



An Insurance company employee given a 6 month prison sentence by a mobile court and allegedly tortured in Gulshan Police Station custody upon an accusation of setting fire to a car in the evening of July 05 before the Hartal of July 06 and 07

**Fact-finding Report
Odhikar**

On July 05, 2011, senior assistant officer Khandaker Ashaduzzaman (32) of Reliance Insurance Limited and his colleague (who wishes to remain unnamed) spent the entire day at the office. At 7:59 pm (check-out time as entered on the office online register) the two colleagues headed out from the Mohakhali office in Dhaka to go home.

Since the Bangladesh National Party (BNP) had called a 48 hour hartal on July 06 and 07, the roads were crowded the day before- July 05, 2011. Both of them walked to the front of the CMB warehouse of the Mohakhali kitchen-market. Some distance away from them, someone or some people set a private car on fire at approximately 8:10 pm. The police officers who rushed there falsely accused Ashaduzzaman of setting fire to the private car and arrested him. Ashaduzzaman and his colleague identified themselves and showed the police their office IDs but the police paid no attention to them.

The police then took Ashaduzzaman to Magistrate Dr. Rahima Khatun of the mobile court assigned for the hartal that had been called. The Magistrate sentenced Ashaduzzaman to 6 months of rigorous imprisonment and ordered him to be immediately taken to jail. However, on July 06, 2011 till 2:00 pm the police contrary to instructions, kept him at the station lockup, tortured him and filed a case against him.

Ashaduzzaman alleged that the police of the Gulshan Police Station tortured him to give confessional statement with regard to setting the private car on fire before the hartal.

Odhikar conducted a fact-finding report into the occurrence. During the fact-finding Odhikar interviewed:

- Ashaduzzaman
- Ashaduzzaman's relatives.

- Eye-witnesses
- Members of the affiliated law enforcement agencies



Photo- Khandakar Ashaduzzaman

Khandakar Ashaduzzaman (32), Tortured individual

On July 05, 2011, Ashaduzzaman was arrested by the police and taken to the mobile court where it was ordered for him to be sent to Dhaka Central Jail. On July 16, 2011, Odhikar's fact-finder met him at the Dhaka Central Jail.

Ashaduzzaman told Odhikar that on July 05, 2011, he worked at the office for the entire day. At 7:59 pm he made his check-out entry onto the online register as per regular office procedure and left the office. He was carrying, for distribution to his relatives, a stack of invitation cards to his wedding reception which was scheduled for July 22, 2011. Senior Officer from his office was with him and they both arrived in front of the CMB warehouse of the Mohakhali kitchen-market on their way home. The following day was the beginning of the 48-hour continuous strike; hence there were no buses on the street. He noticed one person waiting on the road with a private car. They walked on and later noticed that someone or some people had set fire to that private car. A few people ran towards him and surrounded him, falsely accusing him of having set the private car ablaze. The police then arrived at the scene and Ashaduzzaman and his senior colleague showed them their IDs and repeatedly identified themselves but the police paid no heed to them. The police handcuffed Ashaduzzaman, put him in a car and took him away. In the mean time he was sentenced to 6 months imprisonment by the mobile court.

Ashaduzzaman informed Odhikar that, after spending sometime in the prison lockup that night, he was blindfolded, stripped of his clothes and taken to another room. Policemen beat him on the back, hands and legs with wooden sticks. They told him to admit to having set fire to the private car. That night he was put in a police patrol car and taken to various locations. He experienced pain all over his body due to the

severe torture inflicted upon him. At 2:00PM on July 06, 2011, he was brought to the Dhaka Central Jail by the Gulshan Police Station.

The Senior Colleague, Eye-witness

Ashaduzzaman's senior colleague, who wishes to remain anonymous, informed Odhikar that, he is a senior officer at Reliance Insurance Limited. On July 05, 2011 at approximately 8:00pm, senior assistant officer Ashaduzzaman and he headed out from the office at Mohakhali , Dhaka towards their respective homes.

It was the night before the continuous 48-hour strike; they arrived in front of Momin Store which was adjacent to the number 1, CMB warehouse of Mohakhali kitchen market, and saw a private car set ablaze about 10 yards away from them. Within moments a crowd of people surrounded them and begin to allege that the man who was accompanying him, his colleague, had been involved with setting fire to the car. The police also arrived almost immediately and arrested Ashaduzzaman.

Both the men tried to identify themselves as officers of Reliance Insurance Limited and showed them their IDs as proof but the police disregarded them and warned him not to speak for Ashaduzzaman or else they would arrest him as well. Then they took Ashaduzzaman away through the Mohakhali flyover area. The colleague immediately informed their office and family members of the incident. He later came to know that the police had taken Ashaduzzaman to Gulshan Police Station. Soon afterwards he went to the police station accompanied by Ashaduzzaman's father and father-in-law. After putting in a considerable amount of effort, he was finally allowed by the police to meet with Ashaduzzaman. However, they only allowed him to do so on condition that he would not speak to Ashaduzzaman. When he saw Ashaduzzaman, he was blindfolded and facing the wall. He was hand-cuffed, shirtless and there were numerous wounds and signs of injury on his back.

The colleague then tried, till 1:00am on the morning of July 06, 2011 to convince the police that Ashaduzzaman had not been involved in the act of arson on the private car. The first information report (FIR) included that Ashaduzzaman had come with the Opposition party rally and set the car afire. The colleague asserted that they saw no rally and that Ashaduzzaman was returning home with him. He informed that the FIR further included that Sub-Inspector (SI) Harunur Rashid was injured when Ashaduzzaman and his accomplices hit him on the chest with rods.

This colleague further said that the FIR drafted by Sub-Inspetor Harunur Rashid was fabricated because, as evidenced in their office's online record, they had left the office at 7:59 PM. The FIR stated the time of the incident to be 8:10pm. No one can bring about such an act within ten minutes time, and this further proves the falsity of the allegation. The FIR prepared on July 05, 2011 stated that the honourable Magistrate had sentenced Ashaduzzaman to 6 months of rigorous imprisonment and that he had been sent to jail. However, Ashaduzzaman was not sent to the jail that day but instead taken to Gulshan Police Station and tortured there. The evidence of this torture is visible on his back. On July 06, 2011, Ashaduzzaman was sent to Jail.

Odhikar's fact-finding team

On July 06, 2011, Odhikar's fact-finding team went to the Gulshan Police Station and tried to meet Ashaduzzaman. The police, however, did not allow any one from the fact-finding team or any of his relatives to meet him. At the police station, Odhikar's team learnt that SI Harunur Rashid, as complainant, filed a case against Ashaduzzaman. Case number: 11; Date: 5/7/2011. Section-143/332/353/436/427/307/379/109/34 of the Penal Code. It was found from the FIR that, on the basis of a confession, the mobile court accused Khandokar Ashaduzzaman of setting the private car on fire, and sentenced him to 6 months rigorous imprisonment.

Mohammad Momin (47), Eye-witness

Mohammad Momin informed Odhikar that he was present at Momin Store at 8:00pm on July 05, 2011. There was a private car parked in front of his store. The two men walked away by his store when suddenly someone or some people set the private car ablaze. At that time a number of people came and surrounded the men while falsely alleging that the man named Ashaduzzaman had carried out the arson. Momin could see a large crowd gathered around the two men. Within a moment police arrived and dragged Ashaduzzaman away to the other side of the road under the Mohakhali flyover, while constantly beating him.

Mohammad Momin informed Odhikar that there was no Opposition Party procession on the road during the time of the incident.

Sub Inspector (SI) Harunur Rashid, Gulshan Police Station, Dhaka

SI Harunur Rashid informed Odhikar that, at around 8:00 pm the night of July 05, 2011, he was on duty at the Mohakhali area with a few other policemen and Ansar members. Abul Kalam Azad Commissioner Dhaka city ward number-20, accompanied

by another 40/50 people brought about a procession in support of the hartal (strike) called for July 06 and 07 by the leading opposition party BNP. The procession arrived at the Mohakhali kitchen market area at approximately 8:10pm and set fire to a private car, license plate number: Dhaka Metro Ka 0209. When SI Harunur Rashid tried to stop them from pouring petrol, the people in the procession prevented him from carrying out his duties. They also inflicted injury on the policemen with the rods and sticks which they had in their possession. At this time they surrounded one particular man. On questioning they found that his name was Ashaduzzaman and he was from Dhamati, Debidwar, Comilla and lived in 243/2 Kathal Bagan in Dhanmondi, Dhaka.

The Mobile Court arrived at the site of the incident and Ashaduzzaman confessed to the arson in front of the Magistrate. On the basis of the confession the Magistrate, on the spot, sentenced him to 6 months of rigorous imprisonment. SI Harunur Rashid then took Ashaduzzaman to Gulshan Police Station where he filed a case against Ashaduzzaman, Abul Kalam Azad and 30/40 other unidentified persons. Case number: 11; Date: 05/07/2011. Section: 143/332/353/436/427/307/379/109/34 of the Penal Code. The officer in charge of the case is SI Mostafizur Rahman. At around 2:00pm on July 06, 2011, Ashaduzzaman was sent to Jail.

Sub-Inspector Mostafizur Rahman, Gulshan Police Station, Dhaka

SI Mostafizur Rahman informed Odhikar that he was investigating case number 11 filed by SI Harunur Rashid on July 05, 2011. He said that Ashaduzzaman was sentenced to 6 months of rigorous imprisonment under section 353(one of the 9 sections under which he was accused) of the Penal Code by the Magistrate of the mobile court. Ashaduzzaman was then sent to Dhaka Central Jail. SI Mostafizur Rahman later applied to the Court for permission to take Ashaduzzaman into 10 days remand in order to question him regarding the offences under the other 8 sections. He refused to provide any further information as the case was still under investigation.

Abdul Mannan, office-assistant, Reliance Insurance Limited, Mohakhali

Abdul Mannan informed Odhikar that, on July, 12, 2011, he went to see Ashaduzzaman at Dhaka Central Jail. During their meeting at the Jail, Ashaduzzaman told Abdul Mannan that on July 05, 2011 he was taken to Gulshan Police Station and tortured all night so that he would confess to having set fire to the private car. While recounting the torture Ashaduzzaman told him that the policemen handcuffed, blindfolded, stripped him of his clothes and beat him with sticks. They kicked him and punched him profusely while making him either lie on his back, lie face down or

standing up. They verbally assaulted him as well. They also threatened to shoot him in his leg like RAB had done to Limon of Jhalkathi, unless he confessed to the allegation of arson.

Odhikar's Statement

It is apparent from the fact-finding mission that Ashaduzzaman was sentenced to 6 months of rigorous imprisonment by the mobile court despite not being involved with the arson of the private car. Ashaduzzaman's office online records show that he left the office at exactly 7:59pm. It is impractical to suggest that Ashaduzzaman could have left the office, arrived at the scene of the incident, joined the procession and carried out the arson on the car within 10 minutes. Also, the eye-witnesses have all stated that they saw no procession at the time of the incident. The FIR states that SI Harunur Rashid had been injured by the blows received from a stick that Ashaduzzaman was carrying in his hands; not only was such a weapon absent, but he was instead carrying a stack of invitation cards which he intended to distribute among his relatives, for his wedding reception on July 22, 2011.

It is evident from the fact-finding mission that in the absence of the right to defend oneself, general people are subject to worrying infringements of human rights.

Odhikar expresses its condemnation of the arrest of Ashaduzzaman on false accusations, his victimisation through the mobile court and the subsequent torture inflicted upon him at the police station for extraction of confessional statement. Odhikar calls for the investigation of the torture committed on Ashaduzzaman at the Gulshan police station.
