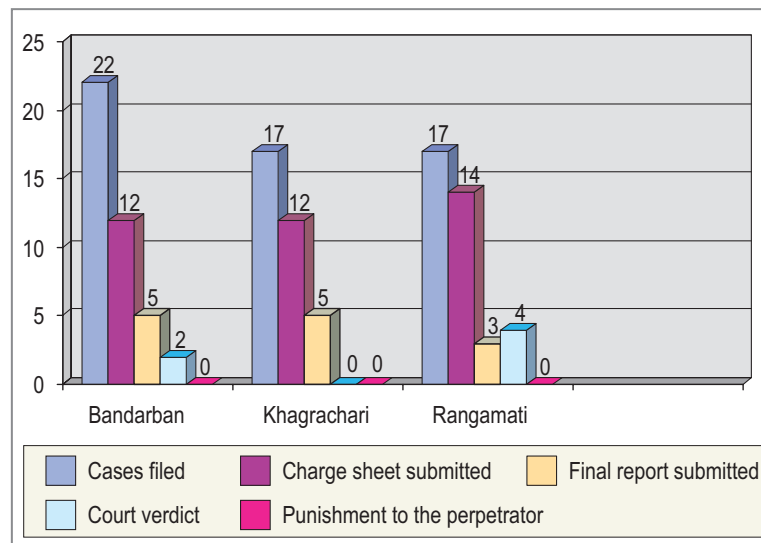


Table- 9 : Information of Ministry for Home Affairs on cases filed with the police stations in CHT related to violence against women and children

Particulars	Number of Cases in 3 districts of CHT (1 January 2010- 31 December 2011)			
	Bandarban	Khagrachari	Rangamati	Total
Cases filed	22	17	17	56
Charge sheet submitted	12	12	14	38
Final Report submitted	05	05	03	13
Court verdict	02	00	04	06
Punishment to the perpetrators	00	00	00	00

This Information was provided by Home Ministry on 15 July 2012 to Bangladesh Legal Aid and Services Trust (BLAST). Data shows court's verdict on the punishment of the perpetrators is only on 6 cases out of 56 and no perpetrator has been punished yet.

Figure - 6 : Illustration of lack of access to justice and impunity of the perpetrators in CHT



Below is a brief description of the cases of violence against indigenous women in Bangladesh:

RAPE

1. On 7 January 2012 Alal Uddin s/o Tufor Ali, a Bengali tempo car driver, abducted and raped a 15-year old indigenous girl, who is a student of grade VIII of Alokchotro High School of the Shahapur Fulbari village of Rishikul union of the Godagari upazila of Rajshahi district. A case (case no. 15) was filed with Godagari model police station. On that night Assistant Sub-Inspector (ASI) Hiranmoy Roy arrested the alleged rapist.²²

2. On 30 January 2012 Md. Harun, driver of motor bike from Muslim Para of Matiranga upazila in Khagrachari district, raped an indigenous Tripura girl who is a student of grade V. It is learnt that the perpetrator Md. Harun met the victim while she was returning home from coaching class to take lunch, dragged her to the nearby jungle and then raped her. Mr. Lagendra Tripura, the elder brother of the victim filed a case against Md. Harun with the Guimara police station on 6 February 2012, but police did not arrest the culprit.²³

3. On 1 February 2012 a group of Bengali settlers numbering 7 persons led by Md. Imam Ali raped a 15-year old indigenous girl at Moghaichari area of Dulyatali under Laxmichari upazila in Khagrachari district. The victim was recovered from the spot unconscious and taken to Khagrachari district hospital. A case was filed by Mr. Arun Chakma, elder brother of the girl against 7 unidentified persons with the Laxmichari police station on 01 February 2012. Later, police arrested Md. Imam Ali.²⁴

4. On 23 March 2012 two Bengali settlers namely Md. Saddam son of Serajul Islam from Kanchanpur and his friend Md. Anis raped an 11-year old Jumma girl at Gorjon Akashi Bagan area under Manikchari upazila in Khagrachari district. It is reported that on that day the victim who is a

student of grade V of a BRAC-run school went to Chowmuhoni Bazaar in Kanchanpur under Fatikchari upazila in Chittagong district adjacent to Manikchari to sell coal. When the victim reached Gorjon Akashi Bagan on her way back home along with her companions, the perpetrators grabbed her, took her to a roadside jungle and then raped her. A case was filed with the Fatikchari police station in connection with the incident. Police arrested Md. Saddam.²⁵

5. On 25 March 2012 Ujjal Hadima raped a physically disabled indigenous girl at Dhobaura upazila (sub-district) sadar under Mymensingh district while she was staying alone at her sister's house. The victim was admitted at first at the Haluaghat upazila health complex. Later, the victim was referred to the Mymensingh Medical College hospital. On 26 March 2012 police arrested the perpetrator. Ms. Mitali Dango, the elder sister of the victim and the wife of Ujjal Hadima filed a case against perpetrator.²⁶

6. On 14 April 2012 a Bengali settler named Mr. Durjoy raped a 15-year old indigenous Tripura girl of Adabari village of Jogyachala union under Manikchari upazila in Khagrachari district at a hotel in Matiranga upazila. An arbitration was held at Adabari village, but the victim could not give any information about the Bengali youth as the victim did not know the culprit from where he is.²⁷

7. On 25 April 2012 two Bengali settlers namely Oli Ahmed alias Olia (38) son of Abdul Matin and Zinnat Ali (35) son of Abdul Aziz from West Gorgoria Chouddhagram of Bame Gomati mouza under Matiranga upazila in Khagrachari district raped a 40-year old indigenous Tripura woman with speech disability at Kiran Master Para of Bame Gumti mouza under Matiranga upazila in Khagrachari district. No case was filed with the police station due to the threats by the perpetrators.²⁸

8. On 26 May 2012 a group of culprits comprising of Chikon Ali (40) s/o late Monowar Ali, Ysuf Ali (35) s/o late Kanai Mian and Foizur Rahman (30) s/o Monowar Ali and other unknown 5/6 persons raped a 25-year old

²² ..Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation <http://kapaeeng.org>

²³..Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation,

²⁴. Rape of hill woman triggers protest, The Daily Star, Friday, February 3, 2012,

²⁵. The daily New Age, 26 March 2012, Bangalee youth held for ethnic minority girl rape in Khagrachari

²⁶.The daily Prothom Alo, 27 March 2012

²⁷. Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation

²⁸. Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation



A protest human chain against gang rape of an indigenous woman by miscreants at Sylhet

indigenous woman at Daloi Para village of Khadim Para union under Sylhet sadar upazila in Sylhet district. The victim was admitted to Sylhet Medical College hospital. A case was filed against the culprits with Shahporan police station of Sylhet district. However, no culprit has been arrested so far.²⁹

Medical test showed that the victim was raped. However, alleged identified perpetrators and other unknown 5/6 persons have not been arrested yet by the police.

9. On 5 June 2012 truck driver Md. Ramzan (35) and his helper Md. Hasan raped a 12-year old indigenous Tripura girl at Baladhuram Para of Taindong union under Fatikchari upazila (sub-district) in Chittagong district. Alleged rapists threatened the victim's parents not to lodge any case and instead settle amicably. No case was filed fearing further harassment of the culprits.³⁰

²⁹ The Times, 28 May 2012; Daily Uttor Purbo, 30 May 2012, Sylhet; Daily Prothom Alo, 31 May 2012

³⁰ Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation

²⁰ <http://kapaeeng.org/an-indigenous-college-girl-tried-to-rape-by-a-bengali-settler-in-rangamati/>

10. On 21 August 2012 an 11-year old indigenous Tripura girl was raped by a policeman at Ataltila Noymile area of Merung union under Dighinala upazila in Khagrachari district while she was grazing cows near Ataltila police camp. It is learnt that on that day at around 2:30 pm the victim along with her 8-year old sister from Tapan Karbari Para of Noymile under Merung union went out for grazing cows near Ataltila police camp at Noymile area. Keeping her sister at a place, the victim went to another area near police camp to collect vegetables. Finding her alone, Md. Rasel Rana, a constable of Ataltila police camp grabbed and raped her. The policeman struck her on the right hand and right leg with a stick before raping her.

Soon after returning home, the victim informed her mother Nitya Bala Tripura about the incident, who went to the police camp taking the victim with her and put objection to Md. Shaha Alam, the on-duty police officer of the Ataltila camp. However, Md. Shaha Alam proposed to victim's mother to compromise the incident by giving her Taka 1000 (\$ 12). Failing to get justice, Nitya Bala Tripura informed Tapan Tripura, the Karbari (head) of Noymile village and Tripura Students' Forum leaders about the incident. At a stage, the indigenous villagers gathered at the police camp and demanded to arrest the alleged policeman. Due to tremendous pressure from the local people, Shah Alam was compelled to close alleged culprit Md. Rasel Rana. Nitya Bala Tripura filed a rape case (no. 3, date 21 August 2012) under section 9(1) of Women and Child Repression (Prevention) Act 2000 in the night on that day with Dighinala police station.

11. On 18 September 2012 at 2.00 pm a 25 year old indigenous Chakma housewife has been raped at Nalkata village under Kobakhali union under Dighinala upazila in Khagrachari district. It is learnt that the 25-year old was raped by Md. Azhar (25) son of Gofur Ali of North Milonpur in the Kobakhali union when she went up the hill nearby their house to herd their cows back to the barn. Azhar, who lay in wait, grabbed her from behind and raped her. She was left unconscious and was recovered later by her husband Chandranath Chakma Chittigulo. Injury marks on her body were found. She was at first admitted to Dighinala upazila hospital but later shifted to Khagrachari district hospital. A case was filed, but police did not arrest culprit.

12. On 28 October 2012, a 16 year old indigenous Chakma girl, a student

of class X of Nasirabad Government Girls School in Chittagong town, was allegedly gang raped by some 6/7 youths at Nasirabad Polytechnic Institute area under Chittagong city. The incident happened at around 7:00 pm when victim's class mate Pias Chakma (16), a 10th grade student of a high school in Chittagong, took her for a walk to an open space at Technical Residential area. At one stage, some 6/7 Bengali youths suddenly bordered them, took them forcefully to a nearby isolated hillock and then raped the victim repeatedly. The victim bled profusely and was admitted to Chittagong Medical College hospital in Chittagong city. Pias Chakma has been detained for questioning by police at Khulsi police station. The police also arrested 4 Bengali youths on 29 October.

13. On 31 October 2012 a 13 year old Tripura indigenous girl was raped by a Bengali settler namely Mohammad Rubel s/o Gas Kamal at Tholi Para village of Patachari union of Ramgarh upazila under Khagrachari hill district. It is learnt that, on that day at around 7:00 pm the perpetrator Mohammad Rubel forcefully raped the victim by pulling her and shutting her mouth to the nearby jungle beside a UNICEF funded school not far away from the victim's house. At that time she was totally accompanied. Subsequent to searching finally the villagers rescued the girl in senseless condition. The family of the victim was not able to take any effort against the perpetrator due to their poor financial condition.

14. On 16 November 2012, two indigenous Chakma girls were subjected to rape by indigenous youths in Jurachari upazila in Rangamati district. It is learnt that a 12 year old indigenous Chakma girl, a student of grade five of Panchari Model Government Primary, from Balukhai vilalge under Jurachari upazila was allegedly raped by Amiyo Chakma nearby Balukhali Buddhist temple during an annual religious festival of Kathin Chibor Dana. Another 12 year girl Shikha Chakma became a victim of gang rape by two indigenous youths on same time at the same place. It is reported that the incident occurred around 10:30 pm when the two victims were going to attend Kathin Chibar Dana ceremony at night. On their way to temple some 11/12 local thugs suddenly seized them, and took them by force nearby Balukhali muk Temple. One was able to run away from a rapist after being rapped. Then she informed to local people about another girl and her incidents. The community people rushed to the spot to rescue victim but were unable to find her there. Finally at midnight the victim was found at her home when the rapists took her back to her home at midnight 12.30

am. Immediately, victim's father Bagyodhan Chakma filed a case against following 6 persons with Jurachari police station, but yet police did not arrest to anyone.

15. On 21 November 2012 a 15-year teenage girl was raped in Rangamati town by Ramesh Tripura (36) in Al-amin hotel at Reserve Bazaar, Rangamati. It is reported that the victim came to Rangamati from Baghaichari with her two cousins (maternal) to participate in Kathin Chibor Dana, an annual Buddhist religious festival, at Rajbana Vihara. At night, they checked in Al-amin hotel in Reserve Bazaar area since they had no close relatives in the town to put up with. They rented 2 rooms for a night at Al-amin hotel. At midnight, another boarder of same hotel Mr. Ramesh Tripura knocked the girl's room, and tricked her by saying police wanted to check her room. When the girl opened the door, he forcibly took her out after locking up her cousin's room from outside. At dawn stairs he took the girl to hotel Shyam lodge and raped her, and around 11.30 am he let her go. A case has been filed against him with Kotwali police station under Women and Child Repression Prevention Act. The police arrested the rapist from Reserve Bazar area.

16. On 13 December 2012, a four year old Marma girl was raped by Ziko Chakma, son of Shanti Lal Chakma in Naniachar upazila under Rangamati district. It is learnt that, the victim went to attend her neighbour's wedding ceremony on that day at the same village. The rapist Ziko Chakma from Bihar Para of Naniarchar sadar area also attended in same event. Suddenly Ziko Chakma lured the girl to buy something for her from nearest bazaar area. On the way to bazaar, Ziko raped the child at Kinapoti Buddhist temple at about 10:00 pm on the day of incident. As the girl screamed and wailed in pain, nearby villagers and the temple's guard rushed there and caught Ziko Chakma for the heinous crime. He was later handed over to the police. Victim's father Suman Marma in the connection with this incident filed a case against culprit Ziko Chakma.

KILLING AFTER RAPE

1. On 9 May 2012 a Bengali settler named Md. Ibrahim (32) raped and killed a minor indigenous girl named Ms Sujata Chakma (11 years), daughter of late Mr. Jyotish Chandra Chakma and Ms. Mongala Devi



A demonstration against rape and killing of Sujata Chakma at Dhaka.
Inset: Dead body of Sujata Chakma

Chakma of Ultachari mouza area of Atarakchara union under Longadu upazila in Rangamati district after raping her. The victim was a student of class IV of Ultachari Government Primary School of that place. The incident happened, when the victim, along with her 5 year old nephew named Thiratna Chakma, was grazing cows half a kilometer away from their village. Biton Chakma, the brother of victim filed a case with the Longadu police station on 9 May. With the help of local people, police arrested alleged perpetrator Md. Ibrahim on 10 May.



Perpetrator Md. Ibrahim

It is worth mentioning that earlier, on 15 June 2011, Md. Ibrahim raped a 13 year old indigenous Chakma girl of Bara Ultachari of Atarakchara union under Longadu upazila in Rangamati district. Later, rapist Ibrahim was identified and arrested, but got released on bail one month before committing the rape and killing of Sujata Chakma.³¹

³¹ 2012; Daily Prothom Alo, 18 May 2012;

2. On 19 May 2012 a Bengali auto-rickshaw driver (Bhut-bhuti driver) named Nannu Mian (25) s/o Ataur Rahman raped and killed a 7-year old indigenous girl named Sagori Oraon at Mohammadpur village of Paharpur union under Badalgachi upazila of Naogaon district. Relating to this incident, police filed a case in connection with the rape and murder. On 23 May 2012 police arrested the perpetrator Nannu Mian.³²

3. On 7 July 2012 afternoon, a 45-year old indigenous Jumma woman was chopped to death allegedly by Bengali settlers in Uluchara area under Rangamati municipality in Rangamati district. It is suspected that the victim may have been killed after committing rape. The victim was identified as Ms. Bolimila Chakma w/o Durgamoni Chakma from Suguripadachara village of Bhushanchara union under Barkal upazila of Rangamati district. Rajani Chakma (Sara Bap), uncle of the victim, filed a case in connection with that killing against three Bengali settlers namely Sohel (26) s/o Abdul Latif, Md. Sohel (25) s/o Ferdousi Begum and Manaiya (26) s/o Badshah Mian of Answer camp area of Vedvedi in Rangamati town.³³

On 9 July 2012 one of the alleged perpetrators, Sohel (26) s/o Abdul Latif, was arrested from Answer camp area of Vedvedi in Rangamati town.

4. On 21 December 2012 a 14 year indigenous Marma girl named Thomaching Marma daughter of late Suithui Prue Marma of village-Baradulu Para of Kalampati union under Kaukhali upazila (sub-district) of Rangamati hill district was brutally killed after rape by miscreants. The girl was a student of class eight of Kaukhali Girls High School. It is learnt that on that day at about 3:30 pm the girl went to bring back their cows to nearby bush. As she was getting late, her mother and siblings began to search around for her and finally one relative (brother-in-law of girl's mother) found Thomaching's naked dead body in bush which is very adjacent to a Bengali settler village namely Nailachari. Primarily, it is assumed that the girl was killed after rape when rapist/s found her alone in the bush.

In the morning time on 22 December, the dead body was taken to Rangamati General Hospital for autopsy. A murder case (no. 03/2012

³² .The Daily Star, May 23, 2012

³³ .The daily Prothom Alo, 11 July 2012 and The daily Prothom Alo, 9 July 2012



A human chain against rape and killing of Thomaching Marma at Dhaka, Inset: Dead body of Thomaching Marma

dated 22-12-2012) was filed against unknown persons with Kaukhali police station under Section 9(iii) of the Prevention of Oppression Against Women and Children Act 2000 by victim's uncle named Chaithowai Prue Marma. However, 4 persons, namely, Md. Selim Khan s/o unknown, Md. Didar s/o Badam Saoudagor, Alauddin s/o late Majibur Rahma and Son of Sahabuddin of Nailyachari village of Ward no. 4 of Kalampati union under Kaukhali upazila are suspected to have involved with this incident. Besides, a General Diary (no. 621) was also filed with Kaukhali police station. But the police are yet to arrest any body. It is worth mentionable that Marma people once populated Baradulu village and its adjacent areas. The Bengali settlers occupied them in the 1980s after driving the Marma villagers from their lands. The Bengali settlers continue their attempts to occupy more land belonging to Marma community. Sources said that a few months ago, Marma villagers planted ginger on their lands but the Bengali settlers destroyed them. The Marma villagers immediately replanted again, and now a case is pending with the Union Council chairman of the area over the disputed land.

KILLED

1. On 17 August 2012 an indigenous Santal widow named Paulina Hasda (28) was killed at her house of Sadipur village under Kaharol upazila in

Dinajpur district. It was learnt that on that day at the night unknown persons stabbed Paulina Hasda to death. Knowing this incident in the morning on next day, the villagers informed police. Later police recovered dead body of Paulina Hasda from her house. Paulina Hasda along with only son was staying at her father's house as her husband divorced her few years' back. A police was registered in connection with this killing at Kaharol police station. It is also reported that Paulina Hasda was brewing wine at her house and some local Bengalis used to go there regularly to drink locally made wine. Indigenous villagers suspected that such people might have killed Paulina Hasda. The police arrested one culprit, but two perpetrators are yet to be arrested.

2. On 22 August 2012 an 85-year old indigenous Phul Kumari Tripura w/o Kamala Kumar Tripura of Sudhina Ranjan Headman Para of Taindong mouza under Matiranga upazila in Khagrachari district. It is learnt that Phul Kumari Tripura went out for fishing at near stream. As she was being late, relatives of the victim searched for her and found her lying dead from the stream near Sudhina Ranjan Headman Para, which is closed to Bengali settlers' locality. Local Jumma villagers believe that Bengali settlers might have killed her. Deep cut marks were found on her body.

3. On 8 December 2012 a 14-year old Sheuli Rani daughter of Indrajit Roy of Amarak village under Sadar upazila in Chapainawabganj district was sexually harassed in front of her mother by one Khairul Islam of the village. It is learnt that on that day the victim went to a field near their home for collecting straw. Later, she returned home and took her life by taking poison. The relatives of the victim alleged the indigenous girl might have committed suicide fearing social disgrace. A case was filed against five people with Chapainawabganj sadar police station. The law enforcers arrested Khairul's father Hussain Ali and one Fatik Ali at the village in this connection.

PHYSICAL ASSAULT AND MOLESTATION

1. On 4 January 2012 land grabber Azizur Rahman and his henchmen beat 6 indigenous Santal women named Fulmoni Murmu w/o Som Hembrom, Basani Soren w/o Som Tudu, Laxmi Hembrom w/o Munsai

Murmu, Mery Hembrom w/o Mandol Murmu, Malati Murmu w/o Budhu Hembrom and Arati Baske w/o Arjun Murmu at Chok Gopalpur village under South Kotwali in Dinajpur district and set their houses on fire. With the intention to occupy land of indigenous villagers of Chok Gopalpur village, Azizur Rahman filed a false case against 22 villagers including women at local court on 14 December 2011. While the villagers including victims were going to court to be present before court, Azizur Rahman and his henchmen attacked them. Victims failed to file case due to threatening by culprits and on the other hand, the culprits are freely roaming.³⁴

2. On 16 January 2012 a group of miscreants numbering 5/6 persons led by Md. Abdus Sattar beat an indigenous woman named Mery Soren at the Kaktiya village of Mohanpur union under Godagari upazila while the victim went to fetch water from a pond. The neighbors of the mainstream population have been forbidding illegally indigenous villagers from using the pond. The police did not accept the case filed by indigenous villagers with the Godagari model police station.³⁵

3. On 9 March 2012 a group of Bengali vested quarter attacked and destroyed the houses of Indigenous Peoples at Boidyopur and Gagorondo indigenous villages of Tanore upozila under Rajshahi district. In this attack, 5 wounded people were given treatment in Tanore medical center. Among them, Ms. Salmi Hasda (28) and Ms. Nirmol Hembrom (20) w/o Fransis Hembrom were in serious condition. In connection with this attack Fransis Hembrom filed a case against unidentified 50 persons including 15 known person.³⁶ But no one was arrested.

4. On 28 March 2012 Maichu Marma (25) was physically tortured during a search operation by military major Shahdat of Sindukchari zone in the village of South Sapchari under Manikchari upazila in Khagrachari district. According to local sources, at 2:30 pm a group of army personnel led by Major Sadat of Sindukchari zone in two army vehicles raided the village of South Sapchari and surrounded the house of Thoaichau Marma (56).

³⁴ . Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation

³⁵ . Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation, and <http://www.aippnet.org/home/daily-sharing/793-bangladesh>

³⁶ . The daily Kaler Kantho, 11 March 2012

They also threatened Ms Maichu to subject her to “Banch Dholai”, a special method of torture in which a person’s body is pressed and rolled between two or more bamboo poles. When she said she did not know anything about “terrorists”, an army man hit her on the forehead with a bamboo stick, wounding her seriously.⁹

5. On 28 April 2012 a group of Bengali settlers numbering about 7 persons assaulted and robbed an indigenous woman named Ms. Alpana Chakma

alias Kalabi (45) wife of Kaladhan Chakma of village- Jarulchara of Gulshakhali union under Longadu upazila in Rangamati district. The victim was seriously wounded and admitted to the Rabeta hospital in Longadu upazila unconscious.



Alpana Chakma, victim of robbery and physical assault at Longadu Upazila

Kaladhan Chakma filed a case against 7

unidentified Bengali settlers with the Longadu police station. Among them, two culprits were arrested. However, the culprits are threatening Indigenous Peoples to withdraw the case.¹⁰

6. On 30 May 2012, a group of police from Teknaf police station and miscreants of mainstream population led by Sub-Inspector (SI) Bakhtiar and local influential Abdul Haque attack indigenous Tanchangya (they called themselves as Chakma) villages of Howaikyong area under Teknaf upazila in Cox’s Bazaar district. In that attack an 8-month pregnant housewife Ms. Malaimy Chakma (30) w/o Ucha Thaoi Chakma was beaten indiscriminately while she tried to protect her husband from beating of attackers. Due to indiscriminate beating on her by the miscreants, Malaimy gave birth to a premature baby. She was first admitted to the local health complex at Teknaf and on 1 June she was transferred to Cox’s Bazaar district hospital with serious condition. The same perpetrators also inhumanly beat and molested Ms. Chhaya Mee Chakma (28), Ms. Lucky Chakma (18) and Ms. Samiya Ching Chakma Sumi (15) in front of the

police. Civic groups protested against this attack and demanded to take action against the culprits. However, the administration did not take any action against perpetrators.³⁷

7. On 30 May 2012, Bengali settler Md. Amir Hossein (45) and his two sons Md. Jasim (21) and Md. Ibrahim (18) of Amtala in Barkal upazila beat three indigenous villagers including a woman belonging to one family with the intention of grabbing the land of that family in Barkal upazila of Rangamati district. The victims were identified as Mr. Biro Kumar Chakma (60), Mr. Amar Kanti Chakma (28) s/o Biro Kumar Chakma and (3) Ms. Sangeet Mala Chakma (25) w/o Amar Kanti Chakma. Biro Kumar Chakma filed a case with the Barkal police station, but no perpetrators got arrested.³⁸

8. On 7 July 2012, a primary school teacher was sexually harassed by her colleague head teacher Md Rahamatullah Dewan of Muslim Block Government Primary School of Baghaichari municipality area in Rangamati district. Again, 13 primary school girls (class III to class V students) have been harassed sexually by their school teacher Md. Riaz Md Hira of Uluchari Government Primary School under Khedamara union of Baghaichari upazila. Primary education officer suspended both teachers from their duties after investigation.

9. On 26 August 2012 a woman was attacked by Bengali settlers at North Shantipur village under Panchari upazila in Khagrachari district. It is learnt that on that day Bengali settlers led by Mashud Rana (30) s/o Sadeq Ali from Amarpur village in Ward No. 4 of Ultachari union under Panchari upazila started construction of a house on recorded land of Kanti Bhushan Chakma (70) s/o Girish Chandra Chakma of North Shantipur village. Kanti Bhushan Chakma went to the Panchari police station to put objection and to refrain Bengali settlers from construction of house on his land. But Officer-in-Charge (OC) of the Panchari police station did not take any

³⁷ The daily Samakal, 1 June 2012; The Daily Star, Tuesday, June 5, 2012; New Age, 5 June 2012; The daily Janakatha, 1 June 2012,

11. <http://www.prothom-alo.com/detail/date/2012-07-07/news/271651>³⁸. Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation, <http://kapaeng.org>

³⁸. Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation, <http://kapaeng.org>

action. The Bengali settlers with sharp weapons attacked on them while they tried to oppose Bengali settlers to erect house on their land. In this attack, Kanti Bhushan Chakma got cuts on his three fingers of the left hand while Laxmi Sita Chakma on her thumb. Triratan Chakma sustained cuts on his left shoulder and left hand. All of them were admitted at Panchari upazila hospital. Laxmi Sita Chakma was released after providing her first aid at Panchari upazila hospital. A case was filed but police arrested no culprit.

10. On 15 October 2012 Bidhata Tripura (60) was injured and beaten by Md Ali Akbar chairman of Bormal union and several houses including a Hindu temple were damaged and looted when a group of Bengali settlers attacked Rajdhar Karbaripara village of Baranal union under Matiranga upazila in Khagrachari district. The attack, which took place at around 9:00 pm, forced the Jummas to flee their homes. According to sources, a group of Bengali settlers from Dak Bangla and its adjacent areas carried out the attack after accusing the Jummas of 'being involved in extortion and terrorist activities'.

11. On 4 December 2012 a Jumma woman was sexually harassed by a soldier of Naniarchar zone while military forces were distributing winter clothes to the poor people at an open ground inside Naniarchar zone headquarters under Naniarchar upazila in Rangamati hill district. It is learnt that on that day zone commander of Naniarchari zone Lieutenant Colonel Khaled distributed winter clothes to the poor people at an open ground inside Naniarchar zone headquarters. During the distribution, a huge number of poor people were waiting in the long queue. Ms. Rita Chakma (23) wife of Chikke Chakma from Morachengi village of Sabekhyong union under Naniarchar upazila also came to collect winter clothes there. At that time, a duty soldier of military forces in civil dress of that zone touched her breast while distributing clothes, then & there she slapped him and started beating him angrily with her sandal continuously. However, the army of Naniarchar zone did not take any action against the alleged soldier. The name of alleged soldier could not be known.

ATTEMPTED TO RAPE

1. On 16 March 2012 Md. Kajim s/o late Abdul Majid of Sundarpur Daldala village of Kakanhat municipality under Godagari upazila in Rajshahi district

tried to rape an indigenous woman of same village. It is reported that on that day at around 7.30 pm the victim went out to bring water from a nearby tube-well. Seeing her alone at the tube well, Md. Kajim grabbed her from behind and tried to rape her. However, the local villagers rushed there hearing the victim's scream for help. On 17 March 2012 the victim filed a case (no. 16) in connection with this incident against Md. Kajim with the Godagari police station. The police arrested the culprit and sent him to jail.³⁹

2. On 9 April 2012 the students of the Suwalok Mro Residential School of Bandarban submitted an allegation against a senior office clerk Shahidulla Patowari to the head teacher of the school. That office clerk had been allegedly teasing the Mro indigenous girl students for long time. He compelled the girl students to work in his house and beating them for several times. According to some female teachers, seeking anonymity, a girl student, who is a victim of Shahidulla's ill-mannered behavior, compelled to leave the students' hostel and take refuge in relative's house due to timid and panic. The head of the investigation committee of the incident and assistant head teacher Sanjay Mitra said, the committee found proof of torture by Shahidulla on the girls. He was transferred from that school to somewhere else after the allegation was proved.⁴⁰

3. On 5 May 2012 Zahirul Islam, a Bengali settler youth, attempted to rape an indigenous girl, a student of class V entering her house at the absence of her parents at Dighinala upazila under Khagrachari district. The perpetrator fled away from the spot while the girl was shouting for help. Police arrested the alleged culprit following a case filed against him.⁴¹

4. On 5 June 2012 a group of Bengali youths numbering 5 persons attempted to rape a 16-year old Chakma girl at the area of Munsir Abdur Rob Monument (on Rangamati-Chittagong road) of Manikchari under Rangamati sadar upazila in Rangamati district. The victim did not file case for avoiding social stigma.⁴²

³⁹. Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation

⁴⁰. The daily Prothom Alo, 26 April 2012

⁴¹. The daily Prothom Alo, 10 May 2012

⁴². Indigenous Peoples Human Rights Defenders Network of Kapaeeng Foundation,

5. On 12 June 2012 a 22-year old indigenous Chakma girl from Vedvedi Juba Unnayan area was attempted to rape by a Bengali settler at district council's mini-zoo of Hatchery area in Rangamati municipality. It is learnt that on that day in the morning the victim was starting from her house of Vedvedi Juba Unnayan area to Banarupa to attend the computer class. At around 8.30 am when she reached at district council's mini-zoo of Hatchery area alone, a Bengali settler named Nuruzzaman Munna (22) s/o Md. Shahjahan of Radio station area of Rangamati municipality caught her from behind and started to molest her. Nuruzzaman Munna tried to drag her into the jungle. At that time, local Jumma villagers namely Bacchu Chakma and Nabin Sen Chakma rushed there while the victim was shouting. The villagers caught the culprit red handed and handed over to Kotwali police station. The victim filed a case with Kotwali police station under Prevention of Women and Children Repression Act 2000.

6. On 12 July 2012, an indigenous Chakma woman (27), working as Nurse in Chittagong, from Baghaichari upazila under Rangamati district was attempted to rape by Dr. Jahangir Hossain at her workplace Chittagong Medical College hospital in Chittagong. It is learnt that Dr. Jahangir was trying to rape in her room at the hospital at around 11:00 am. A case was filed against culprit but no one was arrested.⁴³

7. On 17 July 2012 an indigenous housewife was attempted to rape by Hazarat Ali (40) in Tanore upazila under Rangamati district. The housewife filed a case with Rangamati court. Till now no one has arrested.

8. On 4 September 2012, a 12 year old Jumma girl was subjected to an attempted rape while on her way back home in Ramgarh under Khagrachari district. It was learnt that the girl and her mother from Kalapani village of Patachara union under Ramgarh upazila in Khagrachari district went to Datmara bazaar in Fatikchari in the morning on that day. At around 1:00 pm, the victim was returning home on a hired motorbike, leaving her mother behind in the bazaar. When they reached a lonely place in Balukhali Nashia tea estate, Md. Alamgir (25) son of Chan Mian of Datmara, the driver of the motorbike, halted, dragged her into a roadside jungle and then tried to rape her. At that time, two people — Khalek, a bamboo trader, and Shahajahan, a local villager, were passing by the road. Seeing them, the girl gave a loud shout to attract their

⁴³. <http://www.bdnews24.com/bangla/details.php?id=199323&cid=2&aoth=1>

attention, which made the culprit, Alamgir, scared and run away. The passersby then rescued her and escorted her back home. No case was filed.

9. On 1 August 2012, a 12-year old Marma girl who is a fourth grade student in Chempru Para Government Primary School was subjected to a rape attempt at Batnatali under Manikchari upazila of Khagrachari district. It is learnt that the victim was on her way to Batnatoli Bazaar along with two other children when a settler youth stood in their way and attempted to rape her. When she screamed, the culprit let go of her and fled away. She was mentally devastated after the incident.

10. On 8 September 2012 at late night about 1:30 am a 19-year old Marma girl was attempted to rape by a member of military force named Md. Abu Yusuf (22) in Kaptai of Rangamati district. The culprit Abu Yusuf, son of Md. Ibrahim Majumder of Boroichari-College gate area of Kaptai upazila under Rangamati district was arrested by police, but later was handed over to the military authority. It was learnt that the victim is from Toktanala village of Bilaichari upazila under Rangamati district and is a student of HSC second year of Kamofuli Degree College at Boroichari area of Kaptai upazila. She, with her two college friends, was staying at Boroichari-College gate area for about a year renting a house from Md. Abu Yusuf's family. Md. Abu Yusuf is a member of Bangladesh Army, working in Khagrachari district area. On 9 September 2012 the young girl filed a case under Prevention of Women and Children Repression Act with Kaptai police station against Abu Yusuf.

11. On 2 October 2012 a 14-year old indigenous Tanchangya girl, an English medium student of Gaindia High School, was attempted to rape by her Bengali classmate at Gainda under Rajasthali upazila in Rangamati district. It was learnt that on that day at around 8:00 am the victim was taking rest at the classroom of Gaindia High School, as she was ill. At around 9:30 am Ariful Islam (16) son of Emdadul Haq of Islampur area arrived school and finding the victim alone, grabbed her and tried to drag her to the nearby jungle. At this hour, some students including victim's cousin Milan Tanchangya arrived there and rescued her. No sooner, the perpetrator Ariful Islam fled from this area. The victim's father named Sudhangshu Tanchangya from Longadu Punarbashan area under Gaindia union filed a case (no. 01, dated 02/10/2012) with Rajasthali police station under section 10 of Prevention of Women and Child Repression

Act. The accused was not arrested.

12. On 3 October 2012 at mid-night an indigenous Marma girl with speech disability was attempted to rape by a Bengali settler named Md. Ilyas at Kaitharmukh Para of Rowangchari union under Rowangcharu upazila in Bandarban district. The villagers caught the culprit Md. Ilyas red handed and handed over to chairman of Rowangchari union Mr. Sahla Mong Marma. However, the guardians of the victim failed to file case with police station due to financial constraints and fearing further harassment.

13. On 14 October 2012 three indigenous Chakma girls were attempted to rape allegedly by an army soldier of Ultachari army camp under Mahalchari upazila in Khagrachari district. It is learnt that on that day at around 9:30 am three Jumma girl students of grade 9th to 10th were on their way to Ultachari High School when an army soldier stood in their way, which is 150 yards from the Ultachari camp and tried to pull one of them away by the hands. However, they could somehow free themselves and run away. The other girls also took flight as fast as they could.

The chairman of Ultachari union informed it to the Mahalchari zone commander Lt. Col. Shahidul Islam (8 Bir). Receiving the allegation, Mahalchari zone commander visited Ultachari camp on 17 October at 12 noon, taking Mahalchari Upazila Nirbahi Officer Md. Shahed, Mahalchari Upazila chairman Sona Ratan Chakma and Lady Vice Chairman Kakali Khisa along with him. The Zone commander heard the statements of the three victims and their teachers at the camp and opined that the allegation against the soldier was baseless. However, as the incident was just an attempt, the school teachers, students, guardians and local UP members and chairman requested camp commander to keep careful vigilance so that such incident would not happen in future.

13. On 27 December 2012 at 1.30 pm a 11-year old indigenous Tripura girl was attempted to rape by a Bengali settler named Mohammad Helal Uddin (35) s/o Jabar Mulluk of Yangsi Shamuk Jhirimukh Para under Lama upazila in Bandarban district. It is learnt that the victim went to the Samukhal nearby her home at Wankra Tripura Para under Fasiyakhali union of Lama upazila and at that time Mohammad Helal grabbed her finding her alone at the stream. But local villagers rushed when the girl was shouting and caught the culprit. Mohammad Helal was handed over to the police authority of Lama police station. Victim's father filed a case with Lama police station against the culprit.

ABDUCTION

1. On 17 April 2012 a Bengali settler named Md. Sohel alias Solaiman (25) kidnapped a 14-year old indigenous Mamma girl from Kaukhali upazila in Rangamati district. It is learnt that on that day the victim went to Betbunia under Kaukhali upazila to enjoy Sangrai water festival. During her way back home from Betbunia, Md. Sohel alias Solaiman kidnapped the victim. Soon after abduction, victim's uncle Suila Mong Mamma, a professional football player in Dhaka, informed local administration. At a stage, police seized the victim along with Md. Sohel from Maizdi area of Noakhali district on 20 April 2012 and handed over them to Kaukhali police station on 21 April. Both victim and culprit were sent to the jail.⁴⁴

2. On 24 October 2012 a 17 year old Tripura girl (a college student) was abducted by a Bengali settler youth namely Mohammad Ershad s/o Shafi (Ex-member of union parishad) at Balyachari village of Guimara union under Khagrachari hill district. Soon after, when the incident was noticed, the guardians along with the elders of the village tried to file case against the perpetrator through informing the matter to the Officer-in-Charge (OC) of the Guimara police station Bashir Ahmed. The deputy commanding officer of the Matiranga army zone Major Tanvir interfered about the matter when the occurrence was noticed to the Matiranga army zone headquarters. The officer in charge of the Guimara police station and Major Tanvir urged the guardians not to file any case and assured that they will take care about the matter. They informed that, the abductor Ershad and the victim are staying in the Holudiya village (Bengali village) of Fatikchhari upazila in Chittagong district. Later, on 28 October, police accepted case excluding the name of kidnapper's father Shafi member. However, police did not take any action to rescue the girl or to arrest the kidnapper.

PRESENT STATUS OF KALPANA CHAKMA ABDUCTION CASE

26 September 2012 Chittagong CID submitted its final report of the case of abduction of Kalpana Chakma, the then Organizing Secretary of Hill

⁴⁴. The daily Prothom Alo, 21 April 2012,

Women's Federation (HWF). Her brother Kalindi Kumar Chakma has been asked to be present at Rangamati District Court on 13 January 2013 for a hearing. But according to lawyers and activists this new report is just a reproduction of the earlier reports. There is no sign of reinvestigation. They have failed to identify anyone involved in the kidnap. CID's final report states that due to lack of any appropriate proof and evidence, it was not possible to rescue the Kalpana Chakma, even it was not possible to identify her actual location. There is no sign of possibility to rescue her in near future too. The report further says that if any information is acquired in future, then the initiatives could be taken to reinvestigate the case. So, lawyers and activists fear that on this new court date, the case will be dismissed on similar grounds. Mentionable that, on 12 June 1996 at mid-night Kalpana Chakma was abducted from her home at New Lalyaghona under Baghaichari upazila in Rangamati district. Her brother Kilindi Kumar Chakma identified the abductor as then Lieutenant Ferdous of Kojoichari army camp and two Village Defence Party (VDP) personnel Nurul Haq and Saleh Ahmed and filed a case against them. On 2 September 2010, a Rangamati court ordered the reinvestigation of Kalpana Chakma's case following Kalindi Kumar Chakma's rejection of the Baghaichari police report, saying that it failed to identify her abductors.



Kalpana Chakma



Human chain demanding justice for Kalpana Chakma in Dhaka

MEDIA REPORTS



New Age, Wednesday, May 16, 2012
Online Edition

Culture of impunity behind continued repression on minorities, says Menon

A prolonged culture of impunity was behind the increase of murders and other forms of violence against national minority communities under direct patronisation of the government, said a lawmaker of the ruling alliance on Tuesday.

Rashed Khan Menon, president of the Workers' Party of Bangladesh and chairman of the parliamentary standing committee on education ministry, at a citizens' rally in Dhaka came up with the observation.

'If such a barbarian culture continues to exist, it will lead to unrest in areas predominated by the indigenous groups. Unfortunately, the truth is that the government was patronising such crimes,' he said, protesting the killing for four farm-labourers in Manda in Naogaon and killing of an 11-year-old girl after rape in Langadu in Rangamati by Bengalis.

Menon also said such a grim situation of the national minority people was also the result of denial of any constitutional rights.

The rally, held at Swaparjita Swadhinata ground at Dhaka University, was attended by rights activists, columnists, civil society members and journalists who also denounced the 'heinous' acts.

They said that no punishment to the perpetrators particularly who committed crimes against minority peoples made the situation worse.

Dhaka University teachers Syed Anwar Hossain and Robaet Ferdous, columnist Syed Abul Maksud, Gana Oikya Committee convener Pankaj Bhattacharya, managing editor of daily Samakal Abu Sayeed Khan and organising secretary of Parbattya Chattragram Jana Sanghati Samiti Shaktipada Tripura also spoke at the rally.

Four farm-labourers, Maharam Mardi, Elias Mardi, Madan Madri and Krishna Madri were hacked to death by Bengalis in Manda of Naogaon on May 4.

The Daily Star

The Daily Star, Wednesday, March 7, 2012

'Ensure safety of indigenous women'

Staff Correspondent

Leaders of several Adivasi women's organisations yesterday urged the government to take step to stop violence against Adivasi women and to ensure justice to the torture victims.

As part of their seven-point demand, they also demanded Adivasi women's representation and participation in the Jatiya Sangsad, their political empowerment and a separate section for them in the National Women Development Policy.

The leaders placed the demands at a human chain programme in front of National Museum in the city.

Adivasi Nari Parishad, Hill Women's Federation, Adivasi Nari Unnayan Sangathan, Abima Michik Association and Kapeng Foundation jointly organised the programme marking the International Women's Day 2012.

Minu Mrong, chairman of Abima Michik Association, said indigenous women are facing physical and mental torture by the state as well as by the society. Women of Modhupur Forest are the worst victims of such torture.

Chaytali Tripura, general secretary of Kapaeeng Foundation, said there are no seats reserved for the indigenous women in the Jatiya Sangsad and district council and that is regrettable.

The incumbent government took initiative to amend the constitution without recognising the language, culture and basic rights of the indigenous group, she added.

Mahila Parishad leader Rakhi Das Purakayastha said the government was yet to implement the Chittagong Hill Tracts Peace Accord, showing indifference to the ongoing movement of the indigenous people in this regard.

V. PRESENT STATE OF IMPLEMENTATION OF THE CHT ACCORD OF 1997



V. PRESENT STATE OF IMPLEMENTATION OF THE CHT ACCORD OF 1997

The Chittagong Hill Tract Accord (CHT Accord), popularly known as the CHT Peace Accord, was signed on 2 December 1997 between the Government of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS) with an aim to resolve the CHT problem by political and peaceful means. The Accord paves way for the peace, development and opportunities of meaningful engagement of Indigenous Peoples with development in CHT. The main features of the Accord are as follows:

(A) General

- Recognition of the CHT as a region inhabited by the hill (tribal) people and preservation of this feature.
- Enactment of new laws and the amendment of existing laws, regulations and practices to comply with the Accord
- Formation a Committee for Implementation of the CHT Accord.

(B) HILL District Council (HDCs)

- Provisions have been made to name the three Hill District Local Government Councils as Hill District Councils with a view to strengthening them further and provisions have been made to integrate among others the following matters:
- Determination of the Non-tribal (Bengali) permanent residents.
- Issuing the certificate of the permanent residents by the Circle Chief.
- Preparation of the CHT voter-list with the permanent residents.

- Provisions for appointing the officers and other employees and giving priority to the hillmen (tribal) in giving appointment.
- Formulation, undertaking and implementation of the development projects and implement all the development activities undertaken at the national level through the HDCs.
- Entrusting the responsibility with the HDCs of the appointment from sub-inspectors to downward positions in the police force of the hill districts and bring the district police under the HDCs.
- Provisions to prevent leasing, settlement, purchase and sale, transfer, acquisition of land without the prior permission of the HDCs.
- Special right of the HDCs in case of the laws regarding the CHT to be passed by the national parliament or any other authorities.
- Bring under the authority of the Councils a total of 33 activities or subjects (incorporating 12 new subjects of the Accord) including the development and preservation of law and order, land and land management, police (local), agriculture, forest, primary and secondary education, environment, health, culture, youth welfare and Adivasi (tribal) customs etc.

(C) CHT Regional Council

Provisions have been made to form a Regional Council in coordination with the three Hill District Councils (HDCs) with a view to making the HDCs more powerful and effective. Provisions have been made to bring the following subjects under the RC.

- Overall supervision and coordination of the matters of HDCs.
- Supervision and coordination of the local councils including the Pourasava.
- Coordination and supervision of the general administration, law and order and development activities.
- Coordination of the disaster management and relief activities including NGO affairs.
- Adivasi (tribal) laws and mitigation of social conflicts.
- Giving license for heavy industry.

- General and overall supervision over the CHT Development Board.
- Removal of inconsistencies of the CHT Regulation 1900 and other laws.
- Formation of Interim CHTRC.
- Framing of laws regarding the CHT by the government with due consultation with and advice from the CHTRC.

(D) Rehabilitation, General Amnesty and other Matters

In order to reinstate the normal atmosphere in the CHT provisions have been made for rehabilitation, declaration of general amnesty and other related activities. In this regard provisions have been made to undertake the following programs:

- Repatriation and rehabilitation of the hill refugees in the country under the 20-point package.
- Rehabilitation of the internal hill refugees after identifying them by the task force.
- Ensure two acres of land to the hill families that are landless or own less than two acres of land.
- Formation of Land Commission led by a retired justice and resolving the land problems under the existing laws, customs and practices in the CHT.
- Cancellation of the leases given for rubber and other plantations to the non-residents.
- Allocation of more financial resources on a priority basis for the development of CHT.
- Continuing the existing quota system in the government jobs and higher studies institutions for the hill people.
- Patronization of Adivasi (tribal) culture and heritages.
- Deposition of arms by the PCJSS members.
- Declaration of general amnesty to the members of the PCJSS and the permanent residents of CHT involved with the activities of PCJSS and withdrawal of all cases lodged against them.

- Exemption of the loans taken by the PCJSS members, reinstating them in their jobs and ensuring their proper rehabilitation.
- Withdrawal of all the temporary camps of the military, Ansar, APBN and VDP except for the BDR camps and the permanent cantonments (three cantonments in three hill district centers and three in Alikadam, Ruma and Dighinala) and fixation of a timeframe for withdrawal of temporary camps.
- Appointment of the permanent residents of CHT giving priority to the hill (tribal) people in all the jobs in the CHT.
- Establishing a ministry regarding the CHT affairs at the national level and appointing a hill person as its minister with formation of an advisory committee to assist the ministry.

Soon after signing the Accord, the then Awami League government (1996-2001) implemented a few provisions of the Accord, including enactment of laws as per CHT Accord. As a whole, most of the provisions, especially the key issues of the Accord, have either been left unimplemented or partially implemented.

On the other hand, the 4-party alliance led by BNP has been opposing the Accord from the very beginning. In 1997 when the Accord was signed they declared that they would terminate it once they cling to the power. When they formed the government in 2001 they did not cancel the treaty because of the national and international pressure but they completely withheld the implementation process of the Accord. Moreover, they had violated the Accord in many ways.

The Caretaker government led by Dr. Fakhruddin Ahmed did not take any effective initiative to implement the Accord. Although this government undertook quite a number of praiseworthy and rather brave steps regarding some of the national issues they have completely neglected the implementation of the Accord like the previously elected governments.

Since assuming power by the Awami League-led present Grand Alliance Government of Bangladesh on 6 January 2009, government has been reiterating its election commitment to fully implement the CHT Accord. Soon after assuming power, the government took few steps to have initiative about implementation of the CHT Accord. These were basically

reconstitution of some committees and appointment of some posts. These include-

- reconstitution of Task Force on Rehabilitation of Returnee Refugees and IDPs by appointing Mr. Jatindra Lal Tripura, ruling MP from Khagrachari as chairman of the Task Force on 23 March 2009;
- appointment of Mr. Bir Bahadur Ushoi Sing, ruling MP from Bandarban as Chairman of the CHT Development Board on 31 March 2009;
- appointment of retired justice Mr. Khademul Islam Chowdhury as Chairman of the CHT Land Dispute Resolution Committee on 19 July 2009;
- reconstitution of CHT Accord Implementation Monitoring Committee by appointing Ms. Syeda Sajeda Chowdhury, Deputy Leader of Parliament as Convenor of the Committee on 19 August 2009;
- declaration of withdrawal of 35 temporary camps including a bridge headquarters;
- transfer of 7 offices/works of previously transferred subjects in 2009 and 2012 etc.

This year earmarks the passing of 15 years since the signing of the CHT Accord. In the mean while, the present Grand Alliance Government led by Awami League that signed the Accord has already consumed almost 4 years of its tenure. But as of today, except reconstitution of some committees and appointment to the some posts mentioned above, the government has not stepped up any measure that is effective towards implementation of the Accord. Despite its prioritized commitment in the Election Manifesto and continued strong demand of the Jumma peoples and the civic society of the country, the government has not come up with a time-framed 'Road Map' directing to implementation of the CHT Accord, 1997.

Despite popular demand of Indigenous Peoples and civic groups of mainstream populations, in the fifteenth amendment of the constitution, the government did not provide constitutional safeguard to the CHT Accord including the CHTRC Act 1998 and three HDC Acts 1998 enacted as per

CHT Accord. PCJSS claimed that during the signing of the Accord, in response to the constitutional safeguard of the Accord, government argued that government was not able to provide constitution recognition/safeguard to the CHT Accord, as at that time, Awami League-led government did not have two-third majority in the parliament to amend the constitution. However, if Awami League gets two-third majority in the parliament, then it would provide constitutional recognition/safeguard to the Accord. However, government fully ignored the commitment given during signing of the Accord.

Based on two separate cases filed by Bodiuzzaman in 2000 and Advocate Tazul Islam in 2007, the High Court Bench of the Supreme Court gave verdict on 12-13 April 2010 declaring the CHTRC Act and some of the important sections of HDC Acts to be unconstitutional and illegal. The government against the judgment of the High Court Division made an appeal, and the Appellate Division of the Supreme Court ruled a 'stay order' for the verdict given by the High Court for six weeks. Later on, the stay order was extended up to the date fixed for filing regular Appeal case. Finally, a seven-member bench headed by the Chief Justice ruled a 'stay order' for the verdict of the High Court until the settlement of the regular Appeal made to the Appellate Division. It is a matter of grave concern that lack of seriousness of the government to speedy resolution of the said Appeal has been evident.

Recognition of the CHT as "Tribal Inhabited Region"

CHT Accord stipulates that Government of Bangladesh 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.

There has not been any initiative by the government so far to uphold the *Jumma* national identity and to protect the *special character* i.e. the *tribal character* of the CHT region. It is worth mentioning that this provision of the Accord does not provide any concrete mechanism to preserve these characteristics. Even the Accord itself is silent in regard to the Bengali settler issue, which is very crucial with regard to the preservation and promotion of the rights of the region's Indigenous Peoples rights. However, there are several clauses in that Accord that can be taken as contributing

to maintaining the region as 'tribal inhabited' and relocation of Bengali settlers outside CHT. These are-

- (a) Definition of Non-tribal Permanent Resident (Provision 3 of Part B) that shall act as a bulwark against the encroachment of outsiders.
- (b) Prohibition of land transfer, settlement, leasing and acquisition without prior approval of HDCs (Provision 26 of Part B) that shall restrict to obtain land ownership by outsiders.
- (c) Resolution of land disputes, arisen due to forcible occupation of land of Indigenous Peoples by the settlers during insurgency through Land Commission (Provision 5 & 6 of Part D) that stipulates to return the lands to the legitimate indigenous owners and to disallow the status of 'permanent residents' to the settlers.
- (d) Preparation of voter list only with permanent resident of hill districts (Provision 9 of Part B) that shall also act as a bulwark against the migration from plain districts.
- (e) Subject of 'maintaining of the statistics of birth and deaths' bestowed to HDCs (Provision 34 of Part B) that shall maintain actual list of permanent residents of CHT.
- (f) Issuance of permanent resident certificate by Circle Chief (Provision 4 of Part B) that shall prevent outsiders becoming permanent residents in CHT.
- (g) Appointment of permanent residents of CHT giving priority to the tribals to all the posts in CHT (Provision 18 of Part D) that shall also help maintain the characteristics of tribe-inhabited region.

These provisions mentioned above are the most crucial for preservation of the CHT as 'tribal inhabited region'. But none of these provisions have been fully implemented. Instead, there have been constant efforts to compromise this 'special character' of the region, which got special impetus during successive government after signing of the Accord. The attempts to include the settlers as permanent residents are the most burning example.

Various anti-jumma policies such as rehabilitation of the Bengali settlers brought in thousands from different plain districts for settlements in the CHT with the political design to unbalance the existing ethnic composition in favor of the Bengalis, supporting the settlers in carrying out communal attacks on the *Jumma* people, illegal land grabbing, inclusion of the Bengali settlers and non-indigenous outsiders in the voter list, issuance of permanent resident-certificate by Deputy Commissioners and providing the Bengali settlers with employment and other opportunities including lease and settlement of land etc are adopted to destroy the *special character* of the region.

Enactment of new laws and the amendment of existing laws

CHT Accord refers to several measures on substantive legislation in the region, including the enactment of new laws and the amendment of existing laws, regulations and practices to comply with the Accord on the basis of advice and recommendations of the CHT Regional Council. In line with this provision of the Accord, the Government passed the CHT Regional Council Act of 1998, the Hill District Council (amendment) Act of 1998, the CHT Land Disputes Resolution Commission Act of 2001 and the CHT Regulation (amendment) Act of 2003.

However, the process of bringing necessary amendments to the concerned Acts in accordance with the Accord has remained unattended. The recommendations on the necessary amendment to the the Electoral Roll Ordinance 1982, the Electoral Roll Rules 1982, the CHT Regulation 1900, and the Draft Rules on Social Forestry 2001 and the Code of Conduct for the NGOs have already been placed before the government by the CHT Regional Council. But the government has not responded so far in this regard, except effecting some changes (some provisions are not indigenous friendly) on the Draft Rules on Social Forestry 2001.

On the other side, the CHT Development Board Ordinance, Forest Act, Union Council Act, Upazila Council Act, Poursava Act, CHT Transit Rules of 1973, Police Regulations of Bengal of 1943, the CHT (Land Acquisition) Regulation of 1958, Rules of the CHT Bazar Fund of 1937 etc. have not yet been amended as per the terms of CHT Accord. In essence, there has been no substantial progress in the process of bringing alteration, amendment and addition to the relevant laws, regulations and practices in accordance with the CHT Accord.

Further, the various sectoral national policies, e.g. on Health, Women, Forest, Land, Environment etc. are yet to be correspondingly amended in consonance with the spirit of the CHT Accord to account for the special needs and situations of region's Indigenous Peoples. Most of these policies contain contradictory and impractical, if not outright insensitive, provisions to the CHT. One of the examples is the Primary Education Policy that stipulates specific number of students' enrollment in a school for registration with the government. The provision is not appropriate for much of CHT, especially in remote and hilly areas, which are inaccessible and sparsely populated.

CHT Accord Implementation Monitoring Committee

The Accord Implementation Committee was constituted in 1998 and held 6 meetings till 1 July 2001. But interestingly, no proceedings or minutes were recorded and no steps had so far been taken to execute the decisions taken at these meetings. In fact, the committee totally remained inactive since 2001. There was no such committee during the tenure of the four party alliances (2001-2006) and the military backed caretaker government (2007-2008).

The grand alliances led by Awami League formed government following the general election held on 28 December 2008 and reconstituted, on 25 May 2009, the CHT Accord Implementation Committee with Mrs. Sajeda Chowdhury, the deputy leader in the parliament as its chairperson. Since then five meetings of the CHT Accord Implementation Committee were held during the present grand alliance government.

The first meeting of the committee was held in Rangamati on 19 August 2009. It is reported that it was basically inaugural meeting of the committee. This meeting did not discuss details on the provisions of the CHT Accord. That is why no decision has been brought out from this meeting.

The second meeting of the Committee was held on 26 October 2009 at the office of Deputy Leader of the Parliament in the Jatiya Sangsad Bhaban in Dhaka. Decisions were made in this meeting to set up three separate offices for the CHT Accord Implementation Monitoring Committee, CHT Land Commission and Task Force and to take effective measures for appointment of adequate staffs and providing logistic support for proper

functioning of these offices. In the meeting the issues of Land disputes and land survey were emphatically discussed. The Chairman of Land Commission emphasized for the land survey at the moment. Mr. Bir Bahadur, MP and J B Larma, President of PCJSS in particular explained that unless land disputes were resolved through the Land Commission, land survey could not be arranged in CHT.

The 3rd meeting of the Committee was held at Khagrachari circuit house in Khagrachari district on 26 December 2010. It is learnt that decision was taken to identify and list down the unimplemented issues of the Accord. Members of the Committee Mr. Jyotirindra Bodhipriya Larma and Mr. Jatindra Lal Tripura MP with the secretarial support of ADC (general) of Khagrachari district were vested responsibility to prepare the list of unimplemented issues and then it would be placed before Prime Minister for necessary directions and actions.

The meeting also decided to postpone hearing on land related appeals until the amendment of CHT Land Dispute Resolution Act 2001 as per recommendations of CHTRC is made. It was decided to place the Act for amendment in the parliament's next session.

The 4th and 5th meetings of the Committee held on 22 January 2012 and 28 May 2012 basically discussed on the 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act and accordingly adopted them unanimously.

Though several decisions were adopted in the meetings of the Committee, but no action has been taken in this regard so far. As a result, process of implementation of the Accord remains standstill position. On the other, the CHT Accord Implementation Committee has been ineffective so far due to mainly lack of political will of the government to implement the Accord.

Three Hill District Councils

In response to the five-point charter of demands of the PCJSS, General Ershad government introduced three Hill District Local Government Councils in three hill districts in 1989. The CHT Accord builds upon these existing institutions and includes provisions to strengthen them with more subjects and functions changing its name with Hill District Council (HDC). On 3, 4 and 5 May 1998 Rangamati Hill District Council (Amendment) Act 1998, Khagrachari Hill District Council (Amendment) Act 1998 and

Bandarban Hill District Council (Amendment) Act 1998 were passed respectively in the Parliament in order to strengthening them as per the CHT Accord and these were published in official gazette on 24 May 1998.

The three Hill District Council (HDC) Acts have not been implemented fully and properly. Rather, these Acts are being violated in various ways. Since after the amendment of the HDC Acts, the Rules of Business of the HDCs are yet to be amended so far.

Transfer of subjects

Out of 68 functions under 33 subjects of the HDCs, only 12 functions have been transferred partially to the HDCs so far. But after the CHT Accord, no subject has been transferred to the HDCs during Awami League government in 1996-2001 and 2009-2010. However, Rangamati textile vocational institute and office of the youth and sport have been transferred to Rangamati and Bandarban HDCs on 30 April 2006 during BNP-led coalition government. During the present grand alliance government (2009-2012), on 12 May 2009 Nursing Training Institute and on 29 December 2011 Youth Welfare Department were transferred to Rangamati HDC and Khagrachari HDC respectively. In addition, on 8 November 2012 five functions of institutes/works, namely Health Engineering Directorate (under Health and Family Welfare Department); Bangladesh Agriculture Development Corporation (BADC) and Cotton Development Board (CDB) in Khagrachhari zone (under Bangladesh Agriculture Expansion Department); Ramgarh Hatchery Farm (under Fisheries and Livestock Department) and Government Child Home (Shishu Sadan) (under Social Welfare Department) were transferred. The most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics on death-birth etc. are yet to be transferred to the HDCs.

On 1-3 July 2012 a meeting on transfer of subjects to the HDCs was held at Ministry of CHT Affairs with State Minister Dipankar Talukdar in the chair where Dr. Gohwar Rizvi, international advisor to the Prime Minister was also present. The meeting decided to transfer all subjects by 30 August 2012 to the HDCs. However, no action has been taken accordingly.

Election of the HDCs & Voter List with Permanent Residents

Since the signing of the CHT Accord, no election of three HDCs has been

held. The Election Rules and Electoral Rolls Rules of three HDCs have not been formulated till today. The 5 member interim Councils (each HDC) formed with and headed by ruling party members have been functioning years after years in undemocratic way. In fact, these HDCs work without any obligation and accountability to the people. They, instead of being liable and accountable to the people and law, are leading the Councils as per the government directives or as per the way conducive to their party politics.

HDC Acts provide that the voter list in the hill districts shall be prepared with the permanent residents of the concerned district only. A non-tribal in the CHT is eligible to become a permanent resident of this region when he owns lawful land property and lives here at a permanent address. But many non-permanent residents who frequent to CHT and spend months on various professional call here but do not make CHT as their permanent place of residency are included in the voter list to outnumber the Jumma voters.

The CHT voter list prepared by the Election Commission in the year 2000 and 2007-08 was not in conformity with the Accord, Hill District Councils and CHTRC Act, Article 119 and 122 of the Constitution of the People's Republic of Bangladesh, Electoral Rolls Ordinance 1982 and the Rules on Electoral Rolls 1982. Even when updating the voter list commencing from 15th June 2009, scores of Rohingyas in Lama, Alikadam and Nakhongchari upazila were included as voters.

Issuing of Permanent Resident Certificate

CHT Accord authorises Circle Chief to issue permanent residents certificate. However, the authorities and concerned officials continue to interpret that this provision is applicable only to the election to the posts of the members of the Hill District Councils. The matter does not end there. The CHT Ministry, violating the Accord, issued an order on 21 December 2000, authorising the Deputy Commissioners (DCs) of the three hill districts to issue "Permanent Resident Certificate". An executive order cannot override any law passed in the parliament. The CHT Regional Council strongly objected to this move of the CHT Ministry and accordingly a decision to cancel this instruction was taken at a meeting of the Advisory Committee on the CHT Affairs on 1 July 2001. But no order has so far been issued canceling this controversial instruction.

It is mentionable that there is no provision of law in the country empowering a Deputy Commissioner in Bangladesh including three hill districts to issue such a certificate. The Deputy Commissioners are only authorised to issue citizenship certificates under the “Charter of Duties of Deputy Commissioners”.

District Police and Law and Order

CHT Accord authorises three HDCs to appoint Sub-Inspectors and all members of ranks subordinate of district police. Besides, as per the Accord, “Supervision, maintenance and improvement of the law and order of the district” and “Police (local)” are included in the First Schedule of the HDC Acts as a function of the HDCs. But no measure has yet been taken to transfer the concerned subjects and functions to the HDCs for implementation. The higher authorities of the police continue to exercise this power as before till today.

The provision of the Accord to give priority to Indigenous Peoples in appointment to the local police forces continued to be violated till to date. Proposals calling upon the government to post the indigenous police personnel on duty in the plains to CHT as a stopgap measure to stem the fragile law and order situation from crumbling has not been heeded to so far. Of course, there have been some stray cases of such transfer, which was not of any use or significance by any count.

Land and Land Management

CHT Accord prohibits transfer of land including leasing out, settlement, purchase or sale, acquisition without the prior permission and consultation of the concerned HDC. Supervision and control of the functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land) are also bestowed upon the HDCs. Besides, as per the Accord, “Land and Land Management” is included in the First Schedule of the HDC Acts as a function of the HDCs. However, the authority over the land management has not been transferred to the HDCs. The concerned authority is not respectful of complying with the law. It has been observed disturbingly that the DCs continue to ignore and violate the circular issued by the Land Ministry on 17 July 1989 and instruction by the CHTRC. The DCs of the three hill districts were ordered to revoke this illegal settlement, lease or transfer of land issued by the

CHT Affairs Ministry on 14 October 2000. Nevertheless, the process of giving lease and settlement of land to outsiders has not been stopped. This trend still goes on unabated covertly.

CHT Regional Council

The legal and administrative system in the CHT is separate and distinct from the other parts of the country. While not all the laws are in toto applicable for CHT, there are also laws which are only applicable for the CHT. The region has been enjoying this special status since the British period. The CHT Accord recognized this special status of the region with the introduction of the CHT Regional Council (CHTRC) as an apex body of this administrative system. It was vested with the power of supervision and coordination of the three Hill District Councils (HDCs), law and order, general administrations, development programmes, CHT Development Board (CHTDB), Coordination of NGO activities, disaster management and relief operation, traditional and social justice and the power of giving license for heavy industries.

As per the CHT Accord, the CHTRC Act had been passed on 6 May 1998. Mr. Jyotirindra Bodhipriya Larma took the responsibility of the Interim CHTRC as Chairman on 12 May 1999 and interim CHTRC started its office on 27 May through a ceremonial function organized on that occasion in Rangamati.

Though CHT Regional Council Act was passed in 1998, but this Act is yet to be executed fully and hence the CHTRC introduced under the special governance system is yet to be institutionalized. The election of the CHTRC could not be held during the last 12 years, as the HDCs have not been formed as per the provisions of the CHT Accord. As per rule the elected members of the HDCs shall elect the chairman and members of the CHTRC. The government has not yet approved the Rules of Business of the CHTRC.

CHT Accord provides that the CHTRC shall coordinate all the development activities carried out by the three HDC, and shall also superintend and harmonize all the affairs of and assigned to the three HDCs. Besides, in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three HDCs, the decision of the CHTRC shall final.

Though these provisions have been included in the Act, but the authorities (Deputy Commissioners, Superintendent of Police, HDCs, CHT Development Board, Pourashavas, Upazila Council, different Departments, Directorates and Ministries of the Government) are not complying with and respecting the authority of supervision and coordination of the CHTRC. It is mentionable that the Rangamati HDC had ignored the decision of the Regional Council on the correction of irregularities in appointing 71 teachers in 1998. The CHTRC had given a decision calling for cancellation of the appointment, reconstitution of the appointment committee as per rule and appointment of the teachers anew by re-conducting tests and interviews. The issue was raised with the government, and the responsibility of giving decision on the issue as per law was vested with the CHTRC. The HDC stuck to its previous decision ignoring the decision given by the CHTRC. The Rangamati HDC took no step as yet.

CHT Accord authorises the CHTRC to coordinate and supervise the local councils, including the municipalities. But the union councils along with other local government bodies, for example, the municipalities are not cooperative with the CHTRC as the Acts regulating union councils and municipalities have not been amended accordingly to accommodate the provision for CHTRC supervision.

CHT Accord authorises the CHTRC to coordinate the activities of the non-governmental organizations (NGOs), in addition to disaster management and conduction of relief programs. However, the coordinating role to be performed by the CHTRC with regard to the NGO activities remains to be seen as of now. The disaster management and relief operation in the CHT, as in other parts of the country, is continued to be controlled by Deputy Commissioner sidelining the CHTRC even 14 years after the Accord was signed. Thus the Ministry of Relief and Disaster management has continued to flout the Accord.

CHT Accord provides that CHT Development Board (CHTDB) shall discharge duties assigned to it under the general and overall supervision of the CHTRC. The government, in appointing the chairman of the Development Board, shall give preference to the competent tribal candidates. But CHTDB continues to disregard the authority of the CHTRC while discharging its functions. Though present grand alliance government

appointed an indigenous MP named Bir Bahadur Shwe Sing elected from Bandarban constituency as chairman of the Board on 24 March 2009, but the Board continues to ignore the CHTRC's supervision.

In making any law in connection with the CHT, the government shall enact such law in consultation with and as per the advice of the Regional Council. But this legislative prerogative of the CHTRC largely remains untested especially in matters of such laws as are exclusively meant to deal with the CHT issues. Otherwise, It is not uncommon that the government, sometimes, without consulting the CHTRC makes, by gazette notification, national laws applicable to the CHT without taking the CHT perspective and its distinctive character into account. For example, the government introduced the Speedy Trial Act 2003, Women and Children Repression Prevention Act 2003, Small Ethnic Groups Cultural Institute Act 2010 in the CHT without consulting the CHTRC.

After assuming the power by the present Grand Alliance Government, opinion of CHTRC on Forest Goods Transit Regulation, 1973, Education Policy 2009 and Water Resources Act, 2009, were sent to the government. But the government took up no proper and effective measures in this regard. However, some proposals placed by Regional Council on National Education Policy were included.

In addition, no opinion was also sought from the CHTRC on formulation of Wildlife Act and on amendment of the Forestry Act that began in 2010. Beside this, also no opinion was sought from the CHTRC on Public Representation Ordinance, 2008 (2nd Amendment), Local Government (Upazila) Ordinance, 2008, Local Government (Paura Sova) Act, 2009, Local Government (Union Parishad) Act, 2009 and on formulation of Small Ethnic Groups Cultural Institutes Act, 2010.

Enacting and introducing laws without an insight and understanding of the context may prove disastrous for the people for whom the laws are meant for. Neither is the government amenable to any such recommendations submitted by the CHTRC on CHT issues.

Land Disputes and Land Commission

Land dispossession of the indigenous inhabitants in the CHT is one of the

main issues for the CHT crisis. The issue and the consequent disputes became more complex and accentuated with the implementation of the government-sponsored programme of rehabilitating Bengali settlers in CHT, beginning from the late 1970s. The region, as its name indicates, does not have much cultivable land, so inevitably many of these settlers were rehabilitated on lands earlier occupied by the Indigenous Peoples. The particular land tenurial system in the region, based on the customary rights and practices of the indigenous inhabitants further complicated the matter. The indigenous owners, in many cases, do not have paper documents in difference to the other parts of Bangladesh, so the government interpreted these cases as land not possessed or owned by anyone. The combine outcome has been eviction of thousands of Jumma families from their ancestral properties. The Accord gives recognition to this problem and stipulates formation of a Land Commission headed by a retired justice to resolve the land disputes in accordance existing laws, customs and practices in CHT.

As per CHT Accord, by appointing retired justice Anwarul Haque Chowdhury as Chairman of the Land Commission on 3 June 1999, the CHT Land Dispute Settlement Commission has formally been formed. Since then, four successive retired justices were appointed as Chairman of the Land Commission. However, the Commission has not been able to work for settlement of land disputes. After ending the tenure of last chairman Khademul Islam Chowdhury on 18 July 2012, the post of chairman of Land Commission still remains vacant.

The League government passed the CHT Land Dispute Resolution Commission Act 2001. However 19 provisions were found to be contradictory to the CHT Accord of which no measures for amendment has been taken by the government despite CHTRC's submission of recommendations and demand.

After assuming state power, the grand alliance government appointed retired Justice Khademul Islam Chowdhury as the chairman of the Land Commission in July 2009. After assuming in the office, Mr. Chowdhury started in a dramatic fashion. He undertook a lightning tour of the three hill districts soon after assuming in the office and convened meetings in three hill districts for exchange of views. He used the DCs of the three hill district to issue letter calling upon the members to attend such opinion-sharing meeting which was totally irregular. It is worth mentioning that DCs are

nobody of the Commission. The Land Commission Act provides that the secretary of the Commission shall convene the Land Commission meeting.

Secondly without convening any formal meeting of the Commission, the chairman unilaterally declared to conduct land survey in the CHT. Despite the huge protest from the all sections of the citizens including CHTRC and PCJSS and also three circle chiefs, the Chairman of the Commission continues his unilateral and controversial activities. In mid-July 2010 the secretary of Land Commission issued a notice to the CHT Affairs Ministry and Land Ministry to conduct cadastral survey in CHT soon; otherwise the ministries would be charged non-compliance with court order.

It is worth mentioning that Section 2 of the part D of the Accord clearly provides,

"After the signing the Accord between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to the constituted under this Accord, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record theirs land and ensure their rights thereto".

As per the provision above, the decision by the Land Commission chairman to undertake land survey before full implementation of the Accord including completion of rehabilitation process and resolving the land disputes is a clear violation of the provision of the CHT Accord. In any case he is not mandated to conduct land survey and the government cannot go for any form of land survey before finally settling the land disputes following proper verification, and record their land ownership and ensure their rights thereto.

Since after the appointment of present Chairman of CHT Land Commission, the only meeting was held on 27 January 2010 in Khagrachari. The meeting was ended without taking any concrete decision. On 14 March 2010 Secretary of Land Commission Md. Abdul Hamid issued public notice asking affected land owners to lodge application on land disputes with Land Commission. This notice was issued without the decision of the Commission.

Even without decision of the Commission, Khademul Islam Chowdhury one-sidedly declared to start hearing to settle land disputes. He took up programme, in spite of protests by PCJSS and other organizations including civil society committee, to inaugurate hearing on cases of land disputes in Khagrachari on 27 December 2010. In a meeting held on 26 December 2010 in Khagrachari circuit house, CHT Accord Implementation Committee announced postponement of hearing on cases of land disputes at Khagrachari.

Writ petition on land survey in CHT filed with the High Court

In February 2011, Md. Jahangir Kamal and others filed a writ petition with the High Court seeking a direction upon the Respondents “to show cause as to why a direction should not be given upon the respondents to perform the land survey in CHT area according to the decision/resolution dated 03.08.2009 and 07.09.2009 of the CHT Land Dispute Resolution Commission.” It is learnt that Md. Jahangir Kamal is a leader of CHT Equal Rights Movement, a military-backed extreme nationalist and fanatic organisation.

On 2 May 2011, in the first hearing, the High Court asked the government to explain why an order to conduct a land survey in Chittagong Hill Tracts to stop land disputes should not be issued. The cabinet division secretary, law secretary, CHT secretary and 10 others have been asked to explain to the court within 12 weeks.

Amendment of CHT Land Dispute Settlement Commission Act 2001

On 12 July 2001, just the day before the handing over charge to the Caretaker Government, the previous Awami League government hurriedly passed the “CHT Land (Disputes Settlement) Commission Act 2001” in the parliament without taking into account the advice and recommendations given by the CHTRC. As a result, so many provisions crept into the Act, which were contradictory to the CHT Accord and detrimental to the interest of the Jumma people.

Thereafter the Land Commission Act was vetted by the Ministry of Law Affairs and finally sent to the Prime Minister office. However, the then government did not amend the Land Commission Act as recommended by the CHTRC as well as agreed upon by both sides. Even during the

Caretaker Government led by Dr. Fakhruddin Ahmed did not take any initiative in this regard.

With the grand alliance forming a new government in January 2009, the CHTRC once again sent the recommendations to the government on 7 May 2009 for consideration. Meetings over the Amendment at different levels are being held. But as of today, the contravening sections of the Act remain as they were. The followings are the account of the initiatives taken for amendment of the contravening sections of the CHT Land Disputes Resolution Commission Act, 2001:

First meeting was held with the land minister Mr. Rezaul Karim Hira in the chair with the CHTRC delegation in the land ministry on 26 August 2009. The three Additional District Magistrates from the three hill districts who were also called, against the rule, to attend the meeting opposed strongly the proposed amendments in the Land Commission Act 2001 despite the favorable stand taken by the representative from the Law Ministry. At last, the meeting ended without any conclusion. The drama that was enacted in the Law Ministry was irregular in the sense that opinion of the district level officers was sought in framing law by the Law Ministry is unprecedented and there can be no scope for fresh opinion after the vetting by the ministry itself.

The 2nd meeting presided over by the Minister Rezaul Karim Heera, Ministry of Land was held at the Land Ministry on 6 December 2009. Another meeting held on 06 December 2009 with Land Minister in the chair was also ended without fruitful discussion. It is mentionworthy that in accordance with the decision resolved in this meeting the CHTRC reviewed its recommendations on the contravening sections of the Act in its 49th Meeting held on 27 April 2010.

The 3rd meeting presided over by the State Minister Dipankar Talukder was held at the premises of Ministry of CHT Affairs on 22 September 2010. In the meeting, apart from Mr. Dipankar talukder, were present the two other MPs of CHT, the three Circle Cheifs and the representatives of Regional Council. The meeting could conclude in consensus to bring amendment to some of the contravening sections of the Act and decision was taken to

submit the resolutions to the Ministry of Land & Environment.

Again, 4th meeting on 10 October 2010 for opinion sharing on Settlement of Land Dispute and Land Survey in CHT held in Rangamati chaired by the Land Minister Rezaul Karim Heera. Three MPs of the CHT region, CHTRC chairman, three HDC chairmen and three Circle Chiefs were present at the meeting. Decision was taken to amend the CHT Land Dispute Resolution Commission Act 2001 as per recommendations of the CHTRC. However, it is yet to be implemented.

As per the decisions taken in the said meeting held in Rangamati, the Convenor of CHT Accord Ms Sajeda Choudhury, the Minister of Land Ministry, Three MPs from CHT and the Chairman of CHT Land Commission called on the Prime Minister Sheikh Hasina on 21 October 2010, which can be termed as 5th meeting. In the discussion with them, Prime Minister Hasina said that the land disputes in CHT will be disposed of first and then the survey of land will be carried out as per the CHT Accord. Being so, the contravening sections of the CHT Land Disputes Resolution Commission Act, 2001 have not yet been amended.

In the meeting of the CHT Accord implementation Observation Committee held on 26 December 2010, it was decided to get the contravening sections of the CHT Land Dispute Resolution Commission Act would be amended in the following sessions of the parliament. It is mentionable that the meeting also decided that the one-sided activities of the Chairman of CHT Land Commission and all other activities of the Commission would be postponed until the said contravening sections of the Act are amended.

Having finalized after sorting out and scrutinizing jointly with the CHTRC, a 13-point amendment proposal was prepared in the form of Bill and sent to the Ministry of Land & Environment through MoCHTA to get it passed in the Parliament.

The Ministry of Land, instead of placing the said 13-point amendment proposal Bill finalized by MoCHTA before the Parliament, called a meeting in the ministry to review and sort out the said amendment Bill proposal on 11 August 2011. The

meeting was presided over by Mr. Rezaul Karim Heera, Minister of Land Ministry wherein, as before, called were including the officials from Land, Law and CHT Affairs Ministry, the representatives of the Deputy Commissioners of the three hill districts. Right from the very beginning, the said officials began to oppose the proposed amendment bill. The Additional Deputy Commissioner (Revenue) of Rangamati district raised politically motivated argument saying that if the proposed amendment was passed in the Parliament, it would harm the sovereignty of the state. Finding no alternative, finally it was decided to send to the CHT Accord Implementation Monitoring Committee for final decision whether the Act will be amended. This decision was nothing but to make time killing.

The 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act was adopted in the 4th and 5th meetings of CHT Accord Implementation Committee held on 22 January 2012 and 28 May 2012.

Finally, the 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act was also adopted in the Inter-ministerial Meeting held on 30 July 2012 with the Law Minister Barrister Shafique Ahmed in the chair.

13-point proposal for amendment of CHT Land Dispute Resolution Commission Act are as follows:

In addition to the amendment of the Land Commission Act, there is the necessity of making the Rules of Business of the Land Commission for proper functioning of the Commission and its Secretary and other officials. Up till now, no step has been taken by the GoB regarding the Rules of the Business of the Commission.

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
1.	Preamble Para 4 Line 3: Hill District Committee and Parbatya Jana Samhati Samiti .. signed an Agreement	The National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti .. signed an agreement

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
2.	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio or his representative nominated by him;
3.	Section 6(1)(a): To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the Chittagong Hill Tracts;	Section 6(1)(a): In addition to quick settlement of the disputes of lands of the rehabilitated tribal refugees to settle, all disputes of lands, which have been illegally given in settlement and occupied in accordance with the existing laws, customs and usages of Chittagong Hill Tracts;
4.	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws and custom of Chittagongs Hill Tracts;	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws, custom and usages of CHT;
5.	Section 6(1)(c): Any land has been given in settlement in violation of the existing laws of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored: Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.	To replace Section 6(1)(c) with: "Any land has been given in settlement in violation of the existing laws, custom and usages of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored." and to omit "Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities."

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
6.	Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.	Section 7(3): Attendance of the Chairman and another three members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.
7.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and however, notices shall be delivered to all members and the matter shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.
8.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous his decision shall be treated as the decision of the Commission.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous decision of majority including the chairman shall be treated as the decision of the Commission.
9.	Section 9: Submission of petition of the commission	Section 9: Submission of petition to the commission
10.	Section 10: To add a new sub-section (4).	To add new Section 10(4) after section 10(3): The applicant, in interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
11.	Section 13: To insert a new sub-section 3.	To add new Section 13(3) after section 13(2): Secretary, officers and employees of the Commission, under this sub-section, shall be appointed priority given to the tribal persons of the Hill districts.
12.	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, within 6 months of framing the Act..	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, as soon as possible of the framing of the Act.
13.	To insert a new section 21.	Section 21: Inclusion of Functions of the Land Commission into CHT Affairs Ministry and it will be enforced soon after enactment of this law.

The issue of disposal of the disputes over lands has landed in an extreme uncertainty. It is because of non-settlement of the disputes over the lands, every now and then, conflicts and communal riots are being occurred in CHT centering the issue of the land disputes and the process of forcible occupation of lands belonging to the Jummas is going on unabated.

Dismantling of temporary camps

The CHT was heavily militarised during insurgency with reportedly more than 114,500 personnel of the army, BDR, APBN, Ansar and Navy forces, not taking into account VDPs and Police, deployed in CHT region. Experts estimate the number of army personnel in Bangladesh as varying between 80,000 and 90,000 (excluding navy and air force) plus 55,000 to 80,000 paramilitary forces (including armed police). They stationed in around 543 temporary camps and large permanent garrisons. The Peace Accord

stipulates withdrawal of these camps except six larger cantonments.

CHT Accord stipulates that immediately after return of the members of PCJSS to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from CHT to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.”

However, no time limit has been fixed for completion of the withdrawal of camps. It is tantamount to delaying the process of withdrawal. PCJSS claims that 31 army camps out of 543 have so far been taken back [as per letter dated 15.4.99 and dated 10.6.99]. But the government claims that more than two hundred camps have been dismantled. Following the formation of a new government by the grand alliance a total of 35 camps including a brigade were withdrawn. But it is alleged that APBN have been re-deployed at least 5 camps out of 35 camps withdrawn.

An order issued in 1973 for clamping military administration in the CHT has in effect never been rescinded. It was replaced with “Operation Uttoran” (Operation Upliftment) on 1 September 2001 in the post-Accord period. As a result, the army continues to involve itself in the civil administration hindering normalcy from returning.

What is uncontested is the omnipresence of the military forces and their grip on the overall administration of the region, even after 14 years of the Accord. The opinions of the armed forces usually tend to prevail on most of the key decisions and in some cases they have taken over some of the positions which they relinquished following the Accord. On the other, they still continue the counter-insurgency programme named “Shantakaran Prakalpa” (Pacification Project).

Cancellation of Land Leases

Huge tracts of land were given lease to non-indigenous outsiders in 1990s and 1990s for rubber plantation and other commercial purposes. Around 2000 plots covering 50,000 acres of land have been given lease in three hill districts. Till today, no accurate information is available as to the exact amount of lands leased for such purposes and how these lands are being used. The Accord provides that out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled.

The Parliamentary Standing Committee on the CHT Affairs Ministry in its meeting at Khagrachari and Rangamati held on 20 July 2009 and 18 August 2009 respectively decided to cancel those plots which remained unutilized for more than ten years. Accordingly, as per claimed by the DC of Bandarban district, about 593 plantation plots so far have been cancelled. But to the utter frustration of the CHT people, the Deputy Commissioner of Bandarban district has recently reinstated most of the plots to the owners.

On the other hand, allotments of land under this category continue unabated by the authorities. The Deputy Commissioner of the Bandarban district continues to give hundred of acres of land in lease to the outsider non-tribal Bengali people in violation of the concerned provisions of the CHT Accord.

The DCs continue to ignore and violate the circular issued by the Land Ministry on 17 July 1989 and instruction by the CHTRC. The DCs of the three hill districts were ordered to revoke this illegal settlement, lease or transfer of land through a letter issued by the CHT Affairs Ministry on 14 October 2000. Nevertheless, the process of giving lease and settlement of land to outsiders has not been stopped. This trend still goes on unabated covertly.

Thus, the Indigenous Peoples in the CHT are on the verge of total eviction from their ancestral land where they have been living and cultivating Jum (traditional shifting cultivation) from generation to generation.

Rehabilitation of the Returnee Jumma Refugees

Following the communal attack and massacres in 1986 throughout the Khagrachari district, more than 60 thousands indigenous persons took shelter in India as refugee. Later, following the Logang massacre in 1993, another 20 thousands joined them in the refugee camps in the Indian State of Tripura.

The government signed two separate package agreements with the leaders of the Jumma refugees for their repatriation to Bangladesh. The first one was the 16-point Package Agreements signed in 1994 in Indian State of Tripura following which 379 families (1841 persons) in February 1994 and in July 1994 another 648 families (3345 persons) were repatriated.

The Second and last package was the 20-Point Package Agreement signed on 9 March 1997 between the government and Jumma refugee leaders at Agartala of Tripura State of India with the leaders of the refugees. As per the CHT Accord and the 20-Point Package Agreement, the Jumma refugees numbering about 12,222 families with a total of 64,609 persons returned to the CHT from the Tripura State of India.

But as per statement of CHT Returnee Jumma Refugees Association, a total 9780 families could not go back to their own homesteads, farm lands and native villages as they could not be reinstated in their original/rightful lands which were already occupied by the settlers. The prospect of rehabilitation is shrouded in uncertainty since then. 40 Jumma villages are still under the occupation of the settlers. 890 families did not receive money to buy bullock for cultivation. 6 government primary schools shifted during the insurgency period to new places were not brought back to their original sites. 5 bazaars relocated to the places with settlers populations were not reinstated in their former locations. 7 temples remained under settlers' occupation.

Rehabilitation of Internally Displaced Persons (IDPs)

During the insurgency, thousands of Jumma peoples were evicted from their ancestral homes. These include persons who did not cross the international border but remained within Bangladesh. The CHT Accord identified them as Internally Displaced Persons (IDPs). The Accord provided for the rehabilitation of this IDP, after identifying them, through a

Task Force. However, this task remains to be accomplished even after 14 years. The first Task Force formed immediately after the Accord was headed by Dipankar Talukdar, the then MP from Rangamati constituency and now heading the CHT Ministry in the capacity of a state minister, declared some 38,156 Bengali settler families along with more than 90,208 indigenous families as internally displaced people in the 11th meeting of the Task Force held unilaterally on 15th May 2000. The meeting was not attended by representatives of PCJSS and Returnee Jumma Refugee Welfare Association (RJRWA) who walked out of the 9th meeting of the Task Force held on 22 September 1999 in protest against tempering with the definition of the “Internally Displaced People” by some CHT Ministry official. They also issued a joint press release on the matter.

Violating the terms of the Accord, a letter dated 19-07-1998 was sent to the Task Force from the Special Affairs Division directing to rehabilitate the Bengali settlers identifying them as IDPs in CHT. Consequently, though the issue of rehabilitation of the internally displaced tribal families, the government also took initiative to rehabilitate the Bengali settler families.

In June 2000 and September 2010, PCJSS submitted to the Prime Minister and the Convener of the CHT Accord Implementation Committee a memorandum calling for cancellation of the process of identifying the Bengali settlers as internally displaced people and withdrawal of the letter dated 19th July 1998 issued to the Task Force by the Special Affairs Division instructing rehabilitation of the “internally displaced non-tribal persons”. It was also demanded for honorable settlement of the Bengali settlers outside the CHT.

The Task Force became dysfunctional as the term of the previous government ended on 13th July 2001. On a repeated demand from the PCJSS, the BNP government appointed, on 29th October 2004, Mr. Samiran Dewan as the chairman of the Task Force. The Task Force, after it was reconstituted, had four sittings on 22nd April, 27th May, 25th July and 21st November respectively in the year 2004. On 3rd June 2007, the Task Force had another meeting at the Khagrachari circuit house. However, these meetings could not make any breakthrough on the issue. On the contrary, Mr. Sontoshita Chakma Bakul, the leader of the Returnee Jumma Refugee Welfare Association, was arrested as soon as he emerged from the Task Force Committee meeting on charges not known to any. Moreover, despite any decision taken in the Task Force Committee

meeting on the rehabilitation of 26 India Returnee Refugee families, arrangements were made through the Khagrachari HDC to rehabilitate them, in violation of the terms and reference of the Task Force Committee, on a land which belongs to one Ranajit Kumar Tripura, a member of the PCJSS.

After the assuming to the state power, Awami League-led Grand Alliance Government appointed Mr. Jatindra Lal Tripura, MP from Khagrachari, as Chairman of the Task Force in March 2009. Following the reorganization of the Task Force, three meetings were held on 5th October 2009 and 27th January 2010 at Khagrachari Circuit House and on 26th January 2011 at Chittagong Circuit House. In the meetings the agenda for discussion basically were– (i) determination of the process for identification of internal refugees, (ii) inclusion of the real internal refugees, (iii) 20-point Package Facilities, (iv) holding of monthly meetings of the Task Force, (v) field-level visit of the Task Force and (vi) discussion on human resources and fund. In the meeting, the proposal of exclusion of the Bengali settlers from the list raised by the PCJSS representative was opposed by the Chittagong Divisional Commissioner, the officer of MoCHTA and the Task Force member Md. Shafi. In this moment, the Task Force Chairman came up with an opinion on the issue stating that the matter should be left with the Accord Implementation Committee to decide. On the other hand, the proposal of enhancing the number of Task Force members raised by the government executive officers was opposed by the representatives of PCJSS and Returnee Jumma Refugees.

It is clear that government side is still following the previous policy to rehabilitate Bengali settlers in 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, the rehabilitation process of the tribal IDPs has ended in stand still situation.

General Amnesty and Withdrawal of Cases, and Surrender of Arms and Rehabilitation of the Ex-combatants

As per the agreement, the PCJSS had complied with this provision. A total 1947 armed cadres of the PCJSS have deposited their arms and ammunitions from 10 February to 5 May 1998 and its armed wing – Shanti Bahini (Peace Force) has been dissolved.

In accordance with the Accord, the ex-combatants were provided Tk. 50,000 each. A total 64 PCJSS members have been reinstated in their previous jobs out of 78 members and the remaining 14 are still to be reinstated. Besides, more than 600 ex-combatants were recruited as Police Constable and 11 as Traffic Sergeant.

The government declared amnesty for all PCJSS members who returned to normal life. In 1998 the PCJSS submitted to the government a list of 844 cases filed against 2524 of its members and permanent residents of CHT for withdrawal. Three district committees on withdrawal of cases headed by Deputy Commissioner shorted out 720 cases and recommended to withdraw them. Accordingly these cases were sent to Home Ministry to take necessary measures for withdrawal of the cases. However, government did not any step to withdraw the 720 cases recommended by the three district committees on withdrawal of cases, though 14 years have passed since the signing of this Accord. Moreover, the cases filed against the PCJSS members with the Martial Law Court were reviewed to withdraw so far. Consequently, the members of the PCJSS, who were charged in criminal cases during the period of insurgency, are still being subjected to systematic harassments in various ways.

Though CHT Accord provides to exempt all loan taken by the PCJSS members, but the Ministry of CHT Affairs has taken no step regarding applications by 4 PCJSS members for exemption of loan amounting to a total of Taka 22,783. The ex-combatants submitted 1,429 self-employment projects to the government. But any follow up action is yet to be taken to this decision.

Appointment of Permanent Residents in Services of the CHT

CHT Accord provides that against all the posts of officers of all ranks and employees of different classes 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 consequence, the outsider Bengali settlers are encroaching upon all employment facilities created for the permanent residents of CHT including Jumma people.

Ministry of CHT Affairs

CHT Affairs Ministry came into existence with a minister from the tribal. But when BNP was voted to power to form the government, the CHT Ministry was run without a full-fledged minister. A tribal member of parliament (MP) was appointed as deputy minister to the ministry, while the post of the cabinet minister was retained by the Prime Minister. During the Caretaker Government led by Dr. Fakhruddin Ahmed a non-indigenous Adviser was appointed to look into the CHT Ministry. Later, in 2007 Chakma Cricle Chief Raja Devasis Roy was inducted to take care of the CHT Ministry as Special Assistant to the Chief Adviser with the rank and status of state minister. After 2008 election, having won absolute majority in the parliament, the Awami League formed the government. Dipankar Talukder, MP from the Ramgamati constituency was given the charge of the MoCHTA with the rank and status of a State Minister. However, the Accord envisages a full minister for the said ministry.

But the CHT Ministry is unable to exercise its powers and carry out its responsibilities as per the rules of business. The critical point to be given serious thought in respect of the Ministry is that 99% of its staffs are non-indigenous who do not hail from the CHT. As is natural, they have no idea about the CHT people and the administration of the region. As a result, they are often found to take stands, which go against the interest of the hill people.

The MoCHTA has an Advisory Council which met only twice during the incumbency of the caretaker government with no result on record. With the formation of the new government on 6 January, 2009, the Advisory Committee had a sitting a few months back. But no positive result was brought out from this meeting.

In January 2010 CHT Affairs Ministry issued a controversial letter to three hill districts asking not to use the word Adivasi (indigenous people), rather to use Upajati (tribe/tribal). The letter also motivatedly said that some tribal/indigenous leaders with the support of western Christian state tried to build an indigenous state claiming themselves as Indigenous Peoples. Agitation was sparked in CHT for this letter.

Other matters and issues

There are some crucial matters agreed up in the Accord. These include

settlement of two acres of land with the landless Jumma people, allocation of fund for development in the CHT, quota reservation and scholarship for the Jumma students, patronage to tribal culture, traditions and customs.

No action has been taken for settlement of two acres of land with the landless Jumma people. On the other, funds allocated to the CHT institutions remain far from being adequate.

The government, even long before the signing of the CHT Accord, has been providing reservation in government jobs for the indigenous candidates and admission quota in educational institutions for the indigenous students. With regard to the admission quote for indigenous students, there is no coherent policy and the entire issue is often embroiled with bureaucratic interventions.

Recently by adopting an Article on “protection and development of the unique local culture and tradition of the tribes, minor races, ethnic sects and communities” in the 15th amendment of the constitution, government superficially recognised the need to preserve culture of Indigenous Peoples. However, the government seems to have no systematic and coherent policy and undertakings in this regard.