

21 Families Evicted in Khagrachari for the Establishment of BGB Head Quarters for 51 BGB Battalions

ASK Investigation Report

Date of the Incident	10 June 2014
Place of the Incident	Khagrachari, Dighinala
Date of the Fact Finding	26 - 28 June, 2014
Investigation Team	Anirban Saha, Senior Inspector

A group of native families in Babuchara area under Khagrachari Dighinala Upazila had been evicted from their homes on 10th June, 2014 after they opposed the land occupation by BGB. The land was occupied to install a BGB head quarter for 51 BGB battalions. This incident initiated a representative team of 9 members consisting of representatives from Human Rights organizations from Dhaka, journalists, researchers and film producers to go and inspect the situation. The team discussed the matter with the affected family members, elected local Council representative, the Second-in command of the 51 BGB battalions, DC of the district, and the Chairman of the district council of Khagrachari.

The representative team mentioned above included:

Assistant Professor Rajib Mir, from the department of Mass Communication of Rajshahi University, Natives and Eco Diversity researcher Pavel Partha, senior reporter Biplop Rahman of Dainik Kaler Kantho, film producer Rashed Rain, senior investigator Anirban Saha of ASK, Shofiqul Islam of ALRD, Mahub Islam of banglanews24.com, The Daily Star reporter Akram Hossain, and Dhaka Tribune reporter Abid Azad.

Summary

Dispute with the local adhivasi's in Babuchara area under Khagrachari Dighinala Upazila started when the process for the land occupation for the establishment of a head quarter for 51 BGB battalions began in the year 2005. On 30th April 2005, the chairmen of the four unions in Dighinala district sent an application on behalf of the local residents to the Deputy Minister of the Ministry of Chittagong Hill Tracts affairs to void the installation of the BGB head quarter in Dighinala. The adhivasi's claimed that they had been living in the area occupied by BGB for a very long period. But the district administration officials accomplished the process of land occupation despite of all the claims made them.

Last 15th May, 2014 the occupied 29.8 acre land (including households of the adhivasi's) was handed over to the 51 BGB battalions by the District Administration. Right after that, they started fencing the land with wire. Then the adhivasi's living in the area tried to stop the operation. At one point, on 10th June, Tuesday, at approximately 5 pm, the BGB and police officials attacked them. The adhivasi's complained that the attackers had beaten the women; shot tear shell and evicted them from their land. After this incident, on 11th June BGB filed a suit at Dighinala police

station against the adhvasi's accusing them of attacking the BGB camp. As the lawsuit mentioned names of 111 adhvasi's and accused more to 250 to be criminals, police arrested 4 native women and 5 men from the main hospital, who were under treatment. Later two women named Gopa Chakma and Sneyho Chakma were released on bail.

Meanwhile, the BGB and the District Administration claimed that the process of land takeover was completed by accurately following all the rules. No adhvasi ever permanently lived in the occupied land and that no one was forcibly driven out. Although, recently, for one year in hope of receiving compensation and by getting encouragement from a selfish group, some native families built huts and started living there temporarily. They had also been given notice few times to empty the mentioned area, but they ignored all these notices and as per planned, attacked the BGB and police officials on 10th June.

Observation

During the land investigation, it was found that the evicted native families were taking shelter in three class rooms of a high school in Babuchara which is half a kilometer away from the BGB camp. The native children were also withheld from going to school. This is because Baghaichari Govt. Primary school is the only the school they have and it also falls under the BGB occupied land.

Detailed summary

42 years old refugee at the high school, Mrinal Kanti Chakma (father- Bon Chakma, village- Jatna Mohon Karbari **Para, Babuchara**, 4 no. Dighinala, station- Dighinala District, Khagrachari) said that on 10th June 2014 at approximately 5 pm a team of police and BGB raided their homes. When the female native women disagreed to get out of their houses, the police hit them with their rifles. They even shot bullets and released tear gas. When things got out of control, the natives ran for their lives to Babuchara high school, leaving everything they had behind.

He also said when the army camp was established in the area on 1986, they had to leave and flee to Tripura in India as refugees. Afterwards, when the Hill Tracks Peace Agreement (1998-2011) was made, they came to Babuchara (acquired land by BGB) and 21 families with 84 members had been living there permanently ever since.

Santosh Kumar Karbari, 76 (father- late Shoshi Kumar Karbari) of Jatna Mohon Karbari Para of Babuchara was sick in bed when the incident took place. As he was late to come out of his house, the BGB team abused him, broke his arm with their rifles, and destroyed his tea stall. He added, after being evicted from his forefather's property he took shelter in the Babuchara school with his wife and children. Food was scarce and adhvasi's from other areas tried to arrange food for them. However, the school authority verbally notified them to leave the school by 28th June, 2014. There was no arrangement for their shelter and food.

In the meantime, a group of six to seven people in army uniform suddenly arrived at 10 o'clock on 25th June, interrogating and threatening the refugees to leave the area, while a group of army personnel cordoned the school compound.

Mr. Santosh Kumar Karbari informed that they were old and permanent residents of Babuchara area. Previously because of an army camp installation and war situation in 1989, they had to flee to India and came back again in 1998. On 10th June, 2014, they were evicted for the second time. However, this time they could not take their belongings with them. Their houses had been captured, and even the primary school fell under the occupied camp, thus, the children could not go to school. He also said that he was afraid of getting arrested if he went to harvest

the paddy which had matured on the adjacent lowland to their house. He said that the BGB even arrested people injured in raid, who were admitted to Khagrachari General Hospital, including 4 women and 5 men. He added there were still 7 adhvasi prisoners in Khagrachari jail, and 2 people had been released on bail.

In connection with the same incident, wounded woman Gopa Chakma, 50 (husband- Shukhomoy Chakma) was worried about their shelter, food and job if the army established their camp on her land. When the BGB police asked them to leave the household, the women protested. In reaction to that, the BGB police attacked them barbarically. One of them broke Gopa Chakma's right hand with his rifle. And even after she was admitted to the hospital, the police arrested her from there. After spending 5 days in police custody, she took shelter in Babuchara high school. She also added that the police arrested her youngest daughter Opshori Chakma (16), who was still in the prison. Gopa Chakma urged the representative team to arrange for her daughter's release.

In response to a related question, Gopa Chakma replied that her forefather had to reside in Babuchara area after they had been made homeless in Kaptai, because of the Kaptai dam, in 1960. They also had to evacuate to India in the year 1986, because of the army camp installation in Babuchara. They came back to live in Babuchara in 2011. On 10th June, 2014, they had to leave their homes for the third time because of the establishment of the BGB camp.

Injured Madhurika Chakma (65), wife of Shantosh Kumar Chakma, said that she fell to the ground after the police hit her with a brick, when she tried to save her ill husband from the BGB attack. She somehow ran for her life and took shelter in the school compound. She added that they had no other place to live except their Babuchara home. As she could not bring any personal belongings and her domestic animals, she was now living in a very inhuman condition.

Two students of Baghaichari Govt. Primary school of class 3 and 4 respectively, named Jishanor Chakma (9), son of Sham Chakma, and Shupannor (10), son of Purnaz Chakma, informed that they could not go to school as they left their text books at their houses. Moreover, BGB blocked their way to school, and they are afraid they would be physically abused by BGB officials if they went there. As a result, they were unable to continue their education.

Statement of local people's representative

The Upazila Chairman of Dighinala, Mr.Naba Kumar Chakma, informed that he was not against 51 BGB head quarter, but he was concerned and against the installation of the head quarter in that certain land, as it affected the lives of the inhabitants of this land. In 2005, for the same reason a writ petition was filed in the high court. He also added that in 1979 a temporary army camp was established in Babuchara bazaar. These led to chaos and war situation in that area. Subsequently, in 1986 an army camp was installed in the adhvasi's' residential area. So within 1979 to 1986 almost all adhvasi's were forced to flee to Tripura state of India. After a signing of a Peace Agreement they came back to Babuchara but they did not get back their land and homes. The Upazila Chairman, Mr.Naba Kumar Chakma advised that the administration should sit with the adhvasis to settle the dispute in a peaceful way.

Mr.chandra Ronjan chakma of Dhighinala union no.4 said, "There had never been any discussion with us from BGB or Administration about the installment of BGB head quarter in Babuchara. Despite that in 2005, us, the four union chairmen of Dhighinala Upazila, on behalf of the local people, appealed to the State Minister of Ministry of Hill Tracks affairs, for cancelling the decision of establishment of BGB head quarter in 51 Mouza of Dighinala. Now we are frustrated because the administration does not value our demands."

The third Kabakhali Union chairman, Mr. Bishwakallan Chakma said, "BGB and the district administration are saying that there was no habitation in the captured land for BGB head quarter but this is not true. As per the conditions of Peace Agreement, the temporary army camp should have been withdrawn from Babuchara by this time but it did not happen. Moreover, the BGB officials are now capturing more land and establishing their head quarter. This is actually a replacement of their same army camp." Mr. Bishwakallan Chakma claimed himself as a native of that area and informed that the whole area was once known as Nawapara, when 32-35 adhivasis lived there. He informed that he stayed with Shurzomoy's family in 1977-79 at Karbaripara of that area. That time he saw a Buddhist temple there. He passed SSC examination from Babuchara high school in 1979.

Statement of BGB Authority

The Second-in command Major Md. Kamal Uddin of 51 BGB battalion informed that there was a 123 km long border area of Khagrachari district including 47 km border area, which fell under the range of the 51 BGB battalion authority, had been unprotected for a long time. In view of this situation, the government felt the need to install the 51 BGB head quarter in Babuchara. So this was approved by the Home Ministry on 29th Dec 2014. The land acquiring process in Babuchara started in 2005. At first 45 acres of land was granted for land occupation but later the honorable high court stopped the takeover of 10.27 acre land, 2 acre for school and 2.9 acre for the sake of public use. As a result, 29.8 acre was finally approved for acquisition by the court. Among this 29.8 acre land, 2.21 acre was private land, which was owned by Bir Shen Chakma, Pidia Chakma and Rabijat Chakma. Compensation had been allocated for those owners. Major Kamal Uddin added that there was a temporary army camp in Babuchara since 1986 and there was also an Ansar camp. He then informed that the land was surveyed 9 times by BUP. In that report it could be seen that in 2013 there were only seven temporary huts. But more houses had been built in the last six months. In total there were sixteen native families. He claimed all of these families have their own homes elsewhere and that a selfish group was using them.

When asked about the conflict, Major Kamal Uddin said after the handover on 10th June, suddenly 20-30 women came to the camp area and started creating chaos. When Major Moeen tried to stop them, the native women verbally abused him and started attacking the BGB post. At one point, more 200-250 men and women arrived there with weapons. They caused various destructions and injured many BGB and police officers.

He also added that the police had to take action to bring the situation under control. After this incident, Dighinala Upazila executive officer, Upazila Chairman and Police Super of Khagrachari came to inspect the situation. Later, on 11th June when BGB cased a file, the police arrested six adhivasi's. According to Major Kamal Uddin, the natives of that area had no issue regarding the land acquisition. In fact, their representatives, headman, and local chairmen-members never responded to the meetings called by BGB. He informed that BGB never behaved wrongly towards anyone and the accusation that they restrained native children from going to school was only a lie.

Statement of District administration

District administration Md. Masud Karim gave a similar statement as Major Kamal Uddin. When asked about the Baghaichari Govt. Primary school, he said he was not aware that the school was blocked and that he would make sure the native children are able to go to school within two days.

Moreover, when he was requested to release 7 adhivasi's on bail, he said he would positively take it into account.

Statement of the Chairman of Hill Tracks District Council:

Chairman of Hill Tracts District Council in Khagrachari, Mr. Chai Thui Oong Marma, told the representatives that land in Chittagong Hill Tracts were decided to be handed over to the district council, but it did not happen yet. As a result, the District Administration should have taken permission from the District Council before acquiring the land for installing the BGB headquarter. The District Administration violated the Peace Agreement by not doing so.

Mr. Marma informed that on 25th June 2014 the District Council sat for a meeting and it was decided that a medical team would be sent to give treatment to the injured victims. On top of that, relief, including rice and mosquito net would be provided to them. He said he did not want any obstacle preventing children from getting primary education and that he would talk with the DC regarding the rehabilitation for the refugees.