

Refugee Review Tribunal

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RRT RESEARCH RESPONSE

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Questions

1. Please provide references/updates on the treatment of Chakmas generally in Bangladesh.
2. Please provide references/updates on the treatment of former Shanti Bahini members.
3. Please provide references/updates on the punishment of former SB members accused of crimes, especially if there is any suggestion that the laws are applied more harshly against them than others.
4. Please provide references/updates on whether Bangladeshi Chakmas in Tripura can return and obtain Bangladeshi passports.
5. Please provide any information on Shanti Bahini membership.

RESPONSE

1. Please provide references/updates on the treatment of Chakmas generally in Bangladesh.

Information, provided by the sources consulted, indicates that Chakma persons, and indigenous, or tribal, persons within the Chittagong Hill Tracts generally (collectively known as the Jumma) continue to be subjected to various forms of human rights abuse. Such abuses include assault, kidnapping, arbitrary arrest, murder, land appropriation and displacement. These abuses are said to be perpetrated against Chakma persons, and the wider Jumma community, by Bangladesh security forces, Bengali settlers and the opposing forces of the Jumma community's own warring political groups, the *Parbattya Chattagram Jana Samhati Samiti* (PCJSS; or Chittagong Hill Tracts People's Solidarity Association) and the United People's Democratic Front (UPDF) (the UPDF formed as a break away movement from the PCJSS in opposition to the PCJSS's acceptance of the terms of the 1997 Chittagong Hills Tracts Peace Accord). An overview of the available information follows in reverse

chronological order (for background information on the manner in which Chakmas have found themselves on both sides of the PCJSS–UPDF conflict, see ‘Infighting kills 100 “Chakmas” in 5 years’ 2005, *Bangladesh Observer*, 24 October <http://www.bangladeshobserveronline.com/new/2003/10/24/city.htm> – Accessed 31 May 2005 – Attachment 1; and, also ‘Discontent still brews on slack implementation’ 2004, *The Daily Star* (Bangladesh) website, 1 December <http://www.thedailystar.net/2004/12/01/d4120101022.htm> – Accessed 31 May 2005 – Attachment 2).

On 26 May 2005, BBC Monitoring South Asia published an article, sourced from the Bangladeshi newspaper *Prothom Alo* on 26 May 2005, which reported that the UN Permanent Forum on Indigenous Issues (UNPFII) had received testimony from both the PCJSS and the UK-based Jhumma People’s Network which claimed that the presence of the Bangladesh’s military forces in the Chittagong Hill Tracts was facilitating human rights abuses against indigenous persons in the region. The chairperson of the UNPFII is reported to have “explained why she thought the issue of CHT should be handed over to a UN peacekeeping mission through the UN Security Council”. The article follows in detail:

The representative of Parbatya Chattagram Jana Sanghati Samity (PCJSS), Mrinal Kanti Tripura, attending the UN Permanent Forum on Indigenous Issues in New York has urged the Bangladesh government to stop militarizing the Chittagong Hill Tracts region (CHT) in Bangladesh. He said there should be a mechanism for monitoring the incidents of human rights violation in the hill areas. In his speech, he opposed the army drive called “Operation Uttaran” [an army drive began during the Awami League era and continuing today].

The representative of UK-based Jhumma People’s Network, Aina Hume [name as transliterated], in her written statement said the lives of women and young people have become impossible due to army rule in CHT. She mentioned indiscriminate rapes, setting fire to residences and communal attacks in her speech.

The chairperson of UN Permanent Forum on Indigenous Issues, Victoria Tauli-Corpuz, explained why she thought the issue of CHT should be handed over to a UN peacekeeping mission through the UN Security Council (‘Bangladesh criticized for rights violation in hill area’ 2005, BBC Monitoring South Asia, source: *Prothom Alo* [Bangladesh], 26 May – Attachment 3).

On 25 May 2005, the Asian Centre for Human Rights (ACHR) published an overview of the human rights violations which, it is claimed, have been committed against the tribal peoples of the Chittagong Hill Tracts in recent months. Such violations include: the wrongful appropriation of the lands of tribal peoples and the displacement of the peoples living on them; the arbitrary arrest of tribal political activists, most notably members of the UPDF; and the mistreatment and assault of tribal persons, in general, by security personnel conducting investigations into the political activities of groups like the UPDF. The report also notes that there have been “fratricidal killings between the Jana Samhati Samiti [the PCJSS] and its *bete-noire*, United Peoples Democratic Forum [the UPDF]”. Although this report typically refers to the Jumma peoples generally, Chakma persons are specifically named, in the course of reporting certain incidents, throughout the report. A brief extract, from the numerous abuses documented by this report, follows in detail.

In a latest incident on 31 March 2005, the Deputy Commissioner of Khagrachari served acquisition notices to the indigenous Jumma landowners in respect of acquiring 45 acres of land in Babuchara under Dighinala Thana in Khagrachari district for the purpose of

constructing a battalion headquarters' office of the Bangladesh Rifles. At least 74 Jumma families in three villages– Jatna Dhan Karbari Para, Gobinda Karbari Para and Hengottya Karbari Para will be displaced. An additional one hundred families will have to ultimately vacate their lands once the construction of the camp compound is completed. Most of these Jummas were uprooted after the construction of the Kaptai Hydro Electric Project in 1960s. In 1986, all these families had to flee to Indian state of Tripura where they lived as refugees until the Chittagong Hill Tracts accord was signed in 1997.

...The members of the UPDF have been reportedly facing the repression from the government of Bangladesh. Hundreds of its activists have been arrested on fake charges by the police and military personnel to weaken their protests against the policies of the government of Bangladesh.

On 15 March 2005, Natun Kumar Chakma and 36 other UPDF members were arrested in Chittagong. They were detained for a day and freed later.

On 26 April 2005 Lieutenant Colonel Momin Khan, Commanding Officer of Lakshnichari zone under Khagrachari district, picked up two Pahari Chattra Parishad activists – Sushil Chakma and Kaladhan Chakma at Boroitali village in Bermachari union. Both were beaten up mercilessly and taken to Ghagra camp in Rangamati. Later, on 29 April 2005, they were released from Bannyachola army camp.

Common Jummas too face numerous repression. Since 23 April 2005, the military from Ghagra, Lakshnichari and Sindukchari camps have been reportedly carrying out massive operations in Lakshnichari, Kawkhali and Kudukchari areas. They are frequently raiding Jumma villages, beating and interrogating innocent villagers and arresting people on suspicion of being members of the UPDF ('Destruction of a people: Jummas of the CHTs' 2005, Asian Centre for Human Rights (ACHR), 25 May <http://www.achrweb.org/Review/2005/74-05PF.htm> – Accessed 31 May 2005 – Attachment 4).

On 5 April 2005, the *United News of Bangladesh* reported that “[o]ne tribal was shot dead and five others were injured allegedly by a terrorist group of PCJSS” who are said to have “stormed [a] village in search of their UPDF opponents” ('PCJSS shootouts leave one dead, 5 injured' 2005, *United News of Bangladesh*, 5 April – Attachment 23).

On 28 March 2005, *The Daily Star* (Bangladesh) reported that seven Chakma persons had been “abducted from a remote area of Naniyarchar in the hill district of Rangamati” and were being held for ransom. “UPDF Rangamati district convenor Sachib Chakma” is said to have “strongly protested the incident and demanded measures for immediate release of the abducted people”; “blam[ing] armed cadres of the Jana Sanghati Samiti (JSS) for the abduction” ('7 indigenous people abducted' 2005, *The Daily Star* (Bangladesh) website, 28 March <http://www.thedailystar.net/2005/03/28/d50328011312.htm> – Accessed 31 May 2005 – Attachment 5).

An undated report published on the website of the Bangladesh Center for Human Rights (BBCHR), sourced from the Unrepresented Nations and People's Organisation, documents claims of human rights abuse against Jumma persons, and Chakmas specifically, committed by the security forces of Bangladesh and forces party to the PCJSS–UPDF conflict. A brief extract, from the numerous abuses documented by this report, follows in detail.

On 17 March 2005, a group of APB [Armed Police Battalion] members in disguise of general Bengali went to gather sand from Hazaribag area of Balukhali Union under Rangamati

District by two boats. The owners of the under mentioned land requested the APB members not to gather sand while they were gathering sand from their land. But, at this, the APB members grew angry and began to beat the landowners. The victims are as follows-

- 1) Shantu Chakma (16), s/o Pradip Chandra Chakma
- 2) Binanda Chakma (36)
- 3) Nigaramoni Chakma (18), s/o Shashi Chandra Chakma and
- 4) Juddadhan Chakma, s/o Chokh Kala Chakma (a returnee PCJSS member)

On 17 April 2005, 12 innocent Jumma villagers were kidnapped from Alutila village of Vedvedi an outskirt of Rangamati town. The local residents accused the United Peoples' Democratic Front (UPDF) an anti-CHT Accord organization for this incident. The kidnapped persons are as follows-

- 1) Mr. Banamoni Chakma (35) s/o Debakya Chakma
- 2) Mr. Sunil Bikash Chakma (18) s/o Noadhan Chakma
- 3) Mr. Santimoy Chakma (35) s/o Bhula Chakma
- 4) Mr. Kripamoy Chakma (25) s/o Bhula Chakma
- 5) Mr. Lakshmimoy Chakma (32) s/o Bhula Chakma
- 6) Mr. Sundari Kumar Chakma (18) s/o Chida Chakma
- 7) Mr. Chuchyang Khula Chakma (50) s/o Kalabija Chakma
- 8) Mr. Durbasha Muni Chakma (40) s/o Lambashira Chakma
- 9) Mr. Bhagya Mani Chakma (18) s/o Biraj Mani Chakma
- 10) Mr. Kalachan Chakma (52) s/o Jambu Mani Chakma
- 11) Mr. Liton Chakma (18) s/o Sadhan Mani Chakma
- 12) Mr. Pathar Muni Chakma (35) s/o Debakya Chakma

(‘Chittagong Hill Tracts: A Public Meeting Foiled by Army Personnel in Baghaichari’ (undated), Bangladesh Center for Human Rights (BBCHR) website <http://www.bbchr.org/LatestNews/MeetingFoildByArmy.html> – Accessed 31 May 2005 – Attachment 6).

A *Daily Star* (Bangladesh) report, of 25 January 2005, provides information on the assassination of the UPDF’s former leader, Juddhamoni Chakma. According to this report, “UPDF has held the PCJSS cadres responsible for the killing” (‘UPDF blocks road protesting killing of party leader’ 2005, *Daily Star* (Bangladesh), 25 January <http://www.thedailystar.net/2005/01/25/d50125011211.htm> – Accessed 31 May 2005 – Attachment 7).

A Norwegian Refugee Council Global IDP Project report, published on 21 January 2005, provides extensive information on the treatment of the peoples of the Chittagong Hill Tracts. According to this report, the indigenous peoples of this region have suffered significant

marginalisation in the region of the Chittagong Hill Tracts at the hands of the Bangladeshi government, the military and security forces and ethnic Bengali settlers. Marginalization of these peoples is said to be ongoing; and to have intensified since “the election of the right-wing Bangladesh National Party (BNP) in October 2001”: since which time “[v]iolence against minorities has continued and in general, gone unpunished” (p.3). Further to this, the Member may also be interested to know that this report indicates that the current situation has led to “tensions between tribal groups”; the most significant of which concerns confrontations between the PCJSS and the UPDF. According to the report, the various problems noted above have resulted in hundreds of deaths and thousands of injured and displaced people in the Chittagong Hill Tracts. Relevant extracts follow in detail:

There have been several episodes of displacement since the elections in 2001, the most serious occurring in August 2003 when violent clashes erupted between the indigenous population and Bengali settlers, reportedly displacing up to 2,200 tribal people (COEDMHA, 5 September 2003; EC, 6 October 2003).

The peace agreement has also divided the tribal population. Open disagreement has emerged between tribal factions that supported the peace agreement (primarily the PCJSS) and those that opposed it (particularly UPDF) (USCR 2003, SATP 2003). Over 500 people belonging to the two groups are said to have been killed and more than 1,000 injured in clashes and targeted attacks. Moreover about 1,000 people from the two groups have been kidnapped (Daily Star, 1 December 2004).

Tension between PCJSS and UPDF supporters is especially felt in the districts of Bandarban, Rangamati and Khagrachhari. Violent attacks and abductions of political opponents have been reported on several occasions. The region is also witnessing a rise in extortion by local gangs backed by both the feuding groups. Since May 2004, several families in villages known to support the UPDF in the Lakshnichari and Kawkhali areas of the Chittagong Hill Tracts have fled attacks by PCJSS supporters (Hill Watch Forum, 14 October 2004). In September 2004, at least 300 indigenous people were reportedly displaced after armed supporters of the UPDF attacked their villages in the Rangamati district. The displaced took refuge in a community centre, while there were also reports of up to 500 others hiding in the jungle (COE-DMHA, 21 September 2004). There is no information available about the situation for these displaced today, whether they have returned or are in need of assistance.

...The little information available about the living conditions of internally displaced in the Chittagong Hill Tracts concerns mostly the 65,000 returning refugees who have been unable to recover their homes. The large majority of this group continues to live in camps or with relatives (Feeny, October 2001).

A major issue creating further tension between the tribal population and Bengali settlers is the food distribution provided by the government. More than 28,000 Bengali families who live in areas where rice cultivation is difficult continue to receive 85 kilos of rice per month, some of them since they arrived in the Hill Tracts more than two decades ago. The tribal returnees allegedly used to receive less, while the remaining tribal population has never received any such assistance (AITPN/AHCHR 2003, p.5). During summer 2003, the government stopped food rations to the internally displaced altogether while continuing distribution to the Bengali families. The rice distribution was resumed again after a storm of protests from tribal organisations, but only half of the original amount which leaves them living below subsistence level (OneWorld, 20 October 2003; The Daily Star, 8 April 2004 and 23 October 2004). The internally displaced who fail to qualify for government aid have been reported to be starving and having little or no access to any kind of service (Feeny, October 2001) (Norwegian Refugee Council 2005, ‘Bangladesh: tens of thousands remain internally displaced and unassisted’, Global IDP Project website, 21 January

[http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/\\$file/Bangladesh_summary.pdf](http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/$file/Bangladesh_summary.pdf) – Accessed 31 May 2005 – Attachment 8).

In addition to providing updated information, the report also provides an overview of the historical background to the situation: the “25-year armed conflict which displaced tens of thousands of people (estimates range between 60,000 and 500,000)”; the Bangladeshi government’s “building up [of] a massive military presence in the Chittagong Hill Tracts”; and “the government [policy of] “counter[ing] requests for autonomy by forcibly settling Muslim Bengali populations from elsewhere in Bangladesh on land traditionally belonging to tribal groups” (see pp.6-10).

A report produced by the Hill Watch Human Rights Forum (HWHRF; a Dhaka based monitoring group focussed on the plight of the Jumma peoples), and published on the website of the Unrepresented Nations and Peoples Organization (UNPO; an umbrella NGO which advocates for the rights of marginalized indigenous peoples and minority groups), documents an extensive list of claims of human rights abuse said to have been committed against Jumma persons, and Chakma persons in particular, during the first half of 2004, as a consequence of the PCJSS–UPDF conflict (Hill Watch Human Rights Forum 2005, ‘Chittagong Hill Tracts: Cruel Games with Peoples’ Human Rights’, Unrepresented Nations and Peoples Organization website, 14 October http://www.unpo.org/news_detail.php?arg=16&par=1397 – Accessed 31 May 2005 – Attachment 9).

A 1992 anthropological study, authored by Professor Willem Van Schendel of Amsterdam’s International Institute of Social History, provides background information on the history of the cultural and geopolitical situation of the Chittagong Hills peoples in general and the Chakmas in particular. Van Schendel’s study indicates that, as far as the larger population of Bangladesh is concerned, the Chittagong Hills peoples are “backward and childlike, and therefore need to be protected, educated, and disciplined by those who are more advanced socially” (p.103). Van Schendel argues that it is partly because “[t]he relationship between Bengalis and hill people is seen as one of guardianship” that “the expression ‘our tribes’...is commonly used when [Bengalis talk] about the hill people”; this “also reflects the idea that all hill people belong to a single category, and that difference between them are a minor consequence” (p.103). Van Schendel’s study concentrates on the manner in which the Chittagong Hills people have appropriated the notion of a collective Chittagong Hills identity, understood as the “‘Jumma people’” or “‘Jumma nation’”, to positively differentiate themselves from the Bengalis (Van Schendel, W. 1992, ‘The Invention of the Jummas: State Formation and Ethnicity in Southeastern Bangladesh’, *Modern Asian Studies*, vol.26: no.1: February, pp.95-128 – Attachment 10; for a concise, and general, overview of the Chakma identity, see: ‘Chakmas, The’ (undated), Banglapedia website http://banglapedia.org/HT/C_0090.htm – Accessed 17 May 2005 – Attachment 11).

2. Please provide references/updates on the treatment of former Shanti Bahini members.

3. Please provide references/updates on the punishment of former SB members accused of crimes, especially if there is any suggestion that the laws are applied more harshly against them than others.

The sources consulted could provide no information addressing the specific issues, addressed by Question 2, as to recent reports of the punishment of former *Shanti Bahini* members and whether such persons receive a fair trial under Bangladeshi law. Nonetheless, information was sourced which suggests that, although former *Shanti Bahini* members were granted a general amnesty under the terms of the 1997 Chittagong Hills Tracts Peace Accord, this agreement has not been entirely honoured and has even been explicitly breached through arrests and extra-judicial killings. Further to this, the sources consulted provided information which suggests that the *Shanti Bahini*, though formally disbanded under the terms of the Accord, is still believed to be an active militant group by the Bangladeshi authorities. Information sourced from Dhaka University's Banglapedia website indicates that the "Larma" faction of the *Shanti Bahini* is known to have "continued its rebellious activities" after Peace Accord ('Shanti Bahini' (undated), Banglapedia website, http://banglapedia.search.com.bd/HT/S_0296.HTM – Accessed 1 June 2005 – Attachment 12). An overview of the available information follows in reverse chronological order.

On 20 January 2004, the *Reuters* news wire carried an article which reported that Bangladeshi "[o]fficials [had] said that thought the *Shanti Bahini* (peace force) had agreed to lay down arms and return to normal lives, some of the rebels remain at large, and often clash with non-tribal settlers who have moved into the hills under a government plan to east overcrowding on the plains". The report also carried a statement delivered by a Chakma leader of the present day *Shanti Bahini* forces along with reports of weapons seizures offered as evidence of *Shanti Bahini*'s ongoing operational status. In the months that followed, it was reported that the Government of Bangladesh had made demonstrations to India to reign in *Shanti Bahini* forces which, according to Bangladesh, operate out of the Jumma refugee enclaves in India's bordering regions ('B'desh hill blockade shuts transport for 2nd day' 2004, *Reuters*, 20 January – Attachment 13; 'BDR Director General arrives Monday for talks with Indian counterpart New Delhi' 2004, Organisation of Asia-Pacific News Agencie, 26 September – Attachment 14; 'BDR-BSF meeting ends without consensus on certain contentious issues' 2005, *United News of Bangladesh*, 16 April – Attachment 15).

A 2003 Masters thesis, published on the website of Sweden's Lund University, provides an overview of the manner in which the terms of general amnesty accorded to past members of *Shanti Bahini* has still not been honoured: of the "999 cases...placed before the government for withdrawal or dismissal" only "461 cases" had been formally "withdrawn by the government". The report also notes instance in which the terms of the Accord have been explicitly breached; most notably, in the prosecution of "the acting principle of Naniarchar College Santosh Bikash Khisa in connection with the 1993 Naniarchar massacre". The relevant extract follows in detail:

Under the terms of the accord, about 2000 members of *Shanti Bahini*, the armed wing of PCJSS, deposited their arms by March 1998 and returned to normal life. The government has declared a general amnesty and the JSS has submitted lists of cases lodged against its members. But the government has yet to withdraw all these cases. So far 999 cases have been placed before the government for withdrawal or dismissal. Of these 461 cases have been withdrawn by the government. Cases before the military court have neither been withdrawn nor dismissed.

What add to the concern are incidents like the recent arrest of the acting principle of Naniarchar College Santosh Bikash Khisa in connection with the 1993 Naniarchar massacre. According to PCJSS Information Secretary Mangal Chakma, the armed forces and the Bengali settlers were responsible but blamed the Jumma peoples and lodged a case against them in the police station.

Under the terms of the accord this case should have been in the process of withdrawal. Apparently, because of tension over a local political incident, the police are harassing PCP (Hill Students Union) and JSS workers and the case filed before the CHT accord has been dredged up. S. B. Khisa was picked up on February 29, 2000 and taken to Rangamati jail.

To assist the rehabilitation of the members of JSS, Taka 50,000 has been given to 1,947 returnees. 19 other JSS members who were in jail have been granted Taka 50,000 but 11 are yet to receive the money. Under the accord JSS members who had been in government service were to be reinstated and others were to be given employment according to their qualifications. In all 78 JSS returnee members submitted applications for reinstatement and 62 have been reinstated. But seniority and related allowances have yet to be granted. 677 JSS members have been appointed police constables and 10 traffic sergeants (Khan, S.R. 2003, 'Indigenous Peoples' In Bangladesh: Land Rights and Land Use In The Context of Chittagong Hill Tracts (CHT)', Lund University website (Faculty of Law), pp.64-5 [http://www.jur.lu.se/Internet/english/essay/Masterth.nsf/0/9E1E3437C900AFB0C1256D5D0040DDFF/\\$File/xsmall.pdf?OpenElement](http://www.jur.lu.se/Internet/english/essay/Masterth.nsf/0/9E1E3437C900AFB0C1256D5D0040DDFF/$File/xsmall.pdf?OpenElement) – Accessed 1 May 2005 – Attachment 16).

The aforementioned figure, of 999 cases of which on 461 have been withdrawn, is also cited by Bushra Hasina Chowdhury, of Dhaka University, in a 2002 report produced for the University of Illinois's institute for Arms Control, Disarmament and International Security (ACDIS). Chowdhury's 2002 report provides the following information:

16. A general amnesty shall be given to all the members of the Jana Samhiti Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhiti Samiti.

Implementation status: This provision has been implemented.

a) For the purpose of rehabilitating the returning members of the Jana Samhiti Samiti, Tk. 50,000 per family shall be given at a time.

Implementation status: The returning members received Tk. 50,000 Those members who were in jails were also granted Tk. 50,000 each.

b) After the deposit of arms and return to normal life of all members, including the armed ones, of the Jana Samhiti Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published, or sentence was given on trial in absentia, all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back, and sentences given in absentia shall be remitted as early as possible. If any member of the Jana Samhiti Samiti is in jail, he too shall be set free.

Implementation status: Of the 999 cases placed before the government for withdrawal or dismissal, 461 were withdrawn. But cases under the military court have not yet been taken up for withdrawal or dismissal by the government.

c) Similarly, after the deposit of arms and return to normal life, no case shall be filed against, or punishment be given to, or arrest be made of any person merely on account of his/her being a member of the Jana Samhiti Samiti.

Implementation status: Cases were filed, and warrants of arrest were lodged and issued against some JSS members.

d) The loans, which were taken out by members of the Jana Samhiti Samiti from government banks and establishments, but could not be utilized properly on account of the state of belligerency, shall be remitted with interest.

Implementation status: The stated position of the government is that the matter is under process, but so far no step has been taken to exempt the loans.

e) Those of the returned members of the Jana Samhiti Samiti who were previously in the service of the government or government organizations shall be reinstated to their respective posts, and the members of the Jana Samhiti Samiti and members of their families shall be given employment in accordance with their qualifications. In this respect, government policy regarding the relaxation of age limits for them shall be followed.

Implementation status: Seventy-eight JSS returning members submitted applications for reinstatement. Of these, sixty-two members were reinstated to their posts. But considerations of time scale, seniority, and related allowances are yet to be granted or regularized. Six hundred seventy-one JSS members have been appointed as police constables and ten JSS members as traffic sergeants.

f) Priority shall be given to the members of the Jana Samhiti Samiti in giving bank loans on simple terms with a view to helping their self-employment activities such as cottage industries, horticulture, etc.

Implementation status: A committee has been formed but the provision has not been implemented.

g) Education facilities shall be provided to the children of the members of the Jana Samhiti Samiti, and their certificates obtained from foreign academic institutions shall be treated as valid.

Implementation status: With one exception, certificates are being treated as valid (Chowdhury, B.H. 2002, 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts', University of Illinois website <http://www.acdis.uiuc.edu/Research/OPs/Chowdhury/ChowdhuryOP.pdf> – Accessed 1 May 2005 – Attachment 17).

A December 1999 report, published by the South Asia Human Rights Documentation Centre (SAHRDC), states that, in spite of the general amnesty accorded to all persons who had fought for the PCJSS insurgency, “a hundred arrests and over a dozen killings [had] taken place”; and that, “Prime Minister Sheikh Hasina’s repeated promises notwithstanding, 86 cases filed against 672 members of the JSS during the 25 years of insurgency are yet to be withdrawn”. The relevant extract follows in detail:

An uneasy peace hangs like an ephemeral cloud in the Chittagong Hill Tracts (CHTs) of Bangladesh. A little over two years ago, amidst much fanfare, on 2 December 1997, the insurgent Parbattaya Chattagram Jana Samhati Samiti (JSS) and the Government of Bangladesh signed the CHTs Peace Accord. Since the accord, a hundred arrests and over a dozen killings have taken place. The three extrajudicial executions of Jummas (hill peoples) on 16 October 1999 is one more reminder that the peace accord seems to have been written on sand. Prime Minister Sheikh Hasina’s repeated promises notwithstanding, 86 cases filed against 672 members of the JSS during the 25 years of insurgency are yet to be withdrawn. The cases should have been withdrawn in February 1998 after the surrender of arms as per the terms of the peace agreement ('Elusive Peace in the Chittagong Hill Tracts' 1999, South Asia Human Rights Documentation Centre, 10 December <http://www.hrdc.net/sahrdc/hrfeatures/HRF11.htm> – Accessed 31 May 2005 – Attachment 18).

4. Please provide references/updates on whether Bangladeshi Chakmas in Tripura can return and obtain Bangladeshi passports.

Information provided by the sources consulted indicates that, in the immediate aftermath of the 1997 Chittagong Hills Tracts Peace Accord, Bangladeshi Chakmas in Tripura were allowed to return to their home districts in Bangladesh. No definitive information, however, could be found as to whether, or not, Bangladeshi Chakmas in Tripura can, at the present moment, return and obtain Bangladeshi passports. On the 23 May 2005, an Enquiry was forwarded to the Dhaka Post of the Department of Foreign Affairs & Trade (DFAT) requesting advice on this matter; the request is supplied as Attachment 19 (RRT Country Research 2005, Email to DFAT: 'Country Information Request – BGD17347 – Chakma refugees in Tripura, India – Passport Access', 23 May – Attachment 19; for information on the return of Chakmas from Tripura to Bangladesh in the aftermath of the 1997 Peace Accord, see Norwegian Refugee Council 2005, 'Bangladesh: tens of thousands remain internally displaced and unassisted', Global IDP Project website, 21 January [http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/\\$file/Bangladesh_summary.pdf](http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/$file/Bangladesh_summary.pdf) – Accessed 31 May 2005 – Attachment 8; see also: pp.21-2 of Chowdhury, B.H. 2002, 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts', University of Illinois website <http://www.acdis.uiuc.edu/Research/OPs/Chowdhury/ChowdhuryOP.pdf> – Accessed 1 May 2005 – Attachment 17).

On 16 June 2005, RRT Country Research received the following advice from DFAT's Dhaka Post:

Our understanding is that there is no impediment for a Chakma residing in Tripura to obtain a Bangladeshi passport (this was also the understanding of the local representatives from the International Organization for Migration). The only requirement in obtaining a Bangladeshi passport would be for the applicant to prove citizenship. Bangladeshi applicants for passports are not required to present a birth certificate as proof of citizenship - the issue of a passport can be made on the basis of a statement/declaration of Bangladesh citizenship before a Notary. It should be noted that thousands of indigenous people returned to Bangladesh from India following the signing of the Chittagong Hill Tracts (CHT) Peace Accord in 1997.

Within the CHT the Chakmas are the dominant indigenous group, both numerically and politically. The Chakma leadership of the CHT autonomy movement has given the group a high profile amongst the wider population. Despite being a minority group in Bangladesh, Chakmas have been able to obtain significant posts in Government service through an indigenous quota system (Department of Foreign Affairs & Trade 2005, *DFAT No 382: RRT Information Request: BGD17347*, 16 June – Attachment 22).

5. Please provide any information on Shanti Bahini membership.

The Bangladesh Human Rights Network (BHRN) 2001 report on the use of child soldiers in Bangladesh comments, in its consideration of the operations of the *Shanti Bahini* group, that "[c]hild soldiers have clearly participated in this conflict but few details are available" ('Child soldiers in Bangladesh: global report 2001' 2001, Bangladesh Human Rights Network website <http://www.banglarights.net/HTML/Childsoldiers.htm> – Accessed 1 May 2005 – Attachment 20).

Commenting on the formative history of *Shanti Bahini*, Eva Gerharz, a German sociologist of the University of Bielefeld, has stated that “[t]raining camps were established in India, fighters were recruited from the refugee camps and only a few years later the *Shanti Bahini* constituted a military and political threat for Bangladesh. The GOB reacted by militarising the area” (Gerharz, E. (undated), ‘The Construction of Identities: The Case of the Chittagong Hill Tracts in Bangladesh’, University of Bielefeld website <http://www.uni-bielefeld.de/sdrc/teaching/lehrforschungen/gerharz.pdf> – Accessed 1 June 2005 – Attachment 21).

Dhaka University’s Banglapedia website’s background page on ‘*Shanti Bahini*’ states that “[b]esides the regular [*Shanti Bahini*] force, a militia was formed with short training”; and that, “[i]n addition to the village panchayets a number of youth organisations and women associations were formed to help the *Shanti Bahini* and the militia” (‘*Shanti Bahini*’ (undated), Banglapedia website, http://banglapedia.search.com.bd/HT/S_0296.HTM – Accessed 1 June 2005 – Attachment 12).

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State website <http://www.state.gov>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) website <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

UN Office of the High Commissioner for Human Rights (UNHCHR) website <http://www.unhchr.ch>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Asian Legal Resource Centre (ALRC) website <http://www.alrc.net/>

Human Rights Watch (HRW) website <http://www.hrw.org/>

National Human Rights Commission of India (NHRC) website <http://nhrc.nic.in/>

Norwegian Refugee Council’s Global IDP Project website <http://www.idpproject.org/>

International News & Politics

BBC News (World Edition) website <http://news.bbc.co.uk/>

The Daily Star website <http://www.thedailystar.net>

The Telegraph (India) website <http://www.telegraphindia.com>

Region Specific Links

Asian Centre for Human Rights (ACHR) website <http://www.achrweb.org>

Bangladesh Human Rights Network (BHRN) website <http://www.banglarights.net>

Bangladesh Centre for Human Rights (BBCHR) website <http://www.bbchr.org/>

Association for Asian Studies (AAS) website <http://www.aasianst.org>

Human Rights Congress for Bangladesh Minorities (HRCBM) website <http://www.hrcbm.org/>

South Asia Human Rights Documentation Centre (SAHRDC) website <http://www.hrdc.net/sahrdc/>

South Asia Terrorism Portal website <http://www.satp.org/>

Search Engines

Google search engine <http://www.google.com.au/>

StaggerNation website's Google API Proximity search engine

<http://www.staggernation.com/cgi-bin/gaps.cgi>

Internet Archive WayBackMachine search engine <http://www.archive.org/>

Online Subscription Services

Janes Intelligence Review

University Sites

Banglapedia website (principally edited by Dhaka University) <http://banglapedia.org>

Lund University website <http://www.jur.lu.se>

University of Bielefeld website <http://www.uni-bielefeld.de>

University of Illinois, Arms Control, Disarmament and International Security (ACDIS) website <http://www.acdis.uiuc.edu>

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. 'Infighting kills 100 "Chakmas" in 5 years' 2005, *Bangladesh Observer*, 24 October. (<http://www.bangladeshobserveronline.com/new/2003/10/24/city.htm> – Accessed 31 May 2005)
2. 'Discontent still brews on slack implementation' 2004, *The Daily Star* (Bangladesh) website, 1 December. (<http://www.thedailystar.net/2004/12/01/d4120101022.htm> – Accessed 31 May 2005)
3. 'Bangladesh criticized for rights violation in hill area' 2005, BBC Monitoring South Asia, source: *Prothom Alo* [Bangladesh], 26 May. (FACTIVA)
4. 'Destruction of a people: Jummas of the CHTs' 2005, Asian Centre for Human Rights (ACHR), 25 May. (<http://www.achrweb.org/Review/2005/74-05PF.htm> – Accessed 31 May 2005)
5. '7 indigenous people abducted' 2005, *The Daily Star* (Bangladesh) website, 28 March. (<http://www.thedailystar.net/2005/03/28/d50328011312.htm> – Accessed 31 May 2005)
6. 'Chittagong Hill Tracts: A Public Meeting Foiled by Army Personnel in Baghaichari' (undated), Bangladesh Center for Human Rights (BBCHR) website. (<http://www.bbchr.org/LatestNews/MeetingFoildByArmy.html> – Accessed 31 May 2005)

7. 'UPDR blocks road protesting killing of party leader' 2005, *Daily Star* (Bangladesh), 25 January. (<http://www.thedailystar.net/2005/01/25/d50125011211.htm> – Accessed 31 May 2005)
8. Norwegian Refugee Council 2005, 'Bangladesh: tens of thousands remain internally displaced and unassisted', Global IDP Project website, 21 January. ([http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/\\$file/Bangladesh_summary.pdf](http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wSummaryPDFs/47936F7979FDA0DAC1256E6A004BB767/$file/Bangladesh_summary.pdf) – Accessed 31 May 2005)
9. Hill Watch Human Rights Forum 2005, 'Chittagong Hill Tracts: Cruel Games with Peoples' Human Rights', Unrepresented Nations and Peoples Organization website, 14 October. (http://www.unpo.org/news_detail.php?arg=16&par=1397 – Accessed 31 May 2005)
10. Van Schendel, W. 1992, 'The Invention of the Jummas: State Formation and Ethnicity in Southeastern Bangladesh', *Modern Asian Studies*, vol.26: no.1: February. (RRT Library)
11. 'Chakmas, The' (undated), Banglapedia website. (http://banglapedia.org/HT/C_0090.htm – Accessed 17 May 2005)
12. 'Shanti Bahini' (undated), Banglapedia website. (http://banglapedia.search.com.bd/HT/S_0296.HTM – Accessed 1 June 2005)
13. 'B'desh hill blockade shuts transport for 2nd day' 2004, *Reuters*, 20 January. (FACTIVA)
14. 'BDR Director General arrives Monday for talks with Indian counterpart New Delhi' 2004, Organisation of Asia-Pacific News Agencies, 26 September. (FACTIVA).
15. 'BDR-BSF meeting ends without consensus on certain contentious issues' 2005, *United News of Bangladesh*, 16 April. (FACTIVA)
16. Khan, S.R. 2003, 'Indigenous Peoples' In Bangladesh: Land Rights and Land Use In The Context of Chittagong Hill Tracts (CHT)', Lund University website (Faculty of Law), pp.64-5. ([http://www.jur.lu.se/Internet/english/essay/Masterth.nsf/0/9E1E3437C900AFB0C1256D5D0040DDFF/\\$File/xsmall.pdf?OpenElement](http://www.jur.lu.se/Internet/english/essay/Masterth.nsf/0/9E1E3437C900AFB0C1256D5D0040DDFF/$File/xsmall.pdf?OpenElement) – Accessed 1 May 2005)
17. Chowdhury, B.H. 2002, 'Building Lasting Peace: Issues of the Implementation of the Chittagong Hill Tracts', University of Illinois website. (<http://www.acdis.uiuc.edu/Research/OPs/Chowdhury/ChowdhuryOP.pdf> – Accessed 1 May 2005)
18. 'Elusive Peace in the Chittagong Hill Tracts' 1999, South Asia Human Rights Documentation Centre, 10 December. (<http://www.hrdc.net/sahrdc/hrfeatures/HRF11.htm> – Accessed 31 May 2005)
19. RRT Country Research 2005, Email to DFAT: 'Country Information Request – BGD17347 – Chakma refugees in Tripura, India – Passport Access', 23 May.

20. 'Child solders in Bangladesh: global report 2001' 2001, Bangladesh Human Rights Network website. (<http://www.banglarights.net/HTML/Childsolders.htm> – Accessed 1 May 2005)
21. Gerharz , E. (undated), 'The Construction of Identities: The Case of the Chittagong Hill Tracts in Bangladesh', University of Bielefeld website <http://www.uni-bielefeld.de/sdrc/teaching/lehrfoschungen/gerharz.pdf> – Accessed 1 June 2005)
22. Department of Foreign Affairs & Trade 2005, *DFAT No 382: RRT Information Request: BGD17347*, 16 June.
23. 'PCJSS shootouts leave one dead, 5 injured' 2005, *United News of Bangladesh*, 5 April. (FACTIVA)