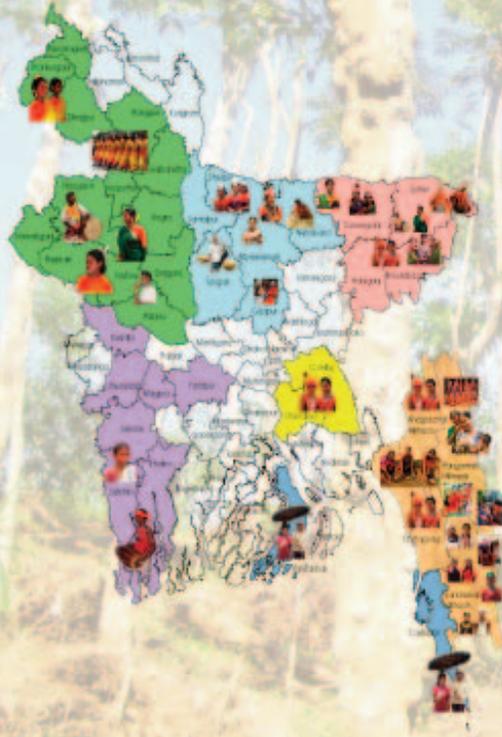


Human Rights Report 2011 on Indigenous Peoples in Bangladesh

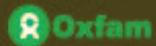
Ethnic Diversity of Bangladesh



Human Rights Report 2011 on Indigenous Peoples in Bangladesh



Supported by



ISBN : 978-984-33-2321-7

Kapaeeng Foundation

**Human Rights Report 2011
on Indigenous Peoples in Bangladesh**

Editor
Dr. Dalem Chandra Barman
Mong Sing Neo

Kapaeeng Foundation

Human Rights Report 2011 on Indigenous Peoples in Bangladesh

First Edition
1 January 2012

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Published by



Kapaeeng Foundation

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

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Supported by



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House 4, Road 3, Block I, Banani
Dhaka 1213, Bangladesh

Tel : +88-02-8813607-9

Web: www.oxfam.org.uk

Printed by
Tangsree Color System

Price
Taka 200
US \$ 10

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CONTENT

EDITORIAL	10
ACKNOWLEDGEMENT	11
EXECUTIVE SUMMARY	13
INTRODUCTION	19
NHRC's strategic planning for promotion and protection of the rights of Indigenous Peoples.....	22
Indigenous Peoples' issues in the Sixth Five Year Plan.....	24
Union Parishad and Poursava election and Indigenous Peoples' Representation.....	27
Most indigenous ethnic groups remain excluded from the 2011 census.....	30
Formulation of Wildlife Protection Act and opinion of Indigenous Peoples.....	31
Amendment to the Forest Act-1927 and opinion of Indigenous Peoples.....	34
Submission given to the UN Secretary General Ban-Ki-moon during his visit to Bangladesh.....	37
Government places strict restrictions on foreigners' visit to the CHT..	38
Jum farm burnt by the forest officers in Rowangchari.....	40
EU insists that the GoB implements the CHT Accord.....	41
Over 2,500 cases pending in CHT courts.....	41
CHT Commission condemns NSI interferences.....	42
Human Rights Report 2011 on Indigenous Peoples in Bangladesh	03

Indigenous Peoples want adequate budget allocation.....	43
Social discrimination against Indigenous Peoples of North Bengal in hotels and restaurants.....	44
Islamic terrorists confess to establishing training centre in Bandarban.....	46
Media Report.....	47

IDENTITY OF INDIGENOUS PEOPLES	51
15th Amendment of the Constitution and recognition of Indigenous Peoples.....	55
Secular MPs raise strong voice for constitutional recognition of Indigenous Peoples.....	58
Foreign Minister briefs diplomats and journalists in a derogatory manner on 'adivasi-tribal' issue.....	58
Response to the Foreign Minister's Statement by Barrister Raja Devasish Roy.....	61
Withdrawal of Foreign Minister's remark on IPs demanded by rights groups.....	64
State propaganda against constitutional recognition of Indigenous Peoples.....	66
Government suffers from 'security phobia of separatist movement' in CHT.....	68
Government decides to remove the term 'Adivasi' from all governmental documents.....	69
Parliamentary Caucus on Indigenous Issues proposes to enact Indigenous Peoples' Rights Act.....	71
UNDP-CHTDF undermines Indigenous Peoples' rights to organise cultural festival.....	71
10th session of the UNPFII and CHT issues.....	75
Media Reports.....	77
LAND RIGHTS AND LAND DISPOSSESSION	83
Land-related incidents and casualties of Indigenous Peoples in 2011.....	86
Land-related Incidents in the Chittagong Hill Tracts.....	87

Land-related Incidents in the plain lands.....	98
Media Reports.....	109

GROSS HUMAN RIGHTS ISSUES 123

Gross human rights violations and casualties of Indigenous Peoples in 2011.....	126
Massive Communal attacks and casualties of Indigenous Peoples in 2011.....	126
Arbitrary Arrest and Detention.....	128
Killing and Other Cruel Treatment.....	132
Torture and Intimation.....	136
Massive Communal Attacks.....	141
Religious Persecutions.....	155

WOMEN RIGHTS 161

Violence against indigenous women and casualties in 2011.....	165
Women Development Policy 2011 and indigenous women.....	165
Adivasi female workers in North Bengal face wage discrimination.....	167
Rape.....	168
Killing after rape.....	174
Attempt to rape.....	176
Abduction.....	180
Media Reports.....	181

EDUCATION AND CHILDREN 185

Quality education for Indigenous Peoples.....	189
Govt recruits only around 1% against 5% quota in govt jobs for Indigenous Peoples.....	190
Parliamentary Committee recommends bringing down pass marks for indigenous students.....	193
JU violates CHT Accord seeking only DC's certificate from CHT tribal students.....	194

Discrimination against CHT tribal students in submitting permanent resident certificate.....	195
Media Reports.....	196

PRESENT STATE OF IMPLEMENTATION OF CHT ACCORD OF 1997 203

Recognition of the CHT as "Tribal Inhabited Region".....	210
Enactment of new laws and the amendment of existing laws.....	212
CHT Accord Implementation Monitoring Committee.....	213
Three Hill District Councils.....	214
CHT Regional Council.....	217
Land Disputes and Land Commission.....	220
Dismantling of temporary camps.....	229
Cancellation of land leases.....	230
Rehabilitation of the Returnee Jumma Refugees.....	231
Rehabilitation of Internally Displaced Persons (IDPs).....	232
General Amnesty and Withdrawal of Cases, and Surrender of Arms and Rehabilitation of the Ex-combatants.....	234
Appointment of Permanent Residents in services of the CHT.....	234
Ministry of CHT Affairs.....	235
Other matters and issues.....	236

Acronym

ADP	Annual Development Programme
AIPP	Asia Indigenous Peoples Pact
BCS	Bangladesh Civil Services
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBD	Convention on Biological Diversity
ICCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Racial Discrimination against Women
CESCR	Covenant on Economic, Social and Cultural Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CHT	Chittagong Hill 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
IPs	Indigenous Peoples
MoCHTA	Ministry of Chittagong Hill Tracts Affairs

MP	Member of Parliament
NHRC	National Human Rights Commission
OC	Officer-in-Charge
PCJSS	Parbatya Chattagram Jana Samhati Samiti
PRSP	Poverty Reduction Strategy Paper
SAD	Special Affairs Division
SP	Superintendent of Police
UN	United Nations
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNO	Upazila Nirbahi Officer
UNPFII	United Nations Permanent Forum on Indigenous Issues

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EDITORIAL

It is our pleasure to present this report on indigenous peoples in Bangladesh entitled Human Rights Report 2011 on Indigenous Peoples in Bangladesh. Last year also, we brought such a report and we hope to continue to bring a report every year.

This report contains seven sections dealing with different issues concerning the rights and privileges of the indigenous peoples of Bangladesh, which are always subject to violation by both state and non-state actors. The state and status of human rights of the indigenous peoples in the country were never positive. However, the indigenous peoples of the country developed a very high hope and expected that the democratically elected government of the grand alliance would accord them constitutional recognition as 'Adivasis' and implement the Chittagong Hill Tracts Accord of 1997 in its true meanings and spirits. But the government has utterly disappointed them on both counts. They have neither been accorded the constitutional recognition as 'Adivasis' nor the government has taken a single meaningful step towards implementation of the Chittagong Hill Tracts (Peace) Accord of 1997. The recommendations of this report include suggestions for the implementation of these two demands.

We would not further elaborate the report here rather we would humbly request all concerned and interested persons to please go through the report and raise voice against the violation of rights of the indigenous peoples, who are equal citizens of the country with the entitlement to the peaceful and dignified life.

With thanks to the people who have worked hard to prepare the report and who have supplied information to prepare the text.

ACKNOWLEDGEMENT

Most of the reports of the human rights incidents have been collected through Kapaeeng Foundation's human rights defenders' network and also the focal persons working across the country. In addition, media reports in Bangladesh have also been monitored regularly by Kapaeeng's secretariat. In many cases, fact-finding missions were conducted by Kapaeeng Foundation (KF) with the help of its human rights defenders' network and focal persons upon receiving media reports of human rights violations to collect authentic and detailed report.

Besides, human rights reports of local, national and international human rights organisations including Bangladesh Indigenous Peoples Forum, Jatiya Adivasi Parishad, Khagrachari District Headmen Association, CHTnews Online (chtnews.com), Khasi Welfare Society, Patra Sampraday Kalyan Parishad, International CHT Commission, Hotline-Bangladesh, adivasinews.com, Global Human Rights Defence (GHRD), Pahari Chhatra Parishad (PCP), Adivasi Chhatra Parishad, Joyenshahi Adivasi Unnayan Parishad (JAUP), Adivasi Cluster Development Forum (ACDF), CHT Citizens Committee, Adivasi Jagoran Samity, Ethnic Community Development Organisation (ECDO) etc have been received and reviewed.

This report has been edited by Dr. Dalem Chandra Barman, Professor of the Department of Peace and Conflict Studies of University of Dhaka and Mr. Mong Sing Neo, Coordinator of KF. Contributions are made by a team of rights activists, including advisor of KF Mr. Mangal Kumar Chakma, Project-in-Charge of Caritas Barisal office Ms. Myentthein Promila, Assistant General Secretary of KF Ms. Lina Jesmin Lushai, Executive Member of KF and Correspondent of The Daily New Age Ms. Muktasree Chakma Sathi, Student of Curtin University (Australia) Mr. Bablu Chakma,

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Kapaeeng Foundation is grateful to those, who worked hard in formulating this report, particularly, Mr. Chinghlamong Chak from Bandarban, Ms. Dishari Chakma, Mr. Sajib Chakma and Mr. Binoy Kumar Tripura from Rangamati, Mr. Popen Tripura from Khagrachari, Mr. Chuni Lal Pahan from Naogaon, Mr. Gouranga Patra from Sylhet, Mr. Pijush Barman from Gazipur, Ms. Hana Shams Ahmed from Dhaka, Mr. Jagaran Chakma from Dhaka, Mr. Pallab Chakma from Australia, Mr. Partha Shankar Saha from Dhaka et al, and finally all activists at KF's secretariat.

Kapaeeng Foundation would like to express sincere gratitude to Oxfam for coming forward and supporting the research and publication of this report.

Rabindranath Soren
Chairperson
Kapaeeng Foundation

EXECUTIVE SUMMARY

Despite strengthening solidarity and unity among indigenous peoples and civic groups of mainstream Bengali population with strong media support, the Indigenous Peoples in Bangladesh passed 2011 amidst numerous victims facing gross abuses of human rights without access to justice. The perpetrators, irrespective of state and non-state actors, enjoyed with full impunity. Land dispossession of the Indigenous Peoples and massive communal attack on them in order to occupy their land continues unabated. Constitutional recognition of Indigenous Peoples and implementation of CHT Accord of 1997 remain unfulfilled, due to continuous following of policy-neglect by the Government of Bangladesh.

I. INTRODUCTION

It is encouraging that the National Human Rights Commission (NHRC) adopted strategic planning for the promotion and protection of the rights of the indigenous peoples. However, the NHRC still lacks institutional capacity due to lack of government support and strong democratic processes.

The Government mentioned in the Sixth Five Year Plan (FY2011-FY2015) that it would consider implementing the UN Declaration on the Rights of Indigenous Peoples 2007 and ratify the ILO Convention 169. The Sixth Five Year Plan also mentioned that an appropriate land policy will be formulated which can deal with land disputes involving indigenous peoples.

Indigenous Peoples raised their voice for adequate budgetary allocation to eliminate disparity and discrimination between them and the

mainstream Bengali people. It is observed that about 2 per cent of the country's population is indigenous peoples, but the allocation for them is below 0.5 per cent of the total budgetary allocation.

II. IDENTITY OF INDIGENOUS PEOPLES

Ignoring strong demands of the indigenous peoples and civic groups of mainstream population of the country, the present Awami League-led government has denied the constitutional recognition of fundamental rights of indigenous peoples in the 15th amendment of the Constitution in 2011. Despite very specific demands, the government did not ensure constitutional recognition of CHT Accord of 1997 and acts and laws enacted as per the Accord, in that new constitutional reform. Parliamentary Caucus on Indigenous Peoples proposed to enact a "Bangladesh Indigenous Peoples' Rights Act" and to set up a "National Commission on Indigenous Peoples" under an act to ensure the rights of indigenous communities on their ancestral lands. According to the Caucus, the existing laws are not adequate to ensure the rights of the indigenous peoples.

III. LAND RIGHTS AND LAND DISPOSSESSION

The major problem for all adivasis is land grabbing by influential people from the mainstream population. There are no adequate policies to protect the land of indigenous peoples. The traditional land rights of indigenous peoples are being ignored. The incidents of forcible land-grabbing by Bengali land grabbers and eviction of indigenous peoples from their ancestral land were also seen as common scenario in 2011.

In the year 2011 at least 111 houses of indigenous Jumma villagers were completely burnt to ashes in the CHT while 12 houses (6 houses each in the CHT and the plain lands) were looted and ransacked due to land-related communal conflicts. In addition, at least 146 Jumma families in the CHT were attacked by Bengali settlers while 19 indigenous families in the plain land were attacked. Besides, 21 indigenous persons including 1 from plain lands were assaulted while 3 indigenous persons (2 from CHT and 1 from plain lands) were brutally killed. On the other hand, at least 7,118 acre of land belonging to indigenous Jumma people were grabbed by Bengali settlers in the CHT in 2011. Several attempts have also been made to occupy Jumma's land by the Bengali settlers.

IV. GROSS HUMAN RIGHTS ISSUES

The failure to thoroughly investigate human rights violations by Bengali settlers with the support of the law enforcement agencies in the CHT and by influential land grabbers and criminals with the support of local administration including police in the plain lands remained a matter of serious concern. The perpetrators, irrespective of state and non-state actors, acted with full impunity.

In 2011, 6 indigenous people, 3 each from CHT and plain lands were killed while 13 persons were arrested or detained. In addition, 30 indigenous persons, 29 victims are from CHT out of them, were tortured, harassed and threatened. At least 8 massive communal attacks were made upon Indigenous Peoples across the country. Of them, 4 attacks were made in the CHT. All the communal attacks in the CHT were committed by Bengali settlers and in these attacks security forces played either a passive role or collaborative role. At least 3 indigenous persons were killed in these communal attacks while 70 were injured. Besides, 137 houses of Indigenous Peoples were completely burnt to ashes while 47 houses were looted or ransacked.

Religious persecution on Indigenous Peoples also continued, particularly in the CHT. This includes destruction of Buddhist temple with the aim to occupy temple's land, harassment of Buddhist monks, destruction of Buddha statues, prevention to construction and repairing of temple etc.

V. WOMEN'S RIGHTS

The biggest concern in rape and other violence against indigenous women is the lack of access to justice and absolute impunity that perpetrators enjoy. In 2011, 4 indigenous women, of them 3 from the CHT and 1 from the plain lands, were killed after rape while 11 indigenous women were raped. Except 1 woman from the plain lands, the rest of the raped women were from the CHT region. In addition, attempts to rape were made on 8 indigenous women including 1 from the plain lands while 5 women (4 from the CHT and 1 from the plain lands) were abducted. Almost all violences against indigenous Jumma women in the CHT have allegedly been committed by Bengali settlers. Only one incident of attempted rape was reported to have been allegedly committed by a security personnel.

VI. EDUCATION AND CHILDREN

Deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of Indigenous Peoples. With regard to the admission quota for indigenous students, there is no coherent policy and the entire issue is often embroiled in bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. In regard to quota in government jobs, the recruitments in the last six BCS examinations (24th-29th) show a diminutive representation of indigenous community's candidates. Studies show that merely 1%-2% of tribal quotas were fulfilled since the policy was adopted and unfortunately such vacant seats till the 27th BCS were filled by non-tribal candidates.

VII. PRESENT STATE OF IMPLEMENTATION OF THE CHT ACCORD

This year marks the passing of 14 years of signing of the CHT Accord. In the meantime, the present Awami League-led grand alliance which signed the Accord has already consumed 3 years of its tenure. But except for reconstitution of some committees and appointment to the some posts, the government has not taken any effective measures towards implementation of the Accord. Despite making it a priority commitment in the election manifesto and strong demands from the Jumma peoples and the civic society of the country, the government has not come up with a 'Road Map' with a time-frame to implement the 1997 CHT Accord. Hence, dissatisfaction and grievance has been mounting among the Jumma peoples and permanent Bengali residents in CHT over the years.

VIII. RECOMMENDATION

- 1) To end all intimidation and harassment of Indigenous Peoples and to prosecute all those responsible for attacks and intimidation against Indigenous Peoples.
- 2) To take all measures to fulfill Awami League's election promises by fully implementing the CHT Accord with a declared time-frame for a road map and providing a forum for solving land disputes of Indigenous Peoples in CHT and plain lands.
- 3) To implement ILO Convention No. 107 and ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples and relevant to the situation in Bangladesh.

- 4) To recognize, more categorically, the collective and individual rights of Indigenous Peoples over land and natural resources, in accordance with international human rights standards and in congruence with their customs and traditions.
- 5) 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.
- 6) To form a separate land commission for plain land Indigenous Peoples for restoration of dispossessed land.
- 7) To stop communal violence and physical abuse against indigenous women and to conduct judicial inquiries into the communal violence and abuses against indigenous women.
- 8) To implement 5% quota in government jobs and education institutes for Indigenous Peoples.
- 9) To allocate adequate budget for Indigenous Peoples and to ensure full and effective participation of Indigenous Peoples in major decision-making processes in all development programmes.
- 10) Amendment of the Constitution-
 - a) To incorporate the CHTRC Act 1998, and Rangamati, Khagrachari and Bandarban HDC Acts of 1998 (Amendment), which were enacted in congruence with the CHT Accord signed on 2 December 1997, in the First Schedule of the Constitution as 'existing laws';
 - b) To replace 'tribes, small nationalities, ethnic groups, and communities' with 'Indigenous Peoples' in 'Article 23 A' of the 15th Amendment to the Constitution;
 - c) To enshrine the list of more than 54 different indigenous ethnic groups by adding a new schedule in the Constitution, and ensuring constitutional recognition of the Indigenous Peoples;
 - d) To remove the phrase - '...people of Bangladesh shall be known as Bengali as a nation and...' from Article 6 of the 15th Amendment to the Constitution;
- 11) The NHRC should investigate human rights violations against Indigenous Peoples.

I. INTRODUCTION



I. INTRODUCTION

The majority peoples of Bangladesh numbering 160 million people are Bengalis. There are also approximately 3 million indigenous peoples belonging to more than 54 different indigenous ethnic groups in Bangladesh. These peoples are concentrated in the north, and in the Chittagong Hill Tracts (CHT) in the south-east of the country. In the CHT, the indigenous peoples are commonly known as Jummas for their common practice of Jum cultivation (Sweden agriculture). There is no constitutional recognition of the fundamental rights of indigenous peoples in Bangladesh.

The ILO Convention No. 107 remains a useful instrument, covering many areas that are of key importance to indigenous peoples. It should be mentioned, however, that although Bangladesh remains party to Convention No. 107, the provisions of ILO Convention No. 169 (the Indigenous and Tribal Peoples Convention) are also relevant to the situation in Bangladesh because of their inspirational value and because the Committee of Experts, which monitors the implementation of both Conventions No. 107 and 169, follows the progressive spirit of Convention No. 169 and rejects the integrationist orientation of Convention No. 107.

Despite ratification of important international human rights treaties related to indigenous peoples, there is no palpable change or progress in the overall human rights situation of indigenous peoples in Bangladesh, due to continuous following of policy-neglect by the Government of Bangladesh. Economic exploitation and political repression on the indigenous peoples continues unabated. Lands of indigenous families are, on the other hand, being forcefully occupied and acquired in the name of so-called 'development' and creation of 'eco-park and tourist spots' and

expansion of military camps and eviction of thousands of indigenous families from their ancestral land. The process of annihilation of the indigenous peoples is going on through forceful eviction from their ancestral lands and homesteads, communal attack, arson, rape, killing, arbitrary arrest, extra-judicial killing and gross human rights violations. Indigenous peoples have been demanding the formation of a separate land commission for indigenous peoples in the plain region.

The indigenous peoples of Bangladesh remain among the most persecuted of all minorities, facing discrimination not only on the basis of their religion and ethnicity but also because of their indigenous identity and their socio-economic status.

The Accord signed in 1997 between the Government of Bangladesh and PCJSS recognizes the CHT as a "tribal inhabited" region, recognizes its special governance system with the CHT Regional Council, three Hill District Councils and three circle chiefs, and provides meaningful engagement for indigenous peoples.

Since the assuming of state power by the present Grand Alliance Government, 3 years have passed. However, the grand alliance government has not yet taken any concrete action towards implementing the Accord. The government has not yet announced any time-bound plan for implementation of the Accord despite growing demand for the same from all the progressive human rights activists and civil society of Bangladesh, including Indigenous Peoples from all walks of life from the CHT. Bengali settlers continue to infiltrate into the CHT in the thousands and occupy indigenous lands forcefully through communal and arson attacks with the help and support of the local administration and security forces.

NHRC's strategic planning for promotion and protection of the rights of Indigenous Peoples

National Human Rights Commission (NHRC) adopted a strategic planning for the promotion & protection of the rights of the indigenous peoples. This strategic planning was adopted in a workshop on "Strategic Planning for Promotion and Protection of Rights of Indigenous and Ethnic Minority Groups" organised by NHRC on 29 December 2010 at the YWCA auditorium in Dhaka.

The participants were divided into four groups and discussed on (a) Situation in CHT and local access to justice and (b) Discrimination against indigenous peoples and ethnic minorities in the seminar. The participants placed the following recommendations:

- encourage government to fully implement the CHT Accord;
encourage government to amend the CHT Land Disputes Settlement Act 2001 in an urgent basis;
- undertake mass awareness programme by NHRC to promote the CHT Accord;
- encourage the government to take into consideration the recommendations given by different international organizations and UN agencies for implementing the CHT Accord;
- investigate gross human rights violations at grass roots level;
- establish NHRC wing at regional level or district level;
- establish a separate CHT cell at the NHRC considering the gross violation of human rights;
- monitor implementation process of the CHT Accord;
- encourage government to arrange special training for govt. officials on indigenous peoples' rights, their traditional land rights and basic human rights;
- introduce media advocacy program for constitutional recognition of indigenous peoples;
- encourage government to ratify the ILO Convention 169 and support the United Nations Declaration on the Rights of Indigenous Peoples etc.

In achieving nationwide recognition of the rights of indigenous peoples and ethnic minorities, NHRC adopted a package of key strategies, such as, organising roundtable with key indigenous and ethnic minority NGOs, working with government to ratify the ILO, Convention No. 169 concerning Indigenous and Tribal Peoples, working with government to endorse the UN Declaration on the Rights of Indigenous Peoples, working with authorities to ensure rights of indigenous peoples and minorities protected by constitution or legislation.

Despite strong voice of the chairman of the NHRC in favour of the rights of indigenous peoples, indigenous leaders demanded for a more effective and strong role from the NHRC, particularly, to investigate alleged violations of the rights of indigenous peoples and publish the findings of such enquiries, along with recommendations.

Submission to the National Human Rights Commission

ON 5 March 2011 a victim of Longadu arson attack (please see details of attack on chapter Gross Human Rights Issues) Mr. Milon Chakma submitted complaint to the National Human Rights Commission demanding that investigation be carried out on the Longadu arson attacks, to punish those responsible for the heinous attack, to rehabilitate Jumma victims with compensation, to provide security of lives and properties of the affected Jumma villagers and to transfer Bengali settlers from this area. However, no investigations have been carried out so far.

It is mentionable that on 17 February 2011, following the death of a Bengali settler, some Bengali settlers made a massive communal attack on Jumma villages of Gulshakhali and Rangji Para areas under Longadu upazila in Rangamati district. In this attack at least 23 houses of Jumma villagers were reportedly burnt to ashes in the attack while two Jumma students were seriously injured in another attack made at Tintilya Launchghat in Longadu upazila headquarters at noon. A huge number of valuables were looted by Bengali settlers before the houses were set on fire.

Indigenous Peoples' issues in the Sixth Five Year Plan

The present grand alliance government led by Awami League decided to switch back to the five year plan mechanism. As per the decision, the government formulated the Sixth Five Year Plan (FY2011-FY2015) titling "Accelerating Growth and Reducing Poverty", which came into operation from July 2010. The Preamble of the 6th Five Year Plan states that recognising that development is a long-term process, the five year plan is cast in the context of a long-term development vision defined by the Government's Vision 2021 and the Perspective Plan (2010-2021). Perspective Plan will be implemented through two successive five year plans spanning the period FY2011-FY2020.

It is also mentioned in the Preamble that the main objective of the Sixth Five Year Plan is to reduce and ultimately eradicate poverty to ensure a

“Sonar Bangla”. This will be achieved by following two specific paths. First, by accelerating economic growth and creating productive employment opportunities; and second, by ensuring distributive justice. The MDG goals have been well integrated into the Plan.

Indigenous peoples’ issues (mentioned as “Ethnic Communities”) are included in the 6th Five Year Plan under “Chapter 9” titled “Reaching out the Poor and the Vulnerable Population” (page 424-425, Part-2, Sectoral Strategies, Programs and Policies). An action plan for participation, social inclusion and empowerment of indigenous peoples, among others, has been taken in this chapter.

In the proposed actions for indigenous peoples in the Sixth Five Year Plan, the intervention and actions for achieving the strategic objectives are indicated below:

Bangladesh has around forty-five different small ethnic communities comprising of 2 million people. Some of the ‘hardcore poor’ of Bangladesh are found among these communities.

The Vision: For the people belonging to these ethnic groups, the vision is to ensure their social, political and economic rights; ensure security and fundamental human rights; and preserve their social and cultural identity. They will be ensured access to education, health care, food and nutrition, employment and protection of rights to land and other resources.

The crucial provisions of the CHT accord of 1997 have mostly been implemented. A separate Ministry of CHT Affairs has been created, a Land Commission Act passed by the Parliament, withdrawal of army camps has been started and the Land Commission constituted to resolve land disputes in the three hill districts. The District and Sessions Courts have started functioning in the three districts of CHT. The government programs have also incorporated the needs and concerns of the ethnic communities. The unimplemented provisions of the peace accord would be considered for implementation by the government. The Land Commission will be reconstituted and land survey carried out.

Areas of Future Action: The challenges with respect to addressing social and economic conditions of ethnic communities cover: (i) living in remote areas and far away from each other making it difficult to reach, mobilize and organize them, (ii) partial operationalization of the ‘Land Disputes

Resolution Commission’ to prevent land grabbing and displacement of ethnic communities, (iii) lack of specific objectives concerning needs and concerns of ethnic communities in mainstream policies of respective ministries/divisions, (iv) absence of an alphabet and dearth of students hindering development of curriculum in languages of the ethnic communities at schools, (v) low food production resulting in food insecurity, (vi) inadequate institutional mechanism to establish linkage and coordination with NGOs and the private sector to address issues related to ethnic communities in a comprehensive manner, (vii) lack of comprehensive understanding of the problems of the indigenous communities, and (viii) absence of detailed information on ethnic population with ethnic disaggregation.

Major areas of interventions would include:

- **UN Declaration:** The Government would consider implementing the UN Declaration on the Rights of Indigenous Peoples 2007 and ratify the ILO Convention 169.
- **Rights on land:** An appropriate land policy will be formulated which can deal with land disputes involving ethnic groups. A secure land tenure system will be introduced in Chittagong Hill Tract. Representatives of the ethnic groups will be included in undertaking development projects in their areas.
- **Empowering ethnic communities:** The government will ensure participation of local governments in the management of natural resources and will recognize the traditional knowledge of the various ethnic peoples. The government will ensure community involvement in the adoption of technologies without competing with their traditional food production system.
- **Human development programs:** Existing human development programs will address the special needs of the ethnic people. Monitoring and supervision will be strengthened so that education, health and maternal child health services, and nutrition and housing facilities reach the ethnic people.
- **Language and access to education:** A national language policy will be formulated to safeguard the languages of ethnic peoples.

An action plan on mainstreaming the education of ethnic children will be implemented.

- **Electrification and telecommunication:** The national power grid and distribution system for electricity supply in different Upazilas of hill districts will be expanded. The government will consider the feasibility of raising electricity generation capacity of the Kaptai Hydroelectric Power Station and setting up a grid substation in the hill districts to meet the demand for electricity
- **Preferential access to social protection programs:** Social protection assistance will be provided in hill districts to strengthen their capacities to cope with any sudden decrease of their income due to damage to Jhum crops caused by floods and droughts.
- **Rural development and non-farm economic activities:** In the hill districts, income generating activities through small and cottage industries, trading, and poultry and livestock rearing will be expanded. The income of poor people will be enhanced through social forestry in hilly areas and cultivation of fruits and medicinal plants. Measures will be taken to support EPB's 'one district one product' initiative under which 'Textiles for Rangamati', 'Pineapples for Khagrachari' and 'Rubber for Bandarban' have been finalized.
- **Expansion of micro credit:** Micro credit activities for the poor people will be expanded and vocational training will be provided to the poor. The development of rural roads, hats, and bazaars for marketing of agricultural products will continue. Action will be taken to eliminate barriers so that agriculture and local products have easy access to national and international markets.
- **Development of tourism:** Private investment will be encouraged to develop sustainable tourist facilities in Rangamati, Bandarban, and Khagrachari.

Union Parishad and Poursava election and Indigenous Peoples' Representation

Union Parishad is the oldest and lowest local government unit. It has been

functioning for more than a hundred years for the rural development of the country. At present there are 4480 Union Parishads all over the country. Union Parishads are run by the directly elected representatives. The latest election of the Union Parishad (Union Council) which is the lowest administration unit in Bangladesh was held in April-June 2011 throughout the country.

As there are no reserved seat for indigenous peoples including women, it is tough for indigenous peoples, particularly who are living in the plain land, to be elected in the Union Parishad. Consequently, no chairman from among the indigenous community has been elected in the plain land. On the other hand, only 36 members (general seat) from among indigenous peoples, out of around 40,000 seats, have been elected while 25 woman members from among the indigenous peoples, out of around 13,000 seats reserved for women, have been elected in plain areas. It is mentionable that in the last election of the Upazila Parishad, no indigenous candidate except a woman from the Madhupur area was elected as either chairman or vice chairman (male and female).

This figure shows the lack of representation of indigenous peoples in the local government bodies, particularly due to small number of indigenous peoples in the plain land. That is why, indigenous peoples have been demanding to reserve seats for indigenous peoples including indigenous women at all levels of local government bodies. But it is yet to be fulfilled by the government.

Numbers of Unions and elected adivasi chairmen and members in the plain land

District	Union	Adivasi chairmen	Adivasi male member	Adivasi female member	Total
Joypurhat		-	3	2	5
Rajshahi		-	7	3	10
Chapai Nawabganj		-	1	3	4
Gazipur		-	-	2	2
Dinajpur		-	2	2	4
Rangpur		-	9	5	14
Thakurgaon		-	1	-	1

District	Union	Adivasi chairmen	Adivasi male member	Adivasi female member	Total
Naogaon		-	5	6	11
Sirajganj		-	7	2	9
Bogra		-	2	-	2
Sylhet		-	-	1	1
Total	4480*	-	36	26	63

* Total UP in Bangladesh is 4480. Out of them, 113 UPs are in the CHT.

Out of 113 Union Parishads in the hill districts of the CHT, out of 112 chairman post, 84 chairman were elected from among the indigenous communities. In addition, out of 1008 general members, 692 members from among the indigenous peoples were elected while out of 336 women members (reserved seat), 233 women members from among the indigenous communities were also elected in the last UP election. These figures show that Jumma peoples won 73% of chairmanship, 68% of general membership and 69% of woman reserved seats in the UP election.

It is also worth mentioning that Union Parishads situated along the border of the Chittagong district are most vulnerable for indigenous candidates. No indigenous chairman from the Union Parishads (6 UPs) under Alikadam and Naikhyangchari upazila in Bandarban district were elected in the last Union Parishad Election while only 1 indigenous candidate out of 7 Union Parishads under Lama upazila won the election. On the other hand, no indigenous candidate won the post of chairmanship in 4 Union Parishads under Manikchari upazila in Khagrachari district while only 2 out of 8 Union Parishads under Matiranga upazila and only 1 out of 3 Union Parishads under Ramgarh upazila had a chairman candidate from the indigenous community. In Rangamati district, Longadu upazila is vulnerable for indigenous candidate. Only 2 Union Parishads out of 7 were won by indigenous candidates for the post of chairmanship.

Numbers of Unions and elected Jumma chairmen and members in CHT

District	Union	Jumma chairmen	Jumma male member	Jumma female member
Rangamati	48	40	320	107
Khagrachari	36	23	205	70
Bandarban	28	19	167	56
Total	112	82	692	233
Percentage (%)	-	73%	68%	69%

However, in the Poursava Elections no indigenous candidates were elected for the post of chairman of any pourasava (municipality) in the CHT. On 18 January 2011, election of 5 pourasavas, namely, Rangamati pourashova, Khagrachari pourashova, Matiranga pourashova, Bandarban pourashova and Lama pourashova were held.

Among the 5 Pourashovas in the CHT, no candidates from among the Jumma people were elected for the post of mayor while, out of 45 general councilors, only 7 Jumma candidates and out of 15 women councilors, only 2 Jumma women candidates won the election for the post of councilors. Among the elected mayors (Bengalis), four mayors won from the BNP and one mayor won as an independent candidate. There is no scope for indigenous peoples in the plain lands to contest pourasava elections for the post of either chairman or councilors.

Most indigenous ethnic groups remain excluded from the 2011 census

The government's population and household census conducted in mid-March failed to recognise over 50 distinct indigenous ethnic groups in Bangladesh, many of which reside in the plain lands. The census only recognized 27 ethnic groups.

The census questionnaire provided distinct categories for only 27 indigenous ethnic communities, which the government calls 'ethnic minority' groups set out in the Small Ethnic Groups Cultural Act 2010. It is, however, generally accepted that there are more than 54 such indigenous ethnic groups in Bangladesh. The Kapaeeng Foundation, a national human rights organisation earlier came up with the same figure.

Examples of such groups that are not recognized in the census are the Mahatos, Baraiks, Mahalis, Rajbangshis, Rais and many others. Without conducting a census, these groups are not counted as indigenous ethnic groups. They are estimated to account for around 1 million of the population. Mizanur Rahman, chairman of the National Human Rights Commission, has stated that failing to recognize these indigenous ethnic communities constitutes a human rights violation.

This has sparked discussion on the lack of recognition of indigenous peoples in the Constitution of Bangladesh and on 19 March 2011 indigenous peoples of Bangladesh organised a human chain across the country demanding constitutional recognition of indigenous peoples. Chairman of the parliamentary caucus on indigenous affairs, Rashed Khan Menon MP stated that problems of indigenous peoples cannot be fixed without constitutional recognition of indigenous peoples.

Formulation of Wildlife Protection Act and opinion of Indigenous Peoples

The government has recently initiated the process of passing a new law titled “Wildlife Protection Bill-2010” by scrapping the present the Wildlife Protection Order-1973. Although the bill of this law was approved by the cabinet, but the government has not consulted with the indigenous communities who are generally dependent on forest for their livelihood and the adivasis living in the Chittagong Hill Tracts and other areas of the country.

The adivasis rely heavily on the forest resources and its rich biodiversity for their livelihoods. Therefore, seeking opinions of the forest-dependent people is very important for initiating any changes in the existing law on wildlife protection or cancellation of the 1973 law.

The Section 53 of the CHT Regional Council Act-1998 stipulates the government to consult the CHT Regional Council for bringing about any changes in the existing forest laws, because the CHT is one of biggest forest areas of the country. But the government has not approached the CHT Regional Council to ask for their opinions. Thirteen adivasi communities live in the CHT and their existence is largely dependent on the forest and the rich biodiversity.

As a result, the legislative proposals including the definitions of the

offences in the proposed law have not included any explanation or analysis on the social, cultural, traditional practices and everyday lives of the indigenous peoples. Rather the bill, now under the scrutiny of the Parliamentary Standing Committee on the Ministry of Environment and Forest, contains some anti-*adivasi* contents. For instance, Section 2 of the bill particularly goes against the social, cultural, traditional practices and everyday lives of the indigenous peoples (*adivasis*).

The bill, if passed in parliament, would definitely narrow the scope of livelihood of forest-centered indigenous communities living in the CHT and other areas of the country.

The proposed law frames definition of the crimes or offences which are not consistent with the lives and livelihood of *adivasi* people. A careful analysis of the definitions strengthens the fear that the new law would authorize the forest protectors or the government authorities to harass the *adivasi* communities anytime if they want.

Section 2 of the Bill contains a wide-ranging definition of the wildlife and forest-related offences and crimes and the expanded definitions would encourage forest officials or the officials in-charge of the wildlife protection to misuse their authority against the *adivasi* communities living inside or outside the forest by filing false cases. The forest or the wildlife protectors can easily bring any criminal charges against innocent people forcing them to leave their homesteads. The consequences of the new could be more dangerous than the present forest law which frequently used for harassing the *adivasi* community or other Bengali people near the forest areas.

Section 2 of the Bill includes 87 definitions of crimes and offences. But there is no definition or specification of the phrase ‘forest-dependent and traditional rights’ referred to in Section 17(2). Implementation of the law is sure to face complication unless ‘forest-dependent and traditional rights’ are defined in the Bill, and make the government commitment to protect traditional rights of the *adivasi* communities meaningless.

Again, the Bill should include the term ‘*adivasi* (indigenous) communities’ in addition to the term ‘forest-dependent’ communities as the life and livelihoods of the *adivasi* communities are inseparable from the forest.

Section 17(1) has declared the water bodies as sanctuaries. Even a six-foot deep pond is a sanctuary, according to the definition of crimes or

offences set in Section 2. Therefore, the authorities can easily stop any residents or the adivasi communities from going into the water bodies for livelihood and household purposes.

Section 2(20) will also stop the adivasi communities in the CHT from collecting trees, bamboo, straw and other wood items for domestic purposes from the social forest areas, which have been brought under the definition of protected forest. The Section 27 will empower the government to declare a forest an area with special biodiversity banning the adivasi communities' access to that forest.

Section 28 will also authorise the government to declare an area as national, traditional, memorial, sacred or protected forest. Besides, the draft has not defined the phrase 'traditional, cultural, social and preservation values to the local communities' raising the possibility of misuses.

Section 2(32) has furnished a wider definition of trophies and the definitions are inconsistent with the social and traditional practices followed by the majority of the adivasi communities in the CHT. For instance, the Bawm, the Pangkhua, the Lushai, the Mro and the Khyang adivasi communities are hunters by traditions. Traditionally, they collect hide, teeth, horns and bones after hunting the animals. They decorate their houses with the items. They have been nurturing the traditions for centuries.

Snail is a very popular dish for the adivasi communities in the CHT. They, especially those living in the remote villages, pick snail from the water bodies and use the inside stuff as food leaving the shell nearby their homesteads.

The proposed law (Section 45) has stipulated that anyone picking snail from the water bodies will be face arrested. Again they can face imprisonment for three to seven years as per section 49 coupled with a fine of Tk 200,000 to Tk 500,000.

The aforesaid factors justify the demand for revisiting the government decision to enact the proposed law. The environment ministry should pass the law addressing the probable fear of the adivasi communities.

The government should honor the CHT Regional Council Act-1998 and discuss with the council. Besides, the government should consult with

adivasi communities in the CHT and plain lands before its passage in parliament with a view to making the proposed law into an effective instrument of wildlife protection. At the same time, the new law must protect the social, cultural and traditional rituals of the adivasi communities and be in harmony with the everyday life and livelihood of the adivasi communities.

The Bill also lacks the guarantee for the protection of the diversified livelihoods, culture and traditional rituals of the adivasi communities involving the forest. It must properly address the socio-economic, cultural and traditional affairs of the adivasi communities. [This opinion was prepared by an 8-member technical committee led by Advocate Gyanendu Bikash Chakma formed by CHT civic society in January 2011].

It has been learnt that the World Bank will provide Tk 254 crore as a loan to Bangladesh to protect the tiger and other wildlife in the country. The World Bank will be providing the loan support under its regional cooperation strengthening project to conserve wildlife. The programme will address the development of 23 wildlife animal-saving zone and ecotourism facilities, forming wild life animal crime prevention units at airports, container ports and sea ports and developing the habitats of wild animals.

Amendment to the Forest Act-1927 and opinion of Indigenous Peoples

The Cabinet on 10 November 2010 in principle approved the proposed amendment to the Forest Act-1927 sparking mixed reactions among the forest-dependent people in the CHT and plain lands. The amendments contradict the CHT Accord of 1997, CHTRC Act of 1998 and Rangamati, Khagrachhari and Bandarban HDC Acts of 1998, and the Chittagong Hill Tracts Regulation 1900. The amended proposals, if approved by the parliament, would result in creating a conflict amongst the Forest Department, the CHTRC and the three HDCs over the authorities over forest resources.

According to section 53 of the CHTRC Act 1998, the government should consult the council and seek the opinion of the forest-dependent people in the hill region. Indigenous leaders are of the opinion that the government should respect the CHTRC Act of 1998 and amend the Forest Act 1927

in line with advice from the people of the CHT. The following factors justify our demand:

The adivasi communities of the CHT could not take part in the pro-people and sustainable development efforts due to prevalence of a conflicting situation and the political unrests in the region. The government, donors, diplomats, development workers and the civil society have agreed that the development in the three hill districts should be according to the CHT Accord signed in 1997. The Accord recognizes the CHT as a tribal-dominated region and stresses on its overall development to protect the special region. If the proposed amendment is approved by the parliament it will weaken the CHT Accord, CHTRC Act, and three HDC Acts,

In fact, the forest department has failed to protect the forest in the CHT. The proposed amendments, which are conflicting with section 64 of the Rangamati, Khagrachari and Bandarban HDC Acts, have denied the natural and traditional lifestyles of the forest-dependent people. Section 64 of these Acts clearly says that the ownership of all land, except for the government forest, cannot be transferred without prior approval of the three HDCs. Article 11 and 13 of the 1957 Convention (no 107) of the ILO on Indigenous and Tribal Population say that the signatory countries will recognize the collective and traditional ownership of land enjoyed by adivasi communities. The convention also makes signatories obligated to frame their domestic laws by recognizing the land rights of the adivasi communities. Bangladesh is a signatory to the Convention and as such have an international commitment to abide by the Convention.

The ruling Awami League-led government in its election manifesto pledged to protect the rights, culture and tradition of the adivasi communities and other small nationalities in the country.

Section 6 (a) of the Forest Act 1927 allows the adivasi communities and the forest dependent people to raise their demands for compensation in 18 months in case of government's decision to declare a particular area a 'reserved forest'. But the proposed amendment will drop the provision and the proposal is against the legal and traditional rights of the adivasi communities. Cutting the provision will make the backward forest dependent people more vulnerable instead of improving their socio-economic and cultural status. So, such a move from a democratically-elected government is undesirable and unacceptable.

The definition of 'Notified Forest' in Section 34 of the proposed amendment is a matter of concern for the forest-dependent people. The dispute between the forest department and the forest-dependent people has become a permanent syndrome as the government has declared some areas protected and reserved forest without legally recognizing the traditional rights of the forest-dependent people on cultivation, irrigation, access and others issues. The adivasi communities will face massive displacement if the land under the HDCs were to be brought under the proposed 'Notified Forest' through the amendment. The HDCs will lose its legal status in opposing such anti-people decision by the forest department. The amendments, if implemented, would create a conflicting situation with the violation of the Forest Act 1927, CHT Regulation 1900, and the Rangamati, Khagrachari and Bandarban Districts Council Act (Section 64). Again, the amendments may cause disputes between the forest department and the HDCs.

Filing false cases by the forest department against adivasi communities and the forest-dependent people in the CHT and plain lands is common practice. The proposal for increasing the punishment for forest related offences and crimes would strengthen the corrupt officials and employees of the forest department giving them more opportunities to make the hapless and poor people dependent on the forest hostages. It will enhance corruption in the forest department. Increasing the punishment will make the forest-related crimes 'non-bailable' resulting in the languishing of the accused persons in custody. Instead, there should be a section to punish the forest officials for filing false cases against the adivasi communities and the forest-dependent people.

The amendment (Serial no. 19) has proposed inclusion of a representative of the divisional forest officer as a member of the probe body investigating the incidents of fire arms use by forest officer. Indigenous leaders proposed incorporating a locally elected representative such as upazilla vice chairman instead of the representative of the divisional forest officer. Because, presence of a representative of the divisional forest officer (assistant conservator of forest) will stand in the way of impartial investigation on any firing incidents.

The land and other rights of the forest-dependent people are yet to be settled. But the amendments have proposed giving the divisional forest officer the authorities to evict the illegal land occupiers: this is not only

illogical but also against the principle of fair justice. Eviction from land is a civil court's affair. So, imposing such power to the divisional forest officer would widen up the possibility of misuse of the same. The consequences may be: the forest-dependent people will be deprived of justice.

The amendment proposal (Serial no. 24) has authorized the nearest forest officer to hear the cases of preparing the land records of the forest-dependent people. This is against justice and public interests. The forest-dependent people living near the protected, reserved and other forest areas will have a slim chance of getting legal rights on their land if the proposal is approved. The move is a blow to the traditional rights of the forest-dependent people on their land and resources. [This opinion was prepared by an 8-member technical committee led by Advocate Gyanendu Bikash Chakma formed by CHT civic society in January 2011].

Submission given to the UN Secretary General Ban Ki-moon during his visit to Bangladesh

UN Secretary General Ban Ki-moon paid a 3-day visit to Bangladesh from 13 November to 17 November 2011.

Prior to his visit, the International CHT Commission sent a memorandum to Ban Ki-moon on 11 November 2011 urging him to raise the issue of implementation of the CHT Accord with the Awami League-led government and the culture of impunity that prevails in the CHT, where members of the security forces are regularly alleged to be involved in human rights violations of indigenous hill peoples, and incidents rarely investigated.

Kapaeng Foundation (a national human rights organisation of indigenous peoples) and Jatiya Adivasi Parishad also jointly submitted a memorandum to the UN Secretary General on 15 November 2011. The two rights organisations urged him to raise the issue of full, effective and rapid implementation of the 1997 CHT Accord with the empowering of the region's special governance system with CHTRC and three HDCs, resolution of land disputes in accordance with the laws, customs and practices in force in CHT and withdrawal of all temporary camps and de facto military rule 'Operation Uttoron' of military forces from the CHT region before the Government of Bangladesh.

The rights groups also requested him to receive a delegation of the indigenous peoples' representatives during his visit in Bangladesh at a

time of his convenience. However, no delegations from indigenous community were asked to call on Mr. Moon. Member of UN Permanent Forum on Indigenous Issues Barrister Raja Devasish Roy was also not invited.

On 14 November 2011, the UN Secretary General attended the Climate Vulnerable Forum in Dhaka. The government did not invite any indigenous leaders to attend this Forum, whereas it is now globally accepted, including by the UN, that ancient indigenous traditions can help overcome modern, environmental problems.

Government places strict restrictions on foreigners' visit to the CHT

The government has recently imposed very strict restrictions on foreigners' travels to the CHT. According to the new rules, apart from having a passport and visa and permission from the Home and Foreign Ministry, foreigners will have to take prior permission from the Deputy Commissioners of respective district.

Besides, a prohibition has been placed on foreigners and foreign nationals on holding discussions with any indigenous groups or religious groups without the presence of a responsible officer. PCJSS and other different national and local NGOs have complained that the movement of donor organizations and representatives of international organizations has been negatively affected as a result of this new decision.

But government sources have said that this decision was taken after proof had been found of unethical and anti-state activities by some foreigners who had come to the CHT in the name of human rights and religion.

On 26 November the CHT Commission members were forced to end a meeting at Tripura Kalyan Sangsad Auditorium at Ujani Para in Bandarban in the face of opposition from the local magistrates where they were supposed to hold a meeting with adivasi groups without informing the police and district administration.

The responsible local magistrate then produced a three-page circular and showed it to CHT Commission member Dr. Shapan Adnan. The circular said that without the presence of a government officer no small ethnic groups would be allowed to hold meetings. In protest of this directive, the CHT Commission members cancelled the planned two-day visit and left Bandarban that evening. Earlier, six more foreigners were sent back from

the Reicha check post on their way to the Bandarban Parjatan Motel because they had not taken prior permission from the Deputy Commissioners.

Recently, a permit signed by Nejarat Deputy Collector (NDC) Rashedul Islam stated that before taking any trip to Bandarban all details of the activities to be undertaken and the places to be visited during the trip should be clearly stated in the respective police station and police help taken during the visits. One should refrain from taking part in any political or religious activities apart from the purpose of the visit stated to the police. Apart from the pre-planned areas of visit, no other areas can be visited for the purpose of discussing or spreading religion or for giving any religious speeches.

The permit also stated that without informing the deputy commissioner no financial endowments can be given to any students or their guardians or any other individuals, and no communities can be induced to convert their religion. Also apart from the specific locations of travel, conditions have been given to not travel to areas where small ethnic minority populations live.

The Deputy Commissioner of Bandarban Mizanur Rahman said, "These conditions have been given according to directives given by the Home Ministry for the sake of national security." He informed that a number of child traffickers were held when they attempted to traffic six children from Thanchi, Ruma and Alikadam when they were taken away after being promised to be admitted to educational institutions. There are also allegations of foreign nationals handing over money to small ethnic groups in connection with converting their religion. For these reasons the government has been forced to take action against foreigners' travel to the CHT.

A letter sent by the Deputy Commissioner to hotels, cottages and resort managers in Bandarban directed that no bookings should be accepted in the name of foreigners without the prior permission of the Deputy Commissioner. In the letter it mentioned that if any untoward incidents took place during the stay of a foreigner without prior permission, the responsibility of the incident would fall on the organization.

The hotel owners were too fearful to make a comment about this to the media. A hotel owner, who did not wish to reveal her/his name, said that

visits by foreign tourists and NGO donors have gone down with the imposition of these new conditions. She/he said that the spread of tourism would go down as a result of this. (Translated from The Daily Kaler Kantho, 11 December 2011).

It is mentionable that a citizen of the United Kingdom named Mr. Rabert Jery Poul Elen was accused of being involved with controversial activities and ordered to leave Bandarban district in July 2011.

Jum farm burnt by the forest officers in Rowangchari

On 17 February 2011 indigenous Jum cultivators (shifting cultivation) of Rowangchari upazila in Bandarban district alleged that forest officers burnt down hundreds of acres of hilly land which were being prepared for the upcoming shifting cultivation. Such burning of land in an off season made the land uncultivable, the cultivators also alleged.

A Karbari (traditional leader) of the Noapatang union of Roangchari Mr. Sanu Prue Marma (72) said, "the forest officers came in my house, I welcomed them and in exchange they burnt our hilly land. We do not know how we would live now as our land is destroyed for this season?"

There are approximately 33 families of the union and each of these families have been living there for ages on 3-5 acres of land. On 17 February 2011 the forest officers along with range officers came and burnt down the lands. According to the rules of shifting cultivation the land should have been burnt in April.

The forest department claimed that they possess the hilly land since 1965. The locals however, claimed that they are totally unaware of such possession of the forest department. Acho Mong Marma pointed out that she would be in a miserable condition this year as her land has been totally destroyed for the off-season burning.

The chairman and the Karbari of the union alleged that the forest officers also burnt another garden which was facilitated by the UNDP. Santu Tanchangya, chairman of the Noapatang Union said the forest officers have carried out an unlawful act especially as they were supposed to have been protecting the interest of the peoples. Admitting the fact that they were in the Noapatang union on February 17 the range officer Abdur Rauf however denied the allegation.

EU insists that the GoB implements the CHT Accord

In reply to the letter of the International CHT Commission co-chair Honourable Lord Avebury dated 31 August 2011, Vice-President of the European Commission Catherine Ashton said that the EU is strongly committed to peace and stability in the CHT and to safeguarding the rights of the inhabitants thereof. The EU has repeatedly insisted that the Government of Bangladesh take tangible steps to deliver on its promise to implement the Accord, most notably regarding the resolution of land disputes and the withdrawal of temporary army camps. This has been a recurrent theme of their political dialogues with Bangladesh, and the issue was taken up during the joint visit of Commissioner Piebalgs and the German Development Minister Dirk Niebel, which took place in June of this year.

Catherine Ashton also expressed that the EU also raised its concerns with the Bangladeshi authorities following the violent events that took place in Longodu in February and in Ramgarh in April of this year. The EU has underlined that the victims should have adequate redress and those responsible should be brought to justice.

Catherine Ashton added that on 13 July 2011, the European Commission adopted a € 24 million programme to support local development in the CHT. The EU contribution, which will be implemented by the United Nations Development Programme (UNDP) CHT Development Facility, will aim at building capacity in regional, local and traditional institutions as well as communities with a view to delivering better services and managing development activities. By empowering local institutions, the EU seeks to facilitate the implementation of the governance provisions as foreseen in the CHT Accord of 1997.

Catherine Ashton also said that there may be contacts on these matters at the highest level in New York the following month in the margins of United Nations General Assembly (UNGA). If these materialise, the EU will certainly raise the CHT and other humanitarian and human rights issues.

Over 2,500 cases pending in CHT courts

More than 2,500 cases are pending with courts in the CHT even after the establishment of civil and criminal courts and women and children repression (prevention) tribunals, run by judicial officials, on July 1, 2008 to ensure the hill people's access to justice.

According to a study carried out by the Bangladesh Legal Aid and Services Trust, 165 civil appeals, 1307 criminal cases and 28 cases under Women and Children Repression (Prevention) Act were pending with Rangamati courts and 1,150 cases with the courts and tribunals in Bandarban and Khagrachari as of December 31, 2010.

Civil and criminal courts of the district and sessions judge, joint district judge and women and children repression (prevention) tribunals were set up in the three hill district headquarters on July 1, 2008 in accordance with the High Court verdict delivered on February 24, 2008.

CHT Commission condemns NSI interferences

The International CHT Commission alleged that intelligence officials attempted to intimidate and harass staff and participants during a training workshop in Dhaka. The CHT Commission, with logistic support from the ALRD conducted a journalists' workshop titled "Reporting on CHT and Indigenous Peoples" from 27-29 April, 2011 aiming to increase awareness of the importance of implementation of the CHT Accord; to increase awareness of the importance of recognizing indigenous people in the constitution; to increase awareness of the rights of indigenous people in the CHT and to increase awareness about international conventions and standards on indigenous peoples signed by the Government of Bangladesh. Journalists from both Dhaka and the three hill districts of CHT participated in this workshop.

However from 28 April National Security Intelligence (NSI) officials attempted to intimidate the Secretariat of the CHT Commission first by asking to send an official to be present throughout at the workshop, then by stationing an official outside the workshop venue for its duration. The NSI official who was stationed outside the workshop questioned several staff at the venue about the nature of the workshop and the participants, and claimed that there was 'a matter of national security' involved given the presence of participants from the Chittagong Hill Tracts at the workshop.

One of the lecturers, journalist Saleem Samad, was also questioned on the phone several times by members of the NSI about the nature of the workshop. The CHT Commission considered these acts as attempts at intimidation and harassment by intelligence officials. The CHT

Commission called on the Bangladesh government to protect the CHT Commission secretariat from harassment by intelligence officials; protect all journalists from harassment and intimidation; guarantee the right to freedom of expression of journalists and individuals in line with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Bangladesh is a party; and urgently implement the CHT Accord so that the situation of the Chittagong Hill Tracts is normalized, and the intelligence services stop considering the expression of legitimate concern with the situation in the CHT a threat to national security.

Indigenous Peoples want adequate budget allocation

Indigenous peoples raised their voice for adequate budgetary allocation to eliminate disparity and discrimination against them in relation to the majority mainstream people of the country at a seminar in Dhaka on 8 June 2011. The seminar titled 'National budget and indigenous people' was organised by the Kapaeeng Foundation.

Indigenous rights activists said that about 65 per cent of the hill people and 80 per cent of the plain land indigenous peoples live below absolute poverty line. He said that 92 per cent plain lands indigenous peoples are landless and 65 per cent of such people living in the hill tracts are faced with land disputes.

They also said that in 2010–11 budget, Tk 565 crore (357 crore for development sector and 208 crore for non-development sector) was allocated for the CHT and Tk 12 crore was allocated for indigenous peoples living in the plains under the Special Affairs Department of the Prime Minister's Office. The way the CHT allocation was expended was not transparent and lack of institutional capacity in the plain lands area hampered the implementation of the allocation, they added.

They said that about 2 per cent of the country's population are indigenous peoples and the allocation for them is below 0.5 per cent of the total budgetary allocation. Indigenous peoples get a third of the per capita allocation made for the mainstream people in the budget. They stressed the need for the implementation of the annual development programme for the people of the CHT by saying that 'only 19 per cent of the total ADP has been implemented till February 2011.'

It is worth mentioning that Finance Minister Abul Mal Abdul Muhit, in his budget (2009-11) speech, said that the Government "will fully implement the Chittagong Hill Tracts Peace Treaty. Extended facilities will be created for the less developed areas. Recognition will be given to the rights of the small groups, aboriginal people and other castes. We will preserve the separate identity of their life, language, culture, literature and develop specific programmes for their balanced development".

Social discrimination against Indigenous Peoples of North Bengal in hotels and restaurants

The indigenous peoples have been victims of discriminatory behavior for a long time while at restaurants in Tanore, Rajshahi. The researchers of 'Setubandhan' project of an NGO named 'Broti' have found in a research that the dignity and respect and above all the human rights of the indigenous peoples are being violated.

To observe the situation of discriminatory behavior against the indigenous peoples in the restaurants and tea stalls in Tanore, a group of 30 indigenous researchers from Broti's Tanore office conducted an observation splitting the team into 3 teams, each containing 10.

As a part of that research investigation, the members of Team No. 1: Jackson Murmu, Jewel Marandi, Daniel Marandi, Deben Tudu and Simanta Murmu went to eat food at Mr. Aziz's Restaurant. Seeing them indigenous, the owner of the restaurant refused to serve them food. Subsequently, in response to the protest of Jackson Murmu for not serving them food, the hotel owner came to beat him up with a stick. The local people came over to calm the situation. They also encountered similar behavior when they went to Monjur Ali's tea stall to have water and tea shortly after that. In this way, they faced similar problem when they went to six other restaurants.

The restaurants and tea stalls at Chanduria Bazar where food was not served to the indigenous peoples or served tea on different cups are Siraj Ali's hotel, the tea stalls of Md. Mohsen Ali, Emran Ali and Abul Kalam. When the team members of Team No. 1 did not get any food at the hotels and restaurants of Chanduria Bazar, they went to the restaurants owned by Omar Ali and Rubel at Kaliganj Bazar under Tanore Municipality. However, they encountered similar discriminatory behavior even there

and it was also found that similar disenfranchisement also prevailed in other restaurants and tea stalls of Kaliganj Bazar. The same team refused to eat when a shopkeeper at Kashim Bazar served them 'puri' on pieces of papers instead of plates.

Nirmal, Jatin, Thomas, Bikash, Pushpa, Teresa and Ramesh of the second team also found similar discriminatory behavior at tea stalls of Mr. Muksed Rahman at Debipur More, Rashedul Raham and restaurants of Anwarul at Krishnapur Bazar and different shops of Pathkat More. Other than that, they were also the victims of similar problem in the tea stalls of Thantola More of Panchandar Union.

On the other hand, Elizabeth, Andrias, Salomi, Bhuban, Kanchan and Ripan of the third team did not find any discriminatory behavior in their area except in the tea shop of Shishir at Mongla Bazar under Kalna Union.

Soon after getting their research findings, the program officer Sohel Rana, along with the indigenous researchers submitted written complaints to Mehedi-Ul-Sahid, the UNO of Tanore upazilla (sub-district). The UNO assured them that he would handle/take it up seriously. The researchers also filed a case with Tanore police station as per consultation from the UNO.

Notably, on 9 June 2011, 13 indigenous students from Tanore College Hostel encountered discriminatory behavior when they came to eat food at the local restaurants. The head teacher of Mundumala High School Mr. Shik Kamel Marandi, along with three indigenous leaders also faced similar behavior when they came to resolve this situation at Ruchita Hotel at Tanore Thana More. When human rights organization Broti organized a human chain on 13 June 2011 to protest this, the local administration took initiative to resolve the problem. Consequently, discriminatory behavior against indigenous peoples stopped at Tanore Sadar. However, indigenous peoples at remote places of Tanore still face discriminatory behavior (26 May 2011, adivasinews.com).

The culture of the indigenous peoples was treated as inferior. In north-western Bangladesh, the social discrimination faced by indigenous people is so severe that many ethnic Bengalis refuse to serve food and drinks to indigenous persons in rural hotels and restaurants. The Social Science book for 4th and 5th grade published by the National Curriculum and Text Book Board (NCTBB) provided information that they lead a backward life,

eat whatever they find, and live in forests and so forth. Mostly animal products dominate the diet of Santals, Garos and Marmas. Indigenous peoples contested this discriminatory information.

Islamic terrorists confess to establishing training centres in Bandarban

Two arrested Islamic terrorists confessed that they had established a training centre for preparing bombs and other deadly weapons in remote and hard-to-reach areas of Thanchi upazila in Bandarban district. The arrestees confessed it during a five-day police remand.

It was learnt from the investigation officer and the sub inspector of Thanchi police station that two Islamic terrorists, namely, Shamim Mahfuz (35) and Ismail Hosen confessed during the remand that they established a training centre in the deep jungles of Kolaipara, an area situated between Thanchi and Lama upazila in the Bandarban district. The terrorists also provided information regarding some people from Dhaka, Chittagong and Gazipur who had been financing and providing them with necessary instruments for preparing bombs and other deadly weapons. Besides, important information regarding a network of mutual communication among the terrorists were also learnt from the terrorists.

On 29 March 2011, while arresting these two Islamic terrorists from Kolai Para area under Thanchi upazila, 150 types of training instruments including instruments for preparing bombs and other weapons, jihadi books, formula for preparing bombs, gun powder and 1500 fire boxes were found. Acting on a tip-off from the arrestees, police recovered grenade shells and instruments for preparing grenades in a raid from the hard-to-reach area the following day.

Some police officers informed that the gang leader Shamim Mahfuz had good connections with large terrorist organizations. Though he admitted that some people had handed over those grenade-preparing ingredients to him in Dhaka, he did not know their name and whereabouts (Prothom Alo, 6 April 2011).

Again on 19 April 2011 BGB members recovered 520 rounds of bullet from the hills of Balipara area in Bandarban district. It was learnt that JMB militants concealed these bullets. Earlier, on 19 March 2011 BGB arrested JMB militants from Balipara area along with Jihadi books, gun powder

and uniforms. BGB personnel conducted operations and recovered bullets from Balipara on 19 April according to information given by the arrested militants.

MEDIA REPORT



humanitarian news and analysis

Health indicators lag in Chittagong Hill Tracts

BANDARBAN, 14 July 2011 (IRIN) - Bangladesh's remote Chittagong Hill Tracts (CHT) has the worst health record, say health workers and aid agencies.

Infant and child mortality and maternal health are among the most crucial figures lagging well behind the already struggling national averages. The mostly Buddhist population of 1.3 million is spread across three districts, Bandarban, Rangamati and Khagrachari, and 90 percent are located deep in rugged, rural terrain where healthcare is difficult to access.

According to the Civil Surgeon's Office, which manages government hospitals regionally, 50 percent of the positions in the government healthcare facilities in the CHT are vacant. Only a limited number of ambulances exist at the district level and none exists at the sub-district level.

A shortage of skilled people willing to work in such a remote and dangerous area is an ongoing challenge for this conflict-prone region comprising 11 indigenous groups known collectively as the Jumma, said Moumita Chakma, general secretary of the Family Planning Association of Bangladesh (FPAB) in Rangamati. FPAB is one of the leading NGOs in the region, providing mothers and infants with healthcare support.

"We try our best to provide necessary healthcare services

through paramedics and volunteers, but qualified doctors are hard to recruit," she told IRIN.

Lack of birth attendants

Compared with a national average of nearly a quarter of births attended by a skilled health worker, Bandarban District has the country's lowest average: 7.6 percent, according to the 2009 Multiple Indicator Cluster Survey (MICS) by the Bangladesh Bureau of Statistics (BBS) and UN Children's Fund (UNICEF).

Rangamati and Khagrachari are well below average as well at 11.5 and 9.1 percent, respectively.

Partly due to this absence of skilled workers, Bandarban has one of the highest infant mortality rates in the country, standing at 63 deaths per 1,000 live births, against the national average of 49 deaths per 1,000 births. Under-five mortality rates are 85 deaths per 1,000 in the CHT, compared with a rate of 64 deaths per 1,000 nationally.

Malaria

Malaria is another constant menace in the region and a leading cause of child mortality. In 2009, there were more cases of malarial infection and death in the three CHT districts than the rest of the nation combined, according to the Directorate General of Health Services.

Health workers warn that after a decline in cases since 2007, malaria is likely to make a comeback in the CHT in 2011.

"This year, in this month [end of June], we have almost four times more malaria cases than the previous year," said Paul Swoboda, field coordinator at the Malaria Research Initiative in Bandarban (MARIB), a research organization that is a joint effort of the Medical University of Vienna and Bandarban Sadar Hospital.

But research fellows such as Swoboda and programmes like MARIB are scarce for the people living in CHT, where a health facility can be days away.

"In the remote regions, if someone falls sick, it is very difficult to

take them to any healthcare facilities. The transportation cost is very high. Once, my father fell ill and it took me two whole days to bring him to the district hospital,” said Mong Khya Marma, a patient seeking treatment in the Bandarban District. “We had to carry him on our shoulders for a whole night.”

To combat the low health indicators across the region, the Ministry of Health and Family Welfare launched the Tribal Health Nutrition and Population Plan in 2004, an ongoing and developing project created by the government to marry health outreach with a cultural knowledge of ethnic minorities.

As nutrition continues to be problematic as well, the government has taken steps to safeguard the tenuous food supply, Abdur Razzak, Minister of the Food and Disaster Management, said. The UN World Food Programme recently reported that Sajeck Union, part of Rangamati District, had undergone repeated food security crises in the past several years attributed to a rat infestation, restrictions on cultivation, rising prices and a seed shortage.

And while health workers acknowledge some improvements in the past decade, the three districts still rank among the five least performing in the country in terms of the Millennium Development Goals, according to the Bangladesh Bureau of Statistics and UNICEF.

II. IDENTITY OF INDIGENOUS PEOPLES



II. IDENTITY OF INDIGENOUS PEOPLES

Bangladesh has ratified most of the international human rights treaties including the ILO Convention, 1957 (no. 107) that guarantees certain rights, such as right to land, employment, self-governance and development of indigenous and tribal peoples. In addition, it has endorsed the Johannesburg Declaration on Sustainable Development that recognizes the “vital role of the indigenous peoples in sustainable development” and the Economic and Social Council Resolution 2000/22 that establishes the United Nations Permanent Forum on Indigenous Issues (UNPFII) with mandate to advise and recommend the Economic and Social Council on six subjects: (1) Economic and Social Development, (2) Human Rights, (3) Culture, (4) Education, (5) Health and (6) Environment.

More than 54 Indigenous ethnic communities (with a current population of nearly three million) have been living in the country for centuries. As per the 15th amendment of the Constitution of Bangladesh, government refers to indigenous peoples as ‘tribal’, ‘small nationalities’, ‘small ethnic groups’, although some legal documents also sometimes refer to them as ‘aboriginals’ and ‘indigenous hill men’. In addition, it is understood that the indigenous peoples form part of the disadvantaged part of the citizenry, which the constitution terms ‘backward section of citizens’. However, indigenous peoples of Bangladesh themselves prefer to be identified as “indigenous peoples”.

The term ‘indigenous peoples’ is established beyond doubt as the preferred globally accepted terminology– as invoked in several United Nations instruments - to refer to groups that are, or were, referred to as ‘aboriginal’, ‘tribal’, ‘hill tribes’, ‘scheduled tribe’, ‘ethnic minorities’, etc.

The World Bank and regional development banks too use the same term. As in the case of minorities, there is no formal definition of indigenous peoples in any international human rights instrument. The ILO Convention No. 107 (ratified by Bangladesh) provides some criteria to identify ‘indigenous’ and ‘tribal’ populations. The former are those that have (i) descended from historical population groups that inhabited the country at a time of conquest or colonization; and (ii) who live more in conformity with the social, economic and cultural institutions of these historic groups than with the ‘institutions of the nation to which they belong’. The CHT indigenous peoples fulfill both criteria on the nature of the institutions to which they belong and with regard to their presence in the concerned territory at the time of conquest (1787 by the British East India Company) and colonization (1860: annexation of CHT to Bengal by the British Indian government). The plains indigenous peoples also satisfy the aforesaid criteria as indigenous peoples.

Perhaps one the most widely accepted ‘working definitions’ of indigenous peoples is the one provided by UN Special Rapporteur Jose Martinez Cobo in his monumental ‘Study of the Problem of Discrimination against Indigenous Peoples’. Mr. Cobo includes the following criteria to identify indigenous peoples: (i) continuity with pre-invasion and pre-colonial societies; (ii) comprising non-dominant sectors of society; and (iii) determination to preserve, develop and transmit to future generations their ancestral territories and ethnic identity “in accordance with their cultural patterns, social institutions and legal systems”. If we summarize the above criteria, the following may emerge as the most crucial ones: (a) exclusion from (or only marginal inclusion in) the modern state-building and formal development processes; (b) continuing non-dominance (or marginalization) in major decision-making processes; (c) presence of customary law and traditional governance institutions; (d) close attachment to an ancestral or historical territory; and (e) geographic concentration in those territories. All of these criteria are applicable to the indigenous peoples in the CHT, and in the plains of Bangladesh. Moreover, when it ratified the ILO Convention on Indigenous and Tribal Populations (Convention No. 107) in June 1972, the Government of Bangladesh did not raise any objections to the use of the word ‘indigenous’. It would be *mala fide* discriminatory and unacceptable for the government to now say that it imposes the ‘tribal’ epithet and does not accept ‘indigenous’.

Moreover, there are several Bangladeshi, including CHT-specific laws, that refer to the indigenous peoples as 'indigenous', 'aboriginal' and 'adibashi' (meaning indigenous, aboriginal or autochthonous), as mentioned hereafter. Special Rapporteur Cobo's ground-breaking study showed deep, structured, violent and ongoing presence of discrimination against indigenous peoples worldwide.

Indigenous peoples historically had their own states and quasi states (empires, kingdoms, chiefdoms, principalities, headships and "tribal" (sic!) confederacies with collective leadership) such as in the Americas, Indo-China and South Asia. However, by the time the European powers had carved out most parts of the world into their empires, from the sixteenth to the eighteenth centuries, the indigenous peoples within these areas had either chosen to stay outside such state systems or were forcibly ejected from their territories or otherwise excluded from modern state-building and the development process in those empires and their successor nation states. Therefore, the most important criterion that nowadays sets indigenous peoples apart from other peoples is the former's status as 'excluded peoples'. ["Constitutional Reform & Indigenous Peoples' Rights In Bangladesh: Terminology on Identity: 'Indigenous' versus Other Terms" by Raja Devasish Roy, September, 2010].

15th amendment of the Constitution and recognition of Indigenous Peoples

As per one of the Judgments of the Supreme Court of Bangladesh, the Awami League-led present grand alliance government made an amendment to the constitution of the country on 30 June 2011. Ignoring strong demands from the indigenous peoples of the country, the present government has denied to recognize the fundamental rights of indigenous peoples in the recent constitutional reform. Even, despite very specific demands, the government did not ensure constitutional recognition of CHT Accord and Acts that were made as per the Accord, in the new constitutional reform.

Indigenous Peoples Organisations (IPOs) submitted their memorandum to the government demanding constitutional recognition of national entities, languages and cultures of indigenous peoples; special governance arrangement of CHT region for the protection of political,

economic, cultural and religious rights in the CHT; seat reservation for indigenous peoples including women in the parliament and local government councils; constitutional provision with a guarantee that no amendment to constitutional provisions and laws relating to indigenous peoples would be made without the prior consent of indigenous peoples; the rights to control over land, territory and natural resources of indigenous peoples; and constitutional guarantee of CHT Accord signed in 1997 and laws formulated under the Accord.

The following articles of the constitution related to indigenous peoples have been adopted by the 15th amendment of the constitution-

2A. The State religion:The State religion of the Republic is Islam, but the State shall ensure equal status and equal right in the practices of the Hindu, Buddhist, Christian and other religions.

6. Citizenship: (1) The citizenship of Bangladesh shall be determined and regulated by law.

(2) The People of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshies.

23A. The culture of tribes, minor races, ethnic sects and communities: The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities."

38. Freedom of association: Every citizen shall have the right to form associations or unions, subject to any reasonable restrictions imposed by law in the interest of morality of public order; Provided that no person shall have the right to form, or to be a member of the association or union, if-

- 1) it is formed for the purposes of destroying the religion, social and communal harmony among the citizen;
- 2) it is formed for the purposes of creating discrimination among the citizen, on the ground of religion, race, caste, sex, place of birth or language;
- 3) it is formed for the purposes of organizing terrorist acts or militant activities against the state or the citizen or any other country;
- 4) its formation and objects are inconsistent with the constitution."

Indigenous leaders protested against the 15th amendment of the Constitution arguing that the government adopted a disenfranchising and confusing provision regarding preservation and development of culture and heritage by terming indigenous peoples as “tribals, small nationalities, ethnic groups and communities” (government translates the words as “tribes, minor races, ethnic sects and communities”). “The provision terming indigenous peoples as “tribals, small nationalities, ethnic groups and communities” is disgraceful and confusing to the indigenous people’s identity”, indigenous rights activists added. They also said that the government did not even consider the demand of IPOs to include a list of all indigenous ethnic groups by adding a new schedule in the constitution.

They added that only recognition of preservation and development of culture and heritage and ignoring recognition of fundamental rights of indigenous peoples is fruitless, incomplete and ill-motivated in regard to constitutional recognition of indigenous peoples. IPOs demanded constitutional recognition of fundamental rights of indigenous peoples as demanded by the IPOs.

IPOs also rejected the article which mentions that “all peoples of Bangladesh shall be known as Bengali as nation and citizens of Bangladesh shall be known as Bangladeshis”. Indigenous rights activists said that indigenous peoples are Bangladeshi as citizens, but they are not “Bengali” as nation/community. Indigenous peoples are known as Chakma, Marma, Tripura, Garo, Santal, Munda, Khasi, Barman etc. as nations. They all are a separate nation possessing separate identity, culture, customs, language and society.

Indigenous leaders also protested the government move to retain Islam as the state religion. Indigenous leaders proclaimed that a state cannot have a religion. They demanded that “Bismillah-er-Rahmanir-Rahim” before the preamble and reinstating Islam as state religion should be removed from the constitution saying that it was discriminatory. ‘It would turn people of other religions to second-class citizens,’ they observed.

Pointing to the 1997 CHT Accord, indigenous leaders of the CHT said the Accord and other CHT-related laws must be recognised in the constitution.

Secular MPs raise strong voice for constitutional recognition of Indigenous Peoples

On 30 June 2011 during passage of the 15th Amendment of the Constitution, progressive MPs put amendment proposals before the Jatiya Sangsad (National Parliament) to provide constitutional recognition to indigenous peoples. The MPs include, among others, president of Workers’ Party of Bangladesh (WPB) Rashed Khan Menon, politbureau member of WPB Fazle Hossin Badshah, president of Jatiya Samajtantrik Dal (JSD) Hasanul Haq Inu, central member of JSD Moinuddin Khan Badal and Shah Jikul Ahmed et al. However, their proposals for amendment were refused by the voice vote of the parliament.

It is mentionable that 5 indigenous MPs belonging to the ruling Awami League, Dipankar Talukdar, Jatindra Lal Tripura, Bir Bahadur, Promode Mankin and Ethine Rakhiane kept silent while parliament denied constitutional recognition to indigenous peoples and on the contrary, was enforcing the Bengali identity on the indigenous peoples by saying “all peoples of Bangladesh shall be known as Bengali as nation”.

Foreign Minister briefs diplomats and journalists a derogatory manner on ‘adivasi-tribal’ issue

On 26 July 2011 Foreign Minister Dr. Dipu Moni briefed diplomats and journalists in two separate briefings on tribal and indigenous peoples issues. She said that the minority people living in the CHT were ‘tribal and not indigenous.’ She also said that indigenous peoples of the CHT were ‘asylum-seekers’ and Bangalis are the true indigenous peoples of Bangladesh. Excerpts from the statement by Dr. Dipu Moni are as follows:

Excerpts from the statement by Foreign Minister Dipu Moni are as follows:

Wrong portrayal of the CHT tribal people at the PFII:

There is misplaced linkage between the term ‘indigenous peoples’ and the identity of the ethnic minorities in the Chittagong Hill Tracts (CHT) region or implementation of the CHT Accord of 1997. Recently we have noted with concern that the ‘tribal’ people or ethnic minorities in the CHT region have been termed as ‘indigenous peoples’ of Bangladesh in two paras of the 2011 Report of the Permanent Forum on Indigenous Issues-PFII, in the context of the CHT Accord.

Unfortunately once again Bangladesh and the ethnic Bengalee nation, remains a victim of global misperception about our ancient anthropological roots, our colonial history and our identity as a nation. This record needs to be set straight so that Bangladesh's friends and international partners see eye to eye on our historical and ethnic roots as a nation and how this misperception and misrepresentation of historical facts about the ethnic minorities in the CHT is running counterproductive to the internal political process and spirit of the CHT Accord that was signed between the government of Prime Minister Sheikh Hasina and tribal leaders of the CHT region in good faith and confidence in 1997.

History of the ethnic Bengalee nation being indigenous to their land

There is no internationally accepted definition of 'indigenous peoples', and there is no definition of indigenous at all in the UN *Declaration on the Rights of Indigenous Peoples* adopted by the PFI in 2006. And yet, if we refer to the Oxford dictionary meaning of the word 'indigenous' it stipulates that indigenous peoples are those "belonging to a particular place rather than coming to it from somewhere else". The term 'indigenous' or sometimes 'native' is therefore used in the context of first or original nations/aboriginals to the soil of a country who have been physically displaced and eventually dispossessed of their lands by colonial/external settlers from a foreign nation.

These connotations have evolved in the context of settlement colonization by European nations in their colonial expeditions of the 15th to 18th century to find the 'new world' where they arrived at territories as colonial settlers and replaced the first nations or aboriginals or in today's parlance, 'the indigenous peoples'. The history of colonization of the Indian subcontinent by British colonial rulers were just the opposite, whereby the first or original nations or indigenous people to the subcontinent were never who were referred to as the 'natives', including and specially those in Bengal, have been residing in these lands since 4000 years prior to their colonization. Bengal and the entire subcontinent being under administrative colonization only, the indigenous or native population of this land, the ethnic Bengalees were never replaced/supplanted or dispossessed of their lands or territories as were the aboriginals in Australia or the red Indians in North America.

Hence, in Bengal, termed as ancient 'banga' and now independent Bangladesh, its original inhabitants or first nations of this soil are the ethnic

Bengalees by descent that constitute nearly 99% of Bangladesh's 150 million people. They have all been original inhabitants of this ancestral land for 4,000 years or more according to archeological proof found in the 'Wari Bateshwar' excavations. We ethnic Bengalees are not, I repeat not colonial settlers who came to the land of Bengal in the passage of time, neither are we foreigners or non-indigenous to our own native land, never will be. We had a very distinct culture, ethnic heritage and language when our colonization took place and we still uphold the same despite our subsequent religious conversions.

The ethnic Bengalee population of erstwhile Bengal or Bangladesh are more indigenous to their land than the tribal peoples also according to ILO Convention 169, the only UN document that defines both 'indigenous people' and 'tribal peoples'. The distinct difference between the terms indigenous and tribal remain in that both peoples may have distinct social, cultural and economic conditions and may be regulated by special laws, but the 'Indigenous peoples' are those 'in independent countries who are regarded as indigenous on account of their descent from the population which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries':

CHT people are tribal, not indigenous

Let us now reflect on the history of settlement and descent of the 'ethnic minorities' or 'tribal people' of the Chittagong Hill Tracts region who have been arbitrarily termed or introduced as 'indigenous peoples' of Bangladesh by the PFI. In fact very well recorded and recent history of the Indian subcontinent and the CHT region reaffirm that the tribal people of CHT migrated to Bangladesh between 16th and 19th centuries from neighboring countries and Mongoloid nations during Bengal's Mughal regimes mostly as asylum seekers and economic migrants.

They most certainly did not reside or exist in the CHT lands before 16th century and were not considered the 'indigenous peoples' in any historical reference books, memoirs or legal documents. Rather the CHT people were the late settlers to the Bengal soil and to the CHT region while compared to the Bengali native ethnic vast majority residing here for more than 4000 years. From an institutional and legal point of view, the 'ethnic minorities' or 'late settlers' residing in Chittagong Hill Tracts (CHT) region of Bangladesh have been officially recognized as 'tribal' people in all

historical documents and references of the Indian sub continental and colonial documents including the various census of India most significant being WW Hunters 'Census of India' of 1876 where they have been categorically identified and recorded as 'Tribal' population. Subsequently in all acts and laws on CHT including the CHT Regulation of 1900, the Hill Districts Council Act of 1989 the CHT ethnic minorities have been identified as 'Tribal' population. Most significantly in the CHT Accord 1997 itself the CHT ethnic minorities have been definitionally categorized as 'Tribal' and not 'indigenous peoples' as arbitrarily and wrongly introduced by some quarters nationally and internationally.

In the Constitution of Bangladesh all minorities were recognized generically as minorities. Through the 15th amendment the present government took the initiative to categorize them to a more honorable and distinct status recognizing their ethnicity for the first time and term them as 'ethnic minorities' and no longer only as "tribal" people. This would be a clear departure from the terms used for tribal people in Constitutions of other post-colonial countries of the subcontinent including the Indian and Pakistan Constitutions where they are also categorized as 'tribals'.

All national laws and historical data apart, when the CHT Peace Accord was signed between the Government of Bangladesh and the inhabitants of the CHT region, through an internal and peaceful political dialogue, the ethnic minorities there were categorically termed in that legal document as 'Tribal'. Therefore, attempt by some vested quarters to establish those very people who signed the CHT Accord as 'Tribal' to the status of 'indigenous' in some international and UN Forums is solely aimed at securing a privileged status for an established and legally accepted entity, at the expense of national identity, image and territorial integrity of Bangladesh.

As per census of 2001 the people of CHT constitute less than 1.8% of the total population of Bangladesh. Giving an special and elevated identity to enfranchise only 1.2 % of the total population of 150 million by disentiiling the 98.8% cannot be in the national interest of Bangladesh.

Response to the Foreign Minister's Statement by Barrister Raja Devasish Roy

1. "Ethnic Minorities"

The Hon'ble Minister's reference to the Constitution of Bangladesh, including its 15th amendment in 2011, is incorrect. There is no reference to "ethnic minorities", or its Bengali version: "jatigoto shongkha-loghu" in the 15th amendment. In addition to "upajati" ("sub-nations"?), the amendment, in the new article 23A, refers to "small nations/peoples" ("khudro jatishotta), "small ethnic groups" ("khudro nrigoshthi") and "small communities" ("khudro shomprodai").

2. "Enfranchisement & Disentitlement"

The Hon'ble Minister's statement on the "enfranchisement" of 1.2 percent of the national population leading to the "disentitlement" of 98.8 per cent of the national population, is incorrect and misconceived. Constitutional recognition of the indigenous status of the excluded, marginalized and disadvantaged 1.2 per cent of Bangladesh's population would provide a firm platform and legal basis to address the marginality of the members of these populations. It would not provide any privileged status to these groups or to their members. Recognition of the indigenous status of population groups in other countries, including Nepal, the Philippines, Scandinavian countries and Latin American countries did not disentitle non-indigenous groups. It is inconceivable to think that the mere recognition of 'indigenous' status of some citizens would "disentitle" or otherwise disadvantage other citizens in governance, political, economic or social status.

3. "Asylum-Seekers & Economic Migrants"

The Hon'ble Minister's statement about the CHT indigenous peoples being "asylum-seekers & economic migrants" may be equally applicable to other Bangladeshi citizens that are of Bengali-speaking or Urdu-speaking origin (belonging to the Islamic faith, who migrated from present-day India or Myanmar). The political, social and economic causes of migration cannot be the basis of national identity or citizenship or disentiitlement to citizenship rights or freedom from non-discrimination. If it were, that would be discriminatory and violative of the tenets of non-discrimination that are enshrined in international human rights law as *jus cogens* (peremptory norms of international human rights law) and the fundamental rights clauses of the Constitution of Bangladesh on non-discrimination and *special provisions*.

4. Bengalees not being “colonial settlers”, “foreigners” or “non-indigenous”

The Hon’ble Minister is equating the status of those not regarded as ‘indigenous’ as being “colonial settlers” and/or “foreigners”. While this might be the case in the Americas or in Australia, if at all, the current and progressive discourses on indigenous peoples’ rights do not necessarily construe those not regarded as indigenous to be “colonial settlers” and/or “foreigners”. The status of Bangalees as natives of Bangladesh is not challenged or questioned by the assertion of the indigenous identity of other ethnic groups. Non-indigenous does not mean “settlers”, at least not in Bangladesh and in several other countries of Asia. The indigenous peoples of the CHT fulfill the criteria of “indigenous’ by being (i) descendants of pre-colonial or pre-conquest societies; and (ii) adherence to pre-colonial or pre-conquest political, social and cultural institutions’ norms and customs, among others.

The government is probably stuck in the early 20th century construction of the term “indigenous”, which was confined to the Americas and Australia and New Zealand. This understanding has moved on, in United Nations, and in international human rights, development, environmental, Climate Change and other international processes to include groups hitherto regarded as “tribal”. The misconceived, inaccurate and artificial distinction between “tribal” and “indigenous” is no longer relevant to the international human rights discourses. The identification of citizens other than as ‘indigenous’ or ‘adibashi’ in Bangladesh is not going to exclude the application of international human rights instruments and processes to the groups identifying themselves as ‘indigenous’ or ‘adibashi’ in Bangladesh.

5. Recognition of ‘Ethnic minorities’, ‘Late Settlers’ as ‘Tribal’ people

The Hon’ble Minister’s reference to the CHT indigenous peoples as “late settlers” and of their recognition as “tribal people” is substantially incorrect.

The Chakma people, for example, are recorded in history as having lived in a country called “Chacomar”, which was separate from Bengal, Arakan and Tripura, from at least the 1550s, within the boundaries of present-day Bangladesh, such as in the accounts of Portuguese geographers and historians. They may have lived in their present territories centuries before

that date as well as did other indigenous peoples of the CHT and elsewhere in Bangladesh. In the CHT, Bengali people are not known to have permanently resided in the region before the 19th century. Nowhere in Bengal is there a record of the indigenous peoples or adibashis having displaced Bengalee people and settled therein. Whenever they may have settled therein, these territories were not inhabited by Bengalee people at the time of settlement of the indigenous peoples. In order to qualify as indigenous peoples within the meaning of the ILO Convention No 107 – ratified by Bangladesh – they do not have to have resided therein for millennia – as in the case of indigenous peoples in the Americas or in Australia. The need to have merely settled/lived therein “at the time of conquest or colonization” (18th-19th centuries, for example) and lived in conformity with the political, social and cultural institutions of pre-colonial times is sufficient to qualify as indigenous according to the above convention.

The CHT Accord of the 1997 and some laws of the British period and of the period after the signing of the CHT Accord do regard the indigenous peoples as ‘tribal’ or ‘upajati’ (sub-nations). However, the terms “tribal” and “indigenous” or “aboriginal” have also been used interchangeably. Examples include the following:

“Aboriginal”: East Bengal State Acquisition & Tenancy Act, 1950 (protected in the First Schedule of the Constitution of Bangladesh)

“Indigenous”: CHT Regulation, 1900; Finance Acts of 1995 and 2010; Poverty Reduction Strategy (PRSP-2008, 2019-10); Judgment of the Hon’ble Supreme Court of Bangladesh in *Sampriti Chakma v. Commissioner of Customs & Others* (5 BLC, AD, 29)

“Adibashi”: Statements of Hon’ble Sheikh Hasina, Begum Khaleda Zia and Dr. Fakhruddin Ahmed, on goodwill messages on Indigenous Peoples’ Day, PRSP, Small Ethnic Groups Cultural Institutions Act, 2010.

Withdrawal of Foreign Minister’s remark on Indigenous Peoples demanded by rights groups

On 29 July 2011 Indigenous peoples, academics and rights groups took to the streets in Dhaka denouncing the statements of the Foreign Minister Dipu Moni, about indigenous peoples and demanded to withdraw the

'objectionable remarks which were discriminatory and disrespectful to indigenous peoples.

The demand was made in a human chain programme organised by Bangladesh Adivasi Chhatra Sangram Parishad (Bangladesh Indigenous Students Action Council) in front of the National Museum at Shahbag in Dhaka carrying placards reading slogans against the Foreign Minister and the 15th amendment to the constitution which did not address their long-standing demand for constitutional recognition as 'indigenous peoples'.



Speakers said that such biased speech could only instigate the peoples of the CHT to initiate a tough movement rather than looking for a peaceful solution. The notion of microscopic population of the national minorities' in Dipu Moni's speech is 'undemocratic' and 'disrespectful'. A democratic country should ensure the rights of minorities even if they are microscopic population compared mainstream population.

The speakers also strongly criticised Dipu Moni's definition of the term 'indigenous peoples' based on a dictionary and said such deliberate misinterpretations by a foreign minister, was 'regrettable' and 'shameful'. They said that she proved her ignorance in front of foreign diplomats around the world. They questioned the Foreign Minister saying that if the CHT had no indigenous population then how could she explain Raja Devasish Roy becoming a member of United Nations Permanent Forum on Indigenous Issues?

Politician Haider Akbar Khan Rono said that he as a Bangladeshi and a Bengali protested against such statements. "As a Bangladeshi working for this country, I protest on behalf of all my adivasi sisters and brothers, other friends and colleagues, who are working for the indigenous people towards the development of our Motherland.

Sanjeeb Drong, general secretary of Bangladesh Adivasi Forum claimed that Dipu Moni had expressed her solidarity with the term 'indigenous' in 2008. The election manifesto of the ruling party and the prime minister's speech in 2009 also contained the term 'indigenous'.

Dhaka University Professor Robayet Ferdous criticised Foreign Minister as she said giving a special and elevated identity to enfranchise only 1.2 % of the total population of 150 million by disintitling the 98.8% cannot be in the national interest of Bangladesh. Robayet Ferdous said that such a notion was 'undemocratic' and 'disrespectful towards other communities.' He opined that a democratic country should ensure the rights of the minorities even if they account for less than 1 per cent of the population and should not practise 'majoritarianism'.

It is worth mentioning that on 26 July 2011, Foreign Minister Dipu Moni told diplomats and journalists in two separate briefings that the minority people living in the CHT were 'tribal and not indigenous.' She also said that CHT peoples were 'asylum-seekers' and Bangalis are the true indigenous peoples of Bangladesh.

State propaganda against constitutional recognition of Indigenous Peoples

Recently some ministers and bureaucrats of the government have been propagating information that have been confusing, false, and of ill-motive in relation to the implementation of the Accord. The Bangla daily Jugantor on 7 June 2011 reported that "Sovereignty of the country will be endangered if tribals living in the CHT are recognised as 'indigenous peoples'. The government will lose control over this area if it tries to implement the rights recognised in the UN Declaration on the Rights of Indigenous Peoples. Hence an important intelligence agency urged some senior ministers and policy makers not to recognise non-Bengali tribal people of hill region as 'indigenous peoples'. Apart from submitting a detailed report alleging national and international (foreign) conspiracy

regarding indigenous issues, recently senior officials of the intelligence agency visited offices of four senior ministers including Law Minister Barrister Shafique Ahmed and briefed them about the overall situation with a visual PowerPoint presentation. Recent reports by intelligence agencies and two letters on this issue were also placed by the Ministry of CHT Affairs and the Foreign Ministry. Concern was expressed in the report that some foreign donor agencies and national and international (foreign) NGOs were engaged in deep conspiracy regarding the CHT. According to them, these groups were working secretly in order to implement a long-term conspiracy. They accused some NGOs of trying to justify the term 'adivasi' (indigenous peoples) by inviting ministers to the seminars and workshops in the name of implementation of CHT Accord. Members of the cabinet were requested to be careful on this regard."

Again in the 7th meeting of Cabinet Committee on Law and Order held on 26 January 2011 with Honourable Home Minister Advocate Sahara Khatun in the chair, Information Minister and representative of DGFI put politically-motivated information. These are as follows:

"10. Regarding the current situation of the CHT, representatives of army headquarters informed that pressure should be made upon regional political parties regularly to keep the CHT situation normal. The border of the CHT is being used as route for arms and drugs. Honourable Information Minister informed that the problem has been created regarding CHT Land Commission. Foreign ambassadors/high commissioners and foreign journalists are visiting the CHT frequently. Foreign journalists and different people are also often going there. There must be a hidden agenda targeting the CHT. Some people are instigating there. Different kinds of propaganda are being disseminated. He wanted to know real situation of CHT.

11. Representative of army headquarters informed that if recent political changes in South Sudan and East Timor are analyzed, it is observed that it started almost 75-80 years ago. We should think about CHT so that such unwanted situation does not happen in the CHT. Representatives of army headquarters also mentioned that the arms come from different groups of Myanmar for CHT terrorist groups. Land issue is a big problem in CHT, it should be resolved satisfactorily. Besides, the elections of local government in CHT are not being held for a long time. It should be held urgently.

12. Representatives of DGFI (military intelligence agency) informed that information dissemination is easy due to the Internet. Foreign journalists can collect information without visiting the CHT. It is clear from the list of tribal officers-employees appointed by different donor agencies and international organisations including UNDP that in most cases, converted Christian tribals have been rehabilitated. Tribal people in CHT live in the deep forest. They lead their lives by opening small shops, operating country-boats on the river, cultivating Jum etc. Infrastructure of roads should be developed intensively so that national and international conspirators could not achieve their different agenda including giving them opportunities for extortion by taking advantage of their poverty. This could help inhabitants of CHT in making direct communication with the people of other parts of Bangladesh and their livelihood could be developed."

It is mentionable that this meeting was attended by Barrister Shafique Ahmed, Minister of Law, Justice and Parliamentary Ministry; Mr. Rajiuddin Ahmed Raju, Minister of Post and Tele-communication Ministry; Mr. Abul Kamal Azad, Minister of Information Ministry; Captain (rtd) A B M Tajul Islam, State Minister of Liberation Affairs Ministry; Advocate Shamsul Haque, State Minister of Home Ministry; Home Secretary, IGP, DG-Anser, DG-BGB, DG-Coast Guard, DG-RAB, Cabinet Secretary, Principal Staff Officer and Chief of General or their representatives, and representatives of different intelligence agencies.

Government suffers from 'security phobia of separatist movement' in CHT

Dr Mizanur tells book launching ceremony

Suffering from a "security phobia of separatist movement" in CHT, the government refuses to recognise hill people as indigenous, said Dr Mizanur Rahman, Chairman of National Human Rights Commission (NHRC). He said a vested quarter briefed the government that indigenous hill people may start a movement for independence based on different international laws once they are given the "indigenous" status.

He told the government not to alienate the 'indigenous' people by calling them 'small ethnic groups. "It will not be fair to call them otherwise and deprive them of rights when the international laws are recognising them as indigenous," Prof. Mizanur Rahman said.

He was speaking at the launching of a book titled “Alienation of Lands of Indigenous Peoples in CHT of Bangladesh” in Cirdap auditorium in Dhaka organised by the International CHT Commission in collaboration with ALRD.

“They (hill people) showed their respect to Bangladesh and expressed interest to live as its citizens by signing the CHT Peace Accord in 1997. “So, expressing such an attitude towards hill people is nothing but an insult to them,” Prof Mizanur Rahman said while speaking as the chief guest.

The opinion came at a time when several key ministers of the Awami League-led government spoke against using the term “indigenous”, to refer to hill people, triggering widespread criticism and protests from the indigenous community.

“Definition of indigenous people is very clear under international laws. An attempt to identify them as ‘ethnic minority’ can not be a correct decision, but a process of depriving them of the rights they deserve,” he said.

Government decides to remove the term ‘adivasi’ from all governmental documents

The decision at inter-ministerial meeting

It is reported that the Government of Bangladesh has decided to erase the term ‘indigenous’ from all the laws, policies, documents and publications of Bangladesh Government. The term will be erased from all the textbooks and curriculums. The term ‘adivasi’ (indigenous peoples) will be replaced by the term ‘Khudro Nritattik Jonogosthi’ (small ethnic minorities) according to the 15th amendment of the Constitution of Bangladesh.

The decision was taken at an inter-ministerial meeting held on 21 July 2011 where representatives from the Prime Minister’s office, Foreign Ministry, Ministry for CHT Affairs, Military Headquarters and Intelligence Departments were present.

It is learnt that the proposal to replace the term ‘adivasi’ would be submitted to the Cabinet. When the approval from the Cabinet is received, the term ‘ethnic minorities’ would be installed erasing the term ‘indigenous peoples’ from all the papers of ministries and institutions of the government. In addition, there was a decision in the meeting that instead

of accepting any foreign-funded NGO projects titling ‘development of indigenous peoples’ such projects can be accepted under the title of ‘development of ethnic minorities’ through the Ministry for CHT Affairs, Economic Relation Division and Bureau of NGOs.

In the meeting, the Foreign Ministry opined that all the people living within the Bangladesh territory are indigenous. As the tribes (upajati) and the ethnic minorities living in Chittagong Hill Tracts who have come to this region during the 17th Century are ‘migrants’. And because, the British did not settle down in the Indian subcontinent parallel to America or Australia, there is no option of mentioning any particular group of population separately as ‘adivasi’. Also, the term ‘adivasi’ has not been used in the CHT Peace Accord. The term ‘upajati’ (sub-nation) has been used in the Accord instead. The Ministry of Foreign Affairs suggested that the phrase ‘Khudro Nritattik Jonogosthi’ should be used instead in the light of the 15th amendment.

On 4 August 2011, the Foreign Ministry, in a letter, asked ERD to report urgently on whether there are any ongoing projects titled ‘development of indigenous peoples’ in Chittagong Hill Tracts. Scrutinizing all the documents of all the ongoing foreign-funded projects, ERD informed that though there are different projects by the Asian Development Bank, the Japanese Government, Norway and the UN organizations -UNDP and UNICEF, there are no such projects titled ‘development of indigenous peoples’.

The government had also taken an unbending stance as the inhabitants of the CHT were recognized as ‘indigenous peoples’ in a study presented by Speical Rapporteur Lars-Anders Baer at the UNPFII. In the government’s view if the inhabitants of that area get recognized as indigenous peoples, they will be eligible for safeguards by various international laws which will go against the interest of Bangladesh. Under such circumstances, Foreign Minister Dr. Dipu Moni informed about the stance of the government regarding indigenous peoples’ issues. Now, this matter will be submitted at the Cabinet meeting. When it will be approved by the Cabinet, government will issued a gazette notification. No individual or institution will be able to refer to the inhabitants of the CHT as ‘adivasi’ after that. They will have to be mentioned as ‘Khudro Nritattik Jonogosthi’ (small ethnic minorities).

Parliamentary Caucus on Indigenous Issues proposes to enact Indigenous Peoples' Rights Act

The Parliamentary Caucus on Indigenous Peoples proposed to enact a "Bangladesh Indigenous People's Rights Act" and to set up a "National Commission on Indigenous Peoples" under the act to ensure the rights of indigenous communities on their ancestral lands. The Parliamentary Caucus, proposing the act and commission at a meeting held at the convention centre in Dhaka on 11 December 2011, urged the government to formulate a law in light of the act to ensure indigenous peoples' economic well-being and protect their socio-cultural heritage.

The convenor of the Parliamentary Caucus and chairman of the Parliamentary Standing Committee on Education Ministry Mr. Rashed Khan Menon MP said that the existing laws are not adequate to ensure rights of the indigenous peoples. "We need a comprehensive legal framework where all existing laws will be incorporated." "The indigenous people have always been ignored historically. We are yet to ensure their rights on their land in the hill areas," said Mr. Menon, adding that the government had formed a land commission for CHT which failed to perform its duties properly.

The Parliamentary Caucus proposed to include the rights to ancestral domain, right to self-governance and empowerment, right to cultural integrity, right to social justice and human rights in this proposed Act.

UNDP-CHTDF undermines Indigenous Peoples' rights to organise cultural festivals

Like every year, the Chittagong Hill Tracts Development Facility (CHTDF), UNDP-Bangladesh organised the Cultural Diversity Festival 2011 this year over a one-week period from 2 December to 8 December 2011 in Dhaka. Though UNDP-CHTDF used the word "indigenous peoples" in the previous cultural diversity festivals for the last four years, this year UNDP-CHTDF has used the word 'ethnic minorities', 'small ethnic group' and 'tribal' in its 'Concept Note: Cultural Diversity Festival 2011' and several documents removing the term 'indigenous peoples'. Indigenous leaders protested against the term 'ethnic minorities', 'small ethnic group' and 'tribal' saying that it has undermined indigenous peoples' rights.

Indigenous leaders said that UNDP may use the word 'ethnic minorities', 'small ethnic group' and 'tribal' to comply with the recent government stance on indigenous issues undermining its Policy of Engagement with Indigenous Peoples and UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Sources confirmed that no indigenous peoples' organisation (IPO) including Bangladesh Indigenous Peoples Forum was consulted by the UNDF-CHTDF in organising the event.

In addition, indigenous leaders also expressed their concerns regarding engagement of the event management company in managing the seven-day cultural diversity event. Indigenous rights activists said that generally event management companies run by mainstream population win the open tender and accordingly these companies are appointed to manage and oversee all aspects of the event. Indigenous rights activists are of the opinion that engagement of such companies often creates negative social impact on indigenous peoples and undermines indigenous peoples' perspectives.

Sanjeeb Drong, General Secretary of Bangladesh Indigenous Peoples Forum, a national platform of indigenous peoples in Bangladesh said, "We are indigenous peoples. There are several laws and government documents where the word 'indigenous peoples' is used. Even, several UN documents also use the word 'indigenous peoples'. According to UNDRIP, we are entitled to determine our own identity or membership." Despite the government position against the use of the term 'indigenous peoples', citizens' rights groups, NGOs, print and electronic media have frequently been using the word 'indigenous peoples', then it was not clear why UNDP used the term 'ethnic minorities' and 'tribal' excluding the word 'indigenous peoples', questioned Mr. Drong.

Rabindranath Soren, Chairperson of Kapaeeng Foundation, a national human rights organisation of indigenous peoples in Bangladesh, expressed his concerns saying that UNDP's stance in compliance with government position is nothing but to suppress the rights of self-identification of indigenous peoples. He added that every event relating to indigenous peoples including cultural diversity festival should be managed in accordance with indigenous peoples' perspectives, customs and traditions. Indigenous peoples must be visible in managing and overseeing all aspects of the diversity festival.

President of Khagrachari Headmen Association Mr. Shakti Pada Tripura criticised UNDP's stance. He says, "UNDP's role is nothing but suppressive to indigenous peoples." Regarding to engagement of event Management Companies, he says, "Cultural diversity festival should not be managed by the corporate company. It is against the spirit of indigenous values." According to UNDRIP, indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, cultural expressions and manifestations of their sciences and technologies as well as the right to intellectual property over those assets, Mr. Tripura says.

"UNDP-CHTDF should re-decide in consultation with indigenous peoples' organisations and institutions including CHT Regional Council and Bangladesh Indigenous Peoples Forum regarding organising the cultural diversity festival" said eminent writer and indigenous rights activist Mr. Mangal Kumar Chakma. Mr. Chakma is of the opinion that UNDP-CHTDF should ensure decision-making role of indigenous peoples in organising the cultural diversity festival. Indigenous peoples organisations (IPOs) should be engaged in managing the event particularly cultural shows, theater festival, event management etc with the aim to build capacity of the IPOs. This year most of the IPOs may boycott the festival protesting UNDP's stance, feared Mr. Chakma.

It is mentionable that last year Chairman of the CHT Regional Council Mr. Jyotirindra Bodhipriya Larma blasted UNDP-CHTDF. He said that the cultural festival was good, but the organising pattern of the festival was in sharp contrast to the traditional culture of the indigenous peoples (The Independent, 4 December 2010). A number of indigenous students, who came to the festival last year, accused the UNDP-CHTDF of depicting the indigenous peoples' cultural heritage in a distorted way at the festival (The Independent, 4 December 2010).

Associate Professor of Mass Communication and Journalism Department of the Dhaka University, Robaet Ferdous, who went to the festival last year, expressed his frustration over the function and observed that at the reception he thought it was an exposition of corporate houses due to the employees of an event management firm were receiving the guests and visitors, instead of the indigenous people. "It can not be a cultural diversity festival as there is no sign of diversity and representation of cultural heritage of the indigenous community," he said. It is quite an exposition of

entrepreneurs and not a cultural festival, Robaet observed. "I was astonished to see the name of stalls in Roman alphabet, instead of indigenous alphabet, which was humiliating to the cultural tradition of indigenous peoples," Robaet noted.

Allegation of taking indigenous artists to Dhaka after intimidation

Indigenous leaders alleged that indigenous cultural artists were taken from three hill districts of CHT to the controversial "Cultural Diversity Festival". The indigenous cultural artists doing government jobs, working for "Small Ethnic Group Cultural Institutes" situated in hill districts and under auspices of HDCs were given written directions through a letter to participate in the festival.

Seeking anonymity, few artists mentioned that their departmental heads had given letters to them to participate in the cultural diversity festival. They had also given directions to meet their departmental heads mentioning that the violation of that would bring difficulty into their jobs. So, they were compelled to participate in the festival despite of their disagreement with the terms used in the documents of the program.

Police attack on peaceful demonstration of indigenous students against UNDP's cultural diversity festival

The police attacked on peaceful demonstration of indigenous students against UNDP's cultural diversity festival. A total of 9 students were arrested and at least 9 student including 2 girls were injured in this attack.

It is learnt that on 6 December 2011 indigenous students organised a peaceful demonstration in front of national press club in Dhaka. Soon after the start of the demonstration, police suddenly jumped over the indigenous students. Police indiscriminately beat the indigenous students while they were leaving the place and arrested 9 indigenous students.

Arrested students were identified as Mr. Jotisman Chakma, Utthai Mong Marma, Martim Chakma, Nishan Chakma, Mihir Chakma, Uking Marma, Using Marma, Mithel Chakma and Luk Chakma. Besides, Mr. Amlan Chakma, Ms. Happy Tripura, Mr. Jemson Amlai Bawm, Mr. Naba Shankar Chakma, Mr. Nutun Bikash Chakma, Mr. Trijinad Chakma, Mr. Shepard Bawm and Ms. Chandra Tripura were injured.

Indian Chakmas' memo to State Minister for CHT Affairs protesting against identifying Chakmas as "Bengalees"

On 10 December 2011, 15 Indian Chakma civil society organizations submitted a joint “protest letter” to the visiting Chittagong Hill Tracts Affairs Minister of Bangladesh, Mr Dipankar Talukdar at Kamala Nagar, headquarters of Chakma Autonomous District Council (CADC) in South Mizoram, protesting against his support to the unacceptable reference of the Chakmas and other indigenous peoples including Lushai, Tripuri, Garo etc as “Bengalees” in the recently amended Constitution of Bangladesh.

The Chakmas civil society organizations have demanded “a written assurance from you that upon your return to Bangladesh you will take all the necessary measures to impress upon the Shiekh Hasina government to recognize the Chakmas and other ethnic communities as “indigenous peoples” in the Constitution of Bangladesh.”

10th session of the UNPFII and CHT issues

During the 10th session of the UNPFII, a half-day meeting on the study on the status of implementation of the Chittagong Hill Tracts Accord of 1997 was held on 25 May 2011. Several indigenous and human rights activists and government delegations delivered statements on this study report. It is mentionable that tenth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) was held at UN headquarters in New York on 16-27 May 2011.

It is also worth mentioning that the UNPFII, its ninth session in 2010, appointed Mr. Lars-Anders Baer, then member of the UNPFII, as Special Rapporteur to undertake a study on the status of implementation of the Chittagong Hill Tracts Accord of 1997. The Rapporteur visited Bangladesh in September 2010 where he met with various Government officials, including the Minister for Foreign Affairs and the State Minister of the Ministry of CHT Affairs. He submitted his study report to UNPFII.

Introducing his report on the CHT Accord, Mr. Lars-Anders Baer said the study attested to, among other things, the challenges of implementing peace agreements when political will was overridden by other interests.

Indeed, 14 years after its signing, many critical clauses of the Accord—which aimed to establish a regional system of self-government— remained unimplemented, or only partially addressed.

One reason for that failure, he said, was a general lack of political support for its implementation, which resulted in a lack of motivation to implement

its provisions. In addition, the region was still heavily militarized and there were reports that the military was carrying out gross violations of indigenous human rights. Expressing deep concern over the practice of impunity that had seemed to prevail in the area, he underscored the responsibility of the Bangladesh State to protect its people and to bring violators to justice.

Responding with his own list of provisions his Government had implemented, the representative of Bangladesh expressed serious concerns about the report’s contents, as well as the way in which it was formulated. Stressing that Bangladesh did not, in fact, have an indigenous population, he suggested that Forum members tended to consider the words “indigenous” and “tribal” or “ethnic minorities” as synonymous, which was not the case, at all.

“The CHT Accord is an internal arrangement for improving administration and quality of governance in the Chittagong Hill Tracts region,” he said, adding that, “the Accord has nothing to do with ‘indigenous issues’”. Reiterating the position of the Government of Bangladesh that the Forum did not have any *locus standi* in discussing issues related to the Accord, he emphasized that the report was a sadly “lopsided” opinion on a non-indigenous issue. He further suggested that its “cherry-picking” approach might not be beneficial for the Forum in the long run, given the demise of even higher bodies on allegations of selectivity.

A representative of the Parbatya Chattagram Jana Samithi Samiti, the local indigenous political party to the Accord, said that while a task force had been formed and tribal refugees had been repatriated as per the Accord’s provisions, the lands of all returned refugees had not been returned, and internally displaced Jumma families had yet to be rehabilitated. He agreed that a lack of sincere political commitment, in addition to de facto military rule and hostile bureaucracy, were the main elements hindering the Accord’s implementation.

In the ensuing debate, many representatives of indigenous organizations expressed solidarity with the people of the region and called for their recognition as indigenous people. Several stressed that, with hundreds of army camps scattered across it, the region was still reeling under militarization.

Several Forum members underlined the potential inherent in the original Accord to resolve the ongoing tensions, with Raja Devasish Roy, a member of the Permanent Forum from Bangladesh, saying he hoped that “door of dialogue” which had been opened by today’s discussion remained open, as the parties to the conflict were not talking enough—whether in the Forum itself or in the cafeteria.

Further underlining the potential of the day’s dialogue, Dalee Sambo Dorough, Forum member from the United States, stressed that the Declaration on the Rights of Indigenous Peoples provided a “new, key point of departure” for the region. Rather than focusing on article 7 of the Declaration on the Rights of Indigenous Peoples on acts of violence and genocide, she emphasized article 8 and the real opportunity for the Government of Bangladesh to provide mechanisms of redress for the peoples of the CHT region.

MEDIA REPORTS

theindependent

The Independent, 27 March 2011

Experts keen on ‘indigenous people’

The academics, however, claimed there are no small ethnic minorities in the country

JAGARAN CHAKMA

DHAKA, MAR 26: Legal experts, anthropologists and sociologists of the country have said that the recognition of ethnic minorities as indigenous people is a rational decision in terms of the United Nations (UN) declaration adopted in 2007. The academics, however, claimed there are no small ethnic minorities in the country. All human races are indigenous people, they said, adopting an anthropological jargon. The co-chairman of the special committee on Constitution amendment, Suranjit Sengupta, said the term “indigenous people” would be replaced by “small ethnic

group” in the Constitution after its amendment. He mentioned that the term “indigenous people”, as defined by the UN, has no resemblance with the situation in Bangladesh.

Professor HKS Arefin of the Anthropology department of Dhaka University, told The Independent on Friday that indigenous people have unique vernaculars, knowledge systems and beliefs. He added that they possess invaluable knowledge for the sustainable management of natural resources.

“In anthropological view, the ethnic groups of our country are indigenous people. There is no contradiction about the fact and we need not debate about the issue,” he added. About their recognition, he said these ethnic groups are sons of the soil and they have the right to be known as indigenous people.

Prof. Hasanuzzaman Chowdhury of the department of Sociology in Chittagong University said the debate on indigenous issue was motivated. He added that those involved in the debate have no clear idea about the term.

He said the 9th of August is globally observed as International Indigenous Day, which is recognised by the UN. As Bangladesh is a member of the UN, there is no scope to discard the term with political motives, he added.

State minister for Cultural affairs, Promode Mankin, said all UN member-states, including the Asian ones, have begun to recognise indigenous people in their constitutions, laws, policies and programmes.

These criteria are applicable to all the indigenous groups that have been identified by the parliamentary caucus on indigenous affairs, the state minister added.

He further mentioned that the term “indigenous” (“Adivasi”) is mentioned several times in section 18 of the Awami League’s election manifesto, referring to human rights discrimination, equal opportunities, among others.

“As I belong to a marginalised group, I want the groups to be known as indigenous people in the Constitution,” he added.

Earlier, special assistant to the former chief adviser to the caretaker government, Barrister Devasish Roy, said the term has frequently been used in the laws of the land, government documents and court verdicts. He noted that the East Bengal State Acquisition and Tenancy Act, 1950, used the word “aboriginal castes and tribes”.

The Daily Star

The Daily Star, Wednesday, July 6, 2011

Only Quran recited at Sangsad

After the 15th amendment to the constitution all religions are supposed to get equal status in the eyes of the state, but yesterday the first sitting of the parliament, since the amendment, started with recitation from only the holy Quran.

Eminent jurist Shahdeen Malik told The Daily Star yesterday, “As other religions have been given the same status and rights, recitation only from the holy Quran undermines and negates the new constitutional provision.”

He said the parliament, which brought the new changes to the constitution, should not act in violation of this provision.

The 15th amendment came into effect on Sunday with President Zillur Rahman signing the bill into a law.

A number of senior officials of the parliament secretariat said after the latest amendment to the constitution, followers of other religions may demand that recitations be done from their holy books as well, at the beginning of the parliament’s sittings.

Speaker Abdul Hamid said the constitution was amended just a few days ago. “It will take some time to take preparations to begin recitations from other holy books. We will have to appoint some people who will recite from the Geeta and Tripitok,” said Hamid, who presided over the sitting at the beginning of yesterday’s proceedings.

The speaker said the current session might be prorogued this week after having two more sittings. “So, recitations from other holy books may begin from next session,” he added.

The Daily Star

The Daily Star, Sunday, August 14, 2011

The ‘indigenous’ question and revisiting Bengal’s history

Abu Ala Mahmudul Hasan

Foreign Minister Dipu Moni recently reiterated her governments firm “resolve” that the indigenous peoples living in the country, especially those living in the Chittagong Hill Tracts (CHT), should be referred to as “ethnic minorities” and not “indigenous.”

The indigenous people and progressive Bangalis have protested this comment and I would like to add to their argument. The foreign minister stated: “They [the indigenous people] came here as asylum seekers and economic migrants. The original inhabitants or first nationals of Bangladesh are the ethnic Bangalis by descent that constitute nearly 99% of the country’s 150 million people...The ethnic Bangalis are not colonial settlers, neither are they foreigners or non-indigenous to their own native land and never will be.”

Human existence on earth is a story of migration. Some experts claim that the human race originated in Africa a few million years ago; they dispersed throughout the globe from there. If we follow that argument, no one is indigenous to any place on earth. And every inch of the earth was actually marked by the migration of human populations. They migrated for political, economic, environmental, spiritual, religious and various other reasons.

If we look at the earliest inhabitants of the Bengal delta and its South-Eastern hill tracts, even during the Mughal rule there were no Bengali inhabitants in the hill tracts. It was inhabited by different Mongoloid ethnic groups (nations), who like any other human population of their time moved from another place during different historical periods.

But there is no doubt that they were the first to inhabit that particular area. And they were not from far away lands; they were from the same region: different parts of present day Myanmar, India and Bangladesh. Some of these groups arrived later than others, but before the Bengalis.

Now if we the Bengalee Muslims, who are the majority in the Bengal delta, chime in with Dipu Moni's claim "The ethnic Bengalees are not colonial settlers, neither are they foreigners or non-indigenous to their own native land and never will be," it does not stand before historical evidence.

The most part of the Bengal delta was actually inhabited during the Mughal period. The spread of Islam also mainly took place at that time. Muslims mostly came from Central Asia, Persia and Arabia. Most of them were ethnic Turk, Persian, Afghan and Arab. Conqueror Muslims later assimilated with the local population and gave rise of this huge Bengali Muslim population. Before them the inhabitants of this land were Bengali Hindus and Buddhists. Those Bengalis were actually the cross-breeds of Indo-Aryan tribes (decedents of Central Asian Aryans) and indigenous groups. But even they were not the earliest dwellers of this land; the earliest inhabitants of this land were actually Mundas, Santals, Mandis (who are called Garo by Bengalees), Kochs, and some other ethnic groups.

Therefore, our roots are both local and foreign. The foreign root came from political, economic and religious migration over the ages. The foreign part of our ancestry comprised of settlers, economic migrants and asylum seekers; though we who are now known as Bengalis we do not fall in those categories. And surely it is not us but the Mundas, Santals, Mandis and some others who are the earliest inhabitants of this land. We are indeed the colonisers.

It is evident that even in line with the Foreign Minister's argument there are indigenous people in the country. Why do we hesitate to recognise them? If we look at her argument, it is directed to the ethnic groups of the hill districts of south-east. There is the largest concentration of ethnic groups. But the demand is not their alone;

the indigenous ethnic groups from other parts of the country (such as Mundas, Santals, Mandis) also want their recognition as "Indigenous Peoples." How can the government deny their demand?

We may find an explanation from the foreign minister's focus on the hill tracts. The UN Special Rapporteur, Lars-Anders Baer, also mentioned in a report submitted to the UN Permanent Forum on Indigenous Issues that militarisation is used "to gain control over natural resources, including land, minerals and oil, without restitution or compensation." Giving indigenous status will not cause any harm to the Bengali population or the Republic of Bangladesh; rather it may improve relationship between different ethnic groups, promote diversity and harmony among them and enhance the image of the Bangladesh internationally as a progressive state that respects the rights of its marginalised peoples.

But the problem is also that by recognising indigenous peoples the government will be under greater pressure to ensure their rights as part of their international obligations.

The writer is an Anthropologist, Researcher and Photographer.

III. LAND RIGHTS AND LAND DISPOSSESSION



III. LAND RIGHTS AND LAND DISPOSSESSION

The indigenous peoples have been facing problems with their land and economy for centuries. Most of them are living on their traditional ancestral land, but government claims that those are governments land. Today, many indigenous peoples are struggling & to remain on their land and retain the right to their natural resources. It is told that indigenous peoples have become day labourers in their own land.

There is no adequate policy to protect the land of indigenous peoples. The traditional land rights of indigenous peoples are being ignored and the forests where they live are disappearing day by day. Therefore, indigenous peoples are at high risk now of losing their social and cultural identity. They have continuously been targeted with aggression and attacks and eviction from their ancestral land. These resulted their marginalization and elimination.

The major problem for all adivasis is land grabbing by influential people from the mainstream population. Although all indigenous land is theoretically considered to be communal land, but adivasis in the past received traditional individual title deeds particularly to plough land. Communal land claims have proved far more difficult to sustain in law. Yet individual landholders are not safe and being threatened in many ways. These include seizure by trickery or force.

Bangladesh government has ratified the ILO Convention No. 107 on indigenous and tribal populations. The ILO Convention has recognized the traditional land rights of indigenous peoples. But implementation of

ILO Convention in Bangladesh is very poor. Implementation of ILO Convention No. 107 can bring some good result in the life of indigenous peoples. Indigenous peoples also demand for ratifying the ILO Convention No. 169.

Indigenous peoples are under heavy pressure by development projects without their own control. The indigenous peoples are the only beneficiaries, but they have little or no voice in the decision-making process. Indigenous peoples are demanding that the policy of the Free, Prior and Informed Consent should be maintained. Indigenous land should not be taken away for building dams, reserve forests, national parks, eco-parks and tourism or social forestry project without their consent.

The incidents of forcible land grabbing by Bengali land grabbers and eviction of indigenous peoples from their ancestral land are common sceniro in 2011. This year at least 111 houses of indigenous Jumma villagers have completely been burnt to ashes in CHT while 12 houses (6 houses each in CHT and plain land) were looted and ransacked due to land-related communal clash. In addition, at least 146 Jumma families in CHT have been attacked by Bengali settlers while 19 indigenous families in plain land have been attacked by influential land grabbers. Besides, 21 indigenous persons including 1 from plain land have been assaulted and 3 indigenous persons (2 from CHT and 1 from plain land) have brutally been killed.

On the other hand, in 2011 at least 7,118 acre of land belonging to indigenous Jumma people have been grabbed by Bengali settlers in the CHT. The Bengali also made several several attempts to occupy Jumma people's land in the CHT.

Land-related incidents and casualties of Indigenous Peoples in 2011

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

LAND-RELATED INCIDENTS IN THE CHITTAGONG HILL TRACTS

Jummas prevented from cremation dead body in Mahalchari

On 31 January 2011 Bengali settlers tried to prevent Jumma villagers to cremate dead body at Madya Lemuchari under Mahalchari upazila in Khagrachari district.

It is learnt that on that day Jumma villagers took dead body of aged woman named Kalaudi Chakma to cremation ground. At that time, a group of Bengali settlers led by Abul leader (70) rushed there and asked Jumma villagers not to cremate dead body there claiming this land was occupied by them.

Contacting to chairman of Mahalchari upazila Mr. Sona Ratan Chakma over telephone, he along with Upazila Executive Officer rushed there and made compromise to cremate dead body of Kalaudi Chakma for the moment.

Since rehabilitation of Jumma villagers in 1960s after displacement due to construction of Kaptai dam, Jumma villagers have been using 0.40 acres of land as cremation ground. This land was given up by Sinni Kumar Chakma for cremation.

Bengali settlers tried to occupy fringe land belonging to Jummas in Naniarchar

On 3 March 2011 Bengali settlers tried to occupy fringe land belonging to Jumma people in Naniarchar upazila under Rangamati district.

It is learnt that on that day in the morning hundreds of Bengali settlers gathered at Gobindabil area under Maischari mouza in Naniarchar to occupy fringe land while Jumma peasants were sowing. It is alleged that Bengali settlers were accompanied by a group of army led by Subedar Sayeed from Naniarchar army zone (24 Bir Bengal).

At a stage, Jumma owners of the land and Jumma peasants rushed to Naniarchar Upazila administration to prevent Bengali settlers from land grabbing. The Upazila Executive Officer (UNO) of Naniarchar upazila Md. Abdul Hai sent a group of police to the spot for controlling the situation. No sooner he also called a meeting with Jummas and Bengali settlers at his office. The meeting was attended by Chairman of Naniarchar upazila Priti

Moy Chakma, Headman of Maischari mouza Mr. Kalayan Dewan and other chairmen of union councils under Naniarchar upazila.

Mr. Kritiraj Khisa Jhinuk s/o late Binode Bihari Khisa, on behalf of all his 5 brothers, showed document of ownership of land in this meeting. He claimed that his grandfather got settlement of 24.40 acres of land in 1942-43. However, Bengali settlers failed to show any document.

As Bengali settlers failed to show document, UNO ordered Jumma owners of land and Jumma peasants to continue sowing.

Among others, Abul Kalam s/o late Gura Mian, Siddique Khan, Md. Ashraf, Shahjahan, Alamin, Jalal Bahaddar and Nurul Haque from Naniarchar Paran Bazaar and Md. Wajed and Swapan Debnath from Naniarchar Bazaar area tried to occupy land belonging to Kritiraj Khisa Jhinuk and his 5 brothers. The Bengali settlers also tried to grab 30 acres of lands belonging to 5 Jumma villagers of Natun Baradam village under Maischari mouza, namely, Madhu Mani Chakma s/o Kusum Bihari Chakma, Susamay Chakma s/o Jagadish Chandra Chakma, Nila Baran Chakma s/o Sadhan Kumar Chakma, Uprue Chai Marma s/o late Thoi Prue Marma and Dayal Mani Chakma s/o Singha Mani Chakma.

It is reported that Subedar Sayeed from Naniarchar army zone (24 Bir Bengal) had been instigating Bengali settlers including permanent Bengali settlers to occupy lands belonging to Jumma villagers.

Nurul Haque who is permanent Bengali resident in Naniarchar bazaar said that he was charged by Subedar Sayeed as why he went to spot along with land owner Kritiraj Khisa Jhinuk to comprise the issue. It is learnt that Nurul Haque was temporary leasee of the land. It is mentionable that fringe lands are those categories of lands which reappear when the Kaptai lake water recedes.

On 11 February 2011 Bengali settlers planted red flag with an aim to occupy hundreds of acres of cultivable fringe land belonging to Jumma people in Naniarchar upazila under Rangamati district.

Communal clash takes place while Bengali settlers try to occupy Jumma's land in Ramgarh & Manikchari

On 17 April 2011 following the clash between Bengali land grabbers and Jumma land owners regarding land grabbing, Bengali settlers with the

direct support of local administration committed massive communal arson attack on five indigenous Jumma villages of Hafchari union of Ramgarh upazila and two Jumma villages in Manikchari upazila under Khagrachari district. In this attack around 111 houses belonging to indigenous Jumma villagers including two Buddhist temples were completely burnt to ashes. At least 20 Jummas including three women were injured and 2 Jummas including an infant and 4 Bengali settlers were killed. Many Jummas remain still missing. The Jummas have fled in to the jungle in the face of the settler attack.

It is learnt that the Bengali settlers led by Md. Joynal pc of VDP have been trying to occupy 15 acres of land belonging to one Jumma villager named Ruihla Aung Marma s/o Pija Aung Marma at Hatimura area of Hafchari union under Ramgarh upazila in Khagrachari district.

On that day in the morning at around 10 a.m. the Bengali settlers started clearing bushes and making temporary makeshifts and at one stage, they attacked on the Jumma people, who finding no other alternatives were compelled to resist them. Consequently about 10 Jumma persons including a woman were injured and 5 Bengali settlers were precariously injured among whom 3 died on the way to hospital. They were identified as Ayub Ali (38) of Kochubhante settler area, Noab Ali (60) and Sunil Sarker of Boro Pilak settler village.



As a repercussion to it, the Bengali settlers under the protection of security forces started attack upon Jumma people of Shankhola Para, Toikarma Para, Reemaram Para, Suludong Para and Pathachara villages of Hafchari union under Ramgarh upazila. The houses of the Jumma people have been looted and set ablaze. In this attack, 32 houses including one Buddhist temple at Shankhola Para were completely burnt to ashes, 15 houses at Toikarma (Kachu Bhante) Para, 15 houses at Reemaram Para, 25 houses at Suludong Para and 16 houses at Pathachara were set on fire.

Bengali settlers also attacked Jumma passengers who were travelling from Chittagong and Feni to Khagrachari by bus. At least 10 Jummas including 2 women were wounded in this attack. The victims were identified as Ms. Mithu Marma (13) d/o Mehla Prue Marma of Battali village of Guimara area and Ms. Paikra Marma (50) w/o Mongsa Marma of Bazaar Chowdhury Para of Joutha Khamar area of Ramgarh. Mithu Marma was admitted with serious condition at Manikchari hospital.

It is reported that aged father and an infant of Mr. Thuichai Marma of Shonkhola Para of Hafchari union in Ramgarh were burnt to death during arson attack on 17 April 2011. The victims were identified as Mr. Repruchai Marma (72 year) and Ruichai Marma (2-month old). (Please see "Communal Attack" in the chapter of Gross Human Rights Issues" for details).

Bengali settlers occupied 17.79 acres of land owned by a cooperative society in Rangamati municipality

In April 2011 a total of 17.79 acres of land in Rangamati municipality belonging to Rangamati Ashrayan Bahumukhi Samabai Samity Ltd (a cooperative society run by indigenous people) were occupied by 42 families of Bengali settlers.

General Secretary of Rangamati Ashrayan Bahumukhi Samabai Samity Ltd (RABSSL) Mr. Sushil Bikash Chakma put objection against this forcible occupation of land by Bengali settlers to the Deputy Commissioner of Rangamati hill district on 03-05-2011. In response to this objection, Assistant Commissioner (Land) of Rangamati sadar upazila Md. Mahidur Rahman ordered to both Bengali settlers and representatives of RABSSL to be present in a hearing on 24-08-2011. However, the hearing was

postponed as Bengali settlers applied for extension of time. After that, no action has been taken from the district administration till to-date.

It is mentionable that Rangamati Ashrayan Bahumukhi Samabai Samity Ltd (RABSSL) applied for 22.60 acres of land for settlement and got recommendation from Headman of Rangapani mouza on 26-08-1998 accordingly. However, Deputy Commissioner of Rangamati hill district recommended 17.79 acres of land with following holding numbers for settlement:

Holding No.	Land (in acre)
604	0.30
607	4.19
609	0.86
611	1.64
810	2.60
811	0.75
648	7.45
Total	17.79

Accordingly Rangamati Hill District Council approved the application of RABSSL on 16-06-1999 and consequently Divisional Commissioner of Chittagong division also recommended to the National Board of Revenue to approve this application. Approval of National Board of Revenue is still under process.

Attempt to grab 400 acres of land in Lama

In May 2011 Chairman Nuru and Mohammad Shamshu, brother of ex-chairman Rafiq, attempted to grab 400 acres of lands belonging to indigenous Tripura community in Phaitong Mouza under Lama upazila of Bandarban district. Already, 20 acres of forest belonging to the villagers have been destroyed. When the villagers resisted the move, the land grabbers filed a GD (General Diary) with Lama police station.

It is learnt that in 1980, the district administration leased out 120 acres of land in Phaitong Mouza to a non-resident person Mr. A. A. Sultan Ahmed for horticulture. However, the authorities canceled his lease as per CHT Accord as he failed to use the land within stipulated 3 years time from the date of lease.

Adjacent to the said land are registered and occupancy lands belonging to Tripura and Marma communities of Jaditung Para village.

Mohammad Shamshu, brother of ex chairman Rafiq, and Nuru, chairman of Harbang Union Council, are now trying to capture community *Jum* land and lands belonging to the Jumma villagers.

Attempt to grab land belonging to Marma community in Manikchari

On 8 May 2011 Bengali settlers attempted to grab land belonging to Marma community at Warkchari of Luklukya area under Hafchari union in Manikchari upazila of Khagrachari district.

It is learnt that on that day in the morning at around 10 am a group of Bengali settlers went Warkchari of Luklukya area and started to clean jungle to erect houses. Tension was mount while indigenous villagers opposed them.

Upazila Nirbahi Officer (UNO) of Manikchari upazila and a group of military forces rushed there and stopped Bengali settlers from land grabbing.

It is also reported that on that day in the evening Bengali settlers gathered near Jumma villages and attempted to attack indigenous villages. On the contrary, Jumma villagers organised themselves to protect Bengali settlers' attack.

17 Bengali families erect houses occupying a fringe hillock (Dubachar) in Rangamati town

Very recently some Bengali settler families illegally erected 17 houses occupying a fringe hillock (Dubachar) near Jalajan Ghat of Rangamati brigade headquarters and Tatu Roy Adam (public health area) under Rangamati municipality in Rangamati district. It is learnt that only five families of Bengali settlers, at first, started to erect the houses at the night of 27 August 2011, but within a few days at least 17 families of Bengali settlers settled there. Though the nearby Jumma people protested the occurrence and demanded removal of the infiltrators from that place to the concerned authority, no action is yet to be noticed.

The Bengali settler families who erected houses are (1) Md. Hazarat Ali, s/o Rustam Ali; (2) Md. Bachchu, s/o Nur Islam; (3) Md. Rafiqul Islam, s/o Abdul Haqim; (4) Md. Mannan, s/o Sonar Uddin; (5) Md. Bashir Ahamad,

s/o Naru Islam; (6) Md. Rafiq, s/o Hafiz Uddin; (7) Md. Akbar Ali, s/o Monlah Ali; (8) Md. Atikul, s/o Abdul Haqim; (9) Md. Sahab Uddin, s/o unknown; (10) Naruzzaman, s/o unknown; (11) Md. Bazlu, s/o unknown; (12) Md. Babul, s/o unknown; (13) Md. Ramjan, s/o unknown; (14) Abu Kalam, s/o unknown; (15) Mrs. Fatema Begum; (16) Md. Kajol, s/o unknown and (17) Md. Robi, s/o unknown.

It is mentionable that on 28 August 2011, in the morning time, local Jumma residents of Tatu Roy Adam tried to oppose Bengali settlers from occupying land and construction of houses. But the Bengali settlers argued saying that they got permission from the Army. It is also mentionable that previously in 2000 some local Jumma people also wanted to construct house there, but they were not allowed by Army authority showing the reason that this place is nearby army brigade office.

Protesting and opposing this illegal infiltration and occupation of the Bengali settlers, on 6 September 2011, 74 indigenous Jumma residents of Tatu Roy Adam led by Joyoti Chakma put an objection to the Deputy Commissioner of Rangamati district and sent copies of the objection to the Chairman of CHT Regional Council, the Chairman of Rangmati Hill District Council, the Circle Chief of Chakma Circle, the Commander of Rangamati Brigade, the Superintendent of Police and the Mayor of Rangamati Municipality for necessary actions.

In response to the objection, on 6 and 7 September 2011, Upazila Executive Officer (UNO) Nazia Shirin investigated the spot. In light of her investigations, on 8 September 2011, an order was issued by Nazia Shirin, Upazila Executive Officer (UNO) of Rangamati headquarter to the Bengali settlers to desist from constructing house and remove the houses and goods from the place.

On 10 October 2011 an eviction operation was conducted from district administration side based on the objection of local people. However, only some fences of few houses were broken down during the eviction operation. But most of the houses are still standing untouched. On the contrary, the Bengali settlers are still staying there, repairing the houses.

Bengali settlers attempt to occupy indigenous peoples' land in Ramgarh

On 23 September 2011 at around 10.00 am a group of Bengali settlers

went to Pagla Para of Nabhanga mouza under Patachara union of Ramgarh upazila in Khagrachari district to occupy around 60 acre of lands belonging to indigenous Marma community.

However, Indigenous villagers opposed them and at a stage the Bengali settlers returned back from Pagla Para. Around 35 families have been living in this village for generations.

Again, on 24 September 2011 at around 9.00 am, Bengali settlers gathered at Pagla Para and tried to occupy the lands. Marma villagers also gathered there to prevent Bengali settlers from land grabbing. A group of Anser from Patachara camp rushed there and ordered Bengali settlers and Marma villagers to leave the area.

Hearing the incident, Upazila Nirbahi Officer (UNO) of Ramgarh upazila Mr. Gopal Chandra Das, Officer-in-Charge of Ramgarh police station Mr. Ohidul Rahman, Headman of Nabhangra mouza Mr. Saching Prue Chowdhury, Chairman of Patachara union Md. Alamgir also rushed to the spot.

UNO ordered both Bengali settlers and Marma villagers to be present at a meeting to be held tomorrow (on 25 September) with their land title deed.

It is mentionable that Bengali settlers were illegally provided land title deed while government settled them in CHT in '80s. Government provided title deed without recommendation of the Headman of the concerned mouza.

At present, local administration imposed red alert at Jalia Para, Patachara and Guimara areas for any unwanted situation. Indigenous Marma villagers remain under insecurity fearing communal attack by Bengali settlers.

On 25 September 2011 no meeting was held as Jumma villagers did not attend to in the meeting. However, a 4-member communication committee led by Upazial Nirbahi Officer (UNO) was formed in order to communicate with Jumma villagers.

Ancestral land of Khyang people occupied by a Bengali land grabber in Bandarban

The lands of indigenous Khyang community at Gungru Mukh Para under Kuhlalong Mouza in Bandarban district of Chittagong Hill Tracts (CHT) are

allegedly being targeted to seize by a so-called journalist namely AKM Jahangir, a fanatic leader of Bengali settlers.

It is learnt that Mr. Jahangir took 25 acres of land for rubber plantation as lease at Chemi Dawlu Para, bordering to Gungru Mukh Para of Kuhlalong Mouza. But he occupied 75 acres of land belonging to indigenous Khiyang community, one of the disadvantaged ethnic groups in the CHT. Mr. Jahangir claimed that he purchased the additional 50 acres of land.

There exist domains of the Khiyang indigenous community located in the Kuhlalong Mouza, nearby area of the border of Chemi Dawlu Mouza. He declared to place rubber plants on this land uprooting Khiyang villagers. Mr. Bacha Khiyang, a local leader of Khiyang community and ex-member of Bandarban Hill District Local Government Council said that for this purpose Mr. Jahangir threatened Khiyang villagers to file cases against them and even to conduct communal attacks on them.

For instance, on 12 September 2011 Mr. Jahangir along with his cadres came to the house of Mr. Bacha Khiyang and threatened him for fierce consequences if he does not leave lands.

According to the local Khiyang people, they have been living in that vicinity for more than hundred years. One Nurul Huda s/o Choyadur Rahman of Meri Villa of Barisal district acquired 25 acres of land as lease for 40 years on 18 November 1985. In the same way, another person named S M Syed possessed 25 acres of land as lease for 40 years in 1985. But as per agreement of the leases, they never planted rubber. As they failed to use land as per agreement of the lease, their lease was cancelled by the office of the Deputy Commissioner of Bandarban district in 1998. At that time, no one challenged the cancellation notice.

At present, the Khiyang villagers are passing in insecurity and at any moment Mr. Jahangir and his cadres may attack them. The local indigenous Khiyang community has submitted a memorandum to the Deputy Commissioner of Bandarban district for resolving the crisis. But no initiative has been taken to resolve the dispute.

Land grabbing by Bengali settler at Thanchi upozila in Bandarban
On 25 November 2011 in an on-site inquiry, it was found that, total 6,700 (six thousand seven hundred) acres of forest land of 291 no. Toinfa mouza

(Headman Reng Pung Mro), 290 no. Mangu mouza (Headman Langnet Mro) and 282 no. Sainpra Mouza (Headman Sathui Marma) of Alikadam upazila (sub-district) of Bandarban district have been grabbed by the 32 Bengali settlers. The mouzas are situated between 13-21 kilometers of the Alikadam upazila and Thanchi upazila connecting road where each Bengali settlers have occupied 25 acres of forest land. Among the land grabbers, two persons were identified as Junayet Hasain and Morshed Khan. The sums of occupied lands on basis of Mouzas are as follows:

Sl.	Mouza	Land (in acre)
I.	291 No. Toinofa	3200
II.	290 No. Mangu	800
III.	282 No. Sainpra	2700

According to a local dweller Mr. Lang Ring Karbari, while Bengali settlers came to grab the lands, they resisted the land grabbers with the support of local inhabitants. At that time local members of Bangladesh Awami League and Bangladesh Nationalist Party (BNP) along with Headman Rengpung Mro and Commander of Village Defense Party (VDP) Yonglok Mro threatened and terrorized the local indigenous peoples.

In this regard, in order to stop the land grabbing and to get remedy the local indigenous villagers appealed to Awami League leader and Member of Parliament Mr. Bir Bahadur and Bohmang Circle Chief Mr. Aung Shue Prue Chowdhury. But no necessary measures have been taken in this regard.

It is worth mentioning that indigenous Jumma peoples are on the verge of total eviction from their ancestral land where they have been living and cultivating traditional Jum (shifting cultivation) from generation to generation.

Naikhyangchari UNO tries to reinstate the leases, indigenous villagers at the face of eviction

Upazila Nirbahi Officer (UNO) of Naikhyangchari upazila (sub-district) Mr. Shaikh Saleh Ahmed is trying to reinstate 22 plots of land leases (25 acres of land in each plot) which were cancelled recently as per provision of CHT Accord signed in 1997.

It is mentionable that thousands acres of land were given lease to non-indigenous outsiders in 19980s and 1990s for rubber plantation and other commercial purposes. The Accord provides that the lease (allocation) of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled.

As per the provision of CHT Accord, 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 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.

As part of the cancellation process, above-mentioned 22 plots in Naikhyangchari were cancelled in Naikhyangchari upazila. But to the utter frustration of the CHT people, the district and upazila administration have been trying to reinstate most of the cancelled plots through corruption.

As part of this misdeed, on 22 December 2011 the UNO of Naikhyangchari upazila Mr. Shamim called on Mr. Chata Aung, the headman of 268 no. Reju Mouza and ordered him to evict the indigenous villagers who live on the lands (with traditional ownership) of those 22 plots and order to hand over the lands to the 'owners' for rubber plantation within seven days> If failed do so, he threatened the headman, by saying the headmanship will be snatched away and a lawsuit will be filed against him.

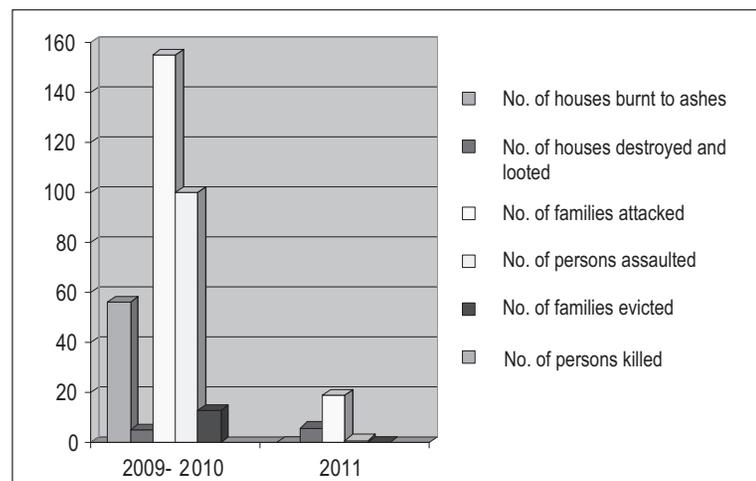
Mr. Chata Aung Chakma received a written notice from Mr. Shaikh Saleh Ahmed, UNO of Naikhyangchari with reference No. 00.00.0373.201.018.2011.836 and dated 27.10.2011. In the notice, Mr. Chata Aung was asked to submit an investigative report on the status of land settlement and a report in favour of leases.

Consequently, on 20 November 2011, the indigenous villagers who were at the edge of eviction, organized a protest demonstration at Naikhyangchari Sadar and submitted a memorandum to the Prime Minister, State Minister of Ministry of CHT Affairs, Chairman of Chittagong Hill Tracts Regional Council, Chairman of Bandarban Hill District Council and DC of Bandarban.

At present, the indigenous villagers of Reju Mouza in Naikhyangchari are living with the fear of eviction.

LAND-RELATED INCIDENTS IN THE PLAIN LAND

Figure 1: Land -related incidents and casualties of IPs in plain land



Buddhist temple and cemetery destroyed to occupy temple's land at Teknaf in Cox's Bazaar

A Buddhist temple of indigenous Rakhaine community was destroyed by Bengali Muslim land grabbers at Teknaf upazila in Cox's Bazaar district with the intention to occupy land. Rakhaine community urged the Prime Minister of Government of People's Republic of Bangladesh, but no action has been taken so far.

It is mentionable that Teknaf upazila (sub-district) of the Cox's Bazaar district is one of the best tourism spots in Bangladesh. Many historical and religious institutions of indigenous Rakhaine Buddhists in several places of Cox's Bazaar are regarded as the attractive sites for the public and foreign tourists. The indigenous Rakhaine people are proprietor and possessor of the ancient ethnic and cultural tradition of Bangladesh. The Rakhaine people enriched the tradition of Bangladesh through building

many Buddhist temple (Kyang), Jadi (tombstone) and monuments in the shape of their religious way of life.

The Kyang (Buddhist temple) of south Hnila of Teknaf upazila (sub-district) is one of those formations. It was built more than two hundred years ago. The temple is being located on 11.00 acres of land and is being regarded as a very holly place for the indigenous Rakhaine and Marma peoples. Few Bengali land grabbers have targeted this temple for clutch. Consequently, the former Member of Parliament (MP) Prof. Mohammad Ali and his son Rashed Mahmud Ali, along with their cadres, have started to grab the land of the temple by force. They have driven away the monk of the temple through physical attack and by threatening to death. They also destroyed the images of Lord Buddha and looted the valuables. They threatened to casualty to the local peaceful indigenous Rakhaine people when they had protested the perpetration. The land grabbers also have started to build houses on the land of graveyard of indigenous Rakhaine people alongside the temple, after grabbing the land by force.

The aforementioned dominant, authoritative land grabbers have already built houses in several places to affirm the illegal grabbing of lands of the Buddhist temple and burial ground of the indigenous Rakhaine people. They will swallow up the whole hundred years old historical Buddhist temple very soon, if no appropriate measure is undertaken. The lays of the Buddhist temple are living in warning and panic due to the continuous attack and fanatic activities of the land grabbers.

In this backdrop, the local peaceful and helpless Rakhaine people have appealed to the Prime Minister of Government of People's Republic of Bangladesh, in a memorandum dated on 17 February 2011, to take necessary measures to hand over the lands of Buddhist temple and burial ground to the temple management committee of Rakhaine community. They also demanded to take necessary measures to preserve the Buddhist temple and cemetery immediately.

Land grabbers attack a Monipuri family to grab their land in Sylhet

On 23 January 2011 a group of land grabbers numbering 70-80 persons led by Sylhet City Corporation ward councilor Mr. Azadur Rahaman attacked indigenous woman Ms. S. Rina and her family, residents of the Sheebganj Monipuri Para of Sylhet town, with an intention to clutch their

homestead. Five indigenous persons including a young daughter and son of Ms. S. Rina were critically injured in that attack. It is mentionable that the assailants later fled away after committing attack. However, local RAB (Rapid Action Battalion) and police forces played passive role at that time. The incident with the pictures of the attackers was published on several local and national news papers on the following day.

The representatives of the indigenous organizations said that on 24 January 2011 a case was filed against 70 persons (Case no. 98), mentioning the names of the 8 persons with Sylhet Kotowali police station. But the attackers have not been arrested due to their influence of power. On the other hand, the indigenous family is currently passing their days in insecurity. A panic is prevailing among the entire Monipuri indigenous community after the assault.

On 26 January 2011 the representatives of the indigenous peoples' organizations including Bangladesh Monipuri Mahila Samity, Bangladesh Monipuri Shahitya Samsad, Integrated Monipuri Association, Ethnic Community Development Organization (ECDO), Bangladesh Monipuri Jubo Samiti, Bangladesh Monipuri Chatra Samiti, Patra Samprodai Kalyan Parishad, Tribal Welfare Association and other representatives of civil society of the Sylhet district submitted a memorandum to Prime Minister of People's Republic of Bangladesh, demanding to take necessary legal action and ensure security of Monipuri indigenous woman Ms. S. Rina Debi and her family. They appealed to the Prime Minister to solve the problem and to bring solace in Monipuri community of Sylhet district.

Attempt to evict and land grabbing of Indigenous People in Naogaon district

On 24 July 2011 an attempt to evict the indigenous peoples of Khatirpur-Shonadanga village of Chaor union of Porsha upozila (sub district) under Naogaon district was allegedly being carried out.

The effort to evict the indigenous peoples from their village and to occupy 3 Bigha land was started through physical assault immediately after Manjurul Hasan, s/o Nur Hosain master of the Chaor village, won the Union Parishad election as chairman

On 24 July 2011 it was observed in the Khatirpur-Shonadanga village that, some males were guarding with bow and arrow and females were implanting the paddy plants.

When asked the reason of guarding with bow and arrow local indigenous leader of that village Ms. Kastantina Murmu said that the miscreants of Nurul Hossain master may attack on them. Fearing attack, they were cultivating by guarding themselves with bow and arrow. She further informed that few days ago a group of miscreants of Nurul Hossain master came there for planting. They drove away the miscreants. The owners of this land were indigenous people. They said that they might sacrifice their life, but they would not leave their own land.

An indigenous leader of the village Mr. Naren Murmu said after Monjurul Hasan won election, he started threatening several indigenous persons including Dhuma Murmu and Som Murmu to leave the village. Otherwise, they will be killed at hour of darkness.

According to Noren Murmu, Nur Hosain master has been forcefully consuming lands with fake documents in his name and in the name of his wife and son Manjurul Hasan without any permission (approval of Deputy Commissioner (DC) is required to buy land from indigenous peoples by non-indigenous persons) of DC. A few years ago an individual submitted application to the Additional Deputy Commissioner (revenue) against illegal land grabbing of Nur Hossain master. In this context after an investigation, Additional Deputy Commissioner of Naogaon district canceled the taxation and land ownership of Nur Hossain master and his wife and son.

Officer-in-Charge (OC) of Porsha police station A B M Rejaul Islam said that they have received allegation about physical assault of Noren Murmu by Manjurul Hasan (Daily Prothom Alo, 26 July 2011).

Adivasi village attacked by land grabbers in Noagaon district

On 30 August 2011 the land grabbers attacked an adivasi village named Jagatnagar area of Dhamrair Hut in Naogaon district. The injured women were admitted to Rajshahi Medical College Hospital with severe injuries.

On that day, a group of Bengali land grabbers numbering 12-14 led by Belal Munsu from same area made attack on indigenous villagers with the intention to grab the lands belonging to indigenous peoples. During the attack, there was no indigenous male in the village. Therefore, the indigenous women tried to oppose the land grabbers. Getting them alone, Belal Munsu and his gang beat the women indiscriminately with sharp

weapons. Consequently, 6 indigenous women were severely injured. The victims were admitted at Rajshahi Medical College Hospital. A case was filed with Dhamrairhut police station against Belal Hossain Munsu and his gang. So far, Belal Hossain Munsu and Faruk Hossain were arrested by the RAB and handed over to the Dhamrairhut police station.

Vulnerable situation of Khasi villages in Shreemangal

The vulnerable situation of Khasi villages in Jafflong, Aslom & Kailin Punjee at Shreemangal and Jhimai Punjee at Kulaura were addressed. Due to unplanned stone extraction in Jafflong, the area had gone under huge natural disaster and the Khasi villages were under threat of eviction.



But in Shreemangal and Kulaura, greens in the khasi hills that were kept by them as their means of livelihood by cultivating betel-leaf had gone under destruction allegedly with clear assistance from the corrupted officials of forest department, some timber traders and adjacent tea gardens authorities. Nahar Tea Garden in Shreemangal didn't stop their evil mission of chopping down and destroying thousands of trees (reportedly around nine thousands) from the Khasi villages. Recently they pushed the Khasis further inside and cut about 3000 trees and threatened to evict them very soon from their villages.

Recently in Jhimai, officials of forest department along with the employees of Jhimai Tea garden attempted to mark trees for felling inside the Khasi village by force.

Bangabandhu Safari Park:

The uncertain life of the indigenous and Bengali villagers of Bheramtoly village

Bheramtoly is the one of the ten villages of Boro Rathura mouza of Maona union of Sreepur upazil in Gazipur district, which is supposed to be included in the border of a Safari park. The indigenous and Bengali villagers have been living in these villages for long time. Recently, it is learnt that, this village will be included to the Bongobondhu Safari Park and the government will encroach the lands and houses of the villagers through a tiniest amount of compensation. It is being doubted that, they will not provide any amount of reparation for those, who do not have the update documents of the land ownership. In this backdrop, the fear and apprehension are growing among the villagers.

It is also learnt that, on 2 March 2011 a war of words were exchanged between the villagers and the government officials. At one stage, the officials were blockaded by the villagers when they had come to fix the border of the Safari park without any notice to the villagers. Later police came to rescue the officials and administration filed a case against the villagers. The patrol of police, RAB and intelligence branch were being amplified after the confrontation and the male villagers of the village were leaving the village due to the panic of the police.

Currently the villagers are passing the days in fear, anxiety and ambiguity. They are not being informed officially that, whether the boundary of the safari park either surrounds the whole village, or the boundary have been fixed far from their habitats. The villagers worry that their habitations will fall into the boundary of the park. Although, the government officials ensured that their houses would not be encroached for the park, but they could not trust the matter as the authority denied to provide any document to them. According to the villagers, the construction of a park can never play any significant role to bring development to the area; rather it will bring several tribulations in the society. In addition, the government usually doesn't provide reasonable price of the lands. They are compelled to offer

bribe to the government officials to receive the cash as the compensations of lands. More over, they will never leave their ancestral habitations, where there is a remembrance of a long inhabitation of them.

Meanwhile, the villagers have discussed about the park and have organized themselves and protested the occurrence. In order to get more idea about the issue and to put some demands, on 30 March 2011 a delegation team of the villagers comprising both indigenous and Bengali villagers met with present Member of Parliament (MP) of the area Adv. Rahamat Ali. They put few demands to the MP, that are as follows: (1) To fix the border of the park openly in public (One kilometer away to the east of their village), (2) Not to evict any family from their ancestral habitation, (3) Appointment of one member of the affected families in the park, (4) To fix reasonable price of the lands and to stop the harassment during receiving the cash as compensation.

Although, the Parliament member Ad. Rahamat Ali assured them to fulfill the aforesaid demands, but the villagers are still not convinced regarding their demands.

An adivasi villager and two land grabbers killed in a clash related to land grabbing in Dinajpur

On 27 November 2011 an adivasi (indigenous) villager namely Palu Soren (55) s/o Josef Soren and two Bengali land grabbers namely Sahidul Islam and Abdur Rahman were killed in a clash at Kalitola village of Rongaon union under Bochaganj upazila in Dinajpur district. The incident took place while the land grabbers were forcefully engraving paddy from indigenous people's farmland.

It is learnt that on 27 November at around 11 am the Bengali land grabbers started forcefully to cut down ripen paddy from a farmland which belongs to indigenous people. At that time while indigenous villagers resisted them, the land grabbers attacked them. During the attack the land grabbers slashed Mr. Palu Soren of Kalitola Village. After Mr. Palu Soren was killed, in order to protect their lives and properties, the indigenous villagers started to throw arrows on the land grabbers. Consequently, Sahidul Islam one of land grabbers was killed in the spot and Abdur Rahman, another land grabber died on the way to hospital.

After the incident, fear prevails at the area. It is also learnt that most of indigenous villagers of Sada Mahal, Ronogaon, Chandipur and Kalitola went to hideout fearing further attack. The indigenous people are living in panic.

Police went to the spot and found the death bodies and deployed additional police force at the spot after receiving the information. Superintendent of Police (SP) of Dinajpur district also visited the place.

Supol Soren (28), son of deceased, filed a case (no. 9/2011) in connection with the killing of Palu Soren on 27 November 2011 with Bochaganj police station against 24 Bengali land grabbers including Abdul Mannan, Belal, Anisur Rahman, Aatur Rahman and Taslim of South Sada Mahal village and Md. Mobarak, Hashem, Hossain, Mahsin and Abdur Rahman of Dhananjarpur village under Bochaganj upazila. However, no one was arrested by police.

On the other, a land grabber named Md. Mobarak s/o Sharif Uddin from Dhananjoypur lodged a case (no. 10/2011) on 27 November 2011 with Bochaganj police station against 27 persons including Abdus Sattar of Dhananjoypur village, Md. Riyazul of Rongaon village, Rafayel Hembram, Liton Hembram, Motail Murmu and Sanjila Kisku of Sada Mahal village and Montu Soren and Daniel Soren of Rongaon village. The first two belong to mainstream Bengali population (Mr. Abdus Sattar and Md. Riyazul). Police arrested them on 29 November 2011. They went to the spot to help indigenous villagers.

Indigenous people accused that local police is now taking side with the land grabbers. Indigenous villagers sought help to the administration to protect their lives and properties. Indigenous villagers claimed that two indigenous villagers were killed by land grabbers 25 years ago in the same place.

Regarding the incident Mr. Kamala Kanta Soren, Organizing Secretary of Jatiya Adivasi Parishad, Dinajpur district branch said that the incident took place due to forceful land grabbing from indigenous villagers. It is mentionable that the land grabbers have been trying to occupy 0.90 acres of land owned by Motaish Murmu (50) forcefully through fake documents. And a case is also running in the court.

18 Adivasi families attacked by land grabbers in Naogaon district

On 17 November 2011 at around 8.30 pm a group of land grabbers belonging to mainstream Bengali community attacked an adivasi (indigenous) village named Kabulpur of Bharso union under Manda upazila in Naogaon district. 6 houses out of 18 adivasi families were destroyed and looted by the miscreants in this attack.

It is learnt that 18 adivasi families have been living on the mount of a pond of this village (2 acres of land) for decades long. Beighbouring them, some Bengali families are also living at this bank of the pond. However, for long time, Bengali neighbours have been trying to uproot adivasi families from this village accusing them for drinking of Hari (traditionally made rice wine) and for practicing some of their traditional rituals. Local leader of Jatiya Adivasi Parishad Mr. Chuni Lal Pahan said that this accusation is nothing but to make lame excuse to attack them and to uproot the adivasis from their ancestral land.

In this attack, Santesh Mardi (25) and his wife Rupa Hasda were brutally tortured and wounded. This attack was made while Rupa Hasda was giving birth a child. However, even she could not escape the attack. Santesh Mardi went to Manda police station on 17 November 2011 to file case against 7 miscreants in connection with attack and torture. However, police did not accept the case and even did not give any receipt copy of submission to Santesh Mardi.

Land belonging to Tripura farmer tried to grab by the land grabbers in Moulavibazar

A member of Tripura indigenous community named Mr. Janak Debbarma has been cultivating a piece of land along with his mother and two other brothers at Doluchara under Sreemangal upazila in Moulavibazar district. They have been also paying the tariff regularly every year for that land.

They were preparing their land for fruit gardening. Meanwhile, Mohammad Safed Miya, a dweller of the Syamali residential area of Sreemangal town came to them along with few other mates to encumber them from working on the land and ordered them to stop the gardening. Due to avoidance of the indigenous farmer and his family, he filed false cases against the

indigenous family. Meantime, police went to their land and ordered the laborers to stop working on that field.

According to Mr. Debborma, they have all legal documents of the land ownership. They are legally entitled to that land but they are being prevented from gardening on their own land. They did not get relieve from harassments and threatening even after they had submitted all legal documents of the land possession to the investigation officer of the Sreemangal police station.

In this backdrop, on 20 November 2011 an indigenous farmer Mr. Janak Debborma of Doluchara of Sreemangal subdistrict of Moulovi bazar district submitted a memorandum appealing to the Deputy Commissioner (DC) of Moulovi bazar district to protect him from obstruction of cultivation, harassment and eviction from his land by land grabbers.

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Influentials slashed down the paddies of indigenous peoples in Noagaon

The half ripened high breed paddies of two (2) Bigha sacred lands of the indigenous peoples of Babupur village of Tilna union under Shapahar upazila in Noagaon district recorded in the name of Manasha goddess were forcefully slashed down and scattered in the field by a influential Bengali land grabbers.

It is learnt that indigenous villagers Mangal Tirki and Logen Roy of the Babupur village implanted high breed paddy plants on disputed 2 bigha sacred land which is recorded in the name of Monosha Goddess. On the day of the incident, at night time all the half ripened paddies were slashed down by the gang of hired minscreants appointed by local Haji Abdul Gofur Master.

According to the indigenous peoples of Babupur village, due to the 6 false cases, filed by the land grabbers they are suffering day after day. Indigenous peoples claimed that the disputed property was recorded in the name of Monosha goddess of indigenous peoples. But the land grabbers have consumed the land for many years by taking advantages of simplicity of indigenous peoples.

Perpetrators loot cleaved paddies of indigenous farmer in Rajshahi

On 12 November 2011 the cleaved paddies of 1.5 bigha land belonging to Mr. Moti Soren, an indigenous poor farmer, was looted by miscreants. The incident took place at Tanore upazila (sub-district) in Rajshahi district.

Mr. Moti Soren alleged that on 9 November 2011 he left the cleaved paddies on the paddy field to dry them up. On 12 November 2011 in the morning Md. Rafique s/o Jonab Ali, Mohammad Ali and Ahmed Ali s/o late Abdul Kuddus seized away all the paddies from the field by their terrorist gang. Mr. Soren said that the perpetrators held back and threatened him to death when he tried to resist them.

Mr. Soren informed that Md. Rafique is an incriminating person who was released from the jail. He started his terrorist activities again after his release from the prison. He said that this land is his recorded property. In accordance with this incident, a case was filed with Godagari model police station against 12 unknown persons including Rafique s/o Jonad Ali, Usup Ali, Mohammad Ali of Kadma village, Abu Taher s/o late Akari of Mandoil village, Jahangir Hossain, Afsar Ali of Shimla Village, Shahidul s/o late Javed Ali of Kakonpara. But police did not take any step any step against perpetrators.

MEDIA REPORTS

TRUE & IMPARTIAL
daily sun

The Sun, 28 November 2011
Spree of Chopping Trees

Khasi families fear eviction

Noman Chowdhury, back from Srimangal

Some 68 ethnic Khasi families of two villages under Srimangal upazila in Moulvibazar are facing eviction from their homesteads as a local tea garden is going to be extended.

Panic has gripped the racial group as the authorities of Nahar tea garden are planning to fell 1,100 trees that will further affect betel leaf cultivation, the only earning source of Khasi people.

The two villagers of Aslom Punjee (Nahar-1) and Kailin Punjee (Nahar-2) fear forceful eviction from their homesteads where they have been living for more than 30 years.

Local settlers alleged that as part of eviction, the authorities are trying to chop down trees at their punjees (villages) which will harm the traditional cultivation.

When contacted, the tea estate authorities said they are planning to cut down 1,100 mature trees for which they have obtained permission from the government.

The authorities cut down close to 4,600 trees from the two villages during the period between 2008 and 2010, although they were permitted to fell 4,000 trees, Khasi people claimed.

Moreover, they cut down immature trees and also broke about 3,700 trees, upsetting the environment, betel leaf cultivation and spreading disease in the climbing plants.

Fairly Surong, headman of Kailin Punjee, alleged that "They (the

same authorities) are out again to fell more trees and evict us from our ancestral land where we have been living for 30 years."

Demanding that the government give the ethnic group a permanent lease of their settlements, he reiterated that they would never depart from their land.

"Now, the garden authorities are spreading a rumour that they will fell 1,100 more trees from our villages, although they had cut down 4,600 trees earlier. They are threatening us to evacuate the land," said elderly Mojnu, an inhabitant of Aslom Punjee, adding that they are going through a bad patch.

Denying the allegation of felling immature and unmarked trees, Pijush Kanti Bhattacharya, manager of the tea garden, said they had cut down only 2,900 matured trees out of 4,000 ones.

"We will cut down the remaining 1,100 trees as we are going to extend our garden to extend our plantation," he told daily sun.

He said the Nahar authorities so far planted tea only on 350 acres of land, but it took out a lease of 864.85 acres of khas land from the government.

"So, we will gradually plant tea on the total leased land for which we pay taxes," Pijush said.

FE The Financial Express

The Financial Express, 4 June 2011

Chinese oil co may go for HC exploration in CHT

M Azizur Rahman

The government has decided to start negotiation with Chinese oil and gas firm Sinopec Shengli Oilfield Services to begin hydrocarbon (HC) exploration in the country's hilly region falling under the onshore block-22, a top official said Friday.

The Chinese firm is the lone international entity that submitted proposal to develop four onshore gas structures in the Chittagong Hill Tracts (CHT) under joint venture with the state-owned Bapex.

The Bapex (Bangladesh Petroleum Exploration and Production Company) had invited a selected pool of state-owned foreign firms in January this year to develop jointly the gas structures in CHT region, bypassing competitive bidding.

“We will invite the top officials of the Chinese firm shortly to discuss the proposed hydrocarbon exploration in CHT area,” Bapex managing director Mortuza Ahmad Faruque told the FE.

Once the discussion becomes fruitful, Sinopec will be awarded contract as the first Chinese firm to initiate gas exploration in the country, he said.

Officials said the Chinese entry into the country’s oil and gas exploration might open up a new horizon for the country’s ailing energy sector.

The country’s energy sector has had to experience a severe blow recently when the US firm Chevron declared a ‘prospective’ onshore structure at Char Kajol in block-7 ‘almost dry.’

Sinopec has earlier submitted a proposal in April this year to explore four onshore gas structures in CHT, which is generally identified as critical for drilling by the Bapex.

In its proposal the spots Sinopec has shown interest in are Kotia, Joldi, Kafalong and Shitapara, all of which are located in the restive CHT region, where a festering insurgency has left 2,500 people killed since the 1980s.

Russia’s Gazprom, Thailand’s PTTEP, Malaysia’s Petronas, India’s ONGC, China’s CNPC, Sinopec Shengli Oilfield Services and CNOOC were among the firms that Bapex had sought proposals from, by April 28, 2011.

Russian Gazprom is, however, is in talks separately with the government high-ups to get itself involved in Bangladesh’s energy sector.

Gazprom has already agreed to initiate its Bangladesh operation with the drilling of five gas wells from October next.

It has also shown interest to install two compression stations in Bangladesh gas transmission network.

Several foreign firms have also shown interest to explore gas fields in other areas of the country, said the Bapex official.

The four gas fields put on offer by Bapex for exploration in block-22 in the CHT region covers around 13,900 square kilometres area.

The onshore block was originally awarded to US-based firm United Meridian Corporation (UMC) in February 1997 after the country’s first round of international bidding for oil and gas exploration.

Following it the Houston-based Ocean Energy won the rights to explore gas in block-22, after taking over from UMC.

But the government took over the block from Ocean Energy in 2006 following its failure to conduct committed drilling programmes within seven years of its contract.

Against this backdrop, the government has planned to initiate gas exploration jointly with the Chinese firm to augment the country’s overall gas supply.

The planned tie-up with Sinopec will strengthen working capacity of Bapex, which now produces only 58 million cubic feet per day (mmcf) of gas, less than three per cent of the overall national gas output.



New Age, 4 July 2011

**Khagrachari demands gas from Semutang on priority
Our Correspondent, Khagrachari**

People from all walks of life staged a demonstration at Khagrachari

on Sunday demanding gas from the Semutang field before it feeds the national grid.

They said that Khagrachari should get gas from the Semutang field on priority.

They also called for scrapping the production sharing contract the government recently signed with Conoco Philips for offshore gas blocks.

They protesters called for strengthening Bangladesh Petroleum Exploration Company so that the state owned enterprise could explore new domestic reserves to produce oil and gas.

Bikashita Nari Network vice-president Basanti Chakma, woman leader Namita Chakma, district bar association president Taib Ali, Khagrachari upazila chairman Shan-e-Alam, Nasiruddin Ahmed and JSD leader Zahidur Alam, lent support to programmes of the oil, gas committee at Khagrachari as well as in the capital.

United People Democratic Front president Prasit Bikash Khisha and general secretary Rabi Shankar Chakma in a statement said that Chittagong Hill Tracts must get gas from Semutang before it feeds the national grid.

They said that though ruined by Kaptai Hydel Project, CHT got no power generated by it.

They said that the hill people were being evicted from their homes again for the production gas from Semutang.

They said that they would go for tougher programmes to realise the hill people's share in Semutang gas.

The Daily Star

The Daily Star, Tuesday, August 23, 2011

Samutang field to feed Ctg from Sept

The gas to be produced from Samutang field will be supplied to Chittagong division from next month, Energy Adviser to the Prime

Minister Towfiq-e-Elahi Chowdhury said yesterday.

Samutang is capable of supplying 20 million cubic feet gas per day (mmcf) to the national grid, Towfiq said as he was visiting the gas field in Manikchhari of Khagrachhari.

He said the gas will be used for power generation and fertiliser production.

There is a daily demand of 385-395mmcf gas in the areas of Chittagong division where gas connections are available. But Karnaphuli Gas Distribution Company Ltd (KGDCL) is able to supply around 225mmcf gas, with a shortfall of at least 160mmcf.

The energy adviser said Samutang Gas Field would go for production from mid-September, and the KGDCL has almost finished setting up pipelines from the gas field to Chittagong.

He also said it will be possible to supply 100mmcf gas to the national grid within December from different gas fields and 200mmcf gas by the end of 2012.

The director of Samutang Gas Field Development Project said the field has a deposit of about 150,000mmcf gas and is able to continue to supply the gas at least for 20 years.

The country presently consumes around 2,000mmcf gas, with a daily short supply of at least 500mmcf. This shortfall is equivalent to one third of the country's electricity.

Brig Gen (retd) Muhammad Enamul Huq, state minister for the ministry of power, energy, and mineral resources; Sohel Rahman, secretary to the ministry; and Dr Hossain Monsur, chairman of state-run Petrobangla; accompanied Towfiq during his visit to Samutang field.

Earlier yesterday, the team visited the newly discovered gas field at Sundalpur of Noakhali before arriving at Samutang.

Gas at Samutang field was first discovered in 1967. The then Pakistan government did not extract gas from the field, as there was "no demand" that time.

In July 2008, the last caretaker government passed the Samutang Gas Field Development Project to begin production from it.



Volume 10 | Issue 20 | May 27, 2011

Park and People at Loggerheads

ZANNATUL FERDOUS

Nearly 7,000 families of eight villages at the Sreepur upazila in Gazipur district are in constant fear of forced eviction because of the establishment of 'Bangabandhu Sheikh Mujib Safari Park.' The Forest Department wants to make this park in the vast area in Shalbon, which is home to ethnic Barman community and the Bengali people.

Environment

Nearly 7,000 families of eight villages at the Sreepur Upazilla are in constant fear of forced eviction because of the establishment of 'Bangabandhu Sheikh Mujib Safari Park.' The Forest Department wants to make this park in the vast area in Shalbon, which is home to ethnic Barman community and the Bengali people.

Members belonging to both the communities have told the Star that the Forest Department is constantly serving them notices for evacuation without any consultation with them. To make it even worse, they allege that 'false cases' have also been trumped up on charges of 'harassment'.

"We also want a Safari Park for the protection of the forest, the nature and the wild life. But we want assurance from the government of our cultivation in our own land," they add.

On the other hand, the Forest Department has said that they want to make the Safari Park not only for protection of the Shalbon, but also it is necessary to keep away the powerful forest grabbers of Gazipur.

The officials have told the Star that the Safari Park is being constructed taking the consent of the majority of the people of the area. The total project area is 3090 acres, and only 600 acres need to be acquired. Meantime 200 acres of land has been acquired already.

"We ensure that the rest of the land will be acquired at a price of taka 25 lakh per acre and the consent of the local inhabitants will be taken. Also the aggrieved will be consulted and none will be evicted by force', an official says.

In this point Adivasi and Bengalis of the eight villages—Bheramtoli, Piruzali, Indrapur, Dheltoli, Kabarchhata, Dakshin Baro Topa, Chhitpara and Chetjhuri, are face to face with the Forest Department.

Karno Mohan Barman, a villager, says, "We along with 5000 Bengalis are living in peace since ages. We possess forest lands for cultivation and homestead by inheritance. But we don't know anything about the Safari Park project. All on a sudden, notices have been served on us by the Land Acquisition Officer of Gazipur about acquisition of our land. So we are in a constant fear of eviction."

Govinda Barman, a Barman leader has complained that the Forest Department is trying to acquire their lands without consulting the local people.

He says, "We could not gather any information in spite of our efforts from the Forest Department. Also we know nothing about our rehabilitation and compensation once our land is acquired. We have the right to know about these in details."

Narayan Barman says that after serving notices the officers of the Forest Department came last March for survey and there were altercations and scuffles with the locals. As a result, two cases have been lodged against nine Bengalis and many unknown Barmans on the charge of hindering government work. Now in addition to the fear of eviction they are also afraid of arrest.

“We also want the Safari Park for the protection of the forest, but it should not be at the expense of our livelihood. Otherwise, thousands of people will be utterly ruined upon eviction,” he added.

Another person of the locality, Nayeb Ali says, “If we have to leave the cultivable lands and homesteads of our forefathers, where will we go and what will we eat?”

He says that if no proper rehabilitation is made all the Bengalis and Barmans of the area will have to turn to begging.

Abdur Rahim, another villager, says, “We have seen in the past that, once the acquisition is done, it takes many years to get comprehension from the government.”

Tapan Kumar Dey, Conservator (Nature and Wild Animals) of the Forest Department says, “The Bangabandhu Safari Park is a necessity for protecting the Ghazipur Shalbon. Many influential people are setting up garment factories, resorts, private picnic spots, shooting spots and pleasure homes all over the shalbon of the Bhawal Garh taking the permission of the court. If the Safari Park is created, the forest will be protected along with it the wild animals of the area will also be saved. Moreover echo-tourism will be developed around this park. The project has been approved by the ECNEC and it has also the court’s approval.”

Thousands of people are in constant fear of forced eviction because of the Bangabandhu Sheikh Mujib Safari Park.

The Safari Park project cost is going to 70 crore taka, animals of local and foreign variety will be preserved in the park. The park is going to be home to elephants, rhinoceros, hippopotamuses, crocodiles, gavials, tigers, leopards, lions, bears, sambar and chitra deer, buffalos, gayal, monkeys of various species, apes, sloth, wild cat and migratory birds. Apart from creating habitats for birds of rare species, a vast watery resort will be built for the migratory birds.

It is also said that, these wild animals will be fed regularly by a team of experienced persons. On one side of the park a hospital covering 200 square meters will be created for the treatment of sick wild animals. In this medical centre the sick and wounded animals will

be given treatment, and will be freed in the park upon recovery. The visitors with forest guards will move around the 13 kilometres road inside the park in two mini-bus, a few jeeps and pickup-vans. A group of guides will also be trained to explain the visitors about the environment and the animals. Gazipur Safari Park will be the second such park after Bangabandhu Sheikh Mujib Safari Park (First) in the Dulahazra, Cox’s Bazar.

daily sun
TRUE & IMPARTIAL

Daily Sun, 30 October 2011

Forest case: Modhupur scenario

Partha Shankar Saha

Maloti Nokrek (56), a Garo woman of Modhupur forest, is accused of two forest cases. A teacher of Kejai Primary School in Pirgachha of Modhupur, Maloti lives in the forest area of Beduria. The Forest Department (FD) filed cases against Maloti on 26 and 27 February 2004 (case nos. 35 and 33). In both cases, the Forest Department accused Maloti of “Illegal entrance into the reserved forest, encroaching upon the forest land, tree cutting, digging out roots and clearing forestland.”

Though locations of the two occurrences were different, their descriptions contained in the case documents were typically same: the FD officials, during patrol in the forest, suddenly saw these tree-plunders, and they were described as ‘notorious’ and ‘encroachers by nature’ who were carrying sharp weapons. When the FD officials tried to restrain them from illegal felling, the miscreants attacked the foresters. Finding no other alternative, the FD officials contacted other forest guards by walkie-talkies. Seeing many guards the miscreants fled.

The FD calculated the loss from chopping of trees in two incidences, as stated in the case documents, at Tk.303,380 (US\$4000 approximately). The ceased items the FD officials listed were similar in both cases—a rickshaw van, a spade, a chopper, and several sal trees.

Maloti is a teacher at a missionary primary school. It remains open on Friday (a weekend day for the rest of the country). The second of the alleged occurrences took place on 27 February (2004), on Friday. School attendance register testifies Maloti's claim that she was at her school on the day. Father Eugene E. Homrick, parish priest of Pirgachha Catholic Parish, also testified Maloti was at school when the alleged incidence took place.

Aside from these two cases, Maloti Nokrek has never been accused in any cases in her lifetime. "During my long teaching career, no one has brought any accusation against me. And this is my misfortune. I am a child of this forest; still I am accused of plundering it!" Maloti lamented.

Over the last five years, Maloti spent at least Tk.30,000 (US\$ 450) for her legal defence. "I had a large teak garden, which was sold to bear the expenses of my case. I also had to sell my cattle and pigs," she said.

In both the cases another accused along with Maloti was Nere Dalbat, also a teacher (former) of Jalchhatra Missionary High School (in Modhupur). However, Nere Dalbot had eight cases filed against him in 2004—six filed by the FD, and two by a contractor hired to build houses for Modhupur Eco-park project.

The FD started construction in the forest area under a project, 'Modhupur National Park Project' (popularly known as the 'eco-park project') by the end of 2003. The Mandis of the forest villages resisted the project, alleging that by building these constructions the FD intended to make the forest a tourism spot, which would hamper their social security. The Mandis started a movement against the FD initiative. On 3 January 2004, police and the forest guards fired upon a rally organised by the Mandis. Piren Snal, a Mandi youth, was killed on the spot and several others were injured. In the face of massive protest the FD postponed the project.

"After the incident, the FD filed cases against me and other Mandis one after another, to suppress the movement," alleged Nere Dalbat, who was involved with the anti-eco park movement

So far (2010), the court acquitted Dalbot from four cases.

Dalbot appeared 55 times before Tangail District Court for just one of his cases (no. 26). When Nere went to court to request bail in a case (no. 465), police arrested him. He secured a bail the same day but was arrested in another case (no. 33) right in front of the jail. He served 55 days in jail.

Not only the forest villagers such as Maloti and Nere, even the disabled and non-residents are also accused in forest cases. Parimal Chiran (41) from Gaira Village of Modhupur has been living in Dhaka for over 16 years now. He works for a school in Mohammadpur. The FD, in a case, alleged that on 24 May (2004) Parimal and 30-40 others cut trees and loaded them onto a rickshaw van.

On the Day of alleged incident, Parimal was in Dhaka. Parimal, a victim of typhoid, has his right leg paralysed. "I cannot walk properly. Just think, even if I had been there at that time, would it have been possible for me to flee the area by running?" asked Parimal.

When inquired about the cases against Maloti and Nere, Kamrul Mojahid, deputy ranger of Rasulpur Forest Range and chief investigator of these cases, asserted that FD was right. "Those against whom the cases were filed were the real culprits," Mojahid said.

When asked how the FD could file cases against Maloti when she was at her school, Mojahid replied, "The court will give answer."

The Divisional Forest Officer (DFO) of Tangail Mohammad Shah-E-Alam concurred with Mojahid: "The FD doesn't file any false case."

In response to the cases mentioned above the DFO said, "It is unfortunate and illegal if false cases were filed. But if the accused are proved innocent by the court, we will take actions against the FD officials who filed the cases, just as we did in the past."

The DFO added, "My experience dictates that it is not possible for outsiders to plunder forest resources without the cooperation of Mandis." Mr. Alam was referring to his experience as Assistant Conservator of Forest (ACF) in Modhupur in 1995.

The Mandi leaders in Modhupur don't claim that all the Mandis are innocent. "The forest plunderers should be punished, whoever they are, Mandis or Bangalis. The only identity of a forest plunderer is that of a 'miscreant'. But we oppose false cases. These cases (against Maloti and others) have been brought against people who stand up for their rights. We protest such an illegal process," said Eugene Nokrek, a Mandi leader of Modhupur.

The Modhupur Forest totals 63,000 acres, with 46,000 acres in Tangail District and 17,000 in Mymensingh District. The number of forest cases filed in the Tangail forest court is 4,729 (as of 30 September 2010), according to court sources. From 1 November 2007 to 28 February 2009, only 23 cases were solved. Of these, 19 cases were dismissed and only four were found punishable by law. Of these 23 cases, only 4 were from the Modhupur area and no Mandis were accused in those cases.

The writer is a senior researcher of Society for Environment and Human Development (SEHD).

IV. GROSS HUMAN RIGHTS ISSUES



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Bangladesh has ratified several international human rights treaties, including the International Labour Organization (ILO) Convention on Indigenous and Tribal Populations of 1957 (Convention No. 107), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

There is a common phenomenon of racially and politically motivated violence and intimidation of the indigenous peoples in Bangladesh, particularly in the CHT. The failure of proper investigation of human rights violations committed by Bengali settlers with the support of the security forces in CHT and by influential land grabbers and local administrations, remained a matter of serious concern. The perpetrators irrespective of general public and law enforcers acted with impunity.

Perpetrators are not being captured, prosecuted and punished properly. The law enforcement authorities of the Government of Bangladesh are neither providing adequate protection to the indigenous peoples nor co-operating in filing cases against perpetrators of crimes against them. Rather they are helping the criminals commit egregious acts of barbaric dimensions with impunity in many instances. There are some instances where perpetrator confessed his crimes, but he/she was released later. In cases where verdicts punishing criminals have been announced, the life and safety of the survivors and the lawyers involved in the prosecution are being threatened. The rule of law is not being implemented.

Discrimination and violence against indigenous peoples including women and children has continued to be a serious issue. Violence against

indigenous peoples still occurs, although many government officials stated that these acts often had political or economic motivations and could not be attributed only to religious beliefs or ethnic affiliation.

In 2011, 6 indigenous people, 3 each from CHT and plain lands were killed while 13 persons were arrested or detained. In addition, 30 indigenous persons, 29 victims are from CHT out of them, were tortured, harassed and threatened. At least 8 massive communal attacks were made upon Indigenous Peoples across the country. Of them, 4 attacks were made in the CHT. All the communal attacks in the CHT were committed by Bengali settlers and in these attacks security forces played either a passive role or collaborative role. At least 3 indigenous persons were killed in these communal attacks while 70 were injured. Besides, 137 houses of Indigenous Peoples were completely burnt to ashes while 47 houses were looted or ransacked.

Religious persecution on Indigenous Peoples also continued, particularly in the CHT. This includes destruction of Buddhist temple with the aim to occupy temple's land, harassment of Buddhist monks, destruction of Buddha statues, prevention to construction and repairing of temple etc.

Gross 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	29	1	30
Total	44	6	50

Massive communal attacks and casualties of Indigenous Peoples in 2011

Attack	Date	Killing	Injury	House burnt	House looted & ransacked
i. Godagari (Rajshahi)		-	-	5	32
ii. Longadu		.*	2	21	6
iii. Ramgarh & Manikchari		2**	20	111	-
iv. Dhamrairhat (Noagaon)		-	6	-	-

Attack	Date	Killing	Injury	House burnt	House looted & ransacked
v. Matiranga		-	-	-	3
vi. Baghaichari & Dighinala		1***	11	-	-
vii. Gazipur district		-	13	-	-
viii. Naogaon district		-	18	-	6
Total		3	70	137	47

Besides, [*] 1 settler died, [**] 4 settlers were killed and [***] 1 settler was killed.

Figure 2: Gross human rights violation 2009-2011 (persons)

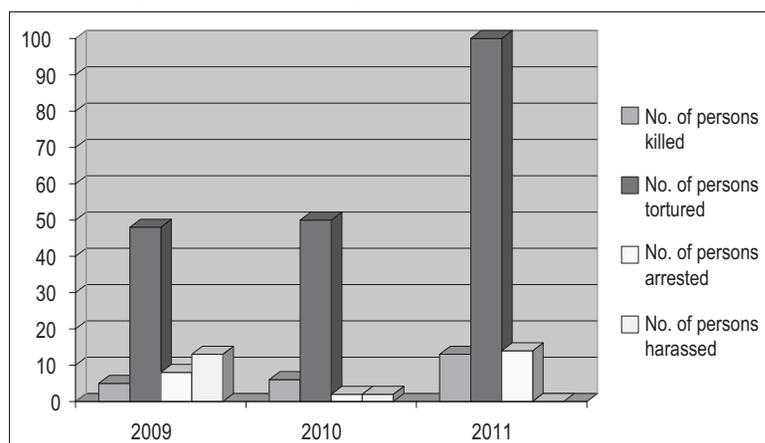
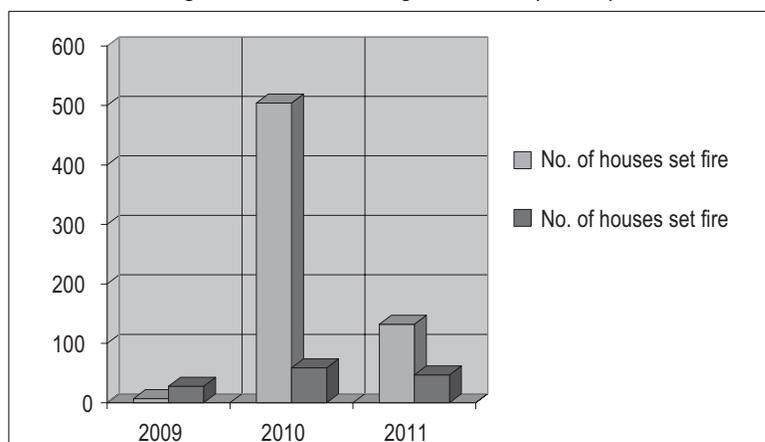


Figure 3: Gross human rights violation (houses)



ARBITRARY ARREST AND DETENTION

Village chief arrested in Rangamati

On 20 February 2011 a Karbari or village chief has been arrested by security forces from a Buddhist temple in Chouddo Mile of Rangamati-Mahalchari road under Rangamati district where he was attending a religious event marking Maghi Purnima or full moon day in Kudukchari in Rangamati district. He was indentified as Mr. Ram Karbari (42) s/o Nil Barno Chakma.

However, Mr. Ram Chakma who is the Karbari of the village of Suridas Karbari Para in Kudukchari, Rangamati district was released later.

An indigenous Barman villager arrested arbitrarily by police in Gazipur

On 27 May 2011 Mr. Sunil Chandra Barman, an indigenous activist and organizer of Bonogram village under Gazipur upazila in Gazipur district, was arrested by police from a village shop next to his house. It is learnt that, police behaved very impolitely with people at the spot when they demanded to know the reason of his arrest. Police did not provide any explanation to them.

A case was filed against Mr. Sunil Chandra Barman with Gazipur police station, accusing his involvement with production and marketing of home made wine. But the villagers informed that the allegation was completely false and baseless. According to the villagers, he is a good societal person and involved with several community associations like cooperative society, religious institution in his village.

It is learnt that a group of police from Gazipur police station went to Kumarkhada village next to Bonogram to recover home-made wine according to an information of police source. But they failed to recover any wine and arrest any perpetrator from Kumarkhada village. After an unsuccessful operation when they were going back to the police station through the Bonogram village, they arrested Mr. Sunil Chandra Barman, who was sitting in the shop.

A Jumma arrested in Sindukchari

On 11 May 2011 Ushai Marma (35) in Sindukchari Union under Mahalchari

Upazila in Khagrachari district was arrested. Ushai Marma is the owner of a tea shop at Debolchari Bagan Para under Sindukchari Union. A group of security forces from Sindukchari zone took him away at 6.00 am. He was later handed over to Guimara police station.

An innocent adivasi kept 7 years in jail branding him as Indian citizen

In order to grab the property, a 67-years old indigenous villager was kept for 7 years in detention by presenting him as an Indian citizen despite him being a citizen of Bangladesh by birth. Not only so, but also all preparations have been completed to push back him to India through an unseen process. Consequently, the indigenous person namely Jogindra Oraon is leading his life in inhumane condition due to loss of mental balance.

It is learnt that the birth place and habitation of Jogindra Oraon is Habashpur indigenous village of Matikata union of Godagari upazila in Rajshahi district. Lalit Oraon, a relative of Jogindra Oraon, said that three sons of late Prosha, Jogindra Oraon, Shokhindra Oraon and Lokhindar Oraon are the owners of 10 Bigha land including their homestead in Habashpur mouza by means of their paternal inheritance. Influential persons of the area Humayun Kabir, Sajjad and Robiul Islam, Clark of the Godagari Registry office, jointly have engaged in an attempt to grab that land immediately after Prosha Oraon passed away. After death of Shokhindra Oraon and Lokhindar Oraon, the influential persons have engaged themselves in an attempt to gulp down the property by getting rid of Jogindra Oraon their last encumber. On 6 July 2005 through paying a huge amount of inducement, Rabiul, forcefully took Jogindra Oraon to the Godagari police station and handed over to the police as a plaintiff himself, through identifying Jogindra Oraon as an Indian citizen.

The then officer in charge Nurul Amin accepted the case and Jogindra Oraon was sentenced to 15 days imprisonment by the courtyard. Meanwhile, Robiul Islam took advantage of being a Clark of the Godagari Registry Office by recording all of Jogindra's land under his name by means of fake documents.

Mr. Bodyinath, a son-in-law of Jogindra Oraon, said that they influenced his father in law to confess of being an Indian citizen because of his illiteracy. He was attempted to push back to India many times through the

Shona Masjid land port after his punishment period ended. But India government did not accept him because in reality, as he was not a citizen of India. Bodyinath said, as there was no alternative solution, he appealed to jailer to release him but the jailer demanded taka 100,000 as bribe from him.

The plaintiff of the case Robiul Islam said, the property of the Jogindra Oraon was purchased in the course of the appropriate measures. When asked, wherefore he has filed the case against Jogindra Oraon through accusing him as Indian citizen, he was not able to give any appropriate answer. Mr. Jogindra Oraon is still in Rajshahi central jail. [Adivasi News, 11 October 2011].

Police arrested 9 indigenous students from Dhaka

On 6 December 2011 police arrested 9 indigenous students including 2 girls while they were organising peaceful demonstration against UNDP's cultural diversity festival.

Arrested students were identified as Mr. Jotisman Chakma, Mr. Utthai Mong Marma, Mr. Martim Chakma, Mr. Nishan Chakma, Mr. Mihir Chakma, Mr. Uking Marma, Mr. Using Marma, Mr. Mithel Chakma and Mr. Luk Chakma. Besides, Mr. Amlan Chakma, Ms. Happy Tripura, Mr. Jemson Amlai Bawm, Mr. Naba Shankar Chakma, Mr. Nutun Bikash Chakma, Mr. Trijinad Chakma, Mr. Shepard Bawm and Ms. Chandra Tripura were injured.

It is learnt that on 6 December 2011 indigenous students organised a peaceful demonstration in front of national press club in Dhaka. Soon after the start of the demonstration, police suddenly jumped over the indigenous students. Police indiscriminately beat the indigenous students while they were leaving the place and arrested 9 indigenous students.

It is mentionable that United Nations Development Programme-Chittagong Hill Tracts Development Facility UNDP-CHTDF jointly with Ministry of CHT Affairs (MoCHTA) organised Cultural Diversity Festival 2011, which was held from 4 December 2011 till 9 December 2011 in Dhaka. Though UNDP-CHTDF used the word "indigenous peoples" in the previous cultural diversity festivals in the last four years, however, this year UNDP-CHTDF has used the word 'ethnic minorities', 'small ethnic group' and 'tribal' in its 'Concept Note: Cultural Diversity Festival 2011' and several documents

excluding the term 'indigenous peoples'. Indigenous leaders protested against the term 'ethnic minorities', 'small ethnic group' and 'tribal' saying that it has undermined the rights of indigenous peoples.

A Jumma UP chairman arrested in Rangamati

Following the missing of 5 Bengali settler fishermen, Chairman of the Bhushanchara union named Mr. Dilip Kumar Chakma has been arrested by the police alleging involvement with this incident. It is also alleged that indiscriminate harassment on local indigenous Jumma people is being continued in Barkal upazila of Rangamati district in connection with this incident.

It is learnt that on 4 December 2011 at night time five Bengali settler fishermen went missing from Karnafuly lake area of Tagalabak-Amtala area under Barkal upazila adjacent to the border of Indian State of Mizoram. They went there from Bhushanchara area under Barkal upazila for fishing.

It is learnt that 10 settler fishermen went there in two boats (5 in each) for fishing. Five of them who were in a boat together were kidnapped, but other five fishermen returned back to home safely. It is also learnt that last year BGB authority ordered Bengali settler fishermen not to go for fishing to that border areas which are known as 'Zero Point' and regarded as 'No Man's Land' area.

Following the news of the kidnapping of the fishermen, Sama Odhikar Andolan, a communal organisation and other communal groups have become very prompt to instigate the Bengali settlers to make attack on Jumma people indiscriminately. They have been trying to spread communal tension in the area and to organise demonstrations.

On 16 December 2011 Bengali settlers brought down 9 indigenous Pangkhuas including Christian priest Mr. George John and Mr. Roak Tha at Bhushanchara Bazaar from a launch which is approaching to Rangamati from Bara Harina bazaar and tried to assault on them. However, the Pangkhuas narrowly escaped from the attack as the BGB personnel rushed there to save them.

On 19 December 2011 the Bengali settlers filed a case with Barkal police station against 24 Jummas including chairman of Bhushanchara Union

Parishad accusing them for involvement with the incident. Accordingly, at the evening time, police arrested Mr. Dilip Kumar Chakma, chairman of Bhushanchara Union Parishad from Petrol Pump area of Banarupa Bazaar of Rangamati town. Bangladesh Union Parishad Forum Rangamati district committee in a press release on 22 December 2011 signed by its President Mr. Arun Kanti Chakma and General Secretary Mr. S M Chowdhury condemned and protested the arrest and demanded immediate release of Dilip Kumar Chakma. The allegation against Mr. Chakma is fully ill-motivated and baseless.

It is learnt that hundreds of innocent Jumma villagers of Bara Harina union, Bhushanchara union and many of Aimachara union are fleeing away leaving their homes and villages fearing any communal attack from the nearby Bengali settlers. As they cannot go to bazaar or anywhere else, they are suffering much in their daily life. Many children could not attend their annual examination due to security problem, as there is no alternative route except river route where Bengali settler habitats exist. Even Jumma students of some 26 government and registered primary schools could not attend their scholarship examination of class four for the same problem.

KILLING AND OTHER CRUEL TREATMENT

Three indigenous Marma villagers killed trying to save woman from rape in Lama

On 30 July 2011 at around 12.00 noon three indigenous Marma villagers were killed as they tried to save a young Marma woman from getting raped by some Bengali settlers at Siletuya Paea of Rupashi union under Lama upazila (sub-district) in Bandarban district.

The victims were identified as (1) Mr. Aung Sha U Marma (70 years) s/o late Mong Chabai Marma, (2) Ms. Hla Powang Prue Marma (40 years) w/o Mongchasa Marma and (3) her minor son Mong Nue Ching Marma (5 years).

It is learnt that five Bengali settlers sneaked into a farm house in the village at noon and grabbed a 15 year-old girl, daughter of Ms. Hla Powang Prue Marma and Mr. Mongchasa Marma and tried to rape her. As the girl cried

out for help, Aung Sha U Marma and Hla Powang Prue Marma went to the spot. The minor boy followed the other boys, who were following the miscreants. The miscreants attacked and killed them, including the minor boy, when they were trying to save her. The girl who was molested was admitted at Bandarban district hospital.

It is learnt that the police arrested Mohammad Musa for his suspected involvement in the murder. The incident has created panic in the area. Such incidents caused by Bengali settlers had been occurring in the area for a long time.

An adivasi Santal killed in police torture in Naogaon

On 13 April 2011, the villagers in Tanore upazila, under Rajshahi district, recovered dead body of an indigenous youth named Junash Mardi s/o Kabiraj Mardi. Junash Mardi was a villager of Kandapur Godamari of Kalama union under Tanore upazila.

Villagers informed that on 13 April, in the morning, some villagers saw and recovered the dead body of that youth in a paddy field near a deep tubewell beside Kandapur Godamari village. Later Kalama UP Chairman went to see the dead body and allowed to cremate it.

The reason of death of Junash Mardi was not known. But indigenous villagers claimed that he was killed.

An indigenous Rajoar youth beaten to death in Chanpainabaganj

On 20 July 2011, an indigenous youth named Hingu Rajoar (18) of Gopalpur village of Basudevpur union (under Godagari upazila of Rajshahi district) was beaten to death in allegation of stealing duck.

Jotin Rajoar, father of Hingu Rajoar informed that like every day on 20 July- with his son, he went to tend cows in the ground of Anup Nagar village of Chanpainabaganj sadar upazila. . Manik Shil (15, s/o Santal Shil and Ujjal Mandal (10), s/o Kajol Mandal were also present on the grounds. At a stage of tending cows, another cowboy named Ratan left the ground keeping a duck of one Enamul of Anup Nagar village on concealing near a brickfield.

Later while searching for the duck was started, night guard of the brick field named Mukul s/o late Kashim Uddin of Anup Nagar, calling Hingu, Manik and Ujjal, brought them to near brick field and when asked

whereabouts of the duck, Ujjal told that Ratan concealed the duck near brick field. But night guard Mukul, not believing them, started to beat all of them with stick. He even trampled Hingu Rajoar down inhumanly as he was older than others and took them to Md. Enamul who was the owner of the duck. However, Enamul released them without telling anything. All the three returned to their homes. Hingu went to bed at night eating nothing. At a stage, late at night, his physical pain started to increase and deteriorate his physical condition. Considering the bad condition of his health, family members took Hingu to hospital of Chanpainabaganj headquarter. In that hospital, Hingu died at 2:00 pm on 21 July during treatment.

On the other hand, Shyamal Rajoar, elder brother of deceased, alleged that the doctor on duty showed negligence in Hingu's treatment. Police of Chanpainabaganj model police station visited the spot. A case, accusing three persons, was filed with Chanpainabaganj model police station in this connection. Case No. 48, date- 21-07-2011.

On 25 July 2011 Jatiya Adivasi Parishad, Adivasi Sanskritik Unnayan Sangstha and Adivasi Samaj Unnayan Sangstha jointly formed a human chain programme at Rajshahi Saheb Bazaar Zero Point demanding immediate arrest and exemplary punishment of the persons responsible for the death of Hingu. However, the police arrested no body.

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An innocent adivasi Munda beaten to death in Pabna

On 8 November 2011 an innocent indigenous (adivasi) villager belonging

to Munda community was brutally beaten to death by non-adivasi people in Bhangura under Pabna district. The victim was identified as Bablu Murari (25) s/o Malati Rani of Sultanpur under Bhangura in Pabna district.

It is learnt that Bablu Murari was a day labourer. He took some amount of money in advance as wage from a land lord belonging to Bengali people. However, due to unavoidable reason, he could not able to go for work for some days to the land lord. On that day land lord along with his 2 brothers and 2 sons went to the house of Bablu Murari and caught him. By fastening him with a rope, the Bengali land lord and his gang beat inhumanly. At a stage, Bablu Murari got serious injuries. With the severe condition, he was taken to local upazila health complex and died on 12 November during the treatment at the hospital.

A murder case was filed by wife of deceased Ms. Tara Rani Murari with Bhangura police station on 20 November 2011 against five culprits, namely, Jafar Ali s/o Jinat Ali, Anar Hossain s/o Jafar Ali, Sanowar Hossain s/o Jafar Ali, Del Mahmud s/o Jinat Ali and Jan Mahmud s/o Jinat Ali in connection of this incident. However, no culprit was so far arrested by the police.

TORTURE AND INTIMATION

Two Jumma villagers harassed in Naniarchar

On 9 February 2011, security forces have harassed two innocent Jumma villagers from Langel Para, under Naniachar upazila in Rangamati district.

It is reported that a group of security forces from Burighat camp under Naniachar zone conducted patrolling at the village of Sapmara under Naniarchar. The soldiers encamped at Sapmara Primary School and searched the area. They caught Rajeeb Kanti Chakma (26), s/o Surjo Mohan Chakma, and Batya Chakma (28), s/o Ola Chakma – both from Langelpara village. They were on their way to Naniachar bazaar. The security forces beat them up and then took them to their camp. They were released later.

Two indigenous journalists harassed at Baghahat

On 17 February 2011 two journalists were interrogated and detained at

Baghahat zone under Baghaichari upazila in Rangamati district as they were interviewing locals at Baghahat Government Primary School. Four detectives arrested Milon Tripura, Khagrachari correspondent of Banglanews24 and Popen Tripura, Khagrachari correspondent of Daily Bhorer Shomoi, Dhakareport.com and Bangladeshnews24x7.com.

The reporters were interviewing the Bengali settler families who were kept at a 'transit camp' at Baghahat Government Primary School after the arson incident of Baghahat on 19-20 February 2010. 17 settlers Bengali families are still passing their miserable life in this camp. One intelligence person named Ruhul Amin, detective branch's Ibrahim and Lokman interrogated the journalists while the journalist were interviewing M Taher, the head teacher, Nurunnahar Begum, Julekha Begum and Parul Begum of the school to find out the real scenario.

Lokman a personnel of the detective branch told the journalists that they were temporarily confined as they did not inform the army zone about the interviews they were conducting. Later on, the confined journalists were forced to go to the army zone. The army zone commander Mohsin Alam met them after 30 minutes of their arrival.

While the zone commander was asked about the rules of 'prior informing the zone before any interview,' the zone commander Mohsin admitted that there is no such rules, but they consider it to be a good practice and for the sake of the security, the army zone needs to be informed before any activity in CHT area.

Milan Chakma threatened by the Bengali settlers for withdrawal of case

Milan Chakma, who filed a case against the Bengali settler leaders in connection with arson attack on Jumma villagers, is being continued to threaten with his lives and intimidated to withdraw the case. The arson attacks was committed by Bengali settlers with the help of security forces in Bagachadar union under Longadu upazila in Rangamati district on 17 February 2011, which burnt to ashes 23 houses of Jumma villagers and injured several innocent Jummas.

As continuous he was being continuously threatened, Mr. Chakma tried to register a General Diary (GD) with Longadu police station. However, police authority denied to register his GD.

On 31 August 2011 Mr. Milon Chakma, received threats to withdraw his case. Mr. Chakma was in a tea shop with an associate and was told by one of the co-accused in the case, Md. Jasim Uddin, son of Abdul Malek of Rangipara settlers village under Longadu upazila that if he failed to withdraw his case, he will be implicated in false criminal cases and imprisoned forever.

After receiving the threats, Mr. Chakma immediately informed the Longadu police station verbally and requested protection. Less than two weeks later, on 11 September 2011 Mr. Chakma submitted a written complaint to the Officer-in-Charge of Longadu police station, requesting to register a GD concerning his security. The concerned police officer denied to register it. Mr. Chakma is now anxious about his physical security and the possibility of being physically assaulted or implicated in false cases.

Adivasis living under eviction threatening from their ancestral land in Gazipur

Indigenous peoples (Adivasis) are living under eviction threatening from their ancestral land in Gazipur district. It is learnt that on 18 May 2011, an indigenous adolescent named Liton Chandra Barman (15) has been assaulted by a group of students of Jamiatul Ulumia Madrassa (Islamic educational institute) at Nanduain village under Gazipur district near Bhawal national park. While he was taking bath in a pond nearest to his home he saw some fish died were floating in the pond. It is mentionable that the pond was leased out to Madrassa by the administration despite of denial of leasing out in favor of indigenous peoples.

Seeing catching fish by Liton Chandra Barman, Madrasa students jumped over him without asking him anything and started to beat indiscriminately. Listening his crying, the villagers rushed there to rescue him. At that time, quarreling between Madrasa students and indigenous villagers occurred, however, neighbours stopped quarreling and then Madrasa students went back their Madrasa and informed the incident to head teacher of Madrasa. The teacher ordered his Madrasa students to attack the indigenous villagers. Getting order, the students made massive attack on indigenous peoples at their village. They beat indigenous women and children indiscriminately and tore their clothes. They shouted that if BNP government would come into power, we would throw out indigenous peoples from this area.

After the incident, the Madrasa authority alleged that a Madrasa student has been injured by the attack of indigenous peoples. The authority showed an x-ray report where displayed that a leg of that student was broken. Madrasa authority complained it to the chairman of local Union Parishad (UP) and other local leaders. Accordingly a salish was held at Madrasa premises on 20 May 2011 with local UP chairman in the chair. The salish was ended over without any decision. However, Madrasa authority has been threatening indigenous villagers to further attack and to evict them from villages.

Police attack on Jumma students in Khagrachari

On 7 September 2011 the police beat and tortured 22 indigenous students in Khagrachari district. However, the police authorities have denied any fault after physically attacking and indiscriminately beating 22 Jumma students during a peaceful demonstration of 900 students of Khagrachari College for constitutional recognition of indigenous people in Bangladesh on the 7 August 2011.

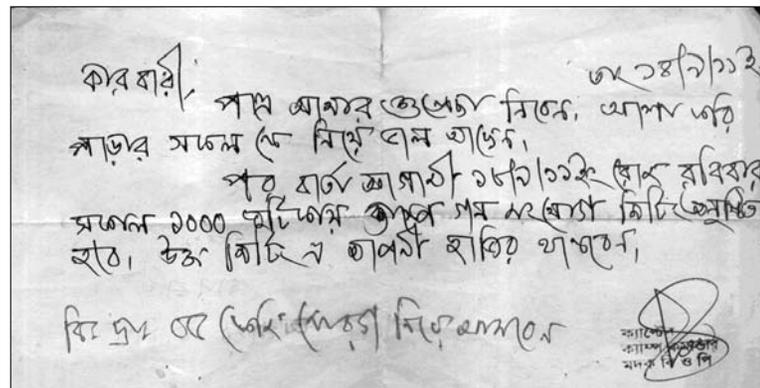
The police have denied all wrongdoing and have threatened that if such a peaceful demonstration were to occur again, protestors can expect even worse retaliation by the police and could lose their careers. Given the denial of fault by the police authorities, it is not surprising that no case has been filed or registered with the authorities.

Traditional village heads (Karbaries) tortured by BGB in Thanchi

On 18 September 2011 two *Karbaries* (village head) of Baro Modak area of Remacri union, under Thanchi upazila in Bandarban hill district, were inhumanly tortured and Baro Modak BGB camp commander Captain Rashed harassed three others. . Baro Modak BGB camp is one of the camps controlled by 10 Battalion Boli Para BGB zone.

It is learnt that on that day camp commander captain Rashed called a public meeting with the Karbaries of nearby villages at the camp. Almost all the Karbaries of 25 villages of Remacri union attended the meeting. At a stage of the meeting captain Rashed started to beat (1) Mr. Bathowai Aung Marma (50) s/o Neoilung Marma, Karbari (village chief) of Bathowai Aung Para and (2) Khyai Sathui Marma (45) s/o Kya Aung Marma, Karbari of Baro Modak Para with stick, fastening their hands and hanging from tree.

Besides, Mr. Krahla Aung Marma s/o late Mui Khoi Marma of Krahla Aung Para was harassed by the captain. Later Captain Rashed also took signatures forcibly from Mr. Diambo Tripura s/o late Japarang Tripura, Karbari of Japarang Para and Pai Mong Marma s/o late Sokra Aung Marma, Karbari of Pai Mong Para in blank paper.



BGB commander accused against the Karbaries for not informing the present of armed group of Arakan Liberation Party (ALP) and Mro Party come at the villages.



It is mentionable that previously Karbaries informed BGB authority about the present of the ALP, but camp authority did not take any action. On the contrary, villagers became victims of retaliation of armed

terrorists of ALP for informing the camp authority. For instance, in November of 2008, Paithowai Ue Marma (headman of Singafa mouza), Chongdoi Mro Karabari and Rengnong Mro were shot death by armed terrorists of ALP.

At the last the camp Commander ordered all the Karbaries of the 25 villages to be present at the so-called public meeting to be held at the camp on every Sunday and have to bring five kgs of fowl when they come to the camp.

It is alleged that most of the BGB members of the camps often do not just price when they buy any cow, goat or fowl from the villagers.

Protesting against the heinous torture of villagers, Bandarban district branch of PCJSS organised a press conference at Bandarban press club on 23 September. Please find press statement (Bangla) of PCJSS district committee for your kind information.

Indigenous Mahato youth beaten for protesting eve teasing in Pabna

On 30 October 2011, an indigenous youth named Bidhan Mahato (18) was beaten by a group of debauched boys in Pabna. Those wicked boys beat him for protesting against eve teasing two indigenous schoolgirls.

It was learnt that a group of bad boys had been teasing two school going indigenous girls for a long time. Likewise, on Saturday, those boys teased those indigenous girls on their way to school. Consequently, when Bidhan Mahato s/o Him Chandra Mahato, of Chandipur village of Handial union under Chatmohor upazila in Naogan district, tried to protest, those boys got angry and a mild scuffle took place between them. The next day, in the morning, Ananda Haldar (26), s/o Boiddonath Haldar, Niranjana Haldar (23) and Mithun (20) s/o Bokul Hossain from Tarash upazila in Naogan Bazaar, beat Bidhan and left him severely injured in a nearby area. The miscreants managed to flee when people came to help him hearing his scream. Bidhan Mahato was given treatment at Chatmohor upazila hospital.

MASSIVE COMMUNAL ATTACKS

Communal attack on adivasi village in Godagari under Rajshahi

On 20 January 2011 a communal attack was made by a group of miscreants belong to mainstream Bengali people in Godagari under Rajshahi district. In this attack, 32 houses of indigenous villagers were looted and burnt down. Indigenous peoples organized protest demonstration against the attack.

It is learnt that on the day in the morning, the indigenous men and woman of Chokpara village under Godagari upazila (sub-district) in Rajshahi district went to work on farmland. At that time, a group of 15/20 miscreants led by Mostafa, Tofazzal, Omar, Milan, Kamrul and Shukur from Kamarpur village of the same sub-district jumped over on the houses of the Chokpara village. They ransacked all the houses and looted all the valuables. Afterwards, they set fire on the houses. When few indigenous women tried to resist, the miscreants beat them indiscriminately. It is worth mentioning that 32 indigenous families have been living on that government Khas land for ages.

Consequently, on 23 January, hundreds of indigenous peoples formed a human and a public meeting at Daingpara More under Godagari upazila sadar protesting against that brutal attack. The speakers demanded rehabilitation of these poor indigenous villagers and arrest of the land grabbers. Indigenous people submitted a written complaint with Godagari model police station.

Massive communal attack on Jumma villages by Bengali settlers in Longadu

On 17 February 2011, following the death of a Bengali settler, the Bengali settlers numbering 200-250 from Gulshakhali settler area of Gulshakhali union, under Longadu upazila in Rangamati district, made a massive communal attack on Jumma villages of Gulshakhali and Rangi Para areas. It is learnt that at least 23 houses of Jumma villagers including one BRAC school and 3 tobacco ovens were reportedly burnt to ashes while two Jumma students were seriously injured in another attack made at Tintilya Launchghat in Longadu upazila headquarters at noon. Bengali settlers looted huge valuables before setting fire on the houses.

It is learnt that on 15 February 2011, in the morning two Bengali settlers named Md. Saber Ali (33), s/o Nehat Ali; and Md. Sahid (35), s/o Julya Pagala from settler's village- (Rahamatpur of Gulshakhali union) went to nearby jungle of Gulshakhali area to collect flower-broom (a kind of natural broom). Of them, Md. Sahid returned to home. However, Md. Saber Ali went missing. On 16 February 2011 around 10.00 a.m, police and BGB recovered dead body of Saber Ali from Rangi Para area and brought it to police station of Longadu headquarter at 3:00 pm.

It is learnt that Saber Ali was suffering from epilepsy. So, locals including the administration guessed that Saber Ali might die due to his illness. Witnesses also confirmed that no injury was found on his dead body. However, in the evening time around 5.30 pm, Bengali settlers spread communal tension alleging Jumma villagers are responsible for the death of Saber Ali and brought out processions separately at Gulshakhali bazar and Choumuhani bazar. Bengali settlers also brought out another procession at Longadu headquarter area at night about 12.00 a.m.

On 17 February 2011, the Bengali settlers again started to spread communal agitation in the areas since morning. At a point, at 11:00 a.m the Bengali settlers led by Khalilur Rahaman Khan, president of Bangalee Student Council, and Abdur Rahim (journalist),



brought out a procession at Longadu headquarter. Police and local administration did nothing to stop spreading communal tension. As soon as the procession ended, at about 1.00 p.m, two Jumma passengers (students), who came from Rangamati by a launch, were attacked by Bengali settlers at Tintilyaghat of Longadu headquarter. They (Jumma students) were severely injured. They were identified as:

- 1) Mr. Apolo Chakma (20) s/o Mono Ranjan Chakma of Sijakmukh area of Baghaichari upazila
- 2) Mr. Mangal Moy Chakma (15) s/o Daya Mohan Chakma of Simana Para of Barkal upazila

Later, the injured students were admitted to Rangamati general hospital.

Afterwards, at about 5:00 pm the Bengali settlers began to gather again and at a point, with a group numbering 200-250 made attacks on Jumma villages and set fire to the Jumma houses one after another. In the attack, at least 23 Jumma houses including one BRAC School were burnt to ashes. The BGB did nothing to stop the Bengali settlers from setting fire on Jumma houses.

Bengali settlers first set fire on the houses of Sukra Chakma and Amiya Kanti Chakma of Rangi Para. Then Jumma villagers gathered themselves and tried to defend the remaining houses and confront the settlers. Jumma leaders also informed the local administration including police. However, no action was taken by the administration to stop Bengali settlers from attack.

On the other hand, a group of BGB of Rangipara Tematha camp, led by Habildar Jahangir under Rajnagar BGB zone, went there at that time and Bengali settlers increased their attack soon after arrival of BGB personnel.

Bengali settlers then proceeded to Gulshakhali village and set fire on Jumma houses indiscriminately. Jumma villagers alleged that BGB personnel supported the Bengali settlers while setting fire to the Jumma houses. Till 7.00 p.m, on 17 February, Bengali settlers burnt down at least 23 houses of Jumma villagers including one BRAC school and 3 tobacco ovens in two villages. Besides, 45 pieces of CIT sheets that was stored by UNICEF for building a school were also looted.

It is mentionable that the Bengali settlers who were brought from plain lands and settled down at Gulshakhali, Bogachadar and Kalapaguja areas under Longadu upazila in 1980s have been trying to grab the lands of Jumma people. As a part of this attempt, on 21 December 2010, the Bengali settlers made attack on Jumma village of Shanti Nagar, and they beat 14 Jumma villagers brutally and ransacked 5 houses motivatedly alleging Jumma villagers to beat a Bengali settler who went to jungle to collect firewood.

On 22 February 2011, a victim named Mr. Milan Chakma lodged a case in connection with this arson attack against 18 Bengali settlers, who led attack, and other 950/1000 attackers with Longadu police station. The case no. is 5 of Longadu police station under section 143/ 144/ 323/ 374/ 380/ 436/ 448/ 506/ 34 of Bangladesh Penal Code. Among others, Md. Rafiq Uddin, Md. Ershad Ali, Md. Amir Hossai Molla, Md. Kamal Hossain (20), Md. Solayoman, Md. Mohan Mian, Md. Kamal (30), Md. Khalil, Md. Jasim Uddin (21), Md. Marfat (32), Md. Rezaul Khalifa all led the attack.

However, the police arrested no body though the culprits are living free. Rather, it is learnt that authorities of security forces and civil administration are looking for Mr. Milan Chakma and his phone number with the intention of harassing him. It is also learnt that all Bengali leaders irrespective of

ruling Awami League (AL), Bangladesh Nationalist Party (BNP) and other national level political parties are organising themselves to conduct action and file cases against Jumma villagers.

On 5 March 2011, Milan Chakma also submitted an objection to National Human Rights Commission (NHRC) in Dhaka demanding immediate arrest and punishment for those who were involved with the attack. He also demanded adequate compensation and rehabilitation for affected Jumma families, security of life and property of the affected ones and removal of Bengali settlers from this area. However, NHRC is yet to take any necessary action for these demands.

Massive Communal Attack upon Jumma Peoples by Bengali Settlers in Ramgarh & Manikchari

On 17 April 2011, Bengali settlers, with the direct support of local administration committed massive communal arson attack on five indigenous Jumma villages of Hafchari union of Ramgarh upazila and two Jumma villages in Manikchari upazila under Khagrachari district. In these attacks, around 111 houses belonging to indigenous Jumma villagers, including two Buddhist temples, were completely burnt to ashes. At least 20 Jummas (including three women) were injured while 2 Jummas, including an infant and 4 Bengali settlers were killed. Many Jummas remain still missing. The Jummas have fled in to the jungle during the attacks by the settlers.



It is learnt that the Bengali settlers led by Md. Joynal pc of VDP have been trying to occupy 15 acres of lands, belonging to one Jumma villager named Ruihla Aung Marma, s/o Pija Aung Marma, at Hatimura area of Hafchari union under Ramgarh upazila in Khagrachari district.

While most of indigenous Jumma people were engaged in enjoying the traditional Bizu or Sangrai or Boisu festival, the Bengali Muslim settlers led by Md. Joynal pc, started occupying lands of the local Jumma people. The local Jumma people, who are owners of the lands, demanded hem to stop the attempt. The local Jumma people informed the local authorities, including army authority, about the matter. But it resulted in vain.

On 17 April 2011, in the morning around 10 a.m. the Bengali settlers started clearing bushes and making temporary makeshifts. While doing so, they attacked the Jumma people, who had no other option but to resist them. Consequently about 10 Jumma persons including a woman, were injured and 5 Bengali settlers were precariously injured among whom 3 died on the way to hospital. They were identified as Ayub Ali (38) of Kochubhante settler area, Noab Ali (60) and Sunil Sarker of Boro Pilak settler village.

As a repercussion to it, the Bengali settlers, under the protection of security forces, started attacking Jumma people of Shankhola Para, Toikarma Para, Reemaram Para, Suludong Para and Pathachara villages of Hafchari union under Ramgarh upazila. The houses of the Jumma people have been looted and set ablaze. Jumma villagers alleged that though military forces were patrolling through out areas, but they did not oppose Bengali settlers from setting fire to Jumma houses. The army kept patrolling along the roadsides, while Bengali settlers started setting fire after entering the Jumma villages. In these attacks, 32 houses, including one Buddhist temple at Shankhola Para, were completely burnt to ashes, 15 houses at Toikarma (Kachu Bhante) Para, 15 houses at Reemaram Para, 25 houses at Suludong Para and 16 houses at Pathachara were set to fire.

On the other hand, Bengali settlers made attack on Jumma passengers; they forced the passengers, who were coming from Chittagong and Feni to Khagrachari, to get off public buses, including Shanti Paribahan who were coming from Chittagong and Feni to Khagrachari. At least 10 Jummas including 2 women were wounded in this attack. The victims were

identified as Ms. Mithu Marma (13), d/o Mehla Prue Marma of Battali village of Guimara area, and Ms. Paikra Marma (50), w/o Mongsajai Marma of Bazaar Chowdhury Para of Joutha Khamar area of Ramgarh. Mithu Marma was admitted with serious condition at Manikchari hospital.

Around 6.00 p.m Bengali settlers brought out a procession at Manikchari bazaar under Manikchari upazila shouting slogans against the Jumma people along with a dead body of a Bengali settler. It is alleged that administration did not oppose Bengali settlers while they were bringing out procession with dead body. As soon as the procession ended, Bengali settlers set fire on Jumma houses at Mahamani areas of Manikchari upazila headquarters. At least 15 houses of Jumma villagers of Kyajai Karbari Para were completely burnt to ashes in this attack; 5 shops and 10 houses belonging to Jumma people were looted and ransacked. The Jummas, whose shops were looted, were identified as Mr. Mongsajai Marma, Mr. Ranghla Aung Marma, Mr. Uzzal Rakhaine and Mr. Chaihla Prue Marma.

It is reported that aged father and an infant of Mr. Thuichai Marma, of Shonkhola Para of Hafchari union in Ramgarh, were burnt to death during arson attack on 17 April 2011. The victims were identified as Mr. Repruchai Marma (72 year) and Ruichai Marma (2-month old). On 20 April 2011, some bones were recovered from the ashes of the burnt house while MUS went there for distributing the relief.

The local administration banned gathering, rallies and carrying firearms, by imposing Section 144 of the Code of Criminal Procedure, for 24 hours in these places beginning at 8:00 p.m. on 17 April. as the violence was spreading.

On 18 April 2011, in the morning, local Member of Parliament of ruling party Awami League Mr. Jatindra Lal Tripura, visited the spot under strict military control. Chairman of Khagrachari Hill District Council, Mr. Kujendra Lal Tripura and Deputy Inspector General of Police of Chittagong Range, Md Nawsher Ali accompanied Mr. Tripura. They held a public meeting at Jalia Para Government Primary School premises in the afternoon. Mainly the Bengali settlers attended the meeting ,while a few Marma leaders also attended the programme.

Meanwhile, the DC formed a three-member committee with Additional Deputy Commissioner (General) Mohammad Salahuddin as the chief.

Other members of the committee are: Additional Superintendent of Police in Khagrachari Delwar Hossain Sayedee and Ramgarh Upazila Nirbahi Officer,- Gopal Chandra Das. The committee has been asked to submit its report within two working days.

On 18 April 2011, Inter-Services Public Relations (ISPR) of military forces issued a press release on this incident, which mentioned Bengali settlers as 'innocent' and stated that the incident was started due to an attack on innocent/unarmed Bengalis by terrorist Hill people, equipped with sharp weapons. Even ISPR also mentioned that a number of houses of both Bengalis and Jummas were burnt down in this attack. But in the press release, nothing was mentioned about the incident, where Bengali settlers set fire to the Jumma houses.

It is learnt that a case was filed with Manikchari Police Station on charges of arson and looting of Jumma houses while Sub-Inspector Manjurul Afsar of Guimara police station filed two separate cases with Guimara police station in connection with killing of Bengali settlers and setting fire on houses. No body has been arrested so far.

Communal attack on adivasi village committed by land grabbers in Noagaon district

On 30 August 2011 a communal attack was made by the land grabbers at Jagatnagar area of Dhamrairhut in Naogaon district where 6 indigenous women were injured. The injured women were admitted to Rajshahi Medical College Hospital with severe injuries.

On that day, a group of Bengali land grabbers numbering 12-14 led by Belal Munsif from same area made attack on indigenous villagers with the intention to grab the lands belonging to indigenous peoples. During the attack, there was no indigenous male in the village. Therefore, the indigenous women tried to oppose the land grabbers. Getting them alone, Belal Munsif and his gang beat the women indiscriminately with sharp weapons. Consequently, Ms. Paulina Hembrom, Ms. Basanti Marandi, Ms. Mohorin Marandi, Ms. Susana Mardi, Ms. Alike Hasda, Ms. Asunta Hasda and Ms. Luchia Mardi were severely injured. The victims were admitted at Rajshahi Medical College Hospital. Among the victims, Mohorin Marandi was pregnant. The miscreants kicked on her belly and she got very sick. However, fortunately, the baby of Mohorin could be saved after undergoing an operation in a private clinic.

On the other, a case was filed with Dhamrairhut police station accusing Belal Hossain Munsu, his son Shahid Hossain, wife Fatema Begum, Abdul Razzak, Belal Hossain, Sadekul Islam, Mosiur Rahman, Haidar, Belal, Forhad and Johurul Islam of Jagatnagar area. So far, Belal Hossain Munsu and Faruk Hossain were arrested by the RAB and handed over to the Dhamrairhut police station.

Communal attack on Jumma village in Matiranga

On 12 October 2011, at night, Bengali settlers carried out an attack on a Jumma village in Taindong under Matiranga Upazila, looting and ransacking houses. It is learnt that a group of settlers, complained to Taindong Union Council Chairman Tajul Islam that some of them were beaten up while cutting bamboos at noon at Battimuro, a hilly land belonging to Jumma villagers.

Acting on the complaint, Tajul called Jumma elders of Nuapara village including Phoni Bhushan Chakma., While discussing the matter with them, he said, “The settlers have become agitated.” He also told them that he was trying his best to make sure no untoward incident took place.

But at 10 p.m, a group of about 50–60 settlers began attacking Headman Para, a Jumma populated village in Taindong—an area where most of the Jumma villages were wiped out during waves of settlers attacks between 1971 and 1986. Now only a few Jumma villages survived.

Later, Border Guard Bangladesh (BGB) personnel and chairman Tajul rushed to Headman Para and brought the situation under control. At 11p.m, the BGB held a meeting with members of both the communities and settled the issue. According to initial reports, the houses of Tirtho Roy Tripura (55), Jibon Mohan Tripura (80), Shanti Tripura (50), an ex-UP member, and Ananta Tripura were looted.

Communal attack made upon Jummas in Baghaichari and Dighinala

On 14 December 2011 following the death of a Bengali settler named Md. Sattar, the Bengali settlers made communal attack on Jumma people in Baghaichari bazaar under Baghaichari upazila in Rangamati district and Kabakhali bazaar under Dighinala upazila in Khagrachari district. A Jumma woman was killed in Dighinala and at least 10 Jummas were injured in this attack.

Border Guard Bangladesh (BGB) from Marishya zone opened blank fire to disperse Bengali settlers while they were moving toward Babu Para under Baghaichari upazila to attack Jumma villagers. Local administration imposed section 144 at Marishya area under Baghaichari upazila to bring situation under control.



It is learnt that deceased Md. Sattar (30) of Kabakhali settler village under Dighinala upazila has been ferrying passengers by motorbike from Dighinala to Baghaichari road. He went missing yesterday (13 December) after ferrying a passenger from Kabakhali of Dighinala to Baghaichari. His dead body was recovered today (14 December) from nearby settlers' locality at 4 Miles area (near Marishyachara area) under Baghaichari upazila in Rangamati district.

Soon after dead body of Md. Sattar was recovered, the Bengali settlers became agitated and started to attack on Jumma people at Marishya bazaar under Baghaichari upazila and at Babuchara bazaar under Dighinala upazila. Today is market day at Marishya bazaar and Babuchara bazaar.

It is reported that the Bengali settlers made attack indiscriminately on Jumma people at Marishya bazaar. At least 8 Jummas including a college student were allegedly injured. Chairman of Baghaichari upazila Mr. Sudarshan Chakma and local reporter of daily Prothom Alo Mr. Sadhan Bikash were driven away by Bengali settlers when they went to

Chowmuhani area of Marishya Bazaar for looking into the incident. Among others, the following injured Jummas at Marishya bazaar attack were identified as:

- 1) Mr. Shanti Moy Chakma (36), s/o Rasik Chandra Chakma, Project Organizer, ICDB-CHTDB , Vill: Harikkyang, Banduk Bhanga, Rangamati
- 2) Mr. Mukut Kanti Tripura (50), manager of CHT Development Board (address- Takurchara villager under Khagrachari). He sustained injured on his head and hands.
- 3) Mr. Roni Chakma (35), rubber businessman of CHT Development Board (address- Perachar, Khagrachari) (he sustained injuries on his back)
- 4) Mr. Kalachokko Chakma (28) from Tulaban under Baghachari.
- 5) Mr. Sujan Chakma (38) s/o Jatindra Lal Chakma, Baradam, Rupakari, Baghaichari
- 6) Mr. Prabhu Jiban Chakma (62) s/o (late) Birendra Chakma, Baradam, Rupakari, Baghaichari
- 7) Mr. Shashanka Priya Chakma (41) Manager, Sonali Bank, Baghaichari Branch
- 8) Mr. Bijoy Chakma (12) (student of class six, Kachalong High School) s/o Naya Ram Chakma, Vill: Bujai para, Sajek, Baghaichari.

It is also learnt that BGB opened blank fire to disperse Bengali settlers while they were moving toward Babu Para in Banghaichari to attack Jumma villagers. At that time, Jumma villagers also gathered there to resist Bengali settlers. Local administration imposed section 144 to bring situation under control.

On the other hand, the Bengali settlers also attacked on Jumma villagers at Kabakhali bazaar. Sources said that Bengali settlers made attack upon a jeep carrying Jumma passengers at Kabakhali bazaar. Almost all Jumma passengers except Chikon Mila Chakma could narrowly escape. However, Ms. Chikon Mila Chakma (40), w/o Jiten Chakma of village Kaurimachara from Kabakhali union, could not escape. She was brutally chopped to death. Her dead body was taken to Khagarchari district hospital for autopsy. Jiten Chakma (45), husband of Chikon Mila Chakma was also

reportedly injured. He is now under treatment at Dighinala health complex. Sources reported that many permanent Bengali residents helped the Jummas to escape.

It is also reported that hundreds of Bengali settlers gathered at Jamtali area (along the Khagrachari-Dighinala road) under Dighinala upazila with the intention to attack Jumma passengers. Sensing this, local army authority rapidly took action to disperse the Bengali settlers.

It is learnt that injured Mr. Mukut Kanti Tripura who sustained serious injuries on his head and hands, and Shanti Moy Chakma who was hit in the head, were transferred to Khagrachari district hospital with serious health condition.

It is reported that the motorbike of Abdus Sattar, was found in the morning on 15 December 2011 at College Gate of Kassalong College, a Bengali populated area at Marishya.

Locals claimed that by recovering motorbike from a Bengali populated area, it is proved that Bengalis might have been involved with the killing of Abdus Sattar. On the contrary, since Jumma villagers are staying with insecurity fearing further attack by Bengali settlers, no Jumma can put the motorbike where it has been found.

On 15 December, Deputy Commissioner (DC) of Rangamati district, Mr. Sourendranath Chokrabarty, and Superintendent of Police (SP), Masood UI-Hasan visited Baghaichari. He also went to Babu Para to hold meeting with Jumma villagers. Jumma villagers demanded security of their lives and properties and punishment for those who were responsible for communal attack. DC and SP assured Jumma villagers to conduct proper investigation and bring responsible persons under justice.

Conversely, Sama Odhikar Andolon, a fanatic organisation of Bengali settlers and Bangali Chhatra Parishad (Bengali Students Council) brought out procession at Banarupa in Rangamati town with tied security of military forces.

Communal attack Bonogram village committed by terrorists in Gazipur

On 17 September 2011, at around 1.00 a.m, the indigenous villagers of Bonogram village under Gazipur sadar upazila (sub-district) in Gazipur

district were allegedly assaulted by non-indigenous terrorists. At least 13 villagers were injured in that assault. The victims were identified as Ms. Sukumari Koch (45), w/o Lal Mohan Koch; Ms. Sabitri Rani Koch (32), w/o Sunil Koch; Ms. Mina Rani Barman (35), w/o Nishi Kanta; Ms. Shuva Rani Koch (32), s/o Bakul Koch; Ms. Jasoda Rani (32); Ms. Taslima (26), w/o Abdullah; Ms. Rotna Rani Koch (16), Prahlad Koch; Mr. Bakir Hossain (32), s/o Abdul Majid; Mr. Pabitra Chandra Barman (12), s/o Radha Kanta Barman; Mr. Prokash Koch (10), s/o Sunil Koch; Mr. Amor Koch (22), s/o Parimal Koch; Ms. Pryio Bala Koch (33) w/o Prahlad Koch and Ms. Jamuni Rani Koch (40) w/o Narayan Koch.

It is being accused that, on that day a group of terrorists including Motaleb, Asadul, Alim, Rustam, Izzat Ali, Akbar, Shohag, Delu, Khorshed, and Osman came to the Bonogram village and plundered the shop of Amjad Hosain. At that time the terrorists wore the uniforms of RAB. They shot blank fire while the villagers had rushed to the spot following the screaming of the shop keeper. The villagers stepped back when they saw the RAB written marks on their uniforms.

The villagers alleged that after few moments, the terrorists came back along with RAB personnel. Two villagers of the Bonogram village namely Amjad Hossain and Rafiqul Islam, were arrested by RAB on that day. According to the villagers, during the raid, the terrorists threatened them and said, that, "we would do what so ever we want to do in your village. If any one resists we would just kill him." After one hour they came back to the village and started to beat the villagers ruthlessly.

It is learnt that the terrorists are the inhabitants of Bon Khuriya village, a neighboring village of the Bonogram. They are engaged with looting, rapine, stealing thieving, hijacking, killing and so on. They are also engaged with sexual harassment in this area. At hours of darkness when women come out due to the natural call, they are being subjected of sexual harassments by the terrorists. They assault physically if someone defends against their misdeeds. No action was taken due to their good relationship with the local administration. On 20 September 2011 an application was submitted to RAB headquarters by the villagers demanding justice. However, But no action has been taken against the perpetrators. Now the indigenous villagers are living in panic in their own home.

On 28 September, 2011, Bangladesh Adivasi Union, Nri-tattik Adivasi Jonogosthi Sangathan, Tribal Welfare Association and Bangladesh Koch

Adivasi Sangathon Gazipur Branch organized a human chain in front of Gazipur press club protesting against the heinous attack on indigenous villagers and submitted a memorandum to Deputy Commissioner of Gazipur District.

Joyal Khan, President of Bangladesh Communist Party Gazipur District branch urged the administration to arrest the criminals and accused RAB personnel who took part in the oppression over the adivasi villagers. Jiban Koch, General Secretary, TWA told that said, "We will continue our struggle unless the terrorist is arrested." Rupchan Koch, General secretary, Bangladesh Adivasi Union expressed his reaction, that "we demand justice for victimized adivasi people."

Pijush Barman, member of Bangladesh Adivasi Forum, urged the RAB and local administration to investigate the incident neutrally and ensure punishment to the criminals accused.

Musharaf Hossen, leader of Jatyio Party; Manosh Goshami, leader of Gonotonri Party and different local Adivasi organizations expressed solidarity in the human chain. About 200 adivasi villagers were present in the human chain. Human chain was followed by submission of a memorandum to Deputy Commissioner of Gazipur District with four demands, to arrest the culprits and ensure punishment; to ensure security of Adivasi people in Bonogram village; to revoke false cases against adivasi people; and to ensure better treatment of victims.

Communal attack made by land grabbers in Naogaon district

On 17 November 2011 a group of land grabbers belong to mainstream Bengali community attacked an adivasi (indigenous) village named Kabulpur of Bharso union under Manda upazila in Noagaon district. 6 houses out of 18 adivasi families were destroyed and looted by the miscreants.

It is learnt that 18 adivasi families have been living on the mount of a pond of this village (2 acres of land) for decades long. Side by side, there are also some Bengali families living at this bank of the pond. However, for long time, Bengali neighbours have been trying to uproot adivasi families from this village accusing them for drinking of Hari (traditionally made rice wine) and practicing some of their rituals. Local leader of Jatiya Adivasi Parishad Mr. Chuni Lal Pahan said that this accusation is nothing but to

make lame excuse to attack them and to uproot the adivasis from their ancestral land.

On that day, Bengali miscreants numbering 15-18 persons conducted attack on adivasi families for one and half hours. Adivasi villagers loudly shouted to rescue them, but no body came to help them. In this attack, miscreants broke 6 houses of adivasi families. They looted taka 19,000 from Joynal Mardi, taka 5,200 from Siben Mardi, taka 14,075 from Amini Hembram, taka 3,000 from Bimala Tudu and taka 10,000 from Nowshad Tudu. Besides, a swing machine from Amini Hembram was also taken away.

Santesh Mardi (25) and his wife Rupa Hasda were brutally tortured and wounded. This attack was made while Rupa Hasda was giving birth a child. However, Even Rupa Hasda did not get rid of the attacker. She was dragged at her house.

Santesh Mardi went to Manda police station on 17 November 2011 to file case against following miscreants in connection with attack and torture. However, police did not accept the case and even did not give any receipt copy of submission to Santesh Mardi. In addition, till-today, police did not visit the spot and did not take any action to arrest the culprit. The miscreants who led the attack are 1. Montu Master (30) s/o Alawal Pramanik; 2. Afzal (38) s/o Achir Sarkar; 3. Azizul (28) s/o Faruk Mirza; 4. Sirajul Hossain (25) s/o Shamsar Hossain; 5. Solayoman (28) s/o Rahman Hossain; 6. Malekul (34) s/o Mannan; 7. Enamul (32) s/o Kasem and 8. Nabi (27) s/o Kasem.

All the attackers are from Kabul village of Manda upazila in Noagaon district. The name of adivasi villagers whose houses were destroyed are 1. Santesh Mardi (28) s/o Sama Mardi; 2. Siben Mardi (47) s/o Sama Mardi; 3. Nawshad Mardi (28) s/o Japu Tudu; 4. Joynal Mardi (25) s/o Sama Mardi; 5. Amini Hembram (60), w/o Maghi Hembram and 6. Bimala Tudu (50) s/o Japu Tudu

RELIGIOUS PERSECUTIONS

Army prevents repair works at Buddhist temple in Mahalchari

Security forces prevented repair work from being carried out at Maischari Aranyo Kuthir, a Buddhist temple in Maischari Union under Mahalchari Upazila in Khagrachari district.

It is learnt that on 16 May 2011 a group of security forces from Bizitola Camp went to the temple and ordered the stoppage of the ongoing repair work when the temple authority was repairing the pedestal of the Buddha statue and the floor.

The land on which the temple was built was donated by Hemanta Lal Chakma in 2006. Two Buddhist novices or sramanas now live in the temple.

Hnila Buddhist temple and cemetery destroyed at Teknaf in Cox's Bazaar

A Buddhist temple of indigenous Rakhaine community was destroyed and looted several time by Bengali Muslim land grabbers at Teknaf upazila in Cox's Bazaar district with the intention to occupy the temple's land. Land grabbers have driven away the monk of the temple through physical attack and destroyed the images of Lord Buddha and looted the valuables. Rakhaine community urged the Prime Minister of Government of People's Republic of Bangladesh, but no action has been taken so far. The attack was made by Rashed Mohmud Ali s/o Mohammad Ali (former Member of Parliament) and his gong.

The last attack was made on 29 December 2011 at 10.00 am by the same influential gong of land grabbers with the intention to grab temple land. In this attack, statue and Simaghar were looted and house of the temple was destroyed.

Earlier on 11 May 2011 the Bengali land grabbers attacked on two innocent indigenous Rakhaine villagers namely Mr. Mong Hla Rakhaine and Mr. Faa She Rakhaine, the residents of North Hnila Bazaar Para (Maug Para).

It is mentionable that the former Member of Parliament (MP) Prof. Mohammad Ali and his son Rashed Mahmud Ali, along with their cadres have been conducting attacks one after one with an intention to grab the lands of hundred year-old Buddhist temple of south Hnila of Teknaf upazila and graveyard of Rakhaine people. They destructed the temple, damaged and looted the Buddha's images, attacked local indigenous Rakhaine peoples including Buddhist monks and constructed houses on the lands

of Buddhist temple and the graveyard of Rakhaine people. The account incidents on attacks on Hnila Buddhist temple are remarkable:

Date	Description of incident
26/10/2010	Looting and torture of Ven. Upanwara Bhikkhu, Principal of temple
26/08/2010	Looting and torture of Ven. Upanwara Bhikkhu and threatening Bhikkhu to leave temple
05/09/2010	Informed to Upazila Nirbahi Officer and Officer-in-Charge of Teknaf
07/09/2010	Looted the plank of wood from the temple
09/09/2010	Registered General Diary (GD) for justice
08/10/2010	Looted plank of wood again from temple in retaliation for registering GD
27/11/2010	Looted hundred of wood including wooden stairs again
08/12/2010	Memorandum to Bir Bahadur Ushwe Sing, rulign MP from Bandarban and chairman of CHT Development Board and Superintendent of Police (SP) of Cox's Bazaar district for justice
02/02/2011	Looted woods were recovered from the shop of Hamid Hossain of Hnila Choumahuni under Telnaf. Hamid Hossain confessed that all looting and destruction of wood and statues of Lord Buddha, torturing of Bhikkhu & two Rakhaines and threatening to them were committed by Rshed Mohammad Ali and his gong. As per his confession, as case was filed through chairman of Hnila union with Teknaf police station.
04/02/2011	Investigation Officer (IO) SI Baten and ASI Narayan went to the spot for investigation. But they told General Secretary of Hnila Buddhist temple that no evidence of the allegation was found in his investigation. While General Secretary of Hnila Buddhist temple requested to investigate the shop of Hamid Hossain, they reply that they did not have time. They will investigate later. However, they never investigate shop of Hamid Hossain so far.

14/02/2011	A group of journalists and human rights activists visited the spot and the incidents got coverage on national dailies.
17/02/2011	A procession was brought at Cox's Bazaar town by Bangladesh Indigenous Peoples Forum and indigenous Buddhist communities and a memorandum to the Prime Minister of Government of Bangladesh was sent through Additional Deputy Commissioner of Cox's Bazaar district
22/02/2011	Rashed beat U Mong HLa featening with a electronic pillar while victim was returning home with goods for religious ceremony.
03/05/2011	As per advice by Upazila Nirbahi Officer (UNO) of Teknaf, General Secretary of Hnila Buddhist temple filed a case against 6 culprits including Rashad Mohammad Ali.
11/05/2011	Rashed Mohammad Ali gong attacked on two innocent indigenous Rakhaine villagers namely Mr. Mong Hla Rakhaine and Mr. Faa She Rakhaine, the residents of North Hnila Bazaar Para (Maug Para).
24/11/2011	Memorandum was again submitted to Deputy Commissioner of Cox's Bazaar for justice.
04/12/2011	In an arbitration, though general secretary of Hnila Biddhist temple attended, but the culprits remained absent. After that, no action has been taken.



It is mentionable that Teknaf upazila (sub-district) of the Cox's Bazaar district is one of the best tourism spots in Bangladesh. Many historical and religious institutions of indigenous Rakhaine Buddhists in several places of Cox's Bazaar are regarded as the attractive sites for the public and foreign tourists. The indigenous Rakhaine people are proprietor and

possessors of the ancient ethnic and cultural tradition of Bangladesh. The Rakhine people enriched the tradition of Bangladesh through building many Buddhist temples (Kyang), Jadi (tombstone) and monuments in the shape of their religious way of life.

The Kyang (Buddhist temple) of south Hnila of Teknaf upazila (sub-district) is one of those formations. It was built more than two hundred years ago. The temple is located on 11 acres of land and is being regarded as a very holy place for the indigenous Rakhaine and Marma peoples. But the land grabbers have targeted the temple for clutch. Consequently, the former Member of Parliament (MP) Prof. Mohammad Ali and his son Rashed Mahmud Ali, along with their cadres, have started to grab the land of the temple by force. They have driven away the monk of the temple through physical attack and threatening to death and they destroyed the images of Lord Buddha and looted the valuables. They also threatened to harm the local peaceful indigenous Rakhaine people when they had protested the perpetration. The land grabbers also have started to build houses on the land of graveyard of indigenous Rakhaine people alongside the temple, after forcibly grabbing the land.

A religious Cherangghar destroyed in Alikadam

On 29 July 2011, a Cherangghar, religious house of indigenous peoples, was completely destroyed by Bengali settlers and forest department officials. On that day at around 3:00 pm, a group of Bengali settlers and forest department employees destroyed a Cherangghar situated at Marma and Mro inhabited Babupara village of Alikadam sadar union under Alikadam upazila in Bandarban district. Member of the CHT Regional Council Mr. K S Marma alleged that the eviction of this religious house was made with direction of security forces of Alikadam zone. However, zone authority denied the allegation against them, he added.

It is learnt that Major Saif of Alikadam garrison called the Headman of the mouza, Karbari of Babu Para and villagers Mong Sheinu Marma and Thoai Mra Marma, to Garrison on 17/07/2011. There Major told them that Jummas must take permission from him when erecting any type of house, Kyang (Buddhist temple) and Church. As the Cherangghar was erected without permission, hence they must have to destroy it. Despite his order, when they did not destroy the Cherangghar, RP Rashid destroyed it with a group of Bengali settlers and forest department staffs.

The Cherangghar (or Cherai) is mostly built in the Marma villages to be used for both social and religious/ritual purposes. It is also used to store drinking water so that the people from remote villages and passerby can quench their thirst. It is also used to organize different social meetings and carry out religious functions when Kyang (pagoda) is not available.

Buddhist monk harassed in Ramgarh

On 20 November 2011 the security forces harassed a Buddhist monk and tortured his attendant during a patrolling in Ramgarh under Khagrachari district.

According to sources, a group of security personnel from Sindukchari zone conducted patrolling and entered Kalapani Buddhist Temple. The abbot of the temple, Ven. Agadaima Bhikkhu, was not available as he had gone to Chhindamoni Buddhist temple to attend a religious function.

The security forces interrogated Ven. Kyochara Sramana, Uthoaching Marma (13) son of Amya Marma and Chaingo Thoai Marma (15) son of Ugyo Marma. They also harassed him with the excuse of interrogation and then left without making any arrests.

V. WOMEN RIGHTS



V. WOMEN RIGHTS

Article 32 in the part of Fundamental Rights of the Constitution of Bangladesh provides that 'No person shall be deprived of life or personal liberty save in accordance with law.' In addition, Section 376 regarding punishment for rape of 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, unless the woman raped is his own wife and is not under twelve years of age, in which case he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.'

The Government of Bangladesh has endorsed international treaties like the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). They all talk about ensuring equal rights to men and women to enjoy civil and political rights and prevent discrimination. United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has provisions for security and protection of indigenous women, to free themselves from discrimination and to empower them to assert their rights and preserve their culture.

Indigenous women are among the most marginalised and vulnerable groups of people in Bangladeshi society. The biggest concern in rape and other violence against indigenous women now is the lack of access to justice and absolute impunity that perpetrators enjoy. In rape cases, the

victim ends up going through further harassment from the side of the administration and law enforcers — there have been instances where doctors at hospitals have refused to give indigenous women physical check ups or delayed the physical check ups so that the evidence disappears; the victim's family is asked to produce a 'witness' by the police; there is intimidation from the security forces, in at least one case the raped girl was further molested by the physical examiner himself; one victim who did not know Bangla had to 'act out' the crime in front of the court; there have been complaints about police delaying/refusing to take the case and many have been too afraid to file a case in fear. These and many other administration-led intimidation and harassment ultimately results in the perpetrator getting away with his crime. (Women in the CHT: The Violent Hills by Hana Shams Ahmed, FORUM, March 2011).

Violence against indigenous women is one of the most widespread violations of human rights. There are many dimensions of violence against indigenous women such as domestic violence, rape, assault, sexual harassment, prostitution, trafficking, abduction and forced marriage and early marriage of girls. A very few incidents were reported in leading national dailies, however, none of them accused was punished. In most cases, the perpetrators of these gross human rights violations go unpunished even when the victims and witnesses identify them. There is no single example, where the indigenous women got justice against her rights violation.

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 2011. 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.

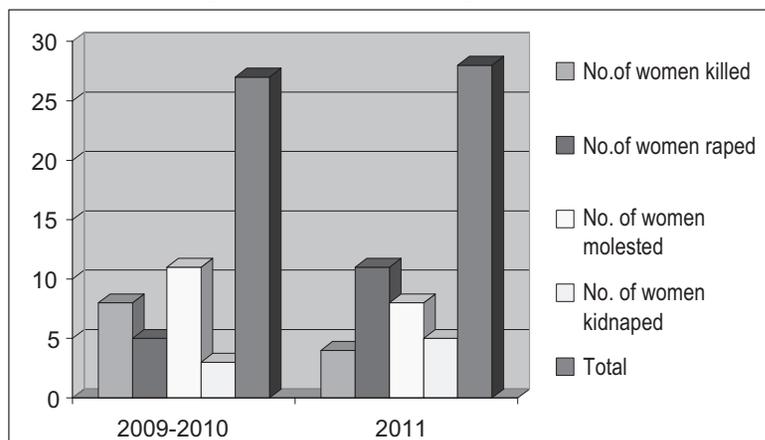
If some one looks into the deep of such heinous violation of the rights of the indigenous women, he/she could always find that such violations were always related to land issues. It is also mentionable that indigenous girls were raped, tortured and killed due to the non-implementation of the CHT Accord. Indigenous hill women are still not safe. Killing, rape and kidnapping, in particular, are being reported regularly.

In 2011, 4 indigenous women, of them 3 from the CHT and 1 from the plain lands, were killed after rape while 11 indigenous women were raped. Except 1 woman from the plain lands, the rest of the raped women were from the CHT region. In addition, attempts to rape were made on 8 indigenous women including 1 from the plain lands while 5 women (4 from the CHT and 1 from the plain lands) were abducted. Almost all violence against indigenous Jumma women in the CHT have allegedly been committed by Bengali settlers. Only one incident of attempted rape was reported to have been allegedly committed by a security person. However, needless to say that no responsible person involved with the violence against indigenous Jumma women in CHT was punished or brought under justice.

Violence against indigenous women and casualties in 2011

Region	Rape	Killing after rape	Attempt to rape	Abduction	Total
CHT	10	3	7	4	24
Plain land	1	1	1	1	4
Total	11	4	8	5	28

Figure 4 : Chart of violence against women



Women Development Policy 2011 and indigenous women

The Awami League and its alliance parties committed to pass through the National Women's Development Policy (NWDP) in its election manifesto

for the 2008 elections. Ministry of Women and Children Affairs (MoWCA) and women activists together worked to update the policy. NWDP, 2011 was declared on 7 March 2011 by the present government.

It is worth mentioning that following the UN's Fourth Women's World Conference held in Beijing (1995), the Women's Development Policy was declared by the then government in 1997 in the light of BPFA, UNCEDAW and the Constitution. Gender equality was the key spirit of the policy. A national action plan was also prepared for implementation of the policy by the government, in consultation with women's rights activists.

In 2004, the NWDP was changed towards a reverse direction in a very undemocratic way, where the spirit of gender equality was dropped. The religious extremist partner of the then alliance government managed to do so with the support of government machineries. The women's movement of Bangladesh resisted strongly and continued its struggle to reinstate the NWDP in 1997. The caretaker government again declared NWDP, 2008. This time the same group violently opposed the policy and got support from some of the members of the advisory committee of the caretaker government. So the NWDP was kept under lock and key. A strong women's movement continued and wider national consensus built up.

It is also mentionable that no provision for indigenous women is included in earlier editions of the NWDP. Indigenous women rights groups criticised the government for not taking into consideration the indigenous women's rights while formulating the National Women's Development Policy in 1997, 2004 and 2008.

However, some provisions on indigenous women have been incorporated in the NWDP 2011, though the policy terms indigenous peoples as "backward and small ethnic groups". The Section 38 of the NWDP 2011 is as follows:

38. Special programmes for the women of the backward and small ethnic groups

38.1 To ensure all rights for development of small ethnic groups and backward women.

38.2 To undertake initiatives so that women of the small ethnic

groups can develop themselves maintaining their own traditions and culture.

38.3 To undertake special programmes with an aim to develop the backward women.

Indigenous women rights activists criticised the NWDP 2011 arguing that it does not mention anything state and communal violence against indigenous women at all. They said that indigenous women face unique discrimination distinct from the women of the mainstream population. Indigenous women rights activists said that government did not consult with the indigenous women in formulating or amending the NWDP. That is why, NWDP lacks several issues which are crucial for indigenous women. As belonged to distinct ethnic groups, indigenous women possess separate problem distinct from problems faced by the mainstream women.

Adivasi female workers in North Bengal face wage discrimination

The indigenous female workers working in the agricultural fields are being victimized of wage discrimination. Though these female workers are doing same amount of work as male workers, they are getting only half amount of wages than their male counterparts. According to Jatiya Adivasi Parishad and Adivasi Unnayan Kendra, there are 5 thousand female workers (out of total 20 thousand indigenous peoples) from Oraon, Santal, Mali, Mahali, Pahan communities in 10 unions of Mohadevpur upazila (sub-district) in Naogaon district are involved with agricultural work.

Almost all the indigenous peoples living in North Bengal area are hard core poor. In these poor families, mainly the female workers work in the agricultural fields to maintain the expenses of family members. As all these women are landless, they have to sell labour in the fields of others in spite of such discrimination.

An indigenous female worker gets only taka 80 to 90 daily while a male worker gets taka 150 to 200 for a day's work. Minati Oraon, a female indigenous worker from Natshal informed that not only in the case of wages, they also get discriminated in terms of receiving other rightful facilities as a worker. While all other male workers get meals three times a day, they only get once.

The executive director of Adivasi Unnayan Kendra Dipankar Lakra said the families living in this area are run only by the earnings of indigenous

female workers. As the women workers don't get their fair wages, poverty never stops following them (28 February 2011, adivasinews.com).

RAPE

An indigenous Tripura housewife raped by a group of settlers in Khagrachari

On 26 January 2011 at mid-night an indigenous mother of 4 children was raped by a group of unscrupulous miscreants at Porabari village of Taindong union under Matiranga sub-district in Khagrachari district.

It was learnt that at around 2 a.m., a group of 8/10 Bengali settlers led by Suruj Mian, Babul Mian and Babul's younger brother from Muslim Para village went to rob Nityaranjan Tripura's house at Porabari village. When Nityaranjan came to know about the robbers, he shouted out. But, soon after that, the goons tied him up at a corner in the house and raped his wife (35) one after another before him. Nityaranjan blamed that the miscreants took Tk. 16,000 cash, gold chain and all other valuables (including land documents) away from his house.

On 28 January, a case was filed against the miscreants with Matiranga police station (Case No.-05) despite death threat. However, miscreants are yet to be arrested by the police. It was learnt that the victim was taken into Khagrachari Sadar Hospital for health checkup at around 3:00 p.m. on Friday.

A Tripura woman raped by Bengali settlers in Naikhyongchari

On 10 February 2011 a 22-year old Tripura woman was raped by two Bengali settlers in Naikhyongchari upazila under Bandarban district in the Chittagong Hill Tracts (CHT). The victim was admitted at Naikhyongchari upazila hospital with serious injuries.

It is learnt that the victim is the wife of Habiram Tripura of Shilajiri Tripura Para of Bakkhali mouza under Dochari union in Naikhyongchari upazila (sub-district). On that day in the morning she, accompanied by her brother-in-law Konaram Tripura (8), went to the farmland, 3 kms away from her home.

During working at farmland, around 10.30 am she was caught by five Bengali settlers who came there for work as day labourer and then raped

by two of the settlers. However, the Bengali settlers ran away while the local villagers rushed there hearing the victim's shout. It is also learnt that Bengali settlers chopped the victim with sharp metal weapon and tried to kill her while she was shouting. However, she narrowly escaped from killing as local villagers rushed there. But the victim sustained serious injuries on her right hand.

Among the two rapists, one of them was identified as Md. Dildar (35) s/o Mohammad Islam from Barbil area under Ramu upazila in Cox's bazaar district. No culprit was arrested by the police so far.

A teenage Marma girl raped by a hotel manager and owner in Chittagong

On 16 February 2011 a teenage Marma girl from Bandarban was raped by a hotel manager and the owner of the hotel in Chittagong. She had come to visit the city with her uncle. The two Bangali men allegedly broke into her room, tied up her uncle in a separate room and raped her.

It is learnt that the girl went to Chittagong along with her uncle. On that day as they did not get bus for Bandarban they stayed at Diamond hotel situated at Bahaddarhat area in Chittagong city. On that night around 2.00 am owner and manager of hotel forcefully entered their room and seized mobile phone, money and ornaments from them. Then keeping victim's uncle tied, they raped the girl one after another. Next day the girl and her uncle were released without any money. Soon after getting release, victim's uncle informed the incident over cell phone. The girl was admitted to Bandarban district hospital by her father Mra Thowai Marma while she reached at home at Wabrey Para in Bandarbar district headquarters. The police are investigating the case and arrested the owner and manager of the hotel. None has been charged for the rape so far.

Two Tanchangya teenages raped in Bandarban

On 4 March 2011 two teenaged indigenous Tanchangya girls were alleged to have been raped after abduction in Boroitali under Ghumghum Union of Nakhyongchari upazila in Bandarban district. The girls, aged 15 and 16 were abducted by six miscreants on their way back home from a festival at Patabari area on 4 March 2011.

The girls were held captive in a house in Haludia Patabari area under Ukhia upazila of Cox's Bazaar district and gang raped. On 5 March, the

local people recovered them from that house and caught Jasim (25) and Jahed (30), two of the six abductors, red-handed. However, the people let them off the hook. The four other rapists have been identified as Al Salam, Abdul Rahim, Md. Harun and Md. Jasim. They all are from Boidya Para village in Ukhia.

Mr Mongchi Thoai Tanchangya, father of one of the victims, said that a case was filed with Nakhyongchari police station in this connection. However, no proper action has been taken by the police.

A Chak woman raped in Nakhyongchari

On 5 April 2011 a Chak woman (27) was raped by a gang of robbers in PHP Rubber Plantation Camp No. 8 under Baishari Union in Nakhyongchari Upazila of Bandarban district. The incident took place at the night when an organized gang of 12–14 robbers came to loot the Rubber Plantation Camp.

The robbers took away raw rubber worth about Taka 200,000, a mobile phone set and some cash. They confined the night guard named Mong Thowai Chain Chak and four others in a room and then they dragged wife of Mong Thowai Chain Chak to nearby jungle and raped her there.

With an aim to conceal the misdeed, Manager of the Rubber Plantation Mr. Roush Ahmmed threatened to Mong Thowai Chain Chak and his wife not to lodge case, otherwise severe consequence has to be faced. However, a case was filed with Naikhyangchari police station. But police did not take any action against the culprit. Local people alleged that Mr. Roush Ahmmed was also involved with this incident. That is why, police played the passive role.

An Indigenous Garo women raped by police officer in Rajshahi

A 22-year old young indigenous Garo woman was raped by a police officer and his fellows in Rajshahi. These perpetrators raped and physically assaulted her for sixteen days at a stretch at her own rented house.

The victim from Manikkura under Haluaghat upazila in Mymensingh district came to Rajshahi's suburbs to work for Ruposi Beauty parlor in 2010. While she was working there, she got married to Mr. Sagar by converting into Islam. While living in Paramedical Road, Sub Inspector (SI) Nazrul Islam created a good relationship with victim's husband Mr. Sagar.

However, on last 16 May 2010, SI Nazrul, along with A Rahman and Akhtarul Quazi forced Mr. Sagar to divorce the victim after threatening and intimidation. Since then, Nazrul and his 6 fellow culprits raped and physically assaulted her for next 16 days at a stretch.

Consequently, on 9 November 2010, the victim filed a case at Rajshahi Women and Children Repression Prevention Tribunal (1) (Petition case No. 86/2010 Women Child Case No. 92/2011) accusing SI Nazrul and his 6 fellows, namely, Ariful Islam, A Rahman, A Mannan, Ujjal, Ekramul Hoque and Motlebur Rahman. The court ordered the Women Affairs Officer to investigate the complaint. However, when the plaintiff shown her disagreement with the probe report, the court gave order to National Women Lawyer Association for further investigation on 24 February 2011. Besides, the court also issued warrant order against Nazrul under Section 5(1) of Women and Children Repression (Prevention) Act and his 6 fellow perpetrators under section 5(1)/30 of the same act. Accused Nazrul Islam and his 5 fellows took anticipatory bail on 18 April 2011. However, accused A Rahman was out of reach from the beginning. On 24 April 2011 the court further issued a warrant of arrest against SI Nazrul Islam as he was absent during the hearing. The warrant against SI Nazrul Islam and A. Rahman was sent to Rajshahi Metropolitan Police Commissioner accordingly. However, the culprits are yet to be arrested.

An indigenous Koch woman raped by Bengali culprits in Gazipur

On 30 May 2011 an indigenous Koch woman (35-year old) was raped by Bengali culprits in forest at Uttarpalaid village under Sreepur upzila in Gazipur district.

It is learnt from an on site inquiry that Chompa Rani Koch, w/o Jogindra Chandra Koch, a poor vulnerable women, went to jungle for collecting wood. While she was coming back home after collecting wood, Md. Rubel Miah (32) and Md. Nazmul Hosen (25) of the same village raped her forcibly and threatened to kill her if the account of the occurrence brings out.

She prayed for justice to the local leaders but failed to acquire justice. Uttarpalaid Adivasi Forum member Usha Rani Koch and Manindra Chandra Koch along with the victim went to police station to make complaint but no General Diary (GD) was filed up by the police.

An adolescent Chakma girl raped in Longadu

On 15 June 2011, a 13-year old minor Jumma girl, student of class seven, daughter of Mr. Sadhan Bikash Chakma of Bara Ultachari village of No. 1 Atarak Chara union under Longadu upazila of Rangamati hill district was raped by a miscreant named Ibrahim (32) (converted to Islam from Hinduism) s/o Santosh Biswas, now living at the house of his father-in-law Tazul Islam of North Eareng Chari village of same union. Later, rapist Ibrahim was identified and arrested.

A Chakma girl raped in Baghaichari

On 27 July 2011 at 11 am a 13-year old Chakma girl was raped by a Bengali settler at Rupakari union in Baghaichari under Rangamati district.

It is learnt that one Abdul Majid (28) s/o late Abu Hossain Gazi went to the house of one Mono Ranjan Chakma of Bhakta Para under Rupakari union in Baghaichari upazila and found the girl alone. Majid put a fifty Taka note in her hand and asked for sex. When she refused, Majid grabbed and raped her. It is reported that one day after the incident Majid was arrested by police.

It is reported that Bengali settlers led by Bangali Chattra Parisahd (Bengali Students Council) surrounded the house of Sudarshan Chakma, chairman of Baghaichari Upazila, demanding the release of the rapist. They tried to divert the issue towards communalism and save the culprit. At a stage, the Bengali settlers were compelled to disperse when the local administration intervened.

A Tripura woman raped by Bengali settler in Panchari

On 24 September 2011 an 18-year old indigenous Tripura woman of Karko Karbari Para of Ultachari union under Panchari upazila (sub-district) in Khagrachari district was raped by a Bengali settler named Md. Karim (31) s/o Janu Mian of village- Molla Para of No. 1 ward under same union.

It is learnt that on that day at around 11:00 am the victim was staying at their Jumghar (a temporarily built house for Jum cultivation) only with her one and half year old child. Her husband Pushpa Ranjan Tripura went to Panchari upazila headquarters with his mother to take government 'aged allowance'. In the meantime, the culprit Md. Karim appeared at the Jumghar and asked for a glass of drinking water to the victim. When victim

came out from her room to give a glass of water, Md. Karim grabbed her neck and then raped forcefully. While victim was shouting, Md. Karim left the spot quickly. After the incident, the culprit Md. Karim absconded from village.

On 26 September 2011, a case was filed with Panchari police station by the victim's husband in connection with this rape incident under section 3(1) of Women and Children Repression Prevention Act. As per the relatives' apprehension, the case was not effective. On 27 September 2011 a medical test of the victim occurred by Dr. Sanjib Tripura at Khagrachari District Hospital after three days of the incident. Consequently, the result of the test became negative. Earlier, the relatives of the victim also blamed that the medical test of the victim was done very overdue. Till the time of the reporting, the police could not arrest the culprit.

A Marma woman gang raped after kidnapping in Chittagong

On 8 November 2011 an 18-year old young Marma woman of Sial Bukke area of Kaukhali upazila of Rangamati hill district was kidnapped from Ranirhat bazaar area of Rangunia upazila of Chittagong adjoining Kaokhali upazila and then taken to Chittagong by a group of Bengali miscreants. Later the young woman was raped there by the members of the group one after another.

On 12 November 2011 in the morning time, victim tactfully informed her father about her location by a nearby tenant woman through telephone. Getting the news, victim's father Mr. Uching Marma informed the Deputy Commissioner of Chittagong about the occurrence. Deputy Commissioner, then and there, told the police of Panch Lais police station of CMP to take measure to rescue the kidnapped woman and to arrest the criminals. On 12 November 2011 in the evening time police rescued the victim surrounding the house of Samshu Mansion.

On 13 November 2011, a case under Women and Children Repression Prevention Act 2000 was filed with Rangunia police station by victim's father Uching Marma in this connection.

On 13 November 2011 the perpetrators (1) Kamal Uddin Juel (22) s/o Nurul Alam alias Fazala Sikdar of village- Syed Bari of Rangunia upazila, (2) Iqbal Hossain (20) s/o Sultan, village- do, (3) Suman Robidas (18) s/o Ganga Robidas of village- Jalia Para, (4) Moni Aktar Jeni (18) s/o unknown

were arrested by police. But, later, of them Kamal Uddin Juel fled away from police custody.

KILLING AFTER RAPE

Adivasi girl sets fire to herself after being gang raped and died from her wounds

On 17 February 2011 Serafina Mardi, a 14-year old adivasi girl committed suicide by setting herself on fire. Serafina was gang raped by nine indigenous men in April 2010. She initially filed a complaint with the police against the perpetrators but it was not pursued. It is learnt that the rapists were influential in the local community and the accused men forced her family to agree to an out of court settlement in exchange for money. As part of the settlement, orchestrated through village arbitration, her family forced her to marry one of the rapists.

Only after protests by the indigenous community, the police have taken action and arrested 10 people, including indigenous community leaders and a catholic priest, Father Bernard Tudu, for their involvement in the out-of-court settlement. Nevertheless, the rapists have not been charged for their crimes and continue to benefit from this impunity.

Marma woman killed after rape in Manikchari

On 25 March 2011 a Marma woman named Nowbai Marma (28) was murdered allegedly after rape in Manikchari under Khagrachari district. It is reported that some unidentified terrorists on 26 March 2011 night choked a Jumma woman to death after raping her at Mahamuni area in Manikchari upazila. Her dead body was recovered from her house.

Mr. Suicha Prue Marma, husband of the victim and a day labourer, filed a case with Manikchari police station the following day. The police have arrested three suspects in connection with the incident. The arrested are Md. Selim, Sahabuddin and Firoz.

A Chakma teenager killed after rape in Dighinala

An 11-year old Jumma girl was killed reportedly after rape in Boalkhali union under Dighinala upazila in Khagrachari district. The victim has been

identified as Sunika Chakma alias Milacha, a class three student of Kamokyachara Government Primary School. Police recovered her lifeless, naked body on 13 May 2011 morning near Zia Nagar.

It is learnt that Sunika Chakma went to Shafi's shop to buy some cigarettes. But she had not returned since then. Her mother Kalpana Chakma alleged that Ali Azom's son Md. Kashem of Zia Nagar often teased her daughter and on 14 April 2011 he ingressed into their house and attempted to rape her daughter. At that time elders from both Jumma and Bengali communities sat together and settled the issue.

Kalpana Chakma filed a case with Dighinala police station against Kashem and others in this connection under sections 9(3)/34 of the Women and Children Repression Prevention Act 2000 on 13 May 2011.

Indigenous Santal woman murdered in Rajshahi

On 10 July 2011 a woman of indigenous Santal community was tortured to death at Shimla Dighipara village of Godagari upzila in Rajshahi district, allegedly as a sequel to land dispute with her late husband's relatives.

Police recovered the body of the victim Moriam Murmu (48), widow of late Hopna Mardi of Chaitanpur village in Tanore upazila, some 100 yards behind her Shimla Dighipara village home, 10 July morning.

Moriam went to bed at around 9:00 pm on Saturday and neighbour Shaheb Kisku's wife Anajali Murmu saw her stripped body hanging from a tree at around 6:00 am, said her family members and neighbours. Injury marks were found over her throat, legs, and other parts of the body. There was bleeding from the lower part of the body. There were gold ornaments on her ears. Police sent her body to Rajshahi Medical College Hospital morgue for autopsy.

Mariam's son Wilson Marandi, an official at Amnura Christian Mission, 10 July filed a murder case, mentioning his paternal uncle Biswanath Marandi as a suspect behind the murder. "My mother had a feud with the suspected person over last 15 years as she demanded her due share of her father-in-law's landed property of 7.63 acres," Wilson told.

Moriam's body was buried at her father's home at Shimla Dighipara village after autopsy at Rajshahi Medical College and Hospital (RMCH). Forensic experts of RMCH declined to say anything about the autopsy findings.

Police arrested Johan Marandi, Amal Kisku, Iqbal Hossain and Amweriya Murmu in Moriam Murmu murder. They confessed their involvement with this incident under section 164 of Bangladesh Penal Code.

An indigenous Chakma woman killed brutally in Khagrachari

On 1 October 2011 a Jumma woman was brutally killed at Kamalchari area in Khagrachari district. The deceased was identified as Ms. Protima Chakma (32) wife of farmer Priti Bikash Chakma of Kamalchari village under Khagrachari sadar upazila (sub-district) in Khagrachari district.

It is learnt that Protima Chakma went out of house along with the mid-day meal for her husband at noon on that day and since then she was missing. Around 8:00 pm villagers recovered her dead body in a ditch. Villagers found two legs of the deceased fastened and neck mutilated. It is reported that Ms. Protima Chakma wore a necklace made of gold. That necklace might be the cause of the killing.

At about 11:00 pm police and army rushed there and took away the dead body to Khagrachari police station and on next day in the morning the dead body was sent to Khagrachari district general hospital for autopsy.

Victim's husband filed a case with Khagrachari police station against a Bengali settler named Md. Rafiq of Bhuyachari cluster village under Kamalchari union. It is reported that on that day Md. Rafiq along with another Bengali settler from Bhuyachari cluster village was seen to ramble at that area. No body was arrested till the report writing.

ATTEMPT TO RAPE

A Chakma girl attempted to rape in Barkal

On 24 January 2011 a 13-year old Jumma girl, daughter of Bharat Kumar Chakma of Boiragi Para of 4 Ward of Bhushanchara union under Barkal upazila of Rangamati hill district was attempted to rape by a Bengali settler named Idris Ali (35) s/o late Daud Mian of Arabunia-Gorsthan area of the same union.

It is learnt that on that day at about 5:30 pm the victim was at their house with her 10 years old younger sister Swapna Chakma. At that moment alleged Idris came to the house of the girl and took a photograph of the girl with a mobile. Then, in the pretext of showing the photograph, Idris

entered into inside of the house and tried to rape the girl grabbing her mouth. Immediately, the girl and her sister began to shout. At last, the girl was released from attempt to rape, but the culprit tore up her salwar and kamiz worn.

On 25 January 2011, a case was filed with the Barkal police station. The complainant is the victim herself and the case no. 02, date-25/01/2011, section 10 of Women and Children Repression Prevention Act 2000. Inspection Officer (IO) of the case is Shahidul Islam. But police did not arrest the miscreant.

An indigenous Mro girl attempted to rape by Bengali settler in Lama

On 5 July 2011, a Mro girl was subjected to sexual assaults in Lama upazila under Bandarban district.

It is reported that Alamgir, a 20-year old Bengali settler youth from Dhekichara Rangazhiri Para village of Soroi union under Lama upazila attempted to rape a 13-year old Mro girl of the same area while she was grazing cows. Her father, Danroi Mro, told that after the incident Alamgir's father Nurunnobi filed a general diary (GD) with Lama police station alleging that his daughter had been abducted.

However, on 14 July 2011, at an arbitration meeting held at Lama police station in the presence of the elected public representatives of the area, the issue was settled for a Taka 13,000 and Alamgir was let off the hook. No case was filed in connection with this incident.

A Tanchangya girl attempted to rape by a Bengali settler in Naikhyangchari

On 12 July 2011 a 13-year Tanchangya girl of Reju Boroitoli Para under Naikhyangchari upazila in Bandarban district was attempted to rape by Md. Farid Alam (25) s/o late Zafar Alam from Thimchori Bhalukiya of Ratnapalang area under Ukhiya upazila in Cox's Bazar district.

On the day, at around 10 am the victim, along with her cousin Chiyon Mala Tanchangya (8) was going to jum carrying a rice bag of 20 kilograms on her head from Lakrichari Bazar. When she reached the lime orchard of Sudatta Master situated on the bank of Bhalukiya canal at Reju Mongjoy Para, Md. Farid Alam grabbed her. The villagers rushed there while victim shouted out and held the culprit Farid Alam.

Subsequently, the culprit was handed over to the police. Victim's brother Gyanu Tanchangya filed a case against Md. Farid Alam with Naikhyangchari police station under section 10 of Women and Children Repression Prevention Act 2000.

Bengali Settler attempt to rape a Marma girl on Kaukhali

On 25 July 2011 an 18-year old Marma girl was subjected to a rape attempt in Kaukhali under Rangamati district. She is a student of Kaukhali College. The incident occurred at 1.00 pm on that day when she was on her way coming back to home in the Shamukkya village after attending classes at the college.

As she reached at Ghilachari Adarsha Gram (village) unaccompanied, one Zakir Hossain grabbed her and attempted to rape. When she screamed for help peoples from nearby area rushed there and caught Zakir.

A case was filed against him with Kaukhali police station under Women and Children Repression Prevention Act by victim's father Mongshi Marma. Zakir is a son of Abdus Sattar, a settler from Ghilachari village under Kaukhali upazila.

A Marma girl attempted to rape in Lama

On 30 July 2011 at around 12 noon a young Marma woman (15) was attempted to rape by a Bengali settler at Siletuya Para of Rupashi union under Lama upazila (sub-district) in Bandarban district. Three relatives of the victim were killed as they tried to save the victim from getting raped by the Bengali settler.

It is learnt that a Bengali settler sneaked into a farm house in the village at noon and grabbed 15 year-old girl of Ms. Hla Powang Prue Marma and Mr. Mongchasa Marma, working in the farm house, and tried to rape her.

As the girl cried out for help, Aung Sha U Marma and Hla Powang Prue Marma went to the spot. The minor boy followed them. The miscreants attacked and killed them when they were trying to save her. The miscreant also killed the minor boy. The molested girl was admitted at Bandarban district hospital.

It is learnt that the police arrested Mohammad Musa for his suspected involvement in the murder. The incident has created panic in the area. It is reported that Bengali settlers have been trying to grab Jumma villagers' land for long time.

A minor Marma girl attempted to rape by a Bengali settler in Thanchi

On 12 September 2011 a 3-years old indigenous child (girl) was attempted to rape by a Bengali settler named Md. Shah Jahan Mian (26) s/o Abdul Mannan of Satkania area of Chittagong. The perpetrator Md. Shah Jahan is an outsider of Bandarban district was working as a construction laborer at nearby the primary school.

It is learnt that on that day at about 3:00 pm Md. Shah Jahan, pretending to affection, took away the girl when she was playing near their house to a nearby building under their construction. At first, the perpetrator kissed the innocent girl making her dress put off and got naked her. Seeing such acts of the perpetrator, the girl started crying.

Hearing the crying of the victim, teachers of nearby Thanchi Government Model Primary School including the girl's mother rushed to the spot. They found that the girl was crying and Md. Shah Jahan was standing aside. The girl at once described the fact to her mother. Hearing the description of the girl, her mother and other teachers then and there caught the culprit red handed and later handed over to the police. A case was filed against Md. Shah Jahan in connection with sexual molestation.

Army attempts to rape a Chakma girl in Massalong

On 27 November 2011 a 12-year old Chakma girl was reportedly subjected to a rape attempt allegedly by an army in Massalong of Sajek union under Baghaichari upazila in Rangamati district.

The incident occurred at 1:30 pm on that day when the victim was on her way back home in the village of Shanti Para after working in the field.

The victim alleged that considering her alone on the road, a soldier from Massalong army camp, who was working on road construction, tried to grab her. At first, the soldier offered money. But she was able to extricate herself and run away, the army men running after her. She screamed for help and the Jumma women working nearby rushed there. The army man then slunk back. The name of the soldier could not be known.

The villagers put objection to the camp commander of Massalong camp Major Russel. He held two meetings with the villagers to compromise the incident. The victim's father name is Bidya Sundor Chakma, a Jum cultivator.

ABDUCTION

An indigenous woman tried to kidnap by Bengali land grabbers in Gazipur

On 6 October 2011 an indigenous woman named Ms. Bani Rani Koch (35) w/o Gopal Saha was allegedly tried to kidnap by Bengali land grabbers from Nimaichala village under Shreepur upazila in Gazipur district.

It is learnt that on that day Bani Rani Koch went to the paddy field and was kidnapped by land grabbers while she was returning home from paddy field. However, she was recovered after couple of hours from nearby jungle. Locals said that kidnapers left Bani Rani Koch while villagers spread over the area to rescue the victim.

Local sources said that Md. Hossain Mian s/o late Abdul Rahman, Mr. Abdul Hasan Mian s/o late Abdul Rahman, Mr. Mafiz Uddin and Ms. Rahima Khatun w/o Mafiz Uddin of Nimaichala village were involved with this kidnapping.

Sources reported that husband of the victim Mr. Gopal Saha got 1.00 (one) acre of land as lease from the government couple of years ago. However, Md. Hossain Mian and his gang have forcibly occupied the land. Locals alleged that land dispute might be the cause of the kidnapping.

A case was filed in connection with this kidnapping against the miscreants with Shreepur police station.

Indigenous Chak girl abducted by the miscreants in Naikhyangchari

On 13 December 2011, a 13-year old indigenous Chak girl, a student of class seven was abducted by a group of miscreants from a remote area under Naikhyangchari in Bandarban district. The girl is still missing and the abductors are yet to be arrested by the police.

On that day, the victim from Baishari Natun Chak Para under Naikhyangchari upazila Bandarban district went out of her house to go to school at around 9:00 am. When she reached Punarbasan Para, a group of miscreants numbering of 3/4 led by Md. Manir (30) of Punarbasan Para of Narichbunia under Baishari union in Naikhyangchari upazila kidnapped her. When the people of that area came to know about the incident, they tried to rescue the victim with the help from UP Chairman Manirul Haque. The UP Chairman also asked the relatives of the accused Md. Manir to rescue and take the victim to her parents.

Even after two days of her abduction due to failure to rescue the victim even after two days of her abduction, her father Mr. Chayja U Chak filed a case with the local police station. However, she is still missing and the abductor Md. Manir and his fellows are yet to be arrested by the police.

MEDIA REPORT



New Age, 10 October 2011

Violence against minority women in CHT goes unabated

Muktasree Chakma Sathi

Violence against national minority women and children in the Chittagong Hill Tracts continued unabated, with nine being

victimised between July and October, according to national minority's rights watchdog Kapaeeng Foundation.

Four of the victims were killed, four were raped and two children were molested, the rights watchdog said.

The 'Lama killing' shocked the CHT inhabitants as three members of a family were killed allegedly by Mohammad Musa at Lama in Bandarban on July 30.

In this incident, five-year-old boy Mong Nuching was killed along with his grandfather Wangchhau Marma, 65, and his mother, Ramuching Marma, when he accompanied them to save his 15-year-old sister from being raped.

Nishi Dewan, assistant general secretary of the Hill Women's Federation, backed by Parbatya Chattagram Jana Sanghati Samiti, told New Age that the law enforcement agencies in the CHT had failed to play their role 'in a proactive, accountable and unbiased manner' which could stop such violence.

'The main issues have always been the land and the patriarchal mentality. Earlier, there were sectarian clashes [in CHT] to grab land and now they are raping women and killing people for the same reason.' Nishi alleged, adding that any kind of violence against women needs to be strongly dealt with irrespective of the communities of the victims and perpetrators.

When asked about this, the Bandarban deputy commissioner, Mizanur Rahman, came down heavily on the media and said such crimes could be found in any other places of the country.

'See, rape and killing take place everywhere. Why do you get so much worried about such incidents when they relate to national minority women in the CHT?' he said.

When asked whether such crimes were related to 'land issues,' Mizanur said that such crimes taking place in areas of his jurisdiction, where the Lama killing took place, were not related to land issues.

On October 1, another woman named Pratima Chakma, 32, was raped and killed and the severed body was founded at Kamalchari in Khagrachari.

Mong Sing Neo, the Kapaeeng Foundation coordinator, told New Age that the reason behind such crimes was the 'absence of any single example' of punishment.

The Kapaeeng Foundation asked the government to investigate the incidents and demanded adequate compensation for the families of the victims and the trial and punishment of perpetrators.

It also called on the government to ensure the security of the national minority women and children as they are citizens of Bangladesh.

The Kapaeeng Foundation in its electronic newsletter alleged that the 'indigenous girls' were raped, tortured and killed and said that 'due to the non-implementation of the CHT accord, Jumma women are still not safe. Killing, rape and kidnapping, in particular, are being reported regularly.'

Two girls were raped between July and August and a child was molested and another was raped in September, according to the Kapaeeng Foundation's newsletter.

The Daily Star

The Daily Star, Saturday, May 14, 2011

Indigenous girl killed after rape

Our Correspondent, Khagrachhari

A 13-year-old indigenous girl was killed reportedly after being violated by a stalker at Zianagar in Dighinala upazila of Khagrachhari on Thursday night.

Police recovered the body of the victim, a student of Kamokkachhara Govt Primary School in the area, from the woods, some 250 yards of her house around 9:00am yesterday.

The victim's mother held Hashem Ali of the area responsible for the killing as he used to stalk and harass her daughter often.

"In the preliminary investigation, police found marks of injuries on her body which indicate the victim was killed after rape," said Abdul Kader, officer-in-charge of Dighinala Police Station.

According to the victim's family and police, the girl went missing since she went out of home Thursday afternoon.

Next morning, neighbours discovered her body in the woods and informed police and the victim's family.

The body was sent to Khagrachhari Adhunik Sadar Hospital morgue for an autopsy, said the OC adding that a case will be filed.

Meanwhile, Hill Women's Federation Khagrachhari unit president Madri Chakma in a press release yesterday afternoon condemned the incident and demanded immediate arrest and exemplary punishment of the culprit.

VI.
EDUCATION
AND CHILDREN



VI. EDUCATION AND CHILDREN

Indigenous people account for more than 5,000 languages in over 70 countries on six continents; that is, nearly 75 per cent of all languages believed to exist. In many cases their ecologically sustainable practices protect a significant part of the world's biological diversity. Despite two UN Decades on Indigenous People, this group continues to face serious discrimination in terms of access to basic social services, including education and healthcare. A great number are marginalized and live in precarious conditions, often due to forced displacement and the impacts of globalization and climate change.

Indigenous Education is designed to attain two goals. The first is to ensure Indigenous students at all levels are able to participate in education and achieve appropriate, positive outcomes on an individual level. The second is to develop programs that assist the wider community to increase their understanding of Indigenous culture and history. The aim is to remove prejudice or racial intolerance. In working to achieve these goals, it is essential to have Indigenous input at all levels from development to presentation and support. All levels and groups encourage this.

Studies show that children learn better in own mother tongue. But then it has to be taught in school, which is not the case of all minority languages. More convinced than ever of the value of multilingualism, certain countries are trying to promote learning in a number of languages. However, the political and economic obstacles are enormous.

Having to study in the national Bengali language– which is not the mother tongue of the indigenous peoples – is known to lead to learning difficulties.

The Constitution of Bangladesh also stretches the importance of advancing the back warded society with special arrangement. All the indigenous communities have the rights to be educated in their own mother tongue other than Bengali at least to the primary level for their proper development. This will enhance their ability to learn. In this way they will also achieve their one of their basic needs. Moreover, the CHT Accord of 1997 provides for the introduction of primary education in the languages of the indigenous peoples, but concrete measures to reform the school curricula are yet to be taken. No similar arrangements have been proposed for the plains. These omissions are contrary to the provisions of the ILO Convention No. 107 and the Convention on the Rights of the Child, both ratified by Bangladesh. The situation is still same though the demand is increasing at national level through various awareness programs.



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 quota for indigenous students, there is no coherent policy and the entire issue is often embroiled with bureaucratic interventions. In some cases, it is totally dependent on the discretion of the authority of the concerned educational institutions. Furthermore, in several cases alongside the indigenous quota, a separate quota for the Bengalis from CHT are being maintained, and the indigenous quota are occasionally filled up by Bengali students on the pretext of not having qualified indigenous students!

The government seems to have no systematic and coherent policy and undertakings in this regard. The text books in the school and other reference books are replete with descriptions of the country's indigenous peoples that go beyond caricature (e.g. one text book in class 5 tells the Garos having larger than average size ear!). The key tasks of the Tribal Cultural Institutes (TCI) seem to be more of organizing music and dance functions for the visiting VIPs and government dignitaries in the region.

Quality education for Indigenous Peoples

The enjoyment of the right to education is not fully realized for most indigenous peoples. The Expert Mechanism on the Rights of Indigenous Peoples says that without access to quality education indigenous communities will not be able to fully enjoy their rights. The Expert Mechanism is a group of five independent specialists who provide expertise on the rights of indigenous peoples to the Human Rights Council.

In their report to the Council on the right of indigenous peoples to education the experts say, "Deprivation of access to quality education is a major factor contributing to social marginalization, poverty and dispossession of indigenous peoples".

The report makes the case that designing education programs for indigenous communities must take into account many factors that acknowledge the special needs of these communities. Indigenous students cannot be forced into mainstream education systems which do not integrate indigenous culture, it says. An approach using a single model is inappropriate because of the diversity of indigenous peoples. Promoting "indigenous perspectives, innovations and practices in an environment that replicates traditional ways of learning" is another interest of the Expert Mechanism. This includes having mother-tongue based bilingual and multilingual education at the primary as well as at higher levels. Indigenous languages should be integrated into the teaching programs. The report proposes that community members be trained as language teachers and the development of indigenous literacy material.

The report identifies gender issues as a common impediment to education for both boys and girls in indigenous communities. In fact, girls are regularly prevented from attending school. The report found that "families often prefer girls to remain at home to perform domestic chores and care

for children and siblings". When put together with other discrimination issues, this has serious social consequences for the indigenous communities.

The Expert Mechanism says that indigenous peoples have the "right to educational autonomy" including "the right to decide their own educational priorities [...] as well as the right to establish and control their own educational systems and institutions, if they so choose".

The report recommends too that human rights education be included in schools to encourage cooperation between the different cultures. The Expert Mechanism advises that "learning about human rights is the first step towards respecting, promoting and defending the rights of all individuals and peoples." For this to happen, States must ensure funding for appropriate teaching materials and the recruitment of indigenous teachers. Education is identified by the report as "one of the best long-term financial investments that States can make." This year on December 10, celebrate Human Rights Day by joining together to celebrate diversity and end discrimination.

Govt recruits only around 1% against 5% quota in govt jobs for Indigenous Peoples

Chairman of Bangladesh Public Service Commission (PSC) Ahmedul Huq Chowdhury stated that the policy on quota system for the cadre service should be implemented properly for all, including those for the tribal quota to ensure transparency in cadre service recruitment.

"Quota system is certainly a positive discrimination. It will not be violated during my tenure," he told a national seminar speaking as chief guest on "Job quota policy for Indigenous and Tribal Peoples (ITP) and its Implementation," organised by the International Labour Organisation (ILO) at the CBCB conference room in Dhaka on 22 December 2011.

Ahmedul Huq Chowdhury admitted that the tribal candidates are being deprived of in the absence of any clear cut guideline on tribal quota. Which, he described as based on a quite tough calculation. However, he suggested the tribal candidates should be competitive and hone their qualities. Otherwise other candidates will leave them behind. PSC chairman said the quota system should be precise and clear cut, eligible only for the first generation. If it continues for generations, some family will only be benefited from it. So it should be changed, he observed.

Chairman of the Public Service Commission (PSC) Mr. A T Ahmedul Haque Chowdhury, however, claimed that the PSC is 'committed and sympathetic' enough to ensure the reserved seats for the indigenous peoples. 'We try to allot the quotas accordingly. Even, we remain the posts vacant and conduct special BCS examination such as 26th BCS special exam was held only to fill up the vacant seats by them' Ahmedul said at the seminar. Emphasizing on the educational non-eligibility of the indigenous candidates, Ahmedul also called upon the indigenous candidates for preparing themselves as 'more eligible'.

The government has been providing 5% quota in government jobs for the indigenous candidates and admission quota in educational institutions for the indigenous students since 1985. About the recruitment policy in cadre service on tribal quota, Prof. Shourav Sikder said, there is a big problem in the tribal quota distribution system, having no clear cut way to avoid the five percent reserve post. He urged the BPSC to maintain the post for the different quota including tribal candidates to avoid any kind of smoke net in recruitment. Presenting his key note paper prepared based on a recent study on the tribal quota in cadre services, Associate professor of Mass Communication and Journalism Robaet Ferdous said five per cent jobs were reserved for the tribal candidates along with freedom fighters (30 per cent), women (10 per cent) and district (10 per cent) quota in 1985. But since the introduction of tribal quota system on appointment in the cadre service of BPSC due to lack of special guidelines and follow of rules by it for the candidates from the tribes people, they are mostly deprived to make their presence in the services, he noted.

Five percent quota for the tribal candidates is not clear in the policy, for this reason only for the administration and police cadres are eligible. But seldom the candidates are being recruited in other cadres due to such hazed policy," he said. He suggested the government should clear the policy and mark the post in the tribal quota while advertising. Otherwise the tribal candidates will not get chance to work in the mainstream government service, Robaet Fedous noted.

As per the data available on different Bangladesh Civil Services (BCS) cadre recruitments, the existing 5% quota for the indigenous and tribal peoples was not filled up, study said. The researchers said 'Merely 1-2 percent tribal quotas were fulfilled since the policy was adopted and

unfortunately such vacant seats till 27th BCS were filled by the non-tribal candidates,'

While pointed out the Bangladesh Bureau of Statistics' list of the indigenous peoples where only 27 ethnic groups were listed as 'tribal', Ahmedul told that the PSC has no power to recruit the 'non-listed' ethnic groups' candidates in the 'Tribal Quota' and added, although the PSC can pursue to the government as it is a 'problem' to ensure indigenous peoples rights regarding the government services. The former PSC chairman Sadat Hussain, however said, any indigenous candidate who got the 'tribal certificate' from Deputy Commissioner is eligible to apply for the 'tribal quota'.

Even the existing 5% quota for the indigenous peoples is not filled up properly as per the data available on different BCS cadre recruitments. The recruitments in the last six BCS examinations (24th-29th) show a diminutive representation of the indigenous candidates. Out of 1118 finally selected candidates for different cadre services in the 24th BCS recruitment, a total of 56 candidates were supposed to be recruited from the indigenous and tribal communities as per the existing 5% quota provision. But only 16 candidates (1.43%) were finally selected from indigenous peoples. Like this, in the 25th BCS, only 8 indigenous people in lieu of 137 candidates were selected out of total 2662 finally selected candidates for the recruitments in different cadres. In terms of percentage it was only 0.3% of the total recruitments. In the 26th BCS, only 2 indigenous candidates (0.19%) instead of 52 were selected out of a total 1047 finally selected candidates.

Recruitment of indigenous peoples to the BCS cadres

Batch of BCS	No. of male recruitment	No. of female recruitment	Total recruitment
24 th	12	4	16
25 th	6	2	8
26 th	2	-	2
27 th	13	5	18
28 th	7	1	8
29 th	10	1	11
Total	50	13	63

It is mentionable that out of 63 recruited indigenous cadres to the BCS, 50 persons are from CHT and 13 persons are from plain land indigenous peoples. In terms of percentage 79% indigenous cadres are from CHT while only 13% are from plain land indigenous communities.

The discussants at the seminar made several recommendations including representation from the indigenous peoples in the PSC body, forming a monitoring committee to monitor the recruitment process and clear and comprehensive guideline on quota policy, making ITP related information available to the public.

Parliamentary Committee recommends bringing down pass marks for indigenous students

Parliamentary Standing Committee on Ministry of CHT Affairs (MoCHTA) recommended to the authorities of the public universities to bring down pass mark 35 from 40 for indigenous students in the admission test of public universities. This recommendation was made at the meeting of the Committee held at the Jatiya Sangsad Bhaban in Dhaka on 1 March 2011 with Mr. Shah Alam MP in the chair.

It is mentionable that the passed mark of the Multi-Choice Question (MCQ) test of public universities is 40. Majority indigenous students, particularly belong to disadvantaged small ethnic group are not in advantageous situation and thus fail to get admitted.

It is opined that public universities are yet to be sensitive and develop liberal policies to provide admission to students from different indigenous ethnic groups. The situation of indigenous women in this section is more vulnerable. The absence of constructive policies in the public universities is affecting the indigenous women more than men.

In addition to that, no measure has been taken on the part of the government to provide scholarship to the indigenous students for higher education and research studies in foreign countries.

The parliamentary committee also recommended to continue 5% quota in government jobs for the indigenous candidates. But, in case of non-availability of a qualified person among the indigenous ethnic communities for any post, appointment may be made to such post on deputation from the Government or for a definite period or may be made from mainstream population of plain land.

JU violates CHT Accord seeking only DC's certificate from CHT tribal students

Jahangirnagar University (JU), in its advertisement for admission for 1st year (honors) course (session 2011-12), sought only tribal certificate of Deputy Commissioner (DC) of concerned hill district from tribal (indigenous) students of the Chittagong Hill Tracts (CHT) in case of application for tribal quota.

Leaders of the indigenous students in JU said that seeking only certificate of Deputy Commissioner is completely violation of the CHT Accord signed in 1997 between Government of Bangladesh and the PCJSS.

It is mentionable that CHT Accord of 1997 authorizes only three Circle Chiefs of CHT to provide permanent resident certificate in case of identifying permanent Bengali residents and tribal certificate in case of identifying a tribal person to which ethnic group he/she belongs. The provision of the Accord has been included in the three Hill District Council Acts passed in the Parliament in 1998.

It is also worth mentioning that violating the said provision of the Accord and three HDC Acts, on 21 December 2000, the Ministry of CHT Affairs (MoCHTA) issued an instruction authorizing the Deputy Commissioners of the three hill districts, side by side of Circle Chiefs, to issue "Permanent Resident Certificate". It was a complete illegal instruction, since such an executive order cannot override an expressed provision of the law passed on the floor of parliament. As objection was raised by the CHT Regional Council, a decision was taken to annul this order at a meeting of the Advisory Committee of the MoCHTA on 1 July 2001. But no order was issued canceling that controversial instruction so far. It is also a fact that no provision of the law in Bangladesh under which a Deputy Commissioner of a district including the hill districts can issue such a permanent resident certificate. The Deputy Commissioners are only authorized to issue citizenship certificates under the "Charter of Duties of Deputy Commissioners".

In complying with the said provision of the Accord and three HDC Acts, other public universities in Bangladesh including Dhaka University and Chittagong University seek certificate either from Circle Chief or Deputy Commissioner.

Indigenous students alleged that in providing certificate to tribal students, office of the Deputy Commissioner are harassing tribal students. It is learnt that tribal students have been asked to submit application for tribal certificate along with the certificate from chairman of concerned municipality or concerned union council to the concerned Upazila Nirbahi Officer (UNO). After receiving application, UNO authorizes Upazila Agriculture Officer to verify whether applicant student is tribe or not. After verification, UNO sends recommendation to the Deputy Commissioner.

Indigenous students also alleged that in some cases, tribal students are asked to submit land document of father/guardian to prove a permanent resident of the concerned hill district.

It is mentionable that CHT Accord provides lands of lawful entitlement in the hill districts in case of identifying “Non-tribal Permanent Resident”. The provision clearly stipulates, “Non-tribal Permanent Resident shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address”.

Tribal student leaders argued that as per above-mentioned provision of the Accord and three HDC Acts, submission of land document is applicable only for non-tribal permanent (Bengali) residents, but not tribal residents. They also alleged that seeking land document from tribal is nothing but to harass the tribal students.

Discrimination against CHT tribal students in submitting permanent resident certificate

It is learnt that tribal students of Chittagong Hill Tracts (CHT) region are confronting discrimination in submitting resident certificate for MBBS/BDS course (session 2011-12).

According to the results of the MBBS/BDS admission test published on the national Bangla daily ‘Jugantor’ on 4 October 2011, tribal students of CHT have been asked to submit resident certificate of both circle chief of concerned circle and deputy commissioner of concerned district while non-tribal Bengali students of CHT have been asked to submit resident certificate of either circle chief or deputy commissioner.

Leaders of the tribal students said that the provision of submission of

double certificate by tribal students is nothing but a clear discrimination against the tribal students of CHT. They also added that discrimination against tribal students of plain land is also found. Tribal students of plain land are asked to submit certificate of tribal head of concerned ethnic group and deputy commissioner while general students of plain land are asked to submit only citizen certificate of city cooperation mayor/municipality chairman/union council chairman/word commissioner, they alleged.

MEDIA REPORTS



humanitarian news and analysis

BANGLADESH: Ethnic minorities face higher school drop-out risk

DHAKA, 4 November 2011 (IRIN) - Ethnic minority children in Bangladesh from the southeast Chittagong Hill Tracts are among the country's least literate and at heightened risk of dropping out of school, say experts and community leaders.

Children in this region bordering India and Myanmar face discrimination in government-run schools where they are often badly treated by teachers and students from the country's largest ethnic group, Bengalis, said Saikat Biswas, a programme officer with Oxfam GB.

The mostly Buddhist population of 1.3 million ethnic minorities—about 1 percent of the country's predominantly Muslim population—are concentrated in the districts of Bandarban, Rangamati and Khagrachari, also known as Chittagong Hill Tracts (CHT).

Dozens of minority groups here lag behind the rest of the country

in land ownership, income, employment, health and, significantly, literacy.

“The rate of literacy is far lower among the ethnic minorities than it is nationally,” said Rezai Karim Khondker, an economics professor at Bangladesh’s Shahjalal University of Science and Technology.

More than half of all household members surveyed in CHT (55.2 percent) have no formal schooling, according to a recent study by Khondker and others.

And for those who start schooling, fewer than 8 percent complete primary education while 2 percent complete secondary education, according to a 2009 study by the Dhaka-based research group, Human Development Research Centre.

Nationwide, estimates of the percentage of children who finished their primary education from 2005-2009 varied from 55 to 94 percent, based on various UN surveys.

Communication concerns

Children from four to six years old soon lose interest in the classroom and drop out when they cannot communicate with teachers or understand lessons, said Biswas.

“Ethnic minority children communicate in their mother tongue in their house. But, in school, they are compelled to face Bengali text while the teachers are also from the Bengali community. The whole teaching method is in Bangla.”

Mongching Marma, 7, enrolled in Shishu primary school in Khagrachari District, but left within two years. “In school, we have to read in Bangla language. I struggled a lot to understand the Bangla text,” he said.

Many of his friends also left before finishing primary school for the same reason, he added.

“Children get a totally different environment in school when teachers are of another community and the text is in a different

language,” said Sanjeeb Drong, general-secretary of the CHT-based ethnic minority rights coalition, Bangladesh Indigenous Peoples Forum. Most of the country’s 45 ethnic minority groups live in CHT.

“It is totally impossible to increase literacy rates among the ethnic minority groups if the government cannot introduce primary education in their mother tongue,” he added.

Teachers should also come from ethnic minority communities so pupils have a similar environment in school as they do at home, said Drong.

Bangladesh’s 2010 National Education Policy recommended introducing primary education for ethnic minority groups in their own languages, but Drong said he had seen little progress and no “effective steps” toward implementing the initiative.

Bridging cultures

The government has formed committees to carry out the education policy, said the chairman of the parliamentary standing committee at the Education Ministry, Rashed Khan Menon, but expanding the languages of instruction is a big undertaking and requires “huge funding”.

Meanwhile, the government continues to take different steps to improve ethnic minorities’ access to education and literacy, including opening new schools in CHT and setting quotas for ethnic minority student university placements and employment, he added.

But even with little funding, governments can train non-ethnic minority teachers to support ethnic minority students who do not speak the dominant language, said Fred Genesee, a psychology professor at McGill University in Canada, who has researched language among minority children in the Americas.

“The tendency is to think there is nothing special that needs to be done with second language learners. This is a huge mistake... A century of research shows that education in the dominant language does not work for many children. These children underperform and drop out at higher rates.”

Poverty factors

A shortage of schools in rural areas is another hurdle to boosting literacy, said Biswas and Drong.

Poverty is also a factor, said the economics professor, Khondker. "When they have nothing to eat, parents prefer to employ their children in any work rather than sending them to school."

Six out of 10 households in CHT- irrespective of ethnicity - live below the national absolute poverty line where each member consumes less than 2,100 calories per day; the other four households live in extreme poverty (less than 1,800 calories per day), according to a 2009 UN-funded study.

The Daily Star

Monday, 7 March 2011

Reopen the lone Rakhine language school in Kuakata *Community people urge government*

Our Correspondent, Patuakhali

People of Rakhine community in Kuakata have urged the government to take early steps for reopening their community school to facilitate mother language learning of their children.

Earlier Rakhine language was taught at a community school run by Rakhine people at the local Bouddha Bihar (pagoda).

But the century-old school that taught children for two hours from 7:00am to 9:00am daily was closed in 1998 due to lack of fund.

Later in January 2006, Rakhine youth Chin Than Monjur set up a community school on the ground floor of his residence at Karanipara in Kuakata to teach mother language to the community children.

He also collected some old Rakhine books from a pagoda in Chittagong.

It started with around 20/25 community children and later the number of students rose to 58.

Imtiaz Tushar, a local youth also director of Kuakata Development Society, took over the charge of the school after six months. He personally managed salary of the only teacher Monjur and other maintenance cost. He also collected some Rakhine language books from Myanmar and distributed it among students for free.

Following response from local people, Tushar also set up three more community schools in Mothaupara, Naiuripara and Nayapara in Kuakata area. Over 200 Rakhine children studied in these community schools. But after two years all these schools closed due to lack of fund.

"Our children cannot learn their mother language as there is no school here. Our new generation is about to forget their mother tongue. Many of them can speak their mother tongue as they learn it by hearing from their parents but they cannot write it," said Chin Than Monjur.

The government should set up community schools to facilitate mother language learning of Rakhine children in Kuakata, said Monchu Waen, a Rakhine leader.

theindependent

The Independent, 2 December 2011

'Teach ethnic children in their mother tongue'

Saturday, 03 December 2011

SYLHET, DEC 2: Sylhet Divisional Commissioner N M Ziaul Alam urged national curriculum board to formulate text book for ethnic children in their mother languages to school bound them in primary level. As a result ethnic children will be interested to go school and drop out will reduce. Therefore ethnic teachers must be appointed

in ethnic region school. He urged the government to form a different appointment regulations to appoint ethnic teacher for the greater interest of ethnic children.

N M Ziaul Alam as a chief guest on Monday urged this at a workshop titled Importance of two languages education of ethnic children. Ethnic Community Development Organization (ECDO) organized the workshop at Hotel Supreme of Mirabazar in Sylhet in cooperation with Oxfam GB. Professor of Social Work department of Shahjalal University of Science & Technology Dr. Foysol Ahmed presented a keynote paper in the workshop.

N M Ziaul Alam said, the language and varies cultural such as norms, values, law, custom and belief of ethnic peoples are enriched our culture.

Sylhet Deputy Commissioner Khan Mohammed Bilal as a special guest said, ethnic children must be learned the Bengali language with their mother language because Bengali is the state language of Bangladesh. Apart from they should also learn English to better job and life.

Sylhet Divisional Deputy Director of primary education department Mohammed Abdur Rahman assured ethnic teacher will be appointed in ethnic region area to school bound ethnic children.

District primary education officer Hazrat Ali said, ethnic teacher will be appointed locally in that school without any further delays where teacher are acute shortage.

Presided over by Executive Director of ECDO Lokkhikanto Singho the program was addressed among others by Chief Editor of Uttorpurba Aziz Ahmed Selim, Monipuri Poet AKM Sheram, Advocate Mahmuda Begum, Advocate Sandha Maloti.

VII.
PRESENT STATE OF
IMPLEMENTATION OF
CHT ACCORD OF 1997



VII. PRESENT STATE OF IMPLEMENTATION OF 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; declaration of withdrawal of 35 temporary camps including a bridge; 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 etc.

This year earmarks the passing of 14 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 3 years of its tenure. But as of today, except reconstitution of some committees and appointment to the some posts, 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. An appeal was made by the government against the judgment of the High Court Division, 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. Moreover, activities to incite communal frenzy in the CHT are being intensified through commissioning a communalist organization called Sama Odhikar Andolan (Movement for Equal Rights).

According to PCJSS there was an informal understanding between the Government and the PCJSS that the Bengali settlers would eventually be relocated voluntarily. This never happened and the offer of the European Union to sponsor such a relocation process was turned down. Many government functionaries, at the local and national level, do not favor the idea of according protection to the special character of the CHT as the "tribal inhabited region" in Bangladesh.

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, Pourasava 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 three 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.

Though some 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 (2009-2011), no subject has been transferred to the HDCs. 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.

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 Nakhayongchari 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 stop-gap 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 court.

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, three 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. The CHT Land-disputes Commission Acts 2001 was passed by the Awami League government. However 23 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 Misister of Land Ministry, Three MPs from CHT and the Chairman of CHT Land Commission called on the Prime Minister Sheikh Hasin 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.

Indigenous rights activists said that the decision taken in the said meeting to send the issue the CHT Accord Implementation Committee for final decision is nothing but to following delay-dallying tactics. For

kind information to all concerned, the set of amended proposals sent from MoCHTA on 20 June 2011 is presented in the following manner:

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
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, Betbungia 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, Betbungia 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 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.
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.

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
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 8: 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.

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.

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.

Govt appoints a BNP lawyer as GP for CHT Land Commission

Following the persuasion on the part of Land Commission Chairman, one lawyer named Mr. Munjur Morshed Buinya of Khagrachari was given appointment as GP by the Office of the Solicitor of the Ministry of Law. This gave rise to a strong protest in all the three hill districts against the said Munjur Morshed Buinya for being involved with Khagrachari BNP (as BNP Legal Affairs Secretary) and having involvement with an ultra-communal organization named Somo Odhikar Andolon. In the wake of strong protest, the Solicitor Office of the Ministry of Law replaced Munjur Morshed Buinya with Mr. Ashutosh Chakma as GP of the Commission on 1 June 2011.

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 1980s 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.