



Mohammad. Idris Ali of Chittagong metropolitan, killed allegedly as a result of torture inflicted upon him at Baizid Bostami police station lockup and in the central jail

Fact Finding Report

Odhikar

Mohammad. Idris Ali (35) of Burma Colony, Baizid Bostami , Chittagong metropolitan, died at 6:10 am on the morning of 26th September, 2010, while receiving treatment in ward number- 13 of Chittagong Medical College Hospital. He was the son of Noor-Jahan Begum and deceased Nazrul Islam. As per the allegations of his family, it is thought that his death was caused due to the torture inflicted upon him at the Baizid Bostami police station lockup and at the central jail. At 8:00pm on the evening of 13th September, 2010, Sub-inspector (SI) Priton Sharkar arrested Mohammad. Idris Ali and Dipok Kumar Dash (45), on a charge of stealing an energy bulb. They were presented at the Court the next day, 14th September, 2010, at 4:00pm and were sent to jail.

On investigation it was further found that, on 17th September, 2010, SI Priton Sharkar brought both the arrestees to court and requested permission to take them into remand for 7 days. The court dismissed the request and ordered them to be brought back again on the 19th. On 19th September, 2010, the prisoners submitted request for bail at the High Court Division of the Supreme Court and their bail was granted. However, as the bail papers had not arrived at the central jail, they had not been released. Currently Dipok is out on bail.

Human rights organisation *Odhikar*, has conducted a fact-finding investigation into the matter. During the investigation *Odhikar* has interviewed-

- Relatives of the deceased.

- Eye- witnesses.
- Individuals working at the central jail.
- Doctors at Chittagong Medical College Hospital and Morgue assistants.
- Members of the police force.



Picture: Mohammad. Idris Ali

NoorJahan Begum (58), Mother of the deceased

Noor Jahan Begum told *Odhikar* that, Idris lived with his wife Baby Akhter and his two daughters. He was a rickshaw puller. At around 8:00pm on 13th September, 2010, like every other day, Idris was returning home on foot through Kunjuchaia bazaar (also known as Ananda Bazaar). There, he saw a group of people gathered in front of Noor Alam's shop and he approached there to see what was going on. When he got closer, he could see that a group of people were trying to take, Dipok Kumar Dash, a previous acquaintance of his, to the police station. On seeing Idris, Dipok called out to him asking for help. At that time, officer-in-charge (OC) of Baizid Bostami police station, Abdus Sabur, was passing by them on the road. When the OC stopped his pickup van, a group of men from the bazaar approached him and complained that Dipok Kumar Dash was an alcoholic, drug abuser and a thief, and asked him to arrest the man.

On the complaint of the public, the OC ordered Sub-Inspector (SI) Priton Sharkar to arrest the accused. Later, NoorJahan came to know from the locals that Idris had been taken away by the police. At 9:00pm that evening NoorJahan went to the police station and saw Idris and Dipok at the lockup. She then contacted SI Prtion to discuss Idris's release. However, SI Priton and the OC's body guard, constable Billal Hussein, demaded BDT 5000 from her. When she

conveyed to him that she was poor and could not afford such an amount, she was informed that Idris would be sent to court on a charge of theft. On 14th September, SI Priton sent Idris and Dipok to the court as suspects on a pending case of motor cycle theft. Noor-Jahan Begum, said that she then appointed a lawyer in an attempt to get Idris out on bail. The case was heard at the court on the 17th and 18th of September, 2010.

On 19th September, 2010, Idris was granted bail. Noor-Jahan asked the appointed lawyer to collect the bail granting order papers from court and get Idris released from the central jail. However, being poor she had been unable to pay the lawyer his proper fees, and as a result he did not do as she requested. Consequently, Idris still remained in prison.

Noor-Jahan then said that, at 1:00 am on the morning of 26th September, 2010, she received a call from a man who identified himself as a member of the jail police, and asked her to come to ward number -13 of Chittagong Medical College Hospital to visit her son, Idris. When she arrived at the hospital, she could see Idris lying on a bed which was guarded by three jail police men. She could see wounds and bruises all over her son's ankles, knees, back, chest, elbows, fingers and face. Idris then gave her a descriptive account of the torture inflicted upon him at the Baizid Bostami police station and central jail. Idris said that at various times between the two locations, he had been tortured. He also told her that the policemen stood on his chest while wearing heavy boots and stomped on him. Noor-Jahan said that idris, then wanted to drink some tea. She brought tea to him and also dipped some bread in the tea and tried to feed him. Idris was unable to eat and vomited when he tried to. There was blood in his vomit and cough with his spit. Noor-Jahan said that she tried to get Idris on his feet but saw that he was unable to straighten his legs. She placed her hand under Idris's head and sat by him all night. At 6:10 am that morning, 26th September, 2010, Idris died. At 4:00pm the next evening, Idris's elder brother, Yunus, collected his body from the hospital morgue. At 6:00pm the same evening, 27th September, 2010, Idris was buried at the Hamzabad graveyard. She alleges that her son was killed due to torture inflicted upon him at the station lockup and central jail.

Dipok Kumar Dash (45), Individual arrested along with Idris and currently released on bail

Dipok Kumar Dash told *Odhikar* that, on 13th September, 2010, he was returning home through Ananda bazaar area. He stopped to buy cigarettes at a small vending store owned by Noor Alam. There he saw that an energy bulb, which was connected to a wire and hanging from the slanted bamboo ceiling of the shop, came loose as a woman's head braised against it. Instantly, he grabbed it before it hit the ground and was going to return it to the shop owner. However, the people at the shop promptly accused him of being a thief and captured him. Passing by on the road was OC Abdus Sabur of Baizid Bostami police station. The shop owner Noor Alam then handed him over to the Sub-Inspector, at the instruction of the OC Abdus Sabur, accusing him of attempting to steal the light bulb.

At that time, also passing by was a previous acquaintance, Idris. He called out to Idris and asked him to help him get released from the police. The police got suspicious and arrested Idris as well. They were taken to the police station and were not given anything to eat all night. At various times during the night, SI Priton beat him and Idris. He also asked them for a bribe of BDT 5,000. As they were unable to pay, SI Priton took the two men to court on a false charge of stealing a motor cycle. Dipok said that they were kept in a cell identified as Karnaphuli-11. There, the jail police and prisoners, inflicted severe torture upon him and Idris. Often, they were tied to the bathroom door and were repeatedly punched in the chest. They were also dragged outside the cell and beat up indiscriminately. At times, they were handcuffed and with their arms lifted upwards, they were punched and kicked in the ankles, knees, back, hips, neck and face. He informed that even at the jail hospital, the police would come and beat them up.

He said that Idris and they were tortured as such for three consecutive days. Afterwards, he alone was transferred to cell- Karnafuli- 9. He has no further knowledge of what happened to Idris. Dipok said that he thinks the torture inflicted upon them while they were in the lockup might be the cause of his death.

Mohammad. Noor Alam (30), Shopowner at Kunjuchaiya Kacha Bazaar, Ananda Bazaar

Mohammad. Noor Alam told *Odhikar* that, at 8:00pm on the evening of 13th September, 2010, he was at his shop in Ananda bazaar. Two men came to his shop, one asked for two cigarettes while the other asked for a betel leaf. Once he had given them what they asked for, one of the

men opened and energy bulb from his shop and stashed it away in his lungi (a kind of skirt worn by men). The other person went away. When he began to yell ‘thief, thief!’ the people on the street captured the accused. At that time SI Abdus Sabur of Baizid Bostami police station, was passing by. He went up to the OC and told him about the situation. The OC then instructed another member of the police to arrest the two men, and he did so. Noor Alam informed *Odhikar*, that he had submitted no written complaint against the men and neither of them were beaten up by the public once they were captured.

SI Priton Sharkar, Baizid Bostami Police Station, Chittagong Metropolitan Police, Chittagong.

SI Priton Sharkar told *Odhikar* that, at 8:00pm on the evening of 13th September, 2010, according to the instruction of the OC, he went to Noor Alam’s shop at Ananda bazaar. He arrested Dipok and Idris, who were being accused of having stolen an energy bulb, and brought them to the station. However, there was no case against them there. He informed that Mohammad. Jahurul Alam of Shere Shah colony, F-L/3, Baizid Bostami; on the 27th of July, 2010, had filed a case against anonymous individuals, under sections 457/380 of the penal code, for theft of a motor cycle. Case number- 38. In accordance with the order of the OC, Idris and Dipok were presented in front of the court on 14th September and shown to have been arrested for this particular case. SI Priton Sharkar further said that, on the 17th of September, 2010, he had requested the court for permission to take the two arrestees into remand. The court dismissed the request and on 19th September, 2010, granted the two men bail. Since they had been granted bail, SI Priton said that he did not further inquire into their case.

He said that, on 26th September, he came to know of Idris’s death from a fellow member of the police. He also said that Idris was an alcoholic and a drug abuser. No torture was inflicted upon him at the station and he died because he was deprived from alcohol while he was in lockup.

Mohammad. Abul Kashem, Police Commissioner, Chittagong Metropolitan Police, Chittagong.

Mohammad. Abdul Kashem informed *Odhikar* that, he had heard about the death of the prisoner in Chittagong Medical college hospital. He said that, the allegation raised in the

media, of prisoner Idris having been killed as a result of torture inflicted upon him at the lockup, was false. It was so because, when a prisoner is sick, he is not accepted by the court until he has been treated. Even if it does, medical prescription and necessary reports and papers have to be submitted. Besides, the deceased was arrested on 13th September, 2010, and he died on 26th September, 2010 while under treatment at the hospital. If he was tortured in the station lockup, he would have been killed there. As he died days after his arrest, the Jailer, medical officers and people at the hospital would be able to tell what the cause of his death was. He finally said that, Idris was an alcoholic and a drug abuser, and could have died due to deprivation from these addictives, while imprisoned.

Mohammad. Rafiqul Quader (Khakan), Jailer, Chittagong Central Jail, Chittagong

Mohammad. Rafiqul Quader told *Odhikar* that, on 14th September, 2010, two individuals named Dipok and Idris, were brought to the jail from court on a charge of theft at Baizid Bostami police station. He put both of them in a prison cell. Idris prisoner number was 10998/10. Investigation officer into this case, SI Priton Sharker, brought them to court on 17th September, 2010. He requested the court for permission to take the accused into remand and the request was dismissed. On 19th September, 2010, they were taken to court again. Later, he came to hear that they had been granted bail. However, as he had not received a bail order from the court, he did not release them. He informed that Idris was an alcoholic and a drug abuser. On 20th September, 2010, Idris fell sick from deprivation of his addictions. As a result, he was then admitted to the hospital.

Due to further deterioration of his health, he was transferred to Chittagong Medical College Hospital at 4:00pm on 25th September, 2010. Registration number- 84385/114. He informed that, at 7:00 am on the morning of 26th September, 2010, Idris died. For the preparation of an inquest report of the body, he wrote a letter to the additional District Magistrate, under the memorandum number – 6187/ (2). On the same memorandum, he addressed the OC of Panchlaish police station asking him to send police members to the hospital morgue. In accordance with that letter, the same day, executive magistrate Fiznur Rahman and members of the Panchlaish police station conducted the inquest and prepared the report. On the 27th of September, 2010, after completion of the investigation, Idris's body was collected by his

family members. He said that prisoners were never subjected to torture in jail. Idris died as a result of withdrawal from his addictions.

SI Abu Hanif Bhuiyan, Panchlaish Model Police Station, Chittagong Cental Police, Chittagong

SI Abu Hanif Bhuiyan told *Odhikar* that, on 26th September, 2010, when the news of the death of prisoner Idris came to the police station, the OC filed a General Diary (GD). GD number-1405. As the investigation officer of the case, he sent Constable Abul Khayer to the hospital morgue for inspection of the body. At 4:50 pm that evening, Magistrate Fiznur Rahman conducted the inspection of the body and prepared the inquest report. The post-mortem report was carried out on 27th September, 2010 and afterwards, his relatives collected his body. He informed that the prisoner was an alcoholic and a drug abuser, and said that he thought Idris died as a result of alcohol deprivation, while in prison.

Mohammad Fiznur Rahman, Assistant Commisjoner and Executive Magistrate, Chittagong

Mohammad Fiznur Rahman told *Odhikar* that, from GD number – 1405 at Panchlaish station, date- 26/09/2010, he obtained information of Prisoner Idris's death at Chittagong Medical College Hospital. At 4:50 pm that evening, under memorandum number - 4-11/09-1865(3) JM, of the office of district registrar, he went to the hospital with members of the Panchlaish police station police. He prepared the inquest report on the deceased's body. In his report he included that idris had dark bruises on his wrists, the skin on his wounded ankles were torn, on his hips and lower back were wounds and tear marks, on his right ear was also a tear wound, and on the right side of his stomach was a slash wound. After having prepared the inquest report, he sent the body to the morgue for postmortem investigation, through police constable Abul Khayer. He said that the conclusive reason for the prisoner's death could be found in the postmortem report.

Doctor who wanted to remain unnamed, Forensic Medicine Department, Chittagong Medical College Hospital, Chittagong

Doctor of forensic medicine department, who wanted to remain unnamed, told *Odhikar* that, he carried out the postmortem investigation on the body of a prisoner named Idris on the 27th

of September, 2010, in Chittagong Medical College Hospital. He said that, as it was forbidden by the government to disclose such information, he could not say anything. The postmortem report mentioned that abuse of drugs and alcohol had contributed to the prisoner's death. He also said that the viscera of the body had been sent for examination and that the report would give the conclusive reason for the death.

Shudhangshu, Morgue- Assistant, Chittagong Medical College Hospital, Chittagong

Shudhangsho told *Odhikar* that, on the afternoon of 26th September, 2010, a corpse arrived at the morgue from ward number -13 of the hospital. Police constable Abul Khayer brought in the body for postmortem investigation, in accordance with GD number- 1405 of Panchlaish station. The investigation was conducted that afternoon. Post mortem investigation number- 770.

***Odhikar* demands that the government take necessary steps to ensure that a fair and proper investigation be carried out into the matter.**