

A man allegedly killed by BDR at Feni

Fact-finding Report

Odhikar

Md. Kamal Uddin (28), son of late Latu Miah, who was a resident of the village North Birinchi under Ward No. 5 of Feni Pouroshobha¹, was arrested by Taskforce² during its anti narcotics drive on January 20, 2008. It has been alleged by Kamal's family that due to immense beatings by the BDR personnel following his arrest, Kamal died on January 21, 2008.

On the basis of the allegations made by Kamal's family, Odhikar conducted a fact-finding of the incident. During the fact-finding, Odhikar spoke with:

1. Witnesses to the incident
2. Kamal's family members, relatives and neighbours
3. Concerned doctors and two people who assisted the doctors during post-mortem examination.
4. Related law enforcement agencies and local administration
5. Several local journalists



Photo: The dead body of deceased Kamal at the hospital

Masuda Begum (26), Kamal's wife

Kamal's wife Masuda Begum told Odhikar that her husband had set up a grocery store on the 3rd platform of the Feni Railway Station, called *Macdona* which also provided mobile phone call services after taking financial loans from two micro-finance

¹ Pouroshobha means Municipality.

² A combined force formed to conduct special operation. For example, anti-narcotics drive. In this case, the taskforce was formed with BDR led by a Magistrate.

organisations. She said that they were going through hard financial times along with their four children. Masuda informed Odhikar that prior to her marriage; Kamal would sell illegally imported milk from India at Feni. It was from those days that Kamal got introduced to a man called 'Blackmail Ismail' from the village of Biloniya at Porshuram, Feni at the Bangladesh-India border. When the Government took a hard line at the border, Kamal gave up his illegal business and opened a grocery shop at Feni Railway Station. Although Kamal had given up his illegal milk business, Ismail and his wife occasionally would come to visit them at their home nonetheless. Kamal's wife informed that Ismail was still involved in illegal business and acted as a 'source' of the police. At the same time, over the past two years, Kamal developed a friendship with a street vendor called Abul Khayer at the Shohodebpur Colony of the Feni Railway Station. Masuda said that they were supposed to sell their shop to Khayer to gather money for Kamal's trip abroad. On January 20, 2008, Khayer and his wife and child came to Kamal's house at around 9.30 pm and, on the way, they called Kamal his home from his shop. Masuda told Odhikar that Khayer gave them some money as advance money from the total price of the shop. Masuda took the money and put that in her locker and then served dinner for all of them. She stated that on that same day towards the evening at around 5 pm, Ismail's wife also came to their house to discuss how she could be of assistance regarding Kamal's trip abroad. Masuda recalled that Ismail's wife was suspiciously making phone calls from her mobile phone to unknown people. At 11 pm, when they were all having dinner, Ismail's wife made yet another phone call. Soon after the conclusion of the phone call, some people standing outside their house asked them to open the door. Upon opening the door when Masuda saw 10-12 BDR soldiers standing outside, she got scared and shut the door again. Following this, the BDR men entered into their house by breaking down the bamboo walls and took Kamal and Khayer outside onto the courtyard by tying them up. After this was done, a curly haired BDR personnel who was relatively taller than the other officers made a phone call to an unknown person and confirmed the arrest of Kamal and Khayer. Masuda informed that soon after a Magistrate arrived. Upon the arrival of the Magistrate the BDR personnel began to search the house and also beat up Masuda's husband and Khayer. When Kamal began to scream out of pain, the BDR personnel tied up Kamal's mouth with his elder daughter's shawl. The BDR personnel then began to hit Kamal with the butts of their rifles and also started to haphazardly kick him with their boots. Masuda went on to say how BDR personnel stood on Kamal's chest and also smothered the thigh muscles of his legs. She also alleged that they beat Kamal with the pieces of firewood that were kept beside their room. The beatings continued for two and a half an hours. Masuda said that since Kamal's mouth was tied up he was groaning instead of screaming. At a certain point when Kamal indicated with his hands that he needed water, the BDR personnel took the putty-powder that they had found while searching Kamal's room and diluted it into a pail of water making it into a putty solution. They then made Kamal drink it. Khayer fainted after seeing the kind of beating Kamal was receiving. When the news of this incident spread, someone announced from the local mosque via a mike that Kamal's house was being attacked by dacoits. Upon hearing this announcement, around 500 people

gathered around Masuda's house. Masuda recalled how her husband's groaning ended after this. She stated that the BDR personnel totally ransacked her house by breaking the lock of her safe and also breaking the furniture. At around 2.30 am on January 21, 2008, the BDR personnel left. Masuda stated that before leaving that night, the BDR personnel took along with them a total of Taka 140,000, which included the money which Khayer had paid as advance money for the shop. She also alleged that they took three mobile phones which were used for business purposes, along with a steel pail and a ball pen. After taking all these things, they placed on their jeep Kamal, who was on the verge of death and Khayer, who was unconscious. At the same time, they also took Khayer's wife and 3 years old child and Ismail's wife with them to the police station. When Masuda's neighbours came forward to help, the BDR personnel threatened to shoot and kill them by pointing their firearms towards them. Masuda went to the police station at 7.00 am accompanied by her brother-in-law. There she found out that Kamal and Khayer had been transferred to the hospital, Ismail's wife had been set free and Khayer's wife Rahima and her (Masuda's) minor son were kept in the police station custody. When Masuda went to Sadar Hospital, she saw Kamal's dead body lying on the floor of Ward No. 4. The 8 police officers on guard did not allow her to get close to her husband's body. In order to retrieve her husband's body, Masuda contacted the police station and the Police Super³. Later on, after the completion of the post mortem, the police escorted Kamal's body to Masuda who was at home and arranged for Kamal's burial at 6 pm. They stayed until the burial ceremony ended. The police officers left after that.

Abul Khayer (40), the person who was arrested along with Kamal

Abul Khayer, detained in the Feni District Jail told Odhikar that his home town was in Noakhali. He informed that he had been living in the Rail Colony of Shohodebpur of Ward No. 2 of Feni Pouroshobha, just adjacent to the Feni Railway Station, with his wife and son for a long time. Abul Khayer made a living as a hawker. Since Khayer's business was in the train bogies, he got introduced and became friendly with Kamal who owned a shop named Macdona on the railway station. Khayer stated that on the night of January 20, 2008, when he and his wife went to Kamal's shop at the Railway Station, Kamal invited them both to his house. At Kamal's house, Khayer saw Kamal's wife and child along with another unknown woman. When he asked Kamal as to the identity of the woman, Kamal said that 11 years ago when he was involved in bringing in milk through illegal channels across the border, he got introduced to Ismail from Biloniya, Porshuram. The unknown woman was Ismail's wife. Khayer recalled how Ismail's wife was consistently talking on the mobile phone with someone and whenever a call would come in, she would leave the room to receive the call. He said that he, his wife, Kamal's wife, Ismail's wife and Kamal began to have dinner. At 11.30 pm, when they were almost about to finish dinner, some people from outside asked to open the door. In response to this, Kamal's wife opened the door but closed it again after seeing BDR personnel standing outside the door. The BDR personnel then entered the house by breaking in through the bamboo walls. They tied Kamal's hands

³ Police Super is the head of district police administration.

with a rope and his mouth with a *gamcha*⁴ and brought him outside on to the courtyard asking where the heroine had been kept and began to kick and punch him and beat him with iron rods. As for Khayer, he was laid down on the ground and the BDR personnel trampled on his thighs with their boots and hit his cheeks with rifle butts. Portions of Khayer's leg skin were peeled off due to the beatings. Due to the trampling in the stomach region, Khayer excreted. From inside the jail, Khayer took off his shirt and showed Odhikar's fact finder the signs of his wounds. He continued by stating that the BDR personnel kept him lying with his face downwards and beat him with branches of trees and *chola*⁵. He stated that he and Kamal were being beaten up together. At a certain point Kamal lost consciousness. When Khayer regained consciousness at 10 am on January 21, 2008, he found himself in handcuffs on a hospital bed surrounded by four police officers. Towards the afternoon, a police officer came to him at the hospital and recorded his testimony. When the journalists arrived, the police did not permit Khayer to talk with them.

Rahima Begum (35), Khayer's wife who was also arrested along with Kamal

Detained in the Feni District Jail, Rahima Begum told Odhikar that after a friendship developed between her husband and Kamal, the two families would often visit each others houses. On the night of January 20, 2008 at 9.30 pm, she, her young son and her husband Khayer visited Kamal's house. There she witnessed and unknown lady who was consistently talking on the mobile phone with someone. Rahima came to know that the lady had arrived from Porshuram and her husband's name was Ismail. She went on to say that as they were all finishing dinner at around 11.30 pm, people from outside suddenly asked to open the door. Kamal's wife opened the door to see 10/12 armed BDR personnel and closed it immediately because she got scared. Later, the BDR personnel broke in through the bamboo wall and tied up Kamal and Khayer's hands and legs. Rahima recalled that a certain Major Masud brought Kamal and Khayer out on to the courtyard and asked them where they had hidden the heroine and began to beat them. Four to five BDR personnel dragged both Kamal and Khayer from one room to another and beat them. The intensity of the beatings increased after no heroine was found in any of the rooms despite a thorough search. They beat them with wooden *chola* and tree branches from Kamal's room. When one *chola* would break, they would take another *chola*. As the beatings continued more and more *chola* broke. Rahima recalled that the BDR personnel beat them up for approximately two hours. She stated that Kamal's health condition assumed a severe turn then and there. At 2.30 am on January 21, 2008, the BDR personnel boarded the unconscious Khayer and close to death Kamal on their vehicle and also took Rahima, her son and the lady from Porshuram to the police station. After being taken to the police station, Rahima was kept in the custody cell of the police station while Ismail's wife was kept sitting in front of four to five BDR personnel and the officer on duty at the police station. 8/9 BDR personnel and 5/6 police officers took Kamal and Khayer to the hospital by a vehicle. After Rahima was taken into custody she could not see

⁴ Gamcha is a kind of towel made by handloom.

⁵ A chola is a piece of chopped firewood, shaped like stick.

anything. Rahima stated that the BDR personnel had inhumanly beaten up her husband and at the same time had implicated in a false case against Kamal and Khayer and had them sent to jail. She also stated how her child was also confined in jail for no reason. Rahima urged the appropriate authorities to take the proper steps to ensure the release of her child.

Amena Begum, a witness to the beating

Amena Begum (60), a relative and neighbour to Kamal, told Odhikar that at 11.30 pm on January 20, 2008, she woke up from sleep hearing the trampling sound of boots. When she tried to go outside after opening her door, 3 BDR personnel raised their rifles and stopped her from doing so. Amena stated that she saw what was going on in the courtyard from the window. As she described the incident, she stated that four to five BDR personnel brought Kamal and Khayer out on to the courtyard. The BDR personnel tied up Khayer's hands and legs and conducted a search in Kamal's house. Two BDR personnel were talking to people on their wireless set and two other BDR personnel brought Kamal's wife outside from her house and took her towards the road. A while later when a person arrived in a car, Kamal begged for his life by holding the man's legs. Just as Kamal did that, a curly haired BDR officer broke the hold Kamal had over the man's legs pressed Kamal's right hand to the ground with his boots. At this point, Kamal was crying loudly and two BDR personnel tied up kamal's hands and legs. Amena recalled that another BDR officer took Kamal's daughter's shawl and used to tie up Kamal's mouth. Following this, three to four BDR personnel took the *cholas* kept beside Kamal's house and began to beat him and ask him where he had kept the heroine. Amena Begum recalled hearing the groaning sound of Kamal and if anyone tried to approach Kamal's body, the BDR officer scared them off threatening to open fire on them. According to the witness, the BDR personnel were also beating Khayer. Amena saw how two to three BDR personnel brought some putty which is used to make furniture from inside Kamal's house and passed it off as heroine and informed the Magistrate that the heroine had been retrieved. They diluted the putty in a pail of water and forced Kamal and Khayer to drink it. Amena recalled how the beatings by the BDR personnel continued till 2.30 am in the early morning. She stated that at a certain point after someone declared via mike that a dacoit operation was undergoing at Kamal's house, many villagers rushed to Kamal's house and seeing this, the BDR personnel dragged Kamal and Khayer on to their car and drove away.

Rabiyal Hossain (25), Kamal's younger brother

Rabiyal Hossain told Odhikar that he was employed as labourer on a bus. On the night of January 20, 2008, he was asleep in a bus at the Feni bus-stand. In the morning, he came to know from many people that his brother Kamal had been taken away by the BDR. He then went home to know the details of what had happened and following that went to the Feni Sadar Hospital at around 9.00 am. Rabiyal saw Kamal's dead body lying on the ground guarded by the police. The police who were on guard did not allow Rabiyal to get close to Kamal's body. He went on to say that

the journalists tried but failed to take photographs of Kamal. Rabiyaal stated that the inquest and post-mortem of Kamal's body was carried out under the surveillance of the police. He recalled seeing signs of beatings on the back, chest, lower abdomen, hands and feet along with deep wounds made with iron rods on the right thigh where the skin was scraped. There were also wounds on the left and right hands. Following the post mortem, the burial of Kamal was carried out under the custody of the police. Rabiyaal alleged that the BDR had beaten his brother to death and if he had at all been involved in heroine trade, he could have been put to face a trial.

Ziaul Huq Shahjahan (41), witness

Ziaul Huq Shahjahan (41), resident of the village of North Birinchi told Odhikar that he was in the transport business at Dhaka and Feni. At 11.45 pm on January 20, 2008, he was on his way home on his motorcycle. As he approached his house, he saw many people turning torch lights on here and there and also heard screams of people getting beaten up. Ziaul advanced further and found Kamal and Khayer in a tied up state being beaten up by the BDR personnel at Kamal's house. He also witnesses how the BDR personnel were not allowing anyone from Kamal's house to leave and at the same time were not allowing anyone from outside to enter. Ziaul saw that Kamal from time to time was being made to stand up straight, kicked on the waist down to the ground, forced to lie down or made to lie down facing upwards and kicked again. At the same time, four to five BDR personnel would trample on them and use sticks, tree branches and rifle butts to beat them. The BDR personnel would ask them, "Where have you kept the heroine? Give us the names of the people with whom you have contact". Ziaul stated that since Kamal's mouth was covered with a *gamcha*, he was unable to speak. Instead he was making groaning sounds. At a certain point, Khayer lost consciousness due to the beatings. Ziaul then immediately went to the Khondokar Jaamey Mosque and told its *Imam*⁶ Wadud Khondor to announce over the mike that dacoits had entered Kamal's house. The *Imam* then made his announcement and urged the villagers to extend their support. Soon after, 400/500 people gathered near Kamal's house. At 2.30 am on January 21, 2008, the BDR took Kamal and Khayer and three others along with them. When Ziaul went to the Feni Sadar Hospital that day at 10 am, he saw Kamal's dead body. Ziaul stated that he firmly believed that Kamal had died due to the beatings by the BDR personnel

Md. Nur Alam (29), witness

Kamal's nephew and son of the late Abul Ahmed, Md. Nur Alam told Odhikar that he woke up hearing sounds of beatings at 1 am on January 21, 2008 and came out to see that Kamal and Khayer were being mercilessly kicked, punched, elbowed and beaten with sticks while many villagers were standing around Kamal's house and watching. If any of the villagers tried to advance forward, the BDR personnel were threatening to shoot them. Nur Alam saw the BDR personnel drag Kamal who was in critical condition from place to place. Seeing no other way out, he then went to the Feni Jaamey Mosque and announced via mike that dacoits had attacked Kamal's

⁶ A man who leads prayers at the mosque.

house and that people should come forward to help. Many people arrived in response to Nur Alam's call but none of them got the chance to get close to the BDR personnel. Feeling the developing anger in the pulse of the villagers the BDR personnel soon left taking with them, Kamal who was already dead and Khayer who had been injured. The BDR personnel also picked up Khayer's wife and son and Ismail's wife on to their vehicle and headed for the police station.

Abdul Jalil, the Magistrate who led the Taskforce operation

Magistrate Abdul Jalil told Odhikar that a taskforce was formed on January 20, 2008 to operate the anti narcotics drive, on the direction of the Deputy Commissioner (DC)⁷. Magistrate Jalil stated that on the basis of a piece of secret information, he and 12 BDR personnel conducted an anti narcotics operation at the North Birinchi village at 11 pm. Jalil stated that as a result of the operation, narcotics peddler gambit Kamal and his assistant Khayer and Khayer's wife Rahima were arrested and two bottles of Indian Phensidyl, four bottles of Ricodex, one bottle of Mutiniram and one bottle of whisky were retrieved⁸. He went on to say that when the BDR personnel tried to arrest Kamal, Kamal tried to run away and injured himself by colliding with a tree. Magistrate Jalil said that Kamal was highly intoxicated due to excess drinking of alcohol that caused his death. Jalil continued by saying that after arresting someone, the arrested person does not usually speak, which was why they needed a slight beating. It was in respect of that notion that Kamal was slapped twice or thrice. He also stated that since Kamal and Khayer were drug addicts they were first taken to the hospital for treatment and following treatment at the hospital a case was filed against them at 3.15 am.

Lance Nayek Mokhlesur Rahman, Jaylashkar Camp, 19 Rifles Battalion, Feni

Lance Nayek Mokhlesur Rahman told Odhikar over mobile phone that although there were no cases filed against Kamal, there were allegations that Kamal was the ring leader of those who were involved in heroine smuggling over the Indian border. He informed that the anti narcotics drive which was done by the taskforce on the night of January 20, 2008 where Kamal and Khayer were arrested was based on an order given by the DC. He went on to say that Kamal, Khayer and Khayer's wife were all arrested with narcotics and were all handed over to the police station after filing cases against them at the Feni Model Police Station at 3.15 am.

Assistant Sub-Inspector (ASI) Shamim, Feni Model Police Station

ASI Shamim told Odhikar that he was the officer on duty when Kamal and Khayer were brought to the police station on January 21, 2008. He stated that at 2.45 am on January 21, 2008, Magistrate Jalil led a group of 10/12 BDR personnel and arrested Kamal, Khayer, Khayer's wife and son and Ismail's wife and brought them to the police station. The BDR personnel left Khayer's wife and son and Ismail's wife at the police station under the BDR's custody and then left for the Feni Sadar Hospital with Kamal and Khayer. ASI Shamim said that the BDR personnel soon returned from the

⁷ Deputy Commissioner (DC) is the head of the district civil administration in Bangladesh.

⁸ Phensidyl, Ricodex and Mutiniram are narcotic drugs smuggled into Bangladesh from India.

hospital with Kamal and Khayer. He stated that the BDR personnel let Ismail's wife and Khayer's son go. However, in the presence of Magistrate Jalil, Lance Nayek Mokhlesur Rahman from the 19 Rifles Battalion as plaintiff filed a case against Kamal, Khayer and Khayer's wife.

Case No. 26, Date: January 21, 2008; Time: 3.15 am and Section: 25 B of the Special Powers Act 1974.

ASI Shamim stated that the version placed forth by the BDR was: BDR personnel from the 19 Rifles Battalion led by one Magistrate took part in an anti narcotics drive of the Taskforce at the house of Kamal at the village of North Birinchi on the basis of a piece of secret information. They retrieved two bottles of Phensidyl, four bottles of Ricodex, one bottle of Mutiniram and one bottle of whisky from Kamal's house and arrested Kamal and Khayer and Khayer's wife Saleha Khatun⁹ (30). In the case content it was also stated that while Kamal and Khayer tried to escape in the dead of the night, they collided into a tree and also got into the middle of some pushing and shoving which caused them to be slightly injured.

ASI Munsur, Feni Model Police Station

ASI of the Feni Model Police Station, ASI Munsur told Odhikar that he was on mobile duty at the Feni town on January 21, 2008. At 3.45 am he was informed by duty officer ASI Shamim via wireless that the BDR had brought three accused to the police station among who two were seriously unwell and needed to be taken to the hospital. ASI Munsur stated that he and three other Constables took Kamal and Khayer to the Feni Sadar Hospital. He also mentioned that the BDR personnel in the presence of a Magistrate had taken Kamal and Khayer to the hospital earlier that 2.45 am and after giving them the necessary treatment brought them back to the police station¹⁰. ASI Munsur stated that after admitting the two at the hospital he went back to his mobile duty. The following morning he came to know Kamal had died at the hospital. He commented that when the BDR personnel handed Kamal over to the police station, his health was already then in a critical state.

Kamrul Hasan, Officer-in-Charge (OC)¹¹, Feni Model Police Station

The OC, Kamrul Hasan told Odhikar that following his permission at 3.00 am on January 21, 2008, ASI Shamim accepted the case filed by the BDR authorities. The OC stated that Ismail and his wife from Porshuram, Biloniya used to work as 'sources'

⁹ Khayer's wife informed Odhikar that her real name is Rahima Begum, but she had stated to the police that her name was Saleha Khatun.

¹⁰ Although it is stated that the BDR personnel took Kamal and Khayer to the hospital for the first time, it is stated in the hospital documents that the police brought them to the hospital for treatment.

¹¹ Officer-in-Charge (OC) is the head of a police station.

for the BDR and the police. He went on to say that Ismail's wife had been working as a 'source' for the BDR with the target to arrest Kamal.

Statements from the doctors who conducted the post-mortem examination

1) Dr. Md. Sarwar Jahan

Dr. Md. Sarwar Jahan of the Feni Sadar Hospital told Odhikar that in the early morning on January 21, 2008, the police brought Kamal and Khayer to the hospital twice. He informed that after Kamal was brought to the hospital the second time, he died. He stated that when Dr. Mobarrak Hossain was on duty, ASI Munsur from the Feni Model Police Station and three more police officers brought Khayer and Kamal for treatment at 2.45 am on January 21, 2008 and following treatment took them away. Hospital registration number: 1315, Date: January 21, 2008. Both Kamal and Khayer were admitted to the hospital again at 4.00 am. Hospital admission registration number: 1317. He also informed that Kamal passed away at 4.40 am. Dr. Sarwar stated that he had heard from Dr. Mobarrak that when Kamal was brought to the hospital the first time, he walked on his own from the police car to the hospital bed. However, when Kamal was brought to the hospital the second time, he had to be carried to the hospital bed by several police officers and was himself in a very critical condition. Dr. Sarwar stated that he would be able to talk about the reasons behind Kamal's death after he would receive the viscera report. He went on to say that a medical board comprising of him and two others performed the post mortem of Kamal. During the post mortem, he saw marks of beatings on Kamal's body. He refused to say any further beyond the information he had given.

2) Dr. Humayun Kabir

While talking to Odhikar Dr. Humayun Kabir said that he was a member of the three-member medical board that conducted the post-mortem into Kamal's body. He said that while doing the post-mortem they found traces of poisonous substances in Kamal's stomach.

Statements from two people who assisted the doctors during the post-mortem

1) Abdul Kader

Abdul Kader told Odhikar that a smelly substance was pushed into Kamal's body through his mouth, traces of which were found in his stomach. This was discovered when Kamal's body was cut open.

2) Zakir Hossain

Zakir Hossain told Odhikar that Kamal's back, hands and feet bore signs of beatings. He also stated that after opening Kamal's stomach smells of alcoholic substances were released.

Wadud Miah

The *Imam* of the Khondokar Bari Jaamey Mosque (36) told Odhikar that while washing Kamal's corpse, his two elbows, thighs and both sides of his back bore signs of beatings and trampling by feet. He stated that other than these signs there were also blood clots all over his body.

Md. Masum Khan, the Deputy Commissioner (DC), Feni district

The DC, Md. Masum Khan told Odhikar that the Government had taken various steps to ensure good governance at Feni. This was why Mobile Courts and Taskforces were formed and operated whenever needed. He further stated that, a Taskforce was formed for an anti narcotics drive on January 20, 2008, as per decision of the Government. The DC said that from the operation of the anti narcotics drive at the North Birinchi village on January 20, 2008, Kamal and a group of drug dealers were arrested along with drugs. He stated that Kamal's death was unfortunate, but it would not be possible to say whether Kamal died of beatings by the BDR or of excess alcohol in his body, without reading the viscera report.

Follow up 1: March 15, 2008

During a conversation with Odhikar on March 15, 2008, Masuda Begum said that she had submitted a petition at the Court of Chief Judicial Magistrate, Syed Zahid Munsur, of Feni on January 28, 2008 for beating her husband to death. She said that she had accused Magistrate Abdul Jalil, Major Masud from the 19 Rifles Battalion and Abul Khayer and his wife Rahima Begum in the petition. She suggested that Odhikar contacted her lawyer, Shohag Mia for details of the case.

Masuda informed Odhikar that the OC of the Feni Model Police Station, Kamrul Hasan told her that it would be good for her to withdraw the case she had filed and thus go into a compromise with the accused.

While talking to Odhikar on March 16, 2008, Advocate Shohag Mia, the lawyer representing Kamal's family, confirmed that Masuda filed a petition at the Court of Chief Judicial Magistrate on January 28, 2008, accusing Magistrate Abdul Jalil, Major Masud—an officer from the 19 Rifles Battalion and Abul Khayer and Rahima Begum for beating her husband to death. He said that the petition was numbered 26/2008 and was filed under sections 302/34 of the Penal Code. Shohag said that the same day the Chief Judicial Magistrate, Syed Zahid Munsur recorded the evidence given by 5 witnesses and ordered the OC, Kamrul Hasan to file a First Information Report (FIR) and investigate the case. He continued by saying that the investigation report had not yet reached the court.

When Odhikar inquired into the progress of the investigation on March 15, the OC refused to inform anything about the investigation.

Follow-up 2 : May 25-26, 2008

On 25 May 2008, Masuda Begum, the wife of deceased Kamal Uddin told Odhikar that she being a plaintiff filed a case at the Court of the Chief Judicial Magistrate of

Feni on January 28, 2008 for beating her husband to death. She informed Odhikar that she had accused four persons in the case who were:

1. Magistrate Abdul Jalil
2. Major Masud, the BDR officer of 19 Rifles Battalion
3. Abul Khayer and
4. Abul Khayer's wife, Rahima Begum.

Masuda Begum told Odhikar that on the basis of the statements given by Abul Khayer and his wife Rahima Begum and the witnesses of the incident the court later included Ismail and his wife Saleha Begum in the list of the accused and issued arrest warrant against all the accused. She said that within a week of the issuance of the warrant by court against the accused, police of Feni Model Police Station arrested Ismail and his wife Saleha and produced them before the court.

Masuda Begum said that in their statements before court Ismail and Saleha mentioned that they helped BDR to held Abul Khayer and Kamal Uddin but they denied to get involved in the killing of Kamal Uddin. She told Odhikar that the Officer-in-Charge (OC) of the Feni Model Police Station had informed her that since all reports including the post-mortem report had proved that Kamal had been beaten to death, the Court issued an arrest warrant against Major Masud and Magistrate Abdul Jalil. The OC also informed her that, as per system, police had no provision to arrest a BDR officer. So they sent necessary papers to the Director General of Bangladesh Rifles (BDR) to take action. Masuda Begum also said that the present investigation officer of the case informed her that they received a letter from BDR Director General Office to the effect that BDR accepted the case.

Masuda informed Odhikar that Abul Khayer, his wife Rahima Begum and their three and a half year old son Md. Amir Hossain are still in jail as accused in the case filed by the BDR against them for keeping narcotics. They could not manage bail in spite of repeated attempt of their lawyers.

During a conversation with Odhikar on May 26, 2008, Kanak Babu (Contact No. 017 11 19 28 28), the present investigation officer of the case filed by Masuda, said that the case was under way to be transferred to the Criminal Investigation Department (CID). He refused to make any more comment on the investigation of the case.

* Odhikar contacted Shohag Mia (Contact Nos. 017 11 31 95 62, 018 13 94 30 41), the lawyer representing Masuda Begum, to know details of the case update but he could not immediately provide Odhikar with any information. He told Odhikar to contact again a day later.