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Date: 24 th April, 1988 Tel. 061-792 0736 (Home)

Sub: An appeal to save the Chakma, Marma, Tripura and other
tribes of the Chittagong Hill Tracts from the total
annihilation by the Bangladesh Government.

Dear Rudy,

May I present to you the following documents relating to the crisis
in the Chittagong Hill Tracts (CHT):

1. A report of the dialogue between the Bangladesh Government and the Parbatya Chattagram Jana Samhati Samiti (PCJSS or briefly JSS). It is based on a report sent by the Department of Information and Publicity, JSS, on 1 March, 1988.
2. An Amnesty International report, "Bangladesh - Report of a Mission concerning reported Human Rights Violations in the Chittagong Hill Tracts 24-30 January 1988", AI Index: ASA 13/04/88 issued in March, 1988.
3. A brief submitted by the Amnesty International Canadian Section to the House of Commons Standing Committee on External Affairs and International Trade (Canada) on 19 February, 1987.
4. A news, "Muslim Bangladesh", from the Times of 14 March, 1988.
5. A report, "Bangladesh Islam move 'a gimmick' ", from the Guardian of March 15, 1988.
6. An article, "Bangladesh to make Islam state religion", from the Daily Telegraph of 15 March, 1988.
7. A report, "Hold talks on Chakmas, urges Ershad", from the Times of India of March 24, 1988.
8. An article, "PM for early Bangla steps on Chakmas", from the Times of India of April 3, 1988.

A. The Dialogue Between The Bangladesh Government And The Parbatya Chattagram Jana Samhati Samiti.

Under tremendous international pressure, the Bangladesh Government had to meet with the Parbatya Chattagram Jana Samhati Samiti (the only political party in the CHT) to find a political solution to the crisis in the CHT. The first dialogue took place on 21 October, 1985, and the Bangladeshi regime accepted one of the JSS's proposals for the first time that the CHT issue was a political and national problem which needed a political solution instead of a military solution. Both sides agreed that they would meet again on 25 December, 1985. But the Bangladesh Government did not participate in the proposed meeting without showing any reasons.

However, the compassionate international community compelled the Ershad-regime to continue the dialogue with the JSS. As a result, the Government of Bangladesh very reluctantly convened the 2nd dialogue on 17 December, 1987, at Pujgang Community Centre in Panchari Upazilla (Sub-District). The peace-loving JSS has always endeavoured to solve the CHT crisis through negotiation. So it gladly joined in the talks with a hope that the Bangladeshi regime might have changed its genocidal policy in compliance with the wishes of the world community. The JSS delegation led by Mr. Rupayan Dewan presented a five-point charter of demands to the Bangladesh Govt. delegation. One of the demands was Provincial Autonomy for the CHT with a separate legislature. The delegation of the Bangladesh Govt. refused to accept formally the charter of demands as the demand for Provincial Autonomy was outside the framework of the unitary system of the Bangladesh constitution. To justify its demands the JSS delegation argued

that "a constitution of a country is framed by the people for the welfare of the people and amended according to the need of the people". Since the present Bangladesh constitution does not protect the entity and existence of the Jumma people (the people of the CHT) it "should be amended in order to ensure the rights of the Jumma people". The meeting ended on December 18, 1987 without any fruitful result. However, both parties agreed to hold the 3rd dialogue on 24-25 January, 1988.

On 24 January, 1988, the JSS delegation wanted to know whether the Bangladesh Government had officially accepted the charter of demands and whether the Bangladesh Govt. delegation would like to discuss the subject or not. In reply the delegation of the Bangladesh Govt. reiterated its previous stand not to accept the charter of demand formally. However, it was prepared to discuss the matter informally. Then the JSS delegation asked its counter-part on what basis the dialogue was to be continued. Having failed to answer this question, the Bangladesh Govt. delegation adjourned the meeting till next day as it required advice from the higher authorities. On 25 January, 1988, the Bangladesh Govt. delegation made two suggestions - i) it was willing to accept formally the five-point charter of demands provided the JSS was also prepared to accept formally the Bangladesh Government proposal as an alternative formula within the framework of the unitary system of the Bangladesh constitution, and ii) the JSS should prepare a charter of demands within the framework of the unitary system of the Bangladesh constitution. The JSS delegation firmly and totally rejected both the suggestions of the Bangladesh Government delegation on the grounds that they were conditional and that the present constitution of Bangladesh did not protect the entity and existence of the Jumma people. The 3rd dialogue ended without breaking the deadlock. However, the two delegations decided to continue the dialogue.

The 4th dialogue took place on 17-18 February, 1988. The Bangladesh Govt. delegation did not budge from its original position and described the JSS's demands as contradictory to the Bangladesh constitution and also as a threat to the sovereignty of Bangladesh. It handed over an outline (Rupa Rekha) of the Bangladesh Government formula to the JSS delegation and threatened the latter by saying that "if there was no solution within the framework of the Bangladesh constitution then the situation in the CHT was bound to be deteriorated". The Bangladesh Government delegation said frankly that "it was impossible and absurd to amend the constitution for" a small Jumma population. The JSS delegation made another effort to convince its opposite delegation to accept its genuine demands and urged the Bangladesh Government to prove its goodwill towards the Jumma people. Perhaps, it is worth-noting that the then Jumma Member of Parliament, Mr. Manabendra Narayan Larma did not endorse the Bangladesh constitution when it was passed by the Bangladesh Parliament in 1972 on the grounds that it did not safeguard the entity and existence of the Jumma people. In fact, this is the root of the crisis in the CHT. If the Bangladesh constitution provides Provincial Autonomy for the CHT and recognises the rights of the Jumma people to self-determination then the CHT crisis will be resolved easily and peacefully. The Bangladesh Government forcibly imposed an unjust constitution on the Jumma people and attempted to destroy their identity by depriving them of constitutional safeguards. The Jumma people have their right to exist and to preserve their identity. They can survive and preserve their identity in the Islamic State of Bangladesh only if Provincial Autonomy is established in the CHT. Therefore, the demand for Provincial Autonomy for the CHT is just and genuine and it is neither a threat to the Bangladesh sovereignty nor contradictory to the constitution of Bangladesh. The necessary changes in the constitution will not only undo the grave injustice done to the Jumma people but they will also pave the way for a constitutional and non-military solution to the crisis in the CHT. This is the reason why the JSS delegation considered the comments of the Bangladesh Govt. delegation on the charter of demands nothing but lame excuses to abandon the idea of a peaceful political solution of the CHT issue. The JSS delegation also reminded its counter-part that the Bangladesh Government accepted a proposal of the JSS during the 1st

dialogue (held on 21 October, 1985) that the CHT issue was a political and national problem which should be solved by political means. So the contention of the Bangladesh Govt. delegation that the amendment of the Bangladesh constitution for a small Jumma population is impossible and absurd - clearly dishonours the 21 October Agreement. The intransigence of the Bangladesh Govt. delegation led the dialogue to an impasse and there is no certainty about further talks.

The JSS made the following conclusions from the 2nd, 3rd and 4th dialogues:

1. "The Bangladesh Govt. does not want a peaceful political solution of the CHT problem.
2. Its policy of Jumma extermination has not changed.
3. It has come to dialogue with the JSS only to mislead the world.
4. It is trying to avoid formal discussion on the charter of demands placed by the JSS.
5. On the pretext of holding dialogue with the JSS, the Bangladesh Govt. is killing time only to serve its purposeful designs".

B. The Visit Of An Amnesty International Mission To Bangladesh.

The Bangladeshi regime had refused to discuss the CHT issue with many Human Rights organizations. However, it had to bow to the pressure of the exceedingly powerful conscience-keeper of the mankind, Amnesty International and agree to meet with an Amnesty International Delegation in Dhaka. Accordingly "an Amnesty International Mission visited Bangladesh between 24 and 30 January 1988". The Members of the delegation were - Mr. Ian Martin (Secretary-General of Amnesty International), Rear-Admiral (rtd.) J.D. Backer (former Chairman of the Dutch Section of Amnesty International) and M/s Isobelle Jaques (Officer-in-Charge of the Asia Research Department, Amnesty International). "The purpose of the visit was to discuss with members of the Bangladesh Government Amnesty International's concerns relating to past reports of arbitrary arrests, torture and extra-judicial executions (that is, intentional killings carried out by order of a government or with its complicity, outside the judicial process) of tribal people living in the Chittagong Hill Tracts, although other issues of current concern to Amnesty International were also raised by the delegation".

The Amnesty International Mission met with General Hossain Mohammad Ershad (the President), Mr. Humayun Rasheed Chowdhury (Foreign Minister), Mr. M.A. Matin (Deputy Prime Minister and Home Minister), Mr. A.K.M. Kamaluddin Choudhury (Home Secretary), Mr. Abdur Raquib Khondaker (the Inspector General of Police) and many others. It also held detailed talks with the Members of the National Committee on the Chittagong Hill Tracts including Air Vice Marshal (rtd.) A.K. Khandker (Planning Minister and the Chairman of the said Committee), Mr. Nazrul Islam (Foreign Secretary) and Major General Abdus Salam (General Officer Commanding of Chittagong Division). "Major General Salam accompanied the Delegation during a two-day visit to the Chittagong Hill Tracts, when the Delegation met local commanders responsible for law enforcement operations and members of the civilian administration".

"Amnesty International regrets that, on the basis of the information provided to its Delegation, it appears that whatever inquiries were undertaken did not succeed in establishing responsibility for the reprisal actions which took place in 1986 and the part certain security force personnel may have played in such actions. Since Amnesty International is still awaiting further details from the Bangladesh Government on the procedures and findings of some of these inquiries, it would be premature for Amnesty International to make any final assessment of how fully and fairly they were conducted. Amnesty International wishes to underline its belief, however, that the impartial and thorough investigation of human rights violations is of crucial importance in preventing their possible future

repetition, and for dispelling any impression that such actions are officially condoned".

The JSS welcomed the visit of the Amnesty International Mission to the CHT. In the eyes of the Jumma people this visit is a momentous event as Amnesty International has been able to open the door of the CHT which has become virtually a closed-door slaughter house under the Bangladeshi rule. The JSS supports all the recommendations made by Amnesty International but it believes that impartial and thorough investigations of human rights violations in the CHT will never be carried out by the extremely corrupt and dishonest Government of Bangladesh. A government who claimed to have won a massive victory in the 3 March voterless general election is certainly not fit to conduct an impartial investigation of human rights violations which it has committed deliberately. As the Amnesty International Delegation had no time to investigate the Bangladesh Government violence in the CHT, an international inquiry commission may kindly be sent to the area in order to investigate all the monstrous crimes committed by the brutal regime of Bangladesh against the innocent men, women and children of the CHT.

C. The Canadian Intervention In The CHT Crisis.

The Canadian Section of Amnesty International has kindly started a campaign to protect the Jumma people from the extreme hostility of the Bangladeshi regime. It has urged the House of Commons Standing Committee on External Affairs and International Trade (Canada) to take the following constructive measures with a view to preventing human rights violations throughout the world:

1. "Development Assistance agreements should include express reference to international human rights instruments.
2. The Training of Aid Personnel.
3. Assistance aimed at the strengthening of Legal Institutions.
4. The Provision of Aid for the Victims of Human Rights Violations.
5. The need for Dialogue on Human Rights Issues with Receiving countries!"

The benign Government of Canada responded to the request of the Canadian Section of Amnesty International. "Amnesty International understands that Canada has frequently taken the opportunity through its aid channels to voice its serious concern about human rights abuses in particular in the Chittagong Hill Tracts. We applaud this and trust that the Canadian Delegate will similarly raise within the Consortium talks our concerns about reported killings and torture of tribal villagers". The Canadian Representative, Mr. Gordon Fairweather urged the United Nations to adopt declaration on minority rights.

D. The Present Situation Of The Jumma Refugees

The Prime Minister of India, Mr. Rajiv Gandhi has accused the Bangladeshi military regime "of going back on its promises to take back the tribal Chakma refugees sheltered for long in Tripura evacuee camps". He said, "I myself had taken up the Chakma problem with President Ershad at the SAARC summit in Kathmandu and the Union human resources development Minister, Mr. P.V. Narasimha Rao also visited that country to discuss the issue. But Bangladesh did not take much initiative to solve the problem".

Perhaps, it is important to note that the Bangladesh Government had denied that these refugees were from Bangladesh. However, the compassionate international community forced the Ershad-regime not only to recognise them as Bangladeshi refugees but also to be willing to repatriate them. Although the Government of Bangladesh has repeatedly promised to take the refugees back, it has not taken any tangible measures for their rehabilitation in their native villages. For instance, it does not want to remove the Bangladeshi settlers from the tribal villages and agricultural lands. If these invaders are not removed then where the Jumma refugees will be rehabilitated? The shrewd Bangladeshi-regime's sinister motive is quite

obvious. It wants to rehabilitate the Jumma refugees in concentration camps where they will be tortured, raped and starved to death if they refuse to be converted to Islam. The Bangladesh Government is not willing to withdraw its armed forces from the area. It means that there will be no safety for the refugees if they are repatriated. The occupying forces of Bangladesh in league with the Bangladeshi settlers have massacred the Jumma people. So the refugees demand that these invaders must be removed from the CHT in order to create a normal situation for their return to their homeland.

"Gen. Ershad alleged that the tribals were suffering in makeshift refugee camps in India and a congenial atmosphere has already been created in the hill tracts for their return". He is shedding crocodile tears over the refugees' sufferings for which he is fully responsible. Under his instructions, the Bangladesh armed forces and the Bangladeshi settlers jointly carried out Matiranga-Lakkhichari-Panchari-Khagrachari-Dighinala massacres in 1986, and thus caused the influx of Jumma refugees into the Tripura State of India. As a result of the Bangladesh Government terrorism, these helpless people lost their lands, homes and relatives at the hands of the brutal invaders and over 2,500 Jummas died and an equal number of Jummas were reported missing. Fortunately, both the Governments of India and Tripura are exceedingly compassionate and they are sparing no efforts to keep the Jumma refugees alive although these evicted people are causing a serious strain on the economy of India. In short, the Bangladesh Government is destroying the Jumma people whereas the humane Government of India is making tremendous sacrifices to help them survive. The admirable commitment of India to the protection of humanity is reflected in a statement recently made by the Prime Minister of India, Mr. Rajiv Gandhi in Tripura - "We will continue to put pressure on Bangladesh to solve the refugee issue and that country should also resolve it without delay. On our part, we shall try our best to solve it as early as possible"...."He also thanked the people for 'providing shelter to the Chakmas' and said that the tribal refugees should be looked after properly". Gen. Ershad's assertion that the present atmosphere in the CHT is congenial to the return of the refugees is not only misleading but it is also extremely outrageous to the international community. There is no crime that he cannot do and there is no depth of violence to which he cannot sink. Very often Gen. Ershad makes false statements about the situation in the CHT in order to cover up his monstrous crimes and also to deceive the civilized world.

Gen. Ershad has declared Islam the State Religion of Bangladesh. He has not only eroded the foundation of democracy in Bangladesh but he is also replacing it with Islamic fundamentalism. He is, in fact, a Mullah in Khaki and he is really a menace to all non-Muslim communities of Bangladesh. The CHT is the only non-Muslim majority area in Bangladesh and so the fanatic Gen. Ershad is bent on making it a Muslim-majority area by killing the Jummas on the one hand and by resettling the Muslim Bengalis in their place on the other. The people of the CHT will not survive in the Islamic State of Bangladesh without the help of the international community. Therefore, I appeal fervently to you to take economic actions against the Bangladeshi-regime. I believe such effective measures will force the Ershad-Government to accept our genuine demands. The Jumma refugees desperately need food, clothes, medical supplies and other daily necessities of life. These unfortunate people need your help for their survival. With my best regards.

To

Yours sincerely

Dr. Rudolph C. Ryser,
Chairman of the Center for World Indigenous Studies,
P.O. Box 82038, Kenmore, Washington 98028,
U.S.A.

Ramendu

REPORT

2ND DIALOGUE HELD ON 17,18 DEC.1987 AT PUJGANG COMMUNITY CENTRE,PANCHARI.

JSS delegation - Mr. Rupayan Dewan.
Mr. Ranjan Bikash Chakma.
Mr. Sudha Sindhu Khisa.
Mr. Sneha Kumar Chakma.
Mr. Nitish Dewan.

Bangladesh Govt. delegation -

Col. Faruque Ahmed Chowdhury, PSC,
Brigade Commander, 203 Brigade, Khagrachari.
Col. Syed Mohamed Ibrahim, BP, PSC,
Newly appointed Brigade Commander, 203 Brigade, Khagrachari.
Mr. Abdul Malek, Additional Commissioner, Chittagong Division.
Lt. Col. MMM Kaiser, PSC,
G-I, 24 Infantry Division, Chittagong.
Maj. Saiful Ali,
Brigade Major, 203 Brigade, Khagrachari.

The 2nd dialogue between the JSS and the Bangladesh Govt. which was unilaterally called off by the Bangladesh Govt. on 25 Dec. 1985 was held for two days on 17- 18 Dec. 1987.

Following are the summaries of the dialogue:

- A. 1. On 17 Dec. 1987 the JSS formally placed a 5-point Charter of demands to the Bangladesh Govt. demanding provincial autonomy with a legislature for the Chittagong Hill Tracts.
2. The Bangladesh Govt. delegation expressed their inability to accept the charter of demands formally as they considered that the demand was outside the framework of the Bangladesh constitution and contradictory to the constitution of Bangladesh.
3. The Bangladesh Govt. delegation expressed that according to the constitution - Bangladesh is a unitary state and there is no provision for autonomy or province for any part or territory within Bangladesh.
- B. 1. In reply to the Bangladesh Govt. delegation's statement, the JSS delegation explained to the Bangladesh Govt. delegation that "a constitution of a country is framed by the people for the welfare of the people and is amended according to the need of the people".
2. The JSS stand was that the constitution which declares Bangladesh a unitary state does not protect the entity and existence of the Jumma people of the Chittagong Hill Tracts within Bangladesh and, therefore, the constitution should be amended in order to ensure the rights of the Jumma people.
- C. 1. There was exchange of arguments for and against the proposal. The dialogue ended without any fruitful outcome due to the rigid attitude of the Bangladesh Govt. for brushing aside the five-point demand.
2. At last both sides agreed to hold the 3rd dialogue.

3RD DIALOGUE HELD ON 24-25 JANUARY, 1988, AT THE SAME PLACE.

JSS delegation - 1. Mr. Rupayan Dewan.
2. Mr. Ranjan Bikash Chakma.
3. Mr. Sudha Sindhu Khisa.
4. Mr. Sneha Kumar Chakma.
5. Mr. Nitish Dewan.

Bangladesh Govt. delegation -

1. Col. Syed Mohamed Ibrahim, BP, PSC,

2. Mr. Abdul Malek, Additional Commissioner, Chittagong Division.
3. Lt. Col. MMM Kaiser, PSC, G-I, 24 Infantry Division, Chittagong.
4. Maj. Saiful Ali, Brigade Major, 203 Brigade, Khagrachari.

The agenda of the 3rd dialogue -

1. The 5-point charter of demands which was placed on 17 Dec. 1987.
2. To create congenial environment for the dialogue.

Summary of the 3rd dialogue:

A. 1st day meeting -

1. The JSS delegation asked the Bangladesh Govt. delegation whether the Bangladesh Govt. had formally accepted the charter of demands and was prepared to discuss the subject or not.
2. The Bangladesh Govt. delegation's reply was negative. They stuck to their rigid stand but agreed to discuss the subject informally. The Bangladesh Govt. delegation was reluctant to show the slightest sign of flexibility in bringing about a solution of the deadlock created by them.

The JSS stand was that since the Bangladesh Govt. delegation had refused to discuss formally the charter of demands, then on what basis the dialogue was to be held.

The Bangladesh Govt. delegation, failing to give a proper reply, asked for the adjournment of the 1st day meeting because they needed to discuss the matter with their higher authorities.

B. 2nd day meeting - The Bangladesh Govt. delegation was given the opportunity to start the dialogue.

1. The proposals given by the Bangladesh Govt. delegation are -
 - a. The members of the Bangladesh Govt. delegation are ready to accept formally the 5-point charter of demands placed by the JSS on 17 Dec. 1987, provided the JSS would also accept an alternative formula to be given by the Bangladesh Govt. to solve the CHT problem within the framework of the constitution of Bangladesh under unitary system.
 - b. The JSS should place a charter of demands within the framework of the present constitution of Bangladesh.
2. The JSS delegation on principle could not accept the proposals given by the Bangladesh Govt. delegation as they were totally conditional. The JSS delegation clearly and firmly pointed out to the Bangladesh Govt. delegation that there was no such instance in any country in the world that a government gave a condition to its people while accepting a charter of demands from them.
3. The JSS, on principle, cannot place a fresh charter of demands which should be within the framework of the present constitution of Bangladesh as the present constitution does not protect the entity and existence of the Jumma people.
4. Arguments and counter-arguments by both sides continued for a long time. Lt. Col. Kaiser went so far as saying that the Jumma people of the CHT formed only 0.45% of the Bengalee population and so it was impossible and absurd to amend the constitution for a mere population of 0.45%.

C. 1. The dialogue ended without any fruitful outcome.

2. Lastly it was decided to continue the dialogue.

4TH DIALOGUE HELD ON 17-18 FEBRUARY, 1988, AT THE PREVIOUS VENUE.

JSS delegation - 1. Mr. Rupayan Dewan,
2. Mr. Ranjan Bikash Chakma,
3. Mr. Sudha Sindhu Khisa,

4. Mr. Sneha Kumar Chakma.
5. Mr. Nitish Dewan.

Bangladesh Govt. delegation -

1. Col. Syed Mohamed Ibrahim, BP, PSC, Brigade Commander, 203 Brigade, Khagrachari.
2. Mr. Abdul Malek, Additional Commissioner, Chittagong Division.
3. Lt. Col. MMM Kaiser, PSC, G-1, 24 Infantry Division, Chittagong.
4. Maj. Saiful Ali, Brigade Major, 203 Brigade, Khagrachari.

Agenda - 5-point charter of demands placed by the JSS on 17 Dec., 1987.

Summary of the 4th dialogue:

A. 1st day meeting -

1. The Head of the Bangladesh Govt. delegation delivered a prepared speech in his opening address declaring the JSS demands as totally unacceptable to the Bangladesh Govt. for the following reasons -
 - a. The charter of demands is beyond the framework of the present constitution as it calls for the amendment of the present constitution which has declared Bangladesh a unitary state. Hence it contradicts the constitution.
 - b. Since there is no provision of federation in the present constitution of Bangladesh, therefore, it is out of the question to think of a federal system in Bangladesh which is considered as threat to the sovereignty of Bangladesh.
2. After their opening address the Bangladesh Govt. delegation informally handed over a copy of their so called "Rupa Rekha" (outline) with 9 points to the JSS delegation as a formula to solve the CHT problem.

B. 2nd day meeting -

1. The JSS delegation in its reply to the speech made by the Bangladesh Govt. delegation, said that since the present constitution of Bangladesh did not protect the entity and existence of the Jumma people of the CHT, the JSS, on behalf of the Jumma people, placed the 5-point charter of demands to the Bangladesh Govt. so that the necessary amendments could be made in the Bangladesh constitution in order to give the Jumma people a constitutional safeguard.
2. Since it was agreed by both sides in the 1st dialogue (held on 21st Oct. 1985) that the CHT problem was a political and national problem, the lame excuse given by the Bangladesh Govt. delegation that the amendment of the constitution for a microscopic Jumma population was absurd, contradicted the Bangladesh Government's admission of the CHT crisis as a national one. Now it is upto the Bangladesh Govt. to come forward and to prove its goodwill to the Jumma people.
3. The JSS delegation had further refuted the statement of the Bangladesh Govt. delegation that articles nos. 1 & 2 of the Charter of Demands were threats to the sovereignty of Bangladesh and said that it was another lame excuse given by the Bangladesh Govt. with unfounded reason. The JSS delegation further said that the statement given by the Bangladesh Govt. delegation proved the insincerity and unwillingness of the Bangladesh Govt. to solve the CHT problem.
4. There was no satisfactory explanation given by the Bangladesh Govt. delegation on the 9 points of the so-called Rupa Rekha (Outline) proposed by the Bangladesh Govt.. The Bangladesh delegation replied with utmost avoiding tendency that the points might be clarified - subject to discussion only when the JSS on principle agrees to accept the so-called "Outline" offered by the Bangladesh Government.

C. 1. The concluding speech delivered by the Bangladesh Govt. delegation -

- a. There could be no other solution of the political problem of the CHT except within the framework of the present constitution.

- b. The Head of the Bangladesh Govt. delegation declared with an ultimatum that if there was no solution within the framework of the present constitution, then the situation in the CHT was bound to be deteriorated.
2. The concluding speech made by the JSS delegation -
 - a. The Head of the JSS delegation once again appealed to the Bangladesh Govt. delegation to come forward with goodwill towards the ethnic Jumma people. It was only through the 5-point charter of demands that the entity and existence of the Jumma people could be protected and the interest of the country as a whole could be served.
- D. The dialogue ended without any fruitful result. Further dialogue remains uncertain.

CLEAR CONCLUSIONS MAY BE DRAWN FROM THE 2ND, 3RD AND 4TH DIALOGUES HELD BETWEEN THE JSS AND THE BANGLADESH GOVERNMENT:

1. The Bangladesh Govt. does not want a peaceful political solution of the CHT problem.
2. Its policy of Jumma extermination has not changed.
3. It has come to dialogue with the JSS only to mislead the world.
4. It is trying to avoid formal discussion on the charter of demands placed by the JSS.
5. On the pretext of holding dialogue with the JSS, the Bangladesh Govt. is killing time only to serve its purposeful designs.

01 MARCH, 1988.

Abbreviations:

PCJSS or briefly JSS = Parbatya Chattagram Jana Samhati Samiti.

CHT = Chittagong Hill Tracts.

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N.B. This report has been prepared on the basis of a report sent by the Information and Publicity Department of the JSS.

গোপনীয়

সরকার প্রদত্ত প্রসারের রূপ রেখা

- ১। সংবিধানের ২৮ ধারার আলোকে পার্শ্বত্যা চট্টগ্রামের তিনটি জেলাকে বিশেষ এলাকা হিসাবে চিহ্নিত করন ।
- ২। সংবিধানের ৯ ও ২৮ ধারার আলোকে পার্শ্বত্যা চট্টগ্রামের তিন জেলায় প্রত্যেক নির্বাচনের মাধ্যমে সর্বাধিক কমতা সমস্ত পৃথক পৃথক জেলা পরিষদ গঠন ।
- ৩। বিষয় বিভাগ (Division of Subjects) স্থিহরকরন ।
- ৪। সংবিধানের ৬৫ ধারার আলোকে জেলা পরিষদ সমূহকে মূল আইনের অধীন নির্দিষ্ট বিষয়ে উপ আইন, আদেশ, বিধি, প্রবিধান ইত্যাদি প্রনয়ন জারী এবং কার্যকরী করার ক্ষমতা অর্পন ।
- ৫। জাতীয় সংসদ কর্তৃক কোন আইন, জেলা পরিষদ কর্তৃক নিজস্বঃ এলাকার জন্য আণ্ডিকর বিবেচিত হলে সংসদে পুনর্বিবেচনার দাবী সরকারকে অবগতির করার জন্য আইন গত ক্ষমতা অর্পন ।
- ৬। জেলা ও উপজাতীয় সার্কেলের এলাকা একত্রিকরনার্থে সীমানা পুননির্ধারন ।
- ৭। জেলা প্রধান এবং উপজাতীয় প্রধানের (Circle Chief) সমন্বিত অবস্থান নির্নয়ন ।
- ৮। প্রতি সার্কেলে পুলিশ বাহিনী গঠন ।
- ৯। পার্শ্বত্যা চট্টগ্রাম ম্যানুয়েলের যথামত বাস্তবায়ন অথবা বাতিল করন ।

CONFIDENTIAL

AN OUTLINE OF THE PROPOSAL GIVEN BY THE (BANGLADESH) GOVERNMENT (TO THE
PARBATYA CHATTAGRAM JANA SAMHATI SAMITI)

1. To identify the three Districts of the Chittagong Hill Tracts as Special Area in the light of the Article 28 of the (Bangladesh) Constitution.
2. In the light of Articles 9 and 28 of the (Bangladesh) Constitution to form separate District Council with maximum power in the three Districts of the Chittagong Hill Tracts through direct election.
3. To determine the Division of Subjects.
4. In the light of the Article 65 of the (Bangladesh) Constitution to give power to District Councils to make, promulgate and execute by-laws, orders, rules, regulations etc. in certain subjects under basic laws.
5. To empower the District Council legally to demand to the Government to reconsider any laws passed by the National Assembly if they are found objectionable by the District Council to its own area.
6. To redemarcate borders in order to unify the areas of the District and the Tribal Circle.
7. To define the co-existence of the District Head and the (Tribal) Circle Chief.
8. To establish Police Force in every Circle.
9. Appropriate modernization or abolition of the Chittagong Hill Tracts Manual.

1 OF 1

CONFIDENTIAL

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

(TRANSLATION)

EXTERNAL (for general distribution)

AI INDEX: ASA 13/04/88
DISTR: SC/CO/GR

BANGLADESH

REPORT OF A MISSION CONCERNING REPORTED
HUMAN RIGHTS VIOLATIONS IN THE
CHITTAGONG HILL TRACTS
24 — 30 JANUARY 1988



Amnesty International
International Secretariat
1 Easton Street
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United Kingdom

amnesty international

BANGLADESH

REPORT OF A MISSION CONCERNING REPORTED HUMAN RIGHTS VIOLATIONS IN THE CHITTAGONG HILL TRACTS, 24 — 30 JANUARY 1988

MARCH 1988

SUMMARY

AI INDEX: ASA 13/04/88

DISTR: SC/CO/GR

An Amnesty International mission visited Bangladesh between 24 and 30 January 1988. The main focus of the visit was to discuss with members of the Bangladesh Government Amnesty International's concern about reports of the arbitrary arrests, torture and extrajudicial execution of tribal people living in the Chittagong Hill Tracts by the security forces there. Some of the abuses reportedly took place when security forces participated in reprisal attacks on tribal villagers following violence against security forces and non-tribal residents by the armed opposition group, the Shanti Bahini, Peace Forces.

The mission held detailed talks in Dhaka with two members of the National Committee on the Chittagong Hill Tracts, established in August 1987 to identify the problems of the Chittagong Hill Tracts area and propose recommendations to the government for their solution. These were the Minister of Planning and the Foreign Secretary. The mission also made a two-day visit to the Chittagong Hill Tracts, accompanied by a third committee member, the army commander of the Chittagong area. The delegation was assured that the security forces are now under strict instructions prohibiting reprisals against tribal villagers in future.

The Bangladesh Government had previously informed Amnesty International that it had investigated reports of human rights violations in the Chittagong Hill Tracts, and the delegation sought precise information about these investigations. It learned that the National Committee had dealt with wider grievances and not the actual investigations of concern to Amnesty International. The delegation stressed the importance of impartial and independent inquiries and the authorities undertook to provide Amnesty International with further information about the investigations which had been conducted.

(The mission also discussed with President Hossain Mohammad Ershad and other officials its concern about the current widespread use of administrative detention without formal charge or trial of government opponents, under the Special Powers Act. This concern is described in a separate document entitled "Large-scale Detention without Trial of Opposition Members", July 1987 - February 1988, AI Index ASA 13/02/88 of February 1988).

This summarizes a 9-page document, Bangladesh, Report of a Mission concerning reported human rights violations in the Chittagong Hill Tracts (AI Index: ASA 13/04/88), issued by Amnesty International in March 1988. Anyone wanting further details should consult the full document.

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March 1988

BANGLADESH: REPORT OF A MISSION CONCERNING REPORTED HUMAN RIGHTS VIOLATIONS
IN THE CHITTAGONG HILL TRACTS
24 - 30 JANUARY 1988

1. Introduction

This report contains information on the visit of an Amnesty International delegation to Bangladesh between 24 and 30 January 1988. The delegates were the organization's Secretary General, Ian Martin, Rear-Admiral (rtd.) J.D. Backer, former chairman of the Dutch Section of Amnesty International, and a staff member of the International Secretariat of Amnesty International. The purpose of the visit was to discuss with members of the Bangladesh Government Amnesty International's concerns relating to past reports of arbitrary arrests, torture and extrajudicial executions (that is, intentional killings carried out by order of a government or with its complicity, outside the judicial process) of tribal people living in the Chittagong Hill Tracts, although other issues of current concern to Amnesty International were also raised by the delegation.* Amnesty International had written to the Bangladesh Government on a number of occasions about its concerns in the Chittagong Hill Tracts and in October 1986 issued a 38-page report, Bangladesh: Unlawful Killings and Torture in the Chittagong Hill Tracts (AI Index: ASA 13/21/86). In March 1987, Amnesty International issued a short document Bangladesh: The Chittagong Hill Tracts. Recent Reports of Torture and Other Human Rights Violations, June 1986-January 1987 (AI Index ASA 13/01/87) describing further incidents in which tribal people were reported to have been tortured or killed in the northern area of the Chittagong Hill Tracts.

In making public information about its visit, Amnesty International wishes to put on record its appreciation of the extensive cooperation it received from members of the Bangladesh Government and officials. Amnesty International's delegation met with President Hossain Mohammad Ershad, Humayun Rasheed Chowdhury, Minister of Foreign Affairs, Professor M.A. Matin, Deputy Prime Minister and Minister of Home Affairs, A.K.M. Kamaluddin Choudhury, the Home Secretary, and other Home Ministry officials, and Abdur Raquib Khondaker, Inspector General of Police. It held detailed and constructive talks with Air Vice Marshal (rtd.) A. K. Khandker, Minister of Planning and the Chairman of the National Committee

* Amnesty International's delegation also discussed with the Bangladesh Government its concern at widespread arrests in late 1987 of members of opposition parties under administrative detention procedures, reports of torture of criminal suspects in police custody, the death penalty and ratification of international human rights instruments. This report is confined solely to information on Amnesty International's concerns relating to the Chittagong Hill Tracts. For further information about recent arrests, see Amnesty International document ASA 13/02/88, Large-Scale Detention Without Trial of Opposition Members published in February 1988.

on the Chittagong Hill Tracts, Nazrul Islam, Foreign Secretary, and Major General Abdus Salam, area commander of Chittagong division, both also members of the National Committee, as well as with officials of the Foreign Ministry.* Major General Salam accompanied the delegation during a two-day visit to the Chittagong Hill Tracts, when the delegation met local commanders responsible for law enforcement operations and members of the civilian administration. Amnesty International appreciates the openness with which the members of the National Committee discussed their work.

2. Background to the Amnesty International mission

For several years, under successive governments, Amnesty International received reports of human rights violations - arbitrary arrests, torture and extrajudicial executions - committed by the security forces against tribal people living in the Chittagong Hill Tracts. Since the mid 1970s there has been an armed opposition group of tribal people active in the area, the Shanti Bahini (Peace Forces), which has been responsible for the killing of hundreds of non-tribal residents and members of the security forces there. Attacks by the Shanti Bahini were continuing in early 1988, although negotiations between the Bangladesh Government and the Shanti Bahini were taking place.

Amnesty International had communicated repeatedly to the Bangladesh Government its concern at reports of human rights violations committed by the security forces but received no response. In sending its October 1986 report to the Bangladesh Government prior to its publication, Amnesty International sought the opportunity to discuss its concerns directly with members of the Bangladesh Government.

The report described some of the major incidents between 1983 and 1986 in which non-combatant tribal people were said to have been tortured or killed. The report was based largely on the testimony of eye-witnesses, many of whom were interviewed directly by Amnesty International. It referred particularly to killings which were reported to have taken place in May 1986, when the armed conflict in the northern area of the Chittagong Hill Tracts escalated. Following attacks by the Shanti Bahini on border posts of the Bangladesh Rifles (BDR) and villages of non-tribal people in late April 1986, the security forces, together with non-tribal residents, were reported to have killed dozens of tribal people apparently in retaliation.

Several weeks after the report was published, Amnesty International received written comments on it from the Bangladesh Government. The government asserted that "The allegations brought against the law enforcing agencies are mostly either false or exaggerated and one-sided." It further stated that "...all allegations, including human rights abuses, are inquired into and appropriate actions are taken against the defaulters."

* The National Committee on the Chittagong Hill Tracts was established in August 1987. Its other members were Farooq Ahmed Chowdhury, Bangladesh High Commissioner to New Delhi, Ali Hyder Khan, the Commissioner of Chittagong Division, and Jamal Majid of the Foreign Ministry (Secretary). Broadly stated, the committee's terms of reference were to identify the problems of the Chittagong Hill Tracts area and propose recommendations to the government for their solution. The committee visited various parts of the Chittagong Hill Tracts some 12 times between September 1987 and January 1988 and met tribal people there. Its full report was in the final stages of preparation during January 1988.

The government's response provided some information on the major incidents Amnesty International had described in which tribal people were reported to have been killed. For example, it stated that the killings in the northern district of the Chittagong Hill Tracts on 1 May 1986, in relation to which Amnesty International had presented detailed accounts concerning several villages, were the "outcome of communal riots.". The government contended that after the Shanti Bahini attacks, "... Bengali inhabitants retaliated. As the affected areas were thickly populated by both Chakmas (tribal people) and Bengalis and the security forces were not strong enough to tackle the situation, the communal rampage went on for two days. With great difficulties the security forces brought the situation under control, in the course of which two Bengali settlers lost their lives." The government's statement, however, made no reference to any deaths of tribal people.

Noting the Bangladesh Government's assurance that all allegations of human rights violations were investigated, Amnesty International subsequently wrote to the government to seek further details on the nature and findings of those inquiries which had been conducted, including the composition of the investigative body, the procedures followed and the information obtained. Amnesty International also reiterated its willingness to discuss its concerns with appropriate officials in Bangladesh, including military personnel responsible for operations in the Chittagong Hill Tracts, in order to obtain a more comprehensive understanding of what had occurred. Later, Amnesty International also submitted to the Bangladesh Government reports of human rights violations in the Chittagong Hill Tracts in late 1986 and the first weeks of 1987, prior to the publication of this information.

Amnesty International was informed in early 1987 that the Bangladesh Government accepted in principle its proposal to visit Bangladesh, and thereafter final arrangements for the mission were made, though it did not take place until January 1988, partly due to severe flooding in Bangladesh.

3. The mission

The purpose of the Amnesty International mission was to seek information from the authorities about measures taken to protect the fundamental rights to life and security of the person for the tribal people living in the Chittagong Hill Tracts, and to learn more about the official investigations conducted into the reports of arbitrary arrests, torture and extrajudicial executions of tribal people there. It was neither the intention nor possible for Amnesty International, during such a short visit, to conduct fact-finding on all aspects of the current situation of human rights observance in the Chittagong Hill Tracts.

The members of the Bangladesh Government and others whom the delegation met were not in a position to discuss in depth the reports of human rights violations Amnesty International had previously brought to its attention and reported on, although they provided some clarification on the broad nature of the inquiries that were conducted into these (see section 3.3 below). In general terms Amnesty International's delegation was informed that, following the killings of non-tribal people by the Shanti Bahini in April 1986, reprisals had taken place against the tribal people. The authorities reiterated that the security forces had been unprepared for the sudden escalation of violence that occurred, and were unable to contain the strong emotions aroused at the time. It was stated emphatically that it had not been deliberate government policy for such retaliation to take

place, but it was acknowledged that elements of the security forces - for example junior personnel of the paramilitary or volunteer units - may have assisted in the reprisals in so far as they provided active support to the actions of the non-tribal people. It was stressed that the security forces are now under strict instructions to prevent any reprisals against tribal people (see section 3.2 below). In response to questions from Amnesty International's delegation, more detailed information was provided on the role and functioning of the various agencies involved in law enforcement duties in the Chittagong Hill Tracts, their structure and reporting accountability (see section 3.1 below).

Throughout its visit, Amnesty International's delegation was also provided with considerable information on a broad range of issues, much of which related to socio-economic and political matters beyond the scope of Amnesty International's specific mandate. Members of the Bangladesh Government and others stated that they were aware of the limits of Amnesty International's mandate but that, in their view, it was important for the delegation to obtain a complete picture of the government's policies with regard to the Chittagong Hill Tracts.

In its October 1986 report on human rights violations in the Chittagong Hill Tracts, Amnesty International had briefly described social developments over the years which had affected the area, notably the process of migration to it of Bangladeshi citizens from other parts of the country, which had taken place particularly since the mid-1970s. Amnesty International referred to these developments, which led to conflict between tribal and non-tribal people over land ownership, in order to indicate the context in which human rights violations had occurred in the Chittagong Hill Tracts.

Members of the National Committee provided Amnesty International with a broad and frank overview of developments affecting the tribal population of the Chittagong Hill Tracts over the past three decades, identifying what they now perceive as mistakes in successive governments' policies. Amnesty International was informed that since the end of 1982 migration to the Chittagong Hill Tracts by non-tribal people had been prevented: no order prohibiting migration had been issued, but the authorities were said to have ceased allocating land to non-tribal people, thereby effectively removing the factor that had led people to move there.

Amnesty International was also informed by members of the National Committee that such matters as the traditional land rights of the tribal people, adequate compensation for those tribal people dispossessed by the construction of a hydro-electric project in 1964, and development assistance directed to improving the livelihood of the tribal people had been fully considered by the committee and would be addressed in the committee's recommendations.

Members of the government and others also informed Amnesty International's delegation that negotiations between the government and representatives of the Shanti Bahini were currently taking place, and that this was an indication of the government's resolve to find a political solution to ending the armed conflict in the Chittagong Hill Tracts.

3.1 Agencies involved in law enforcement duties in the Chittagong Hill Tracts

So as to understand the current practice of law enforcement in the Chittagong Hill Tracts and in view of the reports received by Amnesty

International of the involvement of various branches of the security forces in human rights violations against tribal people in this area, the delegation sought information on the responsibilities, structure and reporting accountability of each of the relevant forces. These are: the Bangladesh Army, Bangladesh Rifles (BDR), Police, Ansars and Village Defence Parties (VDP). With the exception of the army, which plays no regular role at present in law enforcement duties in other parts of the country, Home Ministry officials explained to Amnesty International's delegation that all other forces are similarly established throughout Bangladesh.

3.1.1 The Bangladesh Army

In a briefing provided by the area commander at the Chittagong Cantonment, Amnesty International was informed that the duties for which the army is responsible in the Chittagong Hill Tracts include:

- domination of the populated areas and the parts where development projects have been established;
- to assist the civil power in the maintenance of law and order, including criminal prosecution;
- to seek out "miscreants" (the term officially used for Shanti Bahini forces)

The army is primarily responsible for coordination among the agencies involved in law enforcement duties in the Chittagong Hill Tracts and holds monthly meetings of officers from the regional headquarters of the various forces. Amnesty International's delegation was informed, in discussions with Home Ministry officials, that the Deputy Commissioner, the senior civilian officer of a district, also plays a role in the coordination of law enforcement duties.

Different agencies are deployed depending on the tasks to be undertaken, in view of the different training of the various agencies. On questioning by the Amnesty International delegation as to which forces would be employed when attacks by the Shanti Bahini occurred, military officials stated that this was determined by whichever agency was located at the nearest camp to the incident, but that an army officer would accompany any force employed in counter-insurgency operations.

The record of each army unit's activities, including any arrests made by it, is maintained in the General Diary at each unit's base. This is available for inspection by army headquarters, but it was unclear to Amnesty International's delegation whether there was regular reporting from each unit to headquarters. The Criminal Procedure Code (Cr.P.C.) requires that persons taken into custody are brought before a magistrate within 24 hours of arrest, when they may be remanded in police custody or to jail. Arrests by the army apparently fall by law within the requirements of the Cr.P.C. However, on questioning by the delegation military officers explained that the procedures followed in practice when a member of the Shanti Bahini is arrested during an engagement with the security forces permit the army to interrogate the prisoner first at zonal headquarters and then at brigade headquarters before transfer to police custody, although the delegation was assured that in such circumstances prisoners would remain only a short time in army custody.

After patrols, troops were said always to be debriefed by a senior officer who questions them as to what had occurred. Such debriefings were also said to take place after operations in which army personnel have commanded non-military forces on active duty.

Amnesty International's delegation was informed that the training of all army personnel includes reference to human rights observance although details of such training were not provided. Troops newly posted to the Chittagong Hill Tracts are also given instruction on matters such as the differences in customs and language between tribal people and ethnic Bengalis, as well as a briefing on the development of Shanti Bahini activities in the area.

3.1.2 The Bangladesh Rifles (BDR)

The BDR, a paramilitary force, falls under the responsibility of the Ministry of Home Affairs and its primary duties are border security and the prevention of smuggling activities - the Chittagong Hill Tracts shares a border with India, and in the south east with Burma, for some hundreds of miles. During its visit to the Chittagong Hill Tracts, Amnesty International's delegation did not meet any BDR personnel.

3.1.3 Police

Two categories of police are based in the Chittagong Hill Tracts: those attached to police stations who are primarily involved in criminal investigation; and those based at police camps. When involved in counter-insurgency operations the second category would normally be under the command of an army officer.

The police forces are under the responsibility of the Ministry of Home Affairs. Police personnel were said to be issued with firearms only when on active patrol duty. Their training lasts for nine months.

3.1.4 Ansars

There are also two categories of ansars, regular, full-time "standing battalion forces" who are often engaged in development activities in other parts of the country; and "embodied" ansars, who operate from their own villages. The latter are employed on an irregular basis, to augment other law enforcement personnel as the need arises, and are paid from day to day.

Ansars also come under the responsibility of the Home Ministry. At the local level, their command structure falls under the police, although when involved in counter-insurgency operations they are generally commanded by an army officer. They were similarly said to be issued with firearms only during active patrol duty. Ansars undergo training for between three to six weeks.

3.1.5 Village Defence Parties (VDP)

Village Defence Parties are a local home guard or civil defence unit. They are recruited, screened and trained by the police. Their role is to protect their locality at night, so firearms were said to be issued to them in the evening but returned to the police the following morning. They were also said not to be authorized to take these firearms outside their own village.

3.2 Instructions to the security forces

Amnesty International's delegation was repeatedly assured by members of the Bangladesh Government and of the National Committee on the Chittagong Hill Tracts that security forces operating in the Chittagong Hill Tracts are now under strict instructions not to engage in or permit any reprisals against members of the tribal population whatever actions the Shanti Bahini may undertake. These instructions have not been issued in written form, but were said to have been expressly communicated by senior officers down the line of command. Members of the National Committee also informed the Amnesty International delegation that when they themselves had addressed units of the security forces in various places, they had reiterated these instructions and made clear that any transgression of them would be punished. Members of the National Committee stated that there had been no reprisals against tribal people over the last several months, and certainly none since the committee's formation in August 1987. As evidence of this, it was pointed out to Amnesty International's delegation that during this period there had been no further exodus of tribal people from the Chittagong Hill Tracts crossing the border into India.

Amnesty International was also informed by members of the National Committee that the security forces are no longer authorized to search tribal villages and interrogate their inhabitants about the whereabouts of the Shanti Bahini, even after killings have taken place.

3.3 Investigations into reports of human rights violations

Members of the National Committee told Amnesty International's delegation that it was not part of their work to investigate into reports of human rights violations such as those Amnesty International had submitted to the Bangladesh Government. They argued that what had occurred in the past could not be altered and that to be fair any investigation would have to look at both the pattern of attacks by the Shanti Bahini and the reprisals against tribal people which took place in 1986, which would disturb the climate of stability which the authorities were endeavouring to promote.

Home Ministry officials informed Amnesty International's delegation that in accordance with national law all investigations had been conducted impartially and that, to reinforce impartiality, they were carried out by people who did not belong to the agency accused of responsibility for the violation. If a complaint was made against the police, a magistrate was responsible for the inquiry; the Deputy Commissioner investigated complaints against the BDR; and if a complaint was made against army personnel, generally a joint committee of inquiry was formed. The area commander of the Chittagong division said that at the local level, a joint committee would normally include the district superintendent of police, the District Magistrate or Deputy Commissioner and the local army commander.

The area commander of the Chittagong division also drew attention to practical difficulties which had been encountered in conducting investigations. He said that a lack of resources made it impossible to investigate every allegation although efforts had been made to investigate a number of allegations of human rights violations involving the security forces, both by joint committees and through internal army inquiries. Information in some cases, however, had been insufficient to allow meaningful investigation and additional problems occurred because, often, tribal people had moved in order to cultivate other land in their traditional manner or had crossed into India. Moreover, law enforcement personnel were said also to be subject to regular transfer from one area

to another, thus apparently complicating the task of identifying which personnel were present at a specific locality at a particular time.

According to the military authorities in the Chittagong Hill Tracts, the procedures followed when inquiries were held generally involved the Deputy Commissioner consulting the records maintained by the police. The appropriate village headman would also be traced and asked if he could help in the inquiries by providing information and indicating possible informants. The area commander noted that in some instances this procedure had been successful, in others not.

Amnesty International's delegation had asked to meet individuals who had been involved in such investigations, but was unable to do so. Many of the military and civilian personnel the delegation met in the Chittagong Hill Tracts had only taken up their posts relatively recently. During the discussions it held with various authorities, however, the Amnesty International delegation made clear that the organization wished to obtain precise information about the way in which investigations had been conducted. In order to achieve this Amnesty International would specify several cases in respect of which the authorities would provide details of the inquiries that had been conducted. Consequently, following the mission, Amnesty International communicated to the Bangladesh authorities six reports of torture or extrajudicial executions of non-combatant tribal villagers which were alleged to have occurred between May 1986 and January 1987. Amnesty International requested the following information about the inquiries into these reports: which authority initiated the investigation; which individuals were assigned responsibility to investigate the reports; the dates when the investigation was opened and concluded; details of the action taken by the investigators; and details of the full findings of the investigators and action taken by which authority, as appropriate, on the basis of these findings.

4. Conclusions

Amnesty International welcomed the firm assurance given to its delegation that, following the incidents of 1986, the security forces operating in the Chittagong Hill Tracts are now under strict instructions not to engage in reprisal actions against the tribal people or permit others to do so, whatever the activities of the Shanti Bahini. In particular the policy described to Amnesty International's delegation according to which the security forces are not authorized to search tribal villages and interrogate their inhabitants was seen to represent a positive measure to prevent human rights violations. Many of the reports of human rights violations Amnesty International has received over the years were described as taking place in this context.

Problems of access have made it particularly difficult for Amnesty International in the past to obtain substantiation of many alleged human rights violations in the Chittagong Hill Tracts. In recent months, however, Amnesty International has not received complaints of human rights violations in the area similar to those which were received in 1986 and early 1987. This may not mean that there has been full and consistent compliance by the security forces with the new instructions issued to them. It does appear, however, that these instructions, and the clear importance attached to them by members of the National Committee and others whom Amnesty International's delegation met, may have done much to enhance the protection of the basic rights of the tribal people and may also have helped to promote some confidence among tribal people in the government's

commitment to their full security.

Amnesty International recognizes that the continuing attacks by the Shanti Bahini create serious security problems for law enforcement personnel in the Chittagong Hill Tracts. To maintain full respect for basic human rights in such a situation and to ensure that their instructions are uniformly adhered to, Amnesty International considers that the instructions should be constantly reiterated, especially in view of the regular transfer of law enforcement personnel which was described to the delegation. Amnesty International's delegation was informed that respect for human rights is included in the training of all law enforcement personnel in Bangladesh but did not receive details of such training programs. Amnesty International wishes to emphasize the importance it believes must be attached to the systematic training and instruction of all involved in security force operations, including the non-professional personnel of volunteer units, in the observance of fundamental human rights, an aspect of training which may need particular strengthening in situations where such personnel face the threat of armed attack.

It is beyond Amnesty International's competence to comment on the deployment of law enforcement personnel. Amnesty International believes, however, that to ensure adequate protection for basic human rights it is necessary to provide for clear lines of command and accountability for all law enforcement personnel, particularly when there is a multiplicity of forces. When there is a co-joining of forces or any lack of clarity on the command of forces, accountability procedures may become confused. Moreover, Amnesty International's delegation remained unclear about the relationship between local military commanders and the senior civilian authority in their district, the Deputy Commissioner. The connection of military command lines to the political lines of responsibility appeared to Amnesty International's delegation to be diffuse, which may have implications for the effectiveness of the process of accountability.

Amnesty International is aware of the practical difficulties explained to its delegation faced by the relevant authorities when investigating reports of human rights violations in the Chittagong Hill Tracts, but it does not consider them to be insurmountable. Amnesty International consistently maintains the view that an important measure in promoting the protection of human rights is to investigate thoroughly and as far as possible to determine responsibility for what has occurred in the past. Amnesty International regrets that, on the basis of the information provided to its delegation, it appears that whatever inquiries were undertaken did not succeed in establishing responsibility for the reprisal actions which took place in 1986 and the part certain security force personnel may have played in such actions. Since Amnesty International is still awaiting further details from the Bangladesh Government on the procedures and findings of some of these inquiries, it would be premature for Amnesty International to make any final assessment of how fully and fairly they were conducted. Amnesty International wishes to underline its belief, however, that the impartial and thorough investigation of human rights violations is of crucial importance in preventing their possible future repetition, and for dispelling any impression that such actions are officially condoned.

INTERNATIONAL HUMAN RIGHTS AND
CANADA'S OFFICIAL DEVELOPMENT
ASSISTANCE POLICIES AND PROGRAMS

Brief Submitted

by

Amnesty International
Canadian Section (English Speaking)

To

The House of Commons
Standing Committee on
External Affairs and
International Trade

19 February 1987

Amnesty International is glad of this opportunity to reaffirm the universality of human rights and the responsibility of government to promote human rights through foreign relations. Members of Amnesty International have welcomed the growing number of occasions when representatives of our government have raised human rights concerns during visits abroad and interceded on behalf of particular prisoners of conscience. Amnesty International is grateful for these efforts. We believe they have been effective and trust they will continue to be made when opportunities arise.

In addition, we are pleased to note the emphasis placed on human rights in the Report of the Special Joint Committee on Canada's International Relations, especially where the Committee points out that "the international promotion of human rights is a fundamental and integral part of Canadian foreign policy" and recommends that "Canada should move forward and create a positive human rights development program". We hope this committee will endorse such policy and encourage its implementation throughout the agencies of its terms of reference.

Amnesty International takes no position on the economic relations between countries, even in countries where serious violations of human rights have been reported. Consequently, we neither recommend nor oppose Overseas Development Assistance in any particular case; neither do we ever suggest that aid should be conditional on the improvement of a country's human rights record. Nevertheless, we believe that care should be taken to ensure that Development Assistance does not contribute to human rights violations. We also believe Canadian involvement in Overseas Development Assistance creates useful opportunities for the promotion of human rights in other countries.

For example, there is soon to be a meeting of the Consortium on Aid to Bangladesh. Amnesty International understands that Canada has frequently taken the opportunity through its aid channels to voice its serious concern about human rights abuses in particular in the Chittagong Hill Tracts. We applaud this and trust that the Canadian delegate will similarly raise within the Consortium talks our concerns about reported killings and torture of tribal villagers. Amnesty International can make available copies of its September 1986 publication entitled "Bangladesh - Unlawful Killings and Torture in the Chittagong Hill Tracts" for those seeking the specifics of those human rights abuses.

We are also aware that Canada has opportunities to raise its voice in defense of human rights in international financial institutions such as the World Bank. We would like to be assured that in such dealings, where applicant government are serious violators of human rights, that Canadian delegates will inject human rights into the discussion.

Amnesty International feels that human rights is justifiably a conditionality which should be dealt with in World Bank deliberations. This is in accord with the World Bank's legal mandate. We would also suggest that a similar approach on human rights considerations be taken into account in decisions affecting the International Monetary Fund.

An example of the potential for Canada to raise human rights in the O.D.A. context is during participation in international financial institutions. We think that it is incumbent upon Canada in the World Bank to use instances of loan applications from Chile and other serious human rights abusers, as appropriate forums to voice Canadian concerns.

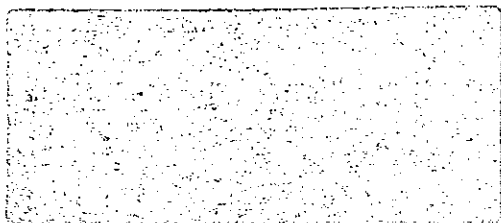
Amnesty International notes that the raising of serious human rights abuses does not constitute illegal or unwarranted interference in other countries' internal affairs. Canada's expression of concern over international human rights violations is a positive means for implementing internationally agreed principles. These principles have been initially set out in the Declaration of Human Rights and subsequently developed in customary international law and innumerable international human rights instruments.

Apart from pressing the Canadian government to use the O.D.A. relationship as a potential forum to raise human rights concerns, Amnesty International believes it has a vital role in providing accurate and impartial information on human rights abuses. In this regard, we feel that Amnesty International can be instrumental in helping to ensure that Canadian aid officials are extremely well briefed on the human rights record in any given country, as part of their training in universal human rights.

Although Amnesty International does not involve itself in discussions of whether it is right or wrong to provide development aid to countries where human rights abuses occur, the English-speaking Branch of the Canadian Section recommends the following measures that may contribute to strengthening the relation between development aid and human rights:

- (1) Development Assistance agreements should include express reference to international human rights instruments.
- (2) The Training of Aid Personnel.
- (3) Assistance aimed at the Strengthening of Legal Institutions.
- (4) The Provision of Aid for the Victims of Human Rights Violations.
- (5) The Need for Dialogue on Human Rights Issues with Receiving Countries.

We thank you for having given us the opportunity to have submitted this brief to the House of Commons Committee on External Affairs and International Trade. We are confident that the committee will encourage further initiatives of aid officials to integrate human rights concerns into their dealings, and will press for further initiatives on their part.



Amnesty International

... is a worldwide movement which is independent of any government, political faction, ideology, economic interest, or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners.

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Canada urges UN to adopt declaration on minority rights

Canadian Press

UNITED NATIONS

Canada urged the United Nations yesterday to start living up to its responsibility to the minority populations of member states by adopting a declaration of the minorities' rights.

Gordon Fairweather, speaking for Canada in a UN debate on human rights, said the world body has failed ethnic minorities and avoided issues of religious intolerance at the root of some of the world's most divisive conflicts.

"No one pretends that the adoption of a declaration on the rights of minorities would solve some of the more intractable problems," Mr. Fairweather said.

"Yet such action would at least send a signal to the world community that the rights of minorities deserve increased attention .

Bangladesh Islam move 'a gimmick'

AP in Dhaka

PRESIDENT Hussain Muhammad Ershad has declared Islam the state religion of Bangladesh, but government officials said yesterday they had received no instructions to implement the decision.

General Ershad made the announcement on Sunday to a Muslim congregation in Sarsina, south-west of Dhaka. He did not clarify whether Bangladesh would be made an Islamic republic, but suggested that the laws of Bangladesh would conform to the Muslim *sharia*, or code of conduct.

The day-to-day life of the nation must be guided by the tenets of Islam and the ideals of Prophet Mohammed," he said.

An official at the Law Ministry said he had no information on the change. "We do not know what exactly the President wants to do," he said "We shall certainly get instructions from the President soon."

About 85 per cent of Bangladesh's 105 million people are Muslim, but the country has had a secular constitution since it gained independence from Pakistan in 1971. It has Christian, Hindu and Buddhist minorities.

The main opposition parties, which have been calling for the President's resignation since November, said the move was a "gimmick to stay in power" and threatened to oppose any change in the constitution.

"This is an illegal government and illegal Parliament. It has no right to enact any legislation," Khaleda Zia, the leader of the Bangladesh Nationalist Party, said.

A new Parliament was elected on March 3 in a poll boycotted by the main opposition groups.

The weekly publication, *Holiday*, said the new Parliament would probably meet in the second week of April to debate the change. General Ershad is not likely to have problems pushing through the move because his party holds 250 of the 300 seats in Parliament.

Surenjit Sengupta of the Awami League, the largest opposition group in the previous Parliament, said: "This is yet another gimmick by President

the demand of the people that he resign immediately."

The Muslim fundamentalist party, the Jamaat-e-Islami, also opposed the move.

"A government which came to power illegally and is staying much against the wishes of the people can never do any good to Islam, the people or the country," Ali Ahsan Mohammad Mujahid, a Jamaat leader, said. "This is yet another bluff by Ershad to perpetuate his power."

But an independent member of Parliament, Wali Ashraf, said such legislation "will only reflect the faith of the vast majority of the people."

Others feel the introduction of Islamic law, with its stringent punishments, could curb crime and help increase productivity.

"The best way to root out corruption, inefficiency, violence and social crimes is to establish Islam in every walk of life," a member of the Jatiya Party said.

The reaction in Dhaka's diplomatic community was mixed. A Western diplomat said the move was populist. "It is certain to have a favourable impact on the masses who are deeply religious," he said. "Moreover, the Opposition will not be able to harass the Government on this point because it would amount to confronting the masses."

A representative of a west Asian country said the introduction of Islamic law could help Bangladesh get more aid from Middle Eastern countries "who hardly ever appreciated Dhaka's secular stand."

Bangladesh is one of the world's poorest countries. More than 80 per cent of its people live below the poverty line, defined as being able to afford a diet of 1,500 calories every day.

Political observers also suspect that declaring Islam a state could help General Ershad counter two of his most vocal opponents, Khaleda Zia and Sheik Hasina of the Awami League, both of whom are women.

Observers said the move could include legislation to ban women from holding the office of President or Prime Minister.

They also say that the move could be opposed by India, Bangladesh's largest neighbour, whose 800 million people are

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Muslim Bangladesh

Dhaka - President Ershad of Bangladesh, left, yesterday declared Islam the state religion and said that the new Parliament would frame laws based on the Koran (Ahmed Fazl writes). The former army head who this month celebrates six years in power told Muslim pilgrims the 16-year-old secular constitution would be amended in the first step towards an Islamic republic. Almost 90 per cent of Bangladeshis are Muslim.

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Dhaka arrests

Dhaka - More than 10,000 political prisoners are being held in Bangladeshi jails, a leading opposition figure, Begum Khaleda Zia, said.

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Bangladesh to make Islam state religion

By Hasan Saeed,
of Associated Press
in Dhaka

PRESIDENT Ershad has declared Islam the state religion of Bangladesh, but government officials said yesterday that they have received no instructions concerning implementation.

Eighty-five per cent of Bangladesh's 105 million people are Moslem, but there has been a secular constitution since independence from Pakistan in 1971. There are Christian, Hindu and Buddhist minorities.

Gen Ershad made the announcement on Sunday to a Moslem congregation in Sarsina, 100 miles south-west of Dhaka. He did not say whether the country would be made an Islamic republic, but suggested its laws should conform to the Moslem "sharia", or code of conduct.

Major opposition parties, which have been demanded Gen Ershad's resignation since November, said the change was a "gimmick to stay in power".

"This is an illegal government and illegal Parliament. It has no right to enact any legislation," said Begum Khaleda Zia, leader of the Bangladesh Nationalist party.

She was referring to the Parliament elected on March 3. The main opposition groups boycotted the polls.

One report said the new parliament was likely to meet in the second week of April to debate the change. The president is not likely to face problems because his Jatiya party holds 250 of the 300 seats.

The Moslem fundamentalist party, the Jamaat-e-Islami, also opposed the move. But it also has its supporters. "Such legislation will only reflect the faith of the vast majority of the people," declared Wali Ashraf, an independent MP.

Others felt that the introduction of Islamic law, with its stringent punishments, could curb crime and help increase productivity.

One Western diplomat said it was "certain to have a favourable impact on the masses, who are deeply religious". But some observers forecast opposition from mainly-Hindu India, Bangladesh's largest neighbour.

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Hold talks on Chakmas, urges Ershad

DHAKA, March 23 (UNI).

THE Bangladesh President, Mr Hussain Muhammed Ershad, has called for holding talks for the return of Chakma tribals from India.

"The atmosphere in the Chittagong hill tracts bordering India has vastly improved and it is not possible to have a solution by taking recourse to conflict," the President said yesterday while addressing a huge public meeting at Dighinala in the Chittagong district.

Gen Ershad alleged that the tribals were suffering in makeshift refugee

camps in India and a congenial atmosphere has already been created in the hill tracts for their return.

More than 45,000 Buddhist Chakma tribals are housed in five refugee camps in Tripura in India. The tribals crossed over in 1986 after soldiers of the Bangladesh Rifles and Bengali Muslim settlers plundered their villages in the hill tracts.

More than a 1,000 have reportedly died and another 2,000 missing.

Dhaka denies the charge, saying the settlers were sent as a part of the government rehabilitation programme while the soldiers were there to fight guerillas of the outlawed Shanti Bahini, comprising of rebel Chakmas demanding an independent homeland.

GOVT. COST

"We all were sons of this soil and must find a solution within the framework of our constitution," Gen Ershad said.

New Delhi has been pressing Dhaka for the return of the Chakmas for more than two years. Over Rs 6 million has been spent by the Indian government on running the camps.

The Prime Minister, Mr Rajiv Gandhi, met Gen Ershad and sent the health minister, Mr P. V. Narasimha Rao, to Dhaka for deliberations on the issue.

The tribals once deferred a planned repatriation, saying they fear renewed violence on return.

In a change of stand, the Bangladesh President said his government was ready to initiate a survey on ownership of land in the hill tracts and those found dislodged illegally from their villages would be properly rehabilitated.

Besides additional security would be provided to those living in the hill tracts, he said.

The 8,848-km dense hill tracts is also the base of the outlawed tribal national volunteers (TNV) guerillas, demanding an independent homeland in Tripura.

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PM for early Bangla steps on Chakmas

AGARTALA, April 2 (PTI).

THE Prime Minister, Mr Rajiv Gandhi, today accused Bangladesh of going back on its promises to take back the tribal Chakma refugees sheltered for long in Tripura evacuee camps.

Mr. Gandhi said that the refugee issue was taken up with Bangladesh at top-level a number of times.

Although Bangladesh had given assurances to take back the refugees they failed to keep their word, he said at a public meeting at the Assam Rifles ground.

"I myself had taken up the Chakma problem with President Ershad at the SAARC summit in Kathmandu and the Union human resources development minister, Mr P. V. Narasimha Rao also visited that country to discuss the issue. But Bangladesh did not take much initiative to solve the problem."

EARLY STEPS

Mr Gandhi said the Chakma refugee problem was the problem of Bangladesh entirely and it should take necessary steps to create conditions in the Chittagong hill tracts so that the tribal refugees could return and live in peace.

He said: "We will continue to put pressure on Bangladesh to solve the refugee issue and that country should also resolve it without delay. On our part, we shall try our best to solve it as early as possible."

He also thanked the people for "providing shelter to the Chakmas" and said that the tribal refugees should be looked after properly.

Mr Gandhi said the Congress-TUJS government in Tripura had already fulfilled some of the promises made in the election manifesto. The rest would be done in the coming years, he added. The Prime Minister said the loan

mela programme had already been launched and the promised janata air service was introduced today.

The work on the extension of the railway line up to Kumarghat was expedited and would be finished next year, "I have already talked to the railway minister, Mr Madhavrao Scindia in this regard," he said.

Mr Gandhi lashed out at the CPM saying that during its rule, the party had failed to give proper directions to the para-military forces which led to escalation in terrorist violence.

He said, on the one hand the CPM talked of socialism and secularism and on the other joined conclaves of reactionary forces. The unity and integrity of the country could not be strengthened by following policies of political opportunism and expediency, Mr Gandhi said.

PM urges DMs

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