



Abdul Mazid from Raninagar in Naogaon Shot Dead by Police
Fact-finding Report
Odhikar

Abdul Mazid (25) from the village of Bhatkoi under Raninagar Upazila¹ in Naogaon district left home at around 7.00 am on June 12, 2008 to appear before the court. However, he did not return home that day. When Mazid's wife enquired about her husband at the Raninagar Police Station, she was told that the police station knew nothing about him. She was advised to go to the local hospital to make enquiries. She went to the local hospital and found the dead body of her husband under police guard. When she was returning from the hospital, she learnt from a few people, who also went to appear before the same court on June 12, that when Mazid had come out of the court room, two people in civilian clothes took him away. She was also informed that when some people tried to ask those two people why they were taking him away, some police officers who were present stopped them. Mazid's wife alleged that police in plain clothes had arrested him and later killed him in a planned manner. However, the Raninagar Police Station authority stated that they were informed by a confidential source on June 13, 2008 that a group of activists from Purbo Banglar Communist Party - ML [Red Flag], an ultra-left political organisation, were organising a secret meeting near a bridge in the village of Akna Bashbaria. The police also stated that they acted upon the information and raided the place at around 1.00 am on the same day, which led to a gunfight between the police and the 'extremists'. According to the police, Mazid was killed in 'crossfire' during the gunfight.

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

- The victim's relatives

¹ Upazia is an administrative unit under a district in Bangladesh.

- Witnesses to the incident
- The doctor who conducted the post-mortem into the body and
- The concerned law enforcement agency.

Seli Begum (22), Wife of Abdul Mazid

Seli Begum told Odhikar that her husband, Abdul Mazid used to repair lighters, umbrellas, locks, etc. She said that when her husband was involved in politics with the Purbo Banglar Communist Party - ML [Red Flag] in the past, he was accused in seven cases. Mazid was released after spending four years in prison for one of the seven cases. He was out on bail in the other cases. Seli said that Mazid went to appear before the court for two cases on June 11 and returned home on the same day. The following day he left home at around 7.00 am for the court. Mazid's wife said that she waited till 3.00 pm for her husband to return from the court and then she called her husband's mobile phone number but it was off. When she called the number again at around 7.00 pm, an unknown man received the call and when she enquired about her husband, he switched off the phone.

The following morning on June 13, 2008, she informed Mazid's parents. Accompanied by her sister-in-law, Shiri Begum (22), she then went to the Raninagar Police Station in search of Mazid, but they were told that there was no information about Mazid. They were also told by the police station that a dead body was lying at the Raninagar Upazila Health Complex. The police on duty advised them to see whether the body was Mazid's. Seli said that they then went to Raninagar Upazila Health Complex to find Mazid's body surrounded by a large crowd in the veranda of the Health Complex and four or five police officers standing nearby. When the police officers asked her to keep away from the body, she returned home. On the way, some people from Akna Bashbaria, who also went to the court on June 12, 2008, told her that when Mazid came out of the court room at around 2.00 pm, two people got hold of Mazid and took him away. However, they could not tell her where he was taken.

Seli Begum said that the police had returned her husband's body at around 5.00 pm following the post-mortem. She said she found that Mazid's left arm was broken and his chest had two bullet wounds. She alleged that Mazid had been picked up by police in plain clothes and then killed in a planned way, followed by a fabricated story of 'crossfire'. She demanded a judicial investigation into the incident.

Shiri Begum (22), Mazid's Sister

Shiri Begum said that in the morning of June 13, 2008, she accompanied her sister-in-law, Seli Begum, to Raninagar Health Complex and saw Mazid's body under custody of the police. She said Mazid's nose, face and ear were stained with blood and his chest had two bullet wounds. The police officers who were guarding the body told her that Mazid had been killed in 'crossfire'. Shiri said when she was returning home with Seli, some people who went to the court on June 12, informed them that two people got hold of Mazid and took him away when he came out of the court room. She said those people also told them that when some people were trying to ask the two men why they were taking Mazid away, the police officers in uniform stopped them, giving the impression that the two were police officers. She alleged that the police had killed Mazid in a planned manner following his arrest on June 12 and had fabricated a story of 'crossfire'.

Mojibar Khalipha (50), the Person Who Washed Mazid's Body

Mojibar Khalipha said he saw what he thought to be two bullet wounds on Mazid's chest - one on the left side and the other on the right. He said he found injuries on the left thigh, too. Mojibur said he also saw marks near Mazid's wrists which seemed to him to be like those created by being tightly tied up.

Majeda Begum (52), Mazid's Mother

Majeda Begum alleged that Mazid was shot to death by the police. She demanded justice following a proper investigation into the incident.

Statements from two labourers working at Akna Bashbaria Bridge under construction:

1. Hridoy (18)

Hridoy told Odhikar that on the night of June 13, 2008, six labourers including Shaheb Ali, Raju and he were sleeping in a temporary hut locally called *taung ghar* near an under-construction building in the village of Akna Bashbaria. They were awakened by the sound of firing at around 2.45 am. He said that in the semi-darkness they saw several police officers who were, according to him, standing in various positions shouting, "Catch! Catch! Escaping! Escaping! Shoot! Shoot!" and firing blank shots. When the shooting stopped, the police officers called them to the place of the incident to show them a dead body. Hridoy said the police officers also called two or three more people from neighbouring houses. Hridoy said that blood was still dripping from the body's chest and face. The police officers then took their signatures on a sheet of paper and left. He added that the police officers did not read to them the paper that they were told to sign.

2. Shaheb Ali (25)

Shaheb Ali said after he was awakened by gunshots at around 2.45 am on June 13, 2008, he and other labourers saw in the semi-darkness a group of four or five police officers, 14/15 cubits away from the *taung ghar*, shouting, " Catch! Catch! Shoot! Shoot!" and scuffling with someone. He said four or five shots were fired after the shouting. Shaheb said that when the firing stopped, the police officers broke away and he saw a man lying on the ground. A few minutes later the police officers took Shaheb and others to the place of the incident where they saw a body. Shaheb said that the police officers then took their signatures on a sheet of paper and left with the body.

Md. Rafiul Alam, Officer-in-Charge (OC), Raninagar Police Station

During a conversation with Odhikar, Officer-in-Charge (OC) Md. Rafiul Alam said that at around 1.00 am on June 13, 2008, they were informed by a 'confidential

source' that a group of members of the Purbo Banglar Communist Party – ML [Red Flag], an ultra-left political party, were holding a secret meeting near the bridge in the village of Akna Bashbaria. The OC said that he immediately took two teams of police officers to lay siege to the bridge area. He said that when the members of the radical party sensed the presence of the police, they fired, forcing the police to retaliate. After 15 minutes of exchanging gunfire, the members of the political party retreated. The police officer said they later found a body lying at the place of incident. He also said that several people from the neighbouring houses identified the body as that of Abdul Mazid from the village of Bhatkoi. The OC finished his talk with Odhikar by saying that the police retrieved a foreign pistol and three rounds of bullets from the area.

Sub-Inspector (SI) Razzaque, Raninagar Police Station

Sub-Inspector (SI) Razzaque said that Mazid was accused in five murder cases filed with the Raninagar Police Station. According to SI Razzaque, the list of the cases was as follows:

- I. Case No. 4(7) 03; Sections: 302/34 of the Penal Code.
- II. Case No. 2(5) 06; Sections: 302/34 of the Penal Code.
- III. Case No. 1(3) 04; Sections: 302/34/114 of the Penal Code.
- IV. Case No. 4(1) 04; Sections: 302/34/114 of the Penal Code.
- V. Case No. 2(9) 03; Sections: 302/34 of the Penal Code².

Zahid Nazrul Choudhury, The doctor who conducted the post-mortem of Mazid's body

Doctor Zahid Nazrul Choudhury said that he found two bullets on Mazid's body - one on the left side of his chest and the other on the right. Mazid's hands bore signs of being tied up and blood was coming out of his mouth.

Conclusions:

² Section 302: Punishment for murder; Section 34: Acts done by several persons towards a common intention; Section 114: Abetment.

It has been alleged that Mazid was killed as a result of ‘crossfire’ during a gunfight between the police and Purbo Banglar Communist Party – ML [Red Flag]. Mazid had already served a term for previous convictions, therefore there was no justification for further punishment without trial. If it is found that Mazid was intentionally killed by the police, then the following violations of ICCPR³ Articles have occurred:

The fundamental Right to Life, protected by Article 6.1, has been violated. The conditions for legal execution (i.e. the death penalty) have not been met, since the killing was not carried out ‘*pursuant to a final judgment rendered by a competent court.*’ (6.2). This killing would therefore be extrajudicial.

Secondly, it is clear that if the killing occurred in police custody, then Article 9.3 has been breached – Mazid’s detention was not followed by trial. Similarly, Article 9.4 has been violated too, as the lawfulness of his detention was never decided by a court.

Also, two witnesses informed Odhikar that the police failed to inform those who requested, the reason for Mazid’s arrest. If Mazid himself was not informed, then the arrest would be arbitrary and without account (breach of articles 9.1 and 9.2).

If the police were genuinely retaliating gunfire from the Purbo Banglar Communist Party activists, the killing may have been accidental as claimed. However, from the evidence of the witnesses Hridoy and Shaheb Ali this was not the case. Gunfire only began *after* the police issued orders to ‘catch’ and ‘shoot’. Even if SI Razzaque is correct in claiming that Mazid was accused on five separate accounts, this is no justification for the killing. Furthermore, given the evidence of Dr. Choudhury it appears unlikely that crossfire was the cause of death, since his hands had been bound.

-End of report-

³ International Covenant on Civil and Political Rights (ICCPR) is an international instrument to protect civil and political rights of individuals. Bangladesh is a party, signing the Convention in 2000.

