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BANGLADESH

Human rights in the Chittagong Hill Tracts

1.Introduction

Amnesty International welcomes the peace accord in the Chittagong Hill Tracts as a major step towards the resolution of a situation which had resulted in serious human rights violations in the past. It is high time now for the Government of Bangladesh and the Chittagong Hill Tracts authorities to act decisively to ensure that any abuse of power on the part of law enforcement personnel is prevented and that victims of past and present human rights violations receive truth, justice and redress. All sections of Bangladesh society should cooperate in efforts to build respect for human rights after years of gross abuses.

The tribal people of the Chittagong Hill Tracts have for over two decades been the targets of massacres, arbitrary detention, torture and extrajudicial executions¹. They must now be assured that their fundamental human rights will be respected. There is a strong need for the establishment of institutions and mechanisms that promote and protect the rights of the people, that ensure respect for people's fundamental human rights by the police and local bodies, and that enable the people to invoke appropriate procedures to seek redress for human rights violations. To that end, it is imperative that the government undertakes a thorough review of the law enforcement mechanisms and judicial processes to remove any biases against the rights of the tribal people. At the same time, the National Human Rights Commission should as a matter of priority be established and receive adequate resources to monitor the human rights situation in the Chittagong Hill Tracts and recommend appropriate action.

A culture of violence in the Chittagong Hill Tracts, developed during years of armed confrontation, has allowed human rights violations to be committed in the majority of cases with impunity. The main perpetrators have been the law enforcement personnel and groups close to the army within the Bengalis settlers, while the armed opposition has also been responsible for instances of human rights abuse. Serious efforts are therefore needed to combat this legacy. To that end, it is imperative that past human rights violations are addressed without delay. Amnesty International recommends that the Government of Bangladesh and the Chittagong Hill Tracts authorities establish a special commission to conduct far reaching inquiries into all incidents of past human rights violations ensuring that they are all investigated fully, independently, impartially and competently. The aim should be to identify those who were involved in abusing human rights during the armed conflict - be they in the army, in the police forces or in the former armed opposition - so that they can be brought to justice.

The most complex and difficult phase in any situation is peace-building in the early years after a conflict has ended. This requires a coordinated approach in which local, national, regional and international aid, development, humanitarian and human rights bodies all invest in nurturing civil society and rebuilding the institutions that guarantee the rule of law. When such guarantors of human rights are strong, it is less likely that a region emerging from conflict will again descend into it. Such efforts need to include the development of a fair and impartial judicial system, the

¹ A brief, year-by-year account of human rights violations in the Chittagong Hill Tracts as documented by Amnesty International is annexed to this report.

provision of human rights training for the law enforcement personnel, for the judiciary, and for the society at large.

In Amnesty International's view, peace building in the Chittagong Hill Tracts requires lasting cooperation from all sections of the Bangladesh society, including government institutions, the ruling and the opposition parties, prominent personalities, parliamentarians, intellectuals, professionals and notables of local communities.

The signing of the accord without outside mediation was an important achievement for both the Bangladesh Government and the tribal representatives. However, an Amnesty International delegation visiting the Chittagong Hill Tracts in May 1999 to assess the human rights situation there found that some of its main provisions had not been fully implemented. These included the rehabilitation of all returned refugees, settlement of land confiscated from the tribal people, and withdrawal of non-permanent army camps from the Chittagong Hill Tracts. Now, over two years on, these promises still remain only partially fulfilled.

This report covers the current human rights situation in the Chittagong Hill Tracts in the aftermath of the peace accord. It provides appropriate background information as well as recommendations to ensure adherence to, and respect for, human rights principles. It is based on the finding of the afore-mentioned delegation and other information which the organization has gathered in the past year.

2. Historical background

The Chittagong Hill Tracts (CHT) in southeastern Bangladesh covers an area of approximately 5,093 square miles, about 10 per cent of the total land area of Bangladesh. It borders India to the north and Myanmar (Burma) to the east. It consists of several valleys running in a northwest to south easterly direction, with ridges rising to 3,000 feet. This upland, forested area is in stark contrast to the landscape of other parts of Bangladesh, which is flat and subject to regular monsoon flooding. The area is relatively rich in natural resources, with fruit growing there in abundance. There is also timber, bamboo and gas, and possibilities for oil exploration have been actively pursued in recent years.

Prior to the creation of Bangladesh in 1971, the population of the area consisted almost entirely of people from 13 different indigenous tribes.² The tribal people who differ significantly from the majority population of Bangladesh are of Sino-Tibetan descent, have a distinctive appearance with Mongoloid features and are predominantly Buddhists, with small numbers of Hindus. They differ linguistically and in their social organization, marriage customs, birth and

²Population statistics for the year 1951 showed the proportion of tribal to non-tribal inhabitants to be around 91 per cent and nine per cent respectively. By 1974, the percentage of the non-tribals had increased to 11.5. In 1980, they accounted for almost 34 percent and by mid-1980s non-tribal settlers were believed to be almost equal in number to the tribal inhabitants.

death rites, food, agriculture techniques and other social and cultural customs from the people of the rest of the country.

Under a special status during the British rule of the sub-continent, migration to the area was virtually prohibited and the area enjoyed limited self-government. As part of Pakistan, the Chittagong Hill Tracts lost its special status and autonomy under an amendment to the Pakistan Constitution in 1963. Pressure for land to cultivate had in the past led to the migration of large numbers of non-tribal people from other parts of Bangladesh into the Chittagong Hill Tracts. This process was actively encouraged by governments since the 1960s.

In December 1971, Bangladesh became independent after a nine-month civil war between the Pakistan army and the insurgency known as *Mukti Bahini* (liberation forces) led by Sheikh Mujibur Rahman. Some influential figures in the tribal population supported Pakistan while others complained of being excluded from participation in the war of independence. This nonetheless created the perception that the tribal people were against the independence of Bangladesh.

The origin of the problems in the Chittagong Hill Tracts is believed to be the completion of a dam at Kaptai near Rangamati between 1957 and 1963 when the area was administered by Pakistan. At least 54,000 acres of settled cultivable land, mostly farmed by the Chakma tribe, were lost in 1957 when the government began the construction of the Karnaphuli hydroelectric project. Over 400 square miles of land were submerged with far-reaching effects on the economy and life-style of the tribal people there. Some 100,000 people lost their homes and prime agricultural lands. Compensation for lost land was inadequate and over 40,000 Chakma tribals crossed the border into India where the majority have sought Indian citizenship.

At the same time, the Pakistan Government announced its intention to open up the area for economic development and encouraged poor Bengali families to settle there. This policy was even more vigorously pursued by the Bangladesh Government. Conflict over land together with the threat of assimilation into the majority culture of Bangladesh, provided the background to the armed conflict.

In February 1972, a tribal delegation called on Prime Minister Sheikh Mujibur Rahman to accept four basic demands: autonomy for the Chittagong Hill Tracts, together with provisions for a separate legislative body; retention of the provision of the 1900 Regulation in the Bangladesh Constitution which allowed a form of self government; the continuation of the offices of the traditional tribal chiefs; a constitutional provision restricting amendment of the 1900 Regulation; and the imposition of a ban on the influx of non-tribals into the area.

These demands were rejected, and the 1972 Constitution of Bangladesh made no provision for any special status for the Chittagong Hill Tracts. On 7 March 1972 Manobendra

Narayan Larma, together with his brother Bodhi Priyo Larma, formed *Parbattya Chattagram Jana Samhati Samiti* (PCJSS - the Chittagong Hill Tracts People's Solidarity Association).

Its armed wing, *Shanti Bahini* (peace force) was also formed in 1972, although it did not become militarily active until mid-1970s when it began to attack military and paramilitary personnel and their bases in the Chittagong Hill Tracts, as well as non-tribal settlers, resulting in hundreds of deaths and the abduction of foreign nationals for ransom money.

Violent army operations in the Chittagong Hill Tracts began in March 1980 when it was reported that 22 soldiers were ambushed by the *Shanti Bahini* in the village of Kaukhali west of Rangamati where Bengali families were being resettled. The army retaliated by deliberately firing on two groups of unarmed tribal people killing a number of villagers after they were ordered to line up.³ From then on, Bengali settlers began to attack the tribal people apparently at the instigation of the army or in conjunction with the operations of army personnel. The army reportedly recruited armed groups known as Village Defence Parties (VDP - also called village defence police) from the new settlers and provided them with firearms to resist the *Shanti Bahini*. Official figures indicate that more than 8,500 rebels, soldiers and civilians have been killed during two decades of insurgency. The number of civilians killed is estimated at 2,500.

3. Efforts to settle the conflict

Successive governments in Bangladesh initiated dialogue with various groups representing the tribal people of the CHT to explore solutions to the conflict. These at times resulted in limited agreements between the two sides. One such agreement reached in 1985 between the Government of General Ershad and a breakaway faction of the PCJSS headed by Priti Kumar Chakma - known generally as the "Priti Faction" - resulted in the surrender of some 300 "Priti Faction" fighters who accepted a rehabilitation package offered by the government, but was rejected by the PCJSS headed by JB Larma.⁴

Further meetings between General Ershad's Government and a committee representing elements from the Chittagong Hill Tracts, resulted in the establishment of three district elected councils in Rangamati, in Khagrachari and in Bandarban, each composed of a two-thirds tribal majority with a tribal chairperson. The councils, which continue to function, have limited administrative and supervisory authority over a number of government departments including Fisheries, Agriculture, Small and Cottage Industries, Public Health and Primary Education.

³ The exact number of villagers killed is not available, but estimates from tribal sources vary from 50 to over 200.

⁴ JB Larma, the current leader of the PCJSS succeeded Manobendra Narayan Larma who was killed in an intra-party conflict in 1983.

In May 1992, at the end of a visit to India by Prime Minister Begum Khaleda Zia, the two governments in a joint declaration stated their commitment to a speedy repatriation of tribal refugees to the Chittagong Hill Tracts. In July that year the Government of Begum Khaleda Zia constituted a nine-member committee headed by a cabinet minister to make recommendations to the government on how to resolve the conflict. The committee was active until early 1996. There has been no public information about any recommendations the committee may have made.

In August 1992, PCJSS declared a unilateral cease-fire for three months which remained in force indefinitely until the signing of the peace accord.

The Government of Prime Minister Sheikh Hasina which assumed office in June 1996 following general elections, established a committee in October that year chaired by the Chief Whip of the Bangladesh National Assembly to work out a solution to the conflict in Chittagong Hill Tracts. The 12-member committee was made up of parliamentarians from the ruling Awami League, the opposition BNP and Jatiya Party, retired government officials and other professionals. The first meeting between the National Committee on Chittagong Hill Tracts and the leaders of the PCJSS was held in December 1996. Other meetings followed and on 2 December 1997, an agreement generally known as the "Peace Accord" was signed between the National Committee on Chittagong Hill Tracts and the *Parbhatia Chittagram Jana Sanghati Samiti* (PCJSS) in the presence of highest government authorities in Bangladesh. It required changes in Bangladesh law to enable the formation of the Chittagong Hill Tracts Regional Council, a body with a range of autonomous responsibilities.

However, at least three smaller political groups in the Chittagong Hill Tracts, namely the Hill Students Council, the Hill Peoples Council and the Hill Women Federation challenged the right of the PCJSS to be the sole representative of the tribal people and sign the accord on their behalf.

4. The peace accord

The most salient feature of the Accord is the establishment of the Chittagong Hill Tracts Regional Council "comprising the Local Government Councils of the three Hill Districts". It has 22 members and its tenure is five years. The Regional Council Chairman, who shall be a tribal and who has the status of a state minister, as well as other members of the Regional Council are elected by the members of the three Hill District Councils. Pending the formation of an elected Regional Council, its responsibilities are discharged by an interim Regional Council appointed by the Government.

Two thirds of the Regional Council members (12 male, 2 female) will be elected from the amongst the tribal population with a special quota for each tribe. With regard to male members, there will be 5 from the Chakma tribe, 3 from the Marma tribe, 2 from the Tripura tribe, 1 from the Murong and Tanchowanga tribes, and 1 from the Lusai, Bwom, Pangkho,

Hkumi, Chak and Kaiang tribes. One female member is elected from the Chakma and another from the rest of the tribes.

One third of Regional Council members (6 male, 1 female) will be elected from the non-tribal population of the Chittagong Hill Tracts with members of each of the three Hill District Councils electing two male members of the Regional Council. There are no geographical conditions attached to the election of the non-tribal female member.⁵

The Regional Council has a coordinating function with regard to the development activities in the three Hill Districts, general administration, law and order, NGO activities, disaster management, and relief programs; its decision “in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three District Councils” will be final.⁶

4.1 Legal issues: Article C.9.e of the accord states: “Tribal Law and Community adjudication shall be within the jurisdiction of the Regional Council.” Under Articles C.11 & 13 any legislation inconsistent with the “Local Government Council Act of 1989” shall be removed by law on advice and recommendations from the Regional Council. Any new law in connection with the Chittagong Hill Tracts will be enacted in consultation and on advice of the Regional Council.

4.2 General amnesty: The accord does not provide amnesty to the army and police personnel for past human rights violations, but there is no commitment in the accord that past human rights violations by the law enforcement personnel or the Bengali settler groups close to the army will be addressed. Furthermore, a general amnesty extended in the accord to the former members of the *Shanti Bahini* has, if anything, undermined the principle that anyone - from any side of the conflict - found to have been engaged in human rights abuses should be brought to justice.

The amnesty is extended to the *Shanti Bahini* members who have surrendered their arms as well as to all PCJSS members. It provides for the withdrawal of all warrants of arrests, cases against them, court sentences passed as well as for the release of any of their jailed members.

4.3 Rehabilitation: The Accord provides for the rehabilitation of tribal refugees and internally displaced tribals, a land survey in consultation with the Regional Council to “finally determine

⁵see: The Agreement between the National Committee on Chittagong Hill Tracts constituted by the Government and the Parbattya Chattagram Jana Samhati Samiti [CHT Peace Accord], 2 December 1997, Chapter C, Articles 1-7.

⁶The CHT Peace Accord, Articles 9,a,b,c,d and f.

land ownership of the tribal people through settling the land-disputes on proper verification and shall record their lands and ensure their rights thereto” (Article D.2). Disputes will be settled by a Land Commission with a minimum tenure of three years to “resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts”. Article D.4 states:

“A commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgement of this commission and the decision of this commission shall be deemed to be final.”

The accord commits both sides to “uphold the characteristics of tribal creed and culture”. It commits the government to take back in phases all temporary camps of the army and the Village Defence Force after the return of PCJSS members “to normal life”. All job vacancies are to be filled by the permanent dwellers of the Chittagong Hill Tracts with priority given to the tribals.

Finally, under the accord a Ministry for the Chittagong Hill Tracts is established with a minister appointed from the tribal people. An Advisory Committee comprising the Minister for Chittagong Hill Tracts, Chairman/Representative of the Regional Council, Chairman/representative of each of the three Hill District Councils, the three members of parliament for the Chittagong Hill Tracts, the three tribal chiefs, and three non-tribal members from among the permanent residents in the Chittagong Hill Tracts will be established “to lend support to this Ministry.”

5. The process of implementation

Although the government has amended existing laws to provide for the implementation of the peace accord, the accord is facing a number of difficulties which require urgent and continued attention. The first one is the slow pace of implementation by the government. Concern over this has been raised by the international community, by the human rights groups in and outside Bangladesh, and by the tribal people of the Chittagong Hill Tracts, at times threatening to derail the peace process altogether.

The second issue is that the accord is not recognized by the main opposition party, the BNP led by Begum Khaleda Zia. Although the process of achieving peace in the Chittagong Hill Tracts began at the time of the BNP government, the BNP has distanced itself from the accord which was finalized under the Awami League government, amid fears that should a

future BNP government take office, it may seek to repeal the Awami League enacted legislation that uphold the accord.

Sadly, the peace accord has like many other important issues in the country been caught in the cross confrontation of Bangladesh party politics. The government has not missed the opportunity to utilize it as a mark of its own success; and the opposition has not missed the opportunity to decry the accord as a mark of the government's failure.

The BNP has on occasions staged street protests against the peace accord which it considers to be a loss of Bangladesh sovereignty. The BNP's boycott of the parliament meant that it did not take part in the debate or the vote on the accord related legislation. A move to guarantee the accord through constitutional provisions would have gone some way to allay fears of its arbitrary derailment in the future, but the government has not moved in that direction.

A third issue is the position of the disaffected political groups in the Chittagong Hill Tracts who consider the accord to have failed to respond to their aspiration of full autonomy. These include *Pahari Gano Parishad* (PGP or Hill Peoples Council), *Pahari Chattra Parishad* (PCP or Hill Students Council) and Hill Women Federation (HWF) who argue that the accord has failed to "reflect the genuine hopes and aspirations of the peoples of the Chittagong Hill Tracts and has failed to fulfill the main demands of the Jumma people namely, constitutional recognition to the national ethnic minorities of the CHT with guarantee for Full Autonomy [sic], restoration of traditional land rights, demilitarisation of the area, and withdrawal and resettlement of the Bengali settlers in the plain land."⁷

These perspectives have the potential to aggravate local issues and increase the tension between the CHT communities inherent in any post-conflict situations. They could affect questions relating to the withdrawal of the army from certain camps which, despite the provisions of the accord, has been only partially implemented; the possession of land which continues to remain unresolved; the CHT seats in the parliament which have traditionally gone to the national parties providing them with an effective vehicle to impose their own political agenda in the area which could now be at variance with the policies of the Regional Council; and the judicial processes which the tribal people are reluctant to use due to years of mistrust and which the more litigant non-tribal people could use to settle their differences with the tribal people.

Tribal authorities have complained that the decisions of the Implementation Committee which met four times between March and November 1998 were not implemented and the process

⁷ PGP, PCP and HWF (joint statement), "Why we oppose Government-PCJSS agreement on Chittagong Hill Tracts", 4 May 1998.

has been further confused by the fact that the committee did not record the minutes of its proceedings . They also complain that responsibility for collecting the Land Development Tax has not been transferred from Deputy Commissioners representing the government to the Regional Council; there have been no meaningful attempts to harmonize respective administrative functions of the government and the Regional Council; internally displaced persons have not been fully rehabilitated; the government has neither increased the number of stipends for tribal students in educational institutions nor has it provided scholarships for higher education and research in foreign countries; and although the Ministry for the Chittagong Hill Tracts has been established, the Advisory Committee through which the Regional Council could have more say in the decisions made by the government has not been constituted.

5.1 General amnesty

Under the accord, about 2,000 PCJSS fighters surrendered their arms to the government by 5 March 1998 and the *Shanti Bahini* was considered to have been disbanded. Most criminal cases against former *Shanti Bahini* members on grounds of armed political activity including “waging war against Bangladesh” were dropped as provided for by the accord. The government’s position with regard to several of such cases which are still pending has remained



Shanti Bahini members officially handing in their arms, 1998 © Philip Gain.

unclear.

5.2 Repatriation

Repatriation of tribal refugees began after an agreement in 1994 between the BNP government and the Jumma Refugee Welfare Association (JRWA) representing Chittagong Hill Tracts tribal refugees in camps in the bordering Indian state of Tripura. Around 5,000 refugees returned home that year, but the repatriation program was stalled after refugee leaders alleged Bangladesh was not fulfilling its promises. Under another agreement signed between tribal activists and a Bangladesh negotiating team from Dhaka in Tripura on 9 March 1997, tribal refugees agreed to return home. The accord offered an amnesty for those facing criminal charges, safety assurances and guaranteed job and financial help to build houses and restore land. The first batch of around 5,000 tribal arrived in the CHT town of Ramgarh on 28 March 1997. All of the tribal refugees in the Indian state of Tripura - some 64,000 people - have returned to the Chittagong Hill Tracts.

The majority of the repatriated tribal refugees have been able to regain possession of their lands with assistance from the government and through peaceful personal efforts or legal means. However, a substantial number [figures not available] of Jumma refugees are still believed to be without land. Many have not received all the items in the repatriation package including several temples or tribal villages currently occupied by the non-tribal people.

Refugees from the Kaptai Dam displacement who went to Indian state of Mizoram east of Chittagong Hill Tracts now live in Arunachal Pradesh in India. Their attempts at getting Indian citizenship have to date been unsuccessful. Amid reports that the government might be seeking to evict them from the state, the Supreme Court of India ruled about two years ago that Chakma people living in Arunachal Pradesh were Indian citizens. While the judgement has ensured their stay in India, it does not necessarily guarantee citizenship rights to the Chakmas but negotiations to achieve that are underway between the Chakmas and the Government.

5.3 The Internally Displaced Persons (IDPs)

People displaced between August 1975 and August 1992 are considered IDPs. Some 60,000 tribal people were internally displaced during this period. They included people whose villages were attacked, whose neighbours were massacred and whose homes were burnt during army operations. They left everything behind for safer areas moving to neighbouring villages, to relatives or started anew in the forest interior. The settlers confiscated their land and in many instances obtained official certificates of ownership. Internally displaced tribals represent a significant portion of the tribal population and their rehabilitation will continue to be a major task.

A committee to facilitate their rehabilitation has been set up, but it is not known what measures have been taken in this regard. One major problem is to determine the ownership of tribal land. This ranges from privately registered land and lands under customary and

prescriptive ownership neither of which is marked in public records. IDPs reportedly continue to have little access to farming lands, non-farm dwellings, safe drinking water and sanitation facilities, healthcare and education. The economic rehabilitation of the IDPs has not yet begun in earnest.

5.4 Commission on Land

This commission is to function as a special tribunal for the return of land taken away from the tribal people by the Bengali settlers or the security forces. The commission was officially formed by the government after the signing of the accord but as of mid-1999, it had not met and the details of its terms of reference had not been drawn up. According to reports, after the death of the commission's chairman, Justice (Rtd.) Anwarul Haq Chowdhury, the government had not appointed a new chairman.

5.5 Army camps

There are several hundred non-permanent military camps with some 20,000 soldiers spread all over the Chittagong Hill Tracts. Although the accord provides for the withdrawal of such military camps, so far, only 32 temporary army camps have been lifted.

6. Recent human rights violations



A military camp on a hill top in the Chittagong Hill Tracts, 1998© Philip Gain.

The current human rights scene is marked by the memories of human rights violations including massacres of tribal civilians, burning of their homes, arbitrary arrests, torture, extrajudicial executions and “disappearances” reportedly perpetrated by or with the connivance of the Bangladesh law enforcement personnel during the years of armed conflict.⁸ It is further marked by the failure of Bangladeshi Governments to bring to justice those responsible for these human rights violations. Past incidents of gross human rights violations have rarely been investigated. In a few cases when official commissions of inquiry have been set up and responsibility for violations were believed to have been established, the reports were not made public and no action was taken against any army personnel involved.

During the years of negotiations, particularly in 1996 and 1997, there were significantly fewer reports of human rights violations from the CHT. This was probably due to measures on the part of the government to ensure more effective control of the law enforcement personnel in the area especially at a time when the *Shanti Bahini* was abiding by its own declared cease-fire.

Since the signing of the accord on 2 December 1997, new political pressure points have added to the old tension between the tribal people and the settlers. These include the tension between the main tribal group, PCJSS which signed the peace accord with the government and some smaller dissident groups who oppose the peace accord arguing that it does not go far enough. Each of the two sides in the CHT accuse the other of targeting its members. For instance, the dissident groups say they have been targets of arbitrary arrests by the police with the active connivance of the PCJSS. They claim that their members have at times been arrested on false accusations by the PCJSS which has then handed them over to the police which has then detained them arbitrarily and subjected them to torture. On the other hand, PCJSS claims that its members have been the targets of kidnapping and killings by the dissident groups.

At the same time, incidents have occurred that are reminiscent of past army practices which resulted in the killing of tribal people and setting their homes on fire.

Amnesty International believes that in an atmosphere of charged political distrust, it is imperative that every incident of alleged human rights abuse - be it attributed to the army, the police, the PCJSS or the dissident groups - is investigated by an independent, impartial and competent body to establish the facts and identify the perpetrators. The authorities should then ensure that those found responsible are brought to justice.

The cases cited below should serve as starting point for such inquiries but by no means their only subject.

⁸ A year by year summary of human rights violations documented by Amnesty International is given as an annex to this paper to provide the basis for a thorough investigation of these reports and administration of justice to the perpetrators of these violations.

6.1 Arrest of dissident activists

On 10 March 1998, four students, Dharma Joyti Chakma (26), Bplob Chakma (18), Pravat Kusum Chakma (22) and Jatiu Chakma (20) were arrested in Dhiginala in Khagrachari. They were severely beaten by the police. Some 200 people from the Hill Student Council (see section 5 above) were gathering but the police attacked them with tear gas and batons. More than 10 people were injured from among whom four were arrested. After one day in detention, they were sent to Khagrachari hospital for treatment. However, the hospital where the prisoners were held for a day reportedly did not keep their medical record. The prisoners were then sent back to the jail but the record of this transfer too was reportedly not kept.

Visitors seeing the injured prisoners in hospital testified to Amnesty International that the prisoners were then in a critical situation and could not move in their beds. They were part of a group of about 30 prisoners who were arrested, but the majority had been released shortly. The four prisoners were held from March until November 1998 and were then released on bail, with cases still pending against them including the allegation that they had beaten police personnel.

On 18 March 1998 Sanchoy Chakma and Dharuba Joyti were arrested under section 54 of the code of criminal procedure which allows for detention without a warrant of arrest. They were charged with two criminal cases which were later reportedly dismissed by the Khagrachari Magistrate Court for lack of evidence. Sanchoy Chakma is former president of the Hill Students Council and Dhurba is General Secretary of Hill People's Council (see section 5 above). They had given several interviews in weeks before their arrest, criticising the accord. Their lawyer had submitted a petition in the High Court arguing that there were no reasonable grounds for their continued detention. The High Court accepted the argument, and the prisoners were released. Of the two cases against them, the charge of kidnapping was dropped and the charge of burning a bus appears to have been dismissed after their release as the two former prisoners have not been summoned to the court in this connection. They were released on 3 December 1998.

It was reported to Amnesty International that as of mid-1999, about 18 political prisoners belonging to the dissident groups remained in Khagrachari and Bandarban jails. Fifteen including the four injured students transferred to the Chittagong hospital were reportedly held in Khagrachari jail and three in Bandarban jail including Dipayan Khisha. There were no reports of political prisoners being held in Rangamati jail.

6.2 Killings at Babu Chara Bazar

One incident represents a stark reminder of tactics used by the army in the past condoning reprisal attacks on the Jumma people by army personnel and non-tribal settlers. According to reports, three people were killed in at Babu Chara Bazar in Dighinala Thana area of Khagrachari on 16 October 1999 in a clash between the army personnel and the Jummas. The clash reportedly occurred after an incident in which a Bangladeshi army personnel allegedly molested a Jumma woman. The woman shouted at him and the army personnel and another colleague who came to defend him

were beaten by a number of young Jumma people. Subsequently, a contingent of army personnel came to the area aided by some 150 Bengali settlers and jointly attacked the Jummas in the Bazar. Two Jummas, Dipon Joyoti Chakma, a high school student, and Sukamal Chakma died of their injuries while the body of a Jumma man who was believed to have been killed during the attack was discovered in a nearby muddy paddy. Three Jumma homes were reportedly set on fire, Benuban Buddhist Temple was ransacked, Buddhist monks were ill-treated and statues of Buddha were damaged. Although the government is reported to have set up an inquiry into the incident, no news about its progress or outcome has emerged so far raising fears that this incident will not be properly investigated and those found responsible punished.

6.3 Allegations of human rights abuses by dissident groups

The *Prasit-Sanchoy* group was suspected of carrying out attacks on a PCJSS member. One such attack was reportedly carried out on 12 December 1999. One victim was reportedly Manin Chakma(37) alias Tarjen, son of Laxmi Chandra Chakma in Banghaltuli village in Baghaichari Thana area of Rangamati. The gunmen surrounded his house, fired at him and shot him dead. Manin was reportedly an active member of PCJSS, a former *Shanti Bahini* member who had together with others surrendered his arms after the signing of the peace accord. According to PCJSS, he was the fifth victim of the attacks allegedly carried out by Prasit-Sanchoy groups since the signing of the accord.

7. Amnesty International's recommendations to the authorities in Bangladesh and Chittagong Hill Tracts

Respect for human rights should be central to the reconstruction and rehabilitation of the Chittagong Hill Tracts. This requires, inter alia, the re-establishment of the rule of law, an active role for civil society institutions including a fully independent judiciary and a free press. The following recommendations should be taken into account:

Policing

- Law enforcement personnel should be fully trained in international human rights and criminal justice standards and their duty to adhere to them at all times.
- There should be monitoring of police operations by an independent body investigating complaints and making recommendations to the authorities on steps for the protection of human rights. No one should be arrested arbitrarily on account of peaceful political activity or peaceful exercise of the right to freedom of expression. Torture and ill-treatment must be prevented at all times and those found responsible for such abuse duly punished.
- Policing arrangements should reflect the diversity of communities in the Chittagong Hill Tracts.
- The standards for permissible use of force during arrest and detention by the police should be tightened to meet international standards. To prevent extrajudicial executions,

police should only be authorized to use force when strictly necessary and the intentional lethal use of firearms by law enforcement officials may only be resorted to when strictly unavoidable in order to protect life.

Judiciary

- Technical assistance and adequate funding should be provided for ensuring proper dispensation of justice.
- Judges, prosecutors, law enforcement personnel and other relevant authorities should be trained to apply important human rights standards concerning law enforcement and criminal justice. These texts and relevant laws should be translated into the languages spoken in the Chittagong Hill Tracts.
- Laws in the Chittagong Hill Tracts should be revised to meet international human rights standards, notably those dealing with arrest and detention and the use of permissible force.

Impunity

- A special independent and impartial commission should be established to investigate past human rights violations by all sides. Its findings should be made public and all those found responsible for abuse should be prosecuted.
- There should be no immunity for past human rights violations and no amnesties should prevent those responsible for grave human rights violations or violations of humanitarian law from being brought to justice.

Promotion and protection of human rights

- A legal expert (or panel of legal experts) with proven expertise in human rights and humanitarian law should assist the Chair of the Regional Council.
- The National Human Rights Commission should be established as a matter of priority and be given adequate resources to monitor the human rights situation in the Chittagong Hill Tracts and recommend appropriate action.
- Funding should be provided for education programs promoting non-discrimination and human rights in schools and among the general public.
- Organizations should be supported which provide long-term care and support for the victims of violations of human rights and humanitarian law.

Appendix

A summary of Amnesty International's concerns in the Chittagong Hill Tracts over the past 15 years

1984: Members of the *Shanti Bahini* units killed at least 77 Bengali settlers at Bhusanchara, near Barkal, and close to the Indian border. The incident was widely covered in the Bangladesh news media. The following day tribal families living in six *mouzas* (an administrative unit comprising a few villages) in Barkal area were reportedly attacked by army forces. At least 110 villagers were said to have been killed, but no coverage was given to the incident by the domestic news media. In June, soldiers reportedly fired on unarmed civilians, a few dozen of whom were gathered at one villager's home for a private celebration.

1985: Members of the tribal population were reportedly subjected to continuing arbitrary arrest, torture and unlawful killing. Following an amnesty for tribal opponents announced by the Bangladesh Government in 1983 some *Shanti Bahini* (Peace Force) members had surrendered and several dozen others had been released from jail. However, fighting between one faction of the *Shanti Bahini* and law enforcement personnel continued. In September Amnesty International publicized its appeal to the Bangladesh Government for an inquiry into human rights violations in the Chittagong Hill Tracts, citing killings and torture which had reportedly occurred in 1984 when several young women had been arbitrarily killed during operations conducted by the security forces in Barkalak, Harinhatchara and Hoyalchara, in the Zurochari area in September 1984. Tribal villagers were reported to have been tortured in police camps at Mohalchari, Ranga Panichara and Bakchari, and in army camps at Bhaibhonchara and Thalchara in the same period. Army operation during 1985 resulted in dozens of villagers being beaten, and in some cases, arrested, especially in the Khagrachari area where the *Shanti Bahini* had engaged in clashes with law enforcement personnel. Tribal villagers in the Panchari area were said to have been arbitrarily arrested and ill-treated in late November and early December.

1986: In October Amnesty International published a report - *Bangladesh: unlawful killings and torture in the Chittagong Hill Tracts* - which detailed extrajudicial killings and torture of non-combatant tribal people reportedly committed by military and paramilitary personnel. Many of the incidents described took place in the first half of 1986. Amnesty International acknowledged that the armed opposition group, the tribal *Shanti Bahini* had killed non-tribal residents in the area and emphasized its condemnation of the execution of prisoners by anyone, including opposition groups. Among the reported extrajudicial killings by law enforcement personnel which Amnesty International described were killings attributed to the Bangladesh Rifles (BDR) on 18 or 19 May near the Indian border post at Silacherri. A group of some 200 tribal people were said to be approaching the border to cross into India, having left their villages following military operations in the locality in early May. They were reportedly apprehended by troops of the 31st battalion of the BDR, who were said to have surrounded them and made them walk into a narrow valley. In this restricted space, the soldiers are reported to have fired indiscriminately, killing an unknown number of unarmed people. The report also contained testimonies from tribal villagers describing being tortured during interrogation at army and BDR camps. Prisoners were reported to have been kept for several days in pits or trenches within the camps's perimeters and questioned about the

whereabouts of *Shanti Bahini* units. The most frequently cited methods of torture were having hot water poured into the mouth and nostrils, being hung upside down and beaten and being burned with cigarettes. Amnesty International called upon the government to establish and impartial, independent commission of inquiry to investigate this and other reports of unlawful killings and torture by the security forces, and to publish its findings. At the end of 1986 the government sent Amnesty International a response to its report stating that all allegations of human rights abuse were investigated and appropriate action taken against those responsible. On 21 December Amnesty International replied, asking for specific information on the nature and findings of the inquiries the government said it had conducted. It also requested further details of three incidents in May during which people were reportedly killed unlawfully. Amnesty International also expressed concern about reports that following an attack on army personnel by *Shanti Bahini* forces in the area in mid-October, tribal people had been tortured during interrogation by military personnel at the sports stadium at Rangamati. Later in the month tribal men from a village in Khagrachari district, where *Shanti Bahini* units were understood to have been active, were reportedly beaten in Bet Chari army camp.

1987: Killings of law enforcement personnel and others by the armed tribal opposition the *Shanti Bahini* continued. In late 1986 and the opening weeks of 1987 there were renewed reports of human rights violations there in the course of intensive security force operations in the northern districts. For the remainder of the year, however, there were markedly fewer of these reports than during the preceding 12 months.

According to reports received early in the year, some 40 members of the security forces, accompanied by non-tribal civilians, surrounded a tribal village on 29 December 1986 and set fire to the huts of tribal people. Several women from Bouripara village, in Panchari sub-district, were reportedly raped by non-tribal men while the security forces looked on, and two of the tribal men were alleged to have been killed. Some others were reported to have been beaten and two to have been hung upside down from a tree where burning wood was producing a choking smoke. One woman related that she witnessed her husband's death: she said he was beaten and then stabbed by a member of the security forces.

The conflict resulted in thousands of tribal villagers crossing into India in 1986 and early 1987. By mid-February, Indian officials were estimating their number at some 40,000 and the Bangladesh Government at approximately 25,000. The two governments discussed procedures for their formal repatriation but without result by the end of the year, although a small number of tribal villagers were reported by the Bangladesh news media to have returned voluntarily.

1988: There were further attacks on law enforcement personnel and others by the armed tribal opposition *Shanti Bahini* (Peace Force) which resulted in a number of deaths and other casualties. In August the security forces and non-tribal settlers assisting them were alleged by the PCJSS to have killed over 300 people in Baghai Chari sub-district in retaliatory raids. They were also alleged to have raped several women and girls and to have burnt the houses of suspected supporters of the *Shanti Bahini*. The government informed Amnesty International that an official inquiry into the incident had found that strife between tribal and non-tribal communities in the area had been exacerbated by "inept handling of the situation" by the local administration following an attack on the Security Forces by the *Shanti Bahini*. It said that some insurgent had been killed in an

exchange with the security forces, that “a few tribals” were injured during the “civil commotion” which followed, and that one tribal person later died in hospital as a result of an injury. The government said that compensation would be paid to tribal people affected by the strife. No mention was made of anyone being held criminally responsible for the death. Amnesty International was not able to gather independent information on this incident.

Following negotiations between the government and some tribal leaders new arrangements for the district administration of the Chittagong Hill Tracts were announced in November and were due to be implemented in 1989. The PCJSS opposed the agreement and a tribal leader who had been involved in negotiations with the government was killed in December, allegedly by the *Shanti Bahini*.

At the end of the year, tens of thousands of tribal refugees from the Chittagong Hill Tracts remained in India, and negotiations between the governments of India and Bangladesh on procedures for their repatriation continued without result. The Bangladesh press reported that small numbers of tribal villagers had returned voluntarily during the year.

In January an Amnesty International delegation visited Bangladesh and discussed human rights violations in the Chittagong Hill Tracts with President Ershad and other members of the government as well as with the authorities directly responsible for security in the Chittagong Hill Tracts. In particular, Amnesty International sought information about official investigations into past reports of human rights violations by the security forces including arbitrary arrests of people suspected of political offences, torture and extrajudicial executions. The organization stressed the need for all such inquiries to be both impartial and independent. During the visit, the authorities undertook to provide Amnesty International with further information about six specific incidents which had been reported: subsequently the government informed Amnesty International that three of the six incidents had not occurred and that the others were a result of communal conflict, not security force action. However, no details of the investigations in these incidents were provided. Some information was provided about the investigation into the alleged killings in the Chittagong Hill Tracts in August but the detailed findings of this inquiry were not published.

1989: The government of President Hossain Mohammad Ershad introduced new legislation in February providing for elected council with tribal majorities to be established in the Rangamati, Khagrachari and Bandarban districts of the Chittagong Hill Tracts. The government declared an amnesty from 23 April, granting immunity against prosecution to members of the armed tribal opposition group, the *Shanti Bahini*, who surrendered prior to the council elections on 25 June: there was very little response. The PCJSS opposed the new administrative arrangements and boycotted the June elections. The *Shanti Bahini* was blamed for scores of killings, including the murder of 13 non-tribal people in Kaptai sub-district in April. It continued its violent opposition to the government, and attacks on non-combatant civilians in the area, after the elections. Twelve people (including eight tribal people) were killed when a bomb exploded on a passenger boat in Naniarchar sub-district in August in an attack attributed to the *Shanti Bahini*.

In May at least 36 tribal villagers in the Chittagong Hill Tracts were reportedly killed by Village Defence Party (VDP) members and other non-tribal settlers. The VDPs are local civil defence units recruited, armed and trained by the police to protect their localities at night. The killings were apparently in reprisal for the murder of the non-tribal chairperson of Languet council, allegedly by the *Shanti Bahini*: between six and 11 villages were reportedly attacked. Survivors

were said to have fled to the hills and forests for refuge, and thousands crossed the border into Tripura in India, joining tens of thousands of refugees who remained in India from previous years.

After the Languet killings, tribal leader Raja Debashish Roy was placed under house arrest for three days, preventing him from attending a Buddhist ceremony to commemorate the dead. The day before his arrest he and 21 other tribal leaders had submitted a memorandum to the authorities demanding acting against the perpetrators of the killings.

The government informed Amnesty International in June that it had investigated the killings and found that 16 tribal people had been killed by an "unruly mob". It said that over 30 people had been arrested on suspicion of involvement in rioting; the precise charges were not made known. It suggested that attack was a spontaneous outburst by non-tribal people reacting to the killing of the Languet council chairperson, which the security forces had immediately attempted to contain. However, it did not provide full details of the inquiry, the findings of which conflict with reports Amnesty International received from other sources. No trials were known to have taken place by the end of the year in connection with these killings.

1990: Amnesty International raised with the government four cases of death in custody which occurred in 1988 and 1989 and requested information on the inquiry the government said it had initiated into reprisal killings in the Chittagong Hill Tracts in June 1989. The government responded in each case, but did not provide evidence that full and impartial investigations had been held.

1991: The government continued to face armed opposition in the Chittagong Hill Tracts from the *Shanti Bahini*, Peace Force, a group seeking autonomy for the area. The *Shanti Bahini* were accused by the authorities of human rights abuses, including killing unarmed civilians.

Tribal people in the Chittagong Hill Tracts, where *Shanti Bahini* fighters were active, continued to be subjected to human rights violations by government forces. In one case, soldiers were reportedly disciplined for the rape of 14 young tribal women at gunpoint. This was the first time to Amnesty International's knowledge that any action had been taken by the authorities in a case of rape allegedly committed by security personnel. It was not clear, however, if criminal proceedings were initiated against the perpetrators.

Several tribal people were reportedly held in unacknowledged detention: one, Anil Bikash Chakma, may have been transferred to military custody after his reported arrest on 3 July but his family had not been able to trace him by the end of the year.

Several deaths of tribal people in military custody were reported: Tusher Kanti Chakma, who died in June, was alleged to have been severely tortured at Ghilachari army camp. His body also bore bullet wounds.

Amnesty International also urged the authorities to investigate alleged human rights violations by government forces in the Chittagong Hill Tracts and to take all possible steps to protect the population there from human rights violations. However, there was no response.

1992: The government of Prime Minister Begum Khaleda Zia appointed a committee in July to negotiate a political solution in the Chittagong Hill Tracts. In August the *Shanti Bahini* (Peace Force), the armed group seeking autonomy for the area, declared a unilateral cease-fire. Talks

between the government and tribal representatives began in November. Abuses of human rights by *Shanti Bahini* forces were reported during the year.

Tribal people continued to be subjected to torture, illegal detention under the Special Powers Act (SPA) and extrajudicial executions. On 10 April over 100 tribal people were reportedly killed in Logang, apparently in reprisal for the killing of a Bengali boy by *Shanti Bahini* fighters. Paramilitary security forces reportedly set fire to the village and shot dead those attempting to escape. The BDR arrived later, but reportedly did not attempt to stop the killing. The government later admitted that 12 tribal villagers were killed and 13 injured in the incident by paramilitary forces acting together with Bengali civilians. An official inquiry confirmed these figures. Some of those apparently responsible for the extrajudicial executions were said to be in custody but it was not known whether any of them had been prosecuted by the end of 1992.

In May Amnesty International published a report, *Bangladesh: Reprisal killings in Logang, Chittagong Hill Tracts, in April 1992*, and called for a full and impartial inquiry into the incident.

1993: Several rounds of talks between representatives of the tribal population and the government took place, but no political solution was found to end years of strife. Cease-fire agreements and amnesties for tribal militants who surrendered to the authorities were periodically extended. In May an agreement was signed with India for the repatriation of over 50,000 tribal refugees from camps in Tripura. The refugees refused to leave when the Bangladeshi Government failed to provide guarantees for their safety or for international supervision of the repatriation process.

Sanchoy Chakma, a tribal student leader, was arrested without warrant on 16 March; police interrogated him about human rights training he had received abroad. Eight days later he was served with a 120-day detention order under the SPA. He was a prisoner of conscience. On 6 April he was informed that he was being charged with “being a spokesman of an anti-state people”. However, he was released uncharged and untried on 25 May after the government revoked his detention order.

Violations of tribal people’s human rights continued to be reported. Dozens of tribal people were arbitrarily detained under the SPA. Several people were believed to have been extrajudicially executed on 17 November in Naniarchar, in Rangamati district, when a demonstration organized by tribal students was attacked by Bengali settlers and the army opened fire on the demonstrators. Officials said 13 people died, including 12 tribal people, but local human rights groups said that over 20 people had been killed. The Home Minister announced that an inquiry commission would investigate the incident but there had been no progress by the end of the year.

In July the government said that criminal proceedings had been initiated against eight people, including members of the paramilitary forces, for their alleged participation in the killings in April 1992 in Logang (see *Amnesty International Report 1993*); one member of the paramilitary BDR who had been involved in the Logang incident was dismissed for “mishandling the excited non-tribals”, according to an official report.

In April Amnesty International published a report, *Bangladesh: A summary of human rights concerns*, which described unlawful detention of political prisoners, torture, extrajudicial executions and the use of the death penalty in 1992 and 1993. The government stated that it would investigate Amnesty International’s allegations. However, there was no information to indicate that the government had taken any action by the end of the year.

When an agreement to repatriate refugees to the Chittagong Hill Tracts was signed with India in June, Amnesty International expressed its concern that insufficient measures had been provided to protect the human rights of returning refugees.

In a written statement to the United Nations Working Group on Indigenous Populations in July, Amnesty International described its long-term concerns regarding killings of defenceless tribal villagers by government forces in the Chittagong Hill Tracts.

1994: Several rounds of talks between government and tribal representatives failed to bring a political solution. A cease-fire was periodically extended and sometimes broken. Following an agreement between India and Bangladesh, repatriation of some of the 56,000 tribal refugees from India began in February when over 1,800 people returned. Around 3,300 more refugees returned in July and August, even though land and homes had been restored to only a few of the returning refugees. A demand by tribal representatives for international supervision of their repatriation and rehabilitation was not conceded. A commission set up to investigate the possible extrajudicial execution of 12 to 20 tribal people in Naniarchar in November 1993 (see Amnesty International Report 1994) had not published its report by the end of 1994.

1995: Talks between the government and tribal representatives failed to bring a political solution to the long-standing conflict between non-Bengali tribal inhabitants and the government, but the cease-fire was periodically extended. The repatriation of some 50,000 tribal refugees living in camps in India was not restarted. The government rejected demands by the tribal population that their repatriation should be placed under international supervision.

There were continuing reports of ill-treatment, harassment and arbitrary detention of tribal people with the acquiescence or active participation of the police. In March a demonstration of tribal students in Bandarban was stopped by a group of non-tribal settlers who then looted and burned down the homes of some 300 tribal families. Police reportedly stood by without attempting to protect the lives and property of tribal people. During the incident, 12 police officers beat and injured a Buddhist monk, Waiyo Marma, his wife and a visitor when he denied sheltering tribal activists. Later that day, 22 tribal students, including a 15-year-old girl, were arrested and allegedly beaten. Eight were released on bail within three weeks but four were held for five months before obtaining bail.

1996: In October, the government announced the establishment of a National Committee on the Chittagong Hill Tracts to find a lasting solution to the conflict there, but no major breakthrough in talks between the government and tribal representatives was reported. A periodically extended cease-fire was broken on several occasions throughout the year.

Kalpana Chakma, a tribal women's rights activist, reportedly "disappeared" in the Chittagong Hill Tracts in June. Security personnel reportedly took her from her home. A government-appointed commission of inquiry had not reported its findings by the end of the year and her whereabouts remained unknown.

Amnesty International also called for the fate and whereabouts of Kalpana Chakma to be established and for the institution of impartial and independent inquiries into all reports of human rights violations.

1997: Talks between the government and tribal representatives to bring about a political solution to the long-standing conflict resulted in the signing of a peace accord in December. Under an agreement between tribal leaders and government officials, the phased repatriation of around 50,000 refugees living in camps in India began in March and continued in November. Some 12,000 refugees had returned to the CHT by the end of the year.

The whereabouts of Kalpana Chakma, a tribal women's rights activist who reportedly "disappeared" in the CHT in June 1996, remained unknown. A government-appointed commission of inquiry into the case was understood to have submitted its final report to the government in February, but its findings had not been made public by the end of the year.

1998: Steps were taken to implement the peace accord reached by the government and tribal representatives. Throughout February members of the armed opposition group *Shanti Bahini* (Peace Force) surrendered their weapons in exchange for an amnesty and rehabilitation. In May parliament passed legislation for the establishment of a regional council granting more political autonomy to the area. By the end of the year the last of some 50,000 refugees living in camps in India had been repatriated to the CHT.

Endnotes: