

£BANGLADESH

@Human rights violations in the Chittagong Hill Tracts: An update

Introduction

In August 1991 Amnesty International published a document, *Bangladesh: Human rights in the Chittagong Hill Tracts, 1989-1990* (AI Index: ASA 13/04/91). It describes torture and extrajudicial executions of non-combatant tribal inhabitants of the Chittagong Hill Tracts by security forces during 1989 and 1990. These violations occurred in the context of continuing conflict between the security forces and armed tribal groups seeking regional autonomy.

The incidents of torture and extrajudicial executions contained in that report took place while the government of President Hossain Mohammad Ershad was still in power. Following the resignation of President Ershad on 6 December 1990, an interim government under Acting President Shahabuddin Ahmed was appointed. Parliamentary elections took place on 27 February 1991. They were won by the Bangladesh Nationalist Party under Begum Khaleda Zia who was sworn in as Prime Minister on 20 March 1991.

Amnesty International in early October 1991 drew the attention of the new government to human rights violations in the Chittagong Hill Tracts and submitted its recommendations for remedial action. It urged the government of Prime Minister Khaleda Zia to take serious note of past abuses in the Chittagong Hill Tracts and to implement preventive measures against future human rights violations.

In two instances described in the report published by Amnesty International in August 1991 the authorities appear to have initiated investigations into reported human rights violations: the extrajudicial killings at Langadu in May 1989 and the rape of tribal women by security forces in Rangamati district in October 1990. Amnesty International called on the Bangladesh Government to provide further information on these investigations giving details of the methods of inquiry and their findings. Although criminal charges were said to have been brought against the suspected perpetrators, at least in the Langadu incident, it is not known what the precise charges were, nor whether those involved had in fact been brought to trial. Amnesty International learned from unofficial sources that the rape incident in 1990 had been investigated and that at least two of the soldiers had been disciplined. When it submitted its report to the Bangladesh Government in October 1991 Amnesty International sought further information on whether all the alleged perpetrators have in fact been charged or tried for the offence under criminal law. To date the Government of Bangladesh has not replied to Amnesty International's queries.

Amnesty International has received a number of reports of human rights violations alleged to have taken place since the beginning of 1991, both under the interim government and under the government of Prime Minister Khaleda Zia. They include instances of unacknowledged detention, detention without trial, beating of tribal detainees in police or military custody, torture and death in custody, including possible extrajudicial executions. In the course of searches of villages suspected to harbour members of the *Shanti Bahini* (Peace Force), an armed opposition group, houses as well as property of the tribal population were frequently reported to have been destroyed by military personnel or the paramilitary Bangladesh Rifles. Some of the violations

were also reported to have been deliberately committed in order to force the tribal population to move to cluster villages. Amnesty International has also learned about some instances of violation of the freedom of expression in relation to events in the Chittagong Hill Tracts.

The government continued to send reports to Amnesty International about human rights abuses allegedly committed by the *Shanti Bahini*, the armed wing of the *Jana Sanghati Samiti*, (JSS, the People's Solidarity Association) during 1991. These included allegations of random killing of non-tribal settlers, abductions and bomb explosions resulting in death.

Military sources were reported to have declared in the beginning of September that in the month of August alone tribal insurgents had killed at least 20 non-tribal settlers, security personnel and tribal villagers. Official sources were quoted in the international press to have stated that since 1980 some 1,180 soldiers and civilians have been killed by the *Shanti Bahini*. These sources also stated that in addition some 766 persons were injured and 582 were kidnapped by tribal insurgents during that period.

Newspapers in Bangladesh carry regular accounts of alleged abuses by *Shanti Bahini*; for instance the *New Nation* reported on 4 October that a tribal person was shot by *Shanti Bahini* in his home for having ignored their orders. On 29 September the same newspaper reported at length on local people in Langadu staging a "procession against the killings of two innocent non-tribals by the outlawed *Shanti Bahini* last week". Allegations of human rights violations committed by the security forces rarely appear in the newspapers of Bangladesh.

The continued armed conflict in the Chittagong Hill Tracts makes it particularly difficult for Amnesty International to verify reports of human rights abuses by the *Shanti Bahini*. The organization, however, condemns as a matter of policy torture and killings of non-combatants by any one, including armed opposition groups.

Political developments in the Chittagong Hill Tracts since December 1990

The government of President Ershad in 1988 negotiated a peace plan for the Chittagong Hill Tracts with some tribal leaders, which included the setting up of district councils. In February 1989 the Bangladesh parliament passed legislation providing for limited local autonomy in the Chittagong Hill Tracts through the creation of elected Hill District Councils in Rangamati, Khagrachari and Bandarban. The JSS opposed the legislation, yet elections to the district councils went ahead in June 1989. The legislation gives responsibility to the councils for several areas of local civil administration, including land sales and the appointment of police up to the rank of assistant sub-inspector. Of the 22 areas of civil administration to be transferred to council control only three, primary education, health and agriculture, were handed over in 1990. A Council Committee on the Chittagong Hill Tracts Affairs headed by Acting President Shahabuddin Ahmed reportedly decided on 9 June 1991 to transfer the remaining 19 subjects to the Hill District Councils shortly. A four-member committee headed by a Secretary of the Establishment Division was to prepare the transfer. The actual date of transfer was not announced. The Bangladesh Representative to the UN and other international organizations in

Geneva informed the UN Working Group on Indigenous Populations in Geneva on 31 July that all 22 subjects had been transferred to the Hill District Councils. Gautam Dewan, Chairman of the Rangamati District Council in early September reportedly declared that this had not in fact been the case.

On 7 January the JSS called on the interim government to postpone parliamentary elections in the Chittagong Hill Tracts scheduled for 27 February until a political solution to the problems of the area could be found. The party also pressed for the dissolution of the Hill District Councils. Other organizations such as the Chittagong Hill Tracts Students' Association and the Chittagong Hill Tracts Peoples' Council made similar demands.

Acting President Shahabuddin Ahmed had reportedly already declared on 30 December in Rangamati that his government would continue the policies of the previous government with respect to the Chittagong Hill Tracts. He later stated that the Hill District Councils would not be dissolved and that parliamentary elections would proceed according to the national schedule. In the election held on 27 February, Awami League candidates won in all the three parliamentary constituencies, Rangamati, Khagrachari and Bandarban.

On 21 October the government once again offered an amnesty, together with rewards of money, land and foodgrain, to any *Shanti Bahini* members who would surrender their arms and give up their struggle. Earlier amnesties, for instance in 1989, were not notably successful as few tribal fighters surrendered. Government sources estimate that some 2,500 *Shanti Bahini* are fighting in the Chittagong Hill Tracts; about 18,000 military and paramilitary forces are said to be stationed there at present.

Human rights violations in the Chittagong Hill Tracts since December 1990

Among the human rights violations that Amnesty International has learned about from reliable sources are several cases of unacknowledged detention, torture and deaths in custody, including possible extrajudicial executions, and an instance of detention for the exercise of the right to freedom of expression.

1. Detention without trial

In early July a number of tribal persons were reportedly detained on suspicion of being members or supporters of the *Shanti Bahini*. Some of them were still in detention in late October, with some in unacknowledged detention.

Bijoy Ketan Chakma, a 45-year-old ivory-carver, was taken from his house in Rangamati on 7 July around midday by a plainclothes army security officer and a uniformed Assistant Sub-Inspector of police. He was assured that after a short meeting with "higher authorities" he would be able to return home. He was initially taken to the Kotwali police station in Rangamati. Around 9.30pm he telephoned his wife, Nilima Chakma, to say that he was under arrest on the ground that he was an insurgent and a threat to national security.

Nilima Chakma tried to file a bail application for her husband on 8 July but the magistrate reportedly refused to accept the bail application. She was told that her husband's case was non-bailable and that a hearing would take place after a fortnight. Bijoy Ketan Chakma was reportedly served with a formal detention order on 13 July. His lawyer filed a writ petition with the High Court in Dhaka on 21 July. A High Court notice was served to the Rangamati authorities to "show cause" why Bijoy Ketan Chakma should not be released. On 18 November Bijoy Ketan Chakma was released after the Supreme Court ruled in his favour on 13 November.

Bijoy Ketan Chakma is not known to have used or advocated violence or to have had any connection with the *Shanti Bahini*. The arrest may have been related to his being the Convener of the Chittagong Hill Tracts Hill Peoples' Council. This non-governmental body was reportedly set up in December 1990 with the aim, according to its founders, of negotiating between the *Shanti Bahini* and the new government. It is reportedly seen by the Government of Bangladesh as hostile to its policy in the Chittagong Hill Tracts. Bijoy Ketan Chakma was to speak on 9 July at a meeting that had been called to protest against the alleged misappropriation by the Rangamati District Council Chairman of a large amount of rice meant for distribution after the recent cyclone.

2. Unacknowledged detention

Another office-bearer of the Chittagong Hill Tracts Hill Peoples' Council was arrested shortly afterwards. **Monotosh Dewan**, the 55-year-old Finance Secretary of the organization, was arrested from his house in Chittagong allegedly by plain clothes military intelligence officers on 8 July around 11pm. Two students then present in his house, Jatna Sen Chakma and Josef Chakma, were detained along with Monotosh Dewan but they were reportedly released later. Monotosh Dewan was reportedly first taken to the Kotwali Police Station in Chittagong Town. The following day he was said to have been transferred to the Chittagong Cantonment 24 Division. His family has not been able to contact him since his detention. It is not known whether he is still being held in the Chittagong Cantonment.

The arrests of Bijoy Ketan Chakma and Monotosh Dewan are by some local observers also seen in the context of their reportedly having had contacts with two foreign journalists who had visited the Chittagong Hill Tracts in April. Another tribal person, **Kinaram Chakma**, was reportedly arrested on 8 July by soldiers in Barmachari, Rangamati district, and taken to Ghagraha Army Zonal Headquarters. There he was reportedly severely beaten for allegedly having informed the journalists about human rights violations committed by the army. It is not known whether he was subsequently released.

The Chittagong Hill Tracts Hill Peoples' Council and the Greater Chittagong Hill Tracts Students' Council publicly demonstrated against these arrests on 14 July and a memorandum calling for the release of Monotosh Dewan, Kinaram Chakma and Bijoy Ketan Chakma was reportedly submitted to the government. The three members of parliament for the Chittagong Hill Tracts were also said to have requested their release.

Other persons whose whereabouts after detention are not known at present include **Anil Bikash Chakma**, who on 3 July was asked to go to the office of the Police Superintendent in

Rangamati. His relatives have been unable to trace him. Two other students, **Shantima Chakma** and **Dharma Mani Chakma**, were taken on 2 July to Naniachar army camp. They have not been seen since.

3. Torture and deaths in custody (possible extrajudicial executions)

The village of Midingya Chari, Rangamati district, was reportedly searched by members of the 5 East Bengal Regiment at Champatali, Ghagra, during the night of 10 May. The tribal villagers were reportedly ordered out of their houses and interrogated. Seventeen of them were then taken to the zonal headquarters. The following day, 14 were released, while the remaining three were reportedly subjected to severe ill-treatment, after which one of them, **Kashiram Chakma**, aged 39, died. His body, reportedly bearing marks of torture, was handed over to his family on 13 May.

Amnesty International has received further reports of deaths in custody of tribal men in other parts of the Chittagong Hill Tracts. For instance, on 22 June a 29-year-old construction worker, **Tusher Kanti Chakma**, was severely beaten by army personnel in his house in village Sikhhalpara in Rangamati district after some young men, on seeing the army approach, ran away from Tusher Kanti Chakma's house. They were suspected to be *Shanti Bahini*. Later Tusher Kanti Chakma was reportedly taken to the Ghilachari army camp where during torture both his thighs and an arm were reportedly broken. He reportedly died as a result of his injuries. There were also said to have been marks of shooting on his body.

Amnesty International is concerned that the deaths in custody of Kashiram Chakma and Tusher Kanti Chakma, allegedly as a consequence of severe torture, may have been extrajudicial executions.

4. Restrictions on freedom of expression

While abuses allegedly committed by the *Shanti Bahini* receive wide coverage in the media of Bangladesh, human rights violations by the security forces are not usually reported. Reports on such violations published by foreign human rights bodies are sometimes sought to be suppressed. In some instances the persons attempting to spread such information were reported to have been detained. For instance, **S.M. Shaheedullah**, a member of the Bangladesh *Nagarik* Committee (Bangladesh Citizens' Committee), and **Rashidur Rahman**, a political activist, were detained on 31 August and interrogated for several hours for having reprinted a report published on the Chittagong Hill Tracts by an independent human rights organization that had visited the area in December 1990. During interrogation by the Special Branch Police in Dhaka, S.M. Shaheedullah was reportedly forced to give an undertaking that no further copies of the report would be printed or circulated. All 960 copies already printed were seized by the police.

Police at Dhaka airport on 15 September interrogated a human rights activist from Nepal in whose luggage a copy of the same report was discovered. All his papers were photocopied. He was released after one and a half hours.

Recommendations to the Government of Bangladesh

Amnesty International urges the new Government of Bangladesh once again not only to investigate the human rights violations in the Chittagong Hill Tracts committed under the government of President Ershad but to take effective steps to halt the reported recurrence of such violations. It draws the attention of the Government of Bangladesh to the memorandum on human rights safeguards submitted to it by Amnesty International in March 1991 which contains recommendations on the ratification of international human rights instruments, a review of legal provisions of administrative detention, the prevention of torture and extrajudicial executions, and the abolition of the death penalty. (See: *Bangladesh: Human Rights Safeguards*, AI Index: ASA 13/02/91)

Amnesty International urges the Government of Bangladesh to immediately and unconditionally release the detained tribal persons mentioned in this report if criminal charges are not to be promptly registered against them. Article 9(1) of the International Covenant on Civil and Political Rights states: "No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

If these persons are charged with criminal offences, Amnesty International urges that they be tried within a reasonable time and before a court that adheres to international standards of fair trial such as those laid down in Articles 9 and 14 of the International Covenant on Civil and Political Rights. In particular they should be granted regular access to a defence lawyer and to their families. The UN Sub-Commission on Prevention of Discrimination and the Protection of Minorities in its resolution 15 (XXXIV) adopted in September 1981 reiterated "the right of families to know the fate of their relatives" and strongly appealed "for the reappearance of all detainees held in secret detention".

Regarding the reported cases of deaths in custody as a result of torture, Amnesty International urgently calls on the Government of Bangladesh to institute a full and independent investigation into these allegations and to make public the findings of such investigation. Those responsible for torture, deaths in custody or extrajudicial executions must be brought to justice and the victims' relatives should be suitably compensated.

A set of principles for the prevention and investigation of extrajudicial executions was adopted by the UN Economic and Social Council on 24 May 1989 and endorsed by the UN General Assembly in December 1989. Amnesty International strongly recommends that these principles be implemented in full in Bangladesh.

Amnesty International is also concerned about the reported violation of the right to freedom of expression in relation to the reprinting and distribution of a report on human rights violations in the Chittagong Hill Tracts. It opposes the detention of any person merely for having exercised his right to freedom of expression. The right to freedom of expression forms the content of Article 19 of the Universal Declaration of Human Rights which states: "Everyone has the right to freedom of opinion and expression; this freedom includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Amnesty International once again urges the Government of Bangladesh to take definitive steps towards the ratification of international human rights instruments, including the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.