

Bangladesh

Chittagong Hill Tracts: A Call for Justice at Mahalchari

Introduction

More than six years after the signing of the Chittagong Hill Tracts Peace Accord, the tribal inhabitants of the area continue to live in fear of attacks from Bengali settlers often carried out with the apparent connivance of army personnel. This paper highlights one of these attacks which took place in August 2003 in the Mahalchari area of the Khagrachari District. According to testimonies given to Amnesty International by eyewitnesses, nine women were sexually assaulted, one of whom was subjected to gang rape; a man was killed in front of his family, a nine month old baby was strangled to death and several people sustained serious injuries; hundreds of houses were burnt down and dozens were looted.

According to witnesses, police initially refused to accept complaints from the tribal people but filed complaints on behalf of the Bengali settlers against thousands of tribal inhabitants of the area, highlighting long standing discriminatory practices in the administration of justice.

The Government of Bangladesh must take urgent and decisive measures to provide justice to the victims and survivors of the Mahalchari attack, and to ensure the protection of the tribal inhabitants of the Chittagong Hill Tracts against future attacks.

A Chronology of the incident at Mahalchari

On **24 August 2003**, Rupan Mahajan, a Bengali Hindu businessman living in the area was allegedly kidnapped by individuals believed to be tribal inhabitants of the CHT. The identity or background of the group or exact circumstances of his kidnapping are not known to Amnesty International.

On **25 August 2003**, a large group of Bengali people reportedly held a gathering in the area and issued an ultimatum that they would take retaliatory action against the tribal people if the businessman was not returned. The tribal people reportedly offered to conduct a search to find the businessman's whereabouts. A search for this purpose was reportedly conducted on the same day by a tribal leader, but his search party was unable to locate the kidnapped businessman. Meanwhile, the Bengali settlers had reportedly begun a public

Background

The Chittagong Hill Tracts (CHT) is a hilly, forested area in southeastern Bangladesh which for many hundreds of years has been home to people from 13 indigenous tribes. These tribal people differ significantly from the rest of the population of Bangladesh in terms of their appearance, language, religion and social organisation.

Pressure for land to cultivate and encouragement from successive governments have led to the migration of large numbers of non-tribal Bengali people to the CHT. Tribal people have viewed the movement of Bengali settlers to the CHT as a threat to their way of life and their customs and traditions.

Armed rebellion in the Chittagong Hill Tracts began in mid-1970s. A peace accord signed in 1997 ended the armed conflict, but human rights violations against the tribal people which began during the armed conflict have continued on a smaller scale.

In Amnesty International's view, the failure of the peace accord to make binding provisions to ensure that those responsible for human rights abuses would be brought to justice, has reinforced the climate of impunity within which attacks by Bengali settlers against tribal people with reported army connivance continue to occur.

For more information, please see Amnesty International *Bangladesh: Human Rights in the Chittagong Hill Tracts* (AI Index: ASA 13/001/2000) available at www.amnesty.org/library

agitation against the tribal inhabitants. They called for a general strike the next day.

On **26 August 2003**, at about 9am, Bengali settlers reportedly went to the Mahalchari Bazaar and demanded the closure of all shops in observance of the strike. Some of the tribal people refused to abide by these demands and several of them chased the settlers off.

Shortly after that, a group of Bengali settlers returned in the company of men in plain clothes, known to the tribal people as soldiers. The settlers again demanded that the tribals close their shops. They went to a tea stall which was still open and asked its owner, Binud Bihari Khisha, to close it. He refused and was attacked. This attack reportedly happened in the presence of the soldiers. According to witnesses, he appealed to the soldiers for help, but they did not intervene. In a desperate attempt to rescue him, his son ran to his father but could not reach him as he was himself attacked with a sharp knife known as a *dao*. The settlers continued to beat Binud Bihari Khisha who died as a result of the injuries he sustained.

The attackers set fire to the tea stall and the office of the Chairman of Mahalchari Sadar Union Parishad which was next to the tea stall. They then rampaged through village localities reportedly setting houses on fire, looting, killing and torturing tribal people on their way.

The village of **Mahalchari Bazaar** was looted and according to a survivor, some 70% of the houses there were burnt and six women were reportedly sexually assaulted; their clothes were ripped off their bodies and they were verbally abused, pushed and ill-treated.

A neighbouring village called **Ramesu Karbari Para**, was reportedly completely burnt.

In the village of **Kerenganala** similar lootings occurred and houses were burnt indiscriminately. Kala Sona Chakma, a forty-year-old woman, intervened to save her daughter and grandson who were being beaten by settlers. The woman took her grandson from her daughter and ran, allowing her daughter to also escape. Down the road she was reportedly surrounded by settlers among whom were some soldiers in civilian clothes. Her nine-month-old grandson, Kiriton, was taken from her arms and strangled to death. She was then gang raped by five settlers in the presence of soldiers. Her daughter hiding a few meters away reportedly saw both the killing of her son and the rape of her mother.

Amongst other villages that came under attack were: Basamtapura, Samilpura, Durparjyanala and Lemonchari.

In total, on that day it was reported that, **one** man was killed, **one** baby was strangled to death, **one** woman was raped, **eight** women were molested and many other tribal people were injured and humiliated; **312** houses are alleged to have been burnt; **68** houses to have been looted but not burnt and **four** temples to have been ransacked.

When the tribal people went to register cases against the Bengali settlers at the Mahalchari police station, police refused to register them. Ultimately, after the Khagrachari court gave a court order, police filed two cases against the Bengali settlers. The Officer in Charge of Mahalchari Thana himself filed a case on behalf of the settlers accusing some 4,000 tribal people of attacking the settlers.

A legacy of impunity

During the armed conflict that began in the mid-1970s, the tribal residents of the Chittagong Hill Tracts were the targets of massacres, arbitrary detention, torture and extrajudicial executions. The main perpetrators were law enforcement personnel and groups close to the army within the Bengali settlers' community. The armed opposition was also responsible for human rights abuses during this period.

On occasions the government announced that criminal investigation had started against some security personnel but none is known to have resulted in conviction in a court of law. Consequently an environment of impunity has prevailed.

There have been several reports since the Mahalchari incident pointing to the continued connivance of army personnel with Bengali settlers in attacks against the tribal people. Amnesty International is currently investigating these reports. They include allegations of detention and torture of several tribal men at an army cantonment on 26 February 2004 after these tribal men had intervened to rescue two other tribal men who were being attacked by Bengali settlers in Ruma Thana area in Bandardan District.

These incidents illustrate continued human rights violations against tribal people and a prevailing climate of impunity after the end of the armed conflict and the signing of the peace accord in 1997.

The attack against the tribal inhabitants of Mahalchari in August 2003 is another example of the failure of consecutive governments over the years to ensure the protection and promotion of the human rights of the tribal people in the Chittagong Hill Tracts.

Amnesty International's Concerns and Recommendations

Amnesty International does not condone incidents of criminal activity such as the alleged kidnapping of Rupan Mahajan. It is the responsibility of the government to investigate such offences and take legal action against those responsible. It is, however, a matter of concern when authorities allow people to take the law into their own hands and subject individuals to acts of human rights abuse. In the case of the Mahalchari incident an entire locality became the target of retaliatory measures. The local administration not only failed to protect the tribal communities, but also there are serious allegations that soldiers in plain clothes were in fact involved in acts of looting and rape.

Amnesty International continues to be concerned about the climate of impunity surrounding human rights violations by security personnel in the Chittagong Hill Tracts. Human rights violations are perpetuated by the lack of legal measures taken against those acting in an official capacity. As long as perpetrators are not brought to justice and do not face punishment for their actions, human rights violations are likely to continue.

Amnesty International urges the Government of Bangladesh to institute an independent and impartial investigation by a competent authority into the attacks against tribal people in Mahalchari. The authorities should ensure the protection of witnesses and other survivors of the attack so that they are able to testify before the inquiry without fear of further attack and intimidation. The scope of the investigation should be broad enough to include the following:

Killings

The inquiry should identify the killers of Binud Bihari Khisha and nine-month-old Kiriton, and make recommendations for the prosecution of those responsible.

Families of the victims should receive compensation.

Rape and sexual assault

The inquiry should identify the men, including any army soldiers, responsible for the rape and sexual assault of women during the attacks, and make recommendations for the prosecution of those involved.

Survivors of sexual attacks and rape should receive compensation and be provided with adequate resources for their rehabilitation.

Burning and looting of tribal houses

The inquiry should identify the Bengali settlers responsible for burning and looting tribal houses and make recommendations for the prosecution of those involved.

Adequate resources should be provided for rebuilding tribal homes and the rehabilitation of those who have lost property and belongings.

Police denying the tribal people access to the criminal justice system

The inquiry should establish the identity of the police officers who refused to file complaints from the tribal people following the attack, and make recommendations for disciplinary action and criminal charges to be brought against those involved.

Amnesty International further urges the Government of Bangladesh to ensure the safety and security of the tribal people in the Chittagong Hill Tracts, to act urgently to prevent future attacks, to ensure that law enforcement personnel are fully trained in upholding internationally recognized human rights standards, and that any security personnel involved in abuses of human rights are brought to justice without delay.

WHAT CAN YOU DO? For more information on how you can take action please contact Amnesty International's South Asia Team in London, UK at +44 207 413 5000 or email amnestyis@amnesty.org