



**'LIFE IS NOT OURS'**

**LAND AND HUMAN RIGHTS  
IN THE CHITTAGONG HILL TRACTS  
BANGLADESH**

**UPDATE 2**

**THE CHITTAGONG HILL TRACTS COMMISSION**

**APRIL 1994**

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The Chittagong Hill Tracts Commission

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## **Note**

Due to document size considerations, the pictures from the printed version are not included in this electronic version.

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## 1. INTRODUCTION

In March 1992, the Chittagong Hill Tracts Commission published an Update of its May 1991 report '*Life Is Not Ours; Land and Human Rights in the Chittagong Hill Tracts, Bangladesh.*' Since the publication of the Update the situation in the Chittagong Hill Tracts has reached a new stage. From August 1992 a cease-fire has been in effect and in November 1992 negotiations commenced between the Government of Bangladesh and the Parbatiya Chattagram Jana Samhati Samiti (PCJSS, usually referred to as JSS), the organisation of the Jumma people, the original inhabitants of the Chittagong Hill Tracts. The main focus of this second Update are the steps so far taken by the Bangladesh government and the JSS to reach a negotiated settlement of the over 20 years old conflict and an assessment of the present situation in the Chittagong Hill Tracts.

This Update is based on information from a wide variety of sources provided by Jumma peoples' organisations, Bengali organisations, the government of Bangladesh, personal communications and the local press in Bangladesh and India. Mr. Wilfried Telkämper, Member of the European Parliament and co-chair of the international CHT Commission, visited Bangladesh from 28 February to 4 March 1994. Although he was on an unofficial visit, he met with Foreign Minister Mr. Mustafizur Rahman and Communications Minister Colonel (Rtd.) Oli Ahmed and others to discuss the CHT issue and the Flood Action Plan. Information given in this Update has been crosschecked as much as possible.

## 2. THE PRESENT POLITICAL SITUATION

### a. Government policy

An important change in the political situation of the Chittagong Hill Tracts occurred with the commencement of negotiations between the government of Bangladesh and the Jana Samhati Samiti to come to a political settlement of the CHT conflict. From 5 November 1992 till 24 November 1993 six rounds of talks have been held and a seventh dialogue is scheduled for 10 April 1994. The Shanti Bahini, the armed wing of the JSS, unilaterally declared a cease-fire from 10 August 1992 and during the negotiations this was made into a mutual cease-fire agreement. The cease-fire agreement has been extended by a few months during each dialogue.

Another change is that the government has come to an agreement with the government of India to repatriate the 56,000 Jumma refugees from camps in the Indian state of Tripura; in February 1994 a first batch of 379 Jumma families, comprising about 2000 individuals, returned to the CHT. After the refugees' initial refusal to return because their demands had not been fulfilled, the government of Bangladesh was compelled to promise more guarantees and the refugee leaders reluctantly agreed to co-operate with the Indian authorities in repatriating a first 'experimental' batch.

Apart from these two developments, the Bangladesh government policy on the Chittagong Hill Tracts has not changed significantly. The CHT issue remains a most sensitive one.

### b. The Bangladesh Parliament and the CHT

The role of the Bangladesh Parliament in CHT affairs has been very limited. The CHT policy is decided by the National Co-ordinating Council Committee for the CHT, headed by Prime Minister Begum Khaleda Zia and with the three Army Chiefs and senior Ministers as members. Even though the CHT issue has been raised in Parliament several times, the only decision regarding the CHT taken by

Parliament has been to extend the time limit for the elections to the three Hill District Councils to December 1994.

The government committee assigned to negotiate with the JSS is not a parliamentary committee. Although the committee consists mainly of members of Parliament, it has no parliamentary powers. Its task is to mediate between the government and the JSS.

### **c. The Military**

Only 2 out of the 7 Divisions of the Bangladesh Army have full components of 4 infantry brigades and 1 artillery brigade each. One of these two divisions is deployed in the CHT; the other one around Dhaka. Bangladesh spends about \$400 million (1600 crores, or 16 billions of Taka) on defence annually. Defence is second on the budget after education. Official figures of military expenditure give a distorted picture. It is common knowledge that many military expenses, such as food, housing, infrastructure, are accounted for under other budgets and therefore are not marked as military expenses. According to unofficial sources, Bangladesh spends an extra \$125 million on counter-insurgency in the CHT annually. This corresponds roughly to the figure of Tk.1.5 crore spent on the military in the CHT daily (and Tk.500 crore annually), as one of the MPs remarked in Parliament last year. The USA and Great Britain continue to provide training to the Bangladesh armed forces.

Under the present government there has been no reduction in the military presence in the CHT, although since the beginning of the cease-fire military personnel is reportedly kept more inside their barracks. According to an agreement between the government and the JSS prior to the negotiations, some military camps in Khagrachari District, around the area where the negotiations were to take place, were dismantled at the request of the JSS. But the JSS has alleged that some of these dismantled camps have been reinstated and that subsequently 27 new camps have been established at other places, e.g. the army camps at Suknachari, Laxmichari Thana, Rangamati Dt; Tangum, Bagaichari Thana, Rangamati Dt.; Lianjoypara, Barkal Thana, Rangamati Dt.; Chongrachari Baradam, Merung Thana, Khagrachari Dt.; Manikya Karbaripara, Baghaichari, Dighinala Thana, Khagrachari Dt.; and Tintilla-Perachara, Langadu Thana, Rangamati Dt. These reports have been confirmed by Jumma people in various communications to the CHT Commission.

In the Update of March 1992 it was mentioned that the Bangladesh army had acquired 11,446.24 acres of land in Bandarban District to build a military training centre, as well as land for military camps in Khagrachari and Rangamati Districts. In Bandarban, construction work is reportedly going on. In Rangamati District, the construction of a new cantonment has been planned at Ghagra.

In the report of the Logang Enquiry Commission, released by the government in October 1992, one of the recommendations made by Justice Sultan Hossain Khan was that the military should be withdrawn from the administration: 'Army Units stationed in the Hill Tracts should not do any work relating to Civil Administration except those which are concerned with the operation of counter insurgency.' (p.22). Although earlier it had been denied that the military controlled the administration in the CHT, the government now claims that the military has been withdrawn from the administration. According to some Jumma sources, the District Councils, which previously were fully controlled by the military, are now less interfered with, but the army continues to play a role in the background. The only administrative position that the army holds officially is the chair of the CHT Development Board (CHTDB). Until today the GOC (General Officer Commanding) is officially the Chairman of the CHTDB

and controls the development funds. The government has been requested to withdraw the military from this crucial post, but so far this has not been effectuated.

The government has assured that the military is in favour of the negotiations with the JSS, but it is clear that at least a section of the army is opposed to them. There have been some attempts by the army, in collaboration with Bengali settlers in the CHT, to frustrate the negotiation process. The Naniarchar massacre, in which, according to reliable eyewitness accounts, the army played an important role, is the most recent and blatant example.

#### **d. The District Councils**

The Hill District Councils have been rejected by the JSS and a broad section of the Jumma people from their inception. The objections to the Hill District Councils, summarised in 'Life Is Not Ours', are reiterated below:

##### **Objections of the Jumma people to the Hill District Councils**

- The District Council Act of 1989 has no constitutional basis and can be changed or repealed at any time without the consent of the hill people or their representatives.
- The presence of Bengali settlers in the CHT is formalised and legalised by the District Council Act.
- Land rights of the Jumma people are not safeguarded and there are no provisions for the return of land illegally occupied by Bengalis. Only 10% of the CHT is under jurisdiction of the District Councils. <sup>1</sup> Besides, de facto control does not lie with the District Councils but with the military, and the District Council elections were characterised by coercion and intimidation.

So far the District Councils have not been given any real power. They have been fully controlled by the military, and despite earlier assurances by the government, by November 1993 no more than 3 out of 23 subjects to be administered by the Hill District Councils under the Act of 1989 had been handed over to them. In June 1991 the CHT Council Committee, the body responsible for the CHT policy, decided to hand over all the remaining subjects to the Hill District Councils and in a meeting on 3 September 1991 all the relevant ministries were instructed to transfer all powers to the District Councils within two weeks. Nevertheless this did not happen. After the Naniarchar massacre on 17 November 1993 the government hastened to sign 24 agreements with the three chairmen of the Hill District Councils with a view to giving them more administrative powers. Various local daily newspapers reported that, according to a government statement, the agreement involved powers to appoint third-class and fourth-class employees from among the local inhabitants, as well as transfer, suspend, remove, or punish them. According to the same government statement, the government had earlier handed over three subjects: primary education, health and family planning, and agricultural extension. The new agreement involved industries, public health engineering, rural development and cooperatives, fisheries and livestock, social welfare, youth and sports and cultural affairs. This confirms that these latter subjects had not been handed over earlier, despite government declarations more than a year ago that those subjects had been handed over to the local councils.

In its report on human rights practices in Bangladesh in 1993, the US Department of State concluded in February 1994: 'the military remains in place and continues to exercise veto power over any matter that could affect security. Law and order matters and control over land, two fundamental issues for the tribal people, have not yet been placed in the hands of the district councils.'



The Chairman of Rangamati District Council, Mr. Gautam Dewan, resigned in May 1992. One of the reasons for his resignation was that, despite several statements by the government that all the subjects had been handed over to the District Councils, many of these had yet to be transferred. The direct cause of his resignation was the violence in Rangamati town on 20 May 1992, when an anniversary celebration meeting of the Greater Chittagong Hill Tracts Hill Students' Council was attacked by Bengali settlers under the protection of the police. In the incident 9 Jummas were seriously wounded and 61 houses were burnt down. Tension had been building up the day before, after a Jumma woman was harassed by a Bengali youth and some Jumma boys had beaten him up for that. Although Gautam Dewan requested the police to take measures to stop any violence the next day, the police denied that there was a danger of retaliatory violence breaking out and did not take precautionary measures. In protest against this, Mr. Dewan resigned.

The first 3-year term of the three Hill District Councils was to expire in July 1992, but the government sanctioned the postponement of the elections. The time limit to hold fresh elections for the Hill District Councils has been extended three times with the approval of Parliament: in August 1992, February 1993 and December 1993. The latest time limit for holding the elections expired on 5 January 1994, and it was extended by one more year at the request of the JSS.<sup>2</sup>

#### *Chittagong Hill Tracts Regulation I of 1900*

The all-important Regulation of 1900 has not been repealed, although its status is still in jeopardy. It was again confirmed by a circular issued by the Ministry of Local Government and Rural Development in December 1991 that the Regulation of 1900 is still in force. This means that officially the power is still in the hands of the government-appointed District Commissioner(s).

The importance of the Regulation to the Jumma people, and their strong opposition to its possible repeal, is expressed clearly in the proposal which the Chakma Raja submitted to the government committee on the CHT in September 1992: 'The CHT Regulation contains several safeguards in favour of the indigenous hill tribes. Although several safeguards have been gradually eroded through amendments against the wishes of the local people, it is still significant. *The Regulation ought to be retained and the Act of Parliament purporting to repeal the Regulation* (passed in 1989 but not given effect to date) *should be removed from the statute books. The Regulation should not be amended without consultations with the representatives of the local people.*' (emphasis in original).<sup>3</sup>

### **3. NEGOTIATIONS**

After the installation of the Khaleda Zia government in March 1991, the JSS expressed its willingness to start negotiations unconditionally.<sup>4</sup> In October 1991 a liaison committee was set up with the consent of the government and the JSS, headed by Mr. Hangsha Dash Chakma, to mediate between the two parties,<sup>5</sup> and in December 1991 the government appointed an 8-member committee headed by the military commander of Khagrachari District, bypassing Parliament. Parliament members, as well as the JSS, protested against this committee and proposed that a high-level parliamentary committee be set up. In May 1992 Prime Minister Khaleda Zia visited Indian Prime Minister Narasimha Rao. During this visit Khaleda Zia agreed to create an atmosphere in the CHT conducive to the repatriation of the Jumma refugees from Tripura. In order to effectuate this promise, the government set up a committee



of parliamentarians, headed by Colonel (Rtd) Oli Ahmed, (Minister of Communications) on 9 July 1992, but excluding the MPs from the CHT.

On 10 August 1992 the Shanti Bahini unilaterally announced a cease-fire for 3 months until November 10. The JSS once again expressed its willingness to negotiate unconditionally about a political settlement and urged the government to include an MP from the CHT in the government committee. Mr. Kalparanjan Chakma, MP from Khagrachari District, was included in the government committee in mid-August.<sup>6</sup>

After several delays the first meeting between the government committee and the JSS was held on 5 November 1992. Since then five more rounds of talks have been held, on 26 December 1992, 22 May, 14 July, 18 September and 24 November 1993, respectively. The JSS negotiation committee is headed by Jyotirindra Bodhipriya Larma, President of the JSS, and further consists of four members of the JSS Central Committee.<sup>7</sup> The CHT Coordination-Committee headed by Hangsha Dash Chakma was present as observers during all the meetings. During the first meeting the JSS handed over the following demands to the government committee.

#### **a. JSS demands**<sup>8</sup>

1. The CHT should be given a separate constitutional status.
2. Constitutional rights to the Jumma people in order to safeguard their ethnic identity.
3. Statutory provisions for the status of the CHT and the rights of the Jumma people in the constitution.
- 4a. Constitutionally ensured land rights of the Jumma people over the entire CHT area.
- 4b. Laws restricting non-indigenous settlement on land in the CHT and imposing control on entrance to and movement in the CHT by outsiders.
5. Bengali Muslims settled since 1947 should be removed to other districts of Bangladesh.

According to the JSS spokesperson in Europe, Mr. R.S.Dewan: 'Oli Ahmed refused to accept the JSS's charter of demands on the ground of the JSS's demand for autonomy for the CHT with a separate legislature being outside the framework of the unitary Bangladesh constitution and advised the JSS to modify its demands within the framework of the Bangladesh constitution.'<sup>9</sup> In order to further the negotiation process, the JSS modified its demands and dropped the demand for a separate legislature. The JSS submitted these modified demands to the government on 4 December 1992, through Hangsha Dash Chakma of the Liaison Committee. In the second round of talks, Oli Ahmed gave the assurance that the government would give its opinion on the modified demands of the JSS in the next meeting.

#### **Modified demands of the JSS**

The main points of the modified demands are:<sup>10</sup>

- Special administrative status of the CHT
- Regional autonomy with an elected body (the Regional Council) and an administrative body (the Executive Council).
- The Executive Council shall have the power to frame rules, regulations, by-laws, orders, notices relating to the subjects delegated to it and shall have power to enforce them.
- The Regional Council shall have powers to administer and regulate the following subjects:
  - 1) General administration and law and order, 2) Local government institutions, 3) Police, 4) Land,
  - 5) Agriculture, 6) Education, 7) Forestry, 8) Health, 9) Law and justice, 10) Animal husbandry,
  - 11) Sale, purchase and settlement of land, 12) Trade and commerce, 13) Small and cottage industries,

14) Roads and communications 15) Tourism, 16) Fisheries, 17) Communication and transport, 18) Land revenue and taxes, 19) Water and power supply, 20) Markets, 21) Cooperatives, 22) Social welfare, 23) Finance, 24) Cultural affairs, information and statistics, 25) Youth development and sports, 26) Population control and family planning, 27) Money lending and trade, 28) Rest houses, 29) Country liquor, 30) Graveyards and cremation grounds, 31) Religious institutions, 32) Water resources, 33) Jhum cultivation, 34) Preservation and development of the environment, and 35) Jails.

- Constitutional provisions for the special administrative status of the CHT and for a ban on settlement of persons from other areas of Bangladesh; constitutional recognition of the 10 different tribal communities.

- The Regional Council shall have the power to prepare and approve its budget independently.

- Establishment of a separate police force under the Council.

- A special judicial system for Jumma people.

- Place all lands except the Kaptai power station, state-owned industrial area at the disposal and control of the Regional Council.

- Withdrawal of outsiders who settled in the CHT since 17 August 1947.

- Withdrawal of all security forces, except Bangladesh Rifles (BDR, border security force) from the CHT.

- Quota for jobs for Jummas in defence and civil services; reservation of CHT Parliament seats only for Jumma candidates and all officials and employees in the CHT shall be appointed from the Jumma people.

- The name of the CHT shall be changed to Jumma Land.

- The government shall take the following measures to create a congenial atmosphere for a peaceful settlement: unconditional release of all Jumma prisoners; abolition of Jumma cluster villages; demilitarisation of the CHT administration; an end to infiltration, settlement and illegal occupation of land by outsiders; withdrawal of the camps of all security forces other than BDR camps, and withdrawal of settlers phase by phase.

During the second and third round of talks a cease-fire agreement was formalised between the government and the JSS. The government agreed to take the following measures in order to create a congenial atmosphere for the talks: <sup>11</sup>

1. to dismantle Jumma cluster villages;

2. to release Jumma prisoners;

3. to demilitarise the CHT administration; and

4. to stop infiltration and expansion of Bengali settlements and occupation of Jumma lands by settlers

#### **b. Government reaction to the modified demands of the JSS**

The third dialogue was scheduled for the first week of February 1993 but the government delayed it by three and a half months till 22 May 1993 because it first wanted to send a delegation to the refugees in India in order to persuade them to return. During the third dialogue the JSS insisted on getting the government's reaction to their modified demands, as had been agreed in the second meeting. Then Oli Ahmed explained the government's position, which was basically that most of the demands of the JSS had already been met by the Hill District Councils (see below). In the third and fourth dialogues the main topic brought forward by the government committee was the repatriation of the refugees from Tripura. The JSS welcomed the initiative to repatriate the refugees but also expressed its doubts as to how the government could guarantee the security and the lives of the refugees without a political

solution of the CHT crisis. Still the JSS expressed its willingness to extend its cooperation to the repatriation process.

Despite earlier promises, it was not until the fifth round of talks on 18 September 1993 that Oli Ahmed gave the government's opinion on the JSS demands in writing. The JSS agreed to give its opinion on the government statement in writing before the next dialogue and submitted this during the first half of October. It is noteworthy that, in an unscheduled meeting of the government committee just prior to the 5th dialogue, the opposition MPs had declined Oli Ahmed's request to endorse the government statement on the modified demands of the JSS, on the ground that this was the government's point of view and not necessarily that of the committee members belonging to the opposition parties.

#### **Summary of the government opinion on JSS modified demands**

- The CHT has already been recognised as a special area through the three CHT Local Government Council Acts and given a separate administrative system. Almost all subjects mentioned have been transferred.
- The demand for a separate police force has been met through the Local Government Council Acts.
- Land rights and restrictions on the purchase of land and settlement by outsiders are included in the Local Government Council Acts.
- The tribal communities have already been recognised in the Local Government Council Acts.
- Inner Line Regulation (restrictions on outsiders entering the CHT) is contrary to the fundamental rights recognised in the constitution.
- The Local Government Council Acts have specific provisions for the settlement of disputes on tribal matters.
- With the normalisation of the law-and-order situation in the area, all temporary camps, except army camps required for security reasons, will be withdrawn in phases. But the cantonments and their activities will continue.
- No reservation of Parliament seats is needed as the sitting MPs already belong to the Jumma people. Quota for the Defence Service cannot be given.
- There is no logic to, nor a historic basis for, changing the name of the CHT.
- The Jumma refugees and evacuees will be rehabilitated.
- The demand to create a congenial atmosphere for the peace process is a repetition of other demands. Measures with regard to the dismantling of cluster villages have been taken.

Although the government claims that the JSS demand for a Jumma Regional Council has already been fulfilled by the Hill District Council Acts, there are some very basic differences between the Hill District Councils and the proposed Jumma Regional Council. Under the latter, provisions are envisaged for constitutional guarantees for the status of the CHT and the rights of the Jumma people; land rights over the entire territory should be handed over, excluding only the Kaptai project, the Betbungia satellite station and the state-owned industrial areas; and in the Regional Council only Jumma people will have seats.

The sixth dialogue took place on 24 November 1993. Despite the Naniarchar massacre just one week previously, the JSS continued with the negotiations, showing its sincere intentions to come to a negotiated settlement. In this meeting, Oli Ahmed repeated that the government only wants a solution under the constitution and therefore the demands of the JSS could not be granted. Again he requested the JSS to review its modified demands. The JSS replied, however, that these were their minimum demands and that only the cut-off year of August 1947 for settlers to be withdrawn could be discussed.

At the request of JSS leader Larma, the members of the government committee agreed to give their own (party) views on the modified demands of the JSS during the next round of talks. Committee member Rashed Khan Menon suggested to the JSS that they would come to Dhaka to discuss their viewpoints with all the political parties. The cease-fire was extended to 31 January 1994 and the next dialogue was to be held in January 1994. Later the cease-fire was extended once more, at the request of the government, to 15 April 1994, and the next round of talks was to be fixed between 5 and 10 April. The government's official reason for the delay was the elections to the municipal corporations, and the month of Ramadan. However, the CHT Commission came to know that the actual reason for the delay was the government's wish to give time for unofficial meetings between the JSS and the political parties, as well as between the government and the JSS, to discuss details of a possible agreement.

### **c. The cease-fire agreement and the government's implementation of agreed measures**

During each meeting, both sides have accused each other of cease-fire violations. It is difficult, however, to verify these accusations. The CHT Commission received reports from various sources about violations by the Bangladesh military, and the local press has reported some violations by the Shanti Bahini.

After initial delays and repeated complaints by the JSS, the government did implement some of the agreed measures, albeit partly:

- Some Jumma cluster villages have been dismantled;
- Some Shanti Bahini detainees have been released;
- The government claims that the administration of the CHT has been demilitarised;

On the other hand:

- Not all Jumma cluster villages have been dismantled;
- Not all the Shanti Bahini detainees have been released, as the government had promised the JSS.
- According to the JSS, from December 1992, twenty-seven new military camps have been set up. As already mentioned several Jumma people also reported to the CHT Commission that new military camps have been set up in their area.
- The military are still in some crucial official positions such as the chair of the CHTDB and the Coordinating Council Committees for the CHT; they are still very clearly present in the CHT, although they have lowered their profile.
- Some reports have been received of new Bengali settlements. (see page 14) Discussions are also reportedly going on within the government about the resettlement in the CHT of those who will be displaced by the Flood Action Plan.

### **d. Assessment**

According to reliable sources, the government wants to stick to the Hill District Councils but is considering to give these a constitutional basis. Consideration of a constitutional amendment is definitely proof of a step forward in government thinking with regard to the CHT. But giving the Hill District Councils a constitutional basis is not sufficient, as the existing Hill District Councils do not guarantee the rights of the Jumma people, as demanded by the JSS. As already indicated, one of the main objections of the Jumma people to the Hill District Councils is that these legalise the settlement of outsiders, especially the over 400,000 Bengalis who have been settled by the Bangladesh government between 1978 and 1985. Furthermore, although settlers now have the right to only about one-third of the seats in the three Hill District Councils, there is no guarantee that this allocation of seats might not be changed at any time. It is well conceivable that at one point Bengalis will start demanding more seats in the District Councils on the basis of population figures. Already Bengalis constitute more than

50% of the population in Khagrachari (52%) and Bandarban (53%) Districts and population increase is much higher among Bengalis in the CHT than among the Jumma people.<sup>12</sup> Calculated from the census figures, between 1981 and 1991, Bengalis accounted for 77.16 percent of the population growth in the CHT, and Jummas only for 22.84 percent. In another ten or twenty years, Bengalis will form a large majority in the CHT, unless measures are taken soon to reverse the process. It is quite clear that, unless the current population trend is reversed immediately and the Jumma people are given constitutional safeguards regarding their administrative control over the CHT, the indigenous population will lose out completely. Given the political situation, they are in grave danger of ending up as a dispossessed under-class in their own land, even less protected against human rights abuses than at present. Some of the smaller groups are even threatened by extinction if the present situation continues.

According to the same sources, the government might consider resettling Bengali settlers in areas within the CHT where there is already a majority of Bengalis, or to a portion of the Reserve Forest. Meanwhile the government sticks to its long-term refusal to consider removing Bengali settlers from the CHT, and resettling them elsewhere in Bangladesh. The government's argument is that according to the constitution every Bangladeshi citizen is free to settle anywhere in the country. Of course, this argument totally ignores the government-sponsored strategic settlement of more than 400,000 Bengali settlers between 1978 and 1985, initiated by the government of General Ziaur Rahman with the underlying motive to 'resolve the CHT problem' by demographic means: by marginalising the Jumma people in terms of numbers in their own territory.<sup>13</sup> The official argument given for the settlement has been that resettling people from the densely-populated plains to the supposedly sparsely-populated CHT would contribute to resolving the national problem of over-population. Apart from the questionable effect of this policy on population pressure on the national scale, the policy started from a disastrously misconceived idea about population pressure in the CHT. Already in the late 1960s a study by the Canadian company Forestal indicated that population pressure in the CHT was too high and was posing a threat to the environment. This was largely a result of the displacement of 100,000 people after their land had been inundated following the construction of the Kaptai dam. The Kaptai lake flooded 40 percent of the arable land in the CHT.

The government has now admitted that the government programme for the settlement of the Bengalis from 1978 was a mistake. It also avows that settlement of Bengalis in the CHT has been stopped completely. And yet the CHT Commission has received disturbing reports of new Bengali settlements in the CHT. According to these reports seventy Bengali families from the Shalban area of Comilla were settled in various places in Bandarban District as recently as August 1993, after they had been evicted as a result of a government scheme.<sup>14</sup> On 18 February 1994, eight Bengali families were reportedly brought from Chandpur and Sandwip District to Khagrachari College ground in order to be settled in the CHT.<sup>15</sup>

It is obvious that the government has a grave responsibility, not only to repair the damage done by the earlier government settlement programme, but equally not to exacerbate matters further by tolerating, let alone planning, renewed settlements. If the government is really sincere about coming to a political solution, it is absolutely clear that it should address the issue of resettlement head-on. The very least it should do is facilitate the resettlement outside the CHT of those Bengalis who are willing to go voluntarily. There are indications that a considerable group of settlers would prefer to leave the CHT. When the CHT Commission visited the CHT, many Bengalis, especially those who were living in cluster villages, expressed their wish to go anywhere in the world if they would be given the means. Financial

strictures should not be an obstacle for the government to pursue their resettlement: several western donor governments have expressed their willingness to consider giving funds for resettlement programmes of Bengali settlers outside the CHT.

#### **e. Concluding remarks**

From the negotiations so far it is obvious that the JSS is serious in trying to reach a negotiated settlement, while the government of Bangladesh has shown more interest in repatriating the refugees, who are an international embarrassment, than in resolving the CHT situation politically. JSS good will is revealed by the following. At the request of the government, the JSS dropped its initial demand for provincial autonomy and substituted it for regional autonomy. Despite the Naniarchar massacre just a few days before the sixth round of talks, the JSS continued with the dialogue. By contrast, the CHT Commission has ample evidence of repeated government delays and obstructions regarding the talks. For example, Colonel (Rtd.) Oli Ahmed failed to distribute the modified demands of the JSS to some of the members of the government committee before the second round of talks in December 1992, and therefore no discussion of these demands could take place. Again, the third round of talks was delayed by three-and-a-half months, and the government failed to live up to its promise to give its reaction to the modified demands of the JSS in writing during that period. In fact, the government did not give its opinion on these demands in writing until the fifth round in September 1993, nine months after they had been submitted by the JSS. The government has repeatedly branded the JSS as secessionist, using this as an argument for not being able to meet the demands of the JSS. However, the JSS has made it very clear from the beginning of the negotiations that it seeks a settlement for the CHT within the state of Bangladesh, but that an amendment of the constitution is needed in order to safeguard the rights of the Jumma people.

The attitude of the Khaleda Zia government may be explained as the combined result of several factors. One important factor is of course the Bangladesh army. The army is still an overwhelming presence in the CHT. Much is at stake for the army in the CHT. First, the army simply shows its indispensability for national security. Second, it uses the CHT as a national laboratory for counter-insurgency. Third, army personnel receive extra salary benefits. Fourth, army officers control development activities and funds directly, a situation unknown to them elsewhere in Bangladesh. Fifth, there are many reports of army officers deriving private gain from their position in the CHT, especially regarding illegal logging (they control the system of logging permits) and timber trade. The present government is extremely closely connected with the army. The principal government party, the BNP, was originally set up by General Ziaur Rahman to give his military government a democratic face. Even today, after returning to power by means of democratic elections, many government officials are ex-military men maintaining close links with that background.

Another factor is the thorny question of land. A lasting political settlement is impossible without restoration of Jumma land to its rightful owners. This implies the eviction of Bengalis who have been settled by the government and who illegally occupy a large part of the most fertile land. Such an eviction will inevitably lead to widespread dissatisfaction among the evicted and may have electoral consequences for the BNP. The creation of a Jumma-dominated Regional Council might also mean that the Bangladesh government would lose its immediate control over the mineral and forest resources of the area.

In short, the government finds itself in a fix and it remains to be seen whether it really has the courage to resolve the CHT crisis in the only way which will produce a lasting result: developing a fresh policy

with regard to the CHT which must include a political compromise with the JSS. So far, the government has been sending very mixed messages. Rather too many signs indicate that the government continues stalling, meanwhile trying unsuccessfully to force the worn-out policy which it has inherited from General Ershad's government down the unwilling throat of the JSS.

#### **4. REFUGEES**

##### **a. The talks between India and Bangladesh on repatriation**

Relations between India and Bangladesh have been strained since Sheikh Mujibur Rahman was killed in August 1975. Bangladesh has long accused India of giving shelter and support to the JSS and the Shanti Bahini, and India from its side has accused Bangladesh of sheltering and supporting insurgents from Northeastern India, and recently also of hosting the Inter-Services Intelligence of Pakistan, and training and arming Naga and Manipur militants. But the relationship between the two countries has been changing, partly as a result of the changing global situation after the end of the Cold War and India's new attitude towards the international market economy. India's interest in good relations with Bangladesh has increased for both economic and geopolitical reasons: it wants to get a railway connection from Agartala in Tripura to Chittagong, and port facilities in Chittagong, to open up its insurgency-ridden Northeast. Bangladesh from its side needs to resolve its long-standing dispute with India over the division of the Ganges waters and the Farakka dam. It also wants India to repatriate the Jumma refugees to the CHT, thereby removing a blot on Bangladesh's human rights record.

After years of cool relations between the two neighbours, Prime Minister Begum Khaleda Zia visited the Indian Prime Minister Narasimha Rao in May 1992. They came to an agreement to repatriate the Jumma refugees and the Bangladesh government committed itself to creating an atmosphere congenial to their return. A Bangladesh government committee would visit India to make final arrangements for the repatriation and encourage the refugees to return.

In July 1992, the Indian government directed the Tripura state government to make arrangements for the repatriation of the refugees by 31 December 1992 and it was announced that after that date no rations would be supplied to them.<sup>16</sup> This led to widespread local and international protest, urging the Indian government not to repatriate the refugees against their will and, in case of voluntary repatriation, to involve the UNHCR (United Nations High Commission for Refugees) in the process. The Indian government gave verbal assurance that the refugees would not be repatriated by force or against their will. But the government did exert 'non-violent pressure,' as one camp official expressed it, by drastically reducing its food rations, excepting only rice and salt, which resulted in near-starvation and malnutrition among the refugees.<sup>17</sup> This prompted the international community to appeal to the Indian government to resume the food rations and not to force the refugees to return to the CHT. A UNHCR request to be involved in the repatriation was turned down by the Indian government. The refugees refused to return to Bangladesh as no security of life and property had been guaranteed there.

After several postponements by the Bangladesh government and almost one year after Prime Minister Khaleda Zia's visit to India, an 11-member government delegation, headed by Colonel (Rtd.) Oli Ahmed visited India from 7 to 10 May 1993. The delegation reached an agreement with the Indian government to repatriate the CHT refugees, beginning in early June 1993. During its visit to the refugee camps, the delegation told the refugees that their life and property would be safe in the CHT. Mr. Upendra Lal Chakma, President of the CHT Jumma Refugees' Welfare Association, presented a memorandum to Mr. Oli Ahmed in which they put forward their demands.<sup>18</sup>



## **b. Thirteen-point demand by the Jumma refugees in Tripura**

The refugees presented the following list of demands:

1. To ensure security of life and property and guarantee for:
  - a. No further ethnocide, extra-judicial execution, arbitrary arrest, rape, arson, plunder, religious persecution, etc. in the CHT.
  - b. Impartial judicial enquiry by a team headed by a High Court Judge into the ethnocides of May 1986, August 1988, and May 1989 which compelled 72,000 Jumma people to cross over to India.
2. To ensure proper rehabilitation, guarantee for:
  - a. Restoration of all land of the Jumma people illegally and forcibly occupied by settlers.
  - b. House building grant of Taka 15,000.-, a subsistence grant of Taka 5000,- and one year free ration to each family.
  - c. One pair of oxen for cultivation to each family holding arable land.
  - d. Reinstatement of previous employment, if any.
  - e. No resettlement in cluster villages.
3. No further infiltration in CHT and all infiltrated persons withdrawn.
4. Restoration of civil administration be ensured by withdrawal of all military, paramilitary personnel (except BDR) camps and cantonment.
5. Proper compensation to Jumma refugees for the loss of life and property caused by the attack of Security Forces and settlers.
6. Unconditional withdrawal of all charges, cases, warrant of arrests against any Jumma refugees.
7. Cancellation of all judgement tried in absence of any Jumma refugee.
8. To abstain from legal action against any refugee entangled with Shanti Bahini or JSS activities.
9. To stop conversion of Jumma people to Islam and get back all Jumma people to their own religion.
10. To write off all loans of the Jumma refugees received from government banks or institutions.
11. The rehabilitation/settlement of Jumma refugees under the auspices of UN observers, the International Red Cross (ICRC), representatives from the government of India, the CHT Commission, the International Working Group on Indigenous Affairs (IWGIA), Survival International, Amnesty International, ILO, etc.
12. To give consideration for acceptance of the certificates issued by the headmasters of the schools run by the Refugee Welfare Associations in the relief camps for admission into any government school, College, government and semi-government services.
13. The Jumma refugee problem is an offshoot of the CHT political crisis and cannot be solved permanently if the CHT crisis is not solved politically. So the following demands are also put forward:
  - a. Negotiations between the government and the JSS to solve the crisis politically and permanently
  - b. The CHT District Council Acts should be repealed.

In a follow-up meeting, the authorities of India and Bangladesh agreed to start repatriating the refugees from 8 June 1993. There were renewed local and international protests urging the governments of India and Bangladesh not to repatriate the refugees against their will, to take the necessary measures to ensure the security of life and property of the Jumma people and to reach a political settlement of the CHT conflict. The refugees again refused to go back to the CHT as they had not received any official answer from the Bangladesh government to their 13-point demand and their security was not guaranteed. The government of Bangladesh alleges that the refugees are prevented from returning.

Colonel (Rtd.) Oli Ahmed told Wilfried Telkämper, co-chair of the CHT Commission, that the refugees had been held back by armed guards and that they are totally under the control of the RAW, the Indian intelligence. He alleged that the armed guards kept the refugees back because they [the Indians] want a rail passage and port facilities in Bangladesh. The CHT Commission never received any reports from the side of the refugees that they were prevented from returning to Bangladesh.

On 13 July 1993, one day prior to the fourth round of talks, the government of Bangladesh sent another delegation to the camps. This delegation was led by Mr. Rashed Khan Menon, MP and member of the government committee; its task was to hand over the government's decisions on the refugees' demands. The delegation tried to persuade the refugees once more to return and invited a delegation of the refugees to come to the CHT and see for themselves what the security situation there was like. The refugees stuck to their refusal to return because many of their demands had not been met. They did agree, however, to send a delegation, accompanied by some Indian officials, to the CHT to see the situation for themselves.

**The Bangladesh government decisions with regard to the demands of the refugees:**

- to provide each returning refugee family with a) Tk.10.000 and 6 months' food-rationing, and b) two bundles of CI-sheets for house building;
- to declare a general amnesty up to 31 December 1993;
- to restore land belonging to returnees to them and not to resettle them in cluster villages;
- to make the general government decision to write off agricultural loans up to Tk.5000,- also applicable to returnees;
- to create facilities for re-admission in schools and colleges;
- to consider sympathetically the reinstatement of employment for those previously employed.

Some time later the government also announced that Bengali settlers had been removed from land belonging to Jumma people in order to facilitate the return of the refugees.

**c. Visit of the refugee delegation to Bangladesh**

A delegation of 18 refugees, headed by Mr. Upendra Lal Chakma, President of the CHT Jumma Refugees Welfare Association, and accompanied by six Indian government officials, visited Bangladesh from 19 to 23 September 1993. It brought out a report, which documents many concrete examples of land grabbing by settlers, naming the actual owners as well as the illegal occupants. The report also documents many complaints about rape and abduction, religious persecution and forced conversion to Islam. The main observations of the delegation are summarised below <sup>19</sup>:

*Main observations of the refugee delegation:*

1. Although the Bangladesh government declared that land grabbed by settlers was vacated, most of the homesteads and agricultural lands of the Jumma people are still being occupied by settlers and by military camps.
2. The package offered to the refugees is inadequate. Unless all the points under point 2 of the 13-point demand are fulfilled, the guarantee for proper rehabilitation cannot be ensured.
3. The law-and-order situation is not conducive to a return of the refugees. The CHT is still under military control. Rape, abduction, religious persecution, Islamisation, etc. still continue. Thus life of the Jumma people in the CHT is still insecure. The assurance by the government that the law will be

applied impartially to protect the life and property of the Jumma people can only be credible if the culprits of these crimes are given exemplary punishment under the prevailing laws.

4. The refugee problem is an offshoot of the political crisis in the CHT and cannot be permanently solved without a permanent political solution. No progress has been achieved in the peace process so far. It seems that the government is killing time in the name of the peace process. The peace process and the move to repatriate the refugees are nothing but a political gimmick to divert the world opinion from the actual issue.

The Jumma Refugees Welfare Association concluded that the situation in the CHT is not favourable for repatriation. Only if the 13-point charter of demands would be fulfilled, the repatriation could be done, under the auspices of the UNHCR. After this renewed refusal of the refugees to return to Bangladesh, Mr. Rashed Khan Menon and Mr. Kalparanjan Chakma, both MPs and members of the government negotiation committee, again visited the camps in Tripura and tried to persuade the refugees to return, but again without result.

#### **d. 'Guinea pigs'**

The Indian government now put heavy pressure on refugee leader Mr. Upendra Lal Chakma. The new Governor of Tripura, Mr. Ramesh Bhandari, who had been appointed in August 1993, apparently had been given the special assignment to take care of the repatriation. On 16 January 1994, Upendra Lal Chakma and other refugee leaders visited Ramgarh in the CHT to discuss the repatriation with Indian and Bangladeshi officials, and on 22 January 1994 Upendra Lal Chakma announced that 405 families were to be repatriated, beginning on 15 February 1994. The Bangladesh government also made some additional promises: security of life and property; a pair of bullocks or Tk.8,000; consideration for exemption of bank loans; and an arrangement for special examinations for student returnees. According to Upendra Lal Chakma, the government also agreed to the following conditions:

- the refugees will be properly rehabilitated;
- their security of life and property will be guaranteed;
- the negotiations with the JSS will continue;
- a delegation of the refugees from India will visit the CHT after some months to see whether all the government promises have been fulfilled. Only after that a decision will be taken about the repatriation of the remaining refugees.

However, both governments of India and Bangladesh rejected any involvement of the UNHCR or any other third party in the repatriation.

The New Delhi-based South Asia Human Rights Documentation Centre (SAHRDC) visited the refugee camps from 5 to 7 February to investigate the voluntary character of the repatriation. SAHRDC talked to government officials, refugee leaders and individual refugees, including those on the list scheduled to return; it concluded that the refugees were being sent back 'under duress' and were being used as guinea pigs to ascertain the level of normalcy in the CHT.<sup>20</sup> Other independent visitors to the camps informed the CHT Commission about great confusion and bewilderment among the refugees. Some of them put their names on the repatriation list several times, only to withdraw these again the next moment, fearing that their lives would not be safe after return.

#### **e. Repatriation of the 'experimental batch'**

Despite their desperately straitened circumstances in the Tripura camps, the refugees repeatedly refused to return to Bangladesh during the past year. They felt that their physical security was in no

way guaranteed there. High-level diplomatic shuttles between India and Bangladesh and heavy Indian pressure on the refugee leaders was required before Mr. Upendra Lal Chakma, President of the Jumma Refugees' Welfare Association, could finally be induced reluctantly to agree to the repatriation of a first 'experimental' batch of some 400 families of refugees, consisting of about 2,000 individuals, from 15 February 1994. Several prospective returnees expressed their intention to again return to India if the Bangladesh government would not, or could not, fulfil its promises.

The refugees who returned to the CHT in February 1994 are only a small section; about 54,000 Jumma refugees still remain in the Tripura camps. These people fled from their homes in the CHT in 1986 and later, after a series of massacres and other grave human rights violations perpetrated by the Bangladesh Security Forces in collaboration with Bengali settlers (e.g. Dighinala/ Panchari (1986); Bagaichari (1988); Langadu (1989); and Logang (1992)).

On 15, 17, 19 and 22 February 1994 a total of 1,818 refugees of 379 families returned to the CHT in the presence of high Indian and Bangladeshi government officials on both sides of the border and under the eyes of a number of journalists from national and international media, which had been invited by the government of Bangladesh. Some of the 405 families originally on the list had changed their mind at the last moment and stayed back in India. Reportedly many of those who did come back were in two minds, with worries about their future safety overshadowing their happiness about returning to their homes.

Most of the repatriated refugees left the reception centres within a few days and returned to their original areas. Although government officials claimed that all returnees have been resettled on their own lands, Jumma people from the area deny this. According to them, some of the returnees did resettle and started constructing new houses for themselves but others are still staying with relatives, in school buildings, or other temporary shelters. Many of them feel insecure and are uncertain whether they will receive their land back. The CHT Commission received a report about one family from Dighinala area who found their land occupied by an army camp. The army offered compensation and indirectly threatened the owner when he was reluctant to accept the compensation. The CHT Commission also heard of a case in which a Bengali who had been removed from a plot of land had announced that he would start a court case as he had documents proving his ownership of that land. Unfortunately, there was not enough time to get a full report on the repatriation before bringing out this Update. Undoubtedly some facilities have been created for the returnees and the government has tried its best to create the impression that the situation in the CHT has returned to normal. The government hailed the repatriation as a diplomatic success between the two neighbouring countries and emphasised that India and Bangladesh had succeeded in resolving the problem bilaterally.

The Bangladesh government has put much effort into arranging the 'experimental' repatriation, it never uttered a word about the rehabilitation of the Jummas who have been displaced within the CHT. This group, estimated to number 50,000 people, could not flee to India but have been forced away from their land as a result of attacks by Bengali settlers and Security Forces, land grabbing by settlers and the forceful resettlement in cluster villages. The CHT Commission also heard about a number of cases in which Jumma people's land had been taken by the army to set up camps without giving any compensation. The relatively small group of returnees from Tripura have been given facilities but this much larger group of internally displaced persons is not recognised by the government and has not received anything; they continue to face hardship.

In order to create a congenial atmosphere for the repatriation 4,000 Bengali families (approximately 20,000 people) have been removed from land belonging to Jummas before the repatriation began, according to official sources. Colonel (Rtd.) Oli Ahmed told Wilfried Telkämper, co-chair of the CHT Commission, that even the 'total Bengali population who occupied their lands have been moved out totally. ....5-10 percent was before occupied by the settlers, but now it is all vacant. About one year back all the land was vacated.' If the information that 4,000 Bengali families have been moved is to be credited, this means that more than 10 percent of the Bengali population of Khagrachari District has been relocated (about 20,000 of the total number of 175,295 Bengalis). It is confirmed that a number of Bengali settlers have been moved, in particular in the Panchari and Dighinala areas in Khagrachari District, but not in some other areas, such as Choto Merung. The settlers who have been moved are reportedly not resettled 5 km. away from where they were before, as the government claims. Most of them have been moved to adjacent hilltops, without any means of subsistence. Little wonder, then, that many settlers are said to have expressed their dissatisfaction, and that they feel that a lot of money is being spent on Jumma people while they are left out. They are reported to have raised the slogan 'We will give our blood, not our land' in reaction to the proposed repatriation. Many Jumma people fear that this sentiment will lead to a recurrence of bloodshed because the removed Bengali settlers are still in the immediate neighbourhood and their dissatisfaction is mounting. Moreover, several settlers' organisations have been set up during the last two years, demanding equal rights. These organisations are reportedly backed by the military and civil administration as well as certain sections in the government who are believed to be against negotiations and a political settlement with the JSS. Settlers have increasingly resorted to provocations and organised attacks on Jumma people, the Naniarchar massacre being the most blatant recent example. The government imposed Section 144 (which allows the police to ban gatherings of 5 or more people) on Khagrachari District from 6 to 15 February. This fact in itself is an indication that the situation is not normal or conducive to the rehabilitation of returning Jummas.

In early March 1994 the local press carried the story that after the celebration of Id (on 14 March) arrangements would be made for a delegation of the refugees from India to visit the CHT to ascertain whether the government had kept its promises with regard to the repatriation. The CHT Commission has not yet received any further information on this point.

#### **f. Assessment**

It is too early to ascertain whether the government has succeeded in keeping all its promises to the returned Jumma refugees and whether their lives are really secure. It is also too early to ascertain whether this first batch marks the start of a full-fledged repatriation process, involving the 54,000 refugees still in Tripura, and more importantly of the emergence of a political solution to the CHT conflict. The two are inextricably intertwined: the large majority of the refugees still in Tripura have indicated time and time again that they are determined not to come back until a political settlement has been reached and their safety is no longer in jeopardy.

### **5. HUMAN RIGHTS VIOLATIONS**

After the cease-fire was declared, the human rights situation in the CHT improved initially. But soon tensions began to build up again and new restrictions were imposed on the Jumma people. It was reported that in January 1993 local authorities announced publicly that the civilian Jumma people must carry identity cards.<sup>21</sup> The CHT Commission has received reports from both Jumma organisations and Bengali organisations concerning continued human rights violations. Unlawful killings, rape, detention

without trial, forced labour, curtailment of freedom of expression, looting and burning of property all have continued. Despite repeated assurances by successive Bangladesh governments to donor governments that human rights violations in the CHT would be brought to an end, perhaps the largest massacre in the history of the CHT occurred on 10 April 1992 in Logang cluster village, Khagrachari District, under the present government. That human rights violations of this magnitude have continued during the cease-fire is shown by the massacre in Naniarchar Bazar, Rangamati District, on 17 November 1993. This massacre, perpetrated by Bengali settlers and security forces on Jumma people, left at least 29 Jummas and 1 Bengali dead and more than a hundred Jummas wounded.

In its Update of March 1992, the CHT Commission underlined the wilful nature of many of these human rights violations.<sup>22</sup> The Commission regrets to note that this holds true for the situation throughout 1992 and 1993. From the long lists of human rights violations, which have been perpetrated by the Bangladesh security forces and Bengali settlers on the Jumma people during 1992, 1993, and into 1994, only a few examples are given below:

#### **a. Malya massacre**

On 2 February 1992 two bombs exploded on a passenger launch at Malya (Langadu upazilla). The launch was on its way from Marishya (Baghaichari upazilla) to Rangamati. Malya is now inhabited by Bengali Muslim immigrants from the plains. The explosion killed one passenger and seriously injured the driver of the launch. The survivors swam ashore, but armed Bengali settlers were waiting for them and attacked the Jumma passengers - men, women and children. About 30 of them were killed. Fourteen bodies were recovered, the others were lost in the water. Some injured people ended up in the military hospital.

The launch was to carry a deputation of Jumma people to Rangamati and Dhaka to protest against recent army misbehaviour in the area: one Captain Masiur Rahman had tortured a college student (Mr. Biswamuni Chakma) and a Buddhist monk (the Rev. Bodhimitra Bhikkhu), and had treated some female students indecently. Moreover three Buddhist Viharas (monasteries) had been desecrated by the army. According to an eyewitness account, two members of the security forces boarded the launch at Durchari, carrying two kerosine tins. They disembarked at the next stop, leaving the tins. These exploded shortly afterwards. Ironically, at the last moment the deputation had decided not to go on that day, and those who were killed were not connected with the deputation. The Bangladesh press reported that the explosion was caused by the Shanti Bahini.

#### **b. Logang massacre**

On 10 April 1992 the biggest massacre in the history of the CHT took place at Logang cluster village in Khagrachari District, perpetrated by the security forces and Bengali settlers. The massacre was allegedly a reprisal for the killing of a Bengali boy who had attempted to rape a Jumma woman. Bengali settlers spread the rumour that the Shanti Bahini had killed the boy and this triggered off the slaughter of Jummas by settlers and members of the security forces. After international pressure the government appointed a one-man commission Justice Sultan Hossain Khan in May 1992 to investigate the massacre.

Six months after the massacre, on 7 October 1992, the Bangladesh government released a 25-page English version of the report of the one-man 'Logang Disturbances Enquiry Commission' with its findings on the Logang massacre. Amnesty International has commented extensively on the report and stated that the report does not fully explain the killings reported in Logang and that it contains many

contradictions. Amnesty International also commented that it is not clear why some witnesses have been heard and others not and also why some witnesses were considered as 'witnesses of truth' and others as less reliable.<sup>23</sup> We limit ourselves here only to a few comments on the report, mostly concerning the conditions under which the investigation was conducted.

Justice Sultan Hossain Khan reportedly took office on the second floor of the Khagrachari Circuit House; military personnel were present on the first floor and outside the building. As the army has been spreading a reign of terror and intimidation for many years, people who report about incidents and instances of human rights violations put themselves at serious risk. Consequently, many witnesses did not dare to go and present their evidence to Justice Khan; and those who did have the courage to go felt intimidated by the military presence in the building and did not feel free to speak out. Moreover, while the investigation was going on, several people were arrested because they had witnessed the Logang massacre. The names of two of them were reported in a Bengali weekly: Kalachand Chakma, s/o Birasen Chakma, and Smriti Prakash Chakma, s/o Chamyra Chakma. They were arrested on 21 May 1992.<sup>24</sup> Another 20 to 25 witnesses kept in hiding for fear of arrest. In this way a number of people were prevented from giving their statement to the Khan commission. There have also been other attempts to cover up the massacre, such as in the case of Amiyo Kanti Chakma, a member of the Bangladesh Photographic Society. He was arrested in Dhaka on 2 June 1992, in front of a photo laboratory where he had gone to get photographs of Logang developed.

It is also not ruled out that some statements by local people may have been given under pressure of the military. For example, the chairman of the Khagrachari District Council, who had not been allowed to visit the site on the day of the massacre and was allowed to visit only part of the site the day after, had at first told some members of a group of visiting journalists, lawyers and human rights workers that he had counted 138 dead bodies. However, later on he denied all this and said that only 12 Jumma people had been killed. When the CHT Commission visited the area in 1990, we had direct experience of individuals giving one account in the presence of the military, and a very different account in private conversation.

The number of Jumma people killed in Logang will never be known exactly, as many of the dead bodies have been removed by the military immediately after the massacre. But from several eyewitness reports no other conclusion can be drawn than that the number must be well over 100 and possibly several hundreds. The CHT Commission received detailed reports from reliable sources both in Bangladesh and in Tripura, India (more than 2000 people fled to Tripura after the massacre). These reports from people who have talked extensively with survivors of the massacre, and who took eyewitness accounts of people who had been ordered by the military to remove dead bodies, show with great certainty that the number of persons killed by the paramilitary must have far exceeded twelve. However, we want to stress that even if the number of people killed by the paramilitary had been "only" twelve, it is an established fact that the massacre has occurred and that the village has been burnt to ashes by the Bangladesh security forces and settlers. This is a matter of the gravest concern.

Justice Sultan Hossain Khan's recommendations are rather contradictory. Although he concludes that the BDR, Ansars, and Village Defence Parties (VDP), in collaboration with Bengali settlers, are to be held responsible for the killings and burning of houses, he recommends that the military should remain in the CHT, that counter-insurgency should be continued, and even that Bengalis should be given more arms to defend themselves.



Justice Khan's line of argument basically follows the thinking of the military in the CHT. In December 1990, during its visit to the CHT, the CHT Commission was told numerous times by military officers that the strategy of the Shanti Bahini is to create incidents to provoke a reaction from Bengali settlers and the army, which in turn makes more Jumma people flee to the refugee camps in India with the aim to recruit more cadres for the Shanti Bahini. Justice Sultan Hossain Khan likewise concludes that the Logang massacre was in retaliation to a Shanti Bahini attack on some Bengali boys. However, no evidence has ever been given, either by Justice Khan or by anyone else, that the Shanti Bahini did indeed kill the boy. The conclusion is inevitable: the report does not give a true picture of the massacre and its causes, and although some culprits are named, the report largely attempts to cover up what led to the massacre, what occurred during it, and who are to be held responsible. As long as an atmosphere of intimidation by the military is prevailing in the CHT, it will be an almost impossible task for any government-sponsored investigation into human rights violations to bring out an objective and impartial report.

The government claims that those who were held responsible for the massacre according to the Logang Enquiry Commission have been punished. Foreign Minister Mustafizur Rahman confirmed this to Wilfried Telkämper, but clarified that punishment by the army does not come out in the papers as a result of army rules. In a communication to Amnesty International, the Bangladesh government assured them that it had 'instituted legal and disciplinary proceedings against the offenders.' However, the CHT Commission has not been able to get any details. According to the daily Telegraph, published from Bangladesh, on 15 February 1993, almost one year after the Logang massacre eight army officers were removed from their posts in the CHT, including the Khagrachari Brigade Commander. However, no reasons were given for their removal. As far as the CHT Commission knows, none of the civil and military persons held responsible for the Logang massacre have been tried in court, even though government sources claim that some people were arrested. This stands in sharp contrast to the legal measures taken against a large number of Jumma people for alleged offences, which in many cases they have not even committed.

### **c. Naniarchar massacre**

On 17 November 1993 at least 29 Jumma people were killed and more than a hundred wounded when Bengali settlers, supported by the Bangladesh army, attacked a peaceful rally of Jumma people in Naniarchar Bazar, Rangamati District. The rally was organised by the Greater Chittagong Hill Tracts Hill Students' Council with advance permission from the local authorities, and was part of a campaign against the use of the only waiting-shed for motor-launch passengers as an army check post. The reports about the massacre which the CHT Commission has received from various Bengali and Jumma peoples' organisations and individuals all draw roughly the same picture of the course of events.

*Background of the massacre.* Naniarchar is surrounded on three sides by the Kaptai lake, so people travel mostly by boat. People arriving and departing from Naniarchar are regularly questioned and harassed by army personnel from the checkpost. There was widespread resentment among the local residents, both Jummas and Bengalis, against the army checkpost.

On 27 October the local branch of the CHT Hill Students' Council held its annual meeting and about 3,000 people attended. This was part of a series of scheduled meetings of local branches of the CHT Hill Students' Council. Other meetings were held in e.g. Baradam, Dighinala on 13 October (attendance: 2,500 people); Baghaichari, Rangamati Dt. on 16 October (attendance: 6,000 people);

and Guimara, Khagrachari Dt. on 19 October (attendance: 400 people, a relatively small number owing to intimidation by the army). That day in Naniarchar the president of the Hill Students' Council and some others were harassed and provoked by military personnel at the check post. They were held up by the military and prevented from leaving by boat. They could manage to keep the situation calm and left Naniarchar on foot (a two-day journey to Rangamati). The news about the incident spread and during the following days there were peaceful protest demonstrations in several other places in the CHT. In Khagrachari the police cracked down heavily on the demonstrators and ten students were arrested. In protest to this, the students then planned a sit-in demonstration in front of the Deputy Commissioner's office in Khagrachari on 30 October. Again the police intervened, and many Jummas were injured. Several of them had to be treated in the hospital. Other students were arrested. At one point Bengali settlers appeared and started provoking the students, but when the latter realised that the settlers were trying to provoke a riot, the students dispersed. The next day the students presented a memorandum to the Deputy Commissioner (DC) to protest against the occurrences of the previous day, and as a result of a meeting on 2 November with Kalparanjan Chakma, MP, the DC, the Superintendent of Police, the Brigade Commander 203 Infantry Hassan Masoud, Zone Commander Lt. Colonel Shamil, and student leaders all the cases against the students were withdrawn and the arrested students were released.

In Naniarchar the students organised another meeting and a rally on 2 November and presented a memorandum to the Deputy Commissioner, Rangamati, through the local Administrative Officer (TNO), demanding the withdrawal of the military from the checkpost before 16 November, otherwise they would start a non-cooperation movement, not attending schools, markets, etc. The local authorities formed a committee headed by the Naniarchar Union Council chairman, but no further initiatives were taken. When the students received no reaction to their memorandum they decided to hold a meeting and rally on 17 November to make further plans for their campaign.

*The massacre.* On 17 November, soon after the students had held their meeting and rally, Bengali settlers led by Union Council member Ahmed Miah held a counter-demonstration, for which they had obtained permission on the very same day. They were joined by a few hundred settlers from adjacent villages, led by Md. Ayub Hossain, president of the Parbatya Gana Parishad (Hill Tracts Peoples' Council, an organisation of Bengali settlers, not to be confused with the Hill Peoples' Council of the Jumma people), and Abdul Latif, chairman of Burighat Union Council. They arrived on boats, armed with iron rods, sticks and daos (long knives). Surprisingly, the settlers were not disarmed by the army personnel at the check post. Tension rose and at one point the settlers started attacking the Jumma people with their weapons. Even Jumma people who tried to escape by jumping into the lake were hacked to death. It was reported that the law-enforcing agencies did not try very hard to stop the attack and observed impassively. Students defended themselves with firewood and sticks, which they collected from teashops. It was also reported that when the settlers were already retreating, there was a whistle from the army camp and the army opened fire on the students. Eyewitnesses who were cross-examined declared that the army had clearly fired shots aiming directly at people. At least three people received bullet injuries: Kushalya Chakma, Jyotimoy Chakma and Rupan Chakma. In a JSS report on the Naniarchar massacre the names of eight people are given who were reportedly killed by bullets.<sup>25</sup> On the evening of the massacre there was a power failure in Rangamati. This lasted up to midnight, despite a promise by the executive engineer to the Deputy Commissioner at 7 p.m. that he would make all efforts to reconnect the electricity supply.<sup>26</sup> As a result of the extended power failure, the death toll increased even more, as no proper emergency treatment could be given at the hospital. The exact number of dead is still not known, but at least 29 Jumma people have been killed in the

massacre. Reportedly one Bengali was also killed but the CHT Commission has so far not received the name of this person. More than a hundred Jumma people were wounded and about 25 Jumma houses were burnt down. Several days after the massacre bodies were still being recovered from the Kaptai lake. The CHT Commission received, from different sources, lists with the names of 25-30 persons who were killed and many more missing. These lists match well, except for a few names.

After the Logang massacre the government had communicated to Amnesty International <sup>27</sup>: '...steps have been taken to strengthen the effective supervision of these local forces by their higher authorities to prevent repetition of any such incident in future.' Obviously, these steps were insufficient to prevent another massacre.

As in earlier massacres, the army denied its involvement in the killings and tried to cover up its role. The army acknowledged that 17 rounds of blank shots had been fired by two army personnel, but it is not clear whether permission was given for firing blank shots. <sup>28</sup> Moreover, if it is true that only blank shots were fired, then how can it be explained that at least three people sustained bullet injuries? None of the dead bodies have been handed over to their families and immediately after the massacre the army burnt many of the dead bodies, even before relatives had been informed of their death. This gives rise to the suspicion that the army wanted to destroy any evidence that people had been killed by army bullets.

Mr. Abdul Matin Chowdhury, Minister of Home Affairs, visited Naniarchar the day after the massacre. On 19 November it was announced that Justice Habibur Rahman had been appointed to investigate the massacre and bring out a report within 30 days. On 21 February 1994 local newspapers reported that the time limit for the one-man commission had been extended by the government up to 31 March 1994, without any reason being given.

In all the reports, which the CHT Commission received, the Bengali settlers and in particular the Parbatya Gana Parishad, allegedly backed by the Security Forces, are held unanimously responsible for the massacre. This was also confirmed to the CHT Commission in personal communications by Jumma people as well as Bengalis. Some people commented that the students might have acted somewhat aggressively, but only verbally. They may have raised some aggressive slogans, but absolutely no physical violence was used by them. One Jumma official commented that settlers had been waiting for an occasion to attack the students and that the students had given them this opportunity when they decided to step up their actions. He felt that if they had gone for a dialogue with the local committee that had been formed, the massacre could have been avoided. But as the massacre happened, he held the settlers absolutely responsible for it.

It is striking that one report of the massacre, published in Manobadhikar (a magazine brought out by the Bangladesh Society for the Enforcement of Human Rights (BSEHR)), paints quite a different picture. In this report the Hill Students' Council is blamed for communal behaviour and provoking the massacre with the aim to sabotage the negotiations between the government and the JSS. But even though the report alleges that the students had been given sickles and knives by one of the Jumma shopkeepers and had subsequently attacked the settlers with these, the report concurs with all others in stating that those who were killed and wounded were all Jumma people except one Bengali. No explanation is given why the alleged attackers incurred such heavy losses, and the alleged attacked so few. Fact is that the investigation was carried out by a team under the leadership of Md. Saiful Islam Dildar, in close cooperation with the CHT National Coordination and Peace Council. Both Mr. Dildar

and the CHT National Coordination and Peace Council are known to have close links with the Parbatya Gana Parishad. Moreover, the Bangladesh Society for the Enforcement of Human Rights is closely connected with Information Minister Nazmul Huda who is known to be opposed to the negotiations. Here we can observe the same tactics, which have been used regularly by the military: accuse the opponent of what you yourself are doing and so divert the attention and create confusion.

During negotiations between earlier governments and the JSS a pattern had emerged of negotiations breaking down after a massacre had been perpetrated on Jummas by the security forces and settlers. It has even been alleged that massacres were part of an attempt to sabotage a negotiated solution to the problems in the CHT. This time, however, the JSS showed wisdom and self-restraint in not being provoked to call off the current negotiations. These continued, even though the Naniarchar massacre occurred only one week before the scheduled sixth round of talks.

There are nevertheless alarming indications that sections of the Bangladesh security forces and civil authorities are involved in provoking violent clashes between Bengali settlers and Jumma people in an attempt to undermine the negotiations between the government and the JSS. They try to put the blame for these events on the Hill Students' Council. The CHT Commission has been informed that they play a behind-the-scenes role in the Parbata Gono Parishad (Hill Tracts Peoples' Council) and the Khagrachari District Samannay Parishad (Coordinating Council). The National Committee For The Protection Of Fundamental Rights In The Chittagong Hill Tracts stated: 'The Naniarchar massacre, together with a number of other incidents, leads us to fear that a particular quarter is remaining active to frustrate the attempts to reach a political solution through dialogue. They have been encouraging provocative acts to close off the possibility of talks to create communal tension in the region.' The National Committee called for 'steps to be taken at the national level to identify and resist those who are instigating such provocative acts.'<sup>29</sup>

#### **d. Other human rights violations**<sup>30</sup>

##### *Unlawful killings.*

- On 10 April 1992 Mayang Marma of Gargajya chari, Mahalchari upazilla, Khargachari Dt. was killed by an army officer of 26th East Bengal Regiment from Bazarpara army camp, Manikchari Zone. The local newspaper reported that he had been killed by the Shanti Bahini.

- On 27 April 1992 Sadhulal Chakma (18 years old) was shot dead by Major Mijan of Ultachari camp, Khagrachari District, while herding cows. His father was forced to sign a written statement that the boy was killed by the Shanti Bahini.

- On 30 May 1992 seven Jumma people were killed and a Buddhist monk was seriously injured; 40 houses were burnt down by Bengali settlers in collaboration with the security forces, in Dhalupara, Kawkhali upazilla, Rangamati District. In a dispute over land between two rival groups of settlers, one settler had been killed by the rival group. Settlers then spread the rumour that the person had been killed by the Shanti Bahini, which resulted in the attack on the Jumma people by the settlers and security forces.

- On 15 June 1992 the Shanti Bahini attacked a military patrol and one member of the security forces was wounded. In a reprisal attack led by Lieut.Col. Shahabuddin on Babuchara cluster village, Amar

Kanti Chakma who was unable to escape, was arrested and beaten to death. The local newspapers reported that he had been killed by the Shanti Bahini.

- On 18 April 1993 Nitish Chakma, a student from Rangunia College, was shot dead by a member of the Village Defence Party (VDP) at Mahalchari. That day he had gone with some other students to the Power Development Board (PDB) to complain about not getting electricity supply during their examination period, despite having paid and despite earlier promises by the authorities. While having a hot discussion with the authorities, two VDP guards fired and killed Nitish Chakma.

#### *Reprisal attacks.*

- On 29 June 1992 the Shanti Bahini attacked a road protection post on the Mahalchari-Rangamati road. In the attack two members of the army were killed. In retaliation the army, led by Captain Mahbub (8th Engg. Corps) from Naniarchar Zone Headquarters, raided the villages of Firingipara and Shankholapara of Naniarchar upazilla. Eighty Jumma people were arrested and taken to the jungle, 13 girls aged between 15 and 20 were gang-raped and 15 men were tortured.

- On 4 May 1993 an army group from Babuchara Zone, led by Commander Akbar, raided the village of Baghaichari in Dighinala thana, Khagrachari District, and burnt down two houses of Jumma people and looted another house. It was learnt that on that day the army had come to the area to set up a permanent camp and then had an armed clash with the Shanti Bahini. One army person was killed and two others were wounded.

#### *Attacks on civilians during the cease-fire.*

- On 22 December 1992 eight Jummas of Keret Kata were severely beaten up and goods were looted by Captain Fakrul of 26th EBR (East Bengal Regiment), Laksmichari Zone.

- On 7 January 1993 army troops of the 37th EBR, headed by Major Shafiq of Chalkapara army camp and captain Niyamal of Tejaripara army camp, rounded up Rattobapchara village of Dumdumya Union, Barkal Thana, because villagers had avoided being moved into a cluster village. They were beaten, their houses burnt and they were forcibly taken to Chalkapara cluster village.

- On 26 January 1993 an army group headed by captain Salahuddin of Jarulchari army camp, Dighinala Thana, raided the village of Rabindra Karbaripara, interrogated the villagers and searched their houses. Two villagers were arrested and tortured.

#### *Rape.*

- On 31 May 1992 an army unit under the command of Major Korshed from 8th Engg. Corps, Betchari Ganiapara army camp, raided Betchari Dajarapara, Naniarchar upazilla, Rangamati Dt. Seven women were gang-raped, 11 villagers were tortured, their houses were set on fire, and valuables were looted.

- On 26 September 1992 four army men of 40th EBR from Chowdhurychara camp, Naniachar zone, Rangamati Dt., gang-raped two young Jumma women.

- On 13 July 1993 Juddha Pudi Chakma was raped by Mohammad Nukab Ali, Havildar Major of 26th EBR, Ultachari army camp, Laxmichari Zone, Khagrachari Dt.

- On 10 August 1993 a 13-year-old girl, Sumita Chakma, was raped by an Ansar at Guimara, Khagrachari District.

- On 2 October 1993 Ms. Angelika Chakma was raped by Havildar Major Kalam Ostad (3 A.P.Batallion), Commander of Bizitala army camp under Mahalchari, Khagrachari District. She was raped in her house after her husband had failed to supply milk to the commander.

- On 23 January 1994 Ms. Jotika Chakma was raped by Lance Nayak Nurul Islam and others from Indra Singh Para army camp (26th East Bengal Regiment).

The CHT Commission has also received several reports of women having been raped by Bengali settlers, e.g.:

- On 29 June 1993 Retma Marma was raped by Mohammad Rafique of Block no.11 of Gacchabil Bangladeshi cluster village, Manikchari thana, Khagrachari Dt.

- On 5 September 1993 Koika Chakma was raped by Mohammad Jamir Uddin, a rickshaw puller in Dighinala Thana, Khagrachari Dt.

#### *Torture.*

- On 11 September 1993 Chandra Khisa and Jiko Chakma of Ramhari Para, Naniarchar thana, were arrested. They were beaten with sticks and had water poured down their nostrills. After that they were forced to sign a bond and released.

#### *Disappearances.*

- On 12 August 1993 Ms. Tipati Chakma and Ms. Nagari Chakma from Pilaak Para, were kidnapped by soldiers of the 8th Batallion (Engineering) of Guimara, Khagrachari District. They have not been heard of since.

- On 6 December 1993 Bilas Chandra Chakma, Hokkiya Udda Chakma and Nak Kala Chakma from Naniarchar thana were taken to Baghaichari army camp, Rangamati District, by R.P.Lance Nayak Selim. Despite investigations by their relatives their whereabouts are unknown.

#### *Freedom of expression.*

- The CHT remains a sensitive issue and therefore freedom of expression is not allowed; people who work openly in support of Jumma demands (let alone in support of the JSS) face intimidation and repression. Several publications concerning the CHT have been banned by the government, such as the irregular magazines 'Radar' and 'Satellite.'<sup>31</sup> Several university teachers who published articles on the CHT were visited by intelligence personnel and urged not to write about the CHT.

- Another technique of controlling the press is by withholding government advertisements to papers, which publish information on the CHT which the government does not like. 'Government policy on the distribution of advertisements to newspapers is again reflecting old habits of supporting the "friendly" papers and depriving those considered antagonistic. Media professionals consider this a deliberate but subtle way of influencing editorial policies of papers.'<sup>32</sup> The Bengali daily 'Bhorer Khagoj' was withheld advertisements for quite some time after they published critical reports on the CHT.

#### *Punishment to perpetrators of human rights violations.*

- Regarding some of the reported incidents, enquiries were set up by the authorities. However, these have never led to any conclusions, not to speak of punishments for the culprits. No reports have reached the CHT Commission about any convictions in court of those held responsible for reported human rights violations in the CHT. As already mentioned none of those mentioned in the report of the government investigation committee as responsible for the Logang massacre have not been brought to court either.

#### **e. The judicial system and illegal detentions**

*The Special Powers Act, 1974.*

The Special Powers Act (SPA) empowers the Government to take 'special measures for the prevention of certain prejudicial activities, for more speedy trial and effective punishment of certain grave offences and for matters connected therewith' and serves as the basis for detention without charge or trial. Suspicion of having committed a prejudicial act likely or intended to endanger public safety or the maintenance of public order is sufficient to meet its requirements. There is no provision for representation by legal counsel; the detainee must represent himself or herself before an Advisory Board, which can renew the order for detention indefinitely. In addition, special tribunals have been established for speedy trials under the SPA.<sup>33</sup>

The SPA has been criticised by successive opposition parties in Bangladesh as the enabling provision for administrative detention without due process of law. 'Although the Government pledged to repeal the Special Powers Act during the 1991 election campaign it now asserts that the SPA is needed to deal with the deteriorating law and order situation. The Home Ministry confirmed that over 3,000 people are currently being detained under the SPA.'<sup>34</sup> The Report adds that from 1,742 habeas corpus petitions challenging the legality of detention orders under the SPA (08/91-07/92), the High Court decided 1,691 to be unlawful on grounds of vagueness or procedural irregularity. (See also Amnesty International Report ASA 13/01/93).

According to the US Country Report for 1993: 'In September [1993] the Government reported that just under 900 people were currently being detained under SPA...The Government also reported that during the first 9 months of 1993 a total of 1,690 people were arrested under the SPA. Of 365 SPA cases that came before the High Court for review during this same period, 97 percent were found to be illegal. The great majority of those detained were released outright without being charged with specific crimes.'<sup>35</sup>

The CHT Commission is continually receiving reports regarding hundreds of indigenous people in the Chittagong Hill Tracts being detained under the SPA. According to Amnesty International, Home Minister Abdul Matin Chowdhury informed Parliament in June 1992 that 'between September 1991 and June 1992 34 people had been detained under SPA in Rangamati District, 50 in Khagrachari District and 3 in Bandarban. Of these 17 had been released in Rangamati and 30 in Khagrachari.'<sup>36</sup> However, according to local lawyers, more than 200 Jumma people have been detained under the SPA during the same period. A human rights organisation in Bangladesh reports that not all cases could be challenged in the High Court owing to financial strictures but of all 59 cases in which petitions were filed, the High Court held all the detentions to be unlawful.<sup>37</sup> The CHT Commission has a list with the particulars of these 59 persons who were all being detained illegally.

Some examples of illegal detention under the SPA:

- Sanchoy Chakma, a student of Dhaka University, organising secretary of the CHT Hill Students' Council, and member of the Bangladesh Chattro (Student) Federation, was picked up by police from



his hostel in the middle of the night on 16 March 1993. At the police station he was questioned about a videocassette, which was made after the Logang massacre, but he did not know anything about the video. He was also questioned about his recent trip to Australia to attend a Diplomacy Training Course. A bail petition was moved but bail was refused. Only after several days the police filed a case against him under section 54 of the Special Powers Act (SPA) and the Home Ministry added a detention order for 120 days. On March 23 he was sent to Dhaka Central Jail. His detention was challenged at the High Court and on 25 May the High Court ordered his unconditional release.

- Amiyo Kanti Chakma, a photographer and member of the Bangladesh Photographic Society was arrested by the Dhaka police on 2 June 1992, allegedly for having taken photographs after the Logang massacre. He was released at the order of the High Court on 2 December 1992.

However, the government nowadays mostly starts criminal cases against Jumma people in addition to SPA cases, accusing them of being involved in anti-state activities and being a member of, or a sympathiser with, the Shanti Bahini. Such criminal cases are more complicated and much more difficult to challenge in the High Court in order to obtain a release for people so accused. As a consequence in case of a release order by the High Court for the SPA case they still have to stay in detention for the criminal case. Since the appointment of the new government at least six Jumma people have been convicted, each of them to a long-term sentence of at least 10 years.

#### *Curbing of Terrorist Activities Act, 1992.*

The Curbing of Terrorist Activities Act (CTAA) was promulgated on 1 November 1992. The CTAA covers extortion, obstructing or diverting traffic, harassing or abducting women, and kidnapping children under nine offences constituting terrorism or anarchy. Sixty-one special tribunals have been established to deal specifically with these offences in each district, and another four have been set up in the Divisional capitals of Dhaka, Khulna, Rajshahi and Chittagong.

Amnesty International finds the 'procedures of the special courts established under the Curbing of Terrorist Activities Act do not fully meet international standards for fair trial.'<sup>38</sup> Article 14(3)(b) of the International Covenant on Civil and Political Rights (ICCPR) states that every defendant has the right to adequate time and facilities for the preparation of his defence and to communicate with counsel of his choosing. However, the provisions of the CTAA impose strict time limits for both pre-trial investigation and trial procedures. (See Amnesty International report for further details.) Lawyers and human rights activists report that over 200 cases have been filed against Jumma people under the CTAA; the charge is either that they belong to the Shanti Bahini, that they sympathise with them. A case under the CTAA has graver implications than one under the SPA. Punishment ranges from a minimum sentence of five years to the death penalty. Reports indicate that this Act gives wide powers to law-and-order forces in Bangladesh to file criminal charges on grounds of mere suspicion. The CHT Commission is concerned that the CTAA facilitates discriminatory criminal proceedings against the Jumma people in the CHT.

## **6. LAND ISSUES**

### **a. Conflicting notions of land ownership**

Land is one of the major sources of conflict in the CHT. Traditionally a large part of the land in the CHT, especially the hillside land which is used for jhum (shifting) cultivation, is owned communally by the Jumma people. Since the days of British colonial rule, private ownership of river-valley land has also existed. This land is used for plough cultivation and Jumma people have documents of individual

ownership of this land.<sup>39</sup> In its 1991 report, the CHT Commission gave a description of the indigenous notions of landownership and the clearly defined system of land rights that has been in effect since British colonial rule, which is based largely on these notions.<sup>40</sup>

Under British rule the Jumma people's ownership of the land was largely protected under the 1900 Regulation, which prohibited the transfer of land to people from outside the CHT. The late 1950s saw the beginning of a process of large-scale and systematic displacement of Jumma people. The first major shock came with the construction of the Kaptai dam in the late 1950s and early 1960s, inundating 40% of the arable land and displacing more than 100,000 Jumma people. Subsequently, the government programme of population transfer to the CHT brought more than 400,000 landless Bengalis to the CHT between 1978 and 1985, many of whom now illegally occupy Jumma people's land. Finally, the various counter-insurgency resettlement programmes, which were implemented since the late 1970s moved a large section of the population to 'strategic villages.'

At the root of the conflict over land lie two basic disagreements. First, the government argues in favour of settlement of Bengalis from the plains on the basis of the constitution of Bangladesh, according to which any citizen is free to settle anywhere in the country. On the other hand, the Jummas argue that under the 1900 Regulation, which is still in force, settlement of outsiders in the CHT is highly restricted and transfer of land needs the approval of the District Commissioner, in consultation with the local headman. These rules have been grossly violated by the government. On top of this, after the independence of Bangladesh a delegation of the Jumma people met Sheikh Mujibur Rahman to request a provision in the constitution to safeguard their rights and indigenous identity. Mujib refused and told them to become Bengalis and contribute to the development of the nation. From the birth of Bangladesh the Jumma people's rights, including their specific and well documented land rights, have been denied and ignored.

Second, the Bangladesh government has officially claimed that the more than 400,000 Bengalis who came to the CHT between 1978 and 1985 have been settled on khas land (government-owned fallow land) under government programmes. However, the government has also acknowledged that Bengali settlers have encroached on Jumma people's land in a big way. Here the problem actually lies in the concept of khas land itself. What the government regards as khas land is essentially the Jumma people's traditional jhum land and forestland. The concept of khas land in itself is anathema to Jumma notions of landownership. For the Jumma people this land is common property, belonging to the community, kinship groups and even members of the spiritual world. The roots of the conflict between these contradicting notions of landownership lie in the British colonial period. The British declared all land in the CHT government property and the indigenous people were given tenancy rights over the land.<sup>41</sup> As far as the CHT Commission is aware, the three Chiefs of the Jumma people have never signed any agreement with the British to transfer their traditional lands to the British crown or to the British Indian state. On the basis of this fact it can be argued that the Jummas retain their full rights over their own ancestral land, and that no state has ever acquired any formal rights to any land in the CHT. All states, beginning with the colonial one, have arrogated this right, but that does not disallow an indigenous view, which sees this as the usurpation of inalienable Jumma rights.

There is another aspect to the land problem that has not yet been touched on. Apart from the many settlers who have illegally occupied much Jumma land, there are also settlers in the CHT who have bought land, some even thousands of acres. For example, the CHT Commission came to know of a settler who has bought no less than 10,000 acres of land and another one who has 500 acres. When

the CHT Commission visited the CHT, some Bengalis also stated that they had sold their land in the plains and moved to the CHT because they could buy much more land there for the same money. As a result of the military counter-insurgency programmes, which led to a deterioration in the economic situation of the Jumma people, many of them have been forced to sell their land, often at very low prices. The legal status of these land transactions is questionable in view of the Regulation of 1900, which is still in force. Any solution of the land issues in the CHT should also include a proposal on how to deal with these cases.

The CHT Commission emphasises that the land issue in the CHT is as much a conceptual as a material one. Jumma concepts of land ownership cannot be brushed aside, especially in view of recent reconsiderations of indigenous land rights all over the globe.

### **b. The Cadastral Survey**

In July 1992 the Ministry of Land announced plans to carry out a cadastral survey in Rangamati District from November 1992 onwards. The objective was to map out all land and register its owners. The plan elicited large-scale protests by the JSS and other Jumma people's organisations and the government had to postpone it. The Jummas' fear is that if this survey is carried out now, with much of their land being occupied illegally by Bengali settlers, the settlers are bound to be registered as the legal owners of the land. Once their names enter the cadastral register, the rightful Jumma owners, thousands of whom have had to flee, will never be able to regain it. For this reason it has been argued that the cadastral survey can only be carried out after all refugees have returned from Tripura and have reoccupied their land.

Nevertheless, the government pressed ahead with the plan. On 12 April 1993 a high-level meeting, chaired by the Deputy Minister for Land, was held in Bandarban town to chalk out a master plan for the cadastral survey. The meeting was attended by the three District Council chairmen, the three DC's, the four MP's from the CHT, and the Bohmong Raja of Bandarban District. The Jumma leaders emphasised that the survey should be conducted only after consultation with the JSS and that till then it had to be postponed, as had been agreed with the JSS earlier. At the meeting it was decided to set up an institute to conduct the survey, and that for the time being the survey would be postponed.

During the sixth round of talks with the JSS, Col. (Rtd) Oli Ahmed again proposed to the JSS to carry out the cadastral survey in Bandarban District, as there is no refugee problem there as in the other districts. The JSS replied that it was opposed to the cadastral survey now, because it would facilitate illegal occupation of Jumma land by settlers, but would support the cadastral survey after the resolution of the CHT crisis.

A cadastral survey as intended by the Bangladesh government will be a very difficult and intricate task which is likely to take several years. Crucial for its success will be whether it is conducted by a neutral body and strictly monitored. Numerous problems will be faced in establishing land ownership rights, especially because so much land has been alienated from the Jumma people since long, and as part of this process many land papers have been lost, falsified and even wilfully destroyed, e.g. when the Khagrachari land records office was burnt down in May 1991.

Besides, before any cadastral survey can take place, the government and the Jumma people will first have to come to terms with respect to their different notions about what actually constitutes legal ownership of land in the CHT. In that process, the government will have to respect the traditional

indigenous rights of the Jumma people to their land. In this connection it should be emphasised that the Bangladesh government is a signatory of ILO Convention 107 and in compliance with that it should respect: 'The right of ownership, collective or individual, of the members of the populations concerned; ...Procedures for the transmission of rights of ownership and use of land which are established by the customs of the populations concerned within the framework of national laws and regulations, in so far as they satisfy the needs of these populations and do not hinder their economic and social development.' Moreover, 'Arrangements shall be made to prevent persons who are not members of the populations concerned from taking advantage of these customs or of lack of understanding of the laws on the part of the members of these populations to secure the ownership or use of the lands belonging to such members.'<sup>42</sup>

### **c. 'Afforestation' and other development programmes**

As reported in 'Life Is Not Ours,' the government has implemented several large-scale development programmes in the CHT over the last 10 years. These include the Upland Settlement Scheme in Khagrachari District, funded by the Asian Development Bank (ADB), which was part of the counter-insurgency programme to resettle the population in cluster-villages and employ them as day labourers in rubber plantations.<sup>43</sup> This scheme has been presented partly as an environmental afforestation programme but in fact it was clearly detrimental to the environment in the CHT, as it uprooted the indigenous people from their traditional home lands, destroyed their way of life, and introduced large-scale commercial plantations.

The Bangladesh government continues to plan large-scale programmes in the CHT without any popular participation in the planning. In 1992 it was learnt that the government was planning a large-scale 'tree plantation programme' in Rangamati District, covering more than 130,000 acres, to be carried out by the Forest Department and funded by the Asian Development Bank. As a result, more than 40,000 families, mostly Jummas, would be displaced. This led to widespread protests by the Jumma people. There was a large demonstration and Chakma Chief Raja Devashish Roy wrote a letter to the government of Bangladesh to protest against the intended project. In the face of these indications of popular indignation, the government postponed the project.

Several Jumma people who have studied the plans for the afforestation project told the CHT Commission independently that the new forest areas were mostly planned along roadsides and the borders separating the three hill districts. They commented that if the government is sincerely interested in the environment, it would make much more sense to plan a project like this in the existing reserve forests or the other forests which are being looted and destroyed by logging contractors. The present plan has only disadvantages to the Jumma people as it hampers the crossing from one district to another and makes access to roads more difficult. They wondered whether the government had deliberately planned the project in this way, or whether it was merely a result of its ignorance of the Jumma way of life.

The CHT Commission was also told about two other programmes which the government has begun to implement in the CHT. Yet another 'afforestation programme' has recently been started in Khagrachari District, reportedly covering 38,000 acres. If implemented, it will displace an estimated 50,000 people who will lose their land. On 25 February 1994, government authorities met in Rangamati to launch a large-scale 'integrated development programme' for tribal and non-tribal people, which is to include rubber plantations and tea plantations. Jumma people fear that this scheme will also result in many people being evicted from their land, and in environmental damage owing to the spread of commercial

monocultures in an area renowned for its biodiversity. If our information on these government programmes is correct, it means that the government still continues with its own schemes without any participation of those who are to be affected by these schemes. This gives rise to intense suspicion in the CHT that these programmes constitute yet another move to deprive the Jumma people of their traditional way of living and means of subsistence.

It is important to emphasise that until major state interference in the CHT and in the Jumma people's life, starting with the construction of the Kaptai dam,<sup>44</sup> the Jumma people were practising a sustainable form of agriculture, consisting of a combination of jhum and plough cultivation. If the government is seriously interested in environmentally sound and sustainable development, it should definitely involve the Jumma people who are experts regarding the sustainable use of local resources. It cannot be emphasised enough that the CHT environment is radically different from that of the rest of Bangladesh, and recipes for development in the plains cannot be transplanted to the CHT without doing extensive damage. One persistent and very damaging myth about the CHT is the idea that it is in any way 'under-populated.' It has been shown repeatedly that population density figures in the hilly terrain of the CHT are compared invalidly with the higher population figures in the fertile plains, giving the totally spurious suggestion that the CHT are less over-populated than the rest of Bangladesh. The disastrous government settlement programme, which brought more than 400,000 plainsmen with no prior understanding of hill ecology to the CHT, was defended on the basis of the purported 'emptiness' of the CHT. Because of this false premise, it created both a huge demographic problem and ecological degradation in the area. Repairing the damage done must therefore involve the resettlement of these newcomers in the plains.

#### **d. The Rohingyas**

In 1991 more than 200,000 Rohingya refugees fled from neighbouring Myanmar (Burma) to Cox's Bazar District in the southeastern tip of Bangladesh. Repatriation agreements have been signed between Bangladesh and Myanmar but repatriation is very slowly and the majority of the Rohingya refugees are still in Bangladesh. Reportedly there have been some attacks by Rohingyas on Jumma villages in the southern Bandarban District of the CHT, which borders on the Cox's Bazar area. Moreover, Rohingyas have also settled in Bandarban District. Jumma people fear that more Rohingyas will settle in the CHT. In Bandarban District, which had a minute non-Jumma population up to the 1970s, Jummas are now outnumbered by Bengali settlers. An influx of Rohingyas will only add to their problems. The Bangladesh government ought to take severe measures to prevent this from happening.

## **7. CONTINUED RESISTANCE**

#### **a. JSS and Shanti Bahini**

In section 3 we have dealt with the efforts of the JSS to come to a political settlement with the government, and we have pointed out that the Shanti Bahini declared a cease-fire unilaterally which was later taken over by the government.

During the negotiations with the Bangladesh government, the JSS has acknowledged that the Shanti Bahini have continued collecting taxes in the CHT and have carried out their own programmes. Shanti Bahini tax collection has been a matter of regular dispute during the negotiations, with Colonel (Rtd.) Oli Ahmed, head of the government negotiating committee, claiming it to be illegal and the JSS countering that the Shanti Bahini have every right to it because they are fighting for the restoration of Jumma rights.<sup>45</sup>

The Shanti Bahini have been reported in local newspapers to have carried out some armed attacks during the cease-fire period, and the principal government negotiator, Colonel (Rtd.) Oli Ahmed, has complained to the JSS about alleged cease-fire violations by the Shanti Bahini. Very recently, the Organising Committee CHT Campaign has received a few letters from people unknown to them about people having been kidnapped by the Shanti Bahini. The CHT Commission has not been able to verify any of these allegations. On the other hand, the CHT Commission has received reports which claimed some of the killings in which the Shanti Bahini had been implicated, had actually been committed by the military.

An armed clash between the military and the Shanti Bahini occurred on 4 March 1993. It was triggered by an army attempt to set up a new camp (see section 5). This incident was reported to the CHT Commission by an independent source, but the Commission has not been able to verify it.

#### **b. Other Jumma peoples' organisations**

The democratic movement of the Jumma people which came up after the ousting of General Ershad in 1990 has grown during the last few years. The Hill People's Council, the Hill Students' Council and the Hill Women Federation have continued their movement in close cooperation, and it has gained momentum. Their main activities are the organising and mobilising of Jumma people to demand their rights by democratic and peaceful means. They have organised numerous meetings and demonstrations and were able to mobilise a large number of Jumma people. By now they have become a well-established force which can no longer be ignored. The Hill Students' Council now has more than 30 branches in all three hill districts. The Hill Women Federation opened a Dhaka branch in July 1993. In previous sections some of their activities have already been described.

As the Hill Students' Council, the Hill People's Council, and the Hill Women Federation gained in strength and visible popular support, they increasingly became the target of those opposed to Jumma rights. Their meetings and demonstrations regularly meet with police violence and provocations by Bengali settlers. Members of the Hill Students' Council are especially being singled out for arrest, and they have been implicated in a number of false cases. On many occasions their organisations have had to take action to demand the release of members who had been arrested on some pretext. To give a single example:

Five leaders of the Hill People's Council and Hill Students' Council and three others were falsely accused of the murder of a rickshaw puller and cases were filed against them. The police arrested one of them on 9 January 1994 and another later on. The rickshaw puller had been murdered by unknown assailants in Khagrachari town on 8 January 1994 and his dead body was left in front of the house of Mr. Upendra Lal Chakma, President of the Jumma Refugees' Welfare Association, who has been forced to flee to Tripura. According to the Hill Councils it was learnt that the rickshaw puller had been released from jail two days previously and had had a quarrel with other rickshaw pullers on the day of the murder. It is believed that the murder was a result of the quarrel.

As part of a programme to demand the withdrawal of the false murder case against their leaders and others, the Hill Students' Council and the Hill People's Council held a road blockade in Khagrachari on 10 February. The police clubbed and tear-gassed these demonstrators and opened fire on them. Bengali settlers destroyed a hostel of the hill students. About one hundred Jummas were wounded, two of them had bullet injuries. Afterwards the authorities blamed the Hill Students' Council for deliberately defying Section 144 (which had been imposed since 6 February, in connection with the repatriation of

an 'experimental batch' of refugees from Tripura) and trying to create unrest to prevent the refugees from returning. A case was filed against 300 students under the Curbing of Terrorist Activities Act (CTAA), and eight Jummas were arrested during and after the incident. One of them, Pradipta Khisha, younger brother of the President of the Hill Students' Council and son of Ananta Bihar Khisha, member of the liaison committee mediating between the government and the JSS, was arrested from Khagrachari bus station on 11 February. He was tortured so severely in police custody, allegedly by one Mr. Atique S.I., that his left leg was broken.

On 14 and 24 February the Hill People's and Hill Students' Councils met with civil and military authorities: the Deputy Commissioner, the Superintendent of Police, an army major, and Kalparanjan Chakma, MP. On 14 February the authorities requested the Councils' leaders not to hold demonstrations anymore until the refugees had returned. The latter's reply was that the authorities should take care that they were not giving any reason which would force them to demonstrate and protest. On 24 February the authorities promised to withdraw the anti-terrorist case against the 300 students and two other anti-terrorist cases within three weeks, and to release those arrested. They also promised not to arrest the people who had been accused of the murder of the rickshaw puller.

### **c. Celebrating the United Nations Year of the Indigenous Peoples**

On 18 December 1993 a celebration of the UN Year of the Indigenous Peoples was held in Dhaka and attended by members of many of the indigenous communities in Bangladesh. The meeting was convened by Dipankar Talukdar, MP from Rangamati District, and Promode Mankin, MP from Mymensingh District and Chairman of the Tribal Welfare Association. A 14-point Declaration was adopted by the meeting. Some of the points of the Declaration are:

- Forty-five indigenous communities from Bangladesh having 3 million indigenous people thank the United Nations for declaring 1993 as the International Year of the World's Indigenous People.
- 'There are no indigenous people in Bangladesh. There are some nomadic people from beyond and as such they are tribal people. Hence there is no necessity to celebrate the International Year 1993 of the World's Indigenous People in Bangladesh.' This statement by the government is unfortunate. The indigenous people feel that such statement is malafide and politically motivated. The Indigenous people are frustrated, aggrieved, and scared by this stand and they lodge their protest.
- The Indigenous People everywhere in the world including Bangladesh are the victims of atrocities and they are being evicted by the government on the plea of modernisation and afforestation and they are gradually becoming extinct. The Committee for the celebration of the International Year of the World's Indigenous People desire the end to the atrocities and peaceful solution of the process of eviction.
- The Indigenous People of Bangladesh are simple and peace loving citizens. This Committee protests against the recent tragic incidents at Naniarchar and other places of the country and inhuman atrocities and killings elsewhere in the World. This convention demands neutral investigations and proper trial of the culprits and claim adequate compensation for the affected.

### **d. Bengali organisations**

There is an increasing support from Bengali people for the Jumma peoples' rights. After the Logang massacre the National Committee For The Protection Of Fundamental Rights In The Chittagong Hill Tracts was set up by a group of lawyers, academics, journalists and politicians. They had visited the CHT on 11 April 1992 to join in the celebrations of the indigenous Bizu (New Year) festival, but were confronted with the massacre, which had occurred at Logang the previous day. After their return from the CHT they held a press conference and issued a statement condemning the massacre, demanding an independent investigation, legal punishment of the perpetrators and compensation to the victims.

Thanks to the fact that this Committee actively took up the CHT issue, a public debate has started among Bengalis about the situation in the CHT and the need for a political solution to the conflict. More Bengalis have started speaking out in favour of a political solution, giving constitutional guarantees for the rights of the indigenous people of the CHT.

The National Committee For The Protection Of Fundamental Rights In The Chittagong Hill Tracts also issued a statement after the Naniarchar massacre, demanding the immediate arrest and trial of those responsible for the killings, and demanding steps against the Parbatya Gana Parishad. They also called for a political solution to the conflict in the CHT on the basis of a 'constitutional guarantee of the rights of the ethnic peoples of the CHT, the settlement of their land disputes and the establishment in the region of an independent administration, free of military control.'<sup>46</sup>

Some human rights organisations have been active in monitoring the situation in the CHT, e.g. the *Commission for Peace and Justice and the Coordinating Council for Human Rights in Bangladesh* (CCHRB). The CCHRB has reported on human rights violations in the CHT in its annual publications on the state of human rights in Bangladesh. It looks at human rights in the broad sense, including socio-economic and political rights. These organisations have also carried out independent investigations of the Naniarchar massacre.

A coalition of 38 national NGOs and 10 individuals formed the *National Preparatory Committee For The World Conference On Human Rights*. In their joint position paper for the World Conference on Human Rights in Vienna in June 1993, one section is devoted to the rights of ethnic minorities in the CHT (see the section on International Developments below).

Several political parties actively support the rights of the Jumma people. The *5-Party Alliance and the recently-formed 8-Party Alliance*, which includes the 5 parties, have decided to take up the CHT issue as one of their core issues and have jointly formulated their viewpoint on the issue. In a declaration on the CHT in June 1992, the 5-Party Alliance stated: 'The government is giving biased reports about the military presence, torture, repression and killings in the CHT. There are attempts to create communal disharmony between the tribals and non-tribals. The Jamaat-i-Islami and Intelligence agencies have been accusing the democratic forces of being agents of the Shanti Bahini and of India, in order to conceal their own ill-motivated activities.' It demanded the following steps to come to a 'political solution of the CHT conflict in the greater interest of the nation:

- the organisation of an All-Party Meeting and the establishment of a high-level committee consisting of representatives of the political parties and of the hill peoples as well as lawyers and journalists;
- constitutional and legal recognition of the rights of the minorities of the CHT under the national structure and constitution of Bangladesh;
- land is to be returned to the hill peoples; cluster villages have to be dismantled; and freedom of communication in the CHT has to be restored;
- the land rights of the people of the CHT have to be preserved;
- a formula must be worked out to resolve the complexities which have arisen as a result of the settlement of Bengalis in the CHT;
- development projects should be taken up with a view to preserving the cultural characteristics of the CHT.<sup>47</sup>

Beside these Bengali organisations who make a positive contribution towards informing the people about what is going on in the CHT and towards a solution of the CHT issue, we have already mentioned a number of other Bengali organisations which have been set up over the last two years,



such as the Khagrachari District Sammanway Parishad (Coordination Council), Parbatya Gana Parishad (Hill Tracts People's Council), and CHT Coordination and Peace Council. These organisations, mostly based in the CHT, are trying actively to create communal tensions and confusion, spread false information, and disrupt the ongoing negotiations between the government and the JSS. As we have seen, their tactics consist of provocations and outright attacks on Jumma people. At the same time they blame the Hill Students' Council and Hill People's Council for doing exactly this. These anti-Jumma organisations are allegedly backed by sections of the military and civil administration. The Khagrachari District Sammanway Parishad (Coordination Council) is reported to have been set up on 29 October 1993 during a meeting in the residence of the Deputy Commissioner of Khagrachari District. They explicitly demand the banning of the Hill Students' Council and also demand that there should be no negotiations with the 'extremists.'<sup>48</sup>

## **8. INTERNATIONAL DEVELOPMENTS**

In this section we shall not deal with the talks between Bangladesh and India; these have been dealt with in connection with the repatriation of the refugees (see section 4).

### **a. United Nations**

The CHT issue continues to be raised regularly at United Nations bodies, including the Commission on Human Rights, its Sub-Commission on the Prevention of Discrimination and Protection of Minorities, and the Working Group on Indigenous Populations. Interventions expressing grave concern about the situation in the CHT have been submitted by Jumma representatives and by Professor Douglas Sanders, co-chair of the Chittagong Hill Tracts Commission. The matter has also been raised by a number of non-governmental organisations, including Anti-Slavery International, Survival International and the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities.

During its August 1992 session, the United Nations Committee on the Elimination of Racial Discrimination considered the periodic report submitted by the government of Bangladesh.<sup>49</sup> The country rapporteur described the oppressive measures taken by the Bangladesh government in the Chittagong Hill Tracts against the indigenous people as 'state terrorism',<sup>50</sup> and urged the Committee to take effective measures to secure the life and property of the Jummas. Racial discrimination is prohibited by article 28 of the Constitution of Bangladesh and by the International Convention on the Elimination of all Forms of Racial Discrimination, to which Bangladesh is a signatory.

During the Committee's discussions with the government, among the issues raised were the killing of Jumma villagers in Logang cluster village, accounts of widespread rape of Jumma women by the armed forces, religious persecution and forced conversion to Islam, restrictions on the freedom of movement by the inhabitants of cluster villages, and the government relocation policy which has brought thousands of plains people as settlers on indigenous lands in the CHT.

### **b. International Labour Organisation**

The International Labour Organisation has continued to focus attention on the situation in the Chittagong Hill Tracts; Bangladesh is a signatory to ILO Convention No. 107 on Indigenous and Tribal Populations. The ILO Conference Committee on the Application of Standards held lengthy discussions with representatives of the Bangladesh government (1986 and 1987) regarding application of Convention No. 107 and expressed its continuing concern at the situation of tribal people in the Hill

Tracts. The Committee of Experts has commented extensively on the continuing conflict in the region and the substantial information regarding serious human rights abuses regarding the hill people. Two ILO direct contacts missions visited Bangladesh in 1985 and in 1988 to clarify the situation and discuss the outstanding comments of the Committee of Experts and the Conference Committee on the Application of Standards.

In its most recent Report (1993), the Committee of Experts states that it remains concerned that the life and property of the tribal population are not adequately safeguarded as prescribed by Convention No. 107 and provided for in the Constitution of Bangladesh.<sup>51</sup> In addition, the Committee noted that:

'it continues to receive allegations from various sources, including information submitted to United Nations bodies, of persistent human rights violations in this region including detailed allegations that on 10 April, 1992 the tribal village of Logang (about 600 houses) was destroyed by non-tribal settlers, civilian defence forces (Village defence Party, VDP) and para-military forces (Ansars). Some reports state that hundreds of tribal villagers were killed and that the military took no preventive action.'

The Committee further recalled its 'earlier recommendation to the Government to conduct impartial and thorough investigations of human rights violations, with tribal participation.' The Committee of Experts requested the Bangladesh government to submit information on measures taken or envisaged to implement the provisions of Convention No. 107.

### **c. The European Parliament**

The persistent violations of the fundamental rights of the Jumma people brought the European Parliament unanimously to pass a resolution on 16 September 1992, which condemned vigorously the massacre in Logang on 10 April 1992. It called on the government of Bangladesh to terminate military involvement in the CHT area and to respect the human rights of the Jummas of the CHT.

The resolution urged the United Nations Commission on Human Rights to appoint a special rapporteur to monitor the situation in the Chittagong Hill Tracts and demanded that the European Parliament's Sub-Committee on Human Rights investigate the matter, if possible by sending a mission to the Chittagong Hill Tracts.

On 9 March 1994 the European Parliament addressed the issue in another resolution which was passed unanimously. It included the following points:

- The European Parliament condemned the massacre at Logang and the new massacre at Naniarchar (17 November 1993).
- It considered that 'the Bangladesh authorities have failed to safeguard the lives and property of its Jumma tribespeople against both encroachment on their traditional lands and acts of violence committed against them.'
- It called on the government of Bangladesh to 'create the conditions necessary for the repatriation of the Jumma refugees, as put forward by the Jumma refugees, including lifting the military occupation of the Chittagong Hill Tracts, and negotiating with the Jana Samhati Samiti on the future autonomy of the Chittagong Hill Tracts within the constitution of Bangladesh, in order to seek a sustainable solution to the ongoing conflict, and to offer the refugees written guarantees of their safety.'
- It also called on Bangladesh to 'allow the United Nations High Commission for Refugees to offer its full protection services to returning refugees' and to allow international humanitarian and human rights organisations to monitor the process of resettlement.

- It called on India 'to ensure that there is no repatriation of Jumma refugees against their will and to ensure that adequate food and medical supplies are provided to the refugee camps.'
- It asked India 'to consider whether the UNHCR could not make a contribution to the solution of this tragic problem, thereby reducing the burden which India has borne for 10 years.'
- It called on the European Commission 'to offer humanitarian assistance for the repatriation of the Jumma people, and to impress upon the Bangladeshi authorities the need to respect the human rights of the indigenous people of the Chittagong Hill Tracts.'
- Finally, it called on 'the major international donor countries and especially the EU to create a special budget to support a resettlement programme for both the Jumma refugees [in the CHT] and the Bengali people [outside the CHT], as Europeans have to recognise their responsibility for the present situation, which is largely a result of European colonialism in the past.'

#### **d. Unrepresented Nations and Peoples Organization**

The Unrepresented Nations and Peoples Organization (UNPO) is an organisation founded in February 1991 at the Peace Palace in The Hague to promote and protect the rights and interests of the occupied and the oppressed peoples, including indigenous peoples. The Jumma peoples of the Chittagong Hill Tracts adhered to the Covenant of UNPO in August 1992 at the Second General Assembly. The Chittagong Hill Tracts were elected to the Steering Committee at the Third General Assembly, January 1993.

The UNPO Third General Assembly unanimously passed a resolution recognising the right to self-determination of the Jummas. In the context of the on-going negotiations between the Bangladesh government and the Jana Sanghati Samiti (JSS), Jumma delegates urged the UNPO to use its good offices to resolve the conflict in the Chittagong Hill Tracts through a political settlement.

#### **e. International conferences**

a. Jummas participated in the World Conference on Human Rights in Vienna, June 1993, and its related preparatory and satellite meetings. Human rights lawyers and activists concerned about the CHT crisis were actively involved.

Significantly, an NGO, the Dhaka-based National Preparatory Committee for the World Conference on Human Rights, 1993, called on the government on Bangladesh 'to protect the rights of all ethnic minorities by recognising and protecting their rights to their ancestral and acquired lands, and ceasing encroachments on such lands for development projects' and in particular to protect the rights of the peoples of the Chittagong Hill Tracts. To ensure this, the National Preparatory Committee recommends replacing the military administration with a civil administration; immediately dismantling the 'cluster villages,' and allowing indigenous peoples to reclaim and repossess their ancestral lands; immediately ceasing all violations of human rights; and to ensure the security of the returning refugees.<sup>52</sup>

b. The All India Chakma Cultural Conference organised the World Chakma Conference in Calcutta (India) in April 1993. The theme, 'The Chakmas in a new partnership,' was in commemoration of the UN Year of Indigenous People. The conference was widely attended by Jummas, government officials, scholars and individuals interested in promoting the rights of the Jummas. A number of Chakmas expressed their grave concern that the conference was named World Chakma Conference even though the majority of Chakmas, living in the Chittagong Hill Tracts, were unable to attend the conference owing to repression in the CHT. They would also have preferred a Jumma Conference

instead of a Chakma Conference, so as not to exclude the other indigenous groups in the CHT and to avoid a division among the different groups.

c. Jummas have been actively participating in international conferences, seminars and other activities to commemorate the UN Year of Indigenous People. A Jumma representative addressed the UN General Assembly in New York on the occasion of the launch of the Year on December 10, 1992.

d. The Alliance for the Rights of Indigenous Peoples (ARIP), a coalition of UK-based NGOs and indigenous peoples, including Jummas, was established in December 1992 to support the struggles of indigenous peoples. ARIP has organised seminars, workshops and other activities to increase public awareness of the situation in the CHT.

e. A meeting was held in The Hague in November 1992 to analyse the situation in the CHT and to devise effective strategies to advance the interests of the Jummas internationally. Participants included Jumma members of UNPO, the Jumma Peoples Network in Europe, the CHT Central Information Network (CHTCIN); the European representative of the JSS; and representatives of international organisations, including Amnesty International, Anti-Slavery International, the International Working Group for Indigenous Affairs (IWGIA), Survival International and the Organising Committee CHT Campaign (OCCHTC). Members of the press corps were also present. Participants reiterated the need to direct all efforts towards promoting a just settlement of the violent situation in the CHT. 'The current situation in the Hill Tracts is extremely alarming. The Bangladeshi Government is presently holding talks with the JSS (Jana Samhati Samiti) to negotiate a political solution to the conflict...Past negotiations have mainly been a public relations exercise to quell international protest. A Jumma representative at the meeting said: "We live under constant threat of genocide. This is the moment for the government to restore democracy in the Chittagong Hill Tracts. Otherwise we will cease to exist."<sup>53</sup>

f. Jummas have also participated actively in the United Nations Conference on Environment and Development in Rio de Janeiro, the Kari-Oca Indigenous World Conference, the International Alliance of the Indigenous-Tribal Peoples of the Tropical Forests Conference II, and other international events. This has served to link Jummas with other indigenous peoples and NGOs and internationalise further concern about the issue and support for the Jumma cause.

#### **f. The international donor community**

With a population of 110 million and a GNP of US\$170 (UNDP), Bangladesh remains heavily dependent on foreign aid for its development and socio-economic programmes. Statistics indicate that 83 percent of the children live below the poverty line; military expenditure in Bangladesh is officially 15% of the budget (but see section 2.c.).

Increasingly donor governments have made human rights an issue in the disbursement of development aid. Up to now, however, donor governments have not been willing to apply the human rights criterion at all strictly. In Bangladesh they have shied away from making aid conditional on the observance of human rights in the country, including the CHT. Donor governments have continued to give huge amounts of aid to Bangladesh while they go no further than expressing 'concern' about the situation in the CHT when they meet the Bangladesh government e.g. during the annual Bangladesh Aid Consortium meeting, held in Paris each April. None has considered taking more concrete action such as making continued aid to Bangladesh conditional on a speedy solution to the CHT crisis, or applying cuts in the aid disbursed, despite questions raised in some of their national parliaments. Recently, the

Danish government has expressed its willingness to fund development programmes in the CHT, but only after a political agreement with the JSS will have been reached. This is to be applauded. But like all other donors, Denmark is fully continuing its other aid programmes in Bangladesh. Such contradictory behaviour raises questions about the donors' real commitment to human rights in Bangladesh and elsewhere. The donor community continues to dodge its responsibility by ignoring or down-playing the fact that only thanks to their aid, the government of Bangladesh is able to maintain a huge military force in the CHT. After years of serious allegations of human rights violations in the CHT, the donors can no longer plead innocence, nor hide behind the argument that they are not funding development projects in the CHT. Human rights violations are a national problem, and have to be addressed by means of national measures in Bangladesh.

Those who fund development programmes in the CHT have allowed themselves to become willing instruments in the hands of the Bangladesh government and army, and can be called direct accomplices to the violations reported in this Update. One of these is the Asian Development Bank, which has funded huge schemes in the CHT; others are those governments, which give direct support or training to the Bangladesh military. All development programmes in the CHT are controlled by the military and are part of the counter-insurgency programme. And as we have seen the CHT Development Board, the only government development agency in the CHT, is still chaired by the GOC, the highest army commander in the region.

So far donor governments and international donor organisations have chosen to sit on the fence. They have been unwilling to develop alternatives to the present aid policy or make a positive contribution to a solution of the CHT conflict. One such possibility would be to fund the resettlement of Bengali settlers outside the CHT, as we have mentioned before. Another would be to commission a thorough study into indigenous notions of land ownership, the carrying capacity of land in the CHT, and biodiversity.

## **9. CONCLUSIONS AND RECOMMENDATIONS**

The CHT Commission presents the following conclusions and recommendations which incorporate recommendations, which it presented in its reports of 1991 and 1992.

### **1. Political settlement and Autonomy**

Negotiations have been going on for more than a year, but so far without much result. This is a crucial time. Parliamentary democracy has been restored and there is a broad agreement that the CHT conflict should be resolved politically. If the government and the JSS fail to come to an agreement now they will lose their chance.

a. A process of demilitarisation of the CHT must begin immediately. The present military occupation of the area has not created the preconditions for peace and has obstructed political and economic development.

b. The issue concerning the CHT is no longer whether or not there should be autonomy, but what should be the institutions exercising autonomous powers, what should be the extent of those powers and what legal basis should exist for the system of autonomy. The District Council Acts should be repealed and constitutional guarantees should be given to a future autonomous administrative body.

## **2. Land issues and the presence of Bengali settlers.**

Civilian and military authorities have acknowledged that the programme to bring settlers into the CHT had been a mistake. There is a broad consensus among the Jumma people that the settlers should leave. The notions of land ownership held by the government and by the Jumma people are in contradiction with each other. The CHT Commission recommends that:

- a. A thorough study should be done of indigenous notions of land ownership, the carrying capacity of land in the CHT, biodiversity and indigenous notions of development, by the Jumma people themselves or at least in close cooperation with them. The government must respect the traditional indigenous notions and way of life of the Jumma people.
- b. A neutral and expert body should determine the status of title to lands in the CHT before any cadastral survey can be carried out.
- c. No further settlement by outsiders must be permitted in the CHT.
- d. Many Bengalis settlers have become victims of the whole process, particularly settlers in the Bengali cluster villages. Many stated that they would happily return to the plains if there was a place for them to go. A process of resettling settlers in the plains should be started. Several western donor government have expressed their willingness to consider allocating foreign aid for rehabilitation and employment schemes to relocate settlers outside the CHT if the government of Bangladesh would request them to do so.
- e. All cluster villages should be dismantled.
- f. The Chittagong Hill Tracts Regulation of 1900 should not be repealed in total. Bangladesh law should recognise the authority of the autonomous administrative body of the CHT to implement and amend the provisions of the 1900 Regulation dealing with land rights and settlement.

## **3. Human Rights Violations**

Human rights violations have continued and tension is still high in the CHT, as revealed by the Naniarchar massacre and many smaller violations.

- a. It is vital to have a continuing (human rights) monitoring capacity in the CHT. The Commission recommends a Special Rapporteur (of the UN) on the CHT issues, supplemented by continuing investigatory and advisory work by the ILO, Amnesty International and other competent NGOs.
- b. UNHCR, ICRC or any other international body should be involved to monitor the voluntary repatriation of the Jumma refugees.

## **4. Development aid**

- a. As all development programmes in the CHT cannot escape being part of the Bangladesh government's counter-insurgency programme, the CHT Commission calls upon all aid-granting states and agencies to stop funding programmes in the CHT until demilitarisation has taken place and a political settlement has been implemented.
- b. All donor governments, in particular those governments that profess concern with human rights violations, must take concrete steps to contribute to ending human rights violations in the CHT and to facilitate a political settlement of the problem in the CHT. The Commission encourages aid which will promote demilitarisation, rehabilitation of settlers back to the plains, autonomy, the resolution of land issues and development initiatives of the Jumma peoples themselves, based on their own indigenous notions.

## **APPENDIX 1**

### **Brief history of the Chittagong Hill Tracts**

The Chittagong Hill Tracts in the southeastern corner of Bangladesh is the homeland of 12 tribal hill peoples numbering about 600,000. Covering 5,093 square miles (10 percent of the country) and rising as high as 10,000 feet in places, the hill ranges contain limited cultivable land, most of it of low quality, in contrast to the very fertile multi-croppable alluvial plains of Bangladesh.

The hill people differ markedly from the Muslim Bengali majority. The largest groups, the Chakma and Marma, are Buddhist, the Tripura are Hindu, while the smaller hill peoples such as Bawm, Pankhua and Mru are Christian or practice their traditional beliefs. They practice a mixed farming of plough cultivation in the fertile valleys and swidden agriculture on the hill slopes, known as jhum cultivation.

The British annexed the Chittagong Hill Tracts in 1860 and in 1900 passed a Regulation, which kept the area apart from the plains by limiting migration and separating the administration. In 1947 the Chittagong Hill Tracts became part of East Pakistan.

Between 1957 and 1963 the government built a massive hydroelectric dam at Kaptai, which flooded 54,000 acres of plough land taking 40 percent of the terrain available for cultivation from the tribal farmers. 100,000 hill people were affected, few received any compensation and thousands fled to India. 40,000 were moved to Arunachal Pradesh by the Indian government. By now there are 60,000 of them living there, still stateless, even though many of them have been born in India since.

After the Bangladesh war of liberation the hill people had hoped for political recognition and some form of autonomy within the state of Bangladesh. However, this was denied to them. In 1972 the PCJSS (Chittagong Hill Tracts People's United Party, or JSS for short) was formed and in 1976 its armed wing the Shanti Bahini started guerilla attacks against the Bangladesh army and Bengali settlers who had inundated the hills by moving up from the plains.

Between 1979 and 1984 a government transmigration policy brought 400,000 settlers into the Hill Tracts, to an area where there was already a scarcity of land after the construction of the Kaptai dam. Together with the transmigration policy a huge militarisation of the area took place. The military have used counter-insurgency against the guerillas as an excuse to oppress the tribal people. For over 20 years disturbing accounts of killing, torture, rape, arson, forced relocation, cultural and religious oppression of the hill people have come out.

In 1989 the Bangladesh government brought in a new District Council law. The claim was that it would bring autonomy to the Hill Tracts under Councils led by predominantly tribal people. However the paltry powers of the District Councils with regard to important issues such as land rights and their establishment by force has greatly discredited their claim to be autonomous bodies.

## **APPENDIX 2**

### **The establishment of the Chittagong Hill Tracts Commission**

Alarmed by reports about human rights violations that kept pouring in from the Hill Tracts since the seventies human rights organisations and NGO's started taking up the issue and gave wide publicity to it. Questions were raised at the United Nations and the International Labour Organisation. However, the Bangladesh government continuously denied that there were any problems at all. The idea for an independent international commission of investigation arose during December 1985 when the then

Bangladesh Minister of Finance announced to a meeting at the Danish Parliament in Copenhagen that the Bangladesh government would be delighted to welcome a mission to the CHT. In 1986 the first International Conference on the Chittagong Hill Tracts was held in Amsterdam and there a resolution was passed to establish an independent commission to investigate allegations of human rights violations in the hill region.

At the end of 1989 the Chittagong Hill Tracts Commission was officially established at the initiative of the International Working Group on Indigenous Affairs (IWGIA) and the Organising Committee Chittagong Hill Tracts Campaign. The Commission is jointly chaired by Douglas Sanders (Professor of Law) from Canada and Wilfried Telkämper (Vice President of the European Parliament) from Germany. Other Commissioners are Rose Murray (Aboriginal Community Worker) from Western Australia, Leif Dunfjeld (Sami Lawyer) from Norway and Hans Pavia Rosing (Representative in the Danish Parliament) from Greenland.

The Commission was ready to travel in November 1990. Four resource persons were requested by the Commission to be present for the trip to India and Bangladesh: Teresa Aparicio (Denmark), Jenneke Arens (the Netherlands), Andrew Gray (Great Britain) and Wolfgang Mey (Germany). Unfortunately at the last minute the Commissioners Leif Dunfjeld and Hans Pavia Rosing were unable to travel due to ill health and the latter due to a general election in Denmark.

After obtaining permission from the Indian government the Commission visited the refugee camps in Tripura from 21-26 November and after that proceeded to Bangladesh. The Bangladesh authorities reconfirmed their permission to travel to the Hill Tracts and the General Officer Commanding (GOC) Chittagong of the 24th Infantry Division of the Bangladesh Army gave the final approval. He gave the assurance that the Commission could travel freely and unlimited in the Chittagong Hill Tracts and would be allowed to talk to anyone in private. The army co-operated as much as possible with the Commission throughout its visit. The Commission spent in total 23 days in the hills in December 1990.

Previously several missions to the Chittagong Hill Tracts, among others by the ILO and Amnesty International, had been carried out, however, they had very restricted access to the area and had been continuously accompanied by the military. Thanks to the generosity of the Bangladesh authorities the Chittagong Hill Tracts Commission was the first fact-finding team ever that was given permission to do their investigation work freely in the Chittagong Hill Tracts.

### **APPENDIX 3**

#### **Conclusions of 'Life Is Not Ours.', May 1991.**

1. The Chittagong Hill Tracts are under military control...
2. In spite of repeated military and governmental statements that incidents will be prevented, attacks by the military and Bengali settlers on hill peoples have continued...
3. People lie in order to function in the oppressive situation in which they find themselves.... Investigators who travelled with military or government officials cannot regard the information they received from hill people, local government officials or settlers as reliable unless the interviews took place in private.
4. The settlement of Bengalis from other parts of Bangladesh has occurred with massive violations of property rights of hill people...



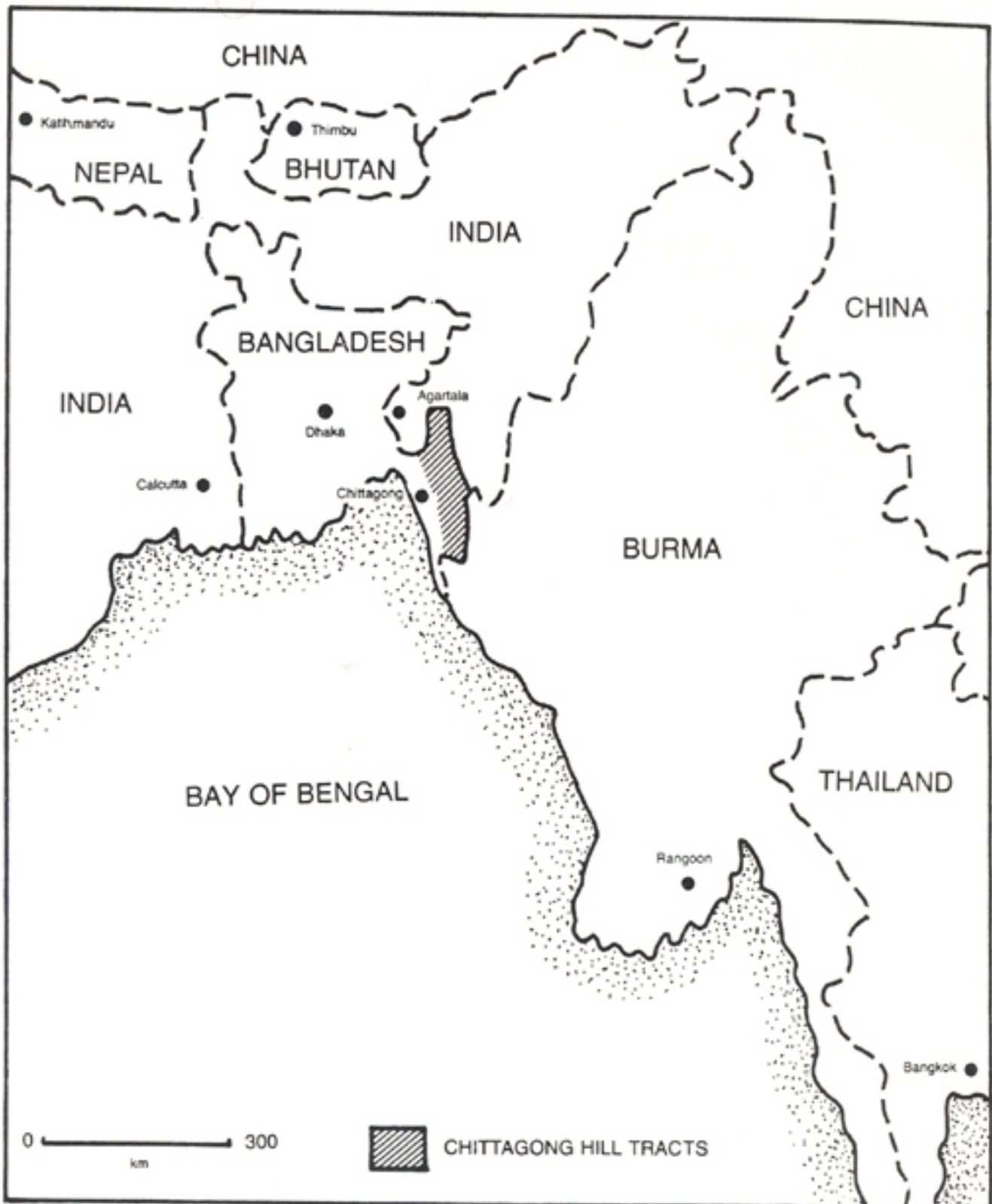
5. There is a massive and largely involuntary reorganisation of population occurring in the CHT. The creation of cluster villages for hill people and settlers has been rapidly expanding... It is clear that the programmes are forcibly and illegally separating hill peoples from their traditional lands...
6. There is a constant denigration of the economic, social and cultural characteristics of the hill people by government, military and settlers...
7. There are very serious ecological threats in the CHT... Much of the logging seemed to be illegal with military complicity or involvement... The carrying capacity of the hill lands is clearly limited and decreasing...
8. There have been serious problems with the process of developing the new system of District Councils.
9. There have been massive violations of the human rights of the hill people in the CHT.

#### Main Conclusions of the Update of March 1992

The situation in the Chittagong Hill Tracts under the newly, elected, government is largely the same as before. The new government decided to continue its predecessor's policy on the CHT, bypassing the Parliament. The CHT is still under military occupation. The number of Security Forces in the CHT has not been reduced. Counter-insurgency activities and the army's involvement in civil affairs are still the same. Development aid by donor governments and by donor agencies directly or indirectly contributes to maintaining the military in the CHT.

Serious human rights violations such as unlawful killings, illegal detention, torture, rape and forcible relocation by the Security Forces in the CHT have continued throughout 1991. The refugees in India have largely remained there as they felt security for their lives upon return is still not guaranteed. Illegal Bengali settlers are still flowing into the CHT.

Map: Location of the CHT (Bangladesh)



## Footnotes

<sup>1</sup> In a paper entitled 'Opening remarks of Hon'orable Foreign Minister in the meeting with Ambassadors of EEC countries resident in Dhaka on December 31, 1991,' it is stated:

'The CHT District Councils exercise full control over land in the entire CHT area of 5,093 sq. miles excluding reserve forest (1400 sq. miles) and lake area (350 sq. miles).' However, rule 64 of the District Council Acts says that the Council will have no control over protected and reserve forests, the Kaptai lake and the hydro-electric project area, the Betbunia earth satellite station area, the state industrial area, any land which has been transferred or settled in the interest of the state or the people, and any land or forest which will be required in the interest of the state. Calculating the excluded area on the basis of figures of only reserved and protected forest, given in The Chittagong Hill Tracts. Militarisation, Oppression and the Hill Tribes by the Anti- Slavery Society, this comes to 4386.96 sq. miles.

Reserve forests, Northern part	617.00 (sq. miles)	
Reserve forests, Southern part	315.00	--
Sangu Reserve forest	128.25	--
Matamahuri Reserve forest	160.71	--
Protected forest (Unclassified State Forest)	3166.00	--
sub-total	<b>4386.96</b>	--
Kaptai lake	350.00	--
Total	<b>4736.96</b>	--

These figures do not include the other excluded areas mentioned above. The land under the control of the District Councils is therefore 5,093 - 4,736.96 = 356.04 square miles. This is not even 10 percent of the total area of the CHT (5093 sq. miles).

<sup>2</sup> As reported in several local daily newspapers.

<sup>3</sup> Outline Of Proposals Submitted To The Chittagong Hill Tracts Committee By The Chakma Chief At Circuit House, Rangamati on 2 September 1992. (The Chittagong Hill Tracts Committee is the government committee involved in the negotiations.)

<sup>4</sup> During the Ershad regime, six rounds of talks had been held between the JSS and the government, from 1985 till 1988, without resulting in any political solution. In 1988, while the negotiation process was still on, the government imposed three Hill District Councils in the CHT by means of the Hill District Council Acts, behind the back of the JSS. See 'Life Is Not Ours. *Land And Human Rights In The Chittagong Hill Tracts*', Chittagong Hill Tracts Commission, May 1991, p.25-27.

<sup>5</sup> Other members of this CHT Co-ordination Committee are: Ananta Behari Khisa, Nakul Chandra Tripura, Mathura Lal Chakma, Kya Sue Prue Marma and Md. Safi.

<sup>6</sup> Members of the government committee are: Colonel (Rtd.) Oli Ahmed, Communication Minister and head of the government committee; Kalparanjan Chakma, MP, Awami League; Mostaque Ahmed Chowdhury, MP, Awami League; Rashed Khan Menon, MP, Bangladesh Workers Party, 5-Party Alliance; Sayed Wahidul Alam, MP, Bangladesh Nationalist Party; Md. Shahjahan, MP, Bangladesh Nationalist Party; Shahjahan Chowdhury, MP, Bangladesh Nationalist Party; Barkatullah Bhulu, MP, Bangladesh Nationalist Party; Md. Shahjahan Chowdhury, MP, Jamaat-i-Islami.

<sup>7</sup> Other members of the JSS negotiating committee are: Goutam Kumar Chakma, Central Committee member JSS, Rupayan Dewan, Central Committee member JSS, Sudha Sindhu Khisa, Central Committee member JSS, Raktotpal Tripura, Central Committee member JSS.

See: A Memorandum Of Appeal To All The Government's Specially The Aid Giving Countries To Bangladesh, Humanitarian & Socio-Religious Organisations To Create Pressure Over Bangladesh For Solving Chittagong Hill Tracts (CHT) Issue, Humanity Protection Forum, Tripura, India, 18 November 1992.

<sup>8</sup> See: A Memorandum Of Appeal To All The Governments, Specially The Aid Giving Countries To Bangladesh, Humanitarian & Socio-Religious Organisations To Create Pressure Over Bangladesh For Solving Chittagong Hill Tracts (CHT) Issue, Humanity Protection Forum, Tripura, India, 18 November 1992.

<sup>9</sup> See: A Report On The Third Round Of The Dialogue Held Between The Bangladesh Government Commission And The Jana Samhati Samiti on May 22, 1993, R.S.Dewan, 21.6.93.

<sup>10</sup> See: "A Report on the Problems of the Chittagong Hill Tracts and Bangladesh Responses for the Solution", issued by the Special Affairs Division, Prime Ministers Office, the Government of the Peoples' Republic of Bangladesh.

<sup>11</sup> A Report On The Second Dialogue Held Between The Bangladesh Government Commission And The Jana Samhati Samiti On 26 December 1992, R.S.Dewan, 2.3.93

<sup>12</sup> 'Solution of core problem needed for CHT peace,' Arshad Mahmud, Bangladesh Observer 2.3.94. The figures given in this article correspond with the figures given in 'The Chittagong Hill Tracts of Bangladesh. The Untold Story,' Centre for Development Research, Bangladesh, Mizanur Rahman Shelly (ed.), December 1992, p. 47. These figures and the calculated percentages are:

	Population					Population				
	census 1991		tribal			census 1981		tribal		
	total	%	tribal	%	non-tribal	total	%	tribal	%	non-tribal
Bandarban	229,613	47	108,473	53	121,139	161,987	55	89,503	45	72,484
Khagrachari	340,095	48	164,799	52	175,295	265,590	65	172,880	35	92,710
Rangamati	397,713	57	225,323	43	172,390	280,879	63	177,075	37	103,804
Total	967,420	51.5	498,595	48.5	468,825	708,456	62	439,458	38	268,998

<sup>13</sup> See Secret Memorandum from Sd/Saifuddin Ahamed, 5-9-80, Commissioner Chittagong Division and Secret Memorandum from Sd/Ali Haider Khan, D.C. Chittagong Hill Tracts dated 15 Sept./80 in 'The Chittagong Hill Tracts. Militarization, oppression and the hill tribes,' Anti-Slavery Society, 1984, 71-73.

<sup>14</sup> Newsletter no. 3 of the Hill Watch Human Rights Forum, Keakrodong, bulletin of the Hill Students' Council and Hotline Oct./Nov.'93.

<sup>15</sup> In a joint statement of the Hill Students' Council, Hill Peoples' Council and Hill Women Federation to Mr. Wilfried Telkämper, 3 March 1994.

<sup>16</sup> Tripura Times 19 July 1992.

<sup>17</sup> See 'Hunger engulfs Jumma Refugees.' Urgent Action Bulletin, Humanity Protection Forum, 7 September 1993.

<sup>18</sup> Communication by the Chittagong Hill Tracts Jumma Refugees Welfare Association d.d. 28.7.93.

<sup>19</sup> 'Report on the visit of Jumma Refugee Team to Chittagong Hill Tracts, Bangladesh', September 19-23, 1993. CHT Jumma Refugee Welfare Association, Takumbari Relief Camp.

<sup>20</sup> 'No Secure Refuge,' South Asia Human Rights Documentation Centre, New Delhi, 14 February 1994.

<sup>21</sup> 'Peace Talks And Recent Developments Of Situation In CHT,' Humanity Protection Forum, 1.3.93.

<sup>22</sup> 'Life Is Not Ours. Land and Human Rights in the Chittagong Hill Tracts. An Update of the May 1991 Report.' The Chittagong Hill Tracts Commission, March 1992, p.8.

<sup>23</sup> 'Bangladesh, A Summary of Human Rights Concerns,' Amnesty International, April 1993, ASA 13/01/93, p.25-29.

<sup>24</sup> as reported in the Bengali weekly Ekota, 19-25 June 1992.

<sup>25</sup> Statement of the Jana Samhati Samiti on the Naniarchar Massacre, 17 November 1993 committed by the Bengalee muslim Infiltrators in league with the Bangladesh Security Forces in CHT. Published and circulated by the Information and Publicity Department of the JSS.

<sup>26</sup> Report Of The Jatiya Ainjibi Parishad's (National Lawyers Council) Fact Finding Mission To Rangamati Regarding The Massacre At Naniarchar On 17 November 1993.

<sup>27</sup> "Bangladesh, A summary of human rights concerns", Amnesty International April 1993, ASA 13/01/93, p.26.

<sup>28</sup> Report Of The Jatiya Ainjibi Parishad's (National Lawyers Council) Fact Finding Mission To Rangamati Regarding The Massacre At Naniarchar On 17 November 1993.

<sup>29</sup> 'Justice For The Victims Of The Naniarchar Massacre. Democratic Resolution Of The Conflict In The CHT', National Committee For The Protection Of Fundamental Rights In The Chittagong Hill Tracts , 19.11.93.

<sup>30</sup> All incidents mentioned here have been reported by personal communications and in the following publications: 'Chittagong Hill Tracts. A Land Of Blood And Tears. An Account of Human Rights Violation in the Chittagong Hill Tracts, Bangladesh.' The report of the Hill Watch Human Rights Forum from January 1991 to June 1992; Newsletters 1 to 7 of the Hill Watch Human Rights Forum, April '93 to March '94; various issues of Hotline, Peace and Justice Newsletter; several reports of the Jana Samhati Samiti on Human Rights Violations in the Chittagong Hill Tracts by the Bangladesh Government, its Security Forces and the Bangladeshi Muslim Settlers; Bangladesh, State of Human Rights, 1992. Bangladesh Manobadhikar Samonnoy Parishad (Coordinating Council for Human Rights in Bangladesh), March 1993; several communications by the Humanity Protection Forum, Tripura, India.

<sup>31</sup> Daily Star 11 November 92.

<sup>32</sup> Development, Democracy and Human Rights in Bangladesh. A Non-Government Perspective. A Position Paper For The World Conference On Human Rights, Vienna, June 1993 by The National Preparatory Committee For The World Conference On Human Rights, 1993, Dhaka, Bangladesh.

<sup>33</sup> See Amnesty International Report 'Bangladesh: Human Rights Concerns.' SA 13/01/93, p.4, for further details.

<sup>34</sup> 'Country Reports on Human Rights Practices for 1992, Report submitted to the Committee on Foreign Affairs, House of Representatives and the Committee on Foreign Relations, U.S. Senate by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended.' February 1993 at p. 1120.

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<sup>35</sup> 'Country Reports on Human Rights Practices for 1993, Report submitted to the Committee on Foreign Affairs, House of Representatives and the Committee on Foreign Relations, U.S. Senate by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended.' February 1994.

<sup>36</sup> Amnesty International: 'Bangladesh, A Summary of Human Rights Concerns,' April 1993, ASA 13/01/93, p.23.

<sup>37</sup> Bangladesh, State of Human Rights, 1992. Bangladesh Manobadhikar Samonnoy Parishad (Coordinating Council for Human Rights in Bangladesh), March 1993.

<sup>38</sup> Amnesty International Report ASA 13/01/93 at p. 9.

<sup>39</sup> In spite of the fact that many Jumma people have land papers, many government officials still claim that the Jummas practice only jhum cultivation. Even Foreign Minister Mustafizur Rahman, when asked recently by Wilfried Telkämper about the occupation of Jumma people's land by settlers, replied: 'No, they have jhum, they cultivate a piece of land and then move out again, leave the land so that again undergrowth will grow. They remain two or three years on a hill and after that they move out, undergrowth comes and after 20 years they again may come. One-fifth of the land mass of Bangladesh is in the CHT and their population is small.'

<sup>40</sup> 'Life Is Not Ours. Land And Human Rights In The Chittagong Hill Tracts, Bangladesh,' The Chittagong Hill Tracts Commission, May 1991, ch.4.

<sup>41</sup> The Jumma people were given only tenancy rights by the British in contrast to the people in the plainsland who were given property rights. This itself was never a matter for conflict, possibly because according to the Jumma notions of land ownership individuals or individual families cannot own land, but only have the right to use it.

<sup>42</sup> Indigenous And Tribal Populations Convention, 1957 (No.107), International Labour Organisation.

<sup>43</sup> 'Life Is Not Ours. Land And Human Rights In the Chittagong Hill Tracts, Bangladesh.' The Chittagong Hill Tracts Commission, Ch.5, p.77-79.

<sup>44</sup> Of course the first major interference was the annexation of the CHT by the British, but they allowed the Jumma people largely to continue their indigenous traditions, customs and values.

<sup>45</sup> A Report on the sixth round of the Dialogue by R.S.Dewan, Spokesman of the JSS in Europe, 18 Febr. 1994.

<sup>46</sup> 'Justice for the victims of the Naniarchar massacre. Democratic resolution of the conflict in the CHT'. Statement of the National Committee For The Protection Of Fundamental Rights In The Chittagong Hill Tracts, 19.11.93.

<sup>47</sup> Statement of the 5-Party Alliance presented in a press conference on 17 Juma 1992.

<sup>48</sup> In a pamphlet issued in Bengali by the Khagrachari District Bengali Samannay Parishad, stating its demands.

<sup>49</sup> See UN document CERD/C/192/Add.3.

<sup>50</sup> See UN document CERD/C/SR.943 for further details.

<sup>51</sup> Report III (Part 4A) 1993.

<sup>52</sup> See 'Development, Democracy and Human Rights in Bangladesh: A Non-Government Perspective,' a position paper for the World Conference on Human Rights, Vienna, June 1993 by the National Preparatory Committee for the World Conference on Human Rights, 1993, Dhaka, Bangladesh at p. 24.

<sup>53</sup> 'Bangladeshi massacre report-another official cover-up?' Joint press release of 6 December 1992 by Jumma representatives and OCCHTC, UNPO, IWGIA, Survival International, Jumma Peoples Network, CHTCIN.

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