

# CIVIL & POLITICAL RIGHTS IN JEOPARDY IN BANGLADESH



A shadow report to the United Nations Human Rights  
Committee on the status of implementation of the ICCPR



ASIAN CENTRE FOR HUMAN RIGHTS

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# I. Introduction

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Bangladesh ratified the International Covenant on Civil and Political Rights (ICCPR) on 6<sup>th</sup> September 2000. In the last fourteen and half years, Bangladesh has not even submitted its Initial Report to the United Nations Human Rights Committee.

In this submission to the United Nations Human Rights Committee, which is holding its 113<sup>th</sup> Session from 16 March to 2 April 2015 in Geneva, Switzerland, Asian Centre for Human Rights (ACHR) highlights that the provisions of the ICCPR are being rampantly violated at will by the Government of Bangladesh, and the implementation of the ICCPR by Bangladesh requires immediate examination.

*First*, Bangladesh is in a profound national political crisis with no solution in sight and all the provisions of the ICCPR are being violated. Since 5<sup>th</sup> January 2015, the opposition alliance led by the Bangladesh Nationalist Party (BNP) launched total transport blockade and other strikes demanding resignation of Prime Minister Sheikh Hasina led Awami League (AL) government and holding of mid-term elections under a neutral caretaker government. The AL led alliance came to power winning the controversial 5<sup>th</sup> January 2014 elections where 153 out of 300 parliamentary seats were won “uncontested” even before the first vote was cast as the oppositions had boycotted the parliamentary elections.<sup>1</sup>

In the ongoing political unrest, between 5 January and 15 February 2015, about 90 people have died<sup>2</sup> while more than a thousand were injured. Further, more than 7,000 opposition activists were imprisoned<sup>3</sup> and media has effectively been silenced. The opposition, Jamaat-e-Islami, on its part, continues to wield influence disproportionate to its size and still maintains the capacity and willingness to inflict organised violence on civilians. The BNP, lacking the ability to enforce its strikes, relies on the Jamaats’ machinery and tactics and failed to disassociate itself from acts of violence.

*Second*, the government of Bangladesh has been freely using state security and justice systems for political ends. Death penalty has emerged as one of the important political tools of the current Government of Bangladesh both to silence the opposition and to assuage the sentiments of the Army, the power behind the throne in Dhaka, with

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1. Bangladesh: Polarisation, Political Violence & an Undeclared Civil War”, Asian centre for Human Rights, 18 February 2015 available at <http://www.achrweb.org/reports/bangla/Bangladesh2015-01.pdf>
  2. Ibid
  3. Bangladesh arrests 7,000 opposition activists, BBC, 21 January 2015 available at <http://www.bbc.com/news/world-asia-30917345>

the aim to bring the Army closer to the ruling AL. As many as 661 persons were awarded death sentence during January 2010-August 2014 and those convicted include almost the entire leadership of the Jamaat-e-Islami and 192 personnel of the erstwhile Bangladesh Rifles allegedly involved in the massacre of the Bangladesh Army officers deputed to the BDR on 25<sup>th</sup> February 2009 at Pilkhana, Dhaka. The trial of both the Jamaat leaders and the BDR personnel does not meet international standards on fair trial.

*Third*, the religious minorities (Hindus and indigenous peoples) are not only victims of religious intolerance but also anger of the opposition on the government often befalls on them. The members of the BNP and Jamaat-e-Islami (JeI) and its youth wing Islami Chhatra Shibhir (ICS), carried out targeted attacks against Hindu minorities following convictions of their leaders by the International War Crimes Tribunals<sup>4</sup> while the religious minorities have nothing to do with the trial! According to the Bangladesh Hindu Buddhist Christian Unity Council, 495 Hindu homes were damaged, 585 shops were attacked or looted and 169 temples were vandalized between November 2013 and January 2014 alone.

*Fourth*, access to the Chittagong Hill Tracts (CHTs) region inhabited by indigenous Jumma<sup>5</sup> peoples was prohibited in 1970s and 1980s and it came to be known as the “Closed Door Slaughter House” in 1980s because of a series of massacres of indigenous peoples perpetrated by Bangladesh Army and illegal plain settlers. In a case of *déjà vu*, on 7 January 2015, the Government of Bangladesh issued an order, among others, restricting entry of foreigners and diplomats to the CHTs.<sup>6</sup> This is an attempt to hide the failure of implementation of the Chittagong Hill Tracts (CHTs) including the failure to hold elections in the CHTs Regional Council and Hill District Councils for the last two decades and continuing violations of the rights of indigenous Jumma peoples. The non-implementation of the CHTs Peace Accord signed between the Parbattya Chattagram Jana Samhati Samiti (PCJSS) and the government of Bangladesh in December 1997 threatens the very existence of indigenous Jumma peoples.

4. Hindu American Foundation, “Bangladesh at a Crossroads: Policy Brief 2013 - 2014”, available at: <http://hafsite.org/sites/default/files/BangladeshPolicyBrief2013.pdf>

5. The indigenous communities such as Chakmas, Marmas, Tripuras, Khyiangs, Lushais, Khumis, Chaks, Murungs, Bowns and Pankos of the Chittagong Hill Tracts are collectively known as Jumma, a pejorative term used by the Chittagonian Bangalees, for their shifting cultivation or Jum cultivation.

6. The Daily Star, “Foreigners’ entry to hills restricted” 6 February 2015, <http://www.thedailystar.net/foreigners-entry-to-hills-restricted-63486>

On the other hand, every single indigenous person who has some land in mainland Bangladesh is constantly under threat from the land grabbers belonging to majority Muslims.<sup>7</sup> Leaders of all the political parties have been the main culprits of illegal land grab from religious minorities and indigenous peoples. It is estimated that about 75% of three million civil and criminal court cases pending in courts across Bangladesh relate to land disputes<sup>8</sup>, and indigenous peoples and minorities have been disproportionate victims of legal harassment to grab their lands, in addition to the physical assault.

*Fifth*, the government of Bangladesh has effectively silenced human rights defenders through the NGO Affairs Bureau under the Prime Minister's Office which monitors foreign funding in the country. Many NGOs have been denied permission to receive foreign grants. On 1 December 2014, the Cabinet approved the Foreign Donations (Voluntary Activities) Regulation Bill, 2014 which inter alia will require prior approval before anyone involved in voluntary activities travelling out of the country for purposes connected with their work on the project.

*Sixth*, after the notification of the National Broadcast Policy on 28 August 2014 Prime Minister Sheikh Hasina warned journalists not to "cross the line" set down in the new guidelines.<sup>9</sup> Those who dare to cross the lines are silenced through physical attacks, false and frivolous cases and censorship.

The blatant violations of the provisions of the International Covenant on Civil and Political Rights (ICCPR) at will and the failure to submit even the Initial Report makes the case for examination of the implementation of the ICCPR without the report of the State party i.e. the Government of Bangladesh.

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7. Tribal people face constant land grab threat, UCAnews.com, 2 July 2013, available at: <http://www.ucanews.com/news/tribal-people-face-constant-land-grab-threat/68648>
  8. Land grabbing drives lawlessness and deaths in Bangladesh, UCAnews.com 12 August 2014, available at: <http://www.ucanews.com/news/land-grabbing-drives-lawlessness-and-deaths-in-bangladesh/71660>
  9. See 'Bangladesh: Revoke Draconian Media Policy', Human Rights Watch, 3 September 2014, <http://www.hrw.org/news/2014/09/03/bangladesh-revoke-draconian-media-policy>

## II. Status of implementation of the ICCPR by Bangladesh

### **ARTICLE 1: RIGHT OF SELF-DETERMINATION**

The Chittagong Hill Tracts (CHTs) of Bangladesh consisting of the Khagrachari, Rangamati and Bandarban districts has been the ancestral home of the Tibeto-Mongoloid origin indigenous Jumma peoples who are ethnically, culturally and religiously different from mainstream Bengali Muslim populations of Bangladesh. The CHTs was administered separately since the British period under the CHTs 1900 Regulation. Since independence of Bangladesh, indigenous peoples of the CHTs have been demanding self-determination i.e. autonomy within the framework of Bangladesh for the region; and by 1976, indigenous Jumma peoples resorted to insurgency while about 70,000 indigenous Jumma peoples were forced to seek refuge in neighbouring India.

The CHTs Peace Accord was signed on 2 December 1997 by the Government of Bangladesh and the PCJSS, the political party of the indigenous peoples, to bring an end to insurgency demanding autonomy and self-rule. The Accord was signed “to uphold the political, social, cultural, educational and economic rights of all the citizens of the Chittagong Hill Tracts region and expediting their socio-economic development process”.<sup>10</sup> It recognised the CHTs region as a tribal-inhabited region and introduced the right of self-governance, unique in Bangladesh, through establishment of the CHTs Regional Council (CHTRC) and further provided for strengthening of the Hill District Councils (HDCs) of Khagrachari, Rangamati and Bandarban districts through transfer of subjects including general administration, law and order, police (local), land and land management, development, education, health, environment and forest except reserved forest etc. It also provided for demilitarisation of the region, resolution of land disputes, rehabilitation of returnee Jumma refugees and internally displaced persons (IDPs), setting up CHTs Affairs Ministry at national level etc.<sup>11</sup>

However, the right of self-determination of the indigenous peoples of the CHTs as envisioned in the CHTs Peace Accord has been violated and undermined by deliberate actions of the Government of Bangladesh to change the status of the CHTs as the “Tribe Inhabited Region”, lack of constitutional guarantees for the CHTRC and the HDCs, no devolution of powers to the CHTRC and the HDCs, continued militarisation of the region, and banning entry of foreigners in the CHTs to hide

10. CHTs Accord (English version) available at: <http://www.pcjss-cht.org/cht-accord-and-agreement/>

11. <http://unpo.org/members/7867>

non-implementation of the Accord and continuing human rights violations against indigenous Jumma peoples.

## 1. Changing the character of the Chittagong Hill Tracts as a “Tribe Inhabited Region”

Clause I of Part ‘A’ of the CHTs Peace Accord provides that “... *having considered the Chittagong Hill Tracts region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof.*”

While indigenous Jumma peoples of the CHTs launched their movement including insurgency to demand for autonomy since 1976, the illegal implantation of about 5,00,000 plains people belonging to the mainstream Muslim majority in the CHTs (hereinafter referred to as illegal plain settlers) during 1979 to 1983 by giving inducement of five acres of land per family, 3600 Takas and provisions of free rations until they were made permanent residents of the CHTs changed the contours of the conflict.

The Government of Bangladesh consistently adopted measures to destroy the main characteristic of the region i.e. “a tribe inhabited region.” The first step taken by the government was to legalise the “illegal”<sup>12</sup> plain settlers belonging to majority Bengali Muslims by registering them as internally displaced persons (IDPs) of the CHTs and providing them rehabilitation. In November 1999, under instructions from the Prime Minister’s Office, the process of listing the illegal plain settlers as IDPs begun and by December 2000, a total of 38,156 illegal plain settler families were registered as IDPs.<sup>13</sup> It is indeed a travesty that the illegal plain settlers who displaced the indigenous peoples

12. The word is being used consciously as the settlement of non-indigenous persons in the Chittagong Hill Tracts is prohibited Article 52 of the CHTs 1900 Regulation which governs the region as on date and the Geneva Conventions. “Article 52. Immigration into the Hill Tracts: a) Save as hereinafter provided, no person other a Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hill, the Arakan Hill Tracts, or the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion. d) No permit shall be valid for more than twelve months from the date of its grant. Every person required by this rule to be in possession of a permit shall be bound to produce it on the demand of any Government officer, headman, Karbari or Bazar Chaudhuri, and on his failure to produce such permit such government officer, headman, Karbari or Bazar Choudhuri shall arrest him and forward him without delay to the nearest police officer or Magistrate.” Further, such implantation of settlers is prohibited under Article 49 of the Fourth Geneva Conventions which states that “The occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. While governments deny the “occupation of particular region” and the applicability of the Fourth Geneva Convention, the issues that prompted the Fourth Geneva Conventions transcend the issue of “occupation”. The intention of the Fourth Geneva Convention is to prevent the abuse of human rights, and consequently the issue of historical sovereignty is irrelevant to the prohibition of the transfer of population. International Commission of Jurists in its report “Israeli Settlements in Occupied Territories”, Review of the International Commission of Jurists, No 19, (35), December 1977 stated, “Much of the Convention, including Article 49, is declaratory of the preexisting international law and such provisions in the Convention should be recognized as being of universal applicability and binding”.

13. Asian Indigenous and Tribal Peoples Network, Indigenous Rights Quarterly, Vol. 1: No. 01- April-June 2006

in the first place from were officially identified as IDPs while the indigenous Jumma peoples who were displaced from their homes and decided not to cross international border were never listed as “IDPs”.

In a notification no.62/99-587 dated 21 December 2000, the Ministry of CHTs Affairs empowered the Deputy Commissioners of the three hill districts in the CHTs to issue “permanent resident certificate” to the illegal plain settlers.<sup>14</sup> In September 2003, the Government of Bangladesh announced a plan to give permanent resident status to 26,000 illegal plain settler families.<sup>15</sup>

The implantation of the illegal plain settlers by giving free rations continues as on date. In May 2005, the Government of Bangladesh undertook an initiative to settle plains peoples belonging to Muslim majority in Sajek under Baghaichari sub-district in Rangamati district.<sup>16</sup> The Bangladesh Army personnel constructed a road from Baghaighat to remote Sajek through the Kassalong reserve forest. The Government of Bangladesh also proposed to provide free ration to 28,000 more illegal plain settler families in the CHTs in addition to 27,000 such families who have been provided free ration since 1978.<sup>17</sup>

It is pertinent to mention that the government of Bangladesh amended the Constitution of Bangladesh through the Constitution (Fifteenth Amendment) Act, 2011(2) (Act XIV of 2011). The amended Article 6 provides, “*The people of Bangladesh shall be known as Bangalees as a nation and the citizens of Bangladesh shall be known as Bangladeshies.*” Article 6 of the Constitution defined indigenous peoples as “Bangalees” and failed to recognise the ‘special character’ of the ‘tribal inhabited CHTs region’.<sup>18</sup>

## **2. Lack of constitutional guarantees for the self-governing institutions established under the CHTs Peace Accord**

Article 47 of the Constitution of Bangladesh provides for declaring certain laws as being unconstitutional. After a writ petition was filed challenging the constitutionality of the CHTRC Act and the HDCs Act, the High Court Division of the Supreme Court in an order dated 12-13 April 2010 ruled that the CHTs Regional Council Act and

14. Ibid

15. Move on to give resident status to 26,000 Bangalee families in CHT, The Daily Star, 23 September 2003

16. Bangladesh Government undertake massive Bengali Muslim settlement in Sajek; available at: [http://www.angelfire.com/ab/jumma/news2005/200505\\_sajek\\_landgrab.html](http://www.angelfire.com/ab/jumma/news2005/200505_sajek_landgrab.html)

17. Ration for 28,000 more Bengali speaking families in CHT on cards; available at: <http://archive.thedailystar.net/2005/06/04/d50604060266.htm>

18. See Constitution of the Peoples' Republic of Bangladesh, available at: [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=367](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=367)

some of the important sections of the Hill District Council Acts are unconstitutional. The Supreme Court of Bangladesh had stayed the operation of the judgement<sup>19</sup> but the final judgement of the SC is yet to be delivered.

However, when the Constitution (XV Amendment) Act was enacted in 2011, the government failed to ensure constitutional guarantees for the CHTs Regional Council Act and the HDCs Acts.<sup>20</sup> Consequently, the right of self-determination of the indigenous Jumma peoples of the CHTs has not been guaranteed under the Constitution.

### **3. No devolution of powers to the CHTRC and three HDCs undermines the right of self-determination**

Clause 34 of the CHTs Peace Accord provides that the following subjects shall be included in the functions and the responsibilities of the HDCs: (a) land and land management; (b) police (local); (c) tribal law and social justice; (d) youth welfare; (e) environmental protection and development; (f) local tourism; (g) improvement of trust and other institutions concerning local administration, other than Municipality and Union Council; (h) issuing license for local commerce and industries; (i) proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake; (j) maintaining of the statistics of birth and deaths; (k) wholesale business; (l) jum cultivation etc.<sup>21</sup>

The Ministry of CHTs Affairs (MoCHTA) claims that since the signing of the 1997 CHTs Peace Accord more than half of the 33 subjects including health and education supposed to be transferred to the three Hill District Councils as per 1997 Accord have been transferred. The MoCHTA admits that ‘some subjects of concern’ such as forestry, land administration, and local police have not yet been transferred.<sup>22</sup>

However, the Parbattya Chattagram Jana Samhati Samiti, the signatory to the Peace Accord in April 2014, claimed that only 8 functions/offices out of the 11 subjects which were already provided to the HDCs before signing the Accord<sup>23</sup> had been

19. Chittagong Hill Tracts Commission, “Report on the Implementation of the CHT Accord” January 2013; available at: <http://chtcommission.org/Report-on-Impln-of-CHT-Accord-January-2013-Final.pdf>

20. Ibid

21. See Clause 34 of the Chittagong Hill Tracts Accord of 1997 available at: [http://www.mochta.gov.bd/index.php/index/othercontent/Peace-Accord-English\\_19/14/0/12](http://www.mochta.gov.bd/index.php/index/othercontent/Peace-Accord-English_19/14/0/12)

22. Institutional Setting; available at: [http://www.mochta.gov.bd/index.php/index/othercontent/CHT-Institutions\\_15/13/0/12](http://www.mochta.gov.bd/index.php/index/othercontent/CHT-Institutions_15/13/0/12)

23. . (i) Office of the Civil Surgeon, (ii) Horticulture Centre, (iii) BADC (iv) Cotton Development Board (v) Family Planning Department, (vi) Family Welfare Superintendent Training Institute, (vii) Rangamati Nursing Institute; and (viii) Health Engineering Department

fully handed over to the HDCs in the post-accord period. However, the most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, forest, environment, tourism (local), preservation of statistics on death-birth etc have not been yet transferred to the HDCs.<sup>24</sup>

In a meeting held by Dr. Gowhar Rizvi, Adviser to the Prime Minister on International Affairs and the then State Minister Dipankar Talukder with the Secretaries of various Ministries on 1 March 2012 it was decided to transfer all subjects to the HDCs by August 2012. However, the decision has not been implemented so far.<sup>25</sup>

#### 4. Militarisation undermines the right of self-determination

Clause 17(a) of the Part ‘D’ of the CHTs Peace Accord provides for withdrawal of all temporary camps of the army, the paramilitary such as Ansars and the Village Defense Party (VDP), with the exception of the Border Guard Bangladesh (BGB) and six cantonments (consisting of those three at the three district headquarters and those at Alikadam, Ruma, and Dighinala), in phases from the CHTs to permanent cantonments and to fix a time limit for the withdrawal.<sup>26</sup>

The Government claims to have withdrawn about 240 of the more than 500 camps as of 2011 in the CHTs region.<sup>27</sup> However, in April 2014, the PCJSS claimed that only 66 military camps were actually withdrawn, and the process stopped in 2009.<sup>28</sup> New camps have allegedly been set up in some other places following the withdrawal of old ones.<sup>29</sup>

The continued militarisation of the CHTs and control of the army over all spheres of lives undermines the right of self-determination and the rule of law. A study conducted by a member and Special Rapporteur of the UN Permanent Forum on Indigenous

24. Parbattya Chattagram Jana Samhati Samiti: Status of implementation of the 1997 CHT Accord available at: <http://www.pcjss-cht.org/wp-content/uploads/An-Appeal-for-Proper-Implementation-of-CHT-Accord-April-2014.pdf>

25. Ibid

26. “Status of implementation of the Chittagong Hill Tracts Accord of 1997” 18 February 2011, a study undertaken and submitted by a member and Special Rapporteur to UNPFII; available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2011/6>

27. International Work Group for Indigenous Affairs, “Militarization in the Chittagong Hill Tracts, Bangladesh: The Slow Demise of the Region’s Indigenous Peoples”, available at: [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0577\\_lgia\\_report\\_14\\_optimized.pdf](http://www.iwgia.org/iwgia_files_publications_files/0577_lgia_report_14_optimized.pdf)

28. Parbattya Chattagram Jana Samhati Samiti: Status of implementation of the 1997 CHT Accord available at: <http://www.pcjss-cht.org/wp-content/uploads/An-Appeal-for-Proper-Implementation-of-CHT-Accord-April-2014.pdf>

29. International Work Group for Indigenous Affairs, “Militarization in the Chittagong Hill Tracts, Bangladesh: The Slow Demise of the Region’s Indigenous Peoples”, available at: [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0577\\_lgia\\_report\\_14\\_optimized.pdf](http://www.iwgia.org/iwgia_files_publications_files/0577_lgia_report_14_optimized.pdf)

Issues (UNPFII) in 2011 on the status of implementation of the CHTs Peace Accord 1997 for the tenth session of the UNPFII concluded that “...with its pervasive power and influence over Bangladeshi society in general and the CHTs in particular, the army continues to oppose any substantive progress on the implementation of the Accord”.<sup>30</sup>

It is pertinent to mention that in order to hide its failure to implement the CHTs Peace Accord and human rights violations indigenous Jumma peoples, on 7 January 2015, the Government of Bangladesh issued an order, among others, to restrict entry of foreigners to the CHTs. As per this order, foreigners are required to submit applications to the Home Ministry at least one month before the intended visit to the CHTs while foreigners were previously required to take permission only from the district administration with no timeframe for submitting applications. The foreign diplomats are also now required to seek permission from the Foreign Ministry of Bangladesh.<sup>31</sup>

## ARTICLE 2: NON-DISCRIMINATION

The right to equality and non-discrimination is violated by non-recognition of the distinct identity of the indigenous peoples and preferential treatment to the majority illegal plain settlers belonging to the majority Muslims of the country in the CHTs.

### 1. Non-recognition of distinct identity as the root cause of inequality

The right to identity and recognition is part of equality and non-discrimination as provided under Article 27 of the ICCPR. The identification of all the people of Bangladesh including the indigenous peoples as “Bangalees” under the 15<sup>th</sup> Amendment to the Constitution adopted in June 2011 constitutes the worst form of discrimination against indigenous peoples.<sup>32</sup>

### 2. Free food rations only to the illegal plain settlers

Article 28 of the Constitution of the Peoples Republic of Bangladesh prohibits discrimination “against any citizen on grounds only of religion, race, caste, sex or place of birth”.

30. “Status of implementation of the Chittagong Hill Tracts Accord of 1997” 18 February 2011, a study undertaken and submitted by a member and Special Rapporteur to UNPFII; available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/C.19/2011/6>

31. The Daily Star, “Foreigners’ entry to hills restricted” 6 February 2015, <http://www.thedailystar.net/foreigners-entry-to-hills-restricted-63486>

32. PCJSS, ‘Report on the Implementation of the CHT Accord, January 2013’, available at: <http://www.pcjss-cht.org/wp-content/uploads/Report-on-Impln-of-CHT-Accord-January-2013.pdf>

The government of Bangladesh commits acts of discrimination against indigenous Jumma peoples by providing free rations to the illegal plain settlers in the CHTs.

It is pertinent to mention that from 1979 to 1983, the Government of Bangladesh settled over 300,000 illegal plain settlers in the CHTs with the aim to reduce the indigenous peoples to a minority in their own land. They were provided lands and free rations<sup>33</sup> and continued to be provided free rations.

The same was acknowledged in the Joint Risk Assessment Mission of the Government of Bangladesh, United Nations Development Programme, Asian Development Bank and other donor agencies which studied the security situation in the Chittagong Hill Tracts for undertaking development activities. The Joint Risk Assessment Report stated: *“The pervasiveness of poverty is also signified by the large number of Bengali families who have continued to receive rations since the 1980s. The number of households is currently 28,200, which at around 5.5 persons per family equals almost 140,000 persons or over 10% of the current population. On the spot checks reveal that many migrant villages in land constrained conditions, strive to receive rations, because no rice can be grown there. A question should be raised how long one can maintain some 10% of the population on rations. An inquiry should reveal whether local livelihoods are truly unsustainable and deserve long term food support and whether other solutions should be sought.”*<sup>34</sup>

The indigenous peoples who were displaced by these illegal plain settlers but had not sought refuge in India were not identified as “IDPs” and hence not provided such relief/assistance. If indeed government wanted to take any affirmative programme for “any backward section of citizens”, it should have been the indigenous Jumma peoples who have been displaced from their homes. Instead, the government of Bangladesh provides free food rations only to the illegal plain settlers belonging to the majority Bengali Muslims – who in the first place displaced the indigenous Jumma peoples by grabbing the lands of indigenous peoples with the help of the Government of Bangladesh.<sup>35</sup>

### ARTICLE 3: PROHIBITION ON DISCRIMINATION BASED ON GENDER

Article 19 of the Constitution of Bangladesh provides for “equality of opportunity and participation of women in all spheres of national life”.

33. Move on to give resident status to 26,000 Bangalee families in CHT, The Daily Star, 23 September 2003

34. Who funds the acts of racism and racial discrimination in the Chittagong Hill Tracts?, Asian Centre for Human Rights, 15 June 2005

35. Ibid

However, the situation of women rights is deplorable and indigenous women remain the most vulnerable.

## 1. Situation of women in general

The laws of Bangladesh prohibit certain forms of discrimination against women, provide for special procedures for trial of persons accused of violence against women and children, harsh penalties, and compensation to victims. However, enforcement of the laws remains weak. Women often confront social and economic disadvantages.<sup>36</sup>

Women face discrimination under family, property, and inheritance laws. Under traditional Islamic inheritance law, daughters inherit only half of what sons do, and in the absence of sons, they may inherit only what remains after settling all debts and other obligations. Under Hindu inheritance law, a widow's rights to her deceased husband's property are limited to her lifetime and revert back to the male heirs upon her death.<sup>37</sup>

Violence against women is widespread. About 60% of ever-married women of reproductive age report lifetime physical and/or sexual violence perpetrated by their husbands.<sup>38</sup> They often face dowry related violence and NGOs documented a total of 4,949 cases of dowry-related violence during 2001-2014 including 2,858 cases of killings, 1,882 cases of physical abuse, and 209 cases of suicide.<sup>39</sup>

Acid attacks on women with the aim to damage the victim's appearance are rampant. NGOs documented 1,182 cases of acid violence committed against women and girls during 2003-2014. The victims constituted 1,093 adult women and 89 girls.<sup>40</sup> It is clear that the Acid Control Act 2002<sup>41</sup> and the Acid Offences Prevention Act 2002<sup>42</sup>, enacted to combat acid attacks remained ineffective.

*Odhikar* reported that 10,674 women and children have been victims of rape during 2001-2014. Out of these, 5,644 victims were women, 4,927 were children while 103

36. U.S. Department of State International Religious Freedom Report for 2013; available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

37. Ibid

38. ICDDR,B, 'From Evidence to Policy: Addressing Gender-Based Violence against Women and Girls in Bangladesh' (January 2013), available at: [http://r4d.dfid.gov.uk/pdf/outputs/ORIE/VAWG\\_Bangladesh\\_Final\\_Report.pdf](http://r4d.dfid.gov.uk/pdf/outputs/ORIE/VAWG_Bangladesh_Final_Report.pdf)

39. Odhikar, 'Dowry related violence against women January 2001-December 2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Dowry\\_2001-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Dowry_2001-2014.pdf)

40. Odhikar, 'Acid violence 2003-2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics\\_Acid\\_2003-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics_Acid_2003-2014.pdf)

41. [http://www.acidsurvivors.org/images/frontImages/Acid\\_Control\\_Act\\_2002\\_2.pdf](http://www.acidsurvivors.org/images/frontImages/Acid_Control_Act_2002_2.pdf)

42. [http://www.acidsurvivors.org/images/frontImages/Acid\\_Offence\\_Prevention\\_Act\\_2002.pdf](http://www.acidsurvivors.org/images/frontImages/Acid_Offence_Prevention_Act_2002.pdf)

victims were not identified. Of the total number of victims, 1,292 were murdered after rape while 1,660 victims of rape were subjected to gang rape.<sup>43</sup> The law enforcement personnel were also responsible for rape of 73 women and girls during 2001-2014 out of which police were in 48 cases followed by the army in 10 cases, the Ansars in 5 cases and the RAB personnel in 3 victims.<sup>44</sup>

There is societal acceptance of violence against women and declaration of Islam as the State religion of Bangladesh has further adversely impacted the access to justice by women in the country.<sup>45</sup> In its 12 May 2013 ruling, the Supreme Court's Appellate Division declared that *fatwas* may be used only to settle religious matters and may not be invoked to justify meting out punishment, nor may they supersede existing secular law. However, despite the directions of the Supreme Court, village religious leaders often issued such declarations leading to extrajudicial punishments, often against women, for perceived moral transgressions.<sup>46</sup> Ain O Salish Kendra (ASK), a NGO based in Dhaka, documented 32 cases of *salish* and *fatwa* during January-December 2014<sup>47</sup> and 21 cases during January-December 2013.<sup>48</sup> Odhikar had reported that during 2009-2014, illegal *fatwas* were issued against 63 persons, of which 36 victims were female.<sup>49</sup>

## 2. Violence against indigenous women

Indigenous women have been facing disproportionate sexual violence which is also connected to land grabbing.

Odhikar documented at least 66 cases of rape on indigenous women during 2007-2014 in Bangladesh.<sup>50</sup> The Chittagong Hill Tracts Commission and the Bangladesh Indigenous Women's Network stated that during 2011 and 2012 shows that 95% of the perpetrators of sexual violence against indigenous women and girls were illegal plain settlers, staff members of the forestry department or members of the armed

43. Odhikar, 'Rape 2001-2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics\\_Rape\\_2001-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics_Rape_2001-2014.pdf)

44. Odhikar, 'Rape by Law enforcement agencies (2001-2014)', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Rape\\_RLEA\\_2001-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Rape_RLEA_2001-2014.pdf)

45. Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, (A/HRC/26/38/Add.2), available at: <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/BDIndex.aspx>

46. U.S. Department of State International Religious Freedom Report for 2013; available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

47. See at: <http://www.askbd.org/ask/2015/01/17/reported-cases-salish-fatwa-2014/>

48. See at: <http://www.askbd.org/ask/2014/01/11/violence-instigated-fatwa-salish-january-31-december-2013/>

49. See at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Illegal-Fatwa-and-Arbitration\\_2009-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Illegal-Fatwa-and-Arbitration_2009-2014.pdf)

50. See 'Repression against Ethnic Minority 2007-2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Ethnic-Minority\\_2007-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Ethnic-Minority_2007-2014.pdf)

forces. About 97% of the victims were extremely poor. In 63% of sexual violence cases the victims were indigenous Jumma women from the CHTs while the rest involved indigenous women from the plains of Bangladesh. About 83% of the CHT cases were sexual assault, including rape, rape and murder, gang rape and attempted rape. It was estimated that 86% of the rape victims were children. In cases occurred in the CHTs all perpetrators were Bengalees, 92% of them were illegal plain settlers. Kapaeng Foundation's statistics for January 2007 to December 2012 states that indigenous Jumma women and girls in the CHT endured three times higher violence rates than the indigenous women and girls living in the plains of Bangladesh.<sup>51</sup>

During 2013, the Kapaeng Foundation, an organization working on indigenous peoples stated that 67 indigenous women and children across the country, 54 from the CHTs and 13 from plain land were subjected to sexual violence. About 69% of the victims were under the age of 18 while about 89% of the perpetrators were from illegal plain settlers and land grabbers, while 7% were indigenous origin and 4% of the perpetrators are from security forces.<sup>52</sup>

In most of the sexual violence cases against indigenous women in the CHTs, the perpetrators enjoy impunity. Information from the Home Ministry of the Government of Bangladesh on violence against women in the CHTs for January 2010 to December 2011 obtained by the Bangladesh Legal Aid Services Trust under the Right to Information Act showed that only 2 out of 22 cases in Bandarban and 2 out of 17 cases in Rangamati were given a verdict. The perpetrators were not punished in any of these 4 cases.<sup>53</sup> Dr. Mizanur Rahman, Chairman of the National Human Rights Commission of Bangladesh lamented that in many cases, law enforcement agencies do not perform their responsibilities to protect the rights of the *Paharis* (hill people) and instead, they take the side of the Bengalee settlers at the time of violence on *Paharis*.<sup>54</sup>

51. A submission on Jumma indigenous rural women of the Chittagong Hill Tracts (CHT), Bangladesh, regarding General Discussion on Rural Women, under Article 14 of CEDAW, to the United Nations Committee on the Elimination of Discrimination against Women by International Council for the Indigenous Peoples of CHT (ICIP-CHT), 31 October 2013; available at: [http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht\\_icip-cht.pdf](http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht_icip-cht.pdf)

52. Kapaeng Foundation launches its Human Rights Report 2013 on Indigenous Peoples in Bangladesh, 26 February 2014, available at: <http://kapaeng.org/kapaeng-foundation-launches-its-human-rights-report-2013-on-indigenous-peoples-in-bangladesh/>

53. A submission on Jumma indigenous rural women of the Chittagong Hill Tracts (CHT), Bangladesh, regarding General Discussion on Rural Women, under Article 14 of CEDAW, to the United Nations Committee on the Elimination of Discrimination against Women by International Council for the Indigenous Peoples of CHT (ICIP-CHT), 31 October 2013; available at: [http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht\\_icip-cht.pdf](http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht_icip-cht.pdf)

54. Sexual violence in Chittagong Hill Tracts, NewAgebd, 12 June 2014, available at: [http://newagebd.net/20077/sexual-violence-in-chittagong-hill-tracts/#disqus\\_thread](http://newagebd.net/20077/sexual-violence-in-chittagong-hill-tracts/#disqus_thread)

Because of all pervasive fear of sexual violence, rural indigenous Jumma women have been losing their freedom of movement, such as going to and from work on farms, tending cattle, collecting food and firewood from the forest, fetching water, and going to schools, markets and temples etc.<sup>55</sup>

#### **ARTICLE 4: EXTENT OF DEROGATION FROM ICCPR DURING PUBLIC EMERGENCY**

Bangladesh is in a state of undeclared emergency. While the CHTs remains under the military rule, the Bangladesh Army personnel have been deployed for civil policing through the Rapid Action Battalion (RAB). The RAB personnel are also involved in the ongoing crackdown on the opposition since 5<sup>th</sup> January 2015.

##### **1. The CHTs under undeclared military rule**

It is submitted that without declaring a State of emergency and despite signing the 1997 CHTs Peace Accord, Bangladesh has deployed one-third of the entire Bangladesh army in the CHTs. Out of a total of some 120,000 army personnel, it has been estimated that around 35,000 to 40,000 are deployed in the CHTs. Apart from the army, 10,000 personnel from the Border Guard Bangladesh (BGB), along with another 10,000 Ansar and Armed Police Battalions personnel are also deployed in the area, making a total of 50,000-60,000 armed personnel stationed in the CHTs. In addition, the Village Defense Party (VDP), a voluntary paramilitary force organized under the Ministry of Home Affairs, is recruited largely from Bengali plain settlers and trained by the police.<sup>56</sup>

##### **2. Deployment of the Army for civil policing**

The Bangladesh Army has been deployed for civil policing since 26 March 2004 following the establishment of the RAB, a hybrid force drawn from the Bangladesh Police, Bangladesh Army, Bangladesh Navy, Bangladesh Air Force, Border Guard Bangladesh and Bangladesh Ansar.<sup>57</sup> The RAB was formed on 26 March 2004 by then BNP led government to “address [the] unstable law and order situation as one of the

55. A submission on Jumma indigenous rural women of the Chittagong Hill Tracts (CHT), Bangladesh, regarding General Discussion on Rural Women, under Article 14 of CEDAW, to the United Nations Committee on the Elimination of Discrimination against Women by International Council for the Indigenous Peoples of CHT (ICIP-CHT), 31 October 2013; available at: [http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht\\_icip-cht.pdf](http://www.ohchr.org/documents/hrbodies/cedaw/ruralwomen/internationalcouncilfortheindigenouspeoplesofcht_icip-cht.pdf)

56. Militarization in the Chittagong Hill Tracts, Bangladesh: The Slow Demise of the Region’s Indigenous Peoples (2012 IWGIA ORGANISING COMMITTEE CHT CAMPAIGN SHIMIN GAIKOU CENTRE, available at: [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0577\\_lgia\\_report\\_14\\_optimized.pdf](http://www.iwgia.org/iwgia_files_publications_files/0577_lgia_report_14_optimized.pdf)

57. See Rapid Action Battalion, *Short History*, available at: [http://www.rab.gov.bd/about\\_us.php?page=2](http://www.rab.gov.bd/about_us.php?page=2), last accessed on 1 September 2013.

impediments to development” of Bangladesh and fight organised crime.<sup>58</sup> According to its website, the RAB’s current mission is to “prevent crime and apprehend criminals.”<sup>59</sup> As of 27 August 2013, out of the 208 officers in the RAB, 114 were police officers, followed by 83 Army officers and 11 Air Force officers.<sup>60</sup>

The Bangladesh Army personnel have been deployed through the RAB to counter the ongoing protests by the opposition.

## ARTICLE 6 AND ARTICLE 14: RIGHT TO LIFE AND THE RIGHT TO FAIR TRIAL

Article 32 of Constitution of Bangladesh provides that except in accordance with law, no person shall be deprived of life or personal liberty. However, the right to life is constantly violated through extrajudicial executions and illegal death penalty. Further, the death penalty has been used as an instrument against the opposition and to increase approximation of the relationship between the Awami League government and the Army, the power behind the throne in Bangladesh.

### 1. Extra-judicial executions by the RAB

According to Odhikar, as many as 2,425 persons were extra judicially executed by the security forces in Bangladesh during 2001-August 2014. These included 129 during January-August 2014; 329 in 2013; 70 in 2012; 84 in 2011; 127 in 2010; 154 in 2009; 149 in 2008; 184 in 2007; 355 in 2006; 396 in 2005; 240 in 2004; 81 in 2003; 83 in 2002; and 44 in 2001.<sup>61</sup> Out of these 2,425 extra judicial executions, the police were responsible for 1,206 deaths while the RAB were responsible for 794 deaths.<sup>62</sup>

Based on evidence of routine extrajudicial executions, the RAB has been variedly described as “death squad”. Extrajudicial killings by the RAB have the sanction of the government. In 2009 the Awami League Shipping Minister, Shahjahan Khan, speaking in a discussion organised by the BBC, said: “*The government will need to*

58. See Rapid Action Battalion, *Short History*, available at: [http://www.rab.gov.bd/about\\_us.php?page=2](http://www.rab.gov.bd/about_us.php?page=2), last accessed on 6 September 2013. See also Human Rights Watch, *Testimony of John Sifton, Asia Advocacy Director Human Rights Watch*, Tom Lantos Human Rights Commission House Committee on Foreign Affairs, available at: [http://www.hrw.org/sites/default/files/related\\_material/2012\\_Bangladesh\\_JohnSiftonTestimony\\_7-19-12.pdf](http://www.hrw.org/sites/default/files/related_material/2012_Bangladesh_JohnSiftonTestimony_7-19-12.pdf), last accessed on 1 September 2013.

59. See Rapid Action Battalion, *Motto, Mission & Capabilities*, available at: [http://www.rab.gov.bd/about\\_us.php?page=2](http://www.rab.gov.bd/about_us.php?page=2), last accessed on 6 September 2013.

60. Asian Centre for Human Rights, “Bangladesh Sending death squads to keep the UN’s peace, June 2014”, available at: <http://www.achrweb.org/reports/DPKO-Bangladesh.pdf>

61. See Odhikar, Total Extra-Judicial killings from January 2001-August 2014, available at: <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics-EJK-2001-2014.pdf>

62. Ibid

continue with extrajudicial killings, commonly called crossfire, until terrorist activities and extortion are uprooted.”<sup>63</sup> It is pertinent to mention that the RAB was established by the Bangladesh National Party government with the license to carry out extrajudicial executions.

The RAB often claims that suspects are killed in “crossfire” and as Odhikar reported 794 persons were killed in “crossfire” by RAB.<sup>64</sup> It is pertinent to mention that not a single RAB official ever died in the firing of the so-called criminal gangs and terrorist groups.<sup>65</sup> As per the RAB, in the 10 years since its foundation, 18 RAB personnel died<sup>66</sup> and all of them died either in traffic accidents or in the Pikhana massacre in which the BDR personnel attacked the Army officers deputed to the BDR.

## 2. Extrajudicial execution of indigenous peoples by the army

The Bangladesh Army has been responsible for serious human rights violations in the CHTs. Between 2004 and 2011, the Bangladesh Army personnel were allegedly responsible for 15 cases of extrajudicial killings.<sup>67</sup>

### Case 1: Killing of at least 6 Jumma people in firing by the army

On 19 February 2010, six people died while more were injured when army personnel opened fire on a group of indigenous Jummas who protested against burning of their houses by illegal plain settlers backed by the army at Gangaram Mukh area of Baghaichhari upazila in Rangamati district. The deceased were identified as Laxmi Bijoy Chakma, Liton Chakma, Buddha Pudi Chakma, Debendra Chakma, Notunjoy Chakma, and Banashanti Chakma while some of the injured were identified as Shanta Shil Chakma, Amar Bijoy Chakma, Nibesh Chakma, Mrittunjoy Chakma, Jitendra Chakma and Dari Chakma.<sup>68</sup>

63. See Ian Cobain, *WikiLeaks cables: Bangladeshi 'death squad' trained by U.K. government resumes extrajudicial killing*, The Guardian, 26 January 2011, available at: <http://www.theguardian.com/world/2011/jan/26/bangladesh-death-squad-killings-britain>, last accessed on 6 September 2013.

64. See Annex 10, *Crossfire/Gunfight 2001-2013*. These included 706 killings by RAB, 59 by RAB-Police and 11 by RAB-Coast Guard. See Odhikar, *Crossfire/Gunfight Statistics from 2001-2013*, available at: [http://odhikar.org/wp-content/uploads/2013/07/Statistics\\_Crossfire\\_Gunfight\\_2001-2013.pdf](http://odhikar.org/wp-content/uploads/2013/07/Statistics_Crossfire_Gunfight_2001-2013.pdf),

65. Ibid

66. See RAB, *Heroes That We Lost*, available at: [http://www.rab.gov.bd/oi\\_wwl.php](http://www.rab.gov.bd/oi_wwl.php), last accessed on 4 October 2013.

67. See “Annex 5: Human Rights Violations by the Military in the CHTs (2004-2011)” of ACHR’s report “Bangladesh Sending death squads to keep the UN’s peace, June 2014”, <http://www.achrweb.org/reports/DPKO-Bangladesh.pdf>

68. 2 ethnic people die in army firing, Bangalee settlers torch 200 houses, The Daily Star, 21 February 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=127234>

## **Case 2: Tortured to death of Timir Baran Chakma @ Duran Babu**

On 10 August 2014, Timir Baran Chakma @ Duran Babu, an activist of the PCJSS, was taken into custody by the army in Matiranga Upazila of Khagrachari District in the Chittagong Hill Tracts on allegations of extortion. He was tortured in custody and later declared dead after he was brought to Matiranga Health Complex.<sup>69</sup>

## **3. Death penalty awarded under the Bangladesh Penal Code, 1860**

Bangladesh continues to retain the death penalty for murder under Section 302 of the Bangladesh Penal Code, 1860.<sup>70</sup> According to Odhikar, as many as 661 persons were awarded death sentence during January 2010-August 2014. During the corresponding period, 16 death row convicts were convicted while clemency was granted to two convicts.<sup>71</sup>

Death penalty is being used as an instrument by the government for political purposes.

### **Case 1. Summary death penalty on Pilkhana mutiny accused**

In an unprecedented ruling, 152 former members of the Bangladesh Rifles (currently Border Guards Bangladesh), a paramilitary border security force, were sentenced to death on 6 November 2013 in a mass trial in connection with Pilkhana mutiny of 2009.<sup>72</sup> On 25 February 2009, a revolt broke out at the Bangladesh Rifles (BDR) Headquarters in Pilkhana, the BDR personnel massacred 74 people including 57 army officers deputed to the BDR, among others, demanding better working conditions.<sup>73</sup>

Prosecutors originally brought charges against 850 people who included 827 personnel of the erstwhile Bangladesh Rifles and 23 civilians. Out of these, 277 of them were acquitted. Of those convicted, 256 were given sentences of imprisonment for 20 years or less and 161, including Nasiruddin Ahmed Pintu, a former opposition

69. CHAKMA ACTIVIST'S DEATH IN MILITARY CUSTODY: CHT commission calls for independent investigation, New Age, August 16, 2014; Available at: <http://newagebd.net/40708/cht-commission-calls-for-independent-investigation/#sthash.Hi41dHpK.dpbs>

70. See Sections 302 and 303 of the Bangladesh Penal Code, 1860; available at: [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=11](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11)

71. Odhikar, "Statistics of Death Penalty: January 2010 - August 2014", available at: <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics-Death-Penalty-2010-2014.pdf>

72. The New York Times, "152 Bangladeshi Border Guards Get Death Penalty Over Revolt", available at: [http://www.nytimes.com/2013/11/06/world/asia/152-soldiers-given-death-penalty-over-revolt-in-bangladesh.html?\\_r=0](http://www.nytimes.com/2013/11/06/world/asia/152-soldiers-given-death-penalty-over-revolt-in-bangladesh.html?_r=0)

73. Please see, Bangladesh: Sending death squads to keep the UN's peace, Asian Centre for Human Rights, June 2014, for more details

member of Parliament, were sentenced to life in prison. Four of the accused died during the course of the trial.<sup>74</sup> The trials did not meet international standards on fair trial.<sup>75</sup>

## **Case 2. Death penalty for the alleged war criminals**

As it is known during the Bangladesh liberation war in 1971, members of the Jamaat-e-Islami Pakistan collaborated with the Pakistani Army by forming and joining paramilitary forces such as the Razakar and Al-Badr and participating in mass murder including of Bengali nationalists and pro-liberation intellectuals and also what has come to be described as the systematic rape of women. After independence or liberation, as it is known in Bangladesh, Jamaat-e-Islami was banned and its leaders went into exile in Pakistan.

The Parliament of Bangladesh enacted the International Crimes (Tribunals) Act, 1973 (Act No. XIX of 1973) to provide for the detention, prosecution and punishment of persons responsible for committing genocide, crimes against humanity, war crimes and other crimes under international law<sup>76</sup> but the Act remained unimplemented.

A civil war between the Jamaat-E-Islami and the Awami League has been building up<sup>77</sup> but there was no change in the politics surrounding war crimes accusations between 1996 and 2010 to warrant opening of the old wounds through the War Crimes Tribunal. However, in the aftermath of the Pikhana massacre in which the role of the Jamaats was suspected, the AL government decided to take Jamaat leaders out of circulation through war crimes tribunals because of the conflict between the Jamaats and the Awami League.<sup>78</sup> On 9<sup>th</sup> July 2009, the AL government amended the International Crimes (Tribunals) Act, 1973 to provide sweeping powers to the authorities and thereafter, established the International Crimes Tribunal-1 on 25

74. The Economist in its issue dated 9 November 2013 stated, “at least 70 suspects died while in custody—almost certainly murdered”, available at <http://www.economist.com/news/asia/21589496-mass-conviction-mutineers-comes-politically-delicate-moment-mutiny-and-revenge>

75. “Navi Pillay alarmed at sentencing of 152 paramilitary personnel to death in Bangladesh”, United Nations, Geneva, 6 November 2013 available at [http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear\\_en%29/B9CE6FD44748544CC1257C1B003DEC04?OpenDocument](http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/B9CE6FD44748544CC1257C1B003DEC04?OpenDocument)

76. About the International Crimes (Tribunals) Act, 1973; available at: <http://www.ict-bd.org/>

77. Please see “Bangladesh: Polarisation, Political Violence & an Undeclared Civil War”, Asian centre for Human Rights, 18 February 2015 available at <http://www.achrweb.org/reports/bangla/Bangladesh2015-01.pdf>

78. . The conflict between the AL and the Jamaats dates back to the 1971 liberation war in which the AL led the freedom struggle and the Jamaats opposed the liberation war and participated in the war crimes. The AL suspected that the Jamaat’s role in the assassination attempt on Sheikh Hasina while addressing an anti-terrorism rally on 21 August 2004 in which 24 persons were killed and over 500 injured in the grenade attacks and assassination of AL’s former Finance Minister SAM Shamsul Kibria in a similar grenade attack on 27 January 2005.

March 2010 and the International Crimes Tribunal-2 on 22 March 2012<sup>79</sup> with the power to impose death sentence.

Almost the entire leadership of the Jamaat-E-Islami have been detained, charged or sentenced. Of the 15 accused who have been convicted by the two war crimes tribunals, 12 were sentenced to death while rest 3 convicts were awarded imprisonment for life. Those who were awarded the death sentence include Moulana Abul Kalam Azad @ Abul Kalam Azad @ Bachchu<sup>80</sup>; Muhammad Kamaruzzaman<sup>81</sup>; Ali Ahsan Muhammad Mujahid<sup>82</sup>; Ashrafuzzaman Khan @ Naeb Ali Khan<sup>83</sup>; Mir Quasem Ali<sup>84</sup>; Syed Md. Qaiser<sup>85</sup>; Delowar Hossain Sayeedi alias Delu @ Abu Nayeem Mohammad Delowar Hossain @ Allama Delowar Hossain Sayeedi<sup>86</sup>; Salauddin Quader Chowdhury<sup>87</sup>; Motiur Rahman Nizami<sup>88</sup>; Zahid Hossain Khokon alias M. A. Zahid Khokon<sup>89</sup>; Md. Mobarak Hossain alias Mobarak Ali<sup>90</sup>; and A.T.M Azharul Islam<sup>91</sup>. Three others viz., Moulana Abul Kalam Azad; Ashrafuzzaman Khan @ Naeb Ali Khan; and Syed Md. Qaiser (73) @ Md. Qaiser of the above mentioned twelve accused were tried and sentenced to death in absentia.

It is not only the merits of each sentencing which is suspect but also the ICT Act itself does not meet national and international standards on fair trial. The ICT Act is replete with bias against the accused and denies the accused the right to fair trial and due process of law as given below:

i. Retrospective application of the ICT Act

Article 35 (1) of the Constitution of Bangladesh prohibits retrospective applications of penal law<sup>92</sup> but the ICT Act is all about retrospective trial.

79. For details visit, International Crimes (Tribunals) Act, 1973; available at: <http://www.ict-bd.org/>

80. See judgement at: [http://www.ict-bd.org/ict2/ICT2%20judgment/full\\_judgement\\_azad.pdf](http://www.ict-bd.org/ict2/ICT2%20judgment/full_judgement_azad.pdf)

81. Judgement available at: <http://www.ict-bd.org/ict2/ICT2%20judgment/MKZ.pdf>

82. See judgement at: <http://www.ict-bd.org/ict2/ICT2%20judgment/AAMMujahid.pdf>

83. Judgement available at : <http://www.ict-bd.org/ict2/ICT2%20judgment/CM%20&%20AK.pdf>

84. Judgement available at: <http://www.ict-bd.org/ict2/ICT2%20judgment/Mir%20Quasem-judge-02.pdf>

85. See judgement at: <http://www.ict-bd.org/ict2/ICT2%20judgment/QAISER%20JUDGMENT.pdf>

86. See judgement at : [http://www.ict-bd.org/ict1/ICT1%20Judgment/sayeedi\\_full\\_verdict.pdf](http://www.ict-bd.org/ict1/ICT1%20Judgment/sayeedi_full_verdict.pdf)

87 .See judgement at: <http://www.ict-bd.org/ict1/ICT1%20Judgment/ICT-BD%20Case%20No.%2002%20of%202011%20Delivery%20of%20judgment%20final.pdf>

88. See judgement at: <http://www.ict-bd.org/ict1/ICT1%20Judgment/ICT-BD%20Case%20No.%2003%20of%202011%20dated....%20.12.pdf>

89. See judgement at: <http://www.ict-bd.org/ict1/ICT1%20Judgment/ICT-BD%20Case%20No.04%20of%202013.pdf>

90. See judgement at: <http://www.ict-bd.org/ict1/ICT1%20Judgment/ICT%20BD%20Mobarak%20Case%20No.01%20of%202013.pdf>

91. <http://www.ict-bd.org/ict1/Judgment%20part%202/ICT-BD%20Case%20No%205-2013.pdf>

92. Article 35(1) of the Constitution of the People's Republic of Bangladesh provides that "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than, or different from, that which might have

- ii. Bar on legal challenge to either against constitution of a tribunal or appointment of its chairman or members

Section 6(8) of the ICT Act provides that neither the constitution of a Tribunal nor the appointment of its Chairman or members shall be challenged by the prosecution or by the accused persons or their counsel. Members of the ICT Tribunal who can be handpicked by the government to yield a conviction but the same cannot be challenged.

- iii. Trial and conviction in absentia

The original ICT Act of 1973 did not provide for trial in absentia. The Second Amendment of the ICT Act in 2012<sup>93</sup> provides for trial in absentia. Trial and conviction in absentia violates all canons of criminal jurisprudence.

- iv. Very short time for convict to file appeal against conviction and sentence

Section 21(3) of the ICT Act gives only 30 days to convicted person to file an appeal against conviction and sentence. Thirty days is very less by any yardstick to file an appeal given the time taken to obtain/ receive certified copies of orders and other relevant case records from the tribunal, enclosure of which along with the appeal is mandatory under Section 20(2B) of the ICT Act, 1973.<sup>94</sup> Section 21 was substituted by the Awami League government by amendment to the ICT Act, 1973 in 2013 apparently to deny opportunity of appeal to accused convicted under the ICT Act.

- v. Bar on application of Bangladesh Criminal Procedure Code & Evidence Act to proceedings under the ICT Act

The bar on the application of the Criminal Procedure Code, 1898 and the Evidence Act, 1872 in any proceeding of the ICT under Section 23 of the ICT Act effectively takes away all safeguards available to an accused under these two laws which meet the international standards on fair trial.<sup>95</sup>

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*been inflicted under the law in force at the time of the commission of the offence.”* It is available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=367&sections\\_id=24583](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367&sections_id=24583)

93. See Section 10A of the ICT Act; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=435&sections\\_id=42208](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=435&sections_id=42208)

94. See sections 20(2B) and 21 of the ICT Act; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=435&sections\\_id=12496](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=435&sections_id=12496) & [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=435&sections\\_id=12497](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=435&sections_id=12497)

95. See Section 23 of the ICT Act; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=435&sections\\_id=12499](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=435&sections_id=12499)

Clause (1) of Section 19 provides that the tribunal shall not be bound by technical rules of evidence and empowers the tribunal to admit any evidence, including reports and photographs published in newspapers, periodicals and magazines, films and tape-recordings and other materials as may be tendered before it, which it deems to have probative value.<sup>96</sup>

Clause (2) of Section also empowers the tribunal to receive in evidence any statement recorded even by an Investigation Officer, which is usually a police officer.<sup>97</sup> In Bangladesh torture is routinely employed as a tool by investigators to secure confessional statements from suspects and therefore such evidence is not admissible under the Evidence Act.

Clause (4) of Section 19 makes it mandatory for the tribunal to take judicial notice of official governmental documents and reports of the United Nations and its subsidiary agencies or other international bodies including non-governmental organizations<sup>98</sup> to try and convict the accused under the ICT Act, 1973.

#### **ARTICLE 7: PROHIBITION OF TORTURE**

Although the constitution and law prohibit torture and other cruel, inhuman, or degrading treatment or punishment, security forces, including the RAB and police regularly use torture.<sup>99</sup>

According to the Odhikar, a total of 532 persons were subjected to torture, cruel, inhuman or degrading treatment or punishment by different law enforcement agencies in Bangladesh during 2004-2014. Out of these, 229 victims died due to torture including 162 in the custody of the police, 32 in the custody of the RAB; 10 in the custody of the Joint Force, 7 in the custody of the Border Guards Bangladesh, 6 in the custody of the army; 3 in the custody of the Navy, 2 each in the custody of the Detective Branch of the police and the Drugs and Narcotic Department personnel; 1 in the custody of the Coast Guards and 5 in the custody of the jail authorities.<sup>100</sup>

96. See Section 19 of the ICT Act, 1973; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=435&sections\\_id=12495](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=435&sections_id=12495)

97. Ibid

98. Ibid

99. US State Department Country Reports on Human Rights Practices for 2013; available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

100. Odhikar, "Torture (Dead and alive) from 2004-2014; available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Torture\\_2004-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Torture_2004-2014.pdf)

**ARTICLE 9: RIGHT TO LIBERTY AND SECURITY OF PERSONS**

The right to liberty and security of persons are regularly violated by the security forces.

**I. Arrest and enforced disappearances**

Ain O Salish Kendra, Bangladesh reported that different law enforcement agencies were involved in enforced disappearance of 82 persons between January and December 2014.<sup>101</sup> According to Odhikar, different security services in Bangladesh caused disappearance of 131 persons during 2001-2013. The RAB personnel were responsible for disappearance of 89 persons; followed by the DB in 44 persons; the police in 8 persons, the RAB in 5 persons; Industrial Police in 1 person and other security agencies in the disappearance of 23 persons;<sup>102</sup>

Some of the cases of abductions/enforced disappearances carried out by the RAB during 2014 are given below:

On 9 April 2014, personnel from the RAB-10 reportedly picked up Rahmatullah Sentu, a transport businessman, in front of his wife Afreen Lovely and several hundred locals in broad daylight at Roy Shaheb Bazar intersection in Dhaka. Since then Mr. Sentu remained disappeared, although Ms. Lovely filed an abduction case.<sup>103</sup>

On 27 April 2014, alleged personnel of the RAB-11 kidnapped seven persons, including Narayanganj city panel mayor Nazrul Islam and senior lawyer Chandan Kumar Sarker.<sup>104</sup> The dead bodies of the seven persons were found floating in a river. As of 3 December 2014, investigations continued and as many as 14 personnel of the RAB were arrested in connection with the case.<sup>105</sup>

On 29 April 2014, businessman Shahnur Alam was abducted by the RAB team from his home. On 6 May 2014, Shahnur Alam succumbed to his injuries sustained at the hands of personnel of RAB-14 while he was in their captivity.<sup>106</sup>

101. Ain O Salish Kendra, "Incidents of Enforced Disappearances between January and 30 September 2014" October 13, 2014; available at: <http://www.askbd.org/ask/2014/10/13/incidents-enforced-disappearances-third-quarter-2014/>

102. Odhikar, "Disappearances" during 2009-2014, available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics\\_Disappearance\\_2009-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/01/Statistics_Disappearance_2009-2014.pdf)

103. Another abduction claim against Rab, The Daily Star, 9 May 2014; available at: <http://www.thedailystar.net/another-abduction-claim-against-rab-23344>

104. Nur Hossain's driver held, The Daily Star, 26 June 2014; available at: <http://www.thedailystar.net/nur-hossains-driver-held-30411>

105. 3 more Rab men involved, The Daily Star, 3 December 2014; available at: <http://www.thedailystar.net/3-more-rab-men-involved-53122>

106. 9 Rab men sued for torture, killing, The Daily Star, 2 June 2014; available at: <http://www.thedailystar.net/9-rab-men-sued-for-torture-killing-26665>

## 2. Arbitrary arrests, detention and torture by the security forces in the CHTs

Arbitrary arrest and detention are rampant in the CHTs. Between 2004 and 2011, the Bangladesh army personnel were responsible for 464 cases of arbitrary arrest and 374 cases of torture.<sup>107</sup> For brevity a few cases are being cited below:

On 3 March 2015, a group of army personnel from Bajpara camp under Sindukchari zone illegally raided the house of 75-years-old Banno Ram Chakma in Amtoli village under Sindukchari Union in Mohalchari Upazilla, Khagrachari district and picked up two indigenous Jumma youths from a shop in the village. The detainees have been identified as Jewel Chakma of village Amtoli and Sudhu Marma from Agbari village. While Sudhu Marma was released from Bajpara camp at 4 p.m. on the same day, Jewel Chakma was sent to Sindukchari zone army camp.<sup>108</sup>

On 22 January 2015, Rabbi Ahshan, commander of Sindukchari Zone called Manendra Chakma, member of Ward No. 4 of Patachारा Union in Ramgarh Upazila via mobile phone and told him to come and meet him at Jaliapara Police Box. When Mr. Chakma came, the army personnel picked him up and took him to Sindukchari Zone army camp.<sup>109</sup> He was released on 26 January 2015 after four days in illegal detention in army custody. Before his release, the army made him signed, “I was engaged in a special and emergency government work.”<sup>110</sup>

On 22 December 2014, police arrested and detained an indigenous Jumma youth identified as Mong Sanu Marma, a resident of Tingorjya Para of Batnatoli Union, from Manikchari, Khagrachari district, for his inability to pay a commission of Taka 3 thousand to three policemen on the previous day.<sup>111</sup> He was illegally arrested by the police and implicated in the murder of one Chingsha Mong Chowdhury, a school teacher, who was shot dead by unidentified gunmen on 6 December 2014, and sent him to Khagrachari jail.<sup>112</sup>

107. See “Annex 5: Human Rights Violations by the Military in the CHTs (2004-2011)” of ACHR’s report “Bangladesh Sending death squads to keep the UN’s peace, June 2014”, <http://www.achrweb.org/reports/DPKO-Bangladesh.pdf>

108. Two Jumma villagers arrested in Sindukchari, CHTNews.com, 4 March 2015, available at: <http://chtnews.com/english/?p=1551>

109. Army detains UP member in Ramgarh, Chtnews.com, 23 January 2015; available at: <http://chtnews.com/english/?p=1498>

110. UP member Manendra released, chtnews.com, 26 January 2015, available at: <http://chtnews.com/english/?p=1506>

111. Police arrest one in Manikchari, Chtnews.com, 23 December 2014, available at: <http://chtnews.com/english/?p=1465>

112. Ibid

## ARTICLE 10: PRISON CONDITIONS AND SITUATION OF PRISONERS

As of October 2013 there were altogether 68 jails in Bangladesh.<sup>113</sup> Prison conditions are subhuman and at times life threatening due to overcrowding, inadequate facilities, and lack of proper sanitation.

Throughout the country, prisons are acutely overcrowded. The Department of Prisons, Bangladesh stated that as on 13 April 2013, a total of 72,104 prisoners were lodged in 68 prisons meant to house only 33,824 inmates. Dhaka Central Jail had 7,500 inmates against its sanctioned capacity for 2,686 prisoners while the High Security Jail at Kashimpur accommodated more than 1,900 against its capacity for 1,020 inmates. Prisoners who came out of jail on bail stated that the overcrowded situation inside the central jail forced them to share one's space with three,<sup>114</sup> and sleep in shifts with inadequate access to basic facilities such as toilets.<sup>115</sup>

That the condition in prisons across Bangladesh is poor is supported by large figures of custodial deaths in jails. According to Odhikar, 1,031 inmates died in jails during 2001-2014. These included 72 deaths in 2001; 107 in 2002; 90 in 2003; 80 in 2004; 76 in 2005; 62 in 2006; 87 in 2006; 66 in 2008; 50 in 2009; 60 in 2010; 105 in 2011; 63 in 2012; 59 in 2013; and 54 in 2014.<sup>116</sup>

As on date, the government does not permit prison visits by the International Committee of the Red Cross or any other independent human rights monitors. At the end of 2013, ICRC's offer of services for people deprived of their freedom, particularly visits to detainees in accordance with the ICRC's standard procedures was still under discussion between the government and the ICRC.<sup>117</sup>

The Bangladesh Red Crescent Society is allowed to visit foreign detainees in prisons. The government-appointed committees comprising of prominent private citizens in each prison locality are mandated to monitor the prisons. However, their reports have never been made public.<sup>118</sup>

113. International Centre for Prison Studies, Prison overview-Bangladesh, available at: <http://www.prisonstudies.org/country/bangladesh>

114. Overcongested conditions in country's jail houses cause multi-pronged strains, The Financial Express, 20 April 2013, available at: <http://www.thefinancialexpress-bd.com/old/index.php?ref=MjBfMDRfMjBfMTNfMV8xXzE2NzAwMQ>

115. US State Department Country Reports on Human Rights Practices for 2013; available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

116. Odhikar, 'Death in Jail 2001-2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_Death-in-jail\\_2001-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_Death-in-jail_2001-2014.pdf)

117. Annual Report 2013 - Bangladesh; available at: <http://www.refworld.org/publisher/ICRC,,5374af730,0.html>

118. US State Department Country Reports on Human Rights Practices for 2013; available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

**ARTICLE 18: RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE & RELIGION**

The current population of Bangladesh is estimated to be 162.3 million (February 2015 estimate).<sup>119</sup> According to the 2011 census, Sunni Muslims constitute 90 percent while Hindus make up 9.5 percent of the total population. The rest of the population is predominantly Christian (mostly Roman Catholic) and Theravada Buddhists. There are also small numbers of Shia Muslims, Bahais, animists, and Ahmadiyya Muslims.<sup>120</sup>

Article 2A of the Constitution of Bangladesh declares Islam as state religion of Bangladesh but Article 12 reinforces secularism and freedom of religion.<sup>121</sup> Under the penal code, statements or acts made with a “deliberate and malicious” intent to insult religious sentiments are criminalised with fines or up to two years imprisonment.<sup>122</sup> In addition, the Code of Criminal Procedure empowers the government to “confiscate all copies of a newspaper if it publishes anything that creates enmity and hatred among the citizens or denigrates religious beliefs”.<sup>123</sup>

However, religious minorities face violence with impunity. According to Ain o Salish Kendra (ASK), 495 statues, monasteries, or temples were destroyed in the country in 2013 in the attacks by the Muslim majority.<sup>124</sup>

The patterns of violations of the rights of the minorities are provided below:

**1. Attacks on the Buddhist minorities****Case 1. Attacks on Buddhists in Ramu and Ukhia sub-districts: An emblematic case of protecting ruling party cadres**

During 29-30 September 2012, Muslim religious fanatics attacked the Buddhist and Hindu minorities at Ramu, Ukhia, Patia and Teknaf under Chittagong Division of Bangladesh. At least 22 Buddhist temples and two Hindu temples were burnt down; dozens of Buddhist villages were attacked displacing thousands of minorities.

119. Bangladesh Population clock; available at: <http://countrymeters.info/en/Bangladesh>

120. U.S. Department of State International Religious Freedom Report for 2013; available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

121. See Constitution of the Peoples' Republic of Bangladesh; available at: [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=367](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=367)

122. See Section 295A of the Bangladesh Penal Code, 1860; available at: [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=11](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11)

123. See Bangladesh 2013 International Religious Freedom Report, <http://www.state.gov/documents/organization/222537.pdf>

124. The Daily Star, “Attacks on minorities increased”, 1 August 2014, <http://www.thedailystar.net/attacks-on-minorities-increased-35336>

Of these, 15 Buddhist temples were burnt to ashes in Ramu Upazila (sub-district), four in Patia Police Station and five under Ukhia Upazila. The 22 Buddhist temples burnt included Lakhara Abhoy Buddhist Vihar, Kolagaon Rotnangkur Buddhist Vihar, Ramu Maitree Vihar, Saada Chinglaal, Ramy Sina Vihar, Jadiparha Bouddha Vihar, Borokang Buddha Vihar, Kendriyo Shima Vihar, Baruapara Buddhist Vihar, Bimukti Bidarshan Babna Centre, Srikul Maitree Vihar, Progga Mitra Vihar, Uttar Mithachari Bimurta Bhabona Kendra, Ukhia Ghona Jojoba Vihar, Srikul Natun Vihar, Lal Ching Bihar, Sada Ching Vihar, Mahajan Vihar, Ramu Kendrya Shima Rajbon Vihar, Pashchim Ratna Sudarshan Buddha Vihar, Balukia Kalachand Bijoyanta Bibekaram Vihar and 250-year old Cheranghata Barakyang Temple.<sup>125</sup> In addition, the two Hindu temples burnt down were Kolagaon Nobarun Sangha Durga Mandir (temple) and the Matri Mandir at Jele Para under Pakia sub-district. The attackers smashed the Buddhist statues and set fire to a statue of Goddess Durga at the Nobarun Sangha Mandir.<sup>126</sup>

Following the attacks, police registered 13 cases while the affected religious minorities lodged six more cases with four police stations. A total of 375 people were accused and 14,807 shown as suspects in 19 cases. As of 28 August 2013, police arrested 187 accused and 339 suspects in connection with the cases. Of the arrested, 23 reportedly already confessed to their involvement in the attacks at a court.<sup>127</sup> As of September 2014, charge sheets in all the cases were submitted to court but the trial proceedings were continuing.<sup>128</sup>

Earlier, on 13 December 2012, a High Court bench of Justice Mirza Hussain Haider and Justice Kazi Md Ejarul Haque Akondo ordered a judicial inquiry into the attacks on Buddhist temples in Ramu and Ukhia sub-districts in response to a writ petition filed by Barrister Jyotirmoy Barua, a Supreme Court lawyer, who demanded a fair probe by a judicial committee. An earlier report submitted by the Home Ministry on 6 November 2012 could not point out the motive behind the attacks although it said that attacks were well-planned and mapped out at least 10 days prior to the attacks.<sup>129</sup> On 14 May 2013, the judicial probe committee comprising District and Sessions Judge of Chittagong Md Abdul Quddus Miah, Judge of Tribunal-3 for

125. Asian Center for Human Rights, '24 Buddhist and Hindu temples burnt in Bangladesh - India and UN urged to intervene, 1 October 2012', available at: <http://www.achrweb.org/press/2012/BD-08-2012.html>

126. *Ibid*

127. 7 charge sheets finalized, *The Daily Star*, 29 August 2013, available at: <http://archive.thedailystar.net/beta2/news/7-charge-sheets-finalised/>

128. . We prefer commitment to justice, *New Age*, 29 September 2014, available at: <http://newagebd.net/53526/we-prefer-commitment-to-justice/#sthash.gNA78l6m.dpuf>

129. HC orders judicial probe, *The Daily Star*, 14 December 2012, available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=261147>

Women and Children Repression Prevention in Chittagong Sharif Mostafa Karim and Deputy Home Secretary Mohammad Zahurul Islam Rohel submitted a detailed report identifying 298 persons as responsible for the attacks on Buddhist temples, monasteries and houses.<sup>130</sup>

On 7 March 2013, the Ministry of Local Government Division (LGRD) suspended Ukhia Upazila Chairman Sarwar Jahan Chowdhury and Vice-Chairman Sultan Mahmud Chowdhury as charge sheet was filed against them for attacking three Buddhist temples in Ukhia upazila on 29-30 September 2012.<sup>131</sup> They were arrested earlier on 17 January 2013.<sup>132</sup>

On 12 May 2014, a five-member bench of the Supreme Court's Appellate Division headed by Chief Justice Md Muzammel Hossain cancelled the bail granted by the High Court on 3 March 2014 to Tofail Ahmed, Chairman of Naikhyangchhari Upazila in Bandarban district and directed him to surrender before it within a week. Tofail Ahmed is a prime accused in the Ramu attacks.<sup>133</sup>

Leaders of the Buddhist minorities alleged that police have been trying to stage a farcical trial by excluding the actual perpetrators and implicating innocent Muslims. They handed over to police a list of 15 accused who were directly involved in the attacks but these accused were seen moving around freely and mixing with the local police as the police failed to take action.<sup>134</sup>

Ruling Awami League's student wing, the Chhatro League, allegedly played a key role in organizing the Ramu attacks and that the top 10 culprits identified in the government's probe remained free due to their political connections to the ruling party AL.<sup>135</sup>

130. Judicial probe into attacks on Buddhists in Bangladesh reports intelligence failure, The Daily Star, 17-05-2013, available at: <http://www.asianewsnet.net/Judicial-probe-into-attacks-on-Buddhists-in-Bangla-46828.html>

131. Accused upazila parishad leaders suspended, The Daily Star, 8 March 2015, available at: <http://www.thedailystar.net/accused-upazila-parishad-leaders-suspended-39815>

132. Attack on Buddhists Top accused Jamaat leader arrested, 18 January 2013, available at: <http://sskbs.blogspot.in/2013/01/attack-on-buddhists-top-accused-jamaat.html>

133. Upazila chairman ordered to surrender over Ramu attack, BDNews24.com, 12 May 2014, available at: <http://bdnews24.com/bangladesh/2014/05/12/upazila-chairman-ordered-to-surrender-over-ramu-attack#sthash.KqPVHg3G.dpuf>

134. Ramu perpetrators remain immune, Dhaka Tribune, 27 September 2013, available at: <http://www.dhakatribune.com/bangladesh/2013/sep/27/ramu-perpetrators-remain-immune>

135 . U.S. Department of State, 'International Religious Freedom Report for 2013 Bangladesh' available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

## Other cases of religious persecution of the Buddhists

On 12 September 2007, the Sub-District Executive Officer of Mahalchari in Khagrachari district issued a public notice prohibiting “construction of new Mosque, Hindu temple and Buddhist temple” in Mahalchari sub-division without prior permission of the authorities concerned. The order was not targeted towards the Muslims or Hindus but against indigenous Buddhists.<sup>136</sup>

On 19 February 2010, illegal plain settlers under full protection and guidance of the military, attacked 14 indigenous Jumma villages in Baghahat area of Sajek Union under Rangamati district in the CHTs. The attackers looted the Jumma households and set ablaze their houses and Buddhist Temple.<sup>137</sup>

On 3 August 2013, illegal plain settlers attacked six indigenous Jumma villages in Taindong under Matiranga Upazila in Khagrachari district of the CHTs, wounding over a dozen people. The attackers set ablaze a Buddhist temple, 34 houses and one shop belonging to indigenous peoples. The attackers also ransacked and looted the Buddhist temple and the 259 houses.<sup>138</sup>

On 16 December 2014, illegal plain settlers attacked three indigenous Jumma villages under Naniachar upazila in Rangamati district in suspecting hands of Jummas in alleged destruction of their pineapple plantations and teak saplings. The attackers burnt 54 Jumma houses and vandalized and looted bronze idols of the Buddha from one temple on Rangamati-Khagrachari Road. They also beat up the temple monk, Ogasa Bhikkhu.<sup>139</sup>

## 2. Attacks on the Ahmadiyyas

Members of the Ahmadiyya sect, numbering roughly 1,00,000 and their places of worship are often targeted and there has been demand to declare them as “non-Muslims”.<sup>140</sup>

136. Asian Indigenous and Tribal Peoples Network, “Bangladesh: Evictions and land grabbing in the CHTs”, *Indigenous Rights Quarterly*, Vol. 1, No. 3 (July - September 2007)

137. Bangladesh: IPs Massacred For Land Grab, Asian Centre for Human Rights, 23 February 2010; <http://www.achrweb.org/reports/bangla/CHT012010.pdf>

138. Hill Watch Human Rights Forum, “Fire of Hatred in Taindong”, 14 August 2013; available at: <http://chtnewsupdate.blogspot.in/2014/02/fire-of-hatred-in-taindong.html>

139. 54 Chakma, Tripura families living in tents, with little relief supplies, *New Age*, 28 December 2014; available at: <http://newagebd.net/80806/54-chakma-tripura-families-living-in-tents-with-little-relief-supplies/#sthash.dBrc5wdc.dpbs>

140. *New Statesman*, “Only partly free”, 5 January 2015, <http://www.newstatesman.com/2015/01/only-partly-free>

On 25 April 2010, radical Islamists belonging to the Khatme Nabuwat Movement obstructed the burial of an Ahmadiyya woman at Nakhalpara of Tejgaon, when a grave had been prepared for the burial at the local Rahim Metal Jame Masjid graveyard in Dhaka.<sup>141</sup>

On 17 June 2010, a mob vandalised a makeshift tin-shed mosque of Ahmadiyya Muslim Jamaat and the house of an Ahmadiyya believer at Chandtara village under Ghatail upazila in Tangail district. They also damaged the construction materials for a mosque of the community.<sup>142</sup>

On 6 August 2010, ten Ahmadiyyas were injured in an attack by radical Muslims at Chandtara village of Ghatail upazila in Tangail district after followers of Ahmadiyya Muslim Jama'at Bangladesh inaugurated the construction works of a mosque at Akandapara.<sup>143</sup>

On 7 November 2012, religious bigots attacked an Ahmadiyya mosque at Kismat Mena Nagar village under Taraganj Upazila in Rangpur district. At least 15 Ahmadiyya followers were wounded in the attack.<sup>144</sup>

In February 2013, a venue in Gazipur set to host an Ahmadiyya convention was attacked by a radical Muslim mob, with tents set on fire and equipments vandalised.<sup>145</sup>

### **3. Attacks on the Hindu minorities**

Numerous Hindu temples were attacked and properties destroyed.

On 18 January 2014, suspected opposition activists belonging to Jamaat-e-Islami and the BNP destroyed idols of Hindu goddesses at a temple in southwestern Bangladesh. The attackers ripped off the heads of idols of goddess *Kali* and *Saraswati* and threw them in the courtyard of the temple in Pirojpur district.<sup>146</sup>

141. Radicals obstruct Ahmadiyya burial, BDNews24.com, 25 April 2010; available at: <http://www.24livenewspaper.com/site/index.php?url=www.bdnews24.com/>

142. Ahmadiyyas in Tangail attacked, The Daily Star, 19 June 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=143240>

143. 10 hurt in attack on Ahmadiyyas, The Daily Star, 8 August 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=149886>

144. Reconstruct arson damaged mosque, The Daily Star, 11 November 2012; available: <http://archive.thedailystar.net/newDesign/news-details.php?nid=257001>

145. New Statesman, "Only partly free", 5 January 2015, <http://www.newstatesman.com/2015/01/only-partly-free>

146. Hindu temple attacked in Bangladesh, 18 January 2014; available at: [http://zeenews.india.com/news/south-asia/hindu-temple-attacked-in-bangladesh\\_905130.html](http://zeenews.india.com/news/south-asia/hindu-temple-attacked-in-bangladesh_905130.html)

On 4 May 2015, an around 3,000-strong Muslim mob attacked Hindu households and a temple at Baghsitarampur village in Bangladesh's Comilla district. The attacks took place after announcement was made from the loudspeakers at Jamia Arabia Islami Emdadul Ulum Madrasa at Rampur village near Baghsitarampur to launch the attack on Hindus after rumours were spread over loudspeakers that two Hindu youths had defamed Prophet Muhammad.<sup>147</sup>

On 21 March 2014, suspected BNP supporters set on fire two Hindu temples, including a 100-year old one, and damaged the idols of deities in Bagerhat district.<sup>148</sup>

On 1 July 2014, Muslim crowds numbering near 150 people pelted bricks at the International Society for Krishna Consciousness temple gate in Swamibag in Dhaka. At least eight devotees were injured in the attack.<sup>149</sup>

#### **4. Attacks on the Christian minorities**

The Christian minorities are regularly attacked by majority Muslims.

On 5 June 2013, Muslim extremists entered into the Tumilia mission, a Catholic compound in Dinajpur district, and assaulted Fr. Abel. On 6 June, a mob of more than 100 Muslims, armed with weapons, again forcibly entered into the mission compound and beat up Fr. Uzzal, seminarians and destroyed some parts of the buildings. They also vandalized and looted everything.<sup>150</sup>

On 6 July 2014, some 60 armed Muslims raided the convent of Pontifical Institute of Foreign Missions at Boldipuku in Dinajpur district. The attackers bound the males while molested and beat up the nuns.<sup>151</sup> The attackers also looted valuables - such as computers, laptops, and mobile money - of the value of 1 million Taka.<sup>152</sup>

147. Bangladesh: Enraged 3,000-strong Muslim mob attacks Hindu households, temple over blasphemy claim, 5 May 2014; available at: <http://www.jihadwatch.org/2014/05/bangladesh-enraged-3000-strong-muslim-mob-attacks-hindu-housholds-temple-over-blasphemy-claim>

148. Two Hindu temples set ablaze in Bangladesh, *The Economic Times*, 21 March 2014; available at: [http://articles.economictimes.indiatimes.com/2014-03-21/news/48438235\\_1\\_two-hindu-temples-ancient-temple-bangladesh](http://articles.economictimes.indiatimes.com/2014-03-21/news/48438235_1_two-hindu-temples-ancient-temple-bangladesh)

149. Temple and Chariot Festival attack in Bangladesh sparks protest at National Press Club, Dhaka, 4 July 2014, available at: <http://forumforhinduawakening.org/dharma/news/2014/07/05/iskcon-chariot-festival-attack-bangladesh-sparks-protest-hindus-national-press-club-dhaka/#sthash.i9Y80DA4.dpuf>

150. More Than 100 Muslims Attack Christians in Bangladesh, 17 June 2013; available at: <http://www.charismanews.com/world/39906-hundreds-of-muslims-attack-christians-in-bangladesh>

151. Bangladesh Christians in uproar over convent attack and assaulted nuns, 14 July 2014; available at: <http://www.catholic.org/news/international/asia/story.php?id=56172>

152. Dhaka: Christians, Muslims and Hindus together against the attack on Boldipukur church, 18 July 2014; available at: <http://www.asianews.it/news-en/Dhaka:-Christians,-Muslims-and-Hindus-together-against-the-attack-on-Boldipukur-church-31659.html>

On 5 November 2014, a group of about 40 Muslims attacked the Steve Kim Mission School at Ambagh in Gajipur district after maliciously spreading rumours of conversion. At least 10 people including teachers and students were injured in the attack.<sup>153</sup> World Watch Monitor alleged that the attackers vandalised classrooms, destroyed the bakery and stole several items including computers and projectors. They also reportedly set fire to the library, burnt Bibles, hymnals and chairs; then cut the electricity lines of the school and destroyed a generator.<sup>154</sup>

## **ARTICLE 19: FREEDOM OF SPEECH AND EXPRESSIONS**

Article 39 of the Constitution of Bangladesh provides for the right of every citizen to freedom of speech and expression and freedom of the press subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.<sup>155</sup> However, restrictions of the government have become repressive.

In August 2014, the Government of Bangladesh notified the National Broadcast Policy 2014 to impose restrictions on media freedom. The policy imposes restrictions on airing news or any programmes that pose threat to national security and sovereignty or could appear satirical to national ideology, the armed forces and law enforcement agencies, could hurt religious sentiments and cause hatred among the people.<sup>156</sup> On 28 August 2014, Prime Minister Sheikh Hasina warned journalists not to “cross the line” set down in the new guidelines.<sup>157</sup>

Thereafter, in September 2014, the government announced its decision to amend the Press Council Act, 1974 to incorporate more stringent provisions to authorize the Council to impose fine of up to Tk 10 lakh for publishing reports that hurt the interests of the country or instigate chaos and destroy religious harmony.<sup>158</sup>

153. 10 injured in missionary school attack, *BDnews24.com*, 5 November 2014; available at: <http://bdnews24.com/bangladesh/2014/11/05/10-injured-in-missionary-school-attack>

154. 17 Arrested over Christian school attack In Bangladesh, 29 November 2014; available at: <http://www.thechristianmail.com/17-arrested-over-christian-school-attack-in-bangladesh/>

155. See Article 39 of the Constitution; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=367&sections\\_id=24587](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367&sections_id=24587)

156. See ‘Statement of Odhikar : The National Broadcast Policy-2014 empowers the government to put draconian restrictions on media and curb the freedom of expression’ at: <http://odhikar.org/odhikars-statement-the-national-broadcast-policy-2014-empowers-the-government-to-put-draconian-restrictions-on-media-and-curb-the-freedom-of-expression/>

157. See ‘Bangladesh: Revoke Draconian Media Policy’, Human Rights Watch, 3 September 2014, <http://www.hrw.org/news/2014/09/03/bangladesh-revoke-draconian-media-policy>

158. See ‘Govt seeks to certify journalists’, *The Daily Star*, 24 September 2014, <http://www.thedailystar.net/govt-seeks-to-certify-journalists-43052>

The press freedom in Bangladesh has been effectively silenced through physical attacks, false and frivolous cases and censorship.

## 1. Physical attacks

NGOs documented 4,472 cases of attacks on journalists and media persons in Bangladesh during 2001-2014. The cases included: 190 in 2014; 275 in 2013; 342 in 2012; 291 in 2011; 263 in 2010; 266 in 2009; 115 in 2008; 184 in 2007; 496 in 2006; 606 in 2005; 597 in 2004; 279 in 2003; 449 in 2002 and 119 in 2001. Out of these, media persons were sued in 724 cases, 106 of them were arrested while 3 were tortured.<sup>159</sup>

On 14 January 2013, unknown attackers stabbed blogger Asif Mohiuddin<sup>160</sup>, who writes on human right issues and is a founding member of the Bangladesh Online Activists Network.

On 15 February 2013, unknown attackers hacked blogger Ahmed Rajib Haider to death near his residence in Palashnagar in Dhaka. Haider was an active participant in the nonstop demonstrations at Shahbagh demanding death sentences for all war criminals.<sup>161</sup>

In April 2014, at least four bloggers were arrested on the charges of making derogatory comments about Islam. They were released on bail but, the charges against them were not dropped.<sup>162</sup>

On 14 July 2014, at least 10 Dhaka University correspondents of different national dailies and television channels were injured as the activists of Bangladesh Chhatra League, student wing of the ruling Awami League, attacked them following an altercation over playing a football match in the university campus.<sup>163</sup>

159. Odhikar, 'Freedom of Media: Attack against journalists and media 2001-2014', available at: [http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics\\_FOM\\_2001-2014.pdf](http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/Statistics_FOM_2001-2014.pdf)

160. Blogger knifed in Dhaka, BDNews24.com, available at: <http://bdnews24.com/bangladesh/2013/01/14/blogger-knifed-in-dhaka1>

161. Shahbabbh protester killed, BDNews24.com, 15 February 2013; available at: <http://bdnews24.com/bangladesh/2013/02/15/shahbabbh-protester-killed>

162. See 'Bangladesh: Disturbing increase in disappearances, clampdown on press freedom', Amnesty International, 2 September 2014, at: <http://www.amnesty.org/en/news/bangladesh-disturbing-increase-disappearances-clampdown-press-freedom-2014-09-02>

163. 10 journalists injured in BCL attack at DU, New Age, 14 July 2014; available at: <http://newagebd.net/30982/10-journalists-injured-in-bcl-attack-at-du/#sthash.XB4FQODL.KOD9XXI9.dpbs>

On 20 July 2013, Awami League Member of Parliament Golam Maula Rony assaulted Intiaz Momin and Mohsin Mukul, two journalists investigating a corruption allegation against him. He also smashed the camera and microphone of the media persons.<sup>164</sup> On 24 July police arrested Rony.<sup>165</sup>

On 27 August 2014, Maolana Nurul Islam Farooqi, who hosted two programs, Shantir Pothe and Kafela, on 'Channel i' television was killed at his residence at East Razabazar in Dhaka. More than half-a-dozen youths allegedly entered the house on the pretext of talking about Hajj pilgrimage, but then proceeded to tie up all members of his family before killing Farooqi in his bedroom.<sup>166</sup>

On 17 October 2014, Bangladesh Chhatra League cadres beat up *banglanews24.com* correspondent Abdullah Al Noman in front of MC College Auditorium in Sylhet. He was severely injured.<sup>167</sup>

On 1 February 2015, Nazmul Huda Sumon, the *New Age's* Dhaka University correspondent and his friend Kayruzzaman Shuvo were beaten up by policemen led by Sub-Inspector Mehedi Hasan Suman with boots and rifle butts inside Ramna police station following an altercation over riding pillion on motorbike. Both received grievous injuries including on the heads and were rescued by the Dhaka University Journalists Association leaders at about 8:00pm in critical conditions.<sup>168</sup>

## 2. False and frivolous cases

The governmental authorities, ruling political parties and other vested interest groups have been silencing the media freedom by failing, among others, defamation and sedition charges<sup>169</sup>.

On 9 January 2014, the court of Metropolitan Sessions Judge Md. Johurul Haque sentenced Salah Uddin Shoab Choudhury, editor of weekly magazine *Blitz*, to seven years into jail in a case over a controversial article. The immigration police had detained

164. Rony apologises for assault, *BDNews24.com*, 15 May 2013; available at: <http://bdnews24.com/politics/2013/07/20/rony-apologises-for-assault>

165. Police arrests ruling party lawmaker, available at: <http://ganashakti.com/english/news/details/2156>

166. TV presenter slaughtered in Bangladesh, International Federation of Journalists, 28 August 2014; available at: <http://www.ifj.org/nc/news-single-view/backpid/1/article/tv-presenter-slaughtered-in-bangladesh/>

167. BCL men attack *banglanews* journo in Sylhet, *Banglanews24.com*, 16 October 2014, available at: <http://banglanews24.com/en/fullnews/bn/100490.html>

168. New Age DU correspondent tortured in police custody, *New Age*, 1 February 2015; available at: <http://newagebd.net/91444/new-age-du-correspondent-tortured-in-police-custody/#sthash.DVe1HBaA.dpuf>

169 . Punishment for sedition under Section 124A of the Penal Code, 1860 ranges from three years' to life imprisonment.

Shoaib on 29 November 2003 on his way to Israel with a copy of a speech to be presented at a seminar titled 'Education towards Culture of Peace'. Later, the Airport Police Station filed the case against Shoaib and charged him with sedition and hurting religious sentiment. Charges were pressed against him on 9 January 2005 and he was indicted on 13 November 2006.<sup>170</sup>

On 11 April 2013, police arrested Mahmudur Rahman, editor of *Amar Desh*, perceived to be a pro-opposition newspaper in Bangladesh on several charges, including sedition for publishing a conversation of a presiding judge of a Tribunal constituted under the ICT Act with a Belgium based lawyer. The said judge had later resigned from the war crimes tribunal but the ruling Awami League accused Rahman of using his newspaper to encourage political demonstrations against the war crimes tribunal.<sup>171</sup>

On 13 September 2011, a Dhaka Metropolitan Magistrate court issued summons to Editor Salma Islam, executive editor Saiful Alam and reporter Jashim Chowdhury following filing of defamation case against the trio by Bangladesh's Minister for Shipping, Shahjahan Khan for publication of two reports in *Jugantor* raising questions on the high expenses incurred by the Ministry of Shipping in foreign travel by the minister and his political associates.<sup>172</sup>

Even the court abused its contempt of court powers to harass media persons. On 21 March 2005, the High Court convicted seven journalists on charge of contempt of court for exposing the fake educational qualifications of former HC judge Faisal Mahmud Faizee. One journalist was sentenced to prison and six others were fined. The convicted journalists were Matiur Rahman, editor, Mahfuz Anam, publisher, and Enamul Haq Bulbul and Masud Milad, reporters, of the *Prothom Alo*, and Abed Khan, former editor, and Saber Hossain Chowdhury, publisher, and Samaresh Baidya, reporter and columnist, of the *Bhorer Kagoj*.<sup>173</sup> The claim of tampering with his LLB result by Mr. Faizee was found out to be true by a committee headed by former pro-vice chancellor Prof Md Shamsuddin Ahmed of the Chittagong University. After a probe, the University authorities cancelled the LLB certificate of Judge Faisal Mahmud Faizee and 70 others on

170. Blitz editor jailed for 7 years, *BDNews24.com*, 9 January 2014; available at: <http://bdnews24.com/bangladesh/2014/01/09/blitz-editor-jailed-for-7-years>

171. Bangladesh opposition editor Mahmudur Rahman arrested, *BBC.Com*, 11 April 2013; available at: <http://www.bbc.com/news/world-asia-22110132>

172. IFJ Questions Bangladesh Defamation Action, International Federation of Journalists, 16 September 2011, available at: <http://www.scoop.co.nz/stories/WO1109/500346/ifj-questions-bangladesh-defamation-action.htm>

173. BANGLADESH: IFJ extends solidarity to Bangladesh journalists, *The Daily Star*, 2 April 2005, available at: <http://www.international.ucla.edu/africa/article/22633>

charge of tampering with their mark sheets and asked them to immediately return their certificates.<sup>174</sup>

### 3. Censorship

There is direct and indirect censorship in the country. Government officials regularly ask privately owned television channels not to broadcast the opposition's activities and statements.

On 14 February 2013, the government of Bangladesh banned print and broadcast media outlets associated with the opposition, including Amar Desh, Dinkaal, Sangram, Diganta Television, and Islamic Television from covering any ruling Awami League (AL) events.<sup>175</sup>

On 6 May 2013, the Bangladesh Telecommunication and Regulatory Authority suspended all transmission of Diganta Television and Islamic Television.<sup>176</sup>

On 3 September 2014, the government issued a ban on English titles in local movie productions as the 2014 media policy which instructs broadcasters *“to be careful about pure Bengali pronunciation, and the contamination of Bengali language, distortion and pronunciation of Bengali to the tune of foreign languages have to be avoided.”*<sup>177</sup>

In September 2014, the Cyber Tribunal awarded seven years imprisonment to a person accused of disseminating “a derogatory song” on Bangabandhu Sheikh Mujibur Rahman and Prime Minister Sheikh Hasina.<sup>178</sup>

#### ARTICLE 21: RIGHT TO PEACEFUL ASSEMBLY

The Constitution of Bangladesh provides for freedom to assemble peacefully. Article 37 further provides that every citizen shall have the right to assemble and to participate in public meetings and processions peacefully and without arms, subject to any reasonable restrictions imposed by law in the interests of public order or public health.<sup>179</sup>

174. Mark Sheet Tampering: CU cancels certificates of Judge Faizee, 2,350 others, The Daily Star, 4 March 2007; available at: <http://archive.thedailystar.net/2007/03/04/d7030401011.htm>

175. U.S. Department of State Country Reports on Human Rights Practices for 2013, available at: <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

176. Diganta, Islamic TV taken off air, BDNews24.com, 6 May 2013; available at: <http://bdnews24.com/bangladesh/2013/05/06/diganta-islamic-tv-taken-off-air>

177. See ‘Bangladesh: Revoke Draconian Media Policy’, Human Rights Watch, 3 September 2014, <http://www.hrw.org/news/2014/09/03/bangladesh-revoke-draconian-media-policy>

178. See ‘Freedom of the press and Lord Denning’, The Daily Star, 30 September 2014, <http://www.thedailystar.net/freedom-of-the-press-and-lord-denning-43905>

179. See Article 37 of the Constitution of the Peoples’ Republic of Bangladesh; available at: [http://bdlaws.minlaw.gov.bd/sections\\_detail.php?id=367&sections\\_id=24585](http://bdlaws.minlaw.gov.bd/sections_detail.php?id=367&sections_id=24585)

As stated, in the ongoing political unrest, between 5 January and 15 February 2015, about 90 people have died<sup>180</sup> while more than a thousand were injured. Further, more than 7,000 opposition activists were imprisoned<sup>181</sup> and media has effectively been silenced.

The government has effectively banned all rallies<sup>182</sup> by imposing Sections 141-143 of the Bangladesh Penal Code, 1860.<sup>183</sup> The Ain O Salish Kendra stated that the authorities invoked the above stated provisions at least 105 times from January through September 2013 to prevent rallies by political parties and pressure groups.

On 30 November 2010, RAB and other police personnel attacked peaceful demonstrators with batons in over a dozen raids in different parts of Dhaka. The opposition BNP had called a day-long strike across Bangladesh to protest against the government. Witnesses and local observers stated that more than 100 people were injured during the attacks by police.<sup>184</sup>

On 5 December 2010, police forcefully dispersed a rally by the opposition BNP at Uttar Bazar in Sitakunda in Chittagong district. Policemen beat up demonstrators with batons and fired blank shots. At least 22 BNP activists were injured in police action.<sup>185</sup>

On 7 September 2011, police attacked a peaceful demonstration of 900 indigenous Jumma students of Khagrachari College who were demanding constitutional recognition of indigenous people in Bangladesh. Policemen led by Assistant Superintendent of the Khagrachari Police and the Officer in Charge of the Kotowali Police Station, indiscriminately attacked the Jumma students with batons. Many were kicked and punched. Twenty-two students were injured, four of them seriously. As the procession was returning back to Khagrachari College, officers and army men

180. Bangladesh: Polarisation, Political Violence & an Undeclared Civil War”, Asian centre for Human Rights, 18 February 2015 available at <http://www.achrweb.org/reports/bangla/Bangladesh2015-01.pdf>

181. Bangladesh arrests 7,000 opposition activists, BBC, 21 January 2015 available at <http://www.bbc.com/news/world-asia-30917345>

182. U.S. Department of State International Religious Freedom Report for 2013; available at: <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

183. See sections 141, 142 and 143 of the Bangladesh Penal Code, 1860; available at: [http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=11](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11)

184. Bangladesh police crackdown on peaceful protesters, 30 November 2010, available at: <http://www.amnesty.org/fr/node/19793>

185. Police foil Ctg BNP rally, injure 22, The Daily Star, 6 December 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=165000>

surrounded the college gate and the hospital, and beat up the students again in which another student was seriously injured.<sup>186</sup>

During February-April 2013, security forces killed dozens and injured hundreds of protesters and bystanders as they tried to break up demonstrations by the Jamaat-e-Islami which protested the death sentence on its vice-president Delwar Hossain Sayedee on 28 February 2013 awarded by the ICT.<sup>187</sup>

During 5 and 6 May 2013, at least 30 protesters died and hundreds were injured after a large rally, organised by the Hefazat-e-Islam, a pressure group consisting of teachers and students of religious schools, descended into violence as protesters clashed with security forces in Dhaka and Chittagong. The protestors were demonstrating in favour of an anti-blasphemy law and punishment for ‘atheist’ bloggers who insult Islam and its prophet.<sup>188</sup> In a report, human rights organization Odhikar claimed that 61 people were killed and scores injured in police actions during 5 and 6 May 2013. The report attributed firing on the unarmed demonstrators by thousands of security forces at Motijheel area of Dhaka at around 2.15 am in the night after cutting of power supply to the area.<sup>189</sup>

On 29 January 2014, police intercepted a BNP rally in Srirampur rail gate area under Raipura upazila in Narsingdi and detained local BNP leader Rafiqul Islam Bhuiyan. The police hurled tear shells and opened blank shots to disperse the agitating mob. At least 200 people including two journalists were injured when BNP activists clashed with police.<sup>190</sup>

On 1 October 2014, at least 30 people were injured when the police opened fire and baton-charged on protesters demanding arrest of the post and telecommunications minister, Abdul Latif Siquidue, for his derogatory comments on Islam in Jessore and Natore districts. The protests were organized by the BNP and others political and religious groups.<sup>191</sup>

186. Government security forces deny assault of 22 Jumma students during a peaceful student procession, Global Human Rights Defence, 8 September 2011; available at: <http://ghrd.org/news/article/news/detail/News/press-release-government-security-forces-deny-assault-of-22-jumma-students-during-a-peaceful-studen/>

187. Bangladesh: Security Forces Kill Protesters, 1 August 2013; available at: <http://www.hrw.org/news/2013/08/01/bangladesh-security-forces-kill-protesters>

188. Bangladesh protest violence leaves more than 30 people dead, The Guardian, 6 May 2013; available at: <http://www.theguardian.com/world/2013/may/06/bangladesh-protest-violence-people-dead>

189. Odhikar, ‘Human Rights Monitoring Report: January -June 2013; available at: <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2013/07/human-rights-monitoring-Six-Monthly-report-2013-eng.pdf>

190. The Independent, “200 hurt in Narsingdi police-BNP clash”, 30 January 2014, [http://theindependentbd.com/index.php?option=com\\_content&view=article&id=202679:200-hurt-in-narsingdi-police-bnp-clash&catid=172:miscellaneous&Itemid=202](http://theindependentbd.com/index.php?option=com_content&view=article&id=202679:200-hurt-in-narsingdi-police-bnp-clash&catid=172:miscellaneous&Itemid=202)

191. New Age Bangladesh “30 injured as police attack protesters”, 2 October 2014, <http://newagebd.net/54474/30->

On 24 December 2014, activists of the ruling Awami League's student wing Chhatra League attacked activists and supporters of the Bangladesh Nationalist Party when they gathered at Bakshibazar in Dhaka to greet the BNP chairperson Begum Khaleda Zia on her way to attend court hearings. Chhatra League activists carrying lethal and non-lethal weapons attacked the BNP people, leaving at least 50 injured.<sup>192</sup>

During 2015, police regularly denied permission to the opposition political parties to hold rallies and demonstrations.

## **ARTICLE 22: FREEDOM TO FREEDOM OF ASSOCIATION**

The Constitution of Bangladesh provides for freedom of association subject to any reasonable restrictions imposed by the law in the interest of morality and public order.

### **Restrictions on foreign funding**

However, the government has been silencing the NGOs through the NGO Affairs Bureau under the Prime Minister's Office.

Indigenous peoples' NGOs in the CHTs have been consistently denied registration by the NGO Affairs Bureau to receive foreign funds.<sup>193</sup> In 2005, the Hill Tracts NGO Forum was instructed in writing to discontinue its activities by the Department of Social Welfare and the NGO Affairs Bureau.<sup>194</sup>

The NGO Affairs Bureau has stopped release of foreign funds to Odhikar for three projects.<sup>195</sup>

In 2010, the NGO Affairs Bureau had canceled Bangladesh Center for Worker Solidarity (BCWS) BCWS' NGO registration and ordered that its property be confiscated and its bank accounts frozen.<sup>196</sup>

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injured-as-police-attack-protesters/#sthash.d6HC7JfW.dpbs

192. New Age Bangladesh, "An atrocious option to quell opposition voice", 26 December 2014, <http://newagebd.net/79897/an-atrocious-option-to-quell-opposition-voice/#sthash.9aC8pUbm.dpbs>

193. "Marginalization and Impunity: Violence in CHT of Bangladesh" Side Event held on 19 May 2014 during the 13th session of the UNPFII at the UN FF building in New York organized by Kapaeeng Foundation, International Chittagong Hill Tracts Commission, IWGIA, and Shimin Gaikou Centre, <http://kapaeng.org/marginalization-and-impunity-violence-in-cht-of-bangladesh-held-during-the-13th-session-of-the-unpfi-at-the-un-ff-building-in-new-york/>

194. IWGIA "Militarization in Chittagong Hills Tract, Bangladesh", [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0577\\_lgia\\_report\\_14\\_optimized.pdf](http://www.iwgia.org/iwgia_files_publications_files/0577_lgia_report_14_optimized.pdf)

195. Activities of Odhikar hindered, available at: <http://1dgy051vgyxh41o8cj16kk7s19f2.wpengine.netdna-cdn.com/wp-content/uploads/2015/02/Human-rights-monitoring-monthly-report-January-2015-Eng.pdf>

196. Labour Rights Activists Arrested in Bangladesh, 16 August 2010; available at: <http://www.ethicalconsumer.org/latestnews/tabid/62/entryid/431/labour-rights-activists-arrested-in-bangladesh.aspx>

In June 2014, the government approved the draft Foreign Donations (Voluntary Activities) Regulation Bill, 2014 to regulate operations and funding for non-governmental organizations. The draft law empowers the NGO Affairs Bureau in the Prime Minister's office as approval authority over foreign-funded projects and to "inspect, monitor and assess the activities" of groups and individuals and to close groups and cancel their registration if it sees fit.<sup>197</sup> On 1 December 2014, the cabinet of Bangladesh gave final approval to the draft Bill, 2014 making it mandatory for all NGOs receiving foreign funds to register with the NGO Affairs Bureau. As per the new law, NGOs will have to maintain a separate bank account for receiving foreign donations and will have to inform the NGO Affairs Bureau about the source of funds and its purpose to get approval of the bureau for carrying out activities using foreign funds. The NGOs will be registered for a period of 10 years instead of five years and registration can be cancelled anytime for violation of the regulation. Further, NGOs operating in the country would require approval of the Home Ministry for appointing foreigners to any position within their organizations.<sup>198</sup> In addition, the new law requires prior approval before anyone involved in voluntary activities travels out of the country for purposes connected with their work on the project. The consent of the Chittagong Hill Tracts Affairs Ministry will be required if an NGO wants to run a programme in the CHTs. There will be regular vigilance by the Chittagong Hill Tracts Regional Council of the programmes.<sup>199</sup>

### **Physical attacks on HRDs**

In January 2015, the Ministry of Home Affairs directed the UNDP to submit a report on the implementation and outcomes of its \$160 million development projects in the CHT in the last 10 years.<sup>200</sup>

On 13 August 2010, police arrested the leaders of the Bangladesh Center for Worker Solidarity (BCWS) - Kalpona Akter, Babul Akhter and Aminul Islam – on charges of fomenting workers' unrest as garment factory workers held a national strike on 30 July 2010 to protest against a minimum wage set by a government board, and also health and safety and other labor law violations. The three were released on 10 September 2010. Earlier on 3 June 2010, the NGO Affairs Bureau had canceled

197. See 'Bangladesh: Withdraw Restrictive Draft Law on NGOs', Amnesty International, 6 July 2014, at: <http://www.hrw.org/news/2014/07/05/bangladesh-withdraw-restrictive-draft-law-ngos>

198. See OMCT Statement "Bangladesh: Restrictions on foreign funding for NGOs must be dropped", 12 December 2014, <http://www.omct.org/human-rights-defenders/statements/bangladesh/2014/12/d22942/>

199. Dhaka Tribune, "Cabinet-approved NGO draft law comes under fire", 2 December 2014, <http://www.dhakatribune.com/bangladesh/2014/dec/02/cabinet-approved-ngo-draft-law-comes-under-fire>

200. The Daily Star, "Withdraw hill restrictions", 16 February 2015, <http://www.thedailystar.net/withdraw-hill-restrictions-65104>

BCWS' NGO registration and ordered that its property be confiscated and its bank accounts frozen.<sup>201</sup>

On 4 April 2012, Animul Islam, an organiser of Bangladesh Centre for Workers Solidarity (BCWS) for Savar-Ashulia area and also a leader of Bangladesh Garments and Industrial Workers' Federation (BGIWF), went missing from his office in Ashulia area near Dhaka and his body was found at Ghatail in Tangail a day later with several torture marks. Aminul's family and colleagues believed that intelligence agencies had a hand in the murder as the labour activist had earlier escaped after having been allegedly abducted by the National Security Intelligence in 2010. However, a charge sheet filed by the Criminal Investigation Department in the court in November 2013 did not have name of any intelligence officials.<sup>202</sup>

On 10 August 2013 at 10.20 pm, Adilur Rahman Khan, Secretary of Odhikar was arrested by the Detective Branch of Police (DB) while he was returning home with his family. He was taken to police headquarters of the DB in Dhaka and shown as arrested under the Information and Communication Technology Act. The arrest was allegedly made on the basis of a general diary filed by the police with Gulshan Police Station, in relation to the report prepared by Odhikar about the killing of 61 people during an operation carried out on 5 May 2013 by law enforcement agencies against Hifazat-e Islam activists at the Dhaka's downtown Motijheel area.<sup>203</sup>

On 15 May 2014, unidentified persons suspected to be members of the security forces attempted to abduct Nur Khan, director (Investigation) of the human rights organization, Ain O Salish Kendra from near his office at Lalmatia, Dhaka.<sup>204</sup>

On 6 August 2014, human rights defenders, supporting the hunger strike of Tuba Garments Factory workers demanding unpaid wages, were assaulted when attempting to take supplies into the factory which had been guarded by the police.<sup>205</sup>

201. Labour Rights Activists Arrested in Bangladesh, 16 August 2010; available at: <http://www.ethicalconsumer.org/latestnews/tabid/62/entryid/431/labour-rights-activists-arrested-in-bangladesh.aspx>

202. Family, labour leaders question charge sheet, The Daily Star, 5 April 2014, available at: <http://www.thedailystar.net/family-labour-leaders-question-charge-sheet-18772>

203. Bangladesh: Arbitrary arrest of Mr. Adilur Rahman Khan, Secretary of Odhikar and a member of OMCT General Assembly, OMCT, 10 August 2013, available at: <http://www.omct.org/human-rights-defenders/urgent-interventions/bangladesh/2013/08/d22343/>

204. Attempted Abduction of ASK Director, available at: <http://www.askbd.org/ask/2014/05/15/attempted-abduction-ask-director-human-rights-defender-nur-khan/>

205. See 'No one left to speak for me', Dhaka Tribune, 4 October 2014, at: <http://www.dhakatribune.com/op-ed/2014/oct/04/no-one-left-speak-me>

**ARTICLE 24: RIGHTS OF THE CHILD**

The Government of Bangladesh enacted the Children Act of 2013, “*Shishu Ain, 2013*” for the purpose of implementing the UN Convention on the Rights of the Child. The Act came into force from 21 August 2013.<sup>206</sup>

The state of the rights of the child who accounted for about 45 per cent of the total population of Bangladesh remains deplorable.<sup>207</sup> With poverty rate of 31.5% as on 2010,<sup>208</sup> the problem of child labour remains rampant. Around 3.71 million children of school age constituting 10.1% of country’s total child population were engaged in child labour. Of these, 45.5% are engaged in agriculture, 18.5% in industry and 36% in other services.<sup>209</sup>

As per a January 2014 report of the UNICEF, numbers of primary and lower secondary school-age out-of-school children was 5.6 million. Around a third (34 per cent) of pre-school age children were not in school. The rate of out of school children was lower for primary school-age children at 16.2 per cent but rose sharply for lower secondary school-age children at 30.7 percent.<sup>210</sup>

The population of urban working children aged 10-14 years was estimated to be about 950,000, the population of street children to be 1,000,000 and the population of orphans aged 0-14 years was estimated to be 1,000,000 in 2011.<sup>211</sup> A 2009 survey by the Bangladesh Institute of Development Studies, estimated the number of street children in Bangladesh to be around 380,000 - of whom 55% were in Dhaka city. These children become prime targets of organised child trafficking rings<sup>212</sup> for various purposes including for prostitution and camel jockeying.<sup>213</sup> As many as 20,000

206. International Juvenile Observatory, ‘Justice for Children in Bangladesh. The Children Act 2013 - Brief Commentary’, available at: <http://www.oijj.org/en/docs/report/justice-for-children-in-bangladesh-the-children-act-2013-brief-commentary>

207. UNICEF, ‘Mitigating socio-economic inequalities to accelerate poverty reduction: Investing in Vulnerable Children, August 2010’, available at: [http://www.unicef.org/bangladesh/Investing\\_in\\_children\\_%28Web%29.pdf](http://www.unicef.org/bangladesh/Investing_in_children_%28Web%29.pdf)

208. <http://www.bd.undp.org/content/bangladesh/en/home/mdgoverview/overview/mdg4.html>

209. United States Department of Labour, Bangladesh 2013 Findings on the Worst Forms of Child Labor’, available at: <http://www.dol.gov/ilab/reports/child-labor/bangladesh.htm#prevalence>

210. Unicef, ‘Global Initiative on Out-of-School Children, January 2014’, available at: [http://www.unicef.org/education/files/SouthAsia\\_OOSCI\\_Study\\_Executive\\_Summary\\_26Jan\\_14Final.pdf](http://www.unicef.org/education/files/SouthAsia_OOSCI_Study_Executive_Summary_26Jan_14Final.pdf)

211. UNICEF, ‘Mitigating socio-economic inequalities to accelerate poverty reduction: Investing in Vulnerable Children, August 2010’, available at: [http://www.unicef.org/bangladesh/Investing\\_in\\_children\\_%28Web%29.pdf](http://www.unicef.org/bangladesh/Investing_in_children_%28Web%29.pdf)

212. UN Committee on the Rights of the Child (CRC), Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : concluding observations : Bangladesh, 26 June 2009, CRC/C/BGD/CO/4, available at: <http://www.unhcr.org/refworld/docid/4a8e977d0.html>

213. Human Rights Watch, World Report: Bangladesh 2009 <http://www.hrw.org/en/world-report/2009/bangladesh>

children were exploited in street prostitution as per a report of 2009.<sup>214</sup> According to Bangladesh Bureau of Statistics-BBS, (Commercial Sexual Exploitation of Children (CSEC) Pilot Survey 2008), there were about 15,702 girl sex workers in Bangladesh. Out of these, 430 were in brothels, 2,498 in hotels, 4,088 in streets, and 8,686 were residence based prostitutes. Actual number of child prostitutes was expected to be much higher than the statistics.<sup>215</sup>

### **1. Juvenile justice: juveniles held in prisons with adult prisoners**

While Article 31 of the Constitution, the Children Act of 1974 and Rules 1976 and the Children Act of 2013, the Probation of Offenders Ordinance, 1960 and Rules 1971 and the Bengal Jail Code require holding juveniles separately from adults, many juveniles were incarcerated with adults. These include children who were sometimes imprisoned (occasionally with their mothers).

Dr. M Anamul Haque, joint president of Retired Police Officers Welfare Association Bangladesh (RPOWAB) claimed that around 1,200 children aged below 16 were held in different prisons across the country in 2007.<sup>216</sup>

On 24.07.2007 the High Court Division of the Supreme Court issued a Rule Nisi directing the State agencies to take necessary steps to transfer 420 juveniles held in jails to Juvenile Development Centers and to show cause as to why their detention should not be declared illegal and without any lawful authority pursuant to a writ petition (Writ Petition No. 6373 of 2007) filed by Ain O Salish Kendra and Bangladesh Legal Aid and Services Trust.<sup>217</sup> However, the Court orders had limited impact as juveniles are continued to be held in prisons with adult prisoners.<sup>218</sup> In a press conference in September 2010, RPOWAB stated that 145 juvenile were being lodged with adult prisoners across Bangladesh as of August 2010.<sup>219</sup>

### **2. Situation of indigenous and minority children**

The obstacles to realisation of rights of the child are common to children across Bangladesh. However, the situation of the indigenous Jumma children and religious

214. Global march 2009 <http://www.globalmarch.org/content/resources>

215. Bangladesh Shishu Adhikar Forum, 'State of Child Rights in Bangladesh 2013', available at: <http://bsafchild.net/pdf/ScR14.pdf>

216. Keep child prisoners in correction centres instead of jails, The Daily Star, 29 September 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=156420>

217. Bangladesh legal aid and services trust, "ASK and BLAST vs. Bangladesh and others ['Juveniles in Jail' Case]", available at: <http://www.blast.org.bd/issues/righttoliberty/211-6373of2007>

218. CRIN, "Bangladesh: 412 juvenile crime suspects still in adult jail", available at: <http://www.bettercarenetwork.org/resources/infoDetail.asp?ID=18194>

219. Keep child prisoners in correction centres instead of jails, The Daily Star, 29 September 2010; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=156420>

minority children is more precarious, mostly because of discrimination faced by them on the grounds of either their different ethnicity or different faith.

In the Chittagong Hill Tracts, there has been unprecedented increase of sexual assault on children as some of the recent cases discussed below indicate.

On 31 July 2009, a physically challenged 16-year-old Chakma tribal girl was raped by a Bangalee man (bank official) at her home in Dighinala in Khagrachhari district. A case was filed against the culprit but he managed to flee and remained untraceable. Instead of bringing the culprit to justice, the investigation officer claimed that the bank official was not guilty, the case was false and politically motivated.<sup>220</sup>

On 16 February 2011, a teenage Marma tribal girl from Bandarban was raped by a hotel manager and the owner of the hotel in Chittagong. She had come to visit the city with her uncle. The two illegal plain settlers men allegedly broke into her room, tied up her uncle in a separate room and raped her.<sup>221</sup>

On 7 August 2011, a 17 year-old Hindu girl was killed after being raped in Gangkolpara in Brahmanbaria district. Her body was found hanging from a tree, and the incident reportedly occurred only 100 yards from a police station.<sup>222</sup>

On 9 May 2012, an 11-year-old Chakma tribal girl was raped and murdered by an illegal plain settler while she along with her younger cousin were grazing cows in Atarakchara Union under the Langudu upazila in the CHTs.<sup>223</sup>

On 21 December 2012, illegal plain settlers committed gang rape on a 14-year-old Marma tribal girl, a student of class 8 of Kaukhali Girls High School from Borodalupara village in Kaukhali in Rangamati when she went to bring the cows from the fields at about 3pm. Her naked body was later recovered by her family members from a jungle nearby Nailachari River. Autopsy on the dead body at Rangamati General Hospital established that the girl was raped and then strangled to death. A case was filed against four Bengali Muslim plain settlers under section 9(3) of the Women and Children Repression Prevention Act of 2003.<sup>224</sup>

220. 'Women in the CHT: The violent hills' by Hana Shams Ahmed, available at: [http://archive.thedailystar.net/suppliments/2012/new\\_year-2012/pg17.htm](http://archive.thedailystar.net/suppliments/2012/new_year-2012/pg17.htm)

221. Ibid

222. Hindu American Foundation, 'Violence against Women' Available at: <http://www.hafsite.org/human-rights-issues/human-rights-bangladesh-excerpts-hindus-south-asia-and-diaspora-2011>

223. Tribal girl raped and murdered in Bangladesh as repression continues, Survival International, 15 May 2012, available at: <http://www.survivalinternational.org/news/8336>

224. Press Statement issued by the International CHT Commission on 30 December 2012; available at: <https://drive.google.com/file/d/0B8ka4FwgZxAMdXpVVG4tY0thaDA/edit?pli=1>

On 4 April 2013, a Muslim truck driver Mohammad Forkan raped a 12- year-old Tripura tribal girl at Keranihat village under Satkania upazila in Chittagong district.<sup>225</sup>

On 1 September 2013, a Muslim youth identified as Mohammad Mizanur Rahman raped a 14-year-old Hindu school girl near her home at Bharukati of Jalukati district. The victim's father filed a complaint in the Jhalukati Police Station (P.S.) which was registered as Jhalukati P.S. case No.01/01.09.2013 under section 9(4) Kha of Women and Children Repression Act of 2003.<sup>226</sup>

On 6 January 2014 a Bagdi tribal woman along with her daughter was gang raped near their home at Brittidanga village of Sarisha Union under Pangsha upazilla in Rajbari district. The perpetrators were identified as Safin Sheikh, younger brother of acting Union Parishad (UP) member Sohrab Hossain, Oli Sarder, Saddam and Ziarul.<sup>227</sup>

On 6 July 2014 at about 4.30 p.m. two Muslim youths abducted a Hindu girl (name withheld), student of Tenth standard of Salop High School under Ullapara police station in Sirajganj district while she was returning home from school. The assailants attempted to rape her but could not succeed as some people came on hearing the screams of the victim. The mother of the victim lodged E.I.R. at Ullapara police station on 7 July 2014 which was registered as Ullapara P.S. Case No. 7/07.07.2014 under section 9(4)(kha)/30 of the Women and Children Repression Act.<sup>228</sup>

On 15 October 2014, three plain settlers attempted to commit rape on two 15-year-old indigenous Jumma girls while they were returning home from school in Bagachator union under Longadu Sub-district in Rangamati Hill District. A Jumma youth who was also returning home behind the girls rushed to the spot and rescued the victims.<sup>229</sup>

On 8 November 2014, a 55-year-old Muslim man identified as Milan Sheikh abducted and raped an 11-year-old Hindu girl (name withheld) at Dumuria, P.S. Kotalipara in Gopalganj district.<sup>230</sup>

225. See: [http://www.angelfire.com/ab/jumma/news2013/20130404\\_satkania\\_rape.html](http://www.angelfire.com/ab/jumma/news2013/20130404_satkania_rape.html)

226. Jihadi fanatic sexually assault 14-year-old Hindu girl at Jalukati, Bangladesh, 8 September 2013, available at: <http://www.hindujagruti.org/news/17330.html>

227. See <http://kapaeeng.org/two-indigenous-people-killed-six-women-and-girls-subjected-to-sexual-violence-and-two-massive-communal-attacks-on-indigenous-peoples-take-place-in-january-2015/>

228. See <https://www.facebook.com/BangladeshMinorityWatchInFrance/posts/10203914867302539>

229. See <http://kapaeeng.org/two-school-girls-attempted-to-rape-by-three-bengali-settlers-in-longadu/>

230. 11 year old Hindu minority girl raped by a 55 year old Muslim in Bangladesh; available at: <http://www.bangladeshminoritywatch.com/category/reports/>

On 2 December 2014, two Muslim youths identified as Mohammad Jashim Gharami and Mohammad Akash Gharami abducted a minor Hindu girl, (name withheld), a student of Class Seven, from outside her school Bara Basail High School in Bara Basail of Agoiljhara Upazila of Barisal District to marry her. On a complaint of the Bangladesh Minority Watch, police rescued the victim and arrested the abductors.<sup>231</sup>

On 15 December 2014, a 16-year-old Marma tribal girl was gang raped and murdered by two plain settlers identified as - Masud Rana and Nizam Uddinin - in Kaptai area of Rangamati district.<sup>232</sup>

On 21 December 2014, a Muslim youth identified as Md. Badshah Mian, attempted to rape a 10-year-old Tripura tribal girl (name withheld) studying in grade V at Sudhila Ranjan Headman Para of Taindong union under Matiranga Sub-district in Khagrachari district.<sup>233</sup>

On 14 January 2015, a 7-year-old Marma tribal girl studying in grade II at Kashkhali Primary School was allegedly raped by an illegal plain settler named Ayub Ali, 45, son of Khondoker Sururj Mia of Kashkhali village under Kaukhali upazilla in Rangamati district. Police held the alleged perpetrator after identification by the victim herself. The victim sustained critical injuries on her private parts and had to undergo surgical operation at Chittagong Medical College Hospital.<sup>234</sup>

On 27 January 2014, a construction labourer identified as Md. Habib attempted to rape a 16-year-old Jumma girl at Sapmara under Matiranga upazila in Khagrachari district. The accused was caught red handed while trying to rape the girl.<sup>235</sup>

On 28 January 2015 at around 12:00 am, a 16-year-old Bawm tribal girl was allegedly raped by an illegal plain settler identified as Salahuddin Bappi at No. 1 Ghat area under Ruma Sub-district under Bandarban district. The victim was rescued at around 1:00 am by the locals. The perpetrator was caught and handed over to police.<sup>236</sup>

231. 11 year Hindu girl abducted, raped and forcefully converted; available at: <http://www.bangladeshminoritywatch.com/11-year-hindu-girl-abducted-raped-forcefully-converted/>

232. Adivasi Hindu minor girl raped and murdered in Bangladesh; available at: <http://www.bangladeshminoritywatch.com/adivasi-hindu-minor-girl-raped-murdered-bangladesh/>

233. See <http://kapaeeng.org/a-teen-aged-girl-killed-after-raping-in-kaptai-and-two-girls-were-attempted-of-raping-in-khagrachari-district/>

234. See <http://kapaeeng.org/two-indigenous-people-killed-six-women-and-girls-subjected-to-sexual-violence-and-two-massive-communal-attacks-on-indigenous-peoples-take-place-in-january-2015/>

235. Ibid

236. Ibid

## Indigenous children deprived of learning in mother tongue

Indigenous peoples of Bangladesh have never been taught in their mother tongues. Bangla is the medium of instruction in schools, colleges and universities. It creates learning difficulties for indigenous children and is one of primary reasons for high drop-outs among indigenous students.<sup>237</sup>

The CHTs Peace Accord of 1997 provides for the introduction of primary education in the languages of the indigenous peoples, but concrete measures to reform the school curricula are yet to be taken. The medium of instruction in all the educational institutions of the CHTs and other tribal areas continues to remain Bangla.<sup>238</sup>

In addition, the curriculum is prepared for the Bengali plains. As part of the government's objective to assimilate indigenous peoples' culture into the mainstream, the curriculum is entirely oriented to the dominant Bengali model, allowing no space for the religious values, ideas and aspirations of hill tribal culture. Conformity to the Bengali 'norm' lies at the heart of the lessons, which are communicated by approximately 95% Bengali teachers, with some schools having no indigenous teachers at all.<sup>239</sup>

In mainland Bangladesh, according to the Bangladesh Tribal Baptist Ministries (BTBM), only 50% of indigenous children are partially literate and among the adults the literacy rate is an abysmal 12%.<sup>240</sup>

## ARTICLE 25: RIGHT TO EQUAL OPPORTUNITY & NON-DISCRIMINATION IN GOVERNANCE

The indigenous Jumma are denied equal opportunity in participation in governance as described below:

### 1. No elections in the CHTRC and 3 HDCs for the last two decades

The tenure of the Chittagong Hills Tracts Regional Council (CHTRC) established in 1998<sup>241</sup> and the Hill District Council of Rangamati, Khagrachari and Bandarban as amended in 1998 is five years.<sup>242</sup>

237. See <http://www.unpo.org/downloads/298.pdf>

238. Asian Indigenous and Tribal Peoples Network, "The Status of Indigenous & Minority Children in Bangladesh", October 2003

239. Ibid

240. See <http://childrenofthehills.org/chittagong-hill-tracts.html>

241. See Section 5 of the Chittagong Hills Tracts Regional Council (CHTRC) Act, 1998 (Act 12 of 1998)

242. Govt, PCJSS at odds over hill dist council expansion, *The Independent*, 27 March 2014, available at: [http://www.theindependentbd.com/index.php?option=com\\_content&view=article&id=209458%3Agovt-pcjss-at-odds-over-hill-dist-council-expansion&catid=132%3Abackpage&Itemid=122](http://www.theindependentbd.com/index.php?option=com_content&view=article&id=209458%3Agovt-pcjss-at-odds-over-hill-dist-council-expansion&catid=132%3Abackpage&Itemid=122)

However, no election of the CHTRC since 19998 and in the HDC has been held since 1989.<sup>243</sup> Both these bodies are being run by appointees of the authorities in Dhaka in clear violation of the laws establishing these bodies.<sup>244</sup>

In February 2014, Election Commissioner Mohammad Shah Nawaz stated that it could hold elections to the HDCs and CHTRC if the concerned Ministry requests them to arrange the polls. On the other hand, State Minister for the CHTs Affairs Ministry, Bir Bahadur stated that polls were not being held due to complexities regarding preparation of electoral rolls.<sup>245</sup> The CHTs Peace Accord provides for preparation of a separate voter list to hold elections in the HDCs in which non-permanent residents i.e. illegal plain settlers cannot vote. As per Section 3 of the Accord only a “non-tribal permanent resident”<sup>246</sup> can vote in local government bodies in the CHTs.

Instead of providing democracy by holding elections, the Government of Bangladesh had increased the composition of the three HDCs from five members to 11 members through amendments to the HDC Acts. On 10 March 2014, Prime Minister Sheikh Hasina led cabinet approved the proposals for expanding the interim councils of HDCs through the Rangamati Parbattya Chhattagram Zila Parishad (Amendment) Act, 2014, Khagrachhari Parbattya Chhattagram Zila Parishad (Amendment) Act, 2014 and Bandarban Parbattya Chhattagram Zila Parishad (Amendment) Act, 2014. The amended laws further provided that the interim councils would continue to discharge its responsibilities until an elected HDC members takes charge.<sup>247</sup>

## **2. Denial of specified job quota of 5 percent to indigenous Jumma peoples**

In Bangladesh, 5% of total posts of government jobs whose examinations are conducted by the Bangladesh Civil Service Commission are allocated to the indigenous peoples, officially known as tribal.<sup>248</sup> However, indigenous peoples candidates have been deprived of their rightful share in the country’s public service as the officially allocated 5% quota is not filled with indigenous candidates. In 2013, as many 280

243. Chittagong Hill Tracts: No Polls to District Councils in 21 Years, 13 February 2014; available at: <http://unpo.org/article/16846>

244. Asian Centre for Human Right, ‘Bangladesh: Q & A session at the UPR’, available at: <http://www.achrweb.org/Review/2009/224-09.html>

245. Chittagong Hill Tracts: No Polls to District Councils in 21 Years, 13 February 2014; available at: <http://unpo.org/article/16846>

246. . As per section 3 of the CHTs Accord, a non-tribal permanent resident is “a person who is not a tribal but has legal land in the hill district and generally lives in the hill district at a specific address”.

247. Govt, PCJSS at odds over hill dist council expansion, *The Independent*, 27 March 2014, available at: [http://www.theindependentbd.com/index.php?option=com\\_content&view=article&id=209458%3Agovt-pcjss-at-odds-over-hill-dist-council-expansion&catid=132%3Abackpage&Itemid=122](http://www.theindependentbd.com/index.php?option=com_content&view=article&id=209458%3Agovt-pcjss-at-odds-over-hill-dist-council-expansion&catid=132%3Abackpage&Itemid=122)

248. Bangladesh Public Service Commission, ‘Examination System: Bangladesh Civil Services’, available at: <http://www.bpsc.gov.bd/platform/node/61.bpsc2012.pml>

indigenous candidates of 34<sup>th</sup> Bangladesh Civil Service (BCS) recruitment were deprived of government jobs as the government refused to fill up the quota. This affirmative action remained merely on papers, as 5% quota for indigenous candidates has never been maintained properly ever since its inception. It is claimed that from 24<sup>th</sup> to 33<sup>rd</sup> BCS recruitments only 275 candidates were recruited as against 2051 available posts for indigenous candidates as per sanctioned 5% quota.<sup>249</sup>

## **ARTICLE 27: EQUAL RIGHTS OF INDIGENOUS PEOPLES AND MINORITIES**

Article 27 of the Peoples' Republic of Bangladesh provides that all citizens are equal before the law and are entitled to the equal protection of the law while Article 28 states that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

However, the persecution of the religious minorities (Hindus) and indigenous peoples (mainly Buddhists and Christians) remain systematic and all pervasive.<sup>250</sup> Religious intolerance and abuse of religious intolerance with the aim to grab the lands of the minorities is the principal cause for the systematic attacks on the religious minorities and indigenous peoples. Political party leaders across the spectrum are the main culprits. It is estimated that about 75% of three million civil and criminal court cases pending in courts across Bangladesh are related to land disputes and indigenous peoples.<sup>251</sup>

### **1. Persecution of indigenous Jumma peoples of the CHTs**

#### **a. Background about the conflict over land and transmigration**

While indigenous Jumma peoples of the CHTs launched their movement including insurgency to demand for autonomy since 1976, the government of Bangladesh implanted about 5,00,000 plains people belonging to the mainstream Muslim majority in the CHTs in clear violation of the Article 52 of the Chittagong Hill Tracts 1900

249. Kapaeeng Foundation, 'Human Rights Report 2013 on Indigenous Peoples in Bangladesh', available at: <http://kapaeeng.org/kapaeeng-foundation-launches-its-human-rights-report-2013-on-indigenous-peoples-in-bangladesh/>

250. The minorities of Bangladesh, The Daily Star, 5 October 2012; available at: <http://archive.thedailystar.net/newDesign/news-details.php?nid=252436>

251. Land grabbing drives lawlessness and deaths in Bangladesh, UCAnews.com 12 August 2014, available at: <http://www.ucanews.com/news/land-grabbing-drives-lawlessness-and-deaths-in-bangladesh/71660>

Regulation<sup>252</sup> and Article 49 of the Fourth Geneva Conventions<sup>253</sup>. The government provided inducement of provide five acres of land, 3600 Takas and provisions to each new settler family willing to settle in the CHTs.<sup>254</sup> The increasing trend in the Muslim populations in the CHTs after 1947 shows the scale of the implantation: in 1941 the Muslim population was 2.94 per cent of the total population of the CHTs and it rose to 6.29% in 1951, 11.77% in 1961, 22.83% in 1974, 35.18% in 1981 and 49% in 1991.<sup>255</sup> A new conflict with the illegal plain settlers began in earnest as the lands of the indigenous peoples were grabbed and given to the illegal plains settlers. Land became the key issue and it soon replaced the demand for autonomy as the principal issue of the CHTs conflict.

### **b. Non-functioning of the CHTs Land Commission**

The CHTs Peace Accord of 1997 provided for the establishment of a Land Commission for resolution of the land disputes. However, the Land Commission never took off and in 2001 the Government of Bangladesh enacted the CHT Land Dispute Resolution Commission Act by incorporating several provisions contradictory to 1997 CHT Accord. On 20 June 2011, the Ministry of CHT Affairs, having consultation with the CHTRC, finalised 13-point amendment proposals of the Act and sent them to Land Ministry for taking necessary initiative to place before the Parliament for adoption. Accordingly, a Bill named “CHT Land Disputes Resolution Commission (Amendment) Act 2013” was introduced in the Parliament on 16 June 2013. However, only eight provisions were placed in conformity with the 13-point proposals and the other five provisions have not been incorporated properly. The demands by the PCJSS for amendments for inclusions of the five provisions and amendment of

252. The CHTs 1900 Regulation which governs the region states under “Article 52. Immigration into the Hill Tracts: a) Save as hereinafter provided, no person other a Chakma, Mogh or a member of any hill tribe indigenous to the Chittagong Hill Tracts, the Lushai Hill, the Arakan Hill Tracts, or the State of Tripura shall enter or reside within the Chittagong Hill Tracts unless he is in possession of a permit granted by the Deputy Commissioner at his discretion. d) No permit shall be valid for more than twelve months from the date of its grant. Every person required by this rule to be in possession of a permit shall be bound to produce it on the demand of any Government officer, headman, Karbari or Bazar Chaudhuri, and on his failure to produce such permit such government officer, headman, Karbari or Bazar Choudhuri shall arrest him and forward him without delay to the nearest police officer or Magistrate.”

253. Article 49 of the Fourth Geneva Conventions which states that “The occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. While governments deny the “occupation of particular region” and the applicability of the Fourth Geneva Convention, the issues that prompted the Fourth Geneva Conventions transcend the issue of “occupation”. The intention of the Fourth Geneva Convention is to prevent the abuse of human rights, and consequently the issue of historical sovereignty is irrelevant to the prohibition of the transfer of population. International Commission of Jurists in its report “Israeli Settlements in Occupied Territories”, Review of the International Commission of Jurists, No 19, (35), December 1977 stated, “Much of the Convention, including Article 49, is declaratory of the preexisting international law and such provisions in the Convention should be recognized as being of universal applicability and binding”.

254. Anti-Slavery Society, *The Chittagong Hill Tracts: Militarization, Oppression and the hill tribes*, London, 1984.

255. See “Who funds the acts of racism and racial discrimination in the Chittagong Hill Tracts?” ACHR, 15 June 2005, <http://www.achrweb.org/reports/bangla/BD-BP-0105.pdf>

the contradictory provisions of the CHT Land Dispute Resolution Commission Act went unheeded.<sup>256</sup>

**c. Non-transfer of land as a subject to the Hill District Councils and continuous grabbing of the lands of the indigenous peoples**

The authority over the land management has not been transferred to the Hill District Councils as on date.

Further there has been consistent violations of the Clause 26 (a) of Part 'B' of the 1997 CHT Accord which provides that no land and premises including those lands suitable for giving settlement, within the territorial boundaries of the Hill District shall be transferable by lease, settlement, purchase or sale without prior approval of the concerned Council. Sub-Clause (b) of Clause 26 further provides that no lands, hills and forests within the control and jurisdiction of the Hill District Council shall be acquired or transferred by the Government without consultation and consent of the Hill District Council.

The District Commissioners of Khagrachari, Rangamati and Bandarban in the CHTs have been acquiring and transferring land through lease as per the 1900 CHT Regulation. Thousands of acres of lands have been acquired by carrying out of afforestation programs, setting up satellite villages, army camps and training centers in different areas of the CHT. The Government has already acquired 11,445.45 acres in Sualok in Bandarban district to establish an Infantry Training Centre.<sup>257</sup> More lands are being acquired: 19,000 acres in Sualok for an Infantry Training Centre, 9,560 acres in Ruma for the Para Commando and Aviation Training Centre, 181 acres for the expansion of the Bandarban Brigade, 5,500 acres in Chimbuk for the Eco-Park and Army Tourism Centre, 2,600 acres in Bandarban-Lama for the Air Force Training Centre, and 50 acres of land for the expansion of Longadu Military Zone without any prior consent, either from the Hill District Councils or from the CHT Regional Council as stipulated in the CHT Accord.<sup>258</sup>

According to a latest Socio-Economic Baseline Survey of Chittagong Hill Tracts dated 08 April 2009, about 22% indigenous households have lost their lands. Among the

256. Parbattya Chattagram Jana Samhati Samiti: Status of implementation of the 1997 CHT Accord available at: <http://www.pcjss-cht.org/wp-content/uploads/An-Appeal-for-Proper-Implementation-of-CHT-Accord-April-2014.pdf>

257. See An Audit on the Implementation of the CHT Accord, available at [www.barc-bd.org/all\\_document/Implementation\\_CHT\\_Accord.pdf](http://www.barc-bd.org/all_document/Implementation_CHT_Accord.pdf)

258. See An Audit on the Implementation of the CHT Accord, available at [www.barc-bd.org/all\\_document/Implementation\\_CHT\\_Accord.pdf](http://www.barc-bd.org/all_document/Implementation_CHT_Accord.pdf)

indigenous peoples, the Chakmas are mostly affected by land dispossession (41%), followed by Tanchangya (22%). The report further stated that an average indigenous household has lost about 115 decimals land.<sup>259</sup>

#### **d. Continued attacks on indigenous peoples to grab the lands**

There are regular attacks on indigenous peoples in order to grab their lands. The Bangladesh Army personnel were allegedly responsible for many of the forcible evictions. Between 2004 and 2011 the Bangladesh Army personnel were responsible in 285 cases of forcible evictions in addition to burning down of 1,070 houses of indigenous Jumma peoples.<sup>260</sup>

A delegation of human rights activists comprising academicians, politicians, journalists and cultural personalities, who visited the villages attacked by the illegal plain settlers in Ranagamati district on 16 December 2014, said that the illegal plain settlers attacked the indigenous peoples in CHTs primarily to grab their lands.<sup>261</sup> Earlier following directions from the National Human Rights Commission of Bangladesh, Md Alamgir Hossain, Deputy Secretary of CHTs Affairs Ministry investigated attacks on indigenous peoples at Chakpara village under Naikhangchhari upazila of Bandarban district on the night of 13 March 2013, reported that a section of local influential people (Bangalee settlers) with the help of a few ruling party men had been grabbing land in the area. However, police failed to any register after the attack.<sup>262</sup>

In March 2007, the Bangladesh army cantonment acquired about 7,570 acres of ancestral land of indigenous peoples for expansion of Ruma Cantonment of the Bangladesh Army and displaced more than 4,000 indigenous families mostly belonging to Mro community from the area. The Mro leaders were not consulted before acquiring the land. According to the Movement for Protection of Land Rights and Forest, a land rights organisation based in Rangamati, in Bandarban district alone, 40,077 acres of land were given in lease to the illegal plain settlers while a total 94,066

259. "SOCIO-ECONOMIC BASELINE SURVEY OF CHITTAGONG HILL TRACTS" dated 08 April 2009 by the Chittagong Hill Tracts Development Facility; available at: [http://www.mochta.gov.bd/downloadfile/Socio-economic\\_BaselineSurvey\\_CHT\\_HDRC\\_08April09.pdf](http://www.mochta.gov.bd/downloadfile/Socio-economic_BaselineSurvey_CHT_HDRC_08April09.pdf)

260. See "Annex 5: Human Rights Violations by the Military in the CHTs (2004-2011)" of ACHR's report "Bangladesh Sending death squads to keep the UN's peace, June 2014", <http://www.achrweb.org/reports/DPKO-Bangladesh.pdf>

261. Bangalee settlers attacked Adivasis to grab land, The Daily Star, 29 December 2014; available at: <http://www.thedailystar.net/city/bangalee-settlers-attacked-ativasis-to-grab-land-57517>

262. 14 land grabbers yet to face action, The Daily Star, 23 June 2013; available at: <http://archive.thedailystar.net/beta2/news/14-land-grabbers-yet-to-face-action/>

acres of land were acquired for so-called afforestation projects and 75,686 acres were acquired for establishment of military bases in the district.<sup>263</sup>

In June 2007, the Bangladesh Army personnel reportedly settled down at least 200 families of illegal plain settlers at Dantkupa village under Khagrachari district after forcibly evicting 12 indigenous families from their ancestral lands. Earlier, on 8 March 2007, an army camp was set up on the land of an indigenous Jumma, Prithwiraj Chakma at Dantkupa village to provide security to the illegal plain settler families.<sup>264</sup>

In August 2007, the illegal plain settlers have grabbed 59 acres of land belonging to 17 Jumma peoples in Kobakhali Mouza (No. 51) under Dighinala Police Station in Khagrachari district. From 1 to 15 August 2007, large groups of illegal settlers led by former Union Parishad (UP) member Md. Abu Taleb of Hashinchonpur village and former UP member Md Kader of Kobakhali bazaar took control of the hilly lands of the indigenous Chakma peoples with the direct assistance of the army personnel, the para-military forces and the local Village Defence Party members. Due to the presence of the Bangladesh security forces, which provided protection to the illegal settlers, the Jummas could not offer any resistance.<sup>265</sup>

In another case in August 2007, the Bangladesh army personnel engineered an attack on the Sadhana Tila area under Dighinala, which comprises of about 300 acres of land, and houses a Buddhist Meditation Center and a sizable indigenous Jumma population. Dighinala Zone Army Commander, Major Qamrul Hassan ordered the Buddhist monks of the Meditation Centre and the indigenous people to leave Sadhana Tila area under Dighinala to facilitate settlement of over 800 illegal plain settlers' families on the ancestral lands of the Jummas. Backed by the army, on 23 August 2007 at about 5 pm, illegal plain settlers broke into the Sadhana Tila temple boundary and fell trees and cleaned shrubs belonging to the temple. The army personnel have reportedly announced an incentive grant of Taka 50,000 for each illegal settler family who wanted to settle in the Sadhana Tila area, in addition to Taka 1,000 as monthly allowance.<sup>266</sup>

On 20 April 2008, hundreds of illegal plain settlers attacked seven indigenous Jumma villages - Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh of Sajek union under Baghaichari upazila (sub-district) in Rangamati district. At least 500 houses in the 4 kilometer stretch from Baghaihat

263. Asian Centre for Human Rights, 'Bangladesh: Indigenous peoples living on the edges of riots' (29 August 2007), available at: <http://www.achrweb.org/Review/2007/182-07.htm>

264. Ibid

265. Ibid

266. Ibid

to Gangaram were burnt down. Several indigenous Jummas were wounded and an unknown number of their women were raped by the perpetrators.<sup>267</sup>

On 19-20 February 2010, the Bangladesh army personnel and the illegal plain settlers under command of Lt Col. Wasim, Commander of the Baghahat zone Army Camp, attacked 14 indigenous Jumma villages in Baghahat area of Sajek Union under Rangamati district. In these pre-planned attacks that began on the night of 19 February 2010, the illegal plain settlers backed by the Bangladesh army burnt down at least 300 houses<sup>268</sup> of the indigenous Jummas/Chakmas at Gangaram Doar, Retkaba, Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages under Sajek Upazila.<sup>269</sup> In addition, at least seven shops in Ladumani bazaar, a United Nations Development Programme (UNDP)-sponsored village centre at Gangaram Doar village providing assistance to the indigenous villagers, one church and one Buddhist temple have been burnt to ashes in these attacks.<sup>270</sup> During the entire attack, the illegal plain settlers had the full and direct support of the Bangladesh army. When the settlers torched the Jumma villages, the army opened fire at the Jummas killing at least six Jummas and injuring at least 25 others while many others have been reported missing. The six injured Jumma villagers who got admitted at Baghaichari hospital were shown arrested in connection with the attacks on the Jummas since 19 February 2010.<sup>271</sup>

On the night of 13 March 2013, a gang of 10-12 illegal plain settlers raided Chakpara villages, inhabited by indigenous peoples, looted houses and intimidated villagers into leaving the area. Following directions from the National Human Rights Commission, Md Alamgir Hossain, deputy secretary of CHTs Affairs Ministry investigated the case and found that a section of local influential people (illegal plain settlers) with the help of a few ruling party men had been grabbing land in the area. However, police failed to any register after the attack.<sup>272</sup>

267. Asian Centre for Human Rights, 'Life Is Not Ours: Attacks on indigenous Jumma peoples of Bangladesh and the need for international action' (23 April 2008), available at: <http://www.achrweb.org/Review/2008/215-08.html>

268. Hills remain tense, *The Daily Star*, 22 February 2010 available at <http://www.thedailystar.net/newDesign/news-details.php?nid=127367>

269. Email communication from Parbatya Chattagram Jana Samhati Samiti, 21 February 2010; also see "Trouble flares in hills again", *The Daily Star*, Bangladesh, 21 February 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=127234>

270. Ibid

271. Email circular of the Parbatya Chattagram Jana Samhati Samiti, 22 February 2010

272. 14 land grabbers yet to face action, *The Daily Star*, 23 June 2013; available at: <http://archive.thedailystar.net/beta2/news/14-land-grabbers-yet-to-face-action/>

On 3 August 2013, hundreds of illegal plain settlers attacked five villages in Tabalchhari area under Matiranga Upazila sub-district under Khagrachari district leaving one tribal dead and four others seriously injured. Five villages inhabited by Chakma and Tripura tribes have been burnt down.<sup>273</sup> The ‘Committee to Assist Affected Indigenous People in Matiranga’ comprising 16 organisations including Bangladesh Adivasi Forum, Hill Women’s Federation, Oxfam, Action Aid Bangladesh and Kapeeng Foundation, stated that the attack was perpetrated in order to grab the ancestral lands of the indigenous people.<sup>274</sup>

On 10 June 2014, at least 23 indigenous Jumma people, including 13 women, were injured in a clash with the 51 Battalion of the Border Guard Bangladesh (BGB) at Babuchhara of Dighinala Sub-district in Khagrachhari district when the security forces forcibly evicted the indigenous families in order to set up the Battalion headquarters.<sup>275</sup> Twenty one Chakma families who were rendered homeless in this forcible eviction had to live in only two classrooms of the Babuchhara High School since their eviction.<sup>276</sup>

On 16 December 2014, a 500 strong mob of illegal plain settlers from the nearby Bogachhari area attacked on indigenous villages of Suridaspara, Camppara and Amtola villages near the Rangamati-Khagrachhari in Naniachar sub-district in Rangamati district. The illegal plain settlers burnt fifty four houses and also vandalised the Karuna Bihar Buddhist temple and took away several bronze idols during the hour long attack.<sup>277</sup>

## **2. Persecution of the Hindu minorities**

### **a. Physical attacks on persons, properties and places of worship**

Hindus were once plentiful in Bangladesh and its predecessor state, East Pakistan. Prior to the 1971 Bangladesh liberation war, minority Hindus comprised almost one-third (30 percent) of the population.<sup>278</sup> As per the 2012 Census they now account for

273. Govt fails to protect tribals: CHTC, BDnews24.com, 6 August 2013; available at: <http://bdnews24.com/bangladesh/2013/08/06/govt-fails-to-protect-tribals-cthc>

274. Says citizen’s committee following visit to affected areas, The Daily Star, 1 September 2013, available at: <http://archive.thedailystar.net/beta2/news/matiranga-attack-was-to-grab-land/>

275. 23 hurt in clash between BGB and villagers, Dhaka Tribune, 12 June 2014; available at: <http://www.dhakatribune.com/crime/2014/jun/12/23-hurt-clash-between-bgb-and-villagers>

276. Indigenous families and government dispute over land ownership in Khagrachhari, Dhaka Tribune, 1 July 2014, available at: <http://www.dhakatribune.com/bangladesh/2014/jul/01/indigenous-families-and-government-dispute-over-land-ownership-khagrachhari#sthash.BDKBiT6T.dpuf>

277. Cruelty in hills, Daily Star, 17 December 2014; available at: <http://www.thedailystar.net/frontpage/cruelty-in-hills-55741>

278. Banglstan: Do Hindus Have A Future In Bangladesh, International Business Times, 19 February 2014, available at: <http://www.ibtimes.com/banglstan-do-hindus-have-future-bangladesh-1556463>

only 8.4 percent of population of Bangladesh,<sup>279</sup> partly due to the rapid growth of the Muslim population, but also due to the mass migration of Bangladeshi Hindus to India, the United Kingdom, United States, Canada and elsewhere over the decades.<sup>280</sup>

Following the general elections on 1 October 2001 which were won by a coalition led by BNP with a large majority, BNP supporters reportedly attacked Hindus because of their perceived support for the rival AL during elections. Hundreds of Hindu families were reportedly driven off their land by groups affiliated to the BNP-led coalition.<sup>281</sup> The Hindus, who are perceived traditional supporters of the AL, faced systematic murder, rape and arson.<sup>282</sup> The worst affected areas have been in Barisal, Bhola, parts of Pirojpur, Khulna, Satkhira, Gopalganj, Bagerhat, Jessore, Comilla and Narsingdi. Attackers have reportedly entered Hindu homes, beaten members of the family, looted their property and in some cases, raped Hindu women.<sup>283</sup>

In fact throughout 2013, the right-wing opposition Bangladesh Nationalist Party (BNP) and its Islamist allies, Jamaat-e-Islami (JeI) and its youth wing Islami Chhatra Shibhir (ICS), carried out targeted attacks against Hindu minorities following convictions of their leaders by the International War Crimes Tribunals.<sup>284</sup> According to the Bangladesh Hindu Buddhist Christian Unity Council, 495 Hindu homes were damaged, 585 shops were attacked or looted and 169 temples were vandalized since November 2013. The organisation's general secretary and lawyer Rana Dasgupta claimed that nearly 2,500 Hindu families were affected during the same period. A police report stated the financial loss of Hindu property and resources were worth Taka 28 lakh (USD 1 = Taka 80) in between 5-12 January 2014.<sup>285</sup> Attacks on Hindus were also reported in several other areas, such as Thakurgaon, Rangpur, Bogra, Lalmonirhat, Gaibandha, Rajshahi and Chittagong.<sup>286</sup>

279. Bangladesh HC asks govt to give adequate protection to Hindus, Zee News.com, 15 January 2014; available at: [http://zeenews.india.com/news/south-asia/bangladesh-hc-asks-govt-to-give-adequate-protection-to-hindus\\_904339.html](http://zeenews.india.com/news/south-asia/bangladesh-hc-asks-govt-to-give-adequate-protection-to-hindus_904339.html)

280. Banglstan: Do Hindus Have A Future In Bangladesh, International Business Times, 19 February 2014, available at: <http://www.ibtimes.com/banglstan-do-hindus-have-future-bangladesh-1556463>

281. Bangladesh: Attacks on members of the Hindu minority, Amnesty International, 1 December 2001, available at: <http://www.refworld.org/docid/3c29deede.html>

282. Bengali Hindus in Muslim-majority Bangladesh, The Hindu, 16 January 2014; <http://www.thehindu.com/opinion/op-ed/bengali-hindus-in-muslimmajority-bangladesh/article5579528.ece>

283. Bangladesh: Attacks on members of the Hindu minority, Amnesty International, 1 December 2001, available at: <http://www.refworld.org/docid/3c29deede.html>

284. Hindu American Foundation, "Bangladesh at a Crossroads: Policy Brief 2013 - 2014", available at: <http://hafsite.org/sites/default/files/BangladeshPolicyBrief2013.pdf>

285. Bangladesh HC asks govt to give adequate protection to Hindus, Zee News.com, 15 January 2014; available at: [http://zeenews.india.com/news/south-asia/bangladesh-hc-asks-govt-to-give-adequate-protection-to-hindus\\_904339.html](http://zeenews.india.com/news/south-asia/bangladesh-hc-asks-govt-to-give-adequate-protection-to-hindus_904339.html)

286. Chatterjee, Garga, "Bengali Hindus in Muslim Majority Bangladesh," The Hindu, (January 16, 2014), <http://www.thehindu.com/opinion/op-ed/bengali-hindus-in-muslimmajority-bangladesh/article5579528.ece>

## b. Grabbing the properties of the Hindus through the Enemy Property Act, 1965 and the Vested Property Act, 1974

In 1965, following the outbreak of war between India and Pakistan, the military government of Pakistan promulgated one of history's most racist and discriminatory laws, the Enemy Property Act (EPA). The sole objective of the law was to “*selectively to seize Hindu owned property after the 1965 Indo-Pakistan War ...*” Bangladesh, the successor state to Pakistan's East Bengal Province, adopted the EPA in the form of Vested Property Act, 1974 after gaining independence in 1971, and each successive administration continued this repressive law in one form or the other, often using it to “reward well connected members of the Muslim majority community.”<sup>287</sup>

By labeling Hindus and other minorities as “enemies” of the state in the erstwhile East Pakistan and Bangladesh, the EPA and its subsequent versions, not only led to a massive appropriation of Hindu owned land, but also precipitated a drastic decline in the Hindu population.<sup>288</sup>

On 11 April 2001, the Awami League led Government enacted the “Restoration of Vested Property Act, 2001” (Act No. 16 of 2001) near the end of its tenure<sup>289</sup> fixing a 180-day time limit to prepare a list of properly documented vested property in order to take steps to restore falsely seized lands.<sup>290</sup> But the Act did not help to provide solutions to affected Hindus, and made some issues more complicated because of inherent defects. After winning the October 2001 election, the BNP led 4-party coalition amended the Restoration of Vested Property Act 2001 on 26 November 2002, which virtually shelved the return of confiscated properties to Hindus. This amendment allowed Government unlimited time to return vested properties which are to remain under the control of Deputy Commissioners until a tribunal settles ownership.<sup>291</sup>

According to a report of October 2004 of Bangladesh's Ministry of Land submitted to a parliamentary standing committee, “445,726 acres of vested property out of 643,140 acres ended up in encroachment across the country. The report stated, “*Grabbers gabbled*

287. “A Legal Analysis of the Enemy Property Act of Bangladesh” by Samir Kalra, Esq. and Arvind Chandrakantan, M.D., available at: [http://www.hafsite.org/sites/default/files/Legal\\_Analysis\\_Enemy\\_Property\\_Act\\_Bangladesh.pdf](http://www.hafsite.org/sites/default/files/Legal_Analysis_Enemy_Property_Act_Bangladesh.pdf)

288. *Ibid*

289. “Bangladesh Enemy Property Act: 1965-2010: How long must we bear this burden?” (17 November 2010) by Sitangshu Guha; available at: <http://www.vijayvaani.com/ArticleDisplay.aspx?aid=1498>

290. *The Hindu*, 3 November 2009; available at: <http://www.thehindu.com/news/bangladesh-cabinet-approves-law-to-return-vested-property-to-minorities/article42412.ece>

291. “Bangladesh Enemy Property Act: 1965-2010: How long must we bear this burden?” (17 November 2010) by Sitangshu Guha; available at: <http://www.vijayvaani.com/ArticleDisplay.aspx?aid=1498>

*up more than two thirds of vested property as the government lost control over the lands as the custodian and its long-line dithering blocked anti-encroachment efforts.*<sup>292</sup>

According to a 2007 research conducted by Professor Abul Barkat, a professor of economics at Dhaka University, some 1.2 million or 44 per cent of the 2.7 million Hindu households in Bangladesh were affected by the Enemy Property Act, 1965 and the Vested Property Act, 1974. Although in 2001, the then Awami League government enacted the Vested Property Return Act to restore the “vested” properties to their original owners, Hindus continue to lose property under this communal law. During the reign of the BNP-led government from 2001 to 2006, about 200,000 Hindu families lost 1, 22, 000 bighas of land, including their houses most of which were grabbed by politically powerful people. 45% of the land grabbers belonged to BNP while 31% to AL, 8% to Jamaat-e-Islami and 6% to the Jatiya Party and other political parties.<sup>293</sup>

On 29 November 2011, AL led government passed the Vested Properties Return (Amendment) Bill 2011, which theoretically enables Hindus to reclaim land and property confiscated by the government or occupied by Muslims under the Vested Property Act of 1974, Enemy Property Act 1965 (by Pakistan) and other discriminatory property laws.<sup>294</sup> However, implementation of the new law was marred in corruption by land department officials which resulted in deprivation to the original owners.

The government again brought the Vested Property Repeal (Amendment) Act 2013 which provided for completing district-wise lists of vested property and publishing the same through gazette notifications within 120 days of the enactment.<sup>295</sup> On 1 December 2014, a group of nine human rights organization viz., Ain O Salish Kendra, Bangladesh Legal Aid and Services Trust, Nijera Kori, Human Development Research Centre, Association for Land Reforms and Development, Bangladesh Hindu Buddhist Christian Oikya Parishad, Orpita Sampatti Ain Pratirodh Andolon, Sammilita Samajik Andolon and Bangladesh Puja Udjapan Parishad cautioned the government against any new inclusion in the vested properties list through amendment of the related law or publication of gazette saying it would be “illegal”. The organizations alleged

292. The legacy of enemy turned vested property act in Bangladesh, Asian Tribune.com, 29 May 2007; available at: <http://www.asiantribune.com/index.php?q=node/5925>

293. Repeal of Act brings no relief to Hindu families, The Hindu, 27 May 2007; available at: <http://www.thehindu.com/todays-paper/tp-international/repeal-of-act-brings-no-relief-to-hindu-families/article1847906.ece>

294. Vested Properties Return Bill-2011, 13 August 2012; available at: [http://archive.thedailystar.net/newDesign/print\\_news.php?nid=245882](http://archive.thedailystar.net/newDesign/print_news.php?nid=245882)

295. Corrupt bureaucrats trying to prolong vested property return, Globalpost.com, 10 April 2013; available at: <http://www.globalpost.com/dispatch/news/asianet/130410/corrupt-bureaucrats-trying-prolong-vested-property-return>

that some corrupt officials at the Assistant Commissioner of Land or union level or schedule offices were applying tricks so that the original owners do not get back their lands.<sup>296</sup>

### 3. Persecution of the Christian minorities, mainly Adivasis

Apart from the indigenous Jumma peoples in the CHTs, 23 indigenous communities live in Sylhet region and North Bengal region of Bangladesh. Of these, 16 indigenous communities such as Bhumali, Lahra, Mahali, Mahato, Munda, Mushor, Noonnia, Oraon, Pahan, Palia, Rabidas, Rajbangshi, Rana, Karmakar, Ranjoarh and Santal live in Sylhet Division<sup>297</sup> which comprised of four districts of Sylhet, Sunamganj, Maulvi Bazar and Habiganj<sup>298</sup> while 7 indigenous communities such as Barman, Been, Bhumij, Bonaj, Dalu, Garo and Pangan live in eight districts of Rangpur, Dinajpur, Kurigram, Gaibandha, Nilphamari, Panchagarh, Thakurgaon and Lalmonirhat under Rangpur Division<sup>299</sup> and eight districts of Bogra, Joypurhat, Naogaon, Natore, Chapainawabganj, Pabna, Rajshahi and Sirajganj under Rajshahi Division.<sup>300</sup> According to government of Bangladesh, the total number of Adivasis including the indigenous Jumma peoples of the CHTs is 1,205,978 which is only 1.03 percent of the total population of Bangladesh.<sup>301</sup>

Majority of the Adivasis are Christians and they have been at the receiving ends of atrocities and violence by the majority Muslims.

Nirmol Rozario, secretary general of Bangladesh Christian Association alleged that Islamic groups terrorise the Christian community in Bangladesh in a bid to take over their land and property.<sup>302</sup> Large numbers of Christian tribals have lost their lands due to land grabs by majority Muslims.

In mainland Bangladesh, every single tribal in northern Bangladesh who has some land is constantly under threat from land grabbers belonging to majority Muslims.<sup>303</sup>

296. Rights groups warn against new inclusion in vested properties list, Dhaka Tribune, 2 December 2014; available at: <http://www.dhakatribune.com/bangladesh/2014/dec/02/rights-groups-warn-against-new-inclusion-vested-properties-list#sthash.JREwvR3X.dpuf>

297. Indigenous Communities of Bangladesh, available at: <http://www.ebbd.info/indigenous-communities.html>

298. See [http://amardesh.com/division\\_sylhet.php](http://amardesh.com/division_sylhet.php)

299. See [http://en.wikipedia.org/wiki/Rangpur\\_Division](http://en.wikipedia.org/wiki/Rangpur_Division)

300. See [http://en.wikipedia.org/wiki/Rajshahi\\_Division](http://en.wikipedia.org/wiki/Rajshahi_Division)

301. See <http://www.ebbd.info/indigenous-communities.html>

302. Land grabbing behind attack, Christian groups claim, The Independent, 22 July 2014, available at: [http://www.theindependentbd.com/index.php?option=com\\_content&view=article&id=223806:land-grabbing-behind-attack-christian-groups-claim&catid=135:metropolitan-dhaka&Itemid=174](http://www.theindependentbd.com/index.php?option=com_content&view=article&id=223806:land-grabbing-behind-attack-christian-groups-claim&catid=135:metropolitan-dhaka&Itemid=174)

303. Tribal people face constant land grab threat, UCAnews.com, 2 July 2013, available at: <http://www.ucanews.com/news/tribal-people-face-constant-land-grab-threat/68648>

Since the war of independence in 1971, at least 140 tribal people have been killed and dozens of tribal women have been raped, but justice was never meted out because tribal people are poor, illiterate and marginalized.<sup>304</sup> Further about 10,000 Adivasis have migrated to other districts and Indian states due to attacks from land grabbers.<sup>305</sup>

Some of the recent attacks on the Adivasi Christians are given below:

On 20 March 2010, Muslim mob, armed with knives, bricks, and sticks, attacked Christian tribal villagers in Dinajpur district in retaliation to a court order in favour of the Christians in a land dispute case. As many as 50 Christians were injured in the attack.<sup>306</sup>

On 29 February 2012, a 200 strong Muslim mob attacked a group of seven Presbyterians in Madarganj Sub-district in Jamalpur district. Three American missionaries in the group were injured with splintered glasses as the mob pelted stones at their car. Police arrested two teachers and a student from an Islamic seminary in Madarganj.<sup>307</sup>

Radical Muslims are engaged in a campaign against Christian missionaries and had been abducting Christian children in Chittagong Hills Tracts and converting them to Islam. During January-February 2012, eight indigenous Tripura Catholic boys from the Chittagong Hills Tract were brought on the promise of imparting them quality education in a boarding school. But they were actually brought to the Darul Huda Islami School in Mia Para village in Gazipur district while other two boys were brought to another Darul Huda Islami in Maddha Badda in Dhaka. A Dhaka based NGO Hotline Trust rescued the children from the Madrassas.<sup>308</sup>

On 14 September 2013, local council chairman (head of local government unit) Rafiqul Islam Faruk of Bilbathuagani village in Tangail district summoned eight Christians to his office for constructing a church in the village. While more than a

304. Bangladesh police make arrest in killing of tribal villager, UCAnews.com, 4 August 2014; available at: <http://www.ucanews.com/news/bangladesh-police-make-arrest-in-killing-of-tribal-villager/71585>

305. Tribal people face constant land grab threat, UCAnews.com, 2 July 2013, available at: <http://www.ucanews.com/news/tribal-people-face-constant-land-grab-threat/68648>

306. Bangladesh: 50 Christians injured in Muslim attacks, Catholic World News, 25 March 2010; available at: <http://www.catholicculture.org/news/headlines/index.cfm?storyid=5825>

307. US missionaries injured by Muslim mob in Bangladesh, New York Post, 29 February 2012; available at: <http://nypost.com/2012/02/29/us-missionaries-injured-by-muslim-mob-in-bangladesh/>

308. Bangladesh: Hundreds Of Christian Children Abducted And Forcibly Converted To Islam, Asia News, 6 September 2012; available at: <https://midnightwatcher.wordpress.com/2012/09/06/bangladesh-hundreds-of-christian-children-abducted-and-forcibly-converted-to-islam/>

thousand Muslim men awaited outside when the Christian youths were grilled by the council chairman and the imams who forced the youths to convert to Islam and to stop construction of the church.<sup>309</sup>

On 5 January 2014, a group of Islamist fanatics believed to be opposition supporters, attacked the Catholic community in Jamalpur district for voting in the parliamentary elections on that day. Eight people belonging to the Garo tribe were injured in the attack, three of them were hospitalized in serious condition at the Dhaka Medical Institute. The injured included Sonendra Kubi and his wife. The houses of the Garo Adivasis were set on fire and the assailants threatened the victims to take over their lands.<sup>310</sup>

On 11 January 2014, Ovidio Marandy, a top government official and tribal Santal Catholic, was reportedly murdered by land grabbers in Govindoganj, Gaibandha. He was a vocal opponent of land grabs and prior to his death, he had clashed with Abul Kalam Azad, an Awami League parliamentarian from Govindaganj in Gaibandha district accused of grabbing some 40 hectares of land from local tribal people since the 1980s. Azizur Prodhan and his cousin Mofazzal Prodhan, also a member of the Awami League, have been in dispute with tribals in the area over land allegedly instigated an attack on local tribal Catholic villagers.<sup>311</sup>

On 27 June 2014, a Muslim youth identified as Sahab Ali raped an 8-year-old Catholic girl of tribal Garo ethnicity, in the Diocese of Mymensingh district. The little girl sustained serious injuries and had to be hospitalized.<sup>312</sup>

On 6 July 2014, some 60 armed Muslim youths attacked the Pontifical Institute of Foreign Missions in Boldipuku village in Dinajpur district and attempted to loot the building and rape the nuns. The attackers first tied the hands and legs of the mission's two night watchmen and gagged them in the early morning hours. They then broke down the door of the room where the assistant pastor Father Anselmo Marandy was

309. Bangladeshi Christians Told to Close Church, Convert to Islam, Charismanews.com, 4 October 2013; available at: <http://www.charismanews.com/world/41264-bangladeshi-christians-told-to-close-church-convert-to-islam>

310. Bangladesh Islamists attack Catholics who "dared" to vote: several injured, Asia News, 9 January 2014; available at: <http://www.asianews.it/news-en/bangladesh-islamists-attack-catholics-who-dared-to-vote:-several-injured-29984.html>

311. Land grabbing drives lawlessness and deaths in Bangladesh, UCAnews.com 12 August 2014, available at: <http://www.ucanews.com/news/land-grabbing-drives-lawlessness-and-deaths-in-bangladesh/71660>

312. Bangladesh, Catholics protest: No impunity for the rapist of an 8 year old girl, Asia News, 2 July 2014; available at: <http://www.asianews.it/news-en/Bangladesh,-Catholics-protest:-No-impunity-for-the-rapist-of-an-8-year-old-girl-31517.html>

sleeping. They then raided the convent located in the mission campus. Twelve suspects were arrested in connection with the incident.<sup>313</sup>

On 14 April 2014, four Muslim youths, one of them, identified as Alif Ahmed gang raped a 21-year ethnic Garo woman in Mohammadpur, Dhaka. After arrest of the identified accused, the relatives of the rapists threatened the victim and her family members, warning them to drop the charges.<sup>314</sup>

On 2 August 2014, a 52-year-old tribal farmer, Dhudu Soren was beaten and stabbed to death by a group of Muslims led by one Abdul Goffar in Dinajpur district. Goffar had been in dispute for four decades over 2.74 acres of land owned by Dhudu's family. A legal battle in the court has been continuing. Dhudu's family members alleged that in 1971 Dhudu's father Fagu Soren and in 2011 his brother, Gosai Soren were victims of secret killings by Goffar's men.<sup>315</sup>

On 4 August 2014, a gang of 35 Muslim men attacked Bichitra Tirkey, an Oraon tribal woman and member of Parbatipur Union Council in Chapai Nawabganj district while she was working in her paddy field with some laborers. The attackers beat her up and three of them also gang raped her while others took away her livestock and farm equipments. Neighbors took her to a local hospital for treatment. According to officer-in-charge of the local police station, the attack was carried out to grab land belonging to the victim.<sup>316</sup>

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313. Bangladesh Christians in uproar over convent attack and assaulted nuns, Catholic.org, 14 July 2014; available at: <http://www.catholic.org/news/international/asia/story.php?id=56172>

314. Bangladesh, tribal Catholic gang raped: Christians and Muslims demand justice, Asia News, 17 April, 2014; available at: <http://www.asianews.it/news-en/Bangladesh,-tribal-Catholic-gang-raped:-Christians-and-Muslims-demand-justice-30856.html>

315. Bangladesh police make arrest in killing of tribal villager, UCAnews.com, 4 August 2014; available at: <http://www.ucanews.com/news/bangladesh-police-make-arrest-in-killing-of-tribal-villager/71585>

316. Three men arrested for Bangladesh tribal woman's rape, UCAnews.com, 7 August 2014, available at: <http://www.ucanews.com/news/three-men-arrested-for-bangladesh-tribal-womans-rape/71627>

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