

Press Release: CHT Commission concludes Sixth Mission

30 November, 2011

The International CHT Commission undertook its sixth mission to Bangladesh between 22 and 29 November 2011 and held meetings in Dhaka and in the Chittagong Hill Tracts. The Commission met Government officials, including the Minister of Land and Minister of Law, the Chairman of the Regional Council, the Rangamati Hill District Council Chairman, the Deputy Commissioners of Khagrachhari and Rangamati, the General Officer Commanding (GOC) of the 24 Infantry Division of the Bangladesh Army, and concerned officers, political leaders, non-governmental organizations and representatives of the international community, as well as representatives of indigenous peoples and Bengalis in the CHT. It also took testimonies from victims and survivors of human rights violations – both indigenous and Bengali -- in the CHT.

The Commission wishes to thank all those who met, or cooperated with the Commission. The Commission wishes to communicate its preliminary assessment of the mission findings, as follows.

The Commission is heartened to note the continuing commitment of a number of government officials and civil society actors and institutions to promote the improvement of the human rights situation in the CHT and to strengthen the implementation of the 1997 CHT Accord.

At the same time, on the eve of the fourteenth anniversary of signing of the Accord, the Commission notes with regret that not sufficient progress has been made to date in its implementation.

The Commission is deeply concerned by allegations of continuing human rights violations in the CHT and the climate of fear and insecurity that seems to prevail. The violent incident in Ramgarh that took place in April 2011 is the latest in a series of such events that have occurred since 2008. Unfortunately, as yet no impartial, independent and transparent inquiry report on these has been made publicly available, nor have those responsible been held to account through the process of law. A culture of impunity thus continues to prevail in the CHT, negatively affecting the human rights of both the indigenous and Bengali communities as well as the relations between them.

Chittagong Hill Tracts Commission

Co-Chairpersons:

Sultana Kamal,
Lord Eric Avebury,
Elsa Stamatopoulou

Allegations received by the Commission focus on discrimination against indigenous peoples, as evidenced by reports of violent crimes perpetrated against them with impunity. These include killings, burning of their houses, as well as lack of protection of their means of livelihood through the illegal occupation of their lands. Allegations of torture of traditional village chiefs (karbaris) by members of the security forces are particularly disturbing. At the same time, Bengali communities have also reported violent crimes, such as killings and the burning of their houses. The Commission is concerned about continuing reports of violence against women, including rape, which remain without redress.

The combination of lack of adequate progress in the implementation of the CHT Accord, the continuing lack of redress for human rights violations and incidence of violent events, and the absence of dialogue among parties, imparts urgency to the need for committed and positive policy action from the Government as soon as possible, and at all levels.

The Commission expresses concern that continued military presence in the CHT at current levels could lead to a further weakening of the civil administration. This process could eventually lead to undue securitization of functions that normally fall within a civil mandate.

Land remains the most critical unresolved issue in the CHT. The CHT Commission regards it as a positive step that the Government has taken the decision to postpone a previously announced cadastral survey until the resolution of land disputes by the Land Commission.

However, the CHT Commission also noted that the alienation of land of the indigenous peoples by Bengalis continues unabated and is further facilitated, according to widespread allegations, by the acts and omissions of civil and military personnel. In addition to ordinary Bengali settlers, there is an increasing influx of other actors such as private corporations and individual power-holders who grab plots and plantations of indigenous people, typically with show of force by hired musclemen.

The CHT Commission is particularly concerned about the failure of the Government to amend the Land Commission Act of 2001 to make it consistent with the CHT Accord despite inter-ministerial meetings having been held on this issue. In particular, the over-riding power of the Chairman of the Land Commission, and the nature of the quorum, are matters of grave concern, which have fuelled distrust among the indigenous peoples.

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The CHT Commission further notes with grave concern that both the Chairman of the Land Commission and officials at the Land Ministry now claim that the CHT Accord mandates the Land Commission to deal only with land cases related to a particular group whereas the Accord clearly stated that a Land Commission will deal with *“the disposal of all disputes concerning unlawfully occupied lands in the CHT.”*

In light of its findings, the CHT Commission makes the following recommendations:

- **That an independent and impartial commission of enquiry investigates the allegations of gross human rights violations in the CHT, towards ending the culture of impunity.**
- **That confidence-building measures among all Bengalis and indigenous peoples be initiated by the Government and concerned civil society actors. There is an urgent need for a constructive dialogue to start, at the political level, as well as through economic, cultural and educational activities at inter-community level.**
- **That indigenous peoples be included in the police force within the CHT at the earliest opportunity, and that authority over the police be transferred to the Hill District Councils and thus contribute to confidence-building and the implementation of the CHT Accord.**
- **That the Government declare a definite time-frame for the withdrawal of temporary security forces' camps in accordance with the 1997 CHT Accord and Operation 'Uttoran' be withdrawn.**
- **That the Government amend the Land Commission Act 2001 in consistency with the CHT Accord as a top priority.**
- **That the civil administration including the RC and HDCs and traditional justice institutions be able to function freely and effectively, in accordance with their statutory, conventional and customary law mandates, including on land management, administration and dispute resolution.**

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Finally, the Commission during its mission faced some unprecedented obstruction and interference from officials of the district civil administration and intelligence agencies during meetings with civil society groups in Rangamati and Bandarban on 25 November, 2011. In these meetings, officials insisted on being present despite requests from the Commission to leave because this would violate the principles of confidentiality and trust and affect the testimonies of those present. Some of the officials and security forces' members present at the meeting stated that they were under orders from their superiors to do so. They referred to written instructions from concerned Ministries directing that officials and security forces must accompany the mission in the CHT at all times and be present during the meetings of the CHT Commission with local social groups. At this point the Commission was compelled to discontinue its planned mission.

The Commission wishes to express its strong disappointment with these actions that contravene constitutional as well as international norms of freedom of movement, personal liberty and security, and freedom of expression.

Nevertheless, the Commission remains committed to pursuing its work by engaging relevant stakeholders in a spirit of frank dialogue for the promotion of peace and human rights in the CHT in the spirit of non-discrimination and respect for the dignity of all peoples and communities.