

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on the rights of indigenous peoples

REFERENCE: AL
BGD 4/2014:

23 July 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolutions 25/18, 24/5, 25/2, and 24/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged attack on the members of the International Chittagong Hill Tracts Commission in Rangamati district, Chittagong Hill Tracts**.

The International Chittagong Hill Tracts Commission has been carrying out work since 2008, continuing the work of the previous Chittagong Hill Tracts Commission (1990 to 2000), with a mandate to monitor the human rights situation within the Chittagong Hill Tracts area and to monitor progress of implementation of the peace accords. It is made up of various international and Bangladeshi independent human rights defenders. Commission members have visited the Chittagong Hill Tracts seven times since 2008 and report that the situation has been getting worse for the indigenous Jumma people of the area.

The situation within the Chittagong Hill Tracts region has been the subject of a number of communications sent by various Special Procedures mandate holders, including most recently by the previous Special Rapporteur on the Rights of Indigenous Peoples. We thank your Excellency's Government for the responses transmitted to these communications.

According to the information received:

On 2 July 2014, the Commission, comprised of 8 people, initiated a visit to the Chittagong Hill Tracts region. The Commission was to carrying out a fact finding mission in Khagrachari, Rangamati and Bandarban districts following a clash on 10 June 2014 between personnel of the Border Guard of Bangladesh and local Jumma people. The clash followed the alleged eviction of 21 Jumma families from their lands in order to establish a headquarters of the Border Guard of Bangladesh in Dinhinala, Khagrachari district. Reportedly, the clash resulted in the injury of 18 Jumma people. The police subsequently filed cases against 250 Jumma individuals for attacking border guard personnel.

Over the subsequent days, members of Bengali settler organizations allegedly carried out various measures to attempt to prevent the Commission from entering the area. The settler organizations allegedly set up road and waterway blockades with burning tires and logs, between Rangamati and Bandarban districts, forcing the Commission members to stay in Rangamati on the night of 4 July, rather than travel to Bandarban as planned. That night, 15 police personnel were deployed outside of the guest house where the Commission was staying. Despite the police presence, the following morning, on 5 July 2014, approximately 20 individuals entered the guest house and yelled derogatory statements against the Commission.

The Commission members attempted to depart Rangamati in the morning of 5 July, but were prevented from doing so because of the road blockades. Upon their return, a group of several dozen people had amassed outside their guesthouse. The police station offered to provide the Commission with a police escort to leave Rangamati, amidst the rising tensions. Reportedly, while leaving Rangamati in the afternoon of 5 July 2014, the Commission's minibus was attacked near the Omdamia Hill locality by members of the six Bengali settlers' organizations, some 50 people, who began to throw rocks and bricks at the vehicle, which resulted in the injury of one of the Commission members. The Commission members then returned to Dhaka, cutting short their visit.

Following the visit, members of the Commission held a press briefing to make public some of their findings. Specifically, they alleged that the Border Guard of Bangladesh has been taking lands from Jumma people in the hill tracts for building camps and outposts, and also that the Bangladesh Department of Forest has been taking Jumma lands under the pretext that these are reserved forests under the jurisdiction of the department. The Commission also reported that there has been no significant progress in the implementation of the Chittagong Hill Tracts peace accord, especially the provisions that called for settling land disputes through a land commission.

Concerns are expressed regarding the attacks of the members of the International Chittagong Hill Tracts Commission due to their peaceful and legitimate activities in monitoring the human rights situation within the Chittagong Hill Tracts area.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

Since it is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention, I would be grateful for your cooperation and observations to clarify the following elements:

1. Are the facts described in the above case accurate?
2. Please provide information about any measures undertaken to investigate the situation of violence of 5 July 2014 and the results of the investigation.
3. Please provide information about any measures that your Government has taken, or intends to take, to investigate and respond to the allegations that the Border Guard of Bangladesh and the Bangladesh Department of Forest have been taking Jumma lands.
4. Please indicate what measures have been taken to ensure that all human rights defenders in Bangladesh can carry out their peaceful and legitimate activities without fear of attacks or restrictions of any sort.

We would appreciate a response within 60 days.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the Jumma people in the Chittagong Hill Tracts are respected and, in the event that your investigation supports or suggests the above allegations to be correct, the accountability of any person responsible for the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Michel Forst
Special Rapporteur on the situation of human rights defenders

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Frank La Rue

Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Victoria Lucia Tauli-Corpuz
Special Rapporteur on the rights of indigenous peoples

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would further like to refer to your Excellency's Government to article 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of opinion and expression, and the right to freedom of association with others, respectively.

We would like to further refer to Human Rights Council resolution 24/5, which highlights States' obligation to respect and fully protect everyone's right to associate freely.