



CHITTAGONG HILL TRACTS COMMISSION

Briefing to the Chief Adviser of the Interim Government of Bangladesh from the Chittagong Hill Tracts Commission (CHTC):

15 August 2024

The Honourable Chief Adviser,

The Chittagong Hill Tracts Commission (hereinafter, the Commission)¹ warmly welcomes you and your newly formed interim government as you embark on rebuilding a new Bangladesh. As your interim government undertakes significant reforms to the state system and governance, we firmly believe that positive changes will also extend to the CHT. Despite the signing of the CHT Accord in 1997, no successive government has yet taken steps to fully implement it, and the CHT continues to experience widespread human rights violations and a breakdown of the rule of law, issues that the Commission has consistently highlighted through press statements and reports.

At this critical moment, with our decades of experience and rich archive of information and resources, the Commission offers its full support to your government in improving human rights and governance in the CHT. We urge your esteemed government to prioritize six key issues and offer brief context for each of these recommendations.

- The Honourable Chief Adviser has noted that Bangladesh has achieved its 'second independence' with the fall of Sheikh Hasina's regime. However, this freedom is yet to be fully realized in the CHT, which has remained under de facto military control since the mid-1970s. Although the Sheikh Hasina-led Awami League government signed the CHT Accord nearly two and a half decades ago in 1997, the then government failed to implement key aspects of the agreement, despite being in power for almost the last 15 years. Crucial provisions, such as recognizing the CHT as an Indigenous inhabited region, establishing mechanisms to resolve land disputes, rehabilitating returnee refugees and internally displaced persons (IDPs), and demilitarizing the region, were never enacted. As a Nobel Peace Laureate, you are uniquely positioned to appreciate the importance of implementing this Accord to promote peace and restore the Indigenous Peoples' faith and trust in the state system. **We urgently recommend prioritizing the full implementation of the CHT Accord, with a focus on the key provisions.**

¹ As you are well aware, the CHT Commission, the only independent international body focused on this region, began its work in 1989 when no other international organization was permitted to visit or operate in the CHT. Through decades of dedicated effort, the Commission has established its neutrality, acceptability, and legitimacy - committed to promoting human rights, democracy, the restoration of civil and political rights, participatory development, and land rights in the CHT.

- The executive order known as ‘Operation Uttoron’, which has subordinated the civilian government’s role in the CHT, should be **immediately withdrawn to ensure that the Indigenous Peoples of the CHT can also experience freedom like other regions of Bangladesh.**² Further, **all temporary military camps must be dismantled without delay**, except for the six permanent cantonments and border security force installations, as explicitly outlined in the CHT Accord of 1997.
- The Commission welcomes the release of Jumma political activist Michael Chakma on 7 August 2024. Michael was a victim of enforced disappearance five years ago, on 16 April 2019. However, just a month before Michael’s disappearance, another Jumma political activist, Mayadhan Chakma, was allegedly abducted by security forces in Chittagong on 14 March 2019. His whereabouts remain unknown. **We strongly urge your government to take immediate steps to determine his location and secure his release. Additionally, we urge the immediate release of all Jumma activists arrested on politically motivated charges, a process already underway across Bangladesh following the fall of the Awami League government.**
- Indigenous activist Kalpana Chakma was allegedly abducted by security forces on June 12, 1996—an incident that was condemned both locally and internationally. Pursuing justice for Kalpana Chakma will not only address past human rights violations in the CHT but also restore confidence among the Indigenous Peoples of the CHT in the state, which has been lost over successive governments. Addressing this injustice could be an initial step toward healing and overcoming the generational trauma that is felt across the CHT. **We urge your government to resolve the case of Kalpana Chakma.**
- Since 2003, there have been ongoing efforts to challenge the validity of the Chittagong Hill Tracts Regulation 1900 through legal proceedings. These efforts took a new turn under the last government when the recently resigned Attorney General, in a court hearing of the review petition (Civil Petitions No. 54/2018 and 192/2018) submitted petitions on behalf of the government to remove significant words, sentences, and at least ten paragraphs containing the terms “Customary Law,” “Raja,” and “Indigenous Peoples” from the Regulations. The Commission and the civil society of Bangladesh believe that this direction is an attempt to invalidate or weaken the Regulation, which would further marginalize the Indigenous Peoples of the CHT, destabilize the region, and undermine Bangladesh’s secular, diverse and multicultural character, compromising Articles 2A, 12, and 23A of the Constitution. **The Commission strongly urges your government to take a firm stance in supporting the retention of the CHT Regulation.**

² For further information, please see: Life is not ours, 1991, the CHT Commission; Life is not ours (Update 2), 1994, the CHT Commission; Life is not ours (Update 3), 1997, the CHT Commission; Life is not ours (Update 4), 2000, the CHT Commission.

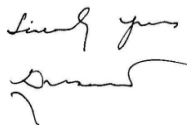
- For decades, the CHT region has been closed off to national and international organizations, preventing independent investigations into the ongoing human rights violations. Under your leadership, we believe this is the perfect time and an important opportunity **to open up the CHT to unrestricted access for these organizations, allowing them to conduct independent investigations.** This will not only establish accountability but also enhance Bangladesh's image both locally and globally. **We strongly encourage the interim government to invite the Special Rapporteur on the Rights of Indigenous Peoples for a country visit, and the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and other relevant mandate holders for country engagement to advise in line with their mandates to promote and advance human rights and democracy.**

Conclusion:

We urge your interim government to take a leading role in initiating constitutional reforms in the near future, paving the way for an elected government that officially recognizes the Adivasi/Indigenous Peoples of Bangladesh, and provides adequate safeguards for their rights. Recognition and protection of human rights of Indigenous Peoples are crucial to preserving the multicultural and multi-ethnic diversity that defines Bangladesh.

The Commission stands ready to support your interim government in realizing a new chapter for Bangladesh, one that truly upholds the principles of justice, human rights, and democratic principles in the CHT. The challenges in the CHT are profound, but with decisive action, they can be addressed to bring lasting peace and inclusivity for all its inhabitants. By doing so, your government can ensure that the second independence of Bangladesh is fully realized in the CHT region, setting a powerful example of reconciliation, justice, and progress for the nation and the world.

Yours sincerely,



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