

## FOCUS

## Law and Our Rights

## Crisis In the Chittagong Hill Tracts — Bangladesh

by Adilur Rahman Khan

**T**HE Chittagong Hill Tracts is the most turbulent area in Bangladesh. A deep sense of resentment has built up in the hearts and minds of its inhabitants over the past two decades. The situation has been brought about by a sustained policy of discrimination, disparity and negligence, culminating ultimately in repression, or as it is officially known, a strategy of "counter insurgency."

In the sixties, the Kaptai Dam was built resulting in the destruction of the homes and livelihood of over 100,000 persons, all members of the Chakma community. Efforts to rehabilitate more than 18,000 affected hill families were not satisfactory because of fund shortage, inadequate planning and, in all probability, bureaucratic corruption and red-tapism. The cumulative effect of all these was increasing discontent and resentment amongst the tribals. In such a situation the educated young people from the hills turned to Marxist political philosophy, eventually forming the Rangamati Communist Party in 1970 as an underground organization to preserve and protect the interests of the hillpeople.

During Bangladesh's War of Liberation in 1971, Chakma King Raja Tridib Roy took the side of Pakistan as a result of which, in the post liberation times, the Hill Tract people have been subjected to the wrath of the people of the plain land. Taking advantage of this situation, many opportunity-seeking people moved to the Hill Tracts to take over land and property.

Following independence in 1972, the separate ethnic identity of the hillpeople was constitutionally subsumed within the concept of the "Bengali Nation" despite protests by those so marginalised, including the then Member of Parliament for the CHT, Manabendra Narayan Larma. During the parliamentary debate on Constitution Mr Larma proposed insertion of a new article declaring CHT as an autonomous area to safeguard the political, economic, social and religious rights of the 10 (ten) different ethnic peoples of the CHT who call themselves the 'Jumma' nation. The Speaker ruled out the amendment proposal on the ground of its being contrary to the basic principle of Bengali nationalism as already adopted. Thus the final attempt of Larma for a constitutional guarantee for the hillpeople failed to create any impression on his colleagues from the plains.

The armed struggle that inevitably followed the failure of constitutional attempts to obtain special status for the hillpeople gradually gave rise to stricter counter insurgency measures by the state. A planned joint Indo-Bangladesh operation did not materialize on account of the political change which took place on 15 August 1975. In fact, after the changeover, Larma and his followers crossed over to India, from where the armed struggle has been operating since then.

Succeeding governments of Bangladesh have adopted a two-

pronged policy to resolve the problem. On the one hand, counter-insurgency operations have been expanded and intensified; on the other hand, massive socio-economic development efforts have been undertaken under the supervision of the military. The governments have simultaneously declared the CHT as a Special Economic Area, declared repeated amnesties to facilitate the surrender of armed struggle, offered cash awards for recovery/surrender of arms and ammunition, made special provisions for admission of tribal students in institutions of higher education including medical and engineering, relaxed the qualification requirements for entry of tribals in government jobs, set up special local governments in the three hill districts (Khagrachori, Rangamati and Bandarban) and put in place a host of similar special arrangements for the CHT and its people.

## Human Rights Situation

The overall situation in the CHT remained unchanged under the government of Prime Minister Khaleda Zia who assumed office on 19-03-91, and no significant improvement was seen in the military control. The entire administration of the area is virtually run by the military. In fact, the politics, social organizations, press and all other agencies of the CHT are mostly influenced by the military. Even the national newspapers are now and then fed by the press department of the armed forces. It is surprising and most disappointing that Khaleda Zia's government officially declared it would continue the policies initiated by former military dictator Lt Gen Hussain Muhammad Ershad (1982-1990) for the CHT.

In April 1991, a meeting of the Council Committee on the CHT Affairs, the highest level policy making body of the government on the CHT, decided to continue the previous government's policy on the CHT.

## Case Studies: Human Rights Violations

**L**OOGANG: On 11 April 1992, most national dailies carried a report to the effect that, the Shantibahini had attacked Logang village, Khagrachori, on Friday 10 April 1992, killing a young Bengali cowboy, and that ten hillpeople had died in the ensuing shootout between the Shantibahini and the Bangla Rifles (a paramilitary force).

However, statements collected from survivors and eyewitnesses of the incident and discussions with local authorities — civilian and military — by a human rights group of 23 people including lawyers, journalists and social activists revealed that the reality was very different. On 10th April 1992, on the eve of the new year festival of the ethnic hill communities of the CHT, a massacre took place at Logang village of Kha-

grachori district when the death of a Bengali youth triggered a reprisal attack on hillpeople by settlers, aided by the Village Defence Party (a voluntary security force) and the Ansars (a para police force). The death toll stood somewhere between 150 to 200 persons.

**NANIARCHAR:** Report of the Jatio Aijibhi Parishad: On 17 November, 1993 a massacre took place in Naniarchar bazar, in the hill district of Rangamati. News of the killing was widely publicized in the national dailies (and markedly absent from the government controlled electronic media). By 20th November, the government acknowledged the killing of 19 hillpeople and one Bengali.

**BANDARBAN:** Report of the Fact-finding Mission: On 15th March 1995 the Marmadomai residential areas of Madhyam Para and part of Ujani Para of Bandarban town were set on fire by the members of the Parboto Gono Porishod (PGP). There have been conflicting press reports of the incident. Some newspapers laid the blame on the Pahari Chhatra Parishad (representing the hill

students of the Chittagong Hill Tracts) and other press reports blamed the Parboto Gono Porishod. The press reported that 200 to 300 houses were burned to the ground. Two people were reported killed and 50 to 100 people injured. An eleven member team including journalists, human rights activists and student leaders prepared a report after visiting the area in Bandarban.

**Rangamati — killing of 28 woodcutters**

The recent killing of 28 woodcutters in Rangamati has created another obstacle in the peace process. The poor innocent woodcutters who are the non-combatant people have been slaughtered brutally by some criminals. Although the establishment is trying to say that, the killing has been done by the Shantibahini and which has also been reported in some newspapers in this way but Shantibahini, in the meantime issued a statement denying their involvement in this killing which shows again that some people active in that area

are always in the peace move. The people of Bangladesh irrespective of Bangalee and Chakma has strongly criticised this killing and asking for the exemplary punishment for the perpetrators.

## Political Dialogue

Over the period of years many developments have taken place. Manabendra Narayan Larma has been assassinated as a result of factionalism in the PCJSS. Shantibahini has been divided and hill people of CHT have left their homes and crossed over to India or into the interior of CHT. Some refugees have come back, governmental changes have taken place in Bangladesh, more than 2,000 Shantibahini men have been killed or captured another 3,000 have surrendered (the largest surrender took place on 29th April 1985 when several hundred Shantibahini men of the Priti group surrendered to the government), huge quantities of arms have been surrendered.

The government of Begum

Khaleda Zia set up a nine-member committee headed by a cabinet minister in July 1992 to find a political solution to this problem. This committee held several rounds of talks between government and PCJSS representatives which has failed to bring a political solution up to now. A cease-fire has been periodically extended and sometimes broken. Following an agreement between India and Bangladesh, repatriation of some of the 56,000 CHT refugees from India began in February 1994 when over 1,800 people returned. Around 3,300 more refugees returned in July and August, even though land and homes had been restored to only a few of the returning refugees. But this move of Khaleda government raises hopes for a solution to the problem. Discussions and debates at various levels including human rights groups will surely help the government in finding the right path for the possible solution for the on going conflict.

## National Initiatives

Just after the Logang incident in 1992 some human rights activists, journalists and

lawyers met together and de-

cided to form a campaign group to address the issues of CHT locally and internationally and the National Committee for the Protection of Fundamental Rights in the Chittagong Hill Tracts was formed. On 2nd June 1995 this committee organized a national seminar in Dhaka which was titled as "Chittagong Hill Tracts: Problem and Solution" and which was attended by many concerned people for the first time in the heart of the Bangladeshi capital. The speakers in this national seminar who were members of parliament, politicians, cultural activists, NGO activists and representatives from CHT, called for dismantling of the cluster villages and settling of the repatriated refugees on their own lands.

## Recommendations

The armed struggle in CHT is continuing for more than two decades. Thousands of people have crossed the border and sought shelter in India. The government in New Delhi has allegedly helped and trained the Shantibahini, the military wing of the PCJSS, in order to gain leverage over Bangladesh.

The governments of Bangladesh have pursued discriminatory and oppressive policies towards the people of CHT. Now the time has come to say enough is enough, and to look for a political solution. For a comprehensive solution to this issue we can recommend the following:

(1) A consensus amongst all

the political parties in Ban-

gladesh is a must for a solution

to the problem. Issues related to

the CHT need to be kept of

outside national political ri-

valries, through an agree-

ment of the parties.

(2) The hill people have been

fighting for regional autonomy

with a constitutional guarantee.

The unitary nature of Ban-

gladesh precludes such regional

autonomy which amounts to

much more than (even) provi-

ncial autonomy. A half-way

house solution may be found by

detaching the three hill dis-

tricts from the existing Chi-

ttagong division and then

grouping them in a separate

administrative division with

necessary powers. This will give

the geographical area a total

separate identity.

(3) Ever since the birth of

Bangladesh the demand for

constitutional guarantee has

been a consistent one, first

from Manabendra Narayan

Larma and thereafter from the

PCJSS. But this has not been

accepted so far. Any serious at-

tempt to bring peace to CHT will

have to look at the issue as a

psychological one. The major

ity of Bangladesh will have to

go for a compromise with the

CHT people to provide appropriate constitu-

tional guarantee. Such a guarantee can be discussed and a reasonable accommodation found through a suitable amendment to the constitution. Such a guarantee may cover the special status of the CHT and its hill population.

(4) The issue of Bengalee settlers in the CHT also needs attention. It is true that since 1984 settlement of the political settlers have been stopped but the PCJSS demands the removal of the earlier settlers also who went their through natural course of migration. Obviously this is a demand which would have very serious repercussions amongst those settlers who, over a long period of time, have faced untold miseries and hardships including reprisal attacks by the Shantibahini. The majority population of the country probably would not be very happy with any move in this direction.

However, all future permanent entry of non-hill people may be stopped by law. Along with that voluntary return of the settlers may be encouraged by granting them lease of lands in various districts outside CHT and international agencies may be approached for assistance to facilitate this. Such international agencies are likely to be willing to help, as they have already expressed their views that the CHT situation is a violation of human rights and may serve as an obstruction to aid programmes.

(5) Land problem is one of the most serious impediments regarding peace in CHT. The individual and communal rights of the hill population in CHT are totally different from the land rights in the rest of the country. A mechanism will have to be found to recognize these rights of the hill population by identifying the hill people who are the owners and occupiers on the basis of hearsay evidence since documentary evidence either did not exist ab initio or these have been lost when these people migrated to India or elsewhere in CHT as a result of the armed struggle.

Scarcity of cultivable land in CHT is another problem. It will be necessary to make more land available for rehabilitation of the hill people affected by the Kaptai Project who were not covered by the earlier programmes. Handing over of land to the non-hill people in the CHT region must be prohibited and steps should be taken to return the lands already handed over.

To conclude we feel that the crisis in the CHT has not been born out of a conflict between ordinary Bangalee and hill people. The Bengalees who fought against colonial repression as a nation can not impose the same form of colonialism on another. So by creating an effective unity between the Bengalees and hill people the whole scene can be changed.

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## European Holocaust: History Repeating Itself

**M**EMORIES of the Holocaust, the frightful images of Nazi concentration camps and massacres have returned to haunt humanity. In the wake of the extermination of up to four million Jews, Catholics and Gypsies, certain Western European nations assured themselves that such a tragedy would never again occur. After World War II, these powers together with the US paved the way for the birth of various Charters and Conventions to guard against such carnage. Among the most famous of these documents is the Convention on Prevention and Punishment of the Crime of Genocide (1948).

But as the ground is prodded and probed in the areas surrounding Srebrenica in Bosnia-Herzegovina, it is clear at day-light that the lofty ideals contained in the Convention and other such agreements have failed to protect yet another community from massacre. How many were killed in Srebrenica? Three thousand? Perhaps eight thousand. The speculation continues as more and more bodies are dug up daily. Forensic experts, UN officials and international observers are busy excavating skulls and corpses of unarmed Muslims massacred after the fall of the "safe haven" to the Serbians.

The evidence reveals the cold-blooded slaughter of civilians. People were shot with their hands bound, others were mowed down by gunfire in an ambush and still others were blown up after being herded onto a bus. The hard evidence we now have only adds to what

we already knew of the civilian slaughter that had been going on in other parts Bosnia-Herzegovina as well, as the war dragged on over forty-three months.

Who will bear the blame for this savagery? The first international war-crimes tribunal since the World War II is currently underway in the Hague. As witness accounts are presented to match the gruesome evidence from field excavations, a clearer picture of the atrocities is beginning to emerge.

In the case of Srebrenica, UN peacekeepers are taking the lead. For, by their own admission, they had abandoned the enclave to save their own skins. The commander of the Dutch UN peacekeeping force, giving testimony as a witness, told the tribunal that he chose to evacuate his men while the Serbs advanced on the town. He blamed the French for not providing the air-cover that he had requested. The French meanwhile said that their inaction was due to their attempt to obtain the release of two French pilots who were taken hostage by the Serbs. Such accounts clearly show the peacekeepers at their ineffective best. Clashing and blundering as they withdrew, they allowed a civilian refuge to fall without opposition to the ravages of the Serbian military.

There was undoubtedly a lack of will in Europe to protect the innocents of Bosnia during the war that has now deeply divided that country. The apathetic stance is not just reflected by the inaction of peacekeepers

in Srebrenica, but by the political positions of some of the most powerful nations in Western Europe — nations that stood by indifferently and even blocked attempts to rescue a failing Bosnian defense, as it was being overwhelmed by the

It is regrettable therefore that, when called upon to demonstrate their sincerity, those European governments have not responded by throwing their full weight behind wheels of justice at the Hague. They have failed to persevere against indicated persons with the same tenacity that they showed more than fifty years ago. They have thus lost an opportunity to show that they will not tolerate such awful crimes against humanity. By not acting decisively against the Serbian war-lords, those governments have abdicated their responsibility to protect the people from the very horror that they had for-bidden through the Genocide Convention.

All that remains now is to see whether they will come around and adopt a more proactive posture to address the Bosnian war-crimes. One hopeful sign is France's recent diplomatic effort aimed at sanctioning the arrest of persons indicted for war-crimes in order to make them face the tribunals. The world thus waits and watches to see how much power and influence the leading states of Europe will bring to bear upon the war-crimes suspects in Bosnia-Herzegovina.

**Sanan Marshall Programme Co-ordinator Just World Trust (JUST)**

## The Daily Star Entertainment Guide



Sophiya 12:00 Big Bang VJ Alessandra 1:00 The Ride VJ Trey 2:00 By Demand VJ Alessandra 4:30 Launchpad VJ Sophiya 5:30 VJ Alessandra

6:00am Frame by Frame 7:00 Rewind VJ Sophiya 8:00 Frame by Frame 10:30 Soul Curry 11:00 BPL Dye 1:00 Sansu Mangal Hai 12:30 First Day Show 1:00 Big Bang VJ Alessandra 2:00 Speak Easy 2:30 Videoclip Flashback 3:00 Asian Top 20 VJ Trey 5:00 The Vibe Weekend VJ Luke 7:00 Palimove Extra Time Pass 8:00 The Indian Top 10 9:00 Launch Pad VJ Sophiya 10:00 Viewers Choice Awards 11:00 Rewind VJ

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