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Joint Intervention by

Meghna Guhathakurta

On behalf of

Ain O Salish Kendra (ASK)

International Work Group for Indigenous Affairs (IWGIA)

International Chittagong Hill Tracts Commission (CHTC)

Shimin Gaikou Centre

Sami Parliament of Sweden

Sami Parliament of Norway

Saami Council

Inuit Circumpolar Council, Greenland

Agenda Item 7

Human Rights

Madam Chairperson, Permanent Forum Members and Distinguished delegates,

We would like to thank the Permanent Forum for the opportunity to share our concerns about the human rights situation of the Chittagong Hill Tracts (CHT) of Bangladesh with you.

Madam Chairperson,

1. Through the fifteenth amendment of the Constitution which refers to “tribes, minor races, ethnic sects and communities”, and defines all citizens as Bengalis the Government of Bangladesh has denied Indigenous Peoples in the CHT and across the state the right to freely determine their identity.
2. No elections to the Hill District Councils have been held for 17 years, since the signing of the 1997 CHT Accord and the Councils continue to be run by Government-appointed officials.
3. In recent times state-led marginalization has been further heightened by discriminatory decisions by the Ministry of Home Affairs to further restrict movement and interaction of national and international individuals and organizations with Indigenous Peoples in the CHT by imposing supervision of interactions by district administration and law-enforcement agencies. These decisions were specifically targeted at Indigenous Peoples and do not affect Bengali settlers of CHT and thus constitute direct discrimination.
4. There were a number of attacks on the lands and homes of Indigenous People in the CHT in 2014. Homes, shops and places of worship were attacked by Bengalis in Rangamati. Arson attacks were allegedly carried out in the presence and with the active participation of army officials. In June, members of Border Guards Bangladesh (BGB) allegedly carried out attacks on Indigenous villagers in Babuchara Union in Khagrachari district, leaving between 14 to 17 people injured. Though local Indigenous People had been cultivating this land since 1991, before land ownership issues were settled, the Government decided to station a BGB Battalion there. The locals protested as they had customary ownership of the land.

5. Timir Baran Chakma, an Indigenous activist of the Parbatya Chattagram Jana Samhati Samiti (PCJSS) (M.N. Larma faction) was allegedly tortured while in custody of the Bangladesh military in August 2014 in Khagrachari Hill District and subsequently died from his injuries. His body was cremated without the presence of his family and in a hurry in the dead of the night, totally denying the religious and social character of a cremation ceremony for the Chakma Indigenous community. After the cremation an unofficial curfew was enforced in the area. Given the circumstances, there is a strong suspicion that the military authorities tortured Timir Baran Chakma and the hurried cremation was to cover up the evidence of torture marks on his body.
6. The disappearance of Indigenous woman activist Kalpana Chakma still remains unresolved. Kalpana was abducted from her home in Rangamati in the early hours of 12 June 1996, the night before the country's national elections. Her abductors were a group of plain-clothed security personnel believed to have been from the nearby Ugalchhari army camp. Despite two eye-witnesses, her brothers, still being alive and repeatedly stating her abductors names in public, a number of investigations have failed to identify the perpetrators. One of the investigations is still on-going.
7. The 9th National Parliament of Bangladesh failed to pass an amendment to the CHT Land Dispute Resolution Commission Act 2001 during its nineteenth session. The proposed amendments were agreed upon by the CHT Regional Council and the Ministry of Chittagong Hill Tracts Affairs, approved by the CHT Accord Implementation Committee and adopted by the inter-ministerial committee. A new Chairperson to the Land Commission has been appointed but resolving land disputes as per the CHT Accord would not be possible without the approval of the amendments in parliament.
8. Members of the International Chittagong Hill Tracts Commission (CHTC) came under attack by Bengali settler groups in Rangamati and were injured during its pre-scheduled visit in July 2014 in spite of having police escort. The Officer in Charge of the Police was hit on the face and the driver also received injuries. The following month CHTC's coordinator was also attacked by Bengali settler groups in Bandarban. The police and administration failed to provide protection for the July 2014 visit. In the case of both attacks, necessary action was not taken by the authorities against the perpetrators. Chairman of the CHT Regional Council and President of Parbatya Chattagram Jana Samhati Samiti (PCJSS) Mr. Jyotirindra Bodhipriya Larma was attacked in presence of the local administration and police in Bandarban in March 2015.
9. In January 2015 at least 30 people were injured when a rally of Indigenous students protesting the inauguration of a new medical college education program was attacked by cadres of the ruling party's student group and other organizations. Bengali settlers also carried out violent attacks on Indigenous Peoples' homes and shops. The concern is that many Indigenous People will be displaced as a result of the formation of the college. This would also allow in-migration of more settler Bengalis. The Commission expresses deep concern regarding this attack and obstruction of their local Indigenous organizations' democratic programs.
10. According to Kapaeeng Foundation's report 51 Indigenous women and girls fell victim to sexual violence in the CHT in 2014 alone and in 2015 there have already been reports of approximately 10 cases of sexual violence against Indigenous women, including rape of women and children. Only a few suspected perpetrators have been arrested and no one convicted. According to findings by CHTC, "impunity has been the single most important factor contributing to increased incidents of sexual and gender based violence (SGBV) in the CHT. The biases of the

administrative, political and judicial systems prevent access to equality and justice by Indigenous Peoples and minorities.”¹

11. The Government of Bangladesh followed repressive measures and deployed heavy military as a response to Indigenous Peoples in the CHT since the 1970s. While attempts to justify the presence of the military have been made by the authorities due to the presence of intra-ethnic tensions, the law-enforcement authorities have not been able to control the violence between the different regional political parties. The presence of the military has only aggravated human rights violations against Indigenous Peoples in the Chittagong Hill Tracts.

12. Recommendations

- We accordingly call on the Government of Bangladesh to take decisive and effective steps to implement the un-implemented clauses of the 1997 CHT Accord without delay.
- We further call on the Government to take immediate steps to amend articles of the Land Disputes Resolution Commission Act that conflict with the Peace Accord. The Chairman of the Commission must take impartial and effective steps to resolve land conflicts, and create favorable conditions for the Indigenous People to exercise their rights.
- We demand prompt and effective investigations of incidents of communal violence and sexual violence against Indigenous women and that those responsible be brought to justice in accordance with the law and international standards of due process. Communal conflicts should be resolved not by use of force but through dialogue among all communities in an atmosphere of mutual trust and local authorities should provide suitable treatment and compensation to those who have been injured or harmed in attacks.
- The Department of Peacekeeping Operations should develop a mechanism to strictly monitor and screen the human rights records of national army or other security force personnel prior to allowing them to participate in peacekeeping operations under the auspices of the United Nations.
- The Government of Bangladesh should invite the UN Special Rapporteur on the rights of Indigenous Peoples and other thematic special rapporteurs to assess the human rights situation of Indigenous Peoples in the CHT.

Thank You Madam Chairperson.

¹ Dr. Bina D' Costa, *Marginalisation and Impunity: Violence Against Women and Girls in the Chittagong Hill Tracts*, International CHT Commission, Bangladesh Indigenous Women's Network and IWGIA, May 2014.