

Chittagong Hill Tracts Commission

Co-Chairpersons:
Sultana Kamal, Lord Eric Avebury, Ida Nicolaisen

Members:
Shapan Adnan, Lars-Anders Baer
Victoria Tauli Corpuz, Sara Hossain
Muhammad Zafar Iqbal, Lee Swepston
Robert Evans, Hideaki Uemura

28 June, 2010

To

H E Sheikh Hasina

Honourable Prime Minister

Government of the People's Republic of Bangladesh

Prime Minister's Office

Tejgaon, Dhaka

Honourable Prime Minister,

The International Chittagong Hill Tracts Commission (CHTC)¹ has been very concerned about the tense situation that has been prevailing in the Baghahat-Gangarammukh area of Rangamati district since violent arson attacks on Pahari households in April 2008. Violence erupted again in this area on February 19 and 20, 2010, resulting in the burning down of nearly 500 Pahari and Bengali homesteads and the killing of at least two Paharis. This was followed by further inter-communal violence in Khagrachhari town on February 23 and 24.

These incidents raise grave concerns about violation of human rights and the quality of governance in the CHT, continued military control of the area, and resultant constraints on democratization and the successful implementation of the CHT Accord. As a result, the CHTC² decided to send a team to undertake an investigative mission in the affected

¹ The CHTC has the following mandate: "To promote respect for human rights, democracy and restoration of civil and judicial rights in the CHT in Bangladesh, including examination of the implementation of the CHT Accord of 1997. The CHT Commission will build on the work by the first CHT Commission. (1990-2001)."

² The international Chittagong Hill Tracts Commission (CHTC) is composed of concerned experts from inside and outside Bangladesh. The members are (in alphabetical order): Dr. Shapan Adnan; Lord Eric Avebury (CHT Commission co-chair), Vice-Chair Parliamentary Human Rights Group, UK; Mr. Lars Anders Baer, President of The Sami Parliament, Sweden; Ms. Victoria Tauli Corpuz, Chair, UN Permanent Forum on Indigenous Issues; Mr. Robert Evans, Member of the European Parliament; Ms. Sara Hossain, Advocate, Supreme Court of Bangladesh; Professor Muhammed Zafar Iqbal, Shahjalal University, Science and Technology, Sylhet, Bangladesh; Ms. Sultana Kamal (CHT Commission co-chair); Dr. Ida Nicolaisen (CHT Commission co-chair), Senior Researcher, Nordic Institute of Asian Studies, Denmark; Mr. Lee Swepston, former Senior Advisor on Human Rights of the International Labour Organisation (ILO); Mr. Hideaki Uemura, President, Shimin Gaikou Centre, Japan

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areas of Khagrachhari and Rangamati districts during 18-24 June 2010.³ The objective of the mission was to ascertain what actually happened during the February disturbances, identify the factors underlying them, and make recommendations that would help to ameliorate the damages resulting from the conflict and suggest measures that might prevent the resurgence of comparable violence in the future.

The CHTC mission visited various parts of Khagrachhari and Rangamati districts of the Chittagong Hill Tracts and tried its best to meet and obtain the views of all groups and agencies involved in, and affected by, the violence. These included both Pahari and Bengali victims, the MP of Khagrachhari, the Brigade Commander of Khagrachhari and the Zone Commander in Baghahat, government officials including the Deputy Commissioners (DC) of Rangamati and Khagrachhari, the UNO of Baghaichhari, the Chairman of the Khagrachhari Hill District Council, senior police officers, journalists, as well as politicians and civil society leaders of both the Pahari and Bengali communities in Khagrachhari and Rangamati (a list is appended below).

Baghahat events and underlying factors

In the Baghahat-Gangarammukh area, the arson attacks started on February 19 and resulted in 434 Pahari and 29 Bangali homesteads being burnt down, as well as the killing of two Paharis. The team members were given contradictory accounts of how the arson attacks started and unfolded by the Pahari and Bangali residents of the area as well as by the officials of the civil and military administration. The military claimed that a group of Pahari women had marched toward an army outpost in Baghahat with armed 'tribal miscreants' behind them. The army claimed having hesitated about taking any action against the women, but acted in self-defence after they were allegedly attacked by the miscreants who gravely injured one of its soldiers. The military commanders also claimed that the homesteads of the Pahari communities in the Baghahat-Gangarammukh area were burnt by 'Pahari miscreants'. Journalists and media persons present on the spot on 20 February corroborated the torching of Pahari homesteads and the sound of gunfire. The army claimed that these had also been due to attacks by 'masses of Pahari miscreants'. Some Bengali settlers as well as civil and military officials even tried to put forward the claim that the 'Paharis had set fire to their own homesteads', but failed to provide any convincing explanation of why they would have done so and harmed themselves in this manner. When asked how the arson attacks could have taken place during daylight on 20 February in the presence of army and police personnel, as well as civil officials, the response of the latter was that they could not mobilize the police as fast as the arsonists because of the burning down of a bridge

³ Participants in this CHTC mission during 18-24 June 2010 included: Dr. Shapan Adnan, member of the CHT Commission; Dr. Meghna Guhathakurta and Mr. Tom Eskildsen, advisors to the CHTC; and Ms. Christina Nilsson and Ms. Hana Shams Ahmed, coordinators of the CHTC secretariat.

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by “tribal miscreants.” However, many of the burnt down Pahari settlements were located within 5-10 minutes drive from the Baghaihat military garrison, well before the concerned bridge.

The CHTC mission visited the locations along the Baghaihat-Gangarammukh road where Pahari homesteads, a medical clinic and a Buddhist temple had been burnt down. Since these structures were spread out over the area rather than being physically packed together, it would appear that these had been individually torched in a systematic manner, rather than being affected by a fire spreading from one particular source. The numerous Pahari victims who spoke to the CHTC mission stated that they had been attacked by mobs of Bengalis carrying kerosene or petrol in bottles, who had used these to set fire to their homesteads and other structures. These mobs also carried knives and sharp weapons and were backed by army troops. Some Paharis reported to the mission that, at one point, the police guarding their settlement had asked them to flee because they would not be able to protect them from the onslaught of the Bangali settlers and the army advancing towards them.

The arson attacks of February 2010 are nothing new but the latest in a series of such incidents. Pahari settlements had been established in the Kassalong reserve forest much earlier by internally displaced Pahari families which had been evicted from their original lands during the counter-insurgency period. In recent years, construction of a metalled road has been undertaken under the auspices of army engineers from Baghaihat towards the Sajek valley in the remote interior. Allegations have been made that Paharis living on both sides of the road would be evicted and Bangali settlers would be placed on their lands. This apprehension was corroborated by the accelerated pace of Bangali in-migration and construction of their settlements on Pahari lands during the rule of the military-backed Caretaker Government when the army could operate with a free hand. The increasing tensions generated by this process of land grabbing culminated in the massive arson attacks of 20 April 2008 in which more than 70 Pahari houses were burnt down by Bengalis, allegedly with army support. This was stated by Pahari respondents to a CHTC mission which visited the area in August 2008. Mr. Ladumoni Chakma, one of those who had informed the commission about the intimidation under which the Paharis were living at the time, was murdered shortly after the commission’s visit.

In recent times, the Paharis have been boycotting Baghaihat bazaar demanding withdrawal of the Bangali settlers, as well as in protest against illegal toll-collection (chandabaji) and forced unloading of their goods during passage through the bazaar due to pressure from Bangali interest groups. However, the local military and civil administration is pressurizing them to resume market participation in various ways that may threaten their survival, even though transacting in ‘the free market’ should not be forced on any citizen in a democratic society. This conflict about market

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participation has the potential of becoming a flashpoint leading to further inter-ethnic violence in the Baghahat area unless the administration takes more reasonable steps to deal with the problems which have made the Paharis boycott the market in the first place.

Khagrachhari events and underlying factors

As a reaction to the violence in Baghahat, a demonstration was held by Pahari youth in Khagrachhari town on 23 February 2010. They were reported to have caused minor damage to shops and property, in response to which they were chased and attacked by Bengali mobs. This localized clash escalated rapidly and spiraled out of control, resulting in the torching of both Bengali and Pahari homesteads in Khagrachhari town, as well as the death of one Bengali man.

The CHTC received contradictory reports about how the conflict actually started but an overwhelming number of Pahari homes were again burnt down in settlements across Khagrachhari Sadar area.

Testimonies received by the CHTC mission, including those of local journalists and media personnel, suggest that Bangali mobs torched houses of Pahari people in the presence of the police, without the latter taking any action to prevent the arson. Some journalists were also attacked by Bengali arsonists who damaged their cameras and equipment. In Shatbhaipara, where 41 houses of mostly Marma people were burnt down, there was no attempt to prevent the violence by the personnel of an armed police battalion camp and another security post located in close proximity. The district administration and military command failed to take effective action to stop the mob violence for several crucial hours, even though these incidents took place within their reach. Indeed, disturbingly, the violence and arson continued even after Section 144 had been ostensibly imposed in Khagrachhari town, reflecting the failure of the concerned authorities.

The CHTC mission also visited the Shantiniketan area in Khagrachhari where the Bangali inhabitants stated that some Paharis had attacked and set fire to their homes on 23 February. A Bangali man named Anwar Hossain from Mohammadpur died during the conflict and another man is still missing. We received contradictory reports about his death. According to one of Anwar's female relatives, he had gone to douse a fire in a Bangali house that had been torched by Paharis and had then been killed in the ensuing conflict. However, Paharis claim that Anwar had joined the mob to set fire to their homes and was killed in the fray when Paharis attempted to fight back the attackers in order to protect their homes.

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Various sources, both Bengali and Pahari, reported that the objective of the arson attacks and violence was to intimidate and force people to leave their lands and homesteads. To the extent that this was the case, the Pahari community was more vulnerable to land grabbing than the Bengalis, because of their weaker position.

Problematic aspects of the activities of the Land Commission

It is agreed by most observers that land disputes remain the main cause of all conflicts in the Chittagong Hill Tracts. The present government has attempted to reactivate the Land Commission and has appointed a retired judge as its Chairman in accordance with the CHT Accord. However, the government has not yet taken necessary steps to amend the various flaws of the act of 2001 governing the activities of the land commission, despite the protest of key leaders of Pahari society. At the same time, the incumbent chairman of the land commission has not shown much interest in gaining the cooperation of Pahari leaders who are its members, including the chairman of the regional council and the three circle chiefs. Furthermore, the Land Commission has decided to hold a cadastral survey of the CHT before resolving the land disputes, even though the latter constitutes its primary mandate. Instead, the commission has made a call for submission of complaints by affected parties, without obtaining the support of the Pahari members of the commission. This has resulted in the submission of claims by mostly Bengali settlers who are typically occupying Pahari lands, while the Paharis and their major social and political organizations have boycotted this controversial procedure initiated by the Land Commission. Notices have now been issued by the commission for the Paharis to appear before it, failing which the case is likely to be decided in their absence. As a result, there is grave misapprehension about large-scale loss of land rights of the Paharis through this 'legal mechanism' - quite contrary to the intended objectives of the Land Commission as envisaged by the CHT Accord.

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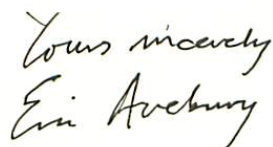
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Recommendations

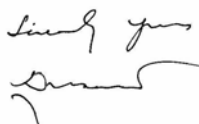
In view of the findings of the mission specified above, the CHTC recommends that the following actions be taken immediately by the government and other concerned parties:

1. Institute a high level independent enquiry to make a detailed and impartial investigation of the arson attacks and killings in Baghahat and Khagrachhari town during February 2010; to critically examine allegations that these acts of violence occurred in the presence of security forces and law enforcement personnel; as well as to punish those responsible.
2. To ensure security and proper rehabilitation of the affected people and provide them with due compensation.
3. To ensure the democratic freedom of expression of all, including citizens' groups, journalists and the victims and witnesses of these violent incidents; and to take steps to prevent any forms of intimidation or suppression of the voices, views, and forms of non-violent protest by the Paharis.
4. To take adequate measures to remove the difficulties faced by the Paharis in Baghahat bazaar, so as to encourage them to participate in the market of their own volition, rather than being forced to do so.
5. To halt further settlement by Bengali migrants along the Baghahat-Sajek road with the tacit support of the military and civil authorities.
6. To immediately amend the CHT Land Dispute Settlement Commission Act 2001 as per provisions of the CHT Accord and recommendations put forward by the Regional Council; and to ensure that all future decisions of the Land Commission are made with the agreement of Pahari leaders who are members of the commission.
7. To implement a phased withdrawal of temporary military camps in the region in accordance with the CHT Accord, so as to reduce the extent of undue military control and resultant tensions, and thereby restore normalcy in the region.

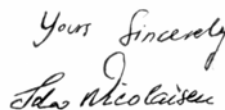
On behalf of the CHT Commission



Eric Avebury
Co-chair of the
CHT Commission



Sultana Kamal
Co-chair of the
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Ida Nicolaisen
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List of persons and agencies with whom meetings were held by the Mission

Civil society of Khagrachhari
Hill District Council Chairman, Khagrachhari, Mr Kujendrolal Tripura
Deputy Commissioner, Khagrachhari, Mr Anisul Haque Bhuiyan
Brigade Commander, Khagrachhari, Brigadier General Hamidur Rahman Chowdhury
Somo Odhikar Andolon, Khagrachhari
Somo Odhikar Andolon, Rangamati
Bhumi Rakkha Committee, Sajek
Sajek Nari Samaj
Baghaihat UNO Mr Bashirul Haque Bhuiyan
Baghaihat Zone Commander Lt Col Mohsin Alam
CHT Regional Council Chairman, Mr Jyotirindro Bodhipriyo Larma
Jana Samhati Samity (JSS)
CHT Citizen's Committee
United Peoples Democratic Front (UPDF)
Deputy Commissioner, Rangamati, Mr Shourendranath Chakrabarty
CHT Land Commission Chairman, Mr Khademul Islam Chowdhury
Rangamati Divisional Forest Officer (North), Mr Mohammad Moinuddin Khan
Chairman of the Parliamentary Standing Committee on CHT, Mr Shah Alam
Ambassador and Head of Delegation of the European Commission to Bangladesh, Mr Stefan Frowein
British High Commissioner Mr Stephen Evans
Deputy Chief of Mission, Embassy of the USA, Mr Nicholas J Dean
Deputy High Commissioner of Australia, Ms Kilmeny Beckering Vinckers
High Commissioner of Canada, Mr Robert McDougall
Ambassador of Japan Mr Tamotsu Shinotsuka
Ambassdor of Denmark Mr Einar Jensen
Ambassador of France Mr Charley Causeret,
Ambassador of Italy Ms Itala Maria Marta Occhi
Deputy Head of Mission, Republic of Korea, Mr Doosoon Park
Ambassador of Norway, Ms Ingebjorg Stofring
Ambassador of Spain, Mr Arturo Manuel Perez Martinez
Project Director, CHTDF, UNDP, Mr Patrick Sweeting
Acting Country Director, DFID-B, Ms Diana Dalton
Acting Mission Director, USAID, Mr Dennis Sharma
Charge d'Affaires, Embassy of Sweden, Mr Samuel Egero

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cc to:

1. Syeda Sajeda Chowdhury, Honourable Deputy Leader of the House & Chairperson of the National Committee for Implementation of the CHT Peace Accord.
2. Dr. Dipu Moni, Honourable Minister, Foreign Ministry, Government of the People's Republic of Bangladesh, Dhaka.
3. Barrister Shafique Ahmed, Honourable Minister, Law, Justice and Parliamentary Ministry, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
4. Mr. Syed Ashraful Islam, Honourable Minister, Local Government, Rural Development and Cooperative Ministry, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
5. Mr. Rezaul Karim Hira, Honourable Minister, Ministry of Land, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
6. Mr. Dipankar Talukdar MP, Honourable State Minister, Ministry of CHT Affairs, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
7. Mr. Jyotirindra Bodhipriya Larma, Chairman, CHT Regional Council, Rangamati.
8. Mr. Hasan Mahmud, Honourable State Minister, Ministry of Forest and Environment, Government of the People's Republic of Bangladesh, Bangladesh Secretariat, Dhaka.
9. Mr. Promod Mankin, Honourable State Minister, Ministry of Cultural Affairs.
10. Mohammad Shah Alam, MP and Chairman, Parliamentary Standing Committee on CHT Affairs, Jatiya Sangsad Bhaban, Dhaka.
11. Mr. Jatindra Lal Tripura, MP and Chairman, Task Force on Rehabilitation of Returnee Refugees and IDPs, Khagrachari.
12. Mr. Bir Bahadur, MP and Chairman, CHT Development Board, Rangamati.
13. Justice Khademul Islam Chowdhury, Chairperson, CHT Land Commission.