

Licensed to Torture and Kill

Report on the death of Timir Baran Chakma in military custody in Matiranga of
Khagrachari district in the Chittagong Hill Tracts, Bangladesh

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By

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1. Introduction:

ON 10 August, Timir Baran Chakma alias Duran, a member of the M N Larma faction of the Jana Samhati Samiti, died in army custody, after being arrested along with three others from the village of Indramuni Para under Matiranga Upazila of Khagrachari district. The army, which has a huge and all pervading presence in the CHT nearly 17 years after the signing of the much vaunted CHT Accord in December 1997, has not yet issued any official statement on the circumstances surrounding his death. However, in the First Information Report filed by Md. Yakub Ali (Soldier No. 1217174, 20 Field Artillery, Matiranga zone) with Guimara police station under section 143/385/387/332/353/506(ii) of the CPC, it has been stated that:

‘Based on information provided by Timir Baran Chakma, we, taking him along with us, went to Washu Rubber Plantation No. 1, and he took out a homemade gun from the jungle. Then he tried to escape but dashed into a tree and fell on the ground, sustaining injuries. We nabbed him again and admitted him to Matiranga Health Complex.’ [Case No. 2/24, dated 11/8/14]

In another FIR filed by Sergeant Md. Rezaul Karim (Soldier No. 1215912, 20 Field Artillery, Matiranga zone) against the same persons under section 19/A of the Arms and Explosives Act of 1878, it has been stated that:

‘During intense interrogation, Duran Babu, accused No. 1, admitted that he had hid his arms and ammunition in the deep jungle of Washu Rubber Plantation No. 1. Based on the said information, we set out for Matiranga

Washu Rubber Plantation No. 1 with the aim to recover his arms and ammunition, after sending the other three accused to Matiranga zone with an adequate escort cover. We reached there at about 9:30am today, 10 August 2014, and conducted an operation, during which, at 9:45am, Duran showed and we recovered and seized a weapon and cartridges, mobile phone sets and cash Taka from the deep jungle.



Under the plum tree, Priya Kanti Chakma showing the location where Timir Baran and others were tortured

‘While we were busy with the operation, the accused (Duran) suddenly made an attempt to escape from us and fell on the ground after dashing into a tree. We ran after him and captured him from the bottom of a hill. We saw that Duran sustained multiple injuries on his body and

was suffering from breathing problems. Then we swiftly admitted him to Matiranga Health Complex at 10:30am.’ [Case No. 03/51, dated 10/8/2014]

The seizure list includes, among others, an old homemade LG, with a wooden butt. The gun’s firing pin and the trigger is out of order.

The Jana Samhati Samiti (M. N. Larma faction) and many others, on the other hand, accused the army of torturing him to death and of hastily incinerating his body dead at night in an attempt to destroy any evidence that might prove something contrary to the claim of the army. They demanded that Captain Kausher, who led the raid that led to the arrest and torture to death of Duran, be punished.

2. About Timir Baran Chakma

Timir Baran Chakma was a guerrilla fighter of the now-defunct Shanti Bahini, the armed wing of undivided Jana Samhati Samiti. He

joined the SB after completing his matriculation in 1986, the same year his parents became refugees in the Indian state of Tripura. In 1992, he married Alotara Chakma in Takumbari refugee camp. He laid down arms, along with other guerrilla members, following the signing of the CHT Accord in 1997, returned to his village and became an agriculturist. However, following the split of the JSS in 2006, he aligned himself with the M. N. Larma faction led by Sudhasindhu Khisha.

Timir is survived by two sons, Domen Chakma, 19, and Romen Chakma, 18, and a daughter, Pronita Chakma, 13. His elder brother Babla Chakma, killed in mysterious circumstances, was a victim of the intra-Jumma fratricidal conflict.

3. Investigation:

The Hill Watch Human Rights Forum undertook an investigation into the death of Timir Baran Chakma, making visits to the village where he was arrested and tortured and to his residence in the village of Bhoirafa under Merung Union of Dighinala Upazila. The HWHRF interviewed eyewitnesses, his family members, his co-activists and, more crucially, the three persons who were arrested along with him

and now in jail, and took note of the statements made by hospital authorities and the police officers in relation to his death.

In the beginning, it should be noted that despite divergence of opinion on the cause of his death, there is unanimity as to the fact that

Duran died while in army custody. The army did not deny that he had died in their custody, but that he had died as a consequence of physical torture.

On 13 August, the HWHRF visited Indramuni Para, about 16 kilometers south-west of Matiranga Upazila headquarters. It is a Jumma populated village in Guimara Sadar Union. Due to military oppression and attacks by illegal Bengali settlers, the villagers had to flee their homes and take refuge in the Indian state of Tripura in 1986 and came back only after the signing of the CHT Accord in 1997.



Form right: Timir Baran Chakma's younger son Romen, wife Alotara Chakma and his daughter-in-law Laki with her baby son Imon.

It took us one and a half hours to reach the village from Matiranga. Although the road up to Guimara is paved, from then on it is brick-laid and in very bad shape and even our motorbikes found it difficult to navigate. At one point we had to park our motorbikes on the roadside, and take a muddy byroad to get to the village on foot.

4. Eyewitnesses' accounts

According to eyewitnesses' accounts, on the night of 9 August, a group of army personnel led by Captain Kausher from Matiranga zone surrounded the village and seized all the mobile phones of the villagers and searched their houses

one by one the next morning. The soldiers also searched the house of

Nishi Muni Chakma and arrested four persons – the owner of the house himself, his son Amar Kanti Chakma and his two guests Timir Baran Chakma and Real Tripura. While Timir Baran Chakma died in army custody, the rest have been charged with extortion and are



Nishi Muni Chakma's wife Elena, elder son Priya Kanti and daughter.

being held in jail in Khagrachari. Real Tripura is also believed to be a member of the JSS M. N. Larma.

Elena Chakma, 35, wife of Nishi Muni Chakma, told HWHRF that the army had surrounded their house at night and made the arrest at about 5:30 in the morning. She said, 'I woke up and asked my husband to get up and



Nishi Muni Chakma

go to work. But he said he would go rather late. Then I went out to toilet and heard sounds of boots and voices near the hill. I ran back into the house and told my husband about it and asked him to

go out and see if there was anything wrong.

No sooner had I said this, than the army stepped at the door and asked who were there in the house.'

The house was then, according to her, occupied by seven individuals: herself, her husband Nishi Muni Chakma, 40, two sons Priya Kanti Chakma, 19, and Amar Kanti Chakma, 18, her one-year-old daughter Monika Chakma, and two activists of JSS (M. N. Larma), Timir Baran Chakma, 52, and Real Tripura, 34. Priya Kanti Chakma dropped out from college to engage in agriculture, while Amar Kanti Chakma is a second year student of Commerce Department in Matiranga College.

On the torture of Timir Baran Chakma and others Elena has the following to say:

'The army forced out all the occupants of the house except me and my daughter and blindfolded them. Then they took them under the plum tree and beat them severely. They also kicked them with their boots. I begged the army to spare my husband and two

sons, saying that my sons study in a college and that they are innocent. But my appeal fell on their deaf ears. They beat them bloody; even some of them wet their pants. I saw bloods on their chests. At one point of beating, Timir Baran Chakma became senseless. The army had to carry him on their shoulders as he was almost half-dead. The rest walked slowly. I heard later that Timir had been beaten again while on the main road. The army did not take my elder son Priya Kanti Chakma probably because seeing his thin and short body they might have presumed him to be younger and still of nursing age.

The army took away my husband Nishi Muni Chakma, my younger son Priya Kanti Chakma and two JSS M. N. Larma activists, Timir Baran Chakma and Real Tripura. I tried to follow them, but I could not go because of my daughter.'

Elena Chakma went on to say that they are agriculturist. 'The way my husband and my son were beaten, they have become crippled. I don't know if they would be able to stand upright again and work in the field.'

According to her, the soldiers searched their house, throwing away their belongings including furnisher, quilt, beds and clothes on to the



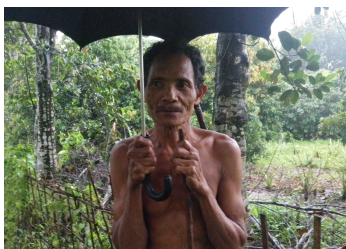
Amar Kanti Chakma

courtyard. She continued: 'My elder son had Taka 2,000 in his money bag and I had Taka 500 in my purse. The army took all this money away along with a school bag, two pairs of shoes and eight mobile phone sets.'

Priya Kanti Chakma said that although the army did not take him away, they blindfolded him and beat him up on the courtyard.

Sharat Kanti Chakma, 55, a villager, told HWHRF that the army had searched his house at about 3pm. 'They forced five of us, including a guest, out of the house and kept us sitting on the courtyard, blindfolded till they left at 7am,' he added.

A member of the HWHRF visited **Nishi Muni Chakma**,



Sharat Kanti Chakma, a victims and resident of Indra Muni Para

Amar Kanti Chakma and Real Tripura at Khagrachari jail. They told the HWHRF that they were

taken to Matiranga zone directly from the village where

they were arrested and that Timir Baran Chakma was subjected to additional torture in the camp. 'The army hung him upside down and beat him mercilessly until he became senseless. The army tried to resuscitate him but he did not respond. After that, they separated him from us. We believe he died right there at Matiranga zone,' they said.

They brushed aside the claim that the army had gone to Washu Rubber Plantation No. 1 to recover arms and ammunition on the basis of information provided by Timir Baran Chakma during interrogation.

5. Observation

The HWHRF makes the following observations regarding the death of Timir Baran Chakma:

a) Based on the interviews with the victims and eyewitnesses' accounts, it can be safely concluded that Timir Baran Chakma had died as a direct consequence of excessive beating. The HWHRF has found the claim that he had died of breathing ailment to be baseless and

not substantiated by evidence. Timir's family members have also turned down the claim that he died of breathing ailment. His wife Alotara Chakma told HWHRF that he did not have asthma or any other breathing ailment.

The attending doctor of Matiranga Health Complex, Ummey Salma, told Prothom Alo that: 'The members of the army on Sunday brought Timir Baran to the hospital with illness. He was suffering from breathing problems. Later, he died around midday.' [Prothom Alo, 12 August]

It should be noted here that she did not mention the nature of his illness, but merely said that he was 'suffering from breathing problems'. A practicing doctor, who wished not to be named in the report for reasons of safety, commented to the HWHRF that a wound in the lung due to excessive beating may naturally cause breathing problems. In any case, there is no evidence to suggest that Timir had been suffering from asthma.

b) The army's claim that they went to Washu Rubber Plantation to recover arms and ammunition on the basis of information provided by Timir Baran, has also been found to be untrue. The HWHRF visited the spot from where the army claims to have recovered a homemade gun and two rounds of ammunition and interviewed with the residents of the area. None of the residents of Washu Rubber Plantation interviewed by HWHRF was aware of the presence of the army on 10 August in their area. Therefore, the claim that Timir was wounded after he slammed into a tree while running away is a myth *par excellence*, designed to cover up the act of murder.

c) There are serious discrepancies in and between the two FIRs. While the first FIR filed at 13:05pm by Sergeant Yakub Ali states that 'he (Timir) took out a homemade gun from the jungle', the second one filed at 13:40pm by Sergeant Rezaul Karim says that 'Duran (Timir) showed and we recovered and

seized a weapon and cartridges, mobile phone sets and cash Taka from the deep jungle.’

It has been stated that the LG was found out of order. Should we believe then that Timir, who was a guerrilla fighter and had training in the use and maintenance of weapons, would hide a decrepit LG, a home-made pistol-like gun, in the jungle, along with a few hundred currency notes? If we assume that the gun was in good shape while it was stored in a safe place in the jungle and it went out of order later due to natural causes for keeping it in this way for a long period of time, then a question arises why the currency notes that were kept along with it did not suffer any damage?

In short, both the FIRs lack adequate description of the whole operation that led to what the army called the recovery of the weapon. This alone makes the statement of the army incredible.

d) The burning down of the dead body has lent another dimension to the whole issue. The remains of Timir Baran were cremated in the presence of a huge number of army and police personnel as an unclaimed corpse at 11:30pm on the same day he was killed. The JSS (M. N. Larma) leaders claim that Timir was cremated hastily to destroy any evidence that might suggest that he died from torture rather than of illness.



Timir Baran Chakma's house in Bhoirafa village, Dighinala

The HWHRF is of the same view. The unprecedented alacrity with which the dead body was cremated without religious ceremony goes a long way to provide credence to the JSS' (M. N. Larma) claim. Even if it is granted, for the sake of argument, that the remains of Timir were unclaimed, yet that is hardly a justification for his cremation at the dead of night. One can genuinely ask why the authorities could not wait even a few hours, let alone a day or two, for his identification by his

next of kin, given the fact that as a standard practice an unidentified corpse is stored in the morgue for a period ranging from seven days to a month, depending on other factors, before it is disposed of as an unclaimed corpse. The authorities had other options as well. They could have handed over the dead body to the Jumma community leaders or to any Buddhist temple willing to preserve its skeleton for meditation purposes.

d. Although the authorities cremated Timir's dead body as an unclaimed corpse, there is ample evidence that suggests that they had known his identity and address before the cremation. The HWHRF learnt, during a visit to the victim's family in the village of Bhoirafa under Merung Union in Dighinala Upazila, that the police had informed the UP member of the concerned area about the death of Timir Baran Chakma.

A village elder named Purno Moni Chakma told the HWHRF: 'At about 11:30pm on that day (10 August), some police personnel came to the village and wanted to send a message through Ghanashyam Tripura, a local UP member, asking Phelaram Chakma, Timir's father, to collect the dead body of his son. Mr. Tripura told the police that he would work on the matter in the next morning. Therefore, the explanation of the authorities that Timir was

cremated because he was presumed to be unidentified

and unclaimed does not hold ground.

e) The HWHRF noticed that the grasses under the plum tree where Timir and others were said to have been beaten were leveled and damaged, which suggests rolling and stamping on it by humans. This and other evidences make credible the claim that Timir and his co-accused were tortured.

f) The first FIR states that the army had recovered a pair of boots used by army, a lower part of a combat uniform used by army, a subscription book, cash Taka 3,557 and four mobile sets. The eyewitnesses and victims told the HWHRF that the army had taken away the money and the mobile phone sets from the accused, and that other items were not found from their possession. The HWHRF believes that it is not credible that the victims would keep military combat uniforms along with them.

g) It has become commonplace that when any Jumma is arrested he is usually charged with extortion and possession of firearms. The HWHRF has noticed that such incidents happen more frequently in Matiranga-Guimara-Manikchari-Ramgarh belt than in any other area of the CHT. For example, on 6 August, a school boy and another teenage boy were arrested from Guimara bazaar in Matiranga Upazila. On 8 August, a leader of the Hill Students Council, a front organization of the United Peoples' Democratic Front (UPDF) was arrested from Guimara bazaar while he was addressing a rally organized by HSC to demand the release of the two boys. In both cases it was the army who made the arrests.

The HWHRF believes that the aim of the repression is to intimidate the Jumma people who have been trying to organize themselves to defend their land and property from continuous encroachment by Bengali settlers.

6. Recommendations

It is unfortunate that nearly seventeen years after the signing of the CHT Accord, arbitrary detention and torture and death in custody still continue unabated. The government of Bangladesh must take the following measures to stop recurrence of such serious breach of fundamental human rights of the Jumma people:

- a) To order an independent judicial investigation into the torture and death of Timir Baran Chakma in army custody and punish those responsible.
- b) To immediately release Nishi Muni Chakma, Amar Kanti Chakma and Real Tripura and withdraw the false cases filed against them.
- c) To stop raids and operations by army and para-military forces in the name of searching for 'terrorists'.
- d) To provide compensation to the family of Timir Baran Chakma.
- e) To withdraw the temporary camps of the military and para-military forces and the illegal Bengali settlers from the Chittagong Hill Tracts.

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