



CHITTAGONG HILL TRACTS COMMISSION

CHT Commission expresses profound shock over the court's acceptance of the investigation report clearing accused perpetrators in Kalpana Chakma's disappearance case.

28 April 2024

The CHT Commission is deeply saddened and dismayed by the recent ruling issued by the Chief Judicial Magistrate Court, Rangamati on Tuesday, April 23, 2024, regarding the disappearance of indigenous rights activist Kalpana Chakma. Under the supervision of Rangamati Senior Judicial Magistrate Fatema Begum Mukta, the court's decision to accept the police's final report, thereby absolving all suspects¹, has left us profoundly shocked and disappointed.

Kalpana Chakma, an organizing secretary of the Hill Women's Federation, was a mere 23 years old when, on June 12, 1996, she was forcibly taken from her home at gunpoint, along with her two brothers, at New Lallyaghona, Baghaichari, Rangamati, allegedly, by security forces from a nearby army camp. Though her brothers managed to escape, Kalpana was taken by the abductors.² Before escaping, Kalpana's brothers managed to identify at least three of the abductors: the then Lieutenant Ferdous of Kojoichari army camp and two Village Defence Party (VDP) personnel, Nurul Haq and Saleh Ahmed³. Subsequently, Kalpana's brother, Kalindi Kumar Chakma, initiated legal action against the perpetrators, but justice continued to elude the family. Over the years, the case underwent investigations by 38 officers who failed to submit any final report. In a disheartening turn of events, the final report submitted in 2016 by the then Superintendent of Police of Rangamati, Sayed Tariqul Hassan, as the 39th investigation officer, failed to hold anyone accountable for the abduction⁴. Kalpana's brother alleged that during the investigation, none of the accused were interrogated by the investigation officers⁵; rather, Kalpana's brothers and family were harassed by the investigation and judicial system⁶. The victim's family filed a Naraji (no-confidence) petition challenging the final report, and since then, the hearing petition had been ongoing until this Tuesday, when the court rejected the plaintiff's petition and upheld the report submitted in 2016, thereby clearing all accused perpetrators.

The court's decision to uphold the 2016 report and exonerate all accused perpetrators has deeply dismayed us. The Commission is appalled by the court's acceptance of an investigation report lacking integrity, rather than ordering further investigation. This ruling not only emphasizes the

¹ <https://www.thedailystar.net/news/bangladesh/crime-justice/news/kalpana-chakma-abduction-after-28-years-court-accepts-final-report-3594096>

² <https://www.amnesty.org/en/documents/asa13/5011/2016/en/>

³ <https://www.kapaeeng.org/kalpana-chakma-abduction-case-sp-again-fails-to-submit-report-and-court-set-new-date-7-april-for-submission/> and <https://www.thedailystar.net/op-ed/politics/the-kalpana-chakma-i-know-and-the-one-i-never-will-95593>

⁴ <https://www.thedailystar.net/news/bangladesh/crime-justice/news/kalpana-chakma-abduction-after-28-years-court-accepts-final-report-3594096>

⁵ <https://www.newagebd.net/article/204000/no-trace-no-justice-in-27-years>

⁶ <https://www.newagebd.net/article/204055/index.php>

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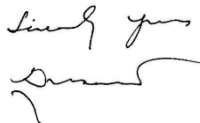
<https://chtcommission.org>
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entrenched culture of impunity within the CHT but also exposes the systemic protection granted to alleged perpetrators, especially when they are military personnel. Instead of being held accountable, one of the alleged perpetrators, Lieutenant Ferdous, was even promoted to Major after the incident⁷ and subsequently served in the UN Peacekeeping Operations⁸.

The CHT Commission unequivocally condemns this miscarriage of justice and views it as a severe blow to the already fragile trust in the justice system within the CHT region. In accordance with articles 3 and 9(1) of the International Covenant on Civil and Political Rights, as well as article 1 of the United Nations Declaration on the Elimination of Violence Against Women, Bangladesh bears a solemn obligation to pursue justice for Kalpana Chakma. However, beyond mere legal obligations, the pursuit of justice for Kalpana Chakma stands as a profound moral imperative, essential for fostering confidence among the indigenous peoples of CHT not only in the justice system but also in the government and the state itself. The unresolved case of Kalpana Chakma represents more than just a failure of the legal system; it is a stark reminder of the broader challenges faced by the indigenous peoples of CHT, in seeking accountability and redress for human rights violations.

The CHT Commission urgently urges the government of Bangladesh to fulfill its duty to conduct a thorough and impartial investigation into the abduction of Kalpana Chakma, ensuring that all responsible parties are held accountable once and for all and to the fullest extent of the law. Additionally, we call upon the government to take concrete steps to address the systemic issues that have allowed impunity to persist in CHT.

On behalf of the CHT Commission,



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⁷ Bina D' Costa, rep., *Marginalisation and Impunity: Violence Against Women and Girls in the Chittagong Hill Tracts* (Chittagong Hill Tracts Commission (CHTC), IWGIA, and Bangladesh Indigenous Women's Network, 2014).

⁸ Statement submitted at the Twenty-fifth session of the UN Human Rights Council. Document Number: A/HRC/25/NGO/27