



**Five people including three children, were allegedly tortured at
Lalbagh Police Station custody in Dhaka**

Fact finding Report

Odhikar

On September 04, 2011, police of Lalbagh Police Station, Dhaka arrested Akhi Aktar (7) and Berek Haolader (8), daughter and son of Babul Haolader; and Moksed Shikder (32), his wife Shajeda Begum (30). On September 07, 2011 Moksed and Shajeda's son Mirajul Shikder (6) was arrested by them on allegations of theft.

Police confined and allegedly tortured the three children for 6 days from 4-10 September, 2011 and treated Moksed and Shajeda the same way for two days.

Odhikar conducted a fact finding mission into the matter. During this they interviewed,

- The relatives of the victims**
- Eye-witness**
- A relative of the plaintiff (the plaintiff refused to give an interview)**
- Members of law enforcement agencies.**



Picture -Akhi, Barek and Mirajul and signs of torture of Moksed's hand and leg

Shajeda Begum (30), torture victim, mother of Mirajul and aunt of Akhi and Barek

Shajeda Begum told Odhikar that her home is in Boro Kachna village of Gosairhat thana in Shoriatpur district. The family came to Dhaka to improve their financial condition as they were facing financial crisis in Shoriatpur .She, along with her husband Moksed and children lived in a rented house in the Kholifa Ghat at Kamrangir Chor on west Rosulpur road of Dhaka. She said that her brother, Babul Haolader lived in the district of Madaripur with his four children. On February 2011, when Babul's wife died, she brought her brother's children to Dhaka to look after them.

Shajeda said that she brought Barek Haolader (8), Akhi Aktar (7), Munni Aktar (6) and Happy Aktar (3) to her Dhaka's home from Madaripur. It was becoming difficult for her to bear the expenses of so many people as her financial condition was bad, she said. In this situation, she took Barek out of school and put him in vocational training to learn embroidery; she also placed Akhi as a domestic help in the home of Mohammad Mahbubur Rahman at 16 Nobabgonj Road on August 8, 2011. The owner of the house changed her name to 'Pakhi'. She said that at around two in the afternoon of September 4, 2011, five people in plain clothes with arms, brought Akhi to her house. One of them identified himself as Sub Inspector of Police Jafor Iqbal and they were from Lalbagh Police Station, Dhaka. They asked Shajeda to bring Akhi's brother, Barek who was playing at the side of the yard. She asked the Sub Inspector the reason for arresting Akhi

and looking for Barek. Sub Inspector Iqbal told her that she and her husband stole 80 ‘tolas’¹ of gold and 30 thousand taka with the help of Akhi, which she was asked to give back. At 3 pm police brought Shajeda, her husband, Akhi and Barek to Lalbag Police Station and kept them there in handcuffs. After around one hour, Sub Inspector Jafor Iqbal came and beat them up and asked them to give the ornaments and money back. Shajeda was in the Police Station for the whole of September 5, 2011. On September 6, Sub Inspector Jafor Iqbal sent Shajeda and her husband to the Court and asked for remand. The Court granted one day remand. Then at 8 pm they were taken to the police station again. In remand, Sub Inspector Jafor Iqbal again asked them where they kept those stolen goods.

At around 2 pm of September 7, 2011, Sub Inspector Jafor Iqbal arrested Sajeda’s six year old son Mirajul Shikder from the Kamrangir Chor house. On September 7, 2011, she appeared before the Court and was granted bail.

On September 8, 2011, Sajeda went to see Akhi, Barek and Mirajul in the Lalbagh Police Station. There Officer-in-Charge, Azizul verbally abused her in front of the wife of the plaintiff Mahbubur Rahman and told her to sit on the floor. The Officer-in-Charge Md. Azizul Hoque, beat her on the soles of her feet and kicked to the wall. She was beaten more when she was started crying. Sub Inspector Jafor came and took her into another room. There he beat her and told her that in spite of getting bail she had to be in the Lalbagh Police Station till the stolen goods were recovered. He also said that he would rape her at night. When Sub Inspector Jafor went to another room, she ran away from the Police Station.

¹ Tola is a measurement of gold, approximately equal to 11.39 grams.

On September 10, 2011, Akhi, Barek and Mirajul were sent to the Court. The Court ordered that Mirajul and Barek be taken to the Juvenile correction Centre (for boys) at Tongi, Gazipur and Akhi to the Juvenile Correction Centre (for girls) at Mirpur, Dhaka.

On September 12, 2011, the Vacation Bench of High Court Division comprising of Justice Hasan Fayez Siddiquee and Justice Anwarul Hoque issued a rule regarding their arrest and detention.

On September 14, 2011, the Court acquitted Akhi, Barek and Mirazul. On October 4, 2011, her husband got bail.

Akhi Aktar (7), victim

Akhi Aktar told Odhikar that at around 6 in the evening, the owner of the house and his wife went outside leaving their daughter Nitu Akhter, the domestic help Emaron Khatun and her at home. Afterwards, Nitu's husband and another man came to the house. Akhi then went to clean the dishes. Later on, the owner came back home and asked her about the theft of ornaments and money from the house. He also told her to not to tell the police that Nitu's husband came that day. She was threatened that if she mention any other name then she would be killed. Even the police beat her and threatened her not to say anything to anyone; otherwise they would kill her.

Barek Haolader (8), victim

Barek Haolader told Odhikar that at around two in the afternoon of August 4, 2011, he was playing in the yard. Five people came to their house with Akhi and identified themselves as police. They asked her aunt about him. At that time, Barek asked the reason of bringing Akhi there. After that, one police took him to the gate of the house. He said that police pressed the fingers of his left hand with pliers and asked him who had

stolen the ornaments and money. As he could not give any information, he was handcuffed and beaten. Then his aunt Shajeda, uncle Moksed and his sister Akhi were taken to the Lalbag Police Station. After that, everyday police officers used to bring him out of the custody and beat him on his palms and soles, putting his head under the table. He was kept in the police station from September 4- 10, 2011. On September 10, 2011, Akhi, Mirajul and he were taken to the Court and the Court sent him and Mirajul to the Juvenile Correction Centre at Tongi, Gazipur.

Barek also said that after going there, they were asked by the authority whether they had taken the ornaments and money. Barek said that he knew nothing. On September 14, 2011, they were taken to the Chief Judicial Magistrate Court and released.

Mirajul Shikder (6), victim

Mirajul Sikder told Odhikar that police arrested his mother, father and two cousins named Barek and Akhi. During the time of arrest, his mother told him to stay at the neighbour's house. Later, Police arrested him from home. He was beaten and police pressed his nails with pliers. He was in the Lalbagh Police Station². On September 10, 2011, Akhi, Barek and he were sent to the Court. The Court sent him and Barek to Tongi, Gazipur. On September 14, 2011, they appeared before the Court and the Court released them.

Mofajjol Ghorami (23), maternal uncle of Akhi Barek and Mirajul

Mofajjol Ghorami told Odhikar that his sister Renu Ghorami died on February, 2011 leaving behind Akhi, Barek and two other children. Their father Babul Haolader left two of his children with his father Jobbor Haolader and went to Dhaka in search of a job. The

² Odhikar's fact finder came to know, he was kept in the Lalbagh Police Station from September 7-10, 2011

children were suffering for lack of food and that is why their aunt, Shajeda Begum brought the two eldest to Dhaka. She sent Berek to learn embroidery in Kurarghat and Akhi to work in Mahbubur Rahman's home as a domestic help in Nobabgonj Road, Dhaka. He heard from people that the children of his sister and their cousin were arrested by the police of Lalbagh Police Station. At 5 in the afternoon of September 7, 2011, he went to Lalbagh Police Station and saw them there. He contacted Sub Inspector Jafor Iqbal. The Sub Inspector informed him that he would send three of them to the Court. Then Akhi told him that they were being beaten continuously. They were beaten on their palms and soles and asked to confess about the theft. When they refused to confess their nails were pressed with pliers. Berek's left palm had swollen and he was not able to hold anything with his left hand. Then he contacted the Officer-in-Charge, Azizul Hoque to request him to release Akhi, Berek and Mirajul. However, the Officer-in-Charge refused. The children were in the police station custody for 6 days from September 4 to 10, 2011 and were tortured. Later on, when they were sent to the Juvenile Correction Centre at Tongi, Gazipur, he went to meet Berek and Mirajul.

Mofajjol Ghorami said that the hands, legs and faces of Berek and Mirajul swelled up due to the torture. They could not eat properly. Describing the torture, he said that their nails were pressed with pliers. Every alternate hour their heads were put under the table and the police used to beat them on their waists, palms and soles.

Mohammad Momin Ali³, brother in law of plaintiff Mahbubur Rahman, resident- Dhaka

³ Odhikar fact finding team tried to take an interview of the plaintiff of the case, Mohammad Mahbubur Rahman and his wife Jesmine Akter, however Mahbubur Rahman refused to speak and told Odhikar to contact Momin Ali, who is their relative.

Mohammad Momin Ali told Odhikar that at 6 in the evening of September 3, 2011, his sister Jesmin Begum and her husband Mohammad Mahbubur Rahman went to a relative's house leaving their daughter Nitu Aktar (27), domestic help Akhi (8) and another domestic help Emaron Khatun (50) in house. Jesmin tried to call Nitu, her daughter, on her cell phone but she could not reach her. Worried, she came back home at 8.30pm and found the door open and the lock of the safe broken. At that time, Jesmin called Momin Ali, her brother. As soon as he arrived, he saw Nitu had fainted and domestic help Emaron Khatun (50) was not in the house. Moreover, 80 tola's of gold and 30,000 taka were missing. Then he asked Akhi what happened. Akhi told him that Nitu fell asleep after drinking juice and that she was also sleeping. He sent Nitu to Dhaka Medical College Hospital for treatment and all night kept asking Akhi about the actual fact. But Akhi did not say anything. At 10.30 in the night of September 4, 2011, he went to Lalbag Police Station with his sister and brother in law. Mohammad Mahbubur Rahman filed a case as a plaintiff against a few unknown people. The case number is 2, dated: 04/09/2011 under sections 328⁴/380⁵ of the Penal Code. He said that on September 4, 2011, Sub Inspector Jafor Iqbal arrested Akhi. Police still could not recover the lost

⁴ Section 328 deals with Causing hurt by means of poison, etc, with intent to commit an offence. It stated that, "whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or un- wholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term may which extend to ten years, and shall also be liable to fine".

⁵ Section 380 deals with Theft in dwelling-house, etc. It stated that, "whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or use for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine".

goods. According to Akhi's statement, police arrested Akhi's brother Barek, cousin Mirajul, her aunt Shajeda, uncle Moksed from Kamrangir Chor.

Sub Inspector Jafor Iqbal, Lalbagh Police Station, Dhaka Metropolitan Area, Dhaka

Sub Inspector Jafor Iqbal told Odhikar that the three children were kept at the house of plaintiff Mahbubur, where Akhi worked. He said that he interrogated them going there. On September 9, he arrested them and on the next day sent them to the Court.

Mohammad Azizul Hoque, Officer-in-Charge, Lalbagh Police Station, Dhaka

Mohammad Azizul Hoque told Odhikar that the resident of 15 Nobabgonj, Mahbubur Rahman, filed a case of theft as a plaintiff. The plaintiff told him that on September 3, 2011, a group of thieves stole 80 tolas of gold and 30,000 taka with the assistance of Akhi. Sub Inspector Jafor Iqbal was given the duty to investigate the case and he arrested all the accused persons and sent them to the Court within 24 hours as per Criminal Procedure.

When the news of torturing children after confining them in the police station for 6 days was published in different newspapers, the Vacation Bench of the High Court Division comprising of Justice Hasan Foyez Siddiquee and Justice Anwarul Hoque issued a sue moto rule. Later on, Mohammad Azizul Hoque gave the responsibility to Sub Inspector Shaheen Fokir to investigate the case. He said that those children were not tortured.

Shaheen Fokir, Sub Inspector, Lalbagh Police Station, Dhaka

Sub Inspector Shaheen Fokir refused to talk to Odhikar on December 19, 2011.

Moksed Sikder (32) , father of Mirajul and victim

Moksed Sikder said that on September 04, 2011, at around 2 pm, five plain clothed and armed men came to their house along with Akhi Akter. They identified themselves as police and took him to the police station along with the others. At the police station SI Jafor Iqbal tied up his hands and blind folded him and beat him severely on his back, waist, legs and soles.

On October 04, 2011 he was released on bail. He informed that on March 01, he and his wife was acquitted as the theft case against them was not proven.

Odhikar's Statement:

The plaintiff Mohammad Mahbubur Rahman's relative Mohammad Momin Ali and police refused to give any information of plaintiff's son in law and another domestic help. Law in Bangladesh bars the employment of underage children as domestic help. Police did not take any action against the plaintiff for employing a child of 7 years as a domestic help.

The Government cannot ensure the right to food, clothes and security of minors, moreover, the police tortured the three children and a woman. Odhikar demands proper investigation of this case.

-End of Report-