

FOCUS

Law and Our Rights

Crisis in the Chittagong Hill Tracts — Bangladesh

by Adilur Rahman Khan

THE 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 Lama. During the parliamentary debate on Constitution Mr Lama 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 'Bengalee' nationalism as already adopted. Thus the final attempt of Lama 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 strict 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, Lama 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 strugglers, 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 and set up special local governments in the three hill districts (Khagrachari, 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

LOGAN: On 11 April 1992, most national dailies carried a report to the effect that the Shantibahini had attacked Logang village, Khagrachari, 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 Bangladesh 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-

grachari 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 Ainjibi 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 Marmadominated residential areas of Madhyam Para and part of Ujani Para of Bandarban town were set on fire by the members of the Parbotto Gono Parishad (PGP). There have been conflicting press reports of the incident. Some newspapers laid the blame on the Pahari Chhatra Parishad (representing the hill

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

students of the Chittagong Hill Tracts) and other press reports blamed the Parbotto Gono Parishad. 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.

to create tension and disruption are always in the peace move. The people of Bangladesh irrespective of Bengalee 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 Lama 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 decided 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 Bangladesh capital. The speakers in this national seminar who were members of parliament, politicians, cultural activists, lawyers, litterateurs, 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 Bangladesh is a must for a solution to the problem. Issues-related to the CHT need to be kept outside national political rivalries, through an agreement in the greater national interest. This would work as a necessary signal to the participants in the armed struggle that the rest of the country is totally united for a peaceful solution of the issues.

(2) The hill people have been fighting for regional autonomy with a constitutional guarantee. The unitary nature of Bangladesh precludes such regional autonomy which amounts to much more than (even) provincial autonomy. A half-way house solution may be found by detaching the three hill districts from the existing Chittagong division, and then grouping them in a separate administrative division with necessary powers. This will give the geographical area a totally separate identity.

(3) Ever since the birth of Bangladesh the demand for constitutional guarantee has been a consistent one, first from Manabendra Narayan Lama and thereafter from the PCJSS. But this has not been accepted so far. Any serious attempt to bring peace to CHT will have to look at the issue as a psychological one. The majority population 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 Bengalee 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.

The writer is an advocate, Supreme Court of Bangladesh. He is a member, Executive Committee, National Committee for the Protection of Fundamental Rights in the Chittagong Hill Tracts.

European Holocaust: History Repeating Itself

MEMORIES 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 as daylight 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 Bosnian Serbs.

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 flak. 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 defence as it was being overwhelmed by the Serbian war machine.

A key player in all this has been the British government. British politicians had played an influential role in preventing the Bosnians Muslims and Croats from acquiring heavy weapons to defend themselves. British government policy towards the conflict had largely favoured rewarding the Serbian aggressor territorially. In this, the British government had tried its best to draw the participation of Russia into the territorial negotiations; Russia being the traditional ally of the Serbs. It also tried to circumvent various UN Security Council resolutions in the furtherance of such adverse policies against Bosnia-Herzegovina. It is no surprise therefore that the Bosnian government had brought a case against Britain for complicity in genocide, though withdrawn under heavy international pressure.

While Britain, Russia and others can be accused of complicity, the indictments for actually orchestrating the genocide have fallen squarely on the shoulders of Bosnian Serb leader Radovan Karadzic and his army chief, General Ratko Mladic. It is the US, rather than Britain or any other European power, that has shown the greatest determination in bringing the duo before the Hague tribunals. Russia has in fact responded negatively to

any attempt to apply pressure upon Karadzic and his general, aimed at bringing them to the Hague.

In this sense, the strongest resolve to see justice carried out in the war-crimes indictment has come from outside Europe.

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 warlords, those governments have abdicated their responsibility to protect the people from the very horror that they had forbidden 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.

Sanen Marshall Programme Co-ordinator Just World Trust (JUST)

The Daily Star Entertainment Guide

Sunday 29th September
(All programmes are in local time. There may be changes in the programmes).

BTV

3:00 Opening Announcement
3:10 Quran Programme Summary
3:15 Cartoon: Woody Woodpecker
3:45 Relecast of Weekly Drama
4:00 News in Bangla
4:45 Dik-Diganta
5:00 News in Bangla
5:25 Sports Programme
6:00pm News in Bangla
6:30 Apnar Daktar
7:00 News in English
7:05 Open University
7:25 Tagore Songs
8:00 News in Bangla
8:25 Jannabumi
8:30 Bigyan-O-Nary
9:00 Film Series: Akbar The Great
10:00 News in English
10:30 Shasthathata
10:35 Shanto Sherkata
11:30 News in Bangla
11:35 Monday's programme
11:40 Close down

BBC

6:00am BBC World News
6:30 India Business Report
7:00 BBC World News
7:25 This Week
8:00 BBC World News
8:30 India Business Report
9:00 BBC World News
9:30 Horizon
10:00 BBC World News
10:20 The Last Days Of The Wall
11:00 BBC World News
11:25 India Business Report
12:00noon BBC World News
12:20 This Week
1:00 BBC World News
1:05 Correspondent
2:00 BBC World

CHANNEL V

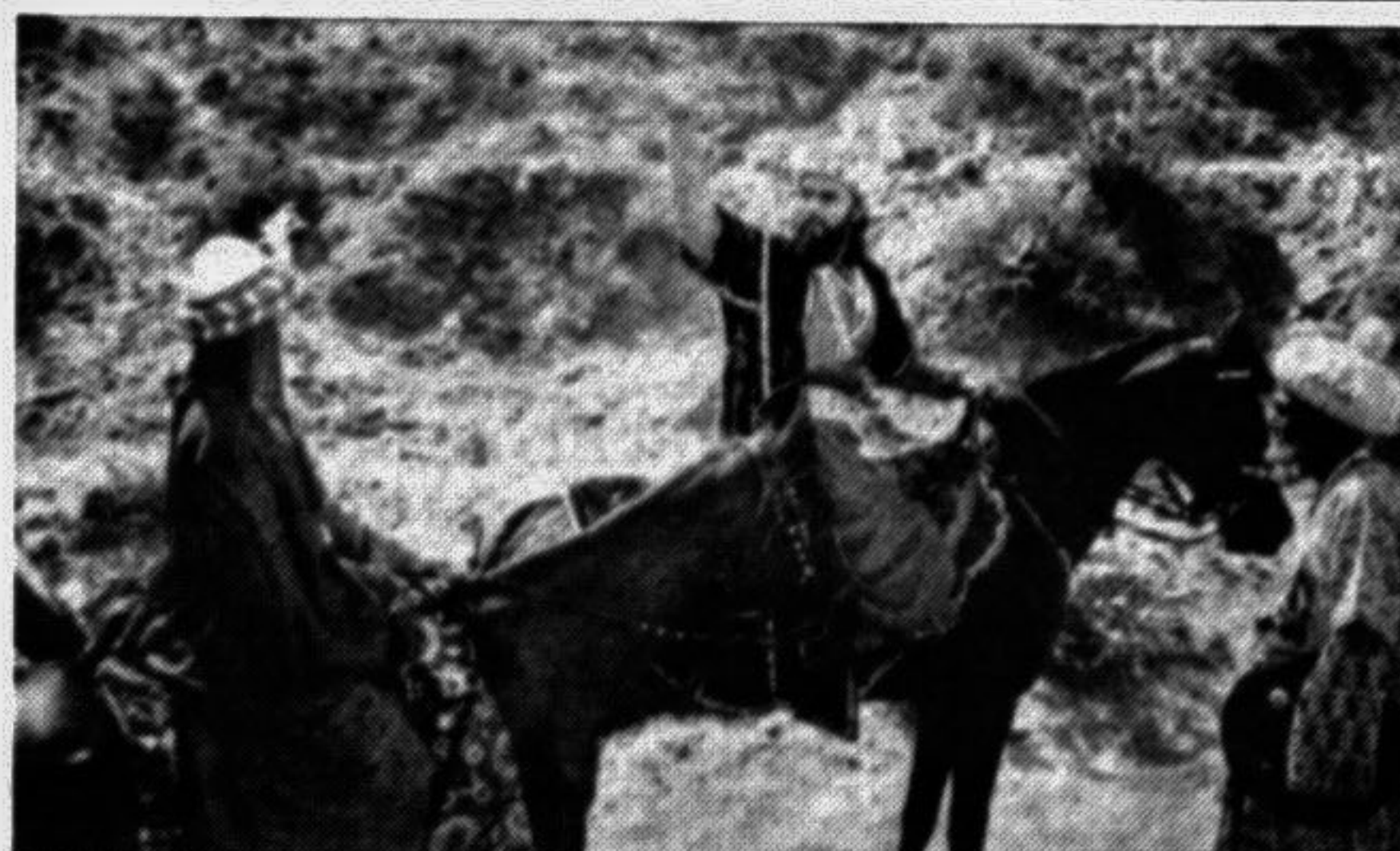
6:00am Frame by Frame
7:00 Rewind VJ
8:00 Frame by Frame
10:30 Soul Curry
11:00 BPL Oye
12:00 Sansui Mangta Hai
12:30 First Day First Show
1:00 Big Bang VJ
Alessandra 2:00 Speak Easy
2:30 Videocon Flashback
3:00 Asian Top 20 VJ
Trey 5:00 The Vibe Weekend VJ
Eke 7:00 Palmolive Extra Time
8:00 The Indian Top 10
9:00 Launch Pad VJ
Sophia 10:00 Viewers Choice Awards
11:00 Rewind VJ

STAR PLUS

6:30am Voltron
7:00 King Arthur
7:30 Classic Cartoons
8:00 Terry Toons
8:30 T-Bag
9:00 Eke The Cat
9:30 India Business Week
10:30 The Road Show
11:00 Amul India Show
11:30 Kriket
12:30 The Fall Guy
1:30 Vegas 2:30 Best Sellers
3:00 'Seventh Avenue'
1/3 4:30 Swiss Family Robinson
5:00 Kriket
6:00 The Road Show
6:30 Amul India Show
7:00 WWF-Action Zone
8:00 3rd Rock From The Sun
8:30 Beverly Hills 90210
9:30 Picket Fences
10:30 Burke's Law
11:30 21 Jump Street
12:30 Chicago Hope
1:30 India Business Week
2:30 Amul India Show
3:00 The Oprah Winfrey Show
4:00 Hooperman
4:30 Home and Away
5:00 The Sullivan
5:30 Gabrielle

STAR SPORTS

6:30am Omega Sailing Magazine
7:30 Spar
8:30 World Wrestling Federation
9:30 Futbol Mundial
10:30 Britannic Assurance Championship
11:00 Live Marlboro League
11:30 Chinese National Football League
Beijing vs Dalian
6:00pm Indy Racing League
Las Vegas
7:30 This is the PGA Tour
8:30 World M/Cycle Champs-Different Features
9:00 1996 Singer World Series
India vs Zimbabwe
Highlight 1:00 Indy Racing League
Las Vegas
2:30 International

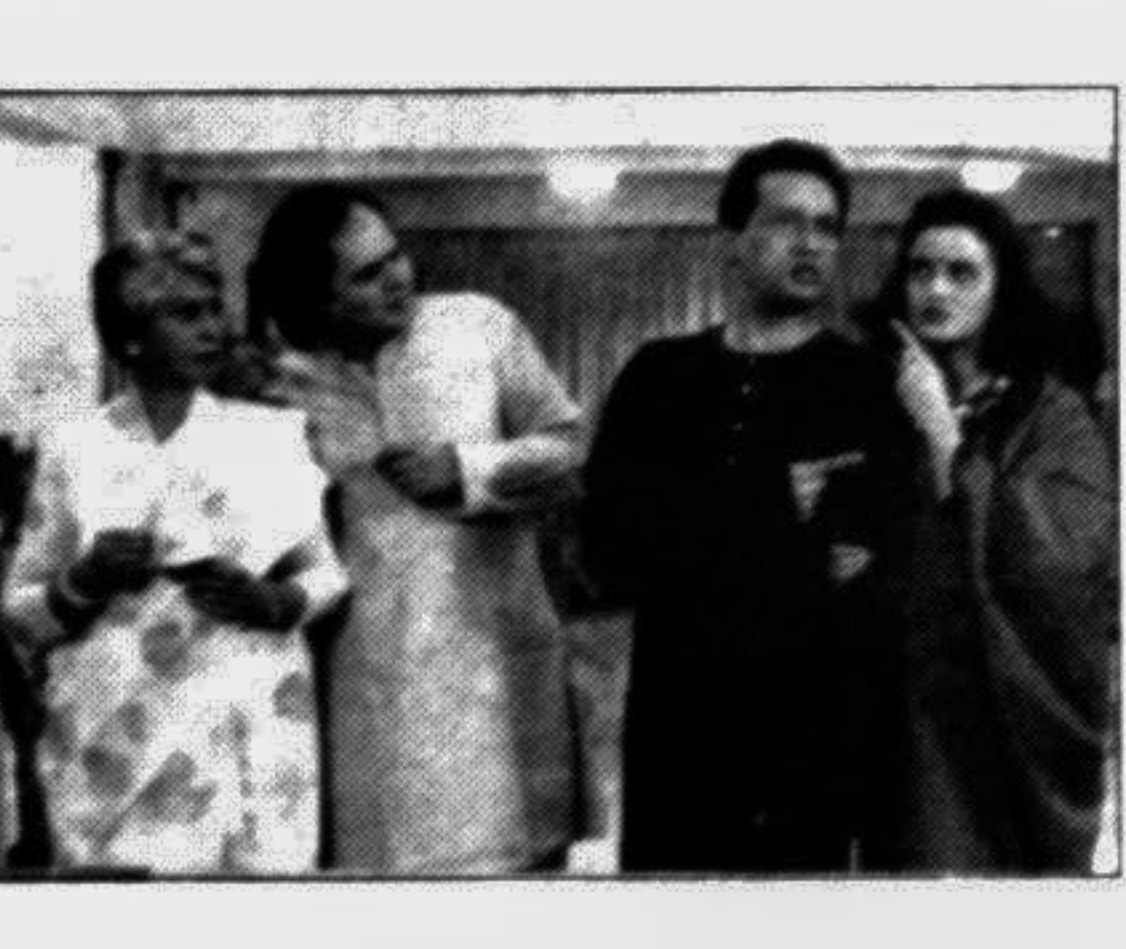


Akbar The Great on BTV at 9:00 pm

Sophia 12:00 Big Bang VJ
Alessandra 1:00 The Ride VJ
Trey 2:00 By Demand VJ
Trey 3:00 Big Bang VJ
Alessandra 4:30 Launchpad VJ
Sophia 5:30 VJ Alessandra

STAR MOVIES

7:30am Comedy Bon Appetit
Mama 15 (Hindi Subtitles)
9:30 Family Dutch PG (Hindi Subtitles)
11:30 Adventure The Eagle Has Landed 15 (Hindi Subtitles)
1:30 Sunday Classic Western: The Outlaw PG (Hindi Subtitles)
3:30 Sunday Show Time: Hans and The Silver Skates (PG) (Hindi Subtitles)
4:30 Sunday Show Time: 100 Yrs Of Cinema: USA Pt 3 15 5:30 Sunday Family Double Feature: Triumph Of The Heart (Hindi Subtitles)
7:30 Sunday Family Double Feature: North PG (Hindi Subtitles)
8:15 Film 96 9:30 Gold: Clifford PG (Hindi Subtitles)



Nirma Aahaa on Zee at 9:00 pm

Tring Tring 9:00 Nirma Aahaa
9:30 9 Malabar Hill 10:00 The Zee Horror Show 10:35 News
11:00 Index 11:30 Philips Top Ten 12:30 Gopalee 1:00 Mr. Men 1:30 Gravera K 1:00 Mr. Men 2:00 Arabic Programme 2:30 TMM 3:00 Dastan 3:30 Goomta
4:00 Aina Jagran

EL TV

00:30pm Late Mangeshkar Special
1:30 Late Mangeshkar Special
2:30 Ayeab
Dastan 3:30 Sur Sargam 4:30
Pyaar Hi Pyaar 5:30 Late Mangeshkar Special 6:30 Late Mangeshkar Special 7:30 Late Mangeshkar Special 8:30 Late Mangeshkar Special 9:30 Late Mangeshkar Special 10:30 Late Mangeshkar Special 11:30 Late Mangeshkar Special 12:00 Late Mangeshkar Special

PTV

8:00am Tilawat Aur Tarjuma
Hamd Naal 8:20 Cartoon
8:30 Khabraam 8:45 Fun Time
9:05 TV Encyclopedia 9:25 Khal Farnash 9:40 Sports Clinic
10:05 PTV Gold 10:30 English Film: Darkwing Duck 10:55 Mast

Mast Sanyo 11:00 Khabraam
11:10 Sports Hour 12:05pm Be-cop 95/Qasmi Hahani 12:55 Quran-Hakeem 1:02 Bismillah
1:15 Aai Di Kahani 1:40 Aai Di Shaam 2:00 Kinara Ee 4:31 (Drama Serial) 2:55 Ghost Writer 3:55 Karabar 4:15 Education 5:25 Riazi for 9th 5:55 Zameen Per Zindegi (Drama Serial) 6:25 Arou Courses 7:00 English News 7:30 English Film: Star Trek Deep Space Nine 8:20 Hawa Ki Naam 9:00 Break for Headlines News 9:20 Sur Tasvir (Pakistani Film 1947-95)
10:00 Khabamama & Commercial News 11:00 Pezwaan 11:35 Home Victim (New Serial) 12:35 Music Masters-Raag Rang 1:00 Khas Khas Khabraam

DD 7

9:00 Janmadin 9:05 Geetmalay

9:30 Movie Club Film: Vidya Sagar 12:30 Sur Tasvir 1:00 Dhrang Dhrang Bole 1:30 Movie Club Film: Raja Ramchandra 3:30 Geet Sangeet 4:30 Bengali Feature Film 5:30 News 7:20 Binodan 7:30 Bangla Sambad 8:00 Marzada 8:25 Ek Tuku Basa 9:30 Drama 10:00 Dance Prog 10:30 News/Bengali Sambad 11:00 Closed

SONY ET

8:30am Jai Bir Hanuman 9:00 Yaadon Ki Baarat 9:30 Gaane Jaane Maane 10:00 Hindi Hits Songs 10:30 Buddha 11:00 Civil Lines 11:30 Sunday Ki Koun 12:00 Hame Bhaer Koun 12:30 Pehli Mukat 1:00 Hum Se Barker Gong 2:30 Mere Massage Meri Geet 3:00 Naye

ZEE CINEMA

6:30 Hit Hai Fit Hai 8:00 Film: Bewaqool B/W 10:45 Break Ke Baad 11:15 Hera Phen 2:00 Film: Chakkar 2:30 Film: Bezubaan 5:15 Songs 6:00 Film: Bandhan 8:45 Ikk Pe Ikk 9:30 Film: Nagin 12:15 Trailers 12:30 Film: Kasam Paida Karnawale Ki 3:15 Songs 4:00 Film: Jalle Badin

Garfield®

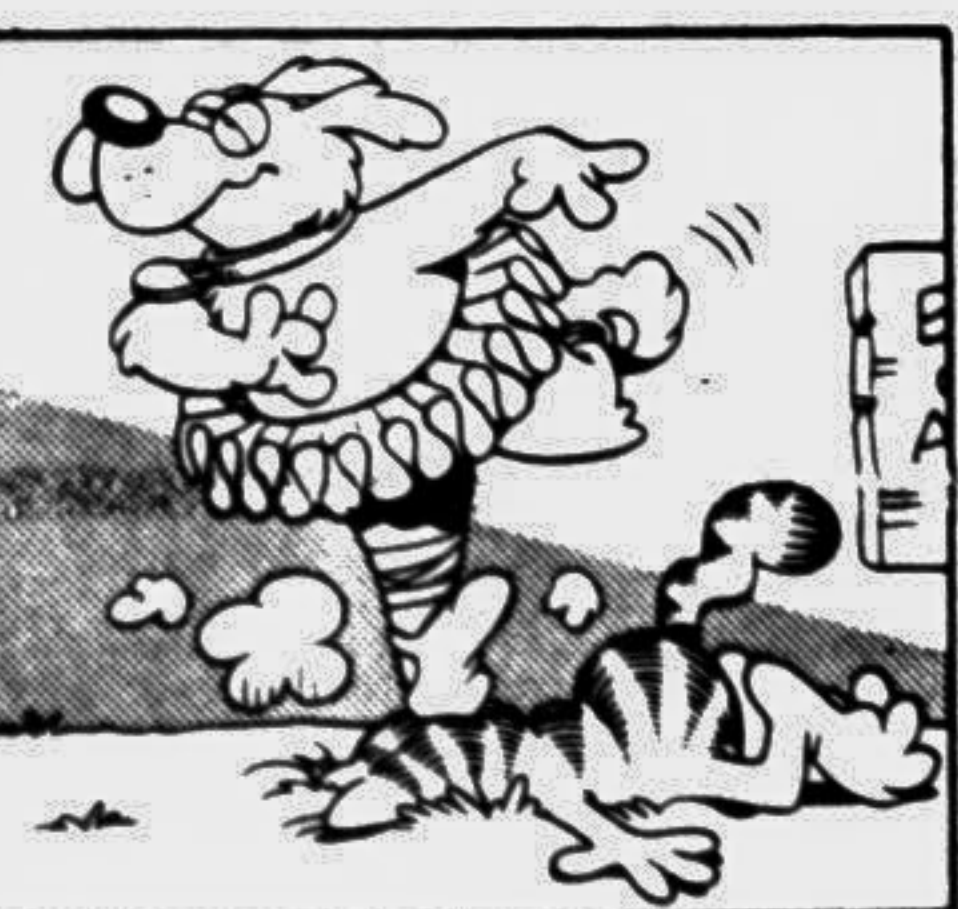
by Jim Davis



Jim Davis 4-5



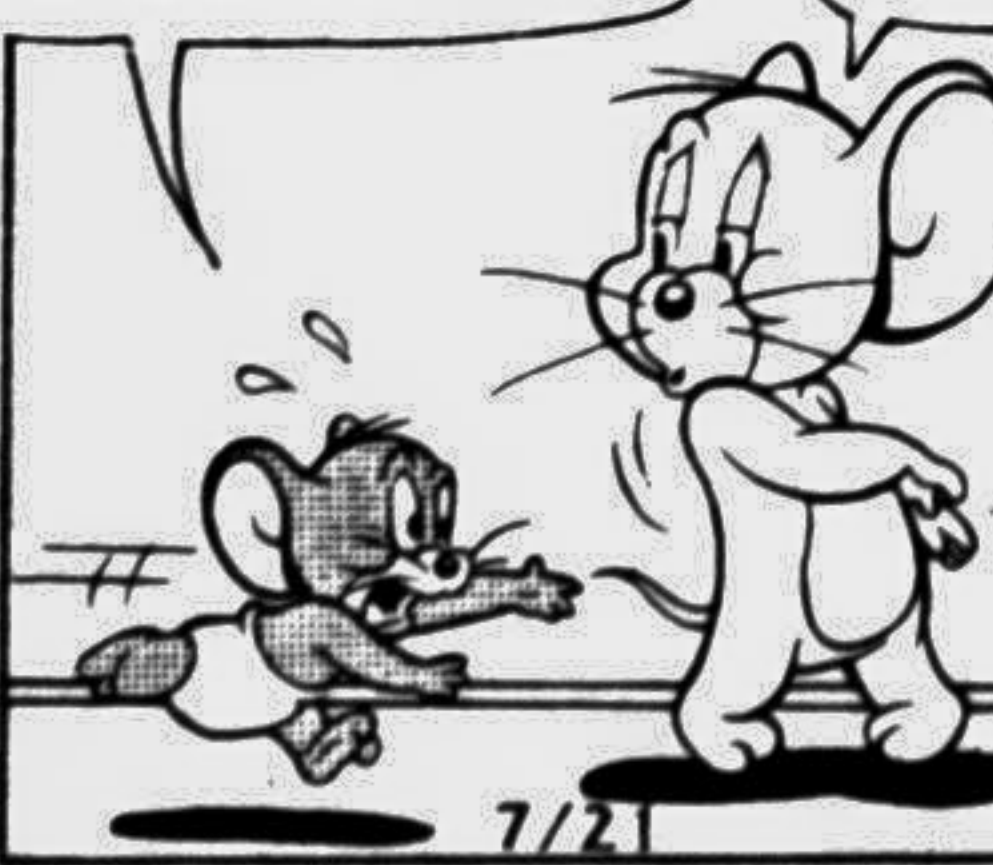
Jim Davis 4-5



Jim Davis 4-5

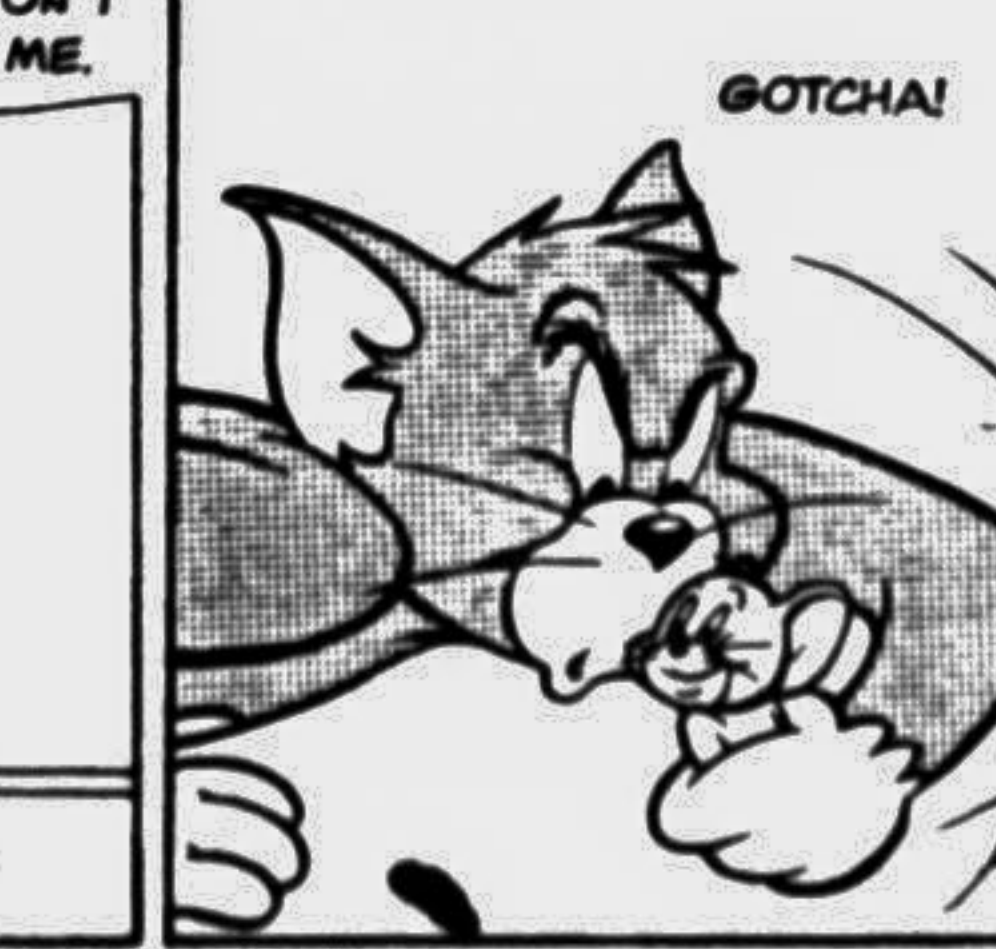
Tom and Jerry

RUN FOR YOUR LIFE!
TOM IS ON THE WARPATH!



7/21

OH, HE WON'T BOTHER ME.



7/21

GETCHA!



7/21

BEH!
YOU'VE BEEN EATING GARLIC!



7/21