

Speaking Notes for Ms. Kabita Chakma Chittagong Hill Tracts

Today I want to discuss some of the issues that impact on the security of indigenous women in the Chittagong Hill Tracts of Bangladesh. I will start by giving you some background about the Chittagong Hill Tracts, which usually is referred to as CHT. I will then try to identify those groups of women who are at risk in the CHT. I then want to provide one particular, and rather sad example, of the security difficulties faced by the indigenous women in the CHT. And lastly I will discuss what things are being done, or could be done, to improve the situation for indigenous women in the CHT.

Beginning then with some background on the CHT:

The CHT is the hilly, forested, southeastern region of Bangladesh. It is the traditional homeland of 12 different indigenous peoples who are collectively known as Jummas. I am from the largest of these groups of indigenous peoples. The languages and culture of the Jummas are distinctly different from that of the Bengalese. The majority of the Jummas are Buddhists, a small number are Hindus, Christians and Animists, whereas the majority of the population of the plainlands of Bangladesh is Muslim. Jummas constitute about 1% of the total population of Bangladesh.

The area of the CHT is 10% of the total area of Bangladesh. Nevertheless, land availability is now scarce. Only 10% of the land area of the CHT is available for use because of government's construction of a hydroelectric dam and the creation of reserved and protected forests. The soil of the CHT is rich in gas and minerals. Its forest area represents 47% of the total forest of the country.

What is presently known as Bangladesh was historically part of Bengal, which was annexed by the British in 1760. It was not until a century later, in 1860, that the British annexed the CHT itself.

British legislation of the 1900s kept the CHT separate from the plainlands by limiting migration of the Bengalese from the plains and maintaining a separate administration.

In 1947, after the departure of the British from the Indian subcontinent, what is presently Bangladesh became part of East Pakistan. The Jumma people's religious and cultural affinity was with the people in the neighbouring eastern states of India. But, the Jumma people's demands for the CHT to be part of India were ignored. In 1971 East Pakistan gained independence and became the republic of Bangladesh. Thus at the same time the CHT also became part of Bangladesh.

In 1975, soon after Bangladesh gained independence from East Pakistan, marital law was imposed and a large number of military were moved into the CHT as a part of a government strategy to create a "homogenous" Bengali nation. In response to the human rights violations that began to be carried out by the military, a Jumma rebel group was formed and started guerrilla war against the military.

In 1978, a government transmigration program was put in place to bring Bengalese into the CHT. From 1978 to 1983, some 250, 000 landless Bangalese were settled in the CHT, evicting Jummas from their homesteads and land. Unofficially transmigration still continues today. In 1947 there were only 2% non-Jummas living in the CHT. Now the non-Jumma population is about 50%.

Over 25 years of military occupation in the CHT have continued to rupture and disturb and jeopardise survival of the Jumma people's security. Forces and Bengali settlers are accused of being involved in large-scale human rights violations against the Jumma. The Jummas have been subjected to genocide, ethnocide, arson, arbitrary arrest, disappearance, harassment, forced labour, forced displacement and eviction. As a result of these atrocities thousands of Jummas are refugees within the country and thousands have recently returned home after living in inhuman condition in the refugee camps in India.

There was hope that a Peace Agreement between the government of Bangladesh and the political organisation of the Jummas, signed in December 1997, would bring an end to the conflict. However, the fighting has not abated.

The post-accord period in the CHT has proven to be equally as violent and dangerous as the pre-accord period. The main demands of the Jummas-constitutional recognition of the Jumma peoples; demilitarisation of the CHT; and rehabilitation of the government sponsored Bengali transmigrants to areas outside the CHT-have not been met, and the situation remains as chaotic as ever.

A major section of the Jummas remain unsatisfied with the "Peace Accord" as it does not recognise the autonomy of the CHT people. Even the inadequate provisions, which are contained in the accord, are far from implementation.

The anti- "Peace Accord" sentiment of the Jumma people is this further reinforced by the Bangladesh government's unwillingness to implement the decisions and measures agreed in the accord. To create pressure on the Bangladesh government to implement the agreements of the "Peace Accord", the European Parliament adopted a resolution last year noting that "...there remains much to be done and the process of implementation should be greatly accelerated..."

The European Parliament also called upon the Bangladesh government to "ensure protection for the tribal peoples in the Chittagong Hill Tracts." (European Parliament resolution on Bangladesh, B5-0048/2001/rev.1 adopted on 17.1.2001)

The CHT is still fully militarised, which is against the "Peace Accord". In 2002, five years after the signing of the "Peace Accord", there is no sign of army withdrawal from the CHT and only 31 of the 520 para-military camps have been dismantled. In addition, new Bengali settlers are increasingly moving into the CHT.

With that background in place, I want now to discuss the security problems of women in this context:

In the militarised situation in the CHT Jumma women are most vulnerable to violence. Sexual violence, such as rape, gang rape, molestation and harassment is especially prevalent. For example over 94% of the alleged cases of rape of Jumma women between 1991-1993 in the CHT were by "security forces". Of these rape allegations, over 40% of the victims were women under 18.

Prior to the signing of the Peace Accord, there was a pattern of incidents such as the following reported by the CHT Commission, an independent international commission:

I will quote from the commission report of one women's account: "About 50 army personnel came in the night and rounded up the whole village and gathered in one place. In the morning all the men were arrested. I was tied up hands and legs, naked. They raped me. There were three women there. They raped me in front of my father-in-law. After that we were tied up together naked facing each other. Then they left. Three other girls were raped in front of me. This happened in the month of Ashar (June/July) of 1985"

What this evidence shows is that this form of rape is not a hidden act, but is committed in front of relatives, children, friends, and fellow villagers, adding to the degradation felt by the victim. The implication of the form of sexual abuse is revealed by the next extract from the Commission report, which makes the observation that "women who have been raped may be rejected by their husbands or families, or may not be able to get married. If they become pregnant they have to conceal this fact and must try to have an abortion. If a child is born, it is impossible for the woman to stay in her community as the situation is not accepted and she is ostracised. For these reasons, women who have been raped hesitate to talk about it at all, because they are scared or worried about the social stigma."

But even after the signing of the Peace Accord, this form of village raiding and deliberate social humiliation still occurs.

As an example, on the 23rd of May 2001, in Matiranga, 3 Jumma women were raped by a group of military personnel during a military raid at midnight. The military also stabbed the one-year-old child of one of the rape victims. The women and the child were later admitted to Khagrachari hospital. In this incident 13 Jumma men were injured and one was arrested by the military.

Of the different demographic of indigenous women in the CHT, the most vulnerable, are, as in most places, the poorest. IN the context of the CHT, the poorest women are the landless refugees.

The displacement of these women has occurred in three situations:

The first are refugees of the Bara Parang, translated as "the great exodus". This displacement occurred when 40% of the arable valley lands in the CHT were inundated by the government's construction of the Kaptai hydroelectric dam. This caused eviction of about 50% of the Jumma population from their homes and lands, but less than 5% of the promised compensation money was ever paid to the displaced Jummas.

The second are those displaced internally by the militarisation of the CHT. After being forced off their land by the military and the Bengali settler, for a long period of time they neither received assistance from the government or any humanitarian aid agencies. One contrary example of that is that families in Sajek, where many of the internally displaced refugees are located, received 200-300 Vulnerable Group Feeding Cards, where at least 3000 Vulnerable Group Feeding Cards would have been required to feed all of the internally displaced refugees' families in need. In that year, a report by CARE noted that children in Sajek, where many of the internally displaced refugees are located were suffering from extreme malnutrition. Recently, in May 2000, the Bangladesh government for the first time identified 90,208 Jumma families as "internally displaced persons."

The third category are the people who fled to India as a result of the militarisation. Under two different repatriation programs, in 1992 and 1997-8, some 70,000 refugees have returned to the CHT from India. In the 1997-8 repatriation program, each of the returning families was allocated 2 years food ration and financial assistance equivalent to US\$415. Few families received the full allocation. Some received party. Others missed out entirely. Corruption at different levels of administration prevented many families from obtaining their allocation. Although required by the Peace Agreement, 3055 families are yet to get back their homesteads, which are still occupied by the military or by Bengali settlers. Those in the earlier 1992 repatriation program fared even worse than this.

A large number of refugee women from all three of these categories face poverty and live without adequate food, shelter or employment. In 1990, information from only one refugee camp in India indicated that 1 in 10 of the total female population had been a victim of rape. Refugees often become domestic workers, an occupation that has no regulation, and itself may become the site of violence and exploitation.

I now want to go on and talk in detail about one particular act of violence against a Jumma woman, (a human rights activist), because it encapsulated many of the difficulties of eradicating this form of violence.

Kalpana Chakma (who is not related to me- almost everyone in my group has the family name Chakma) belongs to the category discussed earlier-a landless internal refugee. The family was evicted from their original home in 1962 when the creation of Kaptai hydroelectric dam inundated the largest town, Rangamati, and many villages. At present the family does not own any cultivable land. Two of her brothers work on other people's land as day labourers. Unlike her six brothers and sisters, Kalpana was fortunate enough to receive the support of a local Buddhist monk to enable her to continue her studies. At the time of her abduction she was a BA student at the Baghaichari Kachalong College. Since 1993 Kalpana Chakma worked with the Chittagong Hill Tracts Hill Women's Federation, a people's organisation working for human rights and security in the CHT.

IN the early hours of June 12, 1997, the day of a national election, Kalpana Chakma was abducted from her house at Lallyaghona village in the Rangamati District of the CHT.

She was abducted along with her two brothers at around 1:30 am by a group of plain clothed security personnel at gunpoint. Their hands were tied together and they were blindfolded and taken towards the lake near her house. One of the brothers was taken into knee-deep water in the lake by one of the abductors who was ordered to shoot him. However, the brother managed to escape. There was gunfire and, hearing the shooting, the other brother jumped into the water. The abductors shot at him but missed. This brother heard Kalpana crying "dada, dada" (meaning brother, brother). Since then she has not been seen or heard from.

The brother went to Baghaichari police station to report the case (case no 12/6/96 #2) taking a khaki ammunition pouch that was found in the area. He gave an oral statement to the OC (Officer in Charge) of the police and the TNO (the local civil administrator). When the brother reported that one of the abductors was the commander of the local army camp, Lt Ferdous, he was abused by the TNO. Neither the OC nor the TNO read the statement back to the brother. It has subsequently been pointed out by many human rights activists, journalist and lawyers who investigate the case that this was a violation of his rights.

Almost 20 days after the brother had filed the report, a human rights investigation team found that the police records contained no reference to the commander of the local army camp or that the abductors had guns. The First Information Report of the brother in the police file did not match the record taken by the TNO.

On June 27, a protest demonstration against Kalpana Chakma's kidnapping held in her hometown, was attacked by the Bengali settlers with the help of the Bangladesh security forces. A demonstrator, Rupan Chakma, a student of Year X, was shot dead on the spot allegedly by one of the abductors (a Village Defence Party Platoon Commander) and in the course of the demonstration, three Jumma students went missing and have not been heard from since. The corpse of Rupan Chakma was stolen away by the Bengali settlers. No one has yet been arrested for the killing.

On September 7, over 2 months after Kalpana's abduction, and under pressure from national and international levels, the Prime Minister of Bangladesh, Sheikh Hasina Wajed, set up a 3-member Enquiry Commission. The members were former Justice Abdul Jalil (Chairperson), Shakhawat Hossain, Deputy Commissioner of Chittagong and Professor Anupam Sen of Chittagong University.

The 3-member Enquiry Commission submitted the report to the Ministry of Home Affairs on 27 February 1998. But the report was not made publicly available. Human rights organisations (both Jumma and Bengali) in Bangladesh, who have been campaigning for the release of the Kalpana Chakma, have asked for the report but they have not been given access.

The only news of the contents of the report came from an apparent leak to a national daily newspaper. It stated that the 3-member Enquiry Commission had submitted a one and a half page report to the Ministry of Home Affairs. It reported that Kalpana was abducted and was still alive. The report did not say where she was now. The report also did not mention that she was abducted by a group of people or a government

agency. The report was said to recommend police investigation on the basis of the case filed with the Police Station. The report was also said to state that it was possible to find out her whereabouts and her condition through the police investigation.

Many international organisations, including Amnesty International, have asked for a copy of the Kalpana abduction report, but even now, 5 years after the event, none have received a copy.

The involvement of a senior security officer in the abduction is significant, as it should be understood that forced marriage is one of the techniques in which Jumma women are used as an instrument to integrate the Jumma into Bengali society. The CHT Commission mentions a secret memorandum (1983), which had been circulated to all army officers in the CHT, encouraging them to marry Jumma women.

Kalpana's case has also been the subject of misinformation. Even supposed human rights organisations have participated in this misinformation. The Bangladesh Human Rights Commission which is a government organised non-government organisation with ties to the military, reported in a press release that Kalpana stage-managed her own kidnapping and was now living in a village called Shukre in Tripura, India. This story was also propagated by the Bangladesh Red Crescent. The Australian Red Cross checked this information with the Indian Red Cross and discovered there was no village with this name in Tripura.

In 1998, a reputable human right organisation, Ain O Salis Kendra, together with the Jumma People's network, attempted to file a writ of Habeas Corpus at the High Court of Bangladesh to attempt to discover the whereabouts of Kalpana. However the barrister specialising in this form of work on behalf of the CHT refused to take the case.

I now wasn't to move to my last point, and look at what is being done, or what could possible be done, to improve the security of indigenous women in the CHT:

The point of providing so much detail about Kalpana's disappearance is not simply to demonstrate the horrible nature of the event. It is rather to highlight the fact that in a normal context where the rule of law prevails, there would be recourse to the police, the judicial system and even the government, to ensure the proper investigation of such an incident.

However, in the militarised and politicised context of the CHT, the police, the military, the government and even the judiciary are of these positions that have often been deliberately excluded from working in the CHT or on CHT issues. Jumma police and military personnel are almost never posted to the CHT.

The second step would therefore involve persuading the Bangladesh Government to allow the Jumma women, who have been educated to have the appropriate capacities, to occupy the civil, administrative and security roles in their own homeland.

In both steps, foreign governments could potentially play a positive role. In regard to education, some foreign governments are already contributing in small but effective

ways. For example, from 1990 Australia has offered education scholarships to Bangladeshi students to study in Australia. Initially about half of these scholarships were targeted at groups identified as disadvantaged. This provided an opportunity for more than fifty Jumma awardees, a fair percentage of which were women, to do undergraduate and postgraduate studies in Australia. Many of these women are now working at the policy level with the government, UN agencies, development assistance section of high commissions and so on. While their numbers are small, they provide an example for future Jumma women.

With regard to Jummas taking up effective civil, administrative and security roles, again foreign governments could assist by placing pressure on the Bangladesh government to allow them to work in their own region.

In this regard it is important that foreign governments and donor organisations not be misled by Bangladesh government rhetoric that a working Peace Accord is in place. Neither the Peace Accord nor their land compensation provisions have been implemented in any tangible way.

By way of example, the Peace Accord requires that the Land Commission, which oversees the resolution of land disputes, be chaired by an independent Justice. However, in October 2001 the Bangladesh Government replaced the presiding Justice with its own Chair without consultation. At the same time the government gave arbitrary powers to the Chair to resolve any controversy among members of the committee (Land Dispute Settlement Act of 2001). This has meant that land decision are now prejudiced against Jumma, undermining any integrity and good will the Land Commission and the Peace Accord may have had.

The final two strategies that I want to suggest to improve the security of women in the CHT, involves empowering women to play a role in rebuilding the rule of law in the CHT.

The first step might be described as “capacity building” through education. In this context women could be educated so that they had the capacity to take up those positions that are so often seen to be part of the problem—that is as police, civil administrators, army personnel, lawyers, judges and politicians.

But in the CHT context this in itself is insufficient. Experience shows us that those few Jummas who have already attained some implicated in either committing offences against indigenous women or attempting to cover up these crimes for the sake of political expediency or corruption.

The question then becomes two-fold: how do we prevent such incidents against women occurring? And where can we as women seek justice when such incidents do occur? Obviously the two questions are intimately related. Once there is a context in which it is understood that justice will be dealt out to those who commit such acts against women, the less acts are likely to occur.

On this basis I want to suggest 4 strategies that have the potential to transform the situation in the CHT.

The first two strategies restate what has already been called for in the CHT context: demilitarisation, and the resolution of land disputes.

Clearly the removal of the military from the CHT immediately diminishes the possibility of organised brutality on the part of the security forces. Likewise the return of land to those displaced families who are now in the poorest demographic, dramatically reduces the vulnerability of women as a result of poverty.

Neither of these strategies is of course new. They are the last fundamental requirement that have been fought for over the last 25 years in the CHT, but have yet to be realised.

By returning the rule of law, and by encouraging women to play a role in that return, incidents such as Kalpana's disappearance might in the first instance be discouraged. But even if such an incident were to occur, there would be a transparent law enforcement and legal context in place that might at least ensure justice.

Thank you.