

# Chittagong Hill Tracts Commission

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**Co-Chairpersons:**  
Sultana Kamal, Lord Eric Avebury, Elsa Stamatopoulou  
**Members:**  
Shapan Adnan, Sara Hossain, Iftekharuzzaman  
Khushi Kabir, Muhammad Zafar Iqbal, Tone Bleie  
Lars-Anders Baer, Michael C. van Walt van Praag  
Hurst Hannum, Yasmeen Haque  
Myrna Cunningham Kain, Victoria Tauli-Corpuz

## Press Release

### **International Chittagong Hill Tracts Commission concerned about the discriminatory and unconstitutional directives towards indigenous peoples: urges for immediate cancellation**

**15 February, 2015, Dhaka:** The International Chittagong Hill Tracts Commission (CHTC) is deeply concerned about a Home Ministry memorandum of January 22, 2015 (44. 00. 0000. 09. 11. 001.13-15 dated:22/01/2015) imposing restrictions on foreigners' visit to the Chittagong Hill Tracts (CHT), requiring all national-international individuals and organizations' interaction with the indigenous peoples to be supervised by members of local administration and Border Guard Bangladesh (BGB) or the military, ordering the CHTC to remove the "Commission" part of their name, making check-posts at the entrances to CHT more active, transferring former indigenous Shanti Bahini members in Police and Ansar outside the CHT among other matters. The Commission considers them unconstitutional, discriminatory and in conflict with the CHT Peace Accord and calls for the immediate cancellation of the orders.

Based on the decisions taken at a Home Ministry meeting on January 7, this year, the 4th and 5th directives of the order consecutively that states if a foreigner wishes to visit the CHT districts they will have to submit an application to the Home Ministry at least a month before the intended visit. And the Home Ministry will give permission based on positive reports of the intelligence agencies of the ministry. Provided that foreign individual or agencies obtain the ministry permission to visit the CHT they would have to submit a specific schedule of the visit to the local administration and police. Also all national-foreign individuals and organizations' interaction with the indigenous people will be supervised by members of local administration and BGB or army. The decisions not only infringe the basic rights of national or foreign citizens, they are very racist and will seriously impact the implementation of the Peace Accord. Requiring ministry approval and BGB-Army supervision for any meeting with the CHT adivasis while the same rule doesn't apply in the rest of the country is undoubtedly racist, discriminatory, unconstitutional and tantamount to stripping individual freedom. Besides, the indigenous families with non-indigenous and foreign members would be deprived of their rights to family. CHTC strongly condemns these discriminatory decisions.

The 9th directive states that BGB sector/battalion/Border Out Posts (BOP) will function on the acquired land maintaining a friendly relations with the locals. But the conditions set in the amended CHT District Council Act 1998 according to the Accord state that no land can be acquired in the CHT without permission from the Hill District Council (HDC). But the Reserved Forests in the region are not within the purview of this rule. But it is notable that the lands for establishing BGB sector/battalion/BOP were acquired only with the approval of district administration bypassing the HDC. The process of acquiring more land for BGB is already underway. Apart from the Reserved Forests, the hills and lands in CHT are common property of indigenous people according to the traditional indigenous laws. Although the land acquired for BGB establishments are claimed to be on Reserved Forests, in reality the lands being acquired are those being used by the indigenous people as common lands. As a result many indigenous people have been evicted from their homes

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already while others are living in fear of eviction. The ministry order stipulating that BGB sector/battalion/border outposts (BOP) will be established on the acquired land maintaining a friendly relationship with the locals is a clear violation of the amended CHT Hill District Council Act 1998. The Commission is deeply worried at such a directive of the ministry.

In directive no. 10, check-posts at the entrances to CHT are asked to be made more active. The Commission observes with grave concern that there are numerous check-posts at different places in the CHT in the name of security. But the incidents of violence against indigenous women as well as the communal attacks have taken place within the visual limits of those check-posts.

However, a majority of the communal attacks or incidents of violence against women in the CHT have taken place in the vicinity of the check-posts. For instance, recently in Bogachhari Naniachar Upazila, the arson attacks and looting of indigenous villages occurred despite the presence of nearby check posts and military camps. Past experiences suggest that the check-posts that are there in the name of security, in many cases, instead of ensuring security cause harm to the people of the CHT. Besides, when there is no provision for establishment of check-posts at the entrance of any other districts in the country, why there is a need for there to be such check-posts in various places in the case of CHT remains a question.

Directive no. 11 states that measures will be taken to carry out a phased transfer of former members of Shanti Bahini employed in Police and Ansar outside the CHT. Given that the importance of mixed policing has been repeatedly emphasised in order to implement the Peace Accord and maintain law and order in the region, this decision, which clearly contradicts the Peace Accord, has undoubtedly increased the insecurity of the people of CHT.

Another decision undertaken at the meeting of the Home Ministry was that UNDP will be requested to send a report about the implementation progress and results of the 160 million USD development projects undertaken by them in the last 10 years. It must be noted that UNDP has been carrying out projects worth millions of dollars not just in the CHT but all over the country. So the question remains why the projects of CHT need to be singled out and evaluated/monitored separately.

Directive no. 3 has asked the CHT Commission to remove the word 'Commission' from its name. But it has not been explained which provision dictates that there can be no non-governmental initiative with 'Commission' attached to its name. Notably, although there have been other 'commissions' in the country such as the Ghatak Dalal Nirmul Committee's Gono Todonto Commission or Bangladesh Human Rights Commission, the Ministry has not asked any other institution to change their names. As such, the CHTC is astonished at the directive to rename the Commission.

It may be mentioned here that the meeting was called on the basis of a BGB report and on the issue of 'law and order development and sovereignty'. According to the Peace Accord, any significant decisions regarding the CHT must be made after consultation with the Regional Council. However, the Regional Council was not consulted prior to the meeting. We all want the country's sovereignty to be protected and stability maintained in the CHT. But the imposition of such discriminatory, racist and ethno-centric decisions on the indigenous people of CHT in the name of law and order

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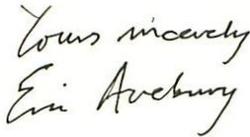
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will likely make an already tense situation even more complicated. This order is also an attack on the freedom of expression of not just indigenous people but every citizen of Bangladesh.

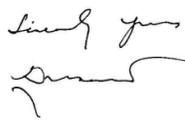
As such, the Chittagong Hill Tracts Commission calls for immediate withdrawal of these discriminatory and racist decisions and gives the following recommendations:

- The extremely racist and discriminatory decisions undertaken at the Home Ministry meeting and the directives issued based on those decisions must be immediately retracted.
- Take immediate steps to amend the contradictory clauses of the CHT Land Dispute Resolution Commission Act and ensure that the newly-appointed chairman takes impartial and effective steps to resolve the land disputes in order to create an enabling environment to establish the just rights of the indigenous people.
- Declare a clear timeline for full implementation of the CHT Accord.

On behalf of the CHT Commission,



Eric Avebury  
Co-chair of the  
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Sultana Kamal  
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Elsa Stamatopoulou  
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