

Bangladesh

Death in custody and reports of torture

Amnesty International is gravely concerned at cases of alleged torture and of death in custody which have continued to be reported following the declaration of a State of Emergency and establishment of a Caretaker government in Bangladesh in January 2007.

The organization calls for prompt, impartial and effective investigations into all reports of torture and deaths in custody and urges the Caretaker Government to ensure that any military or other officials suspected of responsibility be brought to justice after a fair trial. The two cases described below are illustrative of broader patterns of torture and impunity that have persisted in Bangladesh for decades.

Amnesty International believes that the opportunity should now be seized to send a clear and unequivocal message that a climate of impunity, which has previously shielded politicians, military, police and other officials responsible for grave human rights violations from effective prosecution, will no longer be tolerated.

Indigenous leader Cholesh Richil

Cholesh Richil, a leader of the Garo indigenous community, is reported to have died in custody on 18 March 2007 following torture carried out by the Joint Forces (army and police) personnel.

According to credible reports documented by local human rights groups, Cholesh Richil was arrested by Joint Force personnel on 18 March 2007 and taken to Modhupur Kakraidh temporary army camp north of the capital Dhaka. He was allegedly subjected to torture for several hours before being taken by Joint Force personnel to Madhupur Thana Health Complex that evening, where he was declared dead.

Cholesh Richil was an outspoken leader of the *Garo* indigenous community, who live in the Modhupur area north of Dhaka. Since 2003 Garo activists have been campaigning against the construction of a so-called “eco (ecology) park” on their ancestral land on the grounds that it would deprive them of their land and means of livelihood.



Cholesh Richil
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Cholesh Richil's arrest was reportedly carried out at the instigation of a senior army officer using the pretext that Cholesh Richil possessed illegal weapons. However no weapons were found and observers suspect that the real motive behind his arrest was his active involvement in the campaign against the "eco park".

Cholesh Richil was arrested with his Garo friends and relatives, **Tohin Hadima**, **Piren Simsung**, and **Protap Jambila** as they were travelling in a microbus in Kalibari Bazar in Muktagacha area. They were taken for interrogation at the nearby Modhupur Kakraidh army camp where Joint Forces personnel reportedly began to beat Cholesh Richil demanding that he revealed where he kept his weapons. According to fellow detainees who overheard, he told his interrogators he had previously owned a properly licensed firearm, which had been deposited with the police on their instruction. Joint Force personnel allegedly continued to torture him, using pliers, red chilli powder and a blade.

After Cholesh Richil's body was handed over to the Garo community church on 19 March, his family observed multiple bruises, nails missing from his fingers and toes, and cuts and scratches consistent with blade wounds. His testicles had reportedly been removed.

Relatives sought to lodge a complaint against Joint Forces personnel at the Modhupur Police Station, but the station's Officer-in-Charge reportedly refused to file their complaint on the grounds that an autopsy was pending.

An autopsy is believed to have been carried out, but attempts by family members and human rights workers to obtain a copy have not been successful. The family have refrained from going to the police station for a second time to file their complaint for fear of reprisal from the army. The Joint Forces reportedly say Cholesh Richil fled from their custody, was chased and injured, and died of heart failure.

The other *Garo* detainees were also reportedly beaten severely to coerce "confessions" that Cholesh Richil was keeping illegal weapons before being released. Protap Jambila was subsequently admitted to hospital for several days' treatment of injuries he reportedly sustained from torture.

Local government officials have stated that an "administrative inquiry" into the case has been initiated, but Amnesty International is unaware of the terms of reference or the progress of this inquiry. A number of Joint Force personnel are reported to have been transferred, but no Joint Forces personnel are known to have been arrested in connection with this inquiry.

On 6 May 2007, Bangladeshi newspapers reported the formation of a one-member judicial commission to investigate the death of Cholesh Richil. In the past such commissions have been formed in response to public outrage about instances of human rights violations. Amnesty International welcomes the move but has a long standing concern about such judicial commissions, as in recent times, neither the terms of reference nor findings of such commissions have been made public.

Human rights activist Shahidul Islam

According to testimony received by Amnesty International, **Shahidul Islam**, the founding director of *Uttaran*, a non-governmental organization (NGO) working for the social and economic empowerment of poor and disadvantaged communities in the western districts of Khulna, Satkhira and Jessore, was arrested and taken into Joint Forces' custody on 27 January 2007.

He was brought by a military jeep to a temporary army camp near the Tala B.Dey Boy's School in Satkhira District. *Uttaran* staff members, who gathered in front of the school building, reported that they heard Shahidul Islam being beaten inside the camp. Several days later when Shahidul Islam was allowed to have visitors, he had been severely beaten on his legs and his back as Joint Forces personnel accused him of possessing illegal weapons. His injuries from torture were reportedly serious, and he was sent to Satkhira Sadar Hospital for treatment. He was later returned to Satkhira District Jail where he remains.

Following arrest, he was served with a Detention Order under the Special Powers Act (SPA) on the unspecific grounds that he had "engaged in acts of terrorism and had harboured terrorists". *Uttaran* colleagues and prominent personalities from other NGOs who know Shahidul Islam well have refuted the allegation and have called for his release. Police subsequently filed several criminal charges against him, apparently as additional means of securing his continued detention.

Amnesty International is unaware of any investigation as yet conducted into the reported torture of Shahidul Islam, or of any suspected perpetrators being brought to justice.

Background

On 11 January 2007 President Ijuddin Ahmed declared a state of emergency following weeks of violent election-related clashes between the supporters of the former ruling coalition and supporters of parties opposing them. Elections scheduled for 22 January were postponed indefinitely and a new civilian Caretaker government, backed by the army, sworn in. Under the Emergency, political rallies and other political activity were banned, and some restrictions were imposed on the right to freedom of expression.

According to reports in the Bangladesh media, more than 100,000 people have been detained, often in mass arrests, since early January. Arrests, usually conducted by army personnel, are on grounds of alleged corruption or criminal activity. Many of the detainees are believed to have been released but Amnesty International has not been able to establish the total number of those who remain in detention. Among the detainees are reportedly more than 150 politicians and businessmen arrested on charges of corruption.

Amnesty International recommendations

Regarding the death in custody of Cholesh Richil, Amnesty International is urging the Caretaker Government of Bangladesh to:

- Make public the terms of reference of the judicial commission formed to investigate the death in custody of Cholesh Richil.
- Ensure that its mandate is extended to cover allegations of torture of Tohin Hadima, Piren Simsung, and Protap Jambila.
- Ensure that all witnesses are able to submit evidence to the commission without fear or threat of reprisal.
- Ensure that its findings and the report that it will submit to the government will be made public.
- Ensure that those identified as responsible for the death in custody of Cholesh Richil are brought to justice in a fair trial without delay.

Regarding the alleged torture of Shahidul Islam, Amnesty International urging the Caretaker Government of Bangladesh to:

- Institute an independent and impartial investigation into the allegations that Shahidul Islam has been tortured.
- Ensure that the terms of reference of the investigation includes access to the Joint Forces personnel accused of involvement in torture. Ensure that all witnesses, including family members and human rights defenders are protected by the Caretaker government against possible reprisal by the perpetrators of torture.
- Ensure that the outcome of the investigation is made public, and those identified as perpetrators of torture of the Shahidul Islam are brought to justice in a fair trial.

Amnesty International's recommendations on the prevention of torture in Bangladesh:

Amnesty International is urging the Caretaker government to:

- Establish clear and enforceable safeguards against abuse of administrative detention procedures during the state of emergency which result in torture.
- Publicly declare that all reports and complaints of torture must be promptly, thoroughly, independently and impartially investigated. A clear and unequivocal message should be given to the army, police and other security agencies that torture is a prohibited act, that it plays no part in the combating of crime or the maintenance of public order, and that it will never be tolerated.
- Take urgent steps to ensure access to detainees, especially during periods of custodial interrogation. Relatives, doctors and lawyers should have access to detainees without delay and regularly thereafter.

- Ensure that a prompt, impartial, independent and thorough investigation is conducted in all cases where there are reasonable grounds to believe torture or other human rights violations may have occurred, with a view to promptly filing appropriate charges in court.
- Ensure such investigations include full access to all those suspected of involvement in torture or other human rights violations, including Joint Forces personnel.
- Protect witnesses including family members and human rights defenders against possible reprisal by the perpetrators of torture or other human rights violations.
- Provide compensation to the torture victims or their families.