



fidh

odhikAR
ଅଧିକାର



ASIAN HUMAN RIGHTS COMMISSION

SLAP ON THE WRIST

Impunity for human rights violations against Santal community members in Bangladesh

July 2017 / N° 697a

Report on the fact-finding mission conducted by Odhikar on 19-22 November 2016

Cover photo: Santal indigenous people participate in the «150 anniversary of Rebellion» in Dhaka on 1 July 2005.
©AFP PHOTO/FARJANA K. GODHULY

TABLE OF CONTENTS

Background: Santal evicted, not adequately compensated 5

Fighting back: Santal form Farmland Recovery Committee 6

July-September 2016: Tensions rise as Santal are evicted again..... 8

November 2016: Three Santal killed, 15 injured in police attack 11

Perpetrators go unpunished despite investigations 13

Odhikar’s recommendations to the government of Bangladesh: 14

Annex 1: Chronology of events 15

Annex 2: List of interviewees 17

On 6 November 2016, members of the Santal ethnic minority were attacked by Bangladeshi police and their huts built on the sugarcane plantation operated by the Rangpur Sugar Mills company in Sapmara Union, Gobindaganj Upazila [Sub-District], Gaibandha District, were looted and burned.¹ Three Santal were killed and 15 were injured in the attack.

From 19 to 22 November 2016, an Odhikar team carried out an on-site fact-finding mission into the incident. Odhikar gathered information from relevant individuals by visiting various sites, including Madarpur, Joypur, Ghoraghat and Osmanpur. The fact-finding mission also personally witnessed landless members of the Santal community living in inhumane conditions and being deprived of their right to adequate housing as a result of the 6 November attack. A few organizations, including Odhikar, distributed relief supplies to the victims of the attack. At the time of the fact-finding mission, many of the Santal community members who were injured in the 6 November attack had gone into hiding and did not seek medical treatment to avoid police harassment and arrest.

This report documents the 6 November 2016 incident as well as the events leading up to it. It also documents the lack of adequate punitive measures against those involved in the 6 November incident and provides background information on the plight of the Santal community.



The Santal community members are living in inhumane conditions, after their temporary huts were destroyed by police. © Odhikar

1. Rangpur Sugar Mills is a state-owned company under the Bangladeshi Ministry of Industries.

Who are the Santal?

Bangladesh is home to 48 ethnic-linguistic minority communities. Santal are one of the 48 communities and primarily live in the districts of Rajshahi, Bogra, Naogaon, Dinajpur, and Rangpur, in the northern region of the country. This community is divided into different 'clans' - called 'Paris' in the Santali language. The clans are Hansda, Murmu, Hambrom, Marandi, Soren, Tudu, Basik, Kisku, Beshra, Chude, Pauria, and Chilbili. As with other ethnic minorities, the Santal were exploited and suppressed during the British colonial period that began in the 18th century.

During the British colonial period (1757-1947) the Santal lived in Katak, Daalbhun, Maanbhun, Chhota Nagpur, Palamou, Hazaribagh and Mednipur, Bakura, Birbhun districts (West Bengal) of Damin-e-Koh, an area now known as Jharkhand State in India. The Santal worked on the railroad, in road construction, tended tea gardens and worked in other agricultural jobs. After completing their work, many of the laborers returned to their original communities. However, some of them did not return and gradually settled in the areas which are now in parts of northern Bangladesh.

The imposition by the British government of a tax on the land tended by the Santal towards the end of the 18th century led to the economic exploitation of the Santal communities. The Santal became increasingly trapped in debt to repay moneylenders. In addition, incidents of sexual violence against Santal by British administration officials, land owners, and money lenders were common. During this period, they were also deprived of their basic rights, including education and employment. On 30 June 1855, about 10,000 Santal from more than 400 villages gathered at Bhognadihi Village of Damin-e-Koh area and organized a movement for freedom from the British government and their local collaborators – landlords, money-lenders, businessmen, contractors, police, and officials of the land office.

Background: Santal evicted, not adequately compensated

The establishment of the Rangpur Sugar Mills started in 1954 at Mohimganj under Gobindaganj Upazila in Gaibandha District and was completed in 1957. In 1955-1956, under the 1948 Requisition of Property Act, the then-East Pakistan government (which became the Bangladesh government after independence in 1971) acquired 1,842.30 acres of land (or 7.5 square kilometers) located about 20 kilometers away from the sugar mill to cultivate sugarcane in Rampur, Sapmara, Madarpur, Narangabad and Chokrahimpur Mouja, Sapmara Union, Gobindaganj Upazila, Gaibandha District.² As a result, hundreds of families from 15 Santal-majority villages and five villages belonging to Bangalee were evicted from this large tract of forest.³ These families had been living on the land for decades.⁴ Many Santal families did not receive adequate compensation from the government. The mill started sugar production in 1957-1958.

On 7 July 1962, the East Pakistan government and the Pakistan Industrial Development Corporation, a private company, signed an agreement to establish the Sahebganj-Baghda sugarcane plantation for the Rangpur Sugar Mills on the same land initially acquired by the East Pakistan government.⁵ Under the agreement, the Pakistan Industrial Development Corporation leased the land from the East Pakistan

2. Odhikar, *Interview with Michael B Malo*, 18 December 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016

3. Odhikar, *Interview with Michael B Malo*, 18 December 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016; Mouja is a type of administrative district, corresponding to a specific land area within which there may be one or more settlements.

4. Odhikar, *Interview with Michael B Malo*, 18 December 2016

5. Odhikar, *Interview with Michael B Malo*, 18 December 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016

government for INR 807,318.68 (USD 7,700) for sugarcane cultivation.⁶ The lease agreement between the East Pakistan government and the Pakistan Industrial Development Corporation stipulated that if the land was not used for sugarcane cultivation, it would have to be returned to the government.⁷ The government would then have to restore it to its original state and the Pakistan Industrial Development Corporation would bear all the expense.⁸ However, it remains unclear whether the agreement imposed on the government an obligation to return the land to the previous owners - the Santal - or allow it to be used for other purposes.⁹

After independence, the Bangladesh government nationalized the mill operations in 1972. Sugarcane cultivation and sugar production continued until 31 March 2004, at which time the then-Bangladesh Nationalist Party (BNP)-led alliance government decided to close the sugar mill. As a result, all the workers were laid off. The government claimed that the closure was due to continuous financial losses that were attributed to various reasons, including corruption and irregularities by Rangpur Sugar Mills.¹⁰ However, sugar mill operations and sugarcane cultivation resumed on 16 July 2006.¹¹

During the period in which the sugar mill was closed and the cultivation of sugarcane ceased, the land used for the sugarcane cultivation was leased by Rangpur Sugar Mills to individual farmers who grew a variety of crops including rice, wheat, mustard seed, potatoes, tobacco, corn, and vegetables in violation of the original lease agreement between the East Pakistan government and the Pakistan Industrial Development Corporation.¹²

Fighting back: Santal form Farmland Recovery Committee

Following the temporary closure of the sugar mill and the subsequent use of land in violation of the agreement with the government, the Santal demanded the return of their ancestral lands.¹³ In February 2014 a group of Santal formed the Sahebganj-Baghda Farmland Recovery Committee.¹⁴ The committee was tasked with coordinating its activities with different government and private institutions to strengthen the movement for returning the land to the original owners or their successors.¹⁵ The committee held weekly meetings every Saturday to discuss the details of programs for protests and solidarity activities.¹⁶ As part of the movement, the Santal community organized various events and programs, including protest rallies in Gaibandha District.¹⁷ They also formed several human chains to publicize their demands.¹⁸

6. Odhikar, *Interview with Michael B Malo*, 18 December 2016

7. Odhikar, *Interview with Philimon Buske*, 14 December 2016; Article 5 of the lease agreement stated: "The Provincial government can examine/scrutinise if any question arise. If there is no objection about the purpose of the said acquisition of property. However, if it is found during the examination that the said property was acquired against the main purpose of acquisition. The said corporation is allowed to return the said property to the provincial government in order to release and return to the original form."

8. Article 5 of the lease agreement; Odhikar, *Interview with Philimon Buske*, 14 December 2016

9. Odhikar, *Interview with Abdul Awal*, 20 December 2016

10. Odhikar, *Interview with Philimon Buske*, 14 December 2016

11. Odhikar, *Interview with Abdul Awal*, 20 December 2016

12. Odhikar, *Interview with Michael B Malo*, 18 December 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016

13. Odhikar, *Interview with Michael B Malo*, 18 December 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016

14. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016

15. Odhikar, *Interview with Philimon Buske*, 14 December 2016

16. Odhikar, *Interview with Philimon Buske*, 14 December 2016; Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

17. Odhikar, *Interview with Philimon Buske*, 14 December 2016

18. Odhikar, *Interview with Philimon Buske*, 14 December 2016

The committee had about 3,500 members, most of whom were Santal.¹⁹ Shakil Akand Bulbul, the local leader of the Chhatra League, the student wing of the ruling party Bangladesh Awami League (BAL), became chair of the committee.²⁰ Each Santal family contributed a minimum donation of BDT 100 (USD 1.25) per week to Shakil Akand Bulbul for managing the expenses of activities necessary to enforce their demands.²¹

The Santal community believed that Shakil Akand Bulbul, as a ruling party local leader, would be able to effectively pursue their demands to higher authorities of the government and resolve the existing conflict.²² Therefore, the Santal community members supported Shakil Akand Bulbul's election campaign to the Sapmara Union Parishad, a local government body.²³ However, the unwillingness of Shakil Akand Bulbul to act on the committee's demands was observed soon after he was elected in June 2016.²⁴ The Santal realized that Shakil Akand Bulbul had exploited the Santal community to fulfill his own political ambitions.²⁵

Shakil Akand Bulbul appeared to be a close ally of Abul Kalam Azad, a BAL member of Parliament (MP) for the Gaibandha-4 constituency. Abul Kalam Azad had initially participated in the protest with the Santal and, in February 2015, he promised to help the Santal to reclaim their land.²⁶ However, Shakil Akand Bulbul's association with Abul Kalam Azad eventually led to his hostile actions against the Santal.²⁷ The Santal came to know that Shakil Akand Bulbul and Abul Kalam Azad had discussed the eviction of the Santal community with the leaders of other ethnic minority communities in various districts, including Gaibandha.²⁸ Committee members also learned that the incident regarding the eviction of the Santal was premeditated and one in which Shakil Akand Bulbul and Abul Kalam Azad were directly involved.²⁹

On 15 March 2015, the committee submitted an application to the then Deputy Commissioner of Gaibandha District to back their demand to have their ancestral lands returned.³⁰ The Deputy Commissioner instructed Additional Deputy Commissioner (Revenue) Aleya Khatun to conduct an investigation into the committee's ancestral lands claim. On 30 March 2015, Aleya Khatun visited the sugarcane plantation, inspected the land, and held talks with Rangpur Sugar Mills officials and members of the committee.³¹ Following the investigation, Aleya Khatun found that certain portions of the farmland were being used for the drying of tobacco leaves. She also found that crops other than sugarcane were being cultivated on the farmland and that sugarcane cultivation was almost non-existent at the time of investigation.³² Aleya Khatun submitted the findings of the investigation to the Deputy Commissioner on 21 June 2015.³³ The Committee could not review the contents of the investigative report of the Additional Deputy Commissioner (Revenue) for an extended period of time because they were not aware of when it would be completed and submitted. After finally receiving a copy of the investigative report, the Committee organized a press conference on 30 August 2015 at the National Press Club in Dhaka, which was followed by a demonstration.³⁴

19. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

20. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016; Odhikar, *Interview with Philimon Buske*, 14 December 2016; Shakil Akand Bulbul would later be elected as chair of Sapmara Union Parishad; Union Parishad is the lowest tier of local government in Bangladesh. Sapmara is the name of that Union Parishad.

21. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

22. Odhikar, *Interview with Philimon Buske*, 14 December 2016

23. Odhikar, *Interview with Philimon Buske*, 14 December 2016

24. Odhikar, *Interview with Philimon Buske*, 14 December 2016

25. Odhikar, *Interview with Philimon Buske*, 14 December 2016

26. Odhikar, *Interview with Philimon Buske*, 14 December 2016

27. Odhikar, *Interview with Philimon Buske*, 14 December 2016

28. Odhikar, *Interview with Philimon Buske*, 14 December 2016

29. Odhikar, *Interview with Philimon Buske*, 14 December 2016

30. Odhikar, *Interview with Philimon Buske*, 14 December 2016

31. Odhikar, *Interview with Philimon Buske*, 14 December 2016

32. Odhikar, *Interview with Philimon Buske*, 14 December 2016

33. Odhikar, *Interview with Philimon Buske*, 14 December 2016

34. Odhikar, *Interview with Philimon Buske*, 14 December 2016

On 9 April 2015, the committee submitted another application to the Deputy Commissioner to stop the leasing of the land formerly used for sugarcane cultivation.³⁵ On 28 May 2015, two officers, Assistant Officer of Sapmara Union Land Office Mohammad Rezaul Karim Chowdhury and Surveyor of Gobindaganj Upazila Land Office Mohammad Monirul Islam, submitted an investigative report in response to the application to the Assistant Commissioner (Land) of Gobindaganj.³⁶ The report found that 1,502 acres of land out of the 1,842.30 acres of the acquired land were leased to individuals for cultivating of crops other than sugarcane.³⁷ Subsequent to the submission of the investigative report, the Santal protest for regaining their land increased and the leasing of farmland stopped.³⁸

On 28 June 2015, it was mentioned in another report of the Surveyor of Gobindaganj Land Office that only 92-97 acres of land in question were used for producing sugarcane during the 2014-2015 fiscal year.³⁹

Despite the findings of the investigative reports, the Deputy Commissioner's Office and other relevant authorities delayed any initiative to return ancestral lands to the Santal community.⁴⁰ Due to this intransigence, the Santal organized a rally on 20 January 2016 at the Central Shahid Miner in Dhaka.⁴¹

The Santal community alleged that ruling party leaders helped influential people obtain leased sugarcane plantation land to the detriment of the demands of the Santal community. When the Santal expressed their opposition to the ongoing process of leasing land to influential people, the local BAL leaders began a series of orchestrated attacks on the Santal community enlisting the assistance of local thugs. In some instances, state security forces were also involved in the attacks.

July-September 2016: Tensions rise as Santal are evicted again

On 30 June 2016, during the *Kanu Utsyab* festival, a meeting was organized with people belonging to ethnic minority communities at the sugarcane plantation with the permission of local officials.⁴² Sahebganj-Baghdha Farmland Recovery Committee Chairman Shakil Akand Bulbul was present at the meeting.⁴³ A decision was made at the meeting that, from 1 July 2016, the Santal community members would build makeshift huts on the land of the sugarcane plantation in Gobindaganj Upazila, Gaibandha District to cultivate crops and monitor the activities of the new lessees.⁴⁴

On 1 July 2016, with the support of Shakil Akand Bulbul, the Santal community members began building the makeshift huts.⁴⁵ According to the Rangpur Sugar Mills, the Santal community members failed to secure any prior permission from Rangpur Sugar Mills to construct the huts.⁴⁶ Rangpur Sugar Mills claimed the Santal did not even discuss the construction of their huts with Rangpur Sugar Mills

35. Odhikar, *Interview with Philimon Buske*, 14 December 2016

36. Odhikar, *Interview with Philimon Buske*, 14 December 2016

37. Odhikar, *Interview with Michael B Malo*, 18 December 2016

38. Odhikar, *Interview with Philimon Buske*, 14 December 2016; Odhikar, *Interview with Michael B Malo*, 18 December 2016

39. Odhikar, *Interview with Michael B Malo*, 18 December 2016

40. Odhikar, *Interview with Philimon Buske*, 14 December 2016

41. Odhikar, *Interview with Philimon Buske*, 14 December 2016

42. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; *Kanu Utsyab* is a special day observed by the Santal to mark the anniversary of a gathering of Santal at Bhognadihi Village in Damin-e-Koh area on 30 June 1855 to protest the oppression by the British colonial authorities and their local collaborators.

43. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

44. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

45. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016; Odhikar, *Interview with Abdul Awal*, 20 December 2016

46. Odhikar, *Interview with Abdul Awal*, 20 December 2016

officials.⁴⁷ Security guards from Rangpur Sugar Mills attempted to stop the Santal from building the huts.⁴⁸ In response, the Santal chased the guards and forced them to leave.⁴⁹ Later, Rangpur Sugar Mills informed the district administration, police, and MP Abul Kalam Azad about the Santal's occupation.⁵⁰

On 2 July 2016, Rangpur Sugar Mills Managing Director Abdul Awal, Upazila Nirbahi Officer of Gobindaganj Mohammad Abdul Hannan, Officer-in-Charge of Gobindaganj Police Station, Subrata Kumar Sarkar, and Abul Kalam Azad visited the farm.⁵¹ On behalf of the committee, the Santal informed the officials that the sugarcane farmland was ancestral property, and, as a result, they had built huts there.⁵² In response, the officials advised the Santal to move out and stop occupying the land.⁵³ The officials also promised to give financial support to the Santal.⁵⁴ The Santal said they would take 24 hours to make a decision on the request to vacate the land.⁵⁵ However, there was no subsequent communication with Rangpur Sugar Mills.⁵⁶

On 12 July 2016, the Gobindaganj police station dispatched officers to evict the Santal from the sugarcane plantation.⁵⁷ At around 3:00pm, police and Rangpur Sugar Mills workers arrived at Madarpur Village while announcing with a megaphone that the Santal should vacate their houses within five minutes.⁵⁸ Accompanying the Rangpur Sugar Mills workers were police vehicles and vehicles belonging to Abul Kalam Azad and Shakil Akand Bulbul.⁵⁹ The Managing Director of the Rangpur Sugar Mills, Abdul Awal, ordered the Santal to leave the place immediately.⁶⁰ However, the Santal refused to leave. As a result, Abdul Awal instructed police and the associates of Abul Kalam Azad and Shakil Akand Bulbul to attack the Santal and loot their huts.⁶¹ A confrontation ensued between the police and the Santal community members.⁶²

After an hour, police and Rangpur Sugar Mills personnel evicted the Santal from their huts and then looted and burned the huts.⁶³ Astena Murmu, a 28-year-old Santal woman, said police torched all three tin huts that she and her family had built on the land at Harinmari area.⁶⁴ Three pigs and some ducks and chickens in the huts were taken away before police set fire to the huts.⁶⁵ At one stage, police retreated from the area and the Santal vandalized the Rangpur Sugar Mills branch office by setting fire to furniture and official documents.⁶⁶ Many people of both sides were injured during the clash.⁶⁷ Rangpur Sugar Mills filed a case against the Santal over the incident.⁶⁸ The police arrested a few injured members of

47. Odhikar, *Interview with Abdul Awal*, 20 December 2016

48. Odhikar, *Interview with Abdul Awal*, 20 December 2016

49. Odhikar, *Interview with Abdul Awal*, 20 December 2016

50. Odhikar, *Interview with Abdul Awal*, 20 December 2016

51. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Abdul Awal*, 20 December 2016

52. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

53. Odhikar, *Interview with Abdul Awal*, 20 December 2016

54. Odhikar, *Interview with Abdul Awal*, 20 December 2016

55. Odhikar, *Interview with Abdul Awal*, 20 December 2016

56. Odhikar, *Interview with Abdul Awal*, 20 December 2016

57. Odhikar, *Interview with Abdul Awal*, 20 December 2016

58. Odhikar, *Interview with Astena Murmu*, 21 November 2016

59. Odhikar, *Interview with Astena Murmu*, 21 November 2016

60. Odhikar, *Interview with Astena Murmu*, 21 November 2016

61. Odhikar, *Interview with Astena Murmu*, 21 November 2016

62. Odhikar, *Interview with Abdul Awal*, 20 December 2016; Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

63. Odhikar, *Interview with Astena Murmu*, 21 November 2016

64. Odhikar, *Interview with Astena Murmu*, 21 November 2016

65. Odhikar, *Interview with Astena Murmu*, 21 November 2016

66. Odhikar, *Interview with Abdul Awal*, 20 December 2016

67. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

68. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

the Santal community and detained them.⁶⁹ Later, the Santal community leaders arranged with the High Court Division of the Supreme Court to have them released on bail.⁷⁰

On 16 July 2016, negotiations between Santal community members and Rangpur Sugar Mills were held at the Osmanpur Upazila Parishad auditorium with the support of a priest from Dinajpur, the Vice-Chairman of Ghoraghat Upazila and ethnic minority community leader Rosina Soren.⁷¹ MP Abul Kalam Azad, Superintendent of Police of Gaibandha District Ashraful Islam, Upazila Nirbahi Officer of Gobindaganj Mohammad Abdul Hannan, Officer-in-Charge of Ghoraghat Police Station Mozammel Huq, and Rangpur Sugar Mills Managing Director Abdul Awal attended the meeting.⁷² Following the meeting, the Santal community leaders were given one week to produce documents to support their claim for ancestral lands, but none were produced.⁷³

On 1 September 2016, when mill workers went to the sugarcane plantation, Santal community members attacked and beat the mill workers.⁷⁴ The Santal frequently assaulted mill workers during their visits to the area.⁷⁵ This situation continued to escalate and, on 7 October 2016, the Santal conducted a demonstration in the plantation area, during which the Santal attacked the police outpost situated on the plantation.⁷⁶



Police posts inside the sugarcane plantation. © Odhikar

69. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

70. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

71. Odhikar, *Interview with Abdul Awal*, 20 December 2016

72. Odhikar, *Interview with Abdul Awal*, 20 December 2016

73. Odhikar, *Interview with Abdul Awal*, 20 December 2016

74. Odhikar, *Interview with Abdul Awal*, 20 December 2016

75. Odhikar, *Interview with Abdul Awal*, 20 December 2016

76. Odhikar, *Interview with Abdul Awal*, 20 December 2016

November 2016: Three Santal killed, 15 injured in police attack

On 6 November 2016 at around 10:00am, a group of Rangpur Sugar Mills workers went to the Shahebganj-Baghda sugarcane farm to harvest the sugarcane in Chamgari Village, Sapmara Union, Gobindaganj Upazila, Gaibandha District.⁷⁷ The Santal families who had built makeshift huts in the area barred the workers from harvesting the sugarcane.⁷⁸ At about 11:30am, the mill workers returned with about 20 police personnel.⁷⁹ Local BAL MP Abul Kalam Azad and his associates and Sahebganj-Baghda Farmland Recovery Committee Chairman Shakil Akand Bulbul were also present at the scene.⁸⁰ As an altercation began between the mill workers and the Santal, the police ordered the Santal to leave immediately.⁸¹ When the Santal community members refused to vacate the area, the police opened fire on the Santal.⁸² In retaliation, the Santal shot arrows at the police.⁸³ Three Santal men were killed as a result of the incident: Shyamol Hembrom, 30, from Gomostapur Village, Chapainababgnj District; Mongol Maddi, 60, from Damodarpur Village, Ghoraghat Upazila, Dinajpur District; and Romesh Soren, 40, from Shintajuri Village, Gobindaganj Upazila, Gaibandha District.⁸⁴ Shyamol Hembrom was shot by the police and later succumbed to his injuries while on the way to Dinajpur Medical College Hospital.⁸⁵ The police claimed that Mr. Romesh Soren did not die during the clash and that his death was due to 'natural' causes.⁸⁶ At least three other Santal, including Dwijen Tudu, a 35-year-old farmer from Madarpur Village, and eight police personnel were injured in the clash.⁸⁷ Three cases (one by the police and two on behalf of the Santal) were filed in this regard.⁸⁸



Dwijen Tudu, who suffered wounds from shotgun pellets and beating. © Odhikar

77. Odhikar, *Interview with Mohammad Abdul Hannan*, 14 December 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

78. Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

79. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Mohammad Abdul Hannan*

80. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016; Odhikar, *Interview with Abdul Awal*, 20 December 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

81. Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

82. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

83. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

84. Daily Star, *Clash in Gaibandha: Another injured Santal dies*, 11 November 2016; Dhaka Tribune, *Santal people's fate remains unchanged*, 11 November 2016; Odhikar, *Interview with Shantina Tudu*, 21 November 2016

85. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016; Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

86. Daily Star, *Santals in Gaibandha: Worried about the missing*, 12 November 2016

87. Odhikar, *Interview with Subrata Kumar Sarkar*, 20 December 2016; Odhikar, *Interview with Mohammad Abdul Hannan*; Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

88. Odhikar, *Interview with Subrata Kumar Sarkar*, 20 December 2016

The distraught members of the Santal community left the huts at the sugarcane farm area and took shelter in nearby Madarpur Village.⁸⁹

Between 3:30pm and 4:00pm, more police personnel were deployed to the sugarcane plantation.⁹⁰ At around 4:30pm, law enforcement agencies initiated an operation supposedly to arrest criminals who were hiding in the paddy and sugarcane fields.⁹¹ Police, mill authorities, and the ruling party associates marched towards the Santal huts.⁹² Shakil Akand Bulbul ordered the eviction of the Santal with a megaphone.⁹³ The few Santal who remained in the huts at the time fled in fear and police set fire to the huts.⁹⁴ The huts were burned and destroyed before the fire services could reach the site.⁹⁵ Around 500 huts were completely destroyed. On 11 December 2016, *Al Jazeera News* broadcasted a video that showed the police setting fire to the huts.⁹⁶

When the chaos stopped, the Santal community arranged treatment for the injured persons.⁹⁷ Dwijen Tudu lost the sight in his left eye due to shotgun pellets that hit him when the police opened fire on the Santal villagers, also causing damage to his chest and head.⁹⁸ On 6 November 2016, Dwijen Tudu was arrested without any warrant by Rangpur police at Rangpur Medical College Hospital.⁹⁹ The police kept him handcuffed while he was receiving treatment for his injuries.¹⁰⁰

On 7 November 2016, Rangpur Sugar Mills workers plowed the land where the huts had been destroyed with tractors and planted rice in order to remove any evidence of the burned huts. The remaining belongings of the Santal were looted by Rangpur Sugar Mills workers in the presence of police.¹⁰¹ Rangpur Sugar Mills workers also fenced off the whole area with barbed wire.



Rangpur Sugar Mills surrounded the farmland with barbed wire. © Odhikar

89. Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

90. Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Abdul Awal*, 20 December 2016

91. Odhikar, *Interview with Abdul Awal*, 20 December 2016; Odhikar, *Interview with Mohammad Abdul Hannan*, 14 December 2016

92. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

93. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

94. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016; Odhikar, *Interview with Zamin Hembrom*, 21 November 2016; Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

95. Odhikar, *Interview with Subrata Kumar Sarkar*, 20 December 2016

96. *Al Jazeera News* video clip showing the police setting fire to Santal huts in Gaibandha: <https://goo.gl/ecMTLU>

97. Odhikar, *Interview with Zamin Hembrom*, 21 November 2016

98. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

99. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

100. Odhikar, *Interview with Dwijen Tudu*, 22 November 2016

101. Odhikar, *Interview with Bhaben Mardi*, 21 November 2016

Perpetrators go unpunished despite investigations

On 16 November 2016, three organizations, the Bangladeshi NGO Ain-O-Salish Kendra (ASK), Brotee (a social welfare organization), and the Association of Land Reform and Development, filed a petition with the High Court Division of the Supreme Court to seek a judicial inquiry into the 6 November incident.

On 21 November 2016, Alivia Hembrom and Rumalia Kisku, the wives of Dwijen Tudu and Ganesh Muru, two of the victims in the 6 November attack, filed a second petition to the High Court Division of the Supreme Court to request a judicial inquiry. On 14 December 2016, two justices of the High Court Division of the Supreme Court, Justice Obaidul Hassan and Justice Krishna Debnath, heard the petitions.¹⁰² In deciding on the matter, the High Court ordered the Chief Judicial Magistrate of Gaibandha District to launch an inquiry into the events surrounding the 6 November forced eviction, killings, and arson attacks on the Santal community at Sahebganj-Baghda sugarcane plantation. The High Court ordered the creation of a judicial investigative body that was to submit a report within 15 days, with the main objective of revealing the parties involved in the incident. Furthermore, the High Court ordered the Deputy Inspector General of the Bangladesh Police of Rangpur Range to take necessary measures for initiating an investigation into the matter, which would be undertaken by a high-ranking police officer. The High Court directed that no officer with a rank below the Superintendent of Police should head the investigation.¹⁰³

The judicial investigative body that was formed following the High Court's order and headed by Gaibandha District's Chief Judicial Magistrate Mohammad Shahidullah submitted its findings to the High Court Division of the Supreme Court on 30 January 2017. The report found that three police personnel were responsible for setting fire to the houses belonging to the Santal community.¹⁰⁴

On 7 February 2017, the High Court, comprised of Justice Obaidul Hasan and Justice Krishna Debnath, issued an order following the hearing of the judicial investigation report on the 6 November incident. The Court ordered the suspension of Superintendent of Police of Gaibandha District Ashraful Islam and all police officers deployed in Chamgari Village area during the incident. On 23 February 2017 Superintendent of Gaibandha police Ashraful Islam was transferred to Khagrachhari as per the High Court order. However, the High Court did not direct authorities to initiate any criminal charges against the police force.

On 9 March 2017, Deputy Attorney General Motahar Hossain Sazu submitted a police investigation report to the High Court bench comprised of Justice Obaidul Hassan and Justice Krishna Debnath. The report, signed by Rangpur Range Deputy Inspector General of police Khondoker Golam Faruque, concluded that two police officers, Sub-Inspector Mahbubur Rahman of Gaibandha Detective Branch and Constable Mohammad Sazzad Hossain of Gaibandha Police had set fire to the Santal houses at Gobindaganj in Gaibandha District on 6 November 2016. The report also concluded that 85 law enforcement personnel took part in the eviction operation on that day. Among them were three Inspectors, 13 Sub-Inspectors, including Mahbubur Rahman, 19 Assistant Sub-Inspectors, 37 Constables, including Mohammad Sazzad Hossain, and 13 other police officials including reserve force members. The report also confirmed that members of the police special force Rapid Action Battalion (RAB), led by Assistant Superintendent of Police Habibur Rahman of Gaibandha camp, took part in the eviction. In response to the High Court order, police suspended Sub-Inspector Mahbubur Rahman and Constable Mohammad Sazzad Hossain and transferred Superintendent of Police of Gaibandha District Ashraful Islam to the Armed Police Battalion 6 at Mahalchari in Khagrachari.

102. Odhikar, *Interview with Subrata Kumar Sarkar*, 20 December 2016

103. Daily Prothom Alo, *HC orders probe into 'police's arson attack' on Santals*, 14 December 2016

104. Daily Prothom Alo, *Police involved in Santal attack: Judicial probe*, 30 January 2017



Santal community members are living in inhumane conditions, in slums made of banana leaves, after the destruction of their makeshift huts by police. © Odhikar

Recommendations to the government of Bangladesh

1. Conduct thorough, effective, transparent, impartial, and independent criminal investigations into the violent incidents involving government authorities, Rangpur Sugar Mills workers, and Santal community members between 12 July and 6 November 2016 in order to identify perpetrators.
2. Ensure that the law enforcement officials involved in the 6 November 2016 attack on Santal community members are held accountable for their actions.
3. Provide adequate compensation to families of Santal community members who were killed or injured in the 6 November 2016 attack and for the destruction of property they have suffered since 12 July 2016.
4. End the practice of involving civilian thugs in law enforcement agency operations.
5. Provide adequate training to state security forces with regard to the respect of human rights and international standards on the use of force in the policing of public demonstrations.
6. Revise domestic legislation to bring it into line with international standards on the use of force by law enforcement officials, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
7. Ensure that business enterprises do not commit or contribute to human rights violations in Bangladesh and that Rangpur Sugar Mills is held responsible for its failure to respect the human rights of the Santal.
8. Review and rule on the application made by Santal community members for the return of their ancestral land in accordance with the 7 July 1962 agreement that established the Sahebganj-Baghda sugarcane plantation and all other relevant legally-binding contracts and legislation.
9. Take all necessary measures to respect, protect, and fulfill the economic, social and cultural rights of individuals belonging to the Santal community.

Annex 1: Chronology of events

- 1954: Establishment of Rangpur Sugar Mills in Gobindaganj Upazila, Gaibandha District.
- 1955 – 1956: East Pakistan Government acquires 1,842.30 acres of land about 20 kilometers away from the Rangpur Sugar Mills to cultivate sugarcane, evicting hundreds of Santal families.
- 1957 – 1958: Rangpur Sugar Mills commences sugar production.
- 7 July 1962: East Pakistan Government and the Pakistan Industrial Development Corporation sign an agreement to establish a sugarcane plantation for the Rangpur Sugar Mills.
- 1972: Bangladeshi government nationalizes the mill operations.
- 31 March 2004: Bangladeshi government closes the sugar mill.
- 16 July 2006: Sugar mill operations resume.
- February 2014: Santal form the Sahebganj-Baghda Farmland Recovery Committee, tasked with seeking the return of the Santal's ancestral land.
- 15 March 2015: Sahebganj-Baghda Farmland Recovery Committee files an application to the Deputy Commissioner of Gaibandha District to demand the return of the Santal ancestral land.
- 21 June 2015: Aleya Khatun, Additional Deputy Commissioner (Revenue) of Gaibandha District, submits the findings of her investigation on the Sahebganj-Baghda Farmland Recovery Committee's application to the Deputy Commissioner of Gaibandha District.
- 28 June 2015: A report by the Surveyor of Gobindaganj Land Office finds that only 92-97 acres of the land designated for sugarcane cultivation were used for producing sugarcane in the 2014 – 2015 fiscal year.
- June 2016: Sahebganj-Baghda Farmland Recovery Committee Chairman Shakil Akand Bulbul is elected to the local government body, the Sapmara Union Parishad.
- 1 July 2016: Santal begin building makeshift huts on the sugarcane farm.
- 12 July 2016: Police and Rangpur Sugar Mills workers order the Santal to leave the sugarcane farm, but the Santal refuse to leave. A confrontation follows, police and Rangpur Sugar Mills workers evict the Santal and loot their huts.
- 1 September 2016: Santal community members attack and beat mill workers as they cultivate sugarcane on the farm.
- 7 October 2016: Santal conduct a demonstration in the farm area during which participants attack the police outpost located on the sugarcane farm.
- 6 November 2016: Three Santal men killed, 15 injured, and around 500 makeshift huts are burned in a police attack. Three organizations file a petition with the High Court Division of the Supreme Court seeking a judicial inquiry into the incident.
- 7 November 2016: Rangpur Sugar Mills workers plough the land where the Santal huts had been built to destroy any evidence of the 6 November incident. The remaining belongings of the Santal are looted by Rangpur Sugar Mills workers in the presence of police. Rangpur Sugar Mills workers fence off the area with barbed wire.
- 21 November 2016: The wives of two victims in the 6 November attack file a second petition requesting a judicial inquiry to the High Court.
- 14 December 2016: The High Court orders an inquiry into the 6 November attack and the creation of a judicial investigative body which is to submit a report within 15 days.
- 30 January 2017: The judicial investigative body submits its finding to the High Court Division of the Supreme Court, finding that three police personnel were responsible for setting fire to the Santal huts.

- 7 February 2017: The High Court issues an order for the suspension of Superintendent of Police of Gaibandha District Ashraful Islam, along with all police officers deployed in Chamgari Village area during the incident. The High Court does not direct authorities to initiate any criminal charges against the police.
- 23 February 2017: Superintendent of Gaibandha police Ashraful Islam is transferred to the Armed Police Battalion 6 at Mahalchari in Khagracharias per the High Court order.
- 9 March 2017: Deputy Attorney General Motahar Hossain Sazu submits a police investigation to the High Court. The report finds that two police officers had set fire to the Santal huts during the 6 November incident. The report also finds that 85 law enforcement personnel had taken part in the 6 November incident, along with members of the police special force Rapid Action Battalion (RAB).

Annex 2: List of interviewees

As part of its fact-finding mission, Odhikar spoke to the following persons/representatives:

- 1) Ms. Shantina Tudu, wife of the deceased Santal Mongol Maddi. Interviewed on 21 November 2016.
- 2) Mr. Dwijen Tudu (35), Santal victim. Interviewed on 22 November 2016.
- 3) Ms. Astena Murmu (28), Santal victim. Interviewed on 21 November 2016.
- 4) Mr. Zamin Hembrom (27), eyewitness to the incident. Interviewed on 21 November 2016.
- 5) Mr. Bhaben Mardi, Member, Sahebganj-Baghda Farm Land Recovery Committee and eye-witness of the 26 November 2016 incident. Interviewed on 21 November 2016.
- 6) Mr. Mohammad Abdul Hannan, Upazila Nirbahi Officer, Gobindaganj, Gaibandha. Interviewed on 14 December 2016.
- 7) Mr. Philimon Buske, Vice-Chairman Sahebganj-Baghda Farm Land Recovery Committee. Interviewed on 14 December 2016.
- 8) Mr. Michael B Malo, a practicing lawyer of the Dinajpur Judge Court. Interviewed on 18 December 2016.
- 9) Mr. Abdul Awal, Managing Director, Rangpur Sugar Mills. Interviewed on 20 December 2016.
- 10) Mr. Subrata Kumar Sarkar, Officer-in-Charge, Gobindaganj Police Station, Gaibandha. Interviewed on 20 December 2016.

Persons who could not be reached for comment:

- 1) Mr. Shakil Akand Bulbul, Sapmara Union Parishad Chairman and Sahebganj-Baghda Farmland Recovery Committee Chairman.
During the fact-finding mission, the Odhikar team communicated with the Secretary of Sapmara Union Parishad and requested a meeting with its Chairman, Shakil Akand Bulbul. However, the Secretary said he was unable to contact Shakil Akand Bulbul. As a result, Odhikar was unable to talk to him. Odhikar tried to reach Shakil Akand Bulbul directly several times on his cell phone, but such efforts were unsuccessful.
- 2) Mr. Abul Kalam Azad, BAL MP for Gaibandha-4 Constituency.
The Odhikar team could not reach Abul Kalam Azad as he was not in the area during the fact-finding mission. He could not be contacted by telephone either. On 9 January 2017, Odhikar called his cell phone several times, but no-one answered the call. Therefore, Odhikar was unable to obtain Abul Kalam Azad's comments on the Santal matter. However, regarding the allegations of his involvement in the eviction of the Santal from the farmland and the attack and burning of their huts, Abul Kalam Azad told the media that he was not present on the day on which it occurred. Abul Kalam Azad claimed that reports used his name in connection with the attack in order to tarnish his political image and labeled those reports as propaganda.



Supported by a grant from the Open Society Foundations

Keep your eyes open

Director of publications:
Dimitris Christopoulos
Editor:
Antoine Bernard
Authors:
FIDH
Design:
CBT

fidh

Establishing the facts - Investigative and trial observation missions

Supporting civil society - Training and exchange

Mobilising the international community - Advocacy before intergovernmental bodies

Informing and reporting - Mobilising public opinion

For FIDH, transforming societies relies on the work of local actors.

The Worldwide movement for human rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.



ASIAN HUMAN RIGHTS COMMISSION

The Asian Human Rights Commission (AHRC) works towards the radical rethinking and fundamental redesigning of justice institutions in order to protect and promote human rights in Asia. Established in 1984, the Hong Kong based organisation is a Laureate of the Right Livelihood Award, 2014.



Odhikar is a human rights organization based in Dhaka, Bangladesh. A group of human rights defenders established this organisation on October 10, 1994 to create a wider monitoring and awareness raising system on the abuse of civil and political rights in Bangladesh. It holds special consultative status with the ECOSOC of the United Nations.

fidh

CONTACT US

FIDH

International Federation for Human Rights

17, passage de la Main d'Or

75011 Paris

Tel: (33-1) 43 55 25 18

www.fidh.org

Twitter: @fidh_en / fidh_fr / fidh_es

Facebook:

<https://www.facebook.com/FIDH.HumanRights/>



FIDH is an international
human rights NGO federating
184 organizations
from 112 countries.

fidh

ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 184 member organisations in 112 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

www.fidh.org