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BANGLADESH: INVESTIGATE ARMY'S ALLEGED INVOLVEMENT IN HUMAN RIGHTS ABUSES IN CHITTAGONG HILL TRACTS

Amnesty International calls on the government of Bangladesh to carry out a prompt, independent and impartial investigation into the death of two Jumma indigenous residents of the Chittagong Hill Tracts after the army opened fire on them on 20 February 2010.

Although government officials have confirmed only two deaths, according to local people at least six more Jumma indigenous people were killed on 20 February, but their bodies have not been recovered.

The two men who died were among hundreds of Jumma indigenous people who were peacefully protesting attacks from Bengalee settlers against their homes. They were demanding protection after the Bengalee settlers had set on fire at least 40 houses of Jumma indigenous people in the Baghaichhari area of the Rangamati district on the night of 19 February. The attacks began after Jumma indigenous people protested against Bengalee settlers who were erecting illegal building structures on their indigenous land. According to reports, the Bengalee settlers then marched towards Jumma indigenous people's homes attacking them and burning their houses.

On 20 February, the Jumma indigenous people were demonstrating in their villages against the attacks by Bengalee settlers and the army reportedly came to stop the demonstration. An army commander ordered the indigenous people to leave the area but they resisted. One of the demonstrators reportedly attacked and injured the army commander with a knife. Army personnel then fired live ammunition at the demonstrators, which hit at least two people who later died. At least 25 people were injured during the shooting. Jumma indigenous people began to flee the area but Bengalee settlers moved in and torched at least 160 of their homes, allegedly with army personnel taking no action to stop them.

Amnesty International acknowledges the responsibility of the law enforcement personnel to ensure law and order. However according to the UN Code of Conduct for Law Enforcement Officials, they "may use force only when strictly necessary and to the extent required for the performance of their duty". Furthermore, according to the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement officials, "intentional lethal use of firearms" is only to be made "when strictly unavoidable in order to protect life". Circumstances suggest that law enforcement personnel firing at demonstrators in the Chittagong Hill Tracts may have used excessive force in breach of these principles.

The settlers reportedly burnt to ashes at least 200 Jumma people's houses on 19 and 20 February in the villages of Guchchhagram, Gangaram Mukh, Hajachhara, Simanachhara, Retkaba, Jarulchhari, Dippara, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara, in Rangamati district. They also looted the Jumma people's belongings and destroyed their religious icons including statues of Buddha.

On 23 February, Bengalee settlers attacked a procession of indigenous people who were demanding government action against the 19 and 20 February arson attacks and killings. The procession was taking place in Khagrachari which is in another district in the Chittagong Hill Tracts. According to reports, a group of Bengalee settlers attacked them at about 11:30am

that day. Bengalee settlers then reportedly set on fire at least 37 houses of the Jumma indigenous people. The attack triggered a clash between the settlers and the Jumma people. Jumma people were also reported to have set at least 29 houses of Bengalee settlers on fire during these clashes on 23 February. One man, a Bengalee settler, was reportedly killed. Police said he was shot in the head, but it is not clear who fired the shot.

Local authorities have imposed severe restrictions on indigenous people's access to the media and independent observers. Journalists are not allowed to enter the area. Army staff have told them these measures are for the security of the journalists themselves, but human rights activists have told Amnesty International that the army has in this way prevented an independent assessment of what has happened and who has been responsible for the attacks. Since 19 February, at least four journalists covering the attacks have been attacked and injured by the Bengalee settlers.

Given the allegations that state officials including army personnel may have acted in support of the Bengalee settlers, there is a risk that incriminating evidence could be destroyed before independent observers including journalists can visit the sites of the violence.

More than 100 Jumma indigenous people are believed to be in detention, with dozens more missing. Relatives are afraid to go to the police stations or army posts to inquire about their missing members, so they have little information about their whereabouts. According to reports, some of these detainees are people who went to hospital for treatment after the attack but were taken into custody. Police have also reportedly arrested about 30 Bengalee settlers.

More than 1500 Jumma indigenous people have fled their homes and are living under open skies in deep forest, with no shelter and little access to food. The injured are reportedly afraid to go to hospitals as they run the risk of being arrested.

The government has dispatched an official delegation to prepare a report. The authorities have promised to compensate those who have been affected by the violence.

Amnesty International calls on the government of Bangladesh to:

Carry out prompt, impartial, and independent investigation into these attacks and killings to identify individuals who set houses on fire and army personnel who may have used excessive force, and bring those responsible to justice in a fair trial without resort to the death penalty; Ensure that the detainees have access to lawyers of their own choice, can challenge the legality of their detention, have access to family visits and medical treatment, and are not at risk of torture;

Compensate the victims and survivors of the attacks, rehabilitate the people who have lost their homes and belonging and provide them with medical treatment for their injuries;

Allow independent observers to visit the sites of the violence, and ensure the security of the Jumma indigenous people in the Chittagong Hill Tracts.

Background

For decades tension has been high in the Chittagong Hill Tracts where the Jumma indigenous communities are at risk of being outnumbered by Bengalee settlers who continue to take over their land. More than two decades of insurgency by the indigenous people came to an end when the previous Awami League government signed a peace accord with their representatives in December 1997. Two of the most important provisions of the accord remain unfulfilled. One is the formation of a land commission to identify land taken away from the indigenous people during the insurgency, which should be returned to them. This commission has just been set up after a delay of more than 12 years, but has not begun its work yet. Another provision of the accord relates to the withdrawal of temporary army camps, of which some 400 remain in the area. The government began to withdraw some of the major temporary camps last year, but the process has reportedly been halted again.

Bengalee settlers have continued to take over indigenous land and drive indigenous people out of their homes, but the army which is in control of law and order in the area has allegedly not stopped them. Indigenous people say the army has in this way condoned human rights abuses committed by Bengalee settlers against them.
