



Executive summary: Chittagong Hill Tracts, special status, tribal inhabited region, implementation of peace accord, land disputes, political violence, arbitrary arrests, extrajudicial killings, religious persecution

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Chittagong Hill Tracts

1. Introduction

The Chittagong Hill Tracts (CHT) is a large area in south-eastern Bangladesh, with an area of some 8,000 km² and a population of nearly 1 million. Whereas the CHT had been traditionally inhabited by indigenous groups known collectively as the Jumma, tension between the central Bangladeshi government, Jumma groups, and Bengali settlers in the CHT has led to heightened political conflict. Tensions erupted in 1973 with the formation of the Shanti Bahini, an armed wing of a Jumma political movement, the Jana Sanghati Saminti (JSS). Subsequent violence gave rise to alleged military brutality and widespread civilian displacement.

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From 1989 onwards, ongoing peace negotiations gave rise to a series of ceasefire agreements and political accords. Jumma authorities have repeatedly reproached the Bangladeshi government for allegedly failing to implement provisions of the peace agreements as promised, as well as perpetrating gross violations of human rights.

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2. Recognition of CHT as Tribal Inhabited Region

Throughout the 1970s and 1980s, Bangladeshi policy called for the settlement of the CHT by Bengali settlers. These policies were met with heavy resistance by local indigenous groups, and erupted in ethnically-motivated violence and civil unrest. CHT indigenous groups have widely accused Bangladeshi military personnel, law enforcement officials, and Bengali settlers of widespread attacks on civilian populations. In turn, CHT indigenous groups are said to have formed militant guerrilla groups and perpetrated acts of violence against Bengali settlers and military personnel.

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Amongst a series of peace agreements between the JSS and successive Bangladeshi governments, the Chittagong Hill Tracts Peace Accord 1997 (“the Accord”) was widely seen as a landmark agreement. The Accord called for the recognition of the CHT as a tribal-inhabited region and, as such, introduced special political arrangements for devolution and the formation of regional authorities.

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The Accord, inter alia, poignantly recognizes the CHT as a tribal-inhabited region, and notes the need to preserve the cultures of the region whilst improving local development programmes. Accordingly, many CHT indigenous groups view recent judicial and administrative decisions to include Bengali settlers as permanent residents as a compromise of the special tribal status of the CHT.

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3. General Implementation of CHT Accord and Devolution

As of 2008, most provisions of the Accord remain either unimplemented or partially implemented due to delays arising from changing governments and general political unwillingness. For example, of the 33 competencies devolved to the authority of a newly created Hill District Council (HDC), as discussed under Articles 33 and 34 of the Accord (and in line with subsequent Parliamentary Amendments and by coalition government initiative on 30 April 2006), only 12 have been transferred to HDC authority. Amongst the

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50 competencies transferred, which include industry and commerce, fisheries, primary education, and culture, CHT authorities have noted that the most important competencies have yet to be devolved, such as law and order, general administration, land management, and more.

55 Other obligations under the Accord, such as the formation of a new local police force and a CHT Regional Council (CHTRC) remain poorly implemented. For instance, where the CHTRC had been given the mandate to manage NGO activity, disaster management, relief programmes, and matters of general administration, centrally-appointed Deputy Commissioners remain largely in charge of these programmes.

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4. Settlement of Land Disputes

Another devolution initiative that has remained unimplemented is the formation of the Land Commission in 1999, for the resolution of outstanding land claims. As of 2008, no single land dispute has been resolved by the Commission.

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CHT activists have accused the government of approving the Land Dispute Resolution Commission Act 2001 without proper consultation with CHT authorities. The new Act has been criticized as detrimental to the interests of indigenous people in CHT. Amongst the most heavily criticized provisions, Section 7(5) of the Act stipulates that the Chairman of the Commission may decide on matters unilaterally in the lack of consensus amongst the Commission. This provision has been reprimanded as an affront to progress made towards democratic decision-making in the CHT administration.

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5. Military Presence

75 The Accord also provides for the withdrawal of temporary military camps (including the Ansar-Village Defence Party) from the CHT. There are conflicting reports on the extent of military withdrawal from the region, with the JSS reporting as few as 31 withdrawals over nine years, and official government officials reporting as many as 152. Regardless of conflicting reports, however, of the 543 military camps due to withdrawal under the Accord, current rates of withdrawal remain inadequate.

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In 2001, under the Awami League government, Bangladeshi authorities implemented a period of alleged military rule and brutality. Military forces continue to conduct operations in local villages and on public transportation, and indigenous civilians are subject to checks at newly established checkpoints.

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As part of its anti-terrorism campaigns, Bangladeshi security forces have reportedly perpetrated several notable incidents of military brutality. On 24 July 2005, villagers of Fakiranala Nee Aung Karbari Para were reportedly interrogated and subject to beatings in an anti-terror raid, resulting in the injury of some 30 villagers. No investigation has been carried out. Similarly, on 5 March 2006, security forces entered into a Khagrachari courtroom and took into custody two Jumma men, Sushil Kanti Chakma and Kamala Ranjan Chakma, who had been arrested the previous day. The men were then allegedly photographed by security officials alongside weapons. The incident was condemned by the Khagrachari District Bar Association, but no government action has been taken.

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6. Violence Against Bengali Settlers of CHT

100 Alongside violence against Jumma civilians, there have also been reports of brutality against moderate Bengali settlers. CHT Permanent Bengali Welfare Council (PBWC), an organisation of permanent Bengali residents, has reported being targeted by military forces in their campaigns in support of the implementation of the CHT Accord.

105 On 14 June 2005, the PBWC was allegedly raided by a signal company of the the Rangamati Brigade, and 18 leaders were beaten. Captain Ferdous, leading the Brigade, allegedly interrogated victims individually, and ordered them to stop working for the PBWC; cease contact with Mr Santu Larma, Chairman of the CHTRC and President of the JSS; and leave Rangamati with their families. Captain Ferdous also allegedly warned that if the leaders
110 failed to comply, they faced death by crossfire. Amongst those interrogated, Azam Ali Azam was admitted to Rangamati General Hospital for serious injuries.

As of 2008, the PBWC is no longer active.

7. Arbitrary Arrests and Judicial Abuse

115 Under the State of Emergency declared on 11 January 2007, many indigenous rights activists in the CHT were taken into custody. The JSS has reported that its members, traditional leaders, public representatives, and other activists who had voiced strong support for land rights, faced arbitrary arrests; false claims of extortion, kidnapping, and murder; and
120 prolonged detention. In accordance with Section 16(b) of the Emergency Power Rules of 2007, many detainees were denied bail.

Amongst these claims, notable incidents of reportedly false charges include those against Mr. Satyabir Dewan, the General Secretary of JSS, and Ranglai Mro, traditional leader and
125 elected public representative, in February 2007. The two men were arrested for keeping illegal arms, and sentenced to 17 years of imprisonment after summary trials under dubious conditions.

8. Incidents of Extrajudicial Killings

130 Extrajudicial killings by military personnel have also been reported widely. Notably, on 5 August 2007, activist Shanto Chakma, a member of the United Peoples' Democratic Front (UPDF) was arrested alongside his colleague Inton Chakma in Bakchhari Duar. Shanto Chakmar was reportedly hung upside-down from a Boro tree and fatally tortured. After Shanto Chakma's body was refused at the Naniachari Police Station, it was allegedly sent to
135 Rangamati Hospital for autopsy. Authorities at Rangamati Hospital then transferred the body to Chittagong Medical College Hospital, after noting torture marks on the body. A 7 August 2007 article in the Bengali Daily Newspaper, Prothom Alo, quoted Mr. Muktaadir Alam, Officer-in-Charge of Nanichar Police Station, in noting that Shanto Chakma died of heart attack whilst running away from the army.

140 As another representative incident, on 13 September 2005, a villager named Uching Nue Marma was allegedly fatally shot by forest guards at Kaptai Reserve Forest Area in Rangmati whilst looking for his cows. Some speculate that he was tortured on suspicion of being a pilferer before his death. His body was found the next day after a long search. His father,
145 Mong Chinghla Marma, has submitted applications for murder charges against seven officials of the Forest Department. In addition, Mr. Thowaiching Marma, Chairman of the Chitmaram



Union, submitted a memorandum to the Bangladeshi Prime Minister demanding action. As of 2008, no one has been arrested in connection to this case.

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9. Religious Persecution

Incidents of religious-motivated violence have also been reported. Whilst evidence pointing to systematic policies of religious discrimination is inconclusive, incidents of harassment of Buddhist monks and vandalism on their places of worship seem regular. On 6 August 2006, a Buddhist temple in Challyatali Village in Rangamati district was destroyed by a group of Bengali settlers from Challyatali mouza, led by Mr. Rafique Uddin. The Jumma villagers submitted complaints against Mr. Uddin with the UNO (Upazila Nirbahi Officer), but no arrests have been made so far.

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Most recently, on 17 July 2008, a group of army personnel led by Captain Raihan of Shuknachari Camp raided the Rhujuli Bhavana Kendra, a Buddhist meditation centre on Bhujulichuk hill in Lakmichari. The raid led to the destruction of the prayer hall, and two Buddhist novices were taken into custody.

10. Recommendations

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All in all, it seems that the plight of indigenous groups in the CHT is largely centred on poor political will from the central Bangladeshi government. This lack of will is widely manifested in excessive use of force by law enforcement, poor implementation of peace agreements and political devolution, and general military abuse. Whilst longstanding historic tensions between Bengali settlers and Jumma indigenous groups should be considered, it seems that these tensions are fuelled by injustices by Bangladeshi authorities.

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Generally speaking, in spite of widespread violations of human rights in the CHT, the Bangladeshi government should be commended for a number of initiatives taken towards ensuring stability in the country. As aforementioned, the signing of the Accord is, in itself, an important step towards lasting peace and security, and the embodiment of a political desire to ensure justice for Jumma indigenous groups. Accordingly, the international community should insist upon the successful implementation of the Accord, and encourage exemplary treatment of indigenous minorities in Bangladesh.

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In particular, UNPO urges Bangladeshi authorities:

To commit to engaging CHT political groups in continuing political dialogue, and ensure that political activism in favour of indigenous rights will not be reprimanded;

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To commit to improving the general implementation of the CHT Peace Accord 1997, and devise political roadmaps in cooperation with Jumma leaders for the implementation of the Accord;

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To push for increased devolution powers to CHT authorities, as required by the CHT Peace Accord 1997;

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To establish a functioning Land Commission, committed resolving disputes between Bengali settlers and Jumma groups fairly and without prejudice to ethnic and linguistic background, or political and religious affiliation;



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To commit to investigating widespread allegations of abuse by law enforcement, arbitrary arrests, and extrajudicial torture and killings, and explore possible judicial remedies for victims and their families;

200 *To strengthen judicial structures, and adopt measures against overaggressive use of force by authorities and corruption in the judiciary to avoid unreasonable delay and corruption; and*

To commit to providing increased education and training for police in nonviolent means of conflict resolution against nonviolent political dissidents.