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Starvation, Rape and Killing of Indigenous Jumma Children

An update on
“The status of indigenous and minority children in Bangladesh”



A joint submission to the United Nations Committee on the Rights of
the Child for consideration of the second periodic report of the
government of Bangladesh on 30 September 2003

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1. Introduction

In June 2003, Asian Centre for Human Rights (ACHR) and Asian Indigenous and Tribal Peoples Network (AITPN) submitted a joint report titled, *The status of indigenous and minority children in Bangladesh*, to the United Nations Committee on the Rights of the Child during the pre-session hearing of the second periodic report of the government of Bangladesh (CRC/C/65/Add.22).

This update, being submitted to the UN Committee on the Rights of the Child, has been necessitated by increased racial discrimination and other human rights violations against the indigenous Jumma peoples since the submission of "*The status of indigenous and minority children in Bangladesh*" in June 2003.

Forced starvation of Jumma children: An act of racial discrimination

In late July 2003, the Prime Minister's Office (PMO) of the government of Bangladesh directed the CHTs Affairs Ministry to suspend rice rations to 65,000 indigenous Jumma refugees. The refugees are provided rice rations under the agreements signed between the government of Bangladesh and the Jumma Refugees Welfare Association under the 16-points rehabilitation package of 1994 and 20-points package of 9 March 1997 to facilitate the return of the refugees from India. The order of the PMO however directed to give the free supply of rice rations to 26,000 illegal¹ plain settlers' families in different cluster villages in the CHTs. The PMO's directive came when the CHT Affairs Ministry asked for rations for Jumma refugees for the first quarter of the current fiscal year.²

The order of the Prime Minister's Office to suspend rice ration for the returnee Jumma refugees but to continue rations for the illegal plain settlers who displaced indigenous Jumma peoples in the first place, is a clear case of racial discrimination under Bangladesh constitution and international human rights law. The order will lead to starvation of indigenous Jumma peoples and their children, as many could not get back their lands for cultivation and were denied the opportunity to rebuild their lives. Their lands have been grabbed by the illegal plain settlers and the Bangladesh army. According to official statistics, 3,055 families out of the 12,222 are yet to get back their dwelling houses, jum³ lands, mouza lands, and crematorium. Approximately 40 indigenous Jumma villages, six Buddhist temples of Chakmas and two Hari temples of Tripuras and one Buddhist orphanage are still in the possession of illegal plain settlers and Army or Ansar forces in violation of the Article 17(b)⁴ of the CHTs Accord of 1997.⁵

¹ . The Bengali plain settlers who are transplanted into the CHTs are termed as "illegal" as they were brought in clear violation of the Chittagong Hill Tracts 1900 Regulation which restricts the entry of non-hill people into the CHTs. Moreover, article 49 of the Fourth Geneva Convention prohibits such population transfer.

² . The Daily Star, Dhaka, 3 August 2003, Ration stopped for indigenous CHT refugees

³ . Jum is shifting cultivation.

⁴ . Article 17 (Kha) of the CHTs Accord provides that "The lands to be abandoned by military or para-military camps and cantonments will be either returned to the original owners or to the hill district councils."

⁵ . The Independent, Dhaka, 26 September 2003

The order of the Prime Minister's Office has direct implications on the right to education, health care and survival of the indigenous Jumma children. Given impending starvation of thousands of refugees, Jumma Refugee Welfare Association has launched a 72-hour road blockade programme from 26 September 2003.⁶

Torture, rape and killing of indigenous Jumma children:

In an organised attack on 26 August 2003 Bangladesh army and illegal plain settlers launched a pre-planned attack on the indigenous Jumma villages and completely burnt down ten indigenous Jumma villages - Babupara, Nua Para, Pahartuli, Durpujyanal, Herengyanal, Boidyo Adam, Basanta Para, Rameshu Para, Saw Mil Para and Lemuchari under Mahalchari Upazilla (sub-district) under Khagrachari district of Chittagong Hill Tracts, Bangladesh. Hundreds of indigenous peoples fled from their villages and were displaced. Nine month old baby, Kiriton Chakma was snatched from grand mother, strangulated to death in front of his grand mother, who was then raped by Bangladesh army personnel. About 10 Jumma women out of whom four were girls were raped by the illegal plain settlers and security forces during the attack.

Two parliamentary teams – one from the government and the other from the opposition political party, the Awami League – visited the affected areas respectively on 8 and 9 September 2003. No concrete measures have yet been taken to uphold the rule of law and punish the culprits. The government promised to provide paltry Taka 2000 (about US\$40) to the families but many have not received anything at the time of writing this report.

As *The Independent* reported on 25 September 2003 after spot visit to Babupara and Limuchari there was “no sign of relief, rehabilitation or reconstruction work”. Rather “witnesses who made statements to human rights groups and pressmen from Dhaka are now reportedly being interrogated and harassed by the authorities”. *The Independent* correspondent was not allowed to meet about 10 rape victims. Hundreds of military personnel have cordoned off entire Mahalchari area and restricted entry of outsiders.⁷

The racist policies of the government of Bangladesh against the indigenous peoples of the CHTs and impunity to the security forces have turned out to be a deadly combination. The Committee on the Rights of the Child should make effective recommendations for protection of indigenous children in Bangladesh.

Suhas Chakma
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⁶ . Ibid.

⁷ . Hill people's tale of woe, *The Independent*, Dhaka, September 25, 2003
<http://independent-bangladesh.com/news/sep/25/25092003mt.htm#A1>

2. Suspension of relief to indigenous refugees: An act of racial discrimination

In their submission, *The status of indigenous and minority children in Bangladesh*, to the CRC Committee in June 2003, ACHR and AITPN stated, “The distribution of free rations only to the illegal settlers has direct impact on the health and nutrition of the children of indigenous tribal peoples”.

The government of Bangladesh has publicly acknowledged its racist programmes like providing of free rations only to the illegal settlers who were transplanted into the Chittagong Hill Tracts under a planned Population Transfer Programme from 1978 to 1983. In August 2002, the Joint Risk Assessment Mission of the Government of Bangladesh, United Nations Development Programme (UNDP), Asian Development Bank (ADB) and other donor agencies studied the security situation in the Chittagong Hill Tracts for undertaking development activities.

The UNDP and Government of Bangladesh in their Joint Risk Assessment Report stated:

“The pervasiveness of poverty is also signified by the large number of Bengali families who have continued to receive rations since the 1980s. The number of households is currently 28,200, which at around 5.5 persons per family equals almost 140,000 persons or over 10% of the current population. On the spot checks reveal that many migrant villages in land constrained conditions, strive to receive rations, because no rice can be grown there. A question should be raised how long one can maintain some 10% of the population on rations. An inquiry should reveal whether local livelihoods are truly unsustainable and deserve long term food support and whether other solutions should be sought.” (Page 46)

Whether local livelihoods of the illegal settlers are truly sustainable or not, it is clear that the government of Bangladesh sustains the conflict in the CHTs by giving free rations to the illegal settlers.

The fact that indigenous Jumma peoples are not provided any such facilities is a clear act of racial discrimination in violation of the provisions of the Bangladesh constitution and Bangladesh’s obligation under international law.⁸ In addition, the government provides about 60 kg rice per hill refugee family each month while a plain settler’s family is given 85 kg rice since.⁹

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⁸ . *Indigenous Jumas Denied Democracy and Development*: A preliminary critique of the UNDP’s programmes in the Chittagong Hill Tracts, United Peoples Democratic Front, 24 July 2003

⁹ . *Refugees in their own homeland*, The Independent, Dhaka, 26 September 2003.

government of Bangladesh and the Jumma Refugees Welfare Association under the 16-points rehabilitation package of 1994 and 20-points package of 9 March 1997 to facilitate the return of the refugees from India. The order of the PMO however directed to give the free supply of rice rations to 26,000 illegal¹⁰ plain settlers' families in different cluster villages in the CHTs. The PMO's directive came when the CHT Affairs Ministry asked for rations for Jumma refugees for the first quarter of the current fiscal year.¹¹

The order of the Prime Minister's Office to suspend rice ration for the returnee Jumma refugees but to continue rations for the illegal plain settlers who displaced indigenous Jumma peoples in the first place, is a clear case of racial discrimination under Bangladesh constitution and international human rights law. The order will lead to starvation of indigenous Jumma peoples and their children, as many could not get back their lands for cultivation and were denied the opportunity to rebuild their lives. Their lands have been grabbed by the illegal plain settlers and the Bangladesh army. According to official statistics, 3,055 families out of the 12,222 are yet to get back their dwelling houses, jum¹² lands, mouza lands, and crematorium. Approximately 40 indigenous Jumma villages, six Buddhist temples of Chakmas and two Hari temples of Tripuras and one Buddhist orphanage are still in the possession of illegal plain settlers and Army or Ansar forces in violation of the Article 17(b)¹³ of the CHTs Accord of 1997.¹⁴

The order of the Prime Minister's Office has direct implications on the right to education, health care and survival of the indigenous Jumma children. Given impending starvation of thousands of refugees, Jumma Refugee Welfare Association has launched a 72-hour road blockade programme from 26 September 2003.¹⁵

3. Mayhem by the security forces and illegal settlers at Mahalchari Upazilla¹⁶

On 24 August 2003, a plainsman named Rupan Mahajan was kidnapped by some miscreants from Mahalchari area under the Khagrachari district of the Chittagong Hill Tracts, Bangladesh.

Instead of taking measures against those who kidnapped Mr Mahajan, Bangladesh army and illegal plain settlers launched a pre-planned attack on the indigenous Jumma villages on 26 August 2003. Within four hours, the Bangladesh army personnel and illegal plain settlers completely burnt down of ten villages - Babupara, Nua Para,

¹⁰ . The Bengali plain settlers who are transplanted into the CHTs are termed as "illegal" as they were brought in clear violation of the Chittagong Hill Tracts 1900 Regulation which restricts the entry of non-hill people into the CHTs. Moreover, article 49 of the Fourth Geneva Convention prohibits such population transfer.

¹¹ . The Daily Star, Dhaka, 3 August 2003, Ration stopped for indigenous CHT refugees

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¹⁴ . The Independent, Dhaka, 26 September 2003

¹⁵ . Ibid.

¹⁶ . In this report, only incidents pertaining to children are referred to.

Pahartuli, Durpujyanal, Herengyanal, Boidyo Adam, Basanta Para, Rameshu Para, Saw Mil Para and Lemuchari. Two persons - as young as nine months and as old as 57 years - were extrajudicially executed by the Bangladesh army personnel. While nine months old baby, Kiriton Chakma was strangled after being snatched from his grandmother, Mrs Kala Sona Chakma, 57 years old Mr Binod Bihari Khisa was tortured to death in police custody at Khagrachari. 17 years old Ronel Chakma was a witness to the torture to death of Mr Khisa.

A team of the Hill Watch Human Rights Forum (HWHRF) from Bangladesh visited Mahalchari area from on 4 to 8 September 2003 for on the spot investigation.

The HWHRF observed that while the kidnapping of Rupan Mahajan might have triggered the attack, tension have been brewing in these areas as the illegal settlers have been attempting to grab the lands of the indigenous Jumma peoples. The continuing transfer of the illegal plain settlers is one of the root causes of the conflict in the Chittagong Hill Tracts.

On 24 December 2001, following the general elections, the local Member of Parliament, Mohammad Abdul Wadud Bhuiyan made an attempt to settle 175 illegal settler families in Lemuchari. This resulted in a near-clash between the illegal settlers and the indigenous Jumma villagers. The local Union Parishad Chairman, Mr Arkemedis Chakma told HWHRF that he had to intervene to defuse the situation. He further stated that the Police Superintendent was also present there. However, when the indigenous peoples and illegal settlers were about to reach a settlement, the settlers attacked him in front of the Police Superintendent. He was seriously wounded and had to be treated in the hospital for many days.¹⁷

After the kidnapping of Rupan Mahajan, Bangladesh National Party President (Mahalchari sub district) Dewan Morshed Abul Kalam Azad and Pradeep Chowdhury of Bangali Samannoy Parishad called a meeting in the afternoon of 25 August 2003. A few army personnel warned some Jummas on the same day that illegal settlers might attack the Jumma villages. In the name of staging demonstration they beat up the UP Chairman of Shindukchari Union and kept him in detention for the whole night on 25 August 2003. The following day, that is 26 August 2003, at around 10 in the morning, the illegal Bengali settlers in a large group came to the market and sought to close down the shops. As the indigenous peoples protested, they retreated. After sometime, the plain settlers and the Bangladesh army personnel under the command of Lt. Col. Abdul Awal, commander, Mahalchari zone, came to the shop belonging to Binod Bihari Khisha at Babupara. The illegal settlers beat him up there. In order to save his life, he went up to the army for safety. But Major Moazzem caught him by his neck and strangled him. He was half dead by then. Moazzem then threw him into the hands of the settlers who hit him with stick and iron rods.

The illegal plain settlers and the security forces subsequently attacked all the neighbouring villages and burnt them down in four hours.

¹⁷ . Ibid.

Affected indigenous Jumma leaders alleged that the main aims of burning down the villages were first to occupy indigenous peoples lands; second, to loot the houses; third, to crush the economic backbone of the Jumma people so that they can later buy their lands at a cheap price.

No relief, rehabilitation or reconstruction work has been undertaken in the affected villages as yet.¹⁸ Rather “witnesses who made statements to human rights groups and pressmen from Dhaka are now reportedly being interrogated and harassed by the authorities. Mr Pradeep Chakma (30) s/o late Khulo Moni Chakma of village Pahartuli, Mahalchari, Khagrachari district gave interviews to the Parliamentary Team of the government, which visited the area on 8 September 2003, and to the Awami League team on 9 September 2003. He helped the Awami League team to interview the affected villagers during its visit on 9 September 2003. He also helped the journalists interview the affected people. After each interviews, the Zone Commander Lt. Col. Mohammad Abdul Awal called him to the camp and threatened him. Lt. Col. Awal asked how much Taka he had received for helping the Awami League team. Since then, Pradeep Chakma has been living in fear. His house was also burnt down on 26 August 2003.¹⁹

The Independent correspondent was not allowed to meet about 10 rape victims. Hundreds of military personnel have cordoned off entire Mahalchari area and restricted entry of outsiders.²⁰

Case 1: Killing of nine months old Kiriton Chakma

During the attack on the indigenous Jumma villages, nine months old Kiriton Chakma was killed by the Bangladesh army.

Mrs Sonabi Chakma (25) of village Herengyanal provided the following testimony to the HWHRF team about the killing of her nine months old baby, Kitiron Chakma:

That day was Tuesday and it was about 12 noon. The name of my kid was Kiriton, nine months old. It was a boy. I was carrying him and fleeing towards the jungle but caught by the army. My mother then came to rescue us and took my son. However, she was caught by 4/5 army men. They snatched my child and strangled him to death in front of my own eyes. We saw all these in our own eyes from a place not far from there. We also saw the army sexually abusing (raping) my mother. Having seen all these, we fled from there further into the jungle.

¹⁸ . Hill people's tale of woe, *The Independent*, Dhaka, September 25, 2003
<http://independent-bangladesh.com/news/sep/25/25092003mt.htm#A1>

¹⁹ . Mayhem at Mahalchari (unedited version), Hill Watch Human Rights Forum, Dhaka, 24 September 2003.

²⁰ . Hill people's tale of woe, *The Independent*, Dhaka, September 25, 2003
<http://independent-bangladesh.com/news/sep/25/25092003mt.htm#A1>

At around five in the afternoon I met my mother again – she was completely devastated, shocked, fearful and shaken.”²¹

Ms Kala Sona Chakma, grand mother of nine months old baby Kiriton Chakma provided the following testimony to the Hill Watch Human Rights Forum Team:

“The settlers left after setting fire to the houses. We were running away. My daughter was fleeing carrying the baby with her. She was being beaten up. I ran up to her and took the baby from her. After that my daughter fled from there. Eight Bengalis and five army men caught me. The baby was crying aloud. They strangled him dead in front of me. Then they raped me.

Of the five army men, three kept aloof. Two of them raped me. After that they went back and I was looking for our people”.²²

Case 2: Rape of Jumma girls and women

In addition to the rape of Ms Kala Sona Chakma, the Bangladesh army and settlers raped the following Jumma women, four of which were children:

1. Mrs. Mita Chakma (35 years), wife of Shasho Dhan Chakma
2. Bonita Chakma (15 years) daughter of Shasho Dhan Chakma
3. Khuki Chakma (12 years), daughter of Shasho Dhan Chakma
4. Amiti Chakma (14 years), daughter of Sudatta Chakma
5. Maya Laxmi Chakma (20 years)
6. Chitkala Chakma, wife of Kala Uda Chakma
7. Badi Mila Chakma (30 years), wife of Bimal Chakma
8. Gitanjali Chakma, daughter of Nonabi Chakma²³

Case 3: Torture of Nidarshan Chakma, 18 years

Many Jummas were assaulted and tortured.

Among those who were seriously injured was Nidarshan Khisha (18 years). His father, Binod Bihari Khisha was tortured to death by the settlers and Bangladesh army. He is presently fighting for his life in Chittagong Medical College hospital.

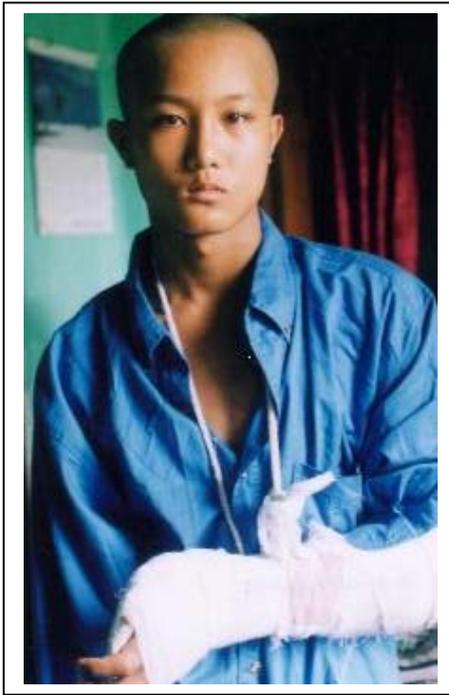
A delegation of the Hill Watch Human Rights Forum met Mr Nidarshan Chakma at the Chittagong Medical College hospital.

²¹ . Mayhem at Mahalchari (unedited version), Hill Watch Human Rights Forum, Dhaka, 24 September 2003.

²² . Ibid.

²³ . Ibid.

In an interview to the team of the Hill Watch Human Rights Forum, Mr Nidarshan Khisa stated the following:



“The day, 26 August, was market day. The Jummas were laying out their merchandise for sale. At that time a group of Bengali people came with stick and started to oust the Jummas and ransack the shops belonging to the Jumma people. The Bengalis were about 50 - 60 in number. As the Bengalis doing this we saw Jumma people were running away. A few of us came forward and the Bengalis made a retreat. After their retreat, we started to fix the merchandise. A few minutes later they came back in large numbers and started to pelt brickbat and mud. It was 8:10 a.m. A few seconds later the army came and joined the Bengalis.

My father (Binod Bihari Khisha) was in the forefront - about 200 yards from us. The army caught him. To rescue my father a friend of mine and I went up to the army. But the army detained us too.

There were Bengalis along with the army. They (the Bengalis) were trying to snatch us from the army so that they could beat us up. At first the army refused to let them beat us up. But a little later I saw the Bengalis clubbing my friend Ronel Chakma. And they were trying to rough me up too. I tried to evade them but an army man hit me with a stick from behind. I fell on the ground. When I got up the army men held me. They hit me with fist from all directions. One of them bayoneted me. When I blood dripping from the wound I felt dizzy. I ran away from there and halted at the tamarind tree in our village. There I met my mother and my cousin Dimond Chakma. They bandaged my wounded hand with *Gamcha* (a kind of towel). From there we saw the Babupara Buddhist temple coming under attack by a huge crowd of army and Bengali civilian. We then ran away first to Durpujyanal and then to Herengyanal. Here I met some of my friends. As we were taking some rest, we heard someone shout: "Army is coming, army is coming." My friend Bablu was helping me to walk along. At that time the army came nearer and was spraying bullets on us. We ran away as fast as we could and whichever way we found. I forgot all my pains and ran away. I reached Hengelchari. From there I was taken to Rangamati.

When the army men were beating Ronel and me, the Bengalis were looting and ransacking the shops belonging to the Chakmas. In a word, it was a joint attack with two captains leading the army.

I should note here that one day before the incident, that is 25 August, some army men came to the Chakma village of Babupara and cautioned: "the Bengalis would possibly launch attack, so be careful".²⁴

Case 4: Torture of Ronel Chakma, 17 years

Mr Ronel Chakma, age 17, s/o Khokon Bikash Chakma of village Babupara is one of the victims who were subjected to torture by the Bangladesh army.

In an interview to the Hill Watch Human Rights Forum, he provided the following testimony:

“The incident occurred on that day at about 9/9:30 a.m. I went to the shop and bought a razor blade. The Bengalis came with market bags in hands to disguise as shoppers, but were forcing the shops to shut up. They hit me with stick. At first I was struck twice. Later when our people came they ran away. We chased them with sticks in our hands. Later they came back together with the army. The army appeared suddenly from the side of the settlers and pointed their guns at us. The Circle Officer, himself was present and called me. I went up to him. He started to beat me. I ran away and jumped into the water. When I was in water, the settlers chopped me with *dao*. I was caught and taken to the Zonal camp. Later I was handed over to the police.

At Zonal camp we were beaten up severely. They hit us in the chest, in the back and in the legs. We were put on a saline drip - Monsangyo and me - and shifted away. The army branded us as terrorists. They called us terrorists while beating.

I was witness to the torture to death of Binod Bihari. He was an old man. He was beaten up here (on the spot). He was also tortured there (at the Zone). The army did it. They kicked him. His legs were tied. He asked for water and was given. He died after drinking water. And the army threatened us to hang us upside down from a tree. Order to this effect had come from the top, they said. I will not be able to recognise the army, except one. He has very dark complexion.

The police said we would be killed. They bundled Binod Bihari by the hands and feet and threw violently in to the jeep. He was not dead by that time. He died after being taken to the Zone.

I have not recovered completely yet. I was in hospital for more than a week.

My family's condition is beyond description. We have become penniless. Everything has been destroyed. Not only our family but also all in the village. And physically I am not in good condition.”²⁵

²⁴ . Ibid.

²⁵ . Ibid.

Case 5: Burning down of 10 villages and right to adequate housing

(Babupara village burnt down to ashes)

According to preliminary estimates a total of 379 families were affected as the army and the illegal settlers burnt down 10 indigenous Jumma villages. A total of 10 villages were completely burnt to ashes.

HWHRF was able to collect the number of families affected in the following villages:²⁶

1. Babupara and Marma Para	78 families
2. Pahartuli and Nua Adam	64 families
3. Saw Mil Para	25 families
4. Rameshu Para	32 families
5. Kerengyanal	70 families
6. Durpujyanal	23 families
7. Lemuchari	63 families
8. Boidyo Adam and Basanta Para	24 families

Case 6: Attacks on religious freedom

The religious freedom of indigenous Jumma peoples and their children are seriously violated in the CHTs, Bangladesh. Whenever the indigenous villages are attacked by the illegal settlers and the security forces, the statues of Lord Buddha, temples and monks become the obvious targets. The attacked in Mahalchari is no exception. Four Buddhist temples were burnt down, statues were broken apart and the monks were threatened with physical assault and shooting.

²⁶ . Ibid.

Testimony of Rev. Shashanapriyo Stobir, Principal, Amrakanan Buddhist Temple, Babupara



The incident occurred on 26 August. It started at about 8/9 a.m. With the start of the incident, the villagers came here (temple) and took shelter. After some time, it was revealed that the Bengalis were coming with army. Hearing that army was there, the people who came here no longer felt secure in the temple. They came to the temple with the belief that they would be safe here as it is a religious place. The incumbent headman Mr. Shudhangsu asked, "Bhante, what will you do? Do you want to go with us?" I said, "I won't go. I will stay like a Bhante". An elderly man Mr. Adi Ratan also stayed with me. I noticed the army and Bengalis coming. I thought let them come.

Then we entered a room. I told him (Adi Ratan) to shut the door. So we remain locked inside the room praying to the Buddh, Dharma and Sangha and the Bano Bhante.

A little later, the army and the Bengalis came. The door at the temple was open. The door at the dining was open. One the door and the windows of my own room were shut. They noticed it. A Bengali, may be a Bengali settler, said, "Sir, there are people inside". We shut the door from inside. Sure to raise suspicion. There must be people inside. And they started to pull the door, but could not open it. Then they started to bang the door. Then I was only calling the Buddha. I was praying to him to save me.

They kept on banging and hitting at the door. A small part of the door was broken. Look, it's still there (showing HWHRF team the broken part of the door that was still lying). Then another thought came to my mind. If they open brush fire at us, then? I asked Adi Ratan to open the door and he did. Still I did not move. They were searching everything in the room. As they did not find the key of the cupboard, they broke it. The robes I kept on the bed were thrown here and there.

Later a settler took a glance at where I was, but did not notice me.

(Below: Broken statue of Lord Buddha at Lemuchari)



Half an hour had passed. I thought they had gone. Then I broke my meditation. I sat on the chair in the room, and saw there were some army and settlers near the door. Seeing me, they said, "here is the Sadhu, here is the Sadhu (monk)". They said, "where did you go when we were banging at the door? Why didn't you open the door?" The army called me "shalla" (bastard) and said, "I will shoot you. I'll kill you. I'll arrest you".

One Bengali showing his crescent-shaped dao said, "I will chop you". I said, "ok go ahead". I further said, "I was in the middle of my meditation. You forced me to ask that old man to open the door. If I stayed for half an hour longer in meditation, I am sure you would have broken the door entirely." Pointing his gun right at my chest, the army said, "I'll shoot you". I said, "ok shoot me. As you have arms and power, shoot me. The settler said, "I will cut you to pieces." I insisted and said listen to me. I was telling him again and again that we were in meditation. But he would not understand it. Later when I told him that we are followers of the Bano Bhante, he calmed down.

This is not the end. You know Amalendu Barua? His son also came along with them. At first I could not recognise him. But he recognised me. He introduced himself to me and said, "Bhante, I am the son of Amalendu babu". Then I recognised him. He asked me not to be afraid. There was another Bengali settler with them. He worked here when we were hauling bricks and sands to construct the dining room. He was smiling and said, "Sadhu, don't worry". The name of the son of Amalendu Barua is Tapas Barua.

The army said they were searching for arms. They said show us the arms. I asked, "why arms here? Who will keep arms here?" The army said, "there are arms on the roof". I said, "how will arms go there? Even there is no passage to go up there." He said that they had recovered arms. I asked him where did they get them and told him that they could go where they got those arms. I said, "Buddhism is based on non-violence. You know, this is an arm (showing his gun). We cannot touch it. We cannot even touch bows and arrows." He again told me that they had recovered arms. I too gave the same answer for it, and added saying, "if any of you Bengali people keeps those arms secretly, then who is to blame?" He kept mum and did not give any answer. Slowly he softened. Later they said, "Sadhu (saint), sorry, we have given you much trouble".

Having seen Mr. Adi Ratan, they said, "what were you doing?" He replied, "I was in praying."

A little later, I came out of the room and saw everything was ransacked. The cupboard was broken.

Over there I saw all the houses in the village were in flames. This is what I have to say.”

Case 7: Present situation at Mahalchari upazilla

An article published in *The Independent*, a daily in Dhaka on 25 September 2003 explains the present situation in the Mahalchari area.

The Independent, Dhaka, September 25 2003

<http://independent-bangladesh.com/news/sep/25/25092003mt.htm#A1>)

Hill people’s tale of woe

AUDITY FALGUNI BACK FROM MAHALCHARI, KHAGRACHARI.
(This is the first of a six-part-series on the volatile situation prevailing in the Chittagong Hill Tracts after an incident on August 26 which generated animosity and hatred).

Chittagong Hill Tracts, the picturesque hilly region of the country, has turned volcanic again since the August 26 incident when around 10 hill villages with more than 360 homesteads of Mahalchari upazila of Khagrachari district were burnt down.

It is reported that 79 houses of Babupara, 70 houses of Lemuchari, 12 of Noa Para, 38 of SawMill Para, one house of Thali Para, 37 houses of Pahartali, 96 of Basanta Para and Kerengyanal villages, four of Durpajyanal and 22 of Ramesu Karbari Para of Mahalchari upazilla, Khagrachhari, were burnt down.

Apart from arson, two persons were killed, nine men were injured, four Buddhist temples were damaged and 10 women were reportedly raped.

A spot visit to Babupara and Limuchari, two of the 10 fire-ravaged villages of Mahalchari last Friday presented a pathetic sight as no sign of relief, rehabilitation or reconstruction work could be seen in the affected localities. Scarcely any government assistance has so far been extended to the helpless hill people during the last 23 days.

Babupara, the worst hit village of Mahalchari upazila, bore tell-tale signs of arson and destruction as The Independent correspondents visited the village on Friday morning.

"Around 79 Chakma and Marma villages were set on fire. Of the 79 homesteads, 38 belonged to the Chakmas and 39 to the Marmas. None was

spared. Only four or five houses of the local Bengali Hindus were intact," villagers told The Independent preferring anonymity as earlier witnesses who made statements to human rights groups and pressmen from Dhaka are now reportedly being interrogated and harassed by the authorities.

Only Jyotsna Khisa (40), second wife of late Binod Bihari Khisa, who was killed in the clash with angry Bengalis on August 26 morning, and Sumon Marma (20), a young man severely injured on the same day, consented to tell their tales of woe.

"My husband is dead and my 18-year-old son Nidarshan Khisa is still fighting for life at the Chittagong Medical College hospital. We have got no support to build our houses again and are now living under the open sky," said Jyotsna Khisa.

"Bengalis came to our village at 9:30 in the morning on August 26. First they struck me on the head with a dagger. Later the army took me to their camp and hit me with a bayonet on my chest," Sumon Marma told The Independent.

It is reported that soon after the abduction of the young Bengali Hindu businessman Rupam Mahajan by extremists groups on August 24, local Bengalis had been agitating on the issue.

"On August 25 afternoon, local Bengali businessmen along with thousands of Bengali settlers gathered in Mahalchari upazilla bazar and shouted provocative slogans. Of the 300 shops at Mahalchari bazar, only seven or eight belong to the hill people and the rest are dominated by the Bengalis, both Hindus and Muslims," said an old villager of Babupara.

"Next day the Bengalis came with thousands of settlers at 9:30 am and went on the rampage. They severely beat up Shai Nu Pru Chowdhury, the Chairman of the Sindukchari union," the old man added.

It was learnt from the villagers that the Bengalis filed false cases against 32 villagers of Babupara.

It was further learnt that although the GOC of the area promised to supply corrugated tin sheets to the villagers on September 10, hardly any steps has been taken so far.

The whole village appeared scorched, including even its trees. "Look at my home. It is all burnt now and my wife is getting insane," said Mong Sa Je Marma (40), another bold man who dared to tell his story.

Some of the villagers of Babupara have shifted to their relatives' houses in nearby villages and some have made tents. Around 10 or 15 army men were seen patrolling the village.

On a visit to Lemuchari village, it was found 63 homesteads of hill people, one Buddhist temple, two shops, one club house, one UNICEF school and two rice husking mills were all burnt down.

The damaged Buddha idol was thrown into the nearby pond some days earlier and that's why we cannot show you the idol," said Nitimoy Chakma (45) of Lemuchari village to The Independent yesterday evening.

The Keyang (Buddhist temple), however, was found half scorched.

Around three trucks of army personnel were seen patrolling the Lemuchari village.

Earlier at noon, The Independent reporter was not allowed to meet about 10 alleged rape victims of Pahartali and Kerenganol villages of Mahalchari upazilla by officials of an observation post at Tilapara village. Tilapara village is mostly dominated by the Bengali Hindus, native village of the abducted businessman Rupam Mahajan.

The whole Mahalchari upazilla was seen cordoned off by army trucks and army checkpoints.

"Besides the regular support and strength of 600-800 army personnel of the Mahalchari zone office, seven to ten additional observation camps have been set up across the Mahalchari. The situation is really uncertain," said Second-In-Command (2IC) of the Mahalchari army zone office, Major Shamim to, The Independent.

When asked how long the uncertainty might last, he answered he had no idea.

(To be continued)

4. Conclusions and recommendations

There is no doubt that provision of free ration only to the illegal plain settlers who in the first place displaced indigenous Jumma peoples is a clear case of racial discrimination. It violates Article 28 of Bangladesh constitution prohibits discrimination on grounds of religion, etc. Article 28 of Bangladesh constitution provides:

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

- (2) Women shall have equal rights with men in all spheres of the State and of public life.
- (3) No citizen shall, on grounds only of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution.
- (4) Nothing in this article shall prevent the State from making special provision in favour of women or children or for the advancement of any backward section of citizens.

Given the direct and negative implications the suspension of rations has on the indigenous Jumma children, the order of the Prime Minister's Office violates Article 2 of the Convention on the Rights of the Child. Obviously, Prime Minister gives preference to the illegal settlers because of their ethnic origin.

There is also no doubt that the attack on the innocent Jumma villagers at Mahalchari area on 26 August 2003 was a pre-planned attack executed with the full support and participation of the security forces. The attack clearly shows that indigenous Jumma peoples remain extremely vulnerable to atrocities. Impunity to the law enforcement personnel is one of the contributing factors for continuing human rights violations against the indigenous Jumma peoples.

It is essential the government establish the rule of law. Upholding human rights of indigenous peoples is not at odds with maintaining law and order. Respect for human rights by the government will reduce the sense of alienation and ultimately increase the faith of the indigenous peoples in the institutions of Bangladesh.

In this regard, Asian Centre for Human Rights (ACHR) and Asian Indigenous Tribal Peoples Network (AITPN) request the Human Rights Committee to make the following recommendations in its Concluding Observations on Bangladesh:

- Express concern about the continuing human rights violations against indigenous Jumma peoples in the Chittagong Hill Tracts of Bangladesh;
- Urge the government of Bangladesh to establish a National Human Rights Commission in conformity with the Paris Principles on National Human Rights Institutions.
- Urge the government of Bangladesh to take full measures for implementation of the CHTs Accord of 1997 including the return of the lands to the indigenous peoples;
- Request the government of Bangladesh to order a judicial inquiry into the Mahalchari incidents by a sitting judge of the Supreme Court of Bangladesh and that Bangladesh government be requested to inform the CRC Committee on the issue;

- Request the government of Bangladesh to bring an end to discriminatory policies and practices such as providing free rations only to the settlers;
- Request the government of Bangladesh to honour the agreements signed between the government of Bangladesh and the Jumma Refugees Welfare Association under the 16-points rehabilitation package of 1994 and 20-points package of 9 March 1997 and provide rations to the internally displaced Jummas and the returnee Jummas refugees until they are fully rehabilitated;
- Request the government of Bangladesh to consider settling the plain settlers outside of the Chittagong Hill Tracts;
- Request the government of Bangladesh to withdraw the armed forces from the Chittagong Hill Tracts as agreed under the Chittagong Hill Tracts Peace Accord and deploy civil police to deal with law and order situation.