

Report on Violence against Indigenous Women (January- April 2014)

Through its *Election Manifesto 2014*, present ruling political party of Bangladesh has pledged to ensure enforcement of laws pertaining to violence against women, sexual harassment, discrimination, and trafficking of women and children and to end human rights violations against indigenous peoples. Moreover, it has also pledged to ensure commensurate punishment of the accused persons involved with violence against women during the review of the human rights situations of Bangladesh on 29 April 2013 by the United Nations Human Rights Council. Yet it is really a matter of grave concern that violence against indigenous women has been increased alarmingly in Bangladesh in the contemporary period. In the first four months of the year of 2014, 19 cases of sexual violence against indigenous women in the Chittagong Hill Tracts (CHT) and plain land have been reported so far. Of them, two were killed after rape, nine were raped, seven were attempted to rape and one was abducted. Furthermore, 15 cases of violence against Indigenous women were documented in the Chittagong Hill Tracts and four in the plains. It has been revealed from the cases that most perpetrators are Bengalis and two cases have been committed by members of the law enforcing forces. The recent cases of violence against indigenous women are comparatively higher than any other time in the past. It is mentionable that according to the Kapaeeng Foundation's *Human Rights Report on Indigenous Peoples in Bangladesh 2013*, there have been 67 cases of violence against indigenous women and children of which 54 were from the CHT and 13 from the plains in 2013.

The mobile court has punished a perpetrator of rape incident, occurred on 10 April 2014 in the plains to six months imprisonment. Whereas, there have been no example in the context of CHT where the perpetrator is punished. Even though a large number of cases have been filed in connection to the violence against indigenous women, only in few cases police arrested the perpetrators. Most of the time local people handed over the perpetrator to the police, but the police did not arrest any of the culprits by their own initiatives. Moreover, it has been found that though police filed the cases, no adequate measures have been undertaken against such heinous crime so far. Even if police arrest, the perpetrators get released because of the weak charge sheet of the police.

Performing medical test of rape victim is also a matter of great concern. There have been no initiatives taken for medical test of sexual violence cases, especially the rape cases. So far medical test of two rape victims have been done and result came for one report as negative which has not been handed over the victim's family and the other one has not been published yet. There is an allegation that medical examinations of the rape cases are not done on due time to dissolve the proofs as well as to conceal the fact. It is stated clearly in the *Women and Children Repression Prevention Act 2003* that the doctor will be responsible for not doing the medical test on time and such kind of behavior will be considered as misconduct of the doctor.

For example, on 7 February 2014 when a 19 years old Marma girl was raped, the then medical officers at Khagrachari Sadar hospital played a passive role for conducting victim's medical test. Even a doctor told a journalist that 'the incident has happened willingly by the victim'. The doctor further added that the similar incident has also been occurred previously by the self will of the victim. Such mind set of the doctor implies stigmatization, negative impression on indigenous women that leads to providing biased medical report. After contacting several times to the doctors the victim family did not get the test report yet. However, through a reliable source, it is learnt that the test produced a 'negative' report. Notwithstanding, the perpetrators Shahidul Islam, Mahmubul Alam and Billal Hossain confessed about their misdeeds based on the complaint by the victim. It is mentionable that the perpetrators were caught by the local Bengalis. Despite the confession by the perpetrators of the incident, the medical report was negative. One of the major reasons is that the negative attitude of the doctors and the pressure from influential governmental party upon doctors.

There is a common allegation against the local administration and the police that they try to support Bengali perpetrators of rape cases. The same allegation was also raised for the case of Sabita Chakma, a women who was killed after rape in Khagrachari district on the 15 February, 2014. Police did not refer to the name of suspected laborers intentionally in the rape case of Sabita Chakma. Sabita was killed after rape on the 15th February 2014. The police did not show any interest to arrest the perpetrators.

In the time of the incident, the Bengali settlers Mohammad Razzak from Bhuachari, Zialul Haque from Gajpara, Mohammad Anwar from Bhuachari were collecting sands with the Ferguson tractor from the bank of Chengi River. Sabita's sandal, swatter, mower and a mower bag was found on the ground near to the place of collecting sand. It was evident from the mark of mobil and oil on Sabita's body that the laborers were involved in the case. On that day the tractor was being repaired by the settlers on the spot. It indicates that people who were on the tractor were allegedly involved in rape and killing of Sabita Chakma. In the meantime the victim's husband, Deb Ratan Chakma went to file a case against the suspected perpetrators. No sooner the Bengali settlers heard this; they started creating mobs and began to attack on indigenous peoples' habitation on 25th February, 2014. On the same day some settlers organized a human chain procession in Bhuachari Settler Para and Shalban locality. After the human chain procession, the settlers encircled Kamalchari Union with communal antagonistic/hostile slogan riding on three Jeeps. They attacked two indigenous women by striking bricks on them. It was the cremation ceremony of Sabita Chakma on that day. When some indigenous boys and men tried to stop Bengali settlers' miscreant, they became agitated and haunted on the indigenous inhabitants. As soon as the Bengali settlers got Mr. Panekya Chakma (32) alone, they started to beat him with sharp arms. A group of Ansar (para military) came to the spot and one of the Ansar personnel named Rassel also started to beat Mr. Panekya. The settlers again started to beat Ananda Lal Chakma (45) severely. Later on, the local people rescued them and took to a local hospital. On the next day on the 26th February 2014 the settlers again attacked on Betchari in Kamalchari Union. They also destroyed the Buddha statue, tables, mike of "Chaitya Adarsha Buddhist temple" in Christian Para Paschim Adam. When local indigenous people tried to oppose such catastrophe, the two parties, both the settlers and the indigenous peoples engaged into counter attack. As a consequence, three indigenous inhabitants were injured. The local people complained that the attack was planned to divert the situation and protect the Bengali laborers.

A research, conducted by Kapaeeng Foundation in 2013, unearths that the causes behind sexual violence against indigenous women are the communal policy of the state, culture of impunity enjoyed by the culprits, prolonged procedure of legal prosecution and biased environment, lack of legal knowledge among the indigenous population, inexperience of indigenous peoples to continue the legal procedure, corruption and deregulation of the

administration and law enforcement agencies trialing the cases of sexual violence, non-implementation of the CHT Accord, paucity of adequate legal and financial support to pursue the cases by the victims and their family members, failure to follow up and review of the cases, lack of security of the victim and victim's family members, dearth of national human rights organization's and women's organization's commitment to provide adequate support to trial the cases, etc.

The Universal Periodic Review (UPR) of the United Nations Human Rights Council in Geneva has reviewed human rights situation of Bangladesh on the 29th April 2013 in its second session. The UPR session highlighted that the government of Bangladesh affirmed to undertake measures to the full implementation of the CHT Accord, end of the culture of impunity, strict actions to punish the perpetrator who commit violence against indigenous women and children.

The government of Bangladesh pronounced in the UPR that it is determined to the full implementation of the CHT Accord of 1997. Moreover, it mentioned that the government is advancing the implementation process. Further, government stated that the CHT Land Dispute Resolution Commission Act is under process to be reformed and it is going to be presented in the cabinet after the consultation with the CHT Regional Council.

One of the barriers to amend the controversial sections of the CHT Land Dispute Resolution Commission Act of 2001 is lack of government's commitment. It is noteworthy that at the end of the former government (2009-2013) period, the CHT Land Dispute Resolution Commission (amendment) Bill 2013 was introduced to the National Parliament. However, the Parliamentary Standing Committee on Land Ministry kept it pending. It is crucial to amend the CHT Land Dispute Resolution Commission Act based on the 13point amendment proposals agreed by the CHT Regional Council and the CHT Affairs Ministry for the sake of the security of the indigenous women.

Concurrently, in 2008 and 2014 before the national election, the government promised to establish a separate Land Commission to resolve land problems in the plains in their election manifesto. Nonetheless, it has not taken any significant initiatives to do so.

One of the key objectives to commit sexual violence against indigenous women is to create terror among the indigenous population intrinsically linked to the sexual desire, creation of tension among the indigenous people in order to uproot them from their ancestral lands and ultimately to grab their lands illegally. Even after the 17 years of signing of the CHT Accord the land dispute has not been resolved yet. That is why various types of human rights violation against indigenous peoples such as, violence against indigenous women by the settler Bengalis, continuous attack on the indigenous peoples for the land dispute, killing, arson attack on indigenous villages etc. have been occurring.

In the post CHT Accord period, the major cause of the violence against indigenous women and communal violence is associated to the non-implementation of the CHT Accord. It seems that the government does not come forward to take any adequate action in the context of CHT as it is mostly inhabited by the indigenous population. Simultaneously, with the persistent support from the government, the rehabilitation of the Bengali settlers in the CHT, the expansion of the cluster villages of the Bengali settlers, land grabbing, the inclusion of the *Rohingya* refugees as voters, violation of the CHT Accord by accepting the Bengali settlers as internally displaced persons, issuing permanent resident certificate to the settlers by the District Commissioner, the continuing land settlement and lease to the settlers, etc. have been going on in the CHT.

There has been no illustration where the culprit got absolute punishment for committing sexual violence against indigenous women including rape, killing and abduction in the CHT. Most of the cases the perpetrator remains out of justice. Thus, the victim always is deprived of justice. Such lack of access to justice opens the pathways for the offender to become more interested to do such brutal acts against indigenous women and children.

In recent times, indigenous women are passing days with fear due to the increased propensity of sexual violence committed against them. The family members of an indigenous girl/woman remain tensed and fear until her safe return to home from outside. Despite the government pledged to punish strictly to the peoples who are involved with human rights violation as well as commit violence against women, it has not taken any significant actions for which the situation still remained static.

Therefore, to improve current worried situation of indigenous women, Kapaeeng Foundation and Bangladesh Indigenous Women's Network (BIWN) forward the following recommendations to the pertinent authority of the state -

- (1) To adopt fast and effective initiatives to stop violence against indigenous women and children.
- (2) To punish the perpetrators of violence against indigenous women and children.
- (3) To provide adequate legal aid, medical support, counselling and compensation to the victim.
- (4) To implement the UPR recommendations – elimination of violence against women and culture of impunity that was promised by the government of Bangladesh during the 2nd circle of UPR in 2013.
- (5) To fully implement the CHT Accord and for this purpose-
 - (a) To declare a time bound 'road map' for proper and effective implementation.
 - (b) To form a separate land commission for the indigenous peoples of the plains to recover the dispossessed ancestral lands of the indigenous peoples.
- (6) To amend the CHT Land Dispute Resolution Commission Act based on the 13 point amendment proposals finalised by the CHT Regional Council and the CHT Affairs Ministry.

A brief description of Violence Against Indigenous Women from January–April 2014

1. On 5 January 2014 a 9 year old Tripura girl was raped by Obaidul Haque s/o Nurul Haque Manikchari Upazila under Khagarachari district. No case has been filed in this connection. TK. 12,000 was fined/charged in an arbitration.
2. On 9 January 2014 a 13 year old Marma girl was attempted to rape by Aiyub Ali s/o Ajgor Ali in Lama Upazila under Bandarban district. A case was filed with the Naikhyongchari police station. Police released the accused by charging TK. 15,000.
3. On 15 January 2014 a 13 year old Marma child was raped by Jasim Uddin s/o Nurul Islam Nailokkonchari Upazila under Bandarban district. Victim's father has filed a case with the Naikhyongchari police station. Out of four, one perpetrator was arrested.
4. On 15 February 2014 indigenous woman named Sabita Chakma (30) was killed after rape allegedly by Md. Nijam (driver), Md. Razzak, Ziaul Haque and Md. Anwar at

Kamalchari union under khagrachari district. A case was filed with Khagrachari police station. 'Negative' report found in the medical test. None was arrested.

5. On 18 February 2014 a 28 year old Chakma woman was attempted to rape by Md. Qader, a Warrant Officer of security force at Laxkmichari of Sajek Union under Baghaichari Upazila in Rangamati. No case has been filed. ISPR has denied the allegation and comments - a vested group is trying to create an issue by spreading fabricated information. Even though investigation would carried out and necessary action will be taken if found guilty.

6. On 25 February 2014 a class nine 15 year Marma girl was raped allegedly by Abdul Khalek and Taru Mian at Kumar Para at Amtoli union in Matiranga upazila under Khagrachari district. No case has been filed. Victim was sent to Khagrachari Sadar Hospitl for treatment.

7. On 7 March 2014 a 19 year old Marma girl was gang raped by Shahidul Islam, Mahbub Alam and Billal Hossain Pichlatola union under Manikchari upazila in Khagrachari district. A case was filed with Manikchari police station. Medical test of victim was carried out. 'Negative' result found in the report. Local Bengalis handed over three accused to the police.

8. On 14 March 2014 a 13 year old Chakma child was attempted to rape by Md. Ayatullah at Mocchyachara under Panchari upazila in Khagrachari district. No case was filed. None was arrested.

9. On 21March 2014 a 15 year old Marma girl was attempted to rape by Md. Shihab Uddin, Md. Layek, Md. Nasir and Md. Monir Hossain at Betbungia under Kawkhali Upazila in Rangamati District. A case has been filed.

10. On 23 March 2014 a 13 year old Marma girl was raped by Belal Hossain at Tarabunia under at Kalampoti Union under Kawkhali Upazila in Rangamati district. A case was filed. None was arrested.

11. On 26 March 2014 Bharati Chakma d/o Ajay Kumar Chakma was killed after rape by five persons including Tara Mian s/o Tomij Uddin at Korollyachari Headman Para under Mahalchari Upazila in Khagrachari district. Victim's younger brother Sanjoy Chakma filed a case against five persons including Tara Mian with the Mahalchari police station. Police arrested Johur Ali in this connection.

12. On 2 April 2014 an indigenous woman (19) from Rabidash ethnic community was raped by Haider Ali, a council member of Ghurka Union Council at Buiyagati uttorpara uder

Salongga upazila in Shirajgong district. A case was filed. Police arrested Haider Ali.

13. On 3 April 2014 a 16 year old handicapped Chakma girl was raped by Md. Sajib and Md. Shariful Islam at Drungmuk Village in Laxkmichari under Khagrachari district. No case was filed. The settler Bengalis of Moyurkhil cluster village organized an arbitration and the accused persons were battered with stick as punishment.

14. On 4 April 2014 a Patra indigenous woman (35) was attempted to rape by Md. Azizul Haque, Lance Corporal, Para-Commando of military forces at Polaoti village in Khadim nagar under Sylhet district. A case was filed with Shahporan police station. The accused was not arrested.

15. On 5 April 2014 a Tanchangga girl was kidnaped by Dr. Hamja and Dr. Mokhtar from Raju Fatragiri village in Nakkongchari upazila under Bandarban district. No file was filed.

16. On 10 April 2014 a grade X girl belongs Santal community was attempted to rape by Md. Naeem, Md. Shaiful and Md. Rakib at Kadma Fulbari under Godagari Upazila of Rajshahi district. A case was filed with mobile court. The mobile court has been awarded 6 month imprisonment to the perpetrators.

17. On 12 April 2014 a 22 year old woman was attempted to rape by Bitan Barua and three unknown persons at Devasish Nagar in Rangamati Municipality. A case was filed with Rangmati Kotwali police station. Bitan Borua was arrested.

18. On 14 April 2014 a 14 year old Garo girl was abducted and raped by Md. Alif Ahmed, Md. Sher Shah and Md. Ripon at Mohammadpur, Dhaka. A case was filed with Mohammadpur police station. Police arrested three accused persons.

19. On 24 April 2014 a 18 year old Tripura girl was raped by Imam Hossain (25) at Mairungpara at Matiranga Guimara Union under Khagrachari district. No case was filed. Military offered the victim guardian to negotiate in exchange of TK 100,000 instead of filing case.

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