

Minorities in Bangladesh



Quarterly human rights reports, 2011

GHRD



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Introduction

Global Human Rights Defence (GHRD) has been active in Bangladesh since 2003, conducting fact-finding missions and media monitoring on human rights abuses against minorities, women and children, and lobbying for change. Through its local observers, GHRD investigates incidences of violence against certain (members of) ethnic and religious minorities or those who are socially marginalised (Dalits). The GHRD team also follows up on information when required, conduct court and media monitoring, and obtain official documents such as police reports, medical reports, photos and witness statements. This material is shared with the GHRD head office and distributed to the relevant authorities.



GHRD's key focus in 2011 has been on human rights abuses committed against the indigenous Jumma in the Chittagong Hill Tracts (CHT) region of Bangladesh, an area home to at least 11 different indigenous ethnic groups (Jumma) and with a long history of conflict and civil unrest. Fact finding investigations conducted by GHRD's local partners in 2011 have established that state actors have been directly involved in, or implicated in human rights abuses going on in the region during the year, particularly in the February and April arson attacks on Jumma villages in Rangamati and Khagrachari districts. Government commitment to impartial investigation into these abuses remains lacking.

The following report brings together GHRD's quarterly reports for 2011 on human rights for minorities in Bangladesh, highlighting the key fact finding investigations conducted by local observers during the year. The report provides some brief background on the history and situation for minority groups in Bangladesh before providing the quarterly reports from 2011 in order of most recent report first (July – September). Finally, the report brings together recommendations from the entire year to the government of Bangladesh.

Country Profile Bangladesh

Capital Dhaka

Political System Parliamentary Democracy

Population 156,118,464 (July 2010)

Religion Islam (89.7%), Hindu (9.2%), Buddhist (0.7%), Christian (0.3%), Animist and believers in tribal faiths (0.1%)

Press index 126 out of 178 countries

Corruption Index 134 out of 178 countries

Death penalty Retentionist



¹ US Central Intelligence Agency, *The World Factbook, Bangladesh*, <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>, accessed February 09, 2011.

² Bangladesh Bureau of Educational Information and Statistics (BANBEIS), *Bangladesh: Country Profile*, http://www.banbeis.gov.bd/bd_pro.htm, accessed February 09, 2011

³ Reporters Without Borders for Press Freedom, *Press Freedom Index 2010*, <http://en.rsff.org/press-freedom-index-2010,1034.html>, accessed February 09, 2011.

⁴ Transparency International, *Corruption Perceptions Index 2010 results*, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results, accessed 09 February, 2011.

International Obligations

Bangladesh has acceded to numerous international treaties relating to human rights but maintains significant reservations on the key provisions of two core human rights treaties: the Convention Against Torture (CAT) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). International human rights treaties that the Government of Bangladesh has acceded to are:

- International Covenant on the Elimination of All Forms of Racial Discrimination (CERD) - date of accession: 11 June 1979
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) - date of accession: 6 November 1984
- Convention on the Rights of the Child (CRC) – date of ratification: 2 September, 1990
- International Covenant on Economic, Social and Cultural Rights (ICESCR) – date of accession: 5 October 1998
- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - date of accession: 5 October 1998
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) –Signatory only 7 October 1998
- International Covenant on Civil and Political Rights (ICCPR) –date of accession: 6 September 2000
- Rome Statute of the International Criminal Court – date of ratification: 23 March 2010, entered into force June 1 2010 (First State party in South Asia)

Minority groups

Religious minorities

Religious minorities account for approximately 10% of the Bangladeshi population, with Sunni Muslims constituting around 90%. The predominant minority in Bangladesh is Hindu (9%) and the remainder is mainly Christian (mostly Roman Catholic), Theravada-Hinayana Buddhist and Ahmadiyya Muslims.

Dalits

Dalits, also known as ‘untouchables’, are some of the most marginalised and politically, economically and socially excluded groups in Bangladesh. It is unknown how many Dalits live in Bangladesh as they often go undocumented in governmental assessments. Statistics therefore range from 1.5 million of the Bangladeshi population up to as much as 5.5 million.

Dalits are exploited and forced to work as manual labourers in roles that command little or no respect in Bangladeshi society such as cleaning streets, latrines, and sewers. They are commonly ostracised and banned from full participation in social life, denied entry to temples and social centres and are often forced to live in their own neighbourhoods apart from higher caste groups. As a result, Dalits have no voice in socio-political gatherings. They suffer injustices in village arbitrations and crimes against them often go un-prosecuted, particularly those concerning sexual violence against Dalit women and girls.

⁵ The GoB has made significant reservations to the CEDAW treaty where it conflicts with Sharia law. In particular, article 2, which upholds the equality of men and women and is considered a core provision of the treaty, and article 16(1)(c) which upholds that women and men should have the same rights and responsibilities during marriage and at its dissolution. The GoB has made a significant reservation on Article 14(1) of CAT that requires State Parties to ensure in their legal systems that victims of torture obtain redress and have an ‘enforceable right to fair and adequate compensation’. The reservation states that the government “ will apply article 14 (1) in consonance with the existing laws and legislation in the country”

Ethnic minorities

Ethnic minorities and indigenous (adivasi) communities reside mostly in the Chittagong Hill Tracts (CHT) in South Eastern Bangladesh and in the North of Bangladesh. Indigenous communities are often also religious minorities, being of Buddhist, Christian or Animist religion.

The Chittagong Hill Tracts (CHT) consist of three districts located in the South-East of Bangladesh: Rangamati, Khagrachari and Bandarban. Of the estimated population of 1.3 million, there exist at least 11 different indigenous ethnic groups (Jumma) living in the CHT, of which over 90 percent live in rural areas and traditionally practice shifting agriculture.

For over 30 years the CHT have been isolated due to civil unrest. Traditionally, successive governments have carried out re-settlement programmes, encouraging the migration of majority Bengali settlers into the region and encroaching on Jumma land. Since the 1970s, the political party Parbatya Chattagram Jana Sanghati Samiti (PCJSS - the United People's Party of the Chittagong Hill Tracts), has represented and fought for recognition of the rights of indigenous people living in the CHT area. Its military arm, the Shanto Bahini, fought government forces and Bengali settlers over land issues. Both the Shanto Bahini and government soldiers have committed human rights abuses, including killings of civilians, extrajudicial killings and torture.

1997 Chittagong Hill Tracts Peace Accord

In 1997 the Chittagong Hill Tracts Peace Accord was signed, initiating a general amnesty between the government of Bangladesh and the PCJSS. The stated aim of the Accord is "to uphold the political, social, cultural, educational and economic rights of all the people of CHT region and to expedite socio-economic development process".

Challenges in the CHT today

Despite the high aims of the Peace Accord and the Prime Minister of Bangladesh's assured personal commitment to its full implementation, integral clauses have not yet been implemented. Some steps have been taken towards implementation such as the reactivation of the Land Commission and the appointment of a retired judge as its chairman. However, the government has not yet taken the necessary steps to amend the various flaws of the Act that govern its activities.

Land disputes and the protection of indigenous rights to land remain the main cause of conflict in the CHT.

Bangladesh Quarterly report July – September, 2011

In August, over 60 police officials beat, assaulted and intimidated Jumma students in Khagrachari, Chittagong Hill Tracts for their involvement in a peaceful procession of over 900 students from Khagrachari College, arguing for constitutional recognition on indigenous people in Bangladesh. 22 students were beaten indiscriminately by law enforcement agencies and all students were intimidated and threatened not to repeat such a demonstration – a clear violation of the right to peaceful assembly and personal integrity.

In August 2011, GHRD's local partner Advocate Shahanur Islam and a team of four went to Khagrachari, CHT to conduct a fact finding investigation into the physical assault and beatings of 22 Jumma students by law enforcement agencies during a peaceful demonstration of around 900 students of Khagrachari College for constitutional recognition of indigenous people in Bangladesh, held on the 7th of August 2011. GHRD and our partner Justicemakers Bangladesh are to date the only human rights organization to investigate these beatings.

While investigating this incident, GHRD's local observer and the investigation team were questioned about their activities in the region, their organization and their investigation. GHRD's local observer, Advocate Shahanur Islam continues to work in fear of his safety and has received several death threats arising from his human rights activities. Despite international calls for increased security, police authorities failed to investigate a physical attack against him in Dhaka in August, despite being called three times.

Complainants in human rights cases investigated by GHRD's partners also continue to be threatened with their lives and intimidated to withdraw their cases, and the police continue to fail to act – the most recent example being the intimidation of Milon Chakma to withdraw his case relating to the arson attacks in February and April 2011, which left hundreds of indigenous Jumma homeless.

GHRD's partners also investigated incidents of sexual violations committed against minority women, including the case of rape of an 11 year old minority girl. GHRD's local partner Parritran reported a recent success in a case of gang rape of a Dalit girl that was investigated and reported by GHRD in 2009. The special tribunal for women and children in Khulna has, in June 2011, sentenced the four perpetrators to imprisonment.



Fact finding projects

Police torture and beating of Jumma students during peaceful protest for constitutional recognition

Khagrachari, Chittagong Hill Tracts (CHT), August 2011

Government security forces have denied any fault after physically attacking and indiscriminately beating 22 Jumma students during a peaceful demonstration of around 900 students on the 7th of August 2011.

On the 7th of August, 2011 over 900 students from Khagrachari College demonstrated for constitutional recognition of indigenous people in Bangladesh. During the demonstration, law enforcement agencies indiscriminately beat and assaulted 22 Jumma students for protesting.

GHRD's local partner Advocate Shahanur Islam and a team of four went to Khagrachari, CHT to conduct a fact finding investigation into the assaults and intimidation of students following the demonstration. During the investigation, the fact finding team was continuously followed and were questioned about their purpose for visiting the region, their organization and what they were investigating. GHRD in partnership with Justicemakers Bangladesh are to date the only human rights organization to conduct a first hand investigation into the incident.

As the peaceful procession left from the college compound gate on 7th August, upwards of 60 policemen, including the Assistant Superintendent of the Khagrachari Police and the Officer in Charge of the Kotowali Police Station, created a barrier to direct the flow towards Chengis Square. There, they suddenly attacked the students with batons, kicking and slapping them. 22 students were injured, among which four were severely injured. As the procession was heading back, officers and army men surrounded the college gate and the hospital; they picked out one student, and indiscriminately beat him, resulting in severe injuries.

The police have denied all wrongdoing and have threatened that if such a peaceful demonstration were to occur again; protestors can expect even worse retaliation by the police and could lose their careers. Given the denial of fault by the police authorities, it is no surprise that no case has been filed or registered with the authorities.



Legal Framework:

Free and peaceful assembly

The right to peaceful assembly is a fundamental right that is preserved by law in Bangladesh. Article 36 of the Constitution of Bangladesh states: “every citizen shall have the right to assemble and to participate in public meetings and processions peacefully”. This reflects human rights precepts set out in fundamental international human rights agreements which Bangladesh is a state party to: Article 20 of the Universal Declaration of Human Rights (UDHR) and article 21 of the International Covenant on Civil and Political Rights (ICCPR) both preserve the right to hold a peaceful assembly, gathering, procession or demonstration.

Despite these legal precepts, free assembly is severely restricted in practice and the right is violated regularly by police authorities who stop gatherings through the use of violence and intimidation.

Torture

By definition, torture is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity (art 1 Convention Against Torture – CAT). During the Khagrachari demonstration, police authorities beat, slapped and kicked the students in order to stop their protest and in punishment for speaking out.

Torture is prohibited in the Constitution of Bangladesh, Article 35 (5) and Bangladesh is also a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The actions of the police authorities on this occasion clearly come within definitions of torture, however, no action to investigate, punish or restrain them has been made – the government of Bangladesh is in clear violation of its international commitment. The government of Bangladesh has also refused to implement Article 14 of CAT, an integral part of the convention which guarantees victims the legally-enforceable right of redress, rehabilitation and compensation, effectively negating its commitment to the entire treaty.

A full and impartial investigation into police misconduct is required in order to (a) hold those accountable for these violations responsible, and (b) demonstrate that the right to peaceful assembly and the right not to be tortured are respected and upheld in Bangladesh. Without government intervention in this matter, police impunity and disregard for human rights will continue and those violated will not have their rights preserved.



Human Rights Defender, Advocate Shahanur Islam subject to multiple threats

GHRD's local observer, Advocate Shahanur Islam has received repeated threats in recent months and GHRD has repeatedly called for increased police attention to his safety. Despite these calls for increased security for Advocate Islam, police authorities recently failed to respond when Advocate Islam was physically attacked, despite him calling three different police officers for assistance.



The National Human Rights Commission remains passive in the face of these threats to Mr Islam's personal safety and have failed to investigate, despite meetings with Mr Islam himself requesting an investigation and calls from the European delegation in Dhaka.

The most recent threats have involved online slurs on one online blog where a blogger stated that Mr Islam "should be hanged" for his investigation and publishing of the police brutality against students in Khagrachari who were demonstrating for recognition of their indigenous status.

Earlier in the year, on July 24, 2011, Adv. Islam received a threatening phone call from one of the co-accused in a criminal case, threatening Adv. Islam with death if he did not withdraw his police complaint. The caller was referring to an incident in January 2011 when Adv. Islam and his team were physically attacked, threatened and had their belongings looted during a fact finding mission in Thakurgaon district.

He stated, "You have no idea about our power. So, you had showed your braveness to file case against us after being tortured and losing everything". He again said, "if you want to be alive, you will withdraw the case by one week, otherwise we know how to compel you to withdraw the case."

He further stated: "One time we left you after a little bit of torture and snatched everything, but if we reach you again, no body will find your dead body".

Adv. Islam lodged a general diary (GD), notifying the police of these threats, however, little action have been taken by police authorities to protect Adv. Islam. At the time of the threats, GHRD repeatedly call for increased attention to Adv. Islam's safety, however; more recently, police have ignored his requests for help after he was physically assaulted on August 24.

For further information of Adv. Islam's case see ghrd's website.

Repeated threats made to complainant in case of arson attack in the Chittagong Hill Tracts, Bangladesh

Updates on CHT attacks of February and April 2011

Police authorities in the Chittagong Hill Tracts (CHT) have denied to register a General Diary submitted regarding continuous threats made against Mr Milon Chakma – the complainant in a case reported by GHRD earlier this year regarding an arson attack against the indigenous Jumma community living in Rangipara, Rangamati District, CHT.

On the 31 August, 2011 around at 5.00 PM, Mr. Milon Chakma, received threats to withdraw his case relating to the February arson attacks against the Jumma communities in Rangamati district in the CHT. Mr Chakma was in a tea shop with an associate and was told by one of the co-accused in the case, Md. Jasim Uddin, Son of Abdul Malek of Rangipara village under Longdu police station in Rangamati district that if he failed to withdraw his case, he will be implicated in false criminal cases and put to the jail forever.

After receiving the threats, Mr Chakma immediately informed the Longdu police station verbally and requested protection. Less than two weeks later, on September 11, 2011 Mr. Chakma submitted a written complaint to the officer in Charge of Longdu police station, requesting to register a General Diary concerning his security. The concerned police officer denied to register it.

Mr. Chakma is now anxious about his physical security and the possibility of being physically assaulted or implicated in false cases. Mr. Chakma has also received threats previously relating to his registered case regarding the February and April arson attacks.

GHRD demand the authorities to register the General Diary and to ensure the safety of Mr Milon Chakma who is a victim of human rights abuse and is the only person in his community to speak out against the arson attacks that left hundreds of indigenous men, women and children injured and homeless.



Photos 1&2: Images of the arson attack, source PCJSS
Photo 3: interviews during investigation, source GHRD

Justice for family of raped Dalit girl

Jessore district - Parritran

In 2009, GHRD Dhaka and our local partner Parritran investigated and reported on the gang rape of a 16 year old Dalit girl in Jessore district of Bangladesh. After two years of fighting for justice, the special tribunal for women and children has finally made a judgment, incarcerating the four rapists.



The gang rape occurred when the Dalit girl was on her way to a well to collect water, when four men attacked her from behind and raped her. The girl fell unconscious as a result of the rape and the local police filed the case. GHRD together with our partner Bangladesh Dalit Parishad, Paritran conducted regular follow ups on the case and demanded punishment in accordance with the Law of Bangladesh. The girl and her family received repeated threats to withdraw the lawsuit.

As a positive result of the demands from GHRD and Paritran, the victim received proper medical treatment following the rape and finally her case has been brought to justice. The special tribunal for women and children in Khulna has, in June 2011, sentenced the four perpetrators to imprisonment, with a maximum 46 years for the first two perpetrators and lower sentences for the other two according to their level of participation.

Legal developments

Indigenous recognition in Bangladesh: withdrawal of 'adivasi' from Bangladeshi constitution

In Bangladesh, indigenous Jumma communities continue to fight for recognition of their indigenous status in the national constitution. Recently, government representatives have proclaimed that ethnic minorities in Bangladesh, particularly the Jumma living in the Chittagong Hill Tracts are "not indigenous" but are rather to be considered as "tribal groups". The Government went even further and stated that Bangladesh does not have an indigenous population within its borders. This argument is used to avoid responsibility and defer the focus from their suffering. The unwillingness to recognise indigenous peoples is a commonly used mechanism of Governments to deny their rights and dismiss international scrutiny. In reaction to this, indigenous peoples, academics and rights groups have protested in Dhaka and throughout the country, denouncing these statements and demanding their recognition in the constitution of Bangladesh. To date, this recognition has not been afforded.

GHRD, along with many international human rights organizations, rejects the statements of government representatives and maintain that the Jumma clearly meet the available criteria to identify indigenous peoples, they have close link to natural resources, a distinct social, economic and political system, a distinct language and culture, and particularly the most crucial element: self-identification (UN Permanent Forum for Indigenous Issues Fact Sheet).

Bangladesh Quarterly report

April – June, 2011

In February and April of this year, over one hundred houses, one school and two Buddhist temples were burnt to ashes in two different attacks against indigenous Jumma communities in the Chittagong Hill Tracts (CHT) of Bangladesh, leaving hundreds of Jumma men women and children homeless and many injured. GHRD's local observers, lead by Adv. Shahanur Islam, recently went to the region to investigate the attacks and talk to those affected. Our investigations found that some 638 Jumma were affected in the attacks. Many of those who lost their homes continue to live in tents or temporary shelter.

All interviewees confirmed that on both occasions, security forces were present but failed to act to stop the violence, looking on as the destruction occurred. The government of Bangladesh has thus far failed to prevent and stop the attacks - reflecting its lack of real commitment to bringing peace in the region and bringing into question its real intention to implement the 1997 CHT Peace Accord. The local authorities have also failed to investigate the attacks, despite identification of the main perpetrators of the violence. At the time of writing of this report no-one had yet been arrested in relation to these attacks.

Instead of promoting transparent investigations and reporting, the government proclaimed an 'emergency' and prohibited any access to the area following the attacks. The government has also failed to promote transparency in the region following the attacks. During our team's investigations, the local authorities expressed strong suspicion towards any international involvement in the region. Our observer was approached and questioned on multiple occasions by members of the Border Guards of Bangladesh and by the district special branch of police who requested information on the identity of the team, the organisation they worked for and purpose for their visit.

These attacks are clear examples of a government failure to uphold basic human rights and protect the Jumma. In addition, the implication of military forces in the attacks and the lack of impartial investigation prove that the government of Bangladesh is either unwilling or unable to protect its Jumma population and must be held accountable within the international forum.



In May 2011, GHRD's local partner in Bangladesh Adv. Shahanur Islam led an eight day mission to the CHT region, speaking with members from over 100 Jumma families who were victims of arson attacks in the Chittagong Hill Tracts (CHT) region of Bangladesh which occurred in Rangamati and Khagrachari districts in February and April of 2011. According to our partner, we are to date the only international human rights organization to conduct a first hand investigation into the attacks.

This special issue is devoted to the current human rights issues in the CHT region and documents our key findings from the May investigations.

Fact finding

Massive communal attack on Jumma villages by Bengali settlers in presence of security forces at Longadu in Rangamati

17 February 2011, Longadu Upazila

On the morning of 17 February 2011 around 200-300 Bengali settlers from the Gulshakhali settler area under Longadu Upazila in Rangamati district began staged demonstrations, attacking and setting fire to the Jumma villages of Gulshakhali and Rangipara. The following information is based on GHRD's case file (Case no. 03-HRCF-CHT-Longadu), prepared by our local observer.



Bengali settlers accused Jumma of being responsible for the death of Mr Saber Ali, a Bengali settler who went missing on February 15 and was discovered dead the following day. The settlers carried his dead body during the demonstrations, creating tension. During this procession, most of the Jumma fled in fear.



Following the procession, two Jumma students coming from Rangamati by boat were attacked and severely beaten by settlers when they attempted to disembark from the boat. They were later admitted to Rangamati general hospital.

“ Bengali settlers first set fire to the houses of Rangipara under Gulshakhali union.

Then, 20 – 25 Jumma villagers gathered themselves and tried to defend the remaining houses and face off the settlers ”

*GHRD case file
Case no. 03-HRCF-CHT-
Longadu*

Later in the day, Bengali settlers made an attack of the Jumma villages of Gulshakhali and Bagachatar, setting fire to Jumma houses one after the other. In the attack, at least 21 Jumma houses including one BRAC school were burnt to ashes and 6 houses were looted.

According to all 40 Jumma victims interviewed, the Border Guards of Bangladesh (BGB) did nothing to stop the Bengali settlers from setting fire on Jumma houses, despite being present at the time. Early in the day, Jumma leaders informed members of the BGB and the administration, asking for protection, but at this stage they did not come. Later in the evening around 5pm there were 12 members of the BGB from Rangipara Tematha camp present during the arson attacks, but stayed silent. During the later arson attacks in Stantinagaor village, 20-25 BGB members staying in a nearby temporary BGB camp at Shanti Nagar watched the attacks from inside the camp.

A First Information Report has been lodged with the Longadu police station by one of the Jumma victims, however, he has been receiving constant threats and intimidation to withdraw the complaint, including statements that “If you do not withdraw the case, we will take that step which we need to withdraw” and “If you do not withdraw the case you will be in danger”.

Massive Communal Arson Attack upon Indigenous Jumma Peoples by Bengali Settlers in Ramgarh & Manikchari, Khagrachhari district

17 April 2011, Khagrachhari district

On Sunday 17 April 2011, exactly two months after Bengali settlers attacked the Jumma villages in the Rangamati district of the CHT; Bengali settlers in the presence of government security forces again attacked five indigenous Jumma villages in Khagrachhari district of the CHT, but this time on a larger scale. The following information is based on GHRD's case file (Case no. 04-HRCF-CHT-Khagrachhari), prepared by our local observer.

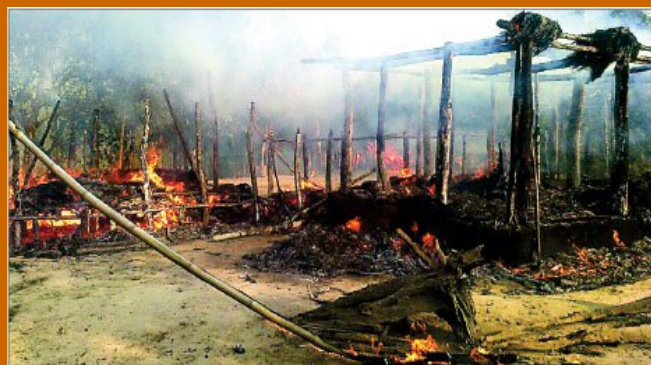
According to our local observer, a total of 521 Jumma were affected by the attacks and 87 houses including two Buddhist temples were completely burnt to ashes. At least 16 Jumma including four women were injured and one is still missing. At the date of this report, a small amount of relief had been provided to the victims but it is inadequate, all the victims continue to live under the open sky in the jungle or in traditional tents.

The attacks followed the death of three Bengali settlers that occurred during a land dispute when Bengali settlers tried to take adverse possession of some disputed Jumma land. Bengali settlers brought out a procession at Manikchari bazaar shouting slogans against the Jumma people along with the dead body of a Bengali settler. Interviewed victims stated that the local administration did not oppose the Bengali settlers while they were bringing out the procession with the dead body.

Immediately after the procession, Bengali settlers set fire to Jumma houses in the Mahamani areas of Manikchari upazila headquarters.

During the attacks around 20-25 army men were standing in the vicinity while the houses and shops of the Jumma people were looted, vandalised and set ablaze. Though military forces were patrolling throughout the areas, they did not oppose the Bengali settlers from setting fire to Jumma houses. The army kept patrolling along the road side while on the other, settlers started entering Jumma villages and setting fire to Jumma houses.

In Jalia para area, Bengali settlers attacked Jumma passengers getting them down from public buses including Shanti Paribahan who were coming from Chittagong and Feni to Khagrachari. At least 16 Jumma were wounded in this attack. Two of them were admitted in serious condition to the local hospital. According to eye witnesses Bengali settlers were stopping every vehicle and looking for ethnic minority people in Jalia para area, getting the ethnic minority people out of the vehicle and then beating them with batons, kicking and slapping them - most of the victims injured their legs, hands, and head and had bruises all over their bodies.



Above: Images of the arson attack.
Source: PCISS

Transparency and accountability:

Instead of promoting transparent investigations and reporting, the government proclaimed an 'emergency' prohibiting any access to the area following the attacks.

During our team's investigations, the local authorities expressed strong suspicion towards any international involvement in the region. Our observer Adv. Shahanur Islam was approached and questioned on multiple occasions by members of the Border Guards of Bangladesh and by the district special branch of police who requested information on the identity of the team, the organization they worked for and purpose for their visit.

“ He took us to one corner of the field in front of the police station. Sitting on the ground, he asked similar questions repeatedly for 3 hours...asking about my organization, our purpose for coming to the region and whether we had any links to any foreign organization ”

*Adv. Shahanur Islam
GHRD local observer
GHRD Case file
Case no. 04-HRCF-CHT-Khagrachari*



House of Lords conference on the implementation of the 1997 CHT Peace Accord in London, July 4

In July, GHRD representatives attended and spoke at a conference on human rights violations in the CHT at the House of Lords in London. The conference focused on the implementation of the 1997 Chittagong Hill Tracts Peace Accord and the issue of recognition of the Jumma as indigenous.

GHRD Human Rights Officer Julia de Blaauw spoke of GHRD's recent fact finding in the CHT region and about the recent arson attacks that took place in February and April of 2011 in Rangamati and Khagrachari districts. Lord Eric Avebury, Co-Chair of the CHT Commission, chaired the conference which was jointly hosted with the Jumma Peoples Network of the UK (JPNUK). The High Commissioner for Bangladesh was present, along with academics, members of the Jumma Peoples network and representatives from Survival International and Amnesty International.



The High Commissioner for Bangladesh maintained that a military presence is required in the CHT region and that there 'are no indigenous' people in Bangladesh, a position which is highly contested by academics, human rights NGOs and by the CHT Commission. In conversation following the conference, GHRD representatives requested information on the government's activities and investigations into the arson attacks of February and April but received no information on this. The representative maintains that the government is 'investigating', however, no information has been forthcoming.

The UN Tenth Session of the United Nations Permanent Forum on Indigenous Issues 16-27 May

The implementation of the 1997 CHT Peace Accord and current issues in the CHT region were discussed during the recent UN session on Indigenous Issues in May. During the forum, Lars-Anders Baer, Co-chair of the Chittagong Hill Tracts Commission and member of the UN permanent forum on indigenous issues, presented his report on the implementation of the 1997 Peace Accord. The main finding of the report was that the Peace Accord remains largely unimplemented, in large part due to inaction on the part of the government of Bangladesh. Mr Baer called for the government of Bangladesh to:

- draw up a timeline for implementation of the accord;
- demilitarize the region;
- return all daily operations to a civilian administration rather than military;
- settle land disputes in the region; and,
- request assistance from international organizations to help implement the Accord.

'No indigenous peoples in Bangladesh'

The government of Bangladesh rejected the authority of the UN forum, re-stating its position that the Jumma are tribal groups, not indigenous. Government representatives further stated that Bangladesh does not have an indigenous population within its borders. This failure to recognise the Jumma as indigenous is yet another mechanism of the Bangladeshi government's to deny basic rights to the Jumma minority.

GHRD, along with many international human rights organizations and scholars, including the CHT Commission, rejects these statements and maintain that the Jumma clearly meet the available criteria to identify indigenous peoples, (close link to natural resources, distinct social, economic and political system, distinct language and culture) and particularly the most crucial element: self-identification is prevalent in the Jumma community. It can also be argued that since "tribals" and "indigenous" peoples rights are presented within the same UN frameworks, the question is even irrelevant.

⁶ UN Permanent Forum for Indigenous Issues Fact Sheet

⁷ ILO – Indigenous and Tribal Populations Convention No 107 (1957)

Bangladesh Quarterly report

January – April, 2011

In the first quarter of 2011, attacks against human rights defenders dominated reporting from international organisations and the safety of human rights defenders in Bangladesh was of increased concern. Amongst them, our own observer, Shahanur Islam, co-founder of JusticeMakers Bangladesh, also came under attack early in the year. Freedom of the press was another concern, Odhikar reported that during the quarter 20 journalists were injured, 20 threatened, 10 assaulted and 3 cases were filed against journalists during the course of their work. Attacks against minority Jumma communities in Chittagong were also highlighted in the international media due to the February 17th attacks when Bengali settlers set fire to Jumma villages, leaving Jumma communities without homes.

GHRD's 2010 year report on human rights in Bangladesh gained wide scale media attention in Bangladesh and abroad following a press conference to announce the release of the report on the 28th of February, organised in association with the Bangladesh Institute for Human Rights. The report will form a platform for future lobbying and discussion on human rights issues against women and minorities.

During the quarter, (minority) women were raped and subjected to inhumane extra-judicial punishments in village arbitrations, stalking, attacks and sexual assault. In particular, Serafina Mardi, a 14 year old minority girl set fire to herself and died from her wounds after being gang raped and then subjected in village arbitrations to marry one of her rapists. Hena Ahkter, a Bangladeshi girl was also publicly whipped to death for an alleged affair with a married man as a result of village arbitration. Her family claims she was in fact raped, however these allegations have not been investigated. In many of the cases investigated, the perpetrators of such crimes benefit from impunity and go unpunished. Dealing with such crimes requires better training of police, better legal protection for victims and witnesses of sexual assault, and better rehabilitation and counseling for victims.

Ingrained attitudes in society and traditional customs reinforce these attitudes towards women and this is illustrated by the protests and riots following government announcements of its approval of the National Women Development Policy on international women's day, the 8th of March. Islamic groups organized protest rallies to demand that the policy be cancelled out of concern that it would interfere with Sharia law. Such attitudes only hinder positive development and it is important that the government does not give in to such extremist demands and follows through on their commitment to ensuring and upholding equal rights for women.

In 2011, according to our mandate GHRD will report on human rights issues in Bangladesh on a quarterly basis and will focus on issues of abuse against minorities, particularly those in the Chittagong Hill Tract region, and extra judicial punishments resulting from village arbitration. These reports are the result of fact finding missions conducted by local partner organisations and news monitoring conducted at GHRD headquarters in The Hague.

⁸ Odhikar reported 29 cases of acid violence, 104 cases of dowry related violence, 127 cases of rape and 203 cases of sexual harassment/ stalking during the quarter.

GHRD publishes its 2010 year report on Human Rights in Bangladesh

GHRD local partners presented the 2010 year report on human rights during a press conference held in Dhaka on the 28th of February 2011 at the Reporters Unity Press Club at VIP Louche Auditorium. The event was well attended and covered by all the major Bangladeshi news agencies and has successfully highlighted key human rights abuses against minorities and women in Bangladesh.

The guest of honour, chairman of the National Human Rights Commission Dr. Mizanur Rahman, commented on many of the human rights issues raised in the report. Dr Rahman urged the Bangladeshi government to form a special committee to return confiscated properties to minority communities under the Vested Property Act and to implement the Chittagong Hill Tracts Peace Treaty. He also reaffirmed the government's sentiment that extra-judicial killings should be brought to a "zero-level".



The conference included presentations from GHRD partners, advocate Rabindra Ghosh and advocate Shahanor Islam Saikot - Executive Director of Bangladesh Institute of Human Rights (BIHR). Representatives from local NGOs were also in attendance.



Two victims of human rights abuses spoke out on their experiences: The first was Ms. Shila Mullick, a female NGO worker who was tortured by the police superintendent at Madaripur police station after he failed to persuade her to withdraw her case against the perpetrators who tortured and physically assaulted her husband. The second was Ms. Jhumur Ganguli who spoke on the desecration of Hindu Deities at Ramna Dhaka.



The event was covered by all major Bangladeshi newspapers and Bangladeshi television and the key issues highlighted in the paper have been widely reported. Key issues highlighted in the news media include: reform of the Women and Children Repression Prevention Act, ending the practice of 'safe custody' – the arbitrary detention of victims of abuse, return seized properties to Hindus, the implementation of the Chittagong Hill Tracts peace accord, and ending the extra judicial punishments under traditional custom of village arbitration - also known as fatwa.

Above: GHRD partner, advocate Rabindra Ghosh discusses the contents of the report
Centre: Chairman of the National Human Rights Commission, Dr. Mizanur Rahman discusses human rights issues in Bangladesh
Bottom: Ms. Shila Mullick discusses her torture at the hands of the police superintendent at the Madaripur police station

News coverage of the press conference in English:

- <http://www.unbconnect.com/component/news/task-show/id-42502>
- <http://bdnews24.com/details.php?cid=2&id=188541>
- <http://www.thedailystar.net/newDesign/news-details.php?nid=175976>
- <http://newagebd.com/newspaper1/national/9870.html>
- <http://www.thebangladeshtoday.com/national.htm>
- <http://www.thegoodmorning.net/index.php?id=7243>

News coverage of the press conference in Bengali:

- <http://bdnews24.com/bangla/details.php?id=151252&cid=2v>
 - http://sheershanews.com/index.php?view=details&data=Cricket&news_type_id
 - <http://www.focusbangla.com.bd/news.php?nid=969>
 - <http://www.amadershomoy.com/>
 - <http://www.dailyinqilab.com/>
- http://www.dailysangram.com/news_details.php?news_id=49199

Fact finding

Human Rights Defender, Shahanur Islam attacked

Thakurgaon district, 9 January 2011

Mr Shahanur Islam, executive director of the Bangladesh Institute for Human Rights, lawyer and GHRD local partner, was subject to physical assault and verbal threats during the course of his work in January this year. During an investigation on the 9th of January, 2011 Mr. Islam and two fact-finding officers were physically attacked, threatened and had their belongings looted in Thakurgaon district. The attackers threatened Mr Islam and his associates with a pistol and forced them to pose with money while the perpetrators took photos of them. The perpetrators warned the fact-finding team not to inform the police about this incident or they would publish the photos and kill them.

To date, one of the perpetrators has been arrested, although the other ten perpetrators continue to benefit from police impunity. When Mr Islam recently went to the region to identify his attackers, the co-accused said that the attack was perpetrated at the request of the secretary of Jubo League (the youth wing of the ruling party, Awami League). He also mentioned that members of the student league and local union parishad unit involved in the incident.

Arson attack on Jumma minority community

Chittagong Hill Tracts, 17 February 2011

On 17 February 2011, Bengali settlers from the Gulshakhali settler area, Longadu Upazila, Rangamati district in the Chittagong Hill Tracts attacked and set fire to the Jumma villages of Gulshakhali and Rangai Para areas. Around 23 Jumma homes were burnt to ashes.



The event occurred shortly after the death of a Bengali settler who went to collect firewood in the forest on Tuesday and did not return. His body was found in Rangipara on Wednesday. The Bengali settlers then carried his dead body during the demonstrations, accusing the Jumma of being responsible for his death. They mounted an arson attack burning around 23 Jumma houses and one school to ashes and injuring two Jumma students.

According to PCJSS, Jumma villagers gathered themselves and tried to defend the remaining houses and face off the Bengali settlers. Jumma leaders also informed the local administration including police. However, according to local organisations, both the police and the Border Guards of Bangladesh (BGB) stood by as onlookers while the Bengali settlers set fire to the Jumma houses and failed to act to stop the attacks. It is also alleged by PCJSS that the attack was mounted under the leadership of the Bagachatar union council chairman Wazed Ali and Gulishakhali union council chairman Abdur Rahim, who is also general secretary of Langadu upazila Awami League.



The Chittagong Hill Tracts Commission has added its condemnation of this event and has written to the Prime Minister Sheikh Hasina about the issue and the lack of action on the part of the Border Guards of Bangladesh. According to the CHT Commission, a day after this incident there were allegations that members of the army were raiding homes of the Jummas and beating up villagers in Kudukchari of Rangamati, following protests made by the Jummas against the attacks in Langadu.

Case update on torture of Shila Mullick

In our October 2010 report, GHRD reported on a case of police negligence and torture against a Bangladeshi NGO worker, Shila Mullick. Ms. Mullick went to the Madaripur police station to file a case of police negligence regarding the attempted murder of her husband. The then superintendent of police attempted to persuade her to remove her case through means of torture, hitting her with a cane and dragging her by her hair.

On 4th of January, 2011 The Supreme Court of Bangladesh issued a rule calling on the government of Bangladesh to take departmental proceedings against the Superintendent. On this day, Ms. Shila Mullick, with the help of GHRD Dhaka observer, Rabindra Ghosh filed a writ petition in the High Court, using the investigative reports of GHRD.

The latest status of the case is that the officer in question has been transferred to the traffic and driving school – a small victory in the Bangladeshi system. Ms. Mullick continues to speak out about her abuse and recently spoke at a GHRD press conference held in Dhaka for the release of our 2010 year report on human rights in Bangladesh.



Media reports

Serafina Mardi ,14 year old ethnic minority girl set fire to herself and died after gang rape (BBC, Daily Star, New Age)

In February, Serafina Mardi, a 14 year old minority girl committed suicide by setting herself on fire. She later died on 17 February of severe burns. Serafina was gang raped by nine indigenous men in April 2010. She initially filed a complaint with the police against the men but it was not pursued. According to news reports the rapists were influential in the local community and the accused men forced her family to agree to an out of court settlement in exchange for money. As part of the settlement, orchestrated through village arbitration, her family forced her to marry one of the rapists.

Only after protests by the indigenous community have the police taken action and arrested 10 people, including indigenous community leaders and a catholic priest, Father Bernard Tudu, for their involvement in the out-of-court settlement. Nevertheless, the rapists have not been charged for their crimes and continue to benefit from this impunity.

Bangladeshi girl publically whipped to death in village arbitration for an alleged affair with a married man (BBC, CNN)

Hena Ahkter, a Bangladeshi girl was publicly whipped and died from her wounds for an alleged affair with a married man. She was sentenced to receive 80 lashes by village elders who accused her of having an affair with her cousin, Mahbub Khan. Her family state that Hena was in fact raped. Mr Khan was also sentenced to receive lashes for rape but escaped before punishment. Local authorities arrested and detained the imam of the local mosque and other village elders responsible for the fatwa ruling but no prosecutions have yet been made. The claim of rape has not been investigated by the authorities and it is unknown whether Mr Khan, the alleged rapist has been found.

Call for an end to the harassment of Odhikar secretary and staff by government intelligence agencies

National security agents have been following and harassing Odhikar's Secretary Mr Adilur Rahman Khan, his family and other Odhikar staff members since October 2010. According to Odhikar, members of government intelligence agencies have been monitoring Odhikar and its secretary, Advocate Adilur Rahman Khan since March 14, 2011, following Odhikar's 3rd Annual Human Rights Defenders Conference on the 12th and 13th of March. Government intelligence agencies have been following Mr Khan to his home and harassing his family members and employees, enquiring about his movements and schedule. National intelligence agents have also been requesting documentation on Odhikar which has already been submitted to the NGO Affairs Bureau.

Under the Foreign Donations (Voluntary Activities) Regulation Rules 1978, any NGO receiving funding from abroad must register with the NGO bureau and apply for registration. This registration must be approved by the Ministry of Home Affairs and can be cancelled at any time. These requirements restrict civil society activities in Bangladesh make it easy for the government to influence NGO conduct and even shut them down, in instances where an NGO criticises the government. This practice is not transparent and is a form of intimidation which attempts to influence every level of an NGO's activities.

On the 24th of March 2011 GHRD sent out an urgent announcement, lending its voice to the condemnations against this harassment from other international human rights organisations. GHRD is alarmed by this increased surveillance and intimidation of Odhikar staff and it is clear that these tactics are designed to slow down Odhikar's human rights activities.

Jumma women raped in CHT (BIHR)

On 10 February 2011 a 22 year-old Jumma woman was raped by two Bengali settlers in Naikhyongchari Upazila district in the Chittagong Hill Tracts. Despite the perpetrators being identified, none have been arrested.

Indigenous Marma girl raped (Daily Star, BDnews, Banglanews)

A teenage indigenous Marma girl from Bandarban district was raped in Bahaddarhat. The perpetrators tied up her uncle, stole their belongings and took footage of the rape – threatening the girl and her uncle that they would release the tape if they disclosed the matter to anyone. The police are investigating the case and arrested the owner and manager of the hotel. Neither has been charged for the rape.

Acting Editor of the Daily Amar Desh re-arrested following release from jail (Daily Star, BDnews, Odhikar)

On March 17, Mahmudur Rahman, the acting editor of the Daily Amar Desh was released from the Gazipur District Jail after serving nine and half months in prison for writing against government corruption and the politicisation of judiciary. A warrant for his arrest has again been issued, this time for a report published in the Daily Amar Desh on April 4, 2010 mentioning that “there are also war criminals among the top Awami Leaders and the relatives (of the Prime Minister)”.

Legal developments

Ethnic groups and minorities not recognised in 2011 government population and household census

The government population and household census conducted in mid-March failed to recognise over 40 distinct ethnic groups in Bangladesh, many of which reside in the Chittagong Hill Tracts region. The census provided for 27 distinct ethnic categories. Examples of such groups that are not categorised in the census questionnaire are the Mahatos, Baraiks, Mahalis, Ahamias, Rajbangshis, Rais and many others. Without conducting a census, these groups go uncounted but are estimated to account for around 1 million of the population. Mizanur Rahman, the Human Rights Commission chairman has publically stated that failing to recognize ethnic and minority communities such as Dalits, Harikans, and transsexuals constitutes a human rights violation.

This lack of recognition has sparked discussion on the lack of recognition of ethnic minorities in the Constitution of Bangladesh and on 19 March 2011 indigenous peoples of Bangladesh organised human chain across the country demanding constitutional recognition as indigenous peoples. Chairman of the parliamentary caucus on indigenous affairs, Rashed Khan Menon stated that problems in the Chittagong Hill Tracts cannot be fixed without such constitutional recognition of ethnic minorities.

National Women Development Policy

The government has approved the National Women Development Policy (NWDP) 2011, which aims to provide women with opportunities in employment and business and provision of equal shares in property. Traditionally, under Bangladeshi law women are discriminated against in terms of inheritance - the NWDP would change this and every child would be entitled to inherit the same amount.

The government intends to enact new laws to give effect to the policy. However, when asked whether the policy would contradict with the Muslim family law, Shirin Sharmin Chowdhury, the state minister for women and children affairs said the NWDP is not a law and does not affect the inheritance laws. This statement seems to be contradictory to the spirit of the policy.

The government announcement was met with protest rallies from Islamic groups demanding the policy be withdrawn on the basis that the policy would interfere with Sharia law. Protest rallies held on the 11 March, directly soon after the governments' announcement, and more recently on the 26 March, 3rd and 4th of April were organised by the Islamic groups Islami Ain Bastobayon Committee (IABC) and Islami Oikyo Jote (IOJ). They also demanded that the ban on fatwa punishments be lifted, threatening tougher movement to oust the government if their demands are not met. On the 3rd April, a student from an Islamic school was shot dead and 30 others were injured during another protest against women's rights and the women's development policy in Jessore district.

The NWDP is a revival of an earlier 1997 policy, in fulfilment of an election pledge by the Awami league. Similar announcements have been made in the past in 2004 and 2008 but the government has not followed through on these announcements. In particular, the government made announcements of a Women's Development Policy in 2008, which were met with protests from Islamic lobbyists. The government made no move to pursue the policy until its recent announcement in 2011.

GHRD urges the government of Bangladesh not to give in to extremist demands and follows through on their commitment to ensuring and upholding equal rights for women. It is also important that the government take specific measures in law and policy to ensure equal opportunity for women. It remains to be seen whether the government fully intends to follow through on the policy and GHRD will continue to monitor the progress of the NWDP in the future.



Protests against the National Women's Development Policy during the general strike called by Islamic Law Implementation Committee on 4th April, 2011. Source: New Age newspaper

Recommendations

GHRD urges the Government of Bangladesh to:

- Ensure that police authorities register and investigate all human rights cases that are filed with them, resulting in the arrest and prosecution of those responsible. Training of police personnel on dealing with human rights cases is required in order to combat police impunity. In particular, the government must call for the thorough and impartial investigation of:
 - Police beating, intimidation and torture of 22 Jumma students during the August 7 protest.
 - February and April attacks against indigenous Jumma in Rangamati and Khagrachari districts and the involvement of security forces and the border guards of Bangladesh in these attacks.
- End all intimidation and harassment of human rights defenders and journalists and prosecute all those responsible for attacks, intimidation and harassment against human rights defenders. Take all measures necessary to protect them during the course of their work, including:
 - Ensure the protection of GHRD's local partner Advocate Shahanur Islam and investigate the threats and assaults made against him throughout the course of 2011.
 - Request Police authorities to register the General Diary of Mr Milon Chakma regarding the threats and intimidation made against him and to conduct an impartial investigation into the threats in order to ensure his safety.
- Recognise the Jumma as indigenous peoples in Bangladesh and allow for their constitutional recognition. This must be reflected in government data collection (i.e. national census).
- Take all measures to fulfil Awami League election promises by fully implementing the Chittagong Hill Tracts Peace Accord 1997 and providing a forum for solving land disputes.
- Make the law and process for NGO registration transparent – any government decision to withdraw an NGO's registration must be informed, justified and transparent.
- Withdraw reservations on key provisions in:
 - Convention Against Torture (CAT) - Article 14 and create treaty enabling legislation to give access to legal remedies, rehabilitation and/ or compensation for victims of torture.
 - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW – Articles 2 and 16(1) and uphold the equality of men and women, particularly during marriage and at its dissolution.

Appendix I: Urgent appeals and announcements

Ensure the protection of human rights defender Mr. Shahanur Islam [UA-BA-18-01-2011]
Arson attack on Jumma minority community in Rangamati, Chittagong Hill Tracts [UA-BA-22-02-2011]
Cyber attack against Bangladeshi human rights defender Jahangir Alam Akash [03-02-2011]
Call for an end to the harassment of Odhikar secretary and staff by national security agencies [UA-BA-24-03-2011]
GHRD's findings of fact finding mission to Chittagong Hill Tracts [UA-BA-08-06-2011]
Government security forces stand idle as indigenous communities attacked in Bangladesh: Houses burnt to ashes in arson attack on Jumma minority communities in Rangamati and Khagrachari, Chittagong Hill Tracts, Bangladesh (Press announcement).
GHRD condemns the use by the Bangladeshi Government of midnight interrogations and torture of our friend, activist and human rights campaigner William Gomes [UA-BA-14-06-11]
Repeated threats made to complainant in case of arson attack – Chittagong Hill Tracts, Bangladesh.
Government security forces deny assault of 22 Jumma students during a peaceful student procession for constitutional recognition of indigenous people
Bangladesh: Police fail to react or investigate when human rights defender Shahanur Islam assaulted [UA-BA-25-08-2011]
International Day of the World's Indigenous Peoples, Indigenous recognition still lacking in Bangladesh (Special announcement).
Ensure the security of human rights defender Mr. Shahanur Islam [UA-BA-27-07-2011]

Appendix II: Local observers and partners

GHRD Dhaka conducts fact finding investigations and provides legal assistance to minority victims of human rights violations in Bangladesh. In addition GHRD Dhaka collaborates with:

GHRD Dhaka, Observer Advocate Rabindra Ghosh 3/2 Purana Paltan – Purana Paltan P.S, Dhaka-1000 Phone nr : + 0711172468

Bangladesh Minority Watch (BDMW) 12, K.M. Das Lane- Tikatully- Bholagiri Trust- Sutrapur PS, Dhaka. Telephone: 0088-01711172468, bdmw.org.

Parittran, Laksmampur, P. O.: Shubhashini – 9420 P.S.: Tala, [Satkhira](#), Phone nr: +8801713425610
Email: dalit_bd@yahoo.com parittran@yahoo.com, dalitbangladesh.wordpress.com

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