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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by Asian Indigenous and Tribal Peoples Network
(AITPN), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2008]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Choles Ritchil: An indigenous defender tortured to death in Bangladesh

On 18 March 2007, Choles Ritchil, an indigenous Garo leader from Beribaid village was tortured to death in the custody of the joint forces¹ at Khakraid army camp under Modhupur Police Station in Tangail district of Bangladesh. He was arrested at about 1.30 pm on that day along with three other indigenous persons - Protap Jambil, Tuhin Hadima, and Piren Simsang from Kalibari in Tangail district.

Mr Ritchil was leading the indigenous Garos in their protests against the creation of an Eco Park in Modhupur forest which would displace around 25,000 indigenous Garo peoples living in the area. Under pressure from the Garos, the government put off the establishment of the Eco-Park plan in January 2004.

I. Brief background to the repression of the indigenous Garos

In 2003, the government of Bangladesh announced a plan to create an Eco Park in Modhupur forest and started erecting a boundary wall around 3,000 acres of Modhupur forest without seeking the consent of the Garo people living in the area. About 25,000 indigenous Garo people faced eviction because of the Eco Park. The Garos under the leadership of Cholesh Ritchil strongly protested against the Eco Park. On 3 January 2004, the police and the forest guards resorted to indiscriminate firing at the Garo protestors at Jalabada village and killed one Garo protestor and injuring 25 others including women and children. Following the incident, the Forest Department was forced to postpone implementation of the Eco Park.

The Forest Department officials subsequently filed several false cases against the indigenous Garos including Choles Ritchil.

Following declaration of state of emergency in Bangladesh in January 2007, the Forest Department resumed construction of the boundary wall of the controversial Eco Park. Mr. Ritchil again took up the cudgel and led the protest. This enraged the military authorities. On 10 February 2007, the Joint Forces personnel raided the house of Ritchil to arrest him but when he was not found, they picked up some of his relatives, including Ritchil's young son, Biswajit Simsang.

II. Evidence of torture

Initially, the police had refused to register the First Information Report filed by Ritchil's wife, Sandha Rani Simsang at the Modhupur Police Station on 20 March 2007.

Following national and international outcry, the government of Bangladesh set up an inquiry headed by Special Court Judge Rofiuddin Ahmed. But the conspiracy is so deep that despite tell-tale signs of torture, two autopsies conducted on Choles' body claimed that "Cholesh died from heart failure".

¹. Joint forces include the army, police and paramilitary forces

As the Special Court Judge Rofiuddin Ahmed began hearing the case, strong evidence of torture came to light. Numerous pictures taken of the tortured body of Mr Ritchil were also submitted before the judge.

Ritchil's friends Protap Jambil, Tuhin Hadima, and Piren Simsang who were detained by the joint forces along with Ritchil narrated harrowing eye-witness accounts before Justice Rofiuddin Ahmed. All of them testified that Ritchil was subjected to third degree torture by the security forces which caused his death.

In the words of Protap Jambil, Son of Robindra Marak of Beribaid village, "Then the Habildar Sahadat was ordered to bring hot water, Chili powder, salt, blades and pliers. Habilder Sahadat and warrant officer Zaman continued to torture Cholesh. Habilder Sahadat opened the zippers of the pants of Cholesh and grabbed the penis and testicles of Cholesh and asked 'Cholesh where are your arms?' Cholesh replied 'I do not have any other arms but a licensed gun'. But they continued to torture us. They poured hot water on our bodies and put the same question." Protap Jambil further told Justice Ahmed that they were first photographed by a journalist in normal positions and then brutally beaten up by the army. He saw Choles vomiting blood twice during torture.

Piren Simsang, son of Lampa Chiran of Beribaid village also confirmed brutal torture by the army. He told the judge: "They (the army personnel) beat Cholesh first, then Protap, Tuhin and me. They brought pliers, needles, and blade. They cut the body of Cholesh with blades. They sprayed chili powder, salt into the wounds. They then beat up Cholesh severely. Then in the evening at about 6:00 pm they released Tuhin (Tuhin Hadima) and me."

Tuhin Hadima who was arrested and tortured by the army, also corroborated torture of Choles.

In addition to these three eye-witnesses, Joyon Bajee (56), son of Boben Drong of Beribaid village stated before Judge Ahmed that when they were giving a customary bath to the dead body of Choles Ritchil, he "turned the dead body up side down. I caught testicles and found that the testicles were smashed. His hands and legs were broken."

III. Failure to punish the culprits

Despite of presence of strong evidence of torture, including the pictures of torture marks on the dead body of Choles Ritchil which was presented to Justice Ahmed but the government has failed to establish accountability.
