



Abdul Mukit Allegedly Tortured to Death by Police in Noakhali

Fact-finding Report

Odhikar

On September 11, 2008 Police from Sudharam Police Station in Noakhali arrested Abdul Mukit (20) from Fatehpur village in Noakhali Sadar Upazila¹. The court sent him to jail the next day and on September 13, 2008. Mukit died in Noakhali General Hospital while under the custody of the Jail Police. His family alleged that Mukit was tortured to death. However, police state that Mukit was a drug addict and he was beaten by the mob and eventually got injured at the point of his arrest which, according to the police, might be the reason behind his death. The doctor who did the postmortem said that only the viscera report could provide concrete evidence to prove any allegation behind Mukit's death.

Odhikar conducted a fact-finding mission into the allegations made by the family of the deceased. During the mission, *Odhikar* interviewed the following:

- Relatives of the deceased
- Doctors of Noakhali General Hospital
- Morgue-assistant
- Members of law enforcement agencies

Mukit's father Md Idris Ali, Fatehpur, Sudharam, Noakhali:

Md Idris Ali was working in the office of National Bureau of Statistics in Agargaon, Dhaka. On September 11, 2008 at around 10.45 am in the morning he received a call from Simon, a boy from Building No. 10, Maizdi Housing Estate in Noakhali town. Simon told Idris that his son Mukit was caught by a mob while he was attempting to break into flat 10/F on the second floor of the same building. As he was in Dhaka at that time, Idris told his wife Rasheda Parvin to take care of the matter immediately.

According to Idris, he returned to Noakhali that night at around 11.00 pm only to know from his wife that police arrested Mukit on the spot and took him into their custody. He did not make any further queries. He got the news of Mukit's death on September 13, 2008 at around 6.15 pm in the evening from an acquaintance. He reached Noakhali Sadar Hospital at around 7.00 pm to see the deadbody of his son being laid on a stretcher under police custody. Idris said that he went to the Sudharam Police Station at around 11.00 pm and applied for filing a case alleging that the Sudharam Police had tortured Mukit to death. But on September 14, 2008 at around 1.30 am, the Officer-in-Charge (OC) of the Sudharam Police Station filed his allegation as a General Diary (GD), numbered 688.

Idris said that in the GD, he had alleged that his son was tortured both physically and mentally by the police while he was under their custody. He said that instead of admitting Mukit to the hospital, police implicated him in a false case numbered GR 605/2008 and produced him before the court. Idris alleged that at around 5.00 pm on September 13, 2008, after severe torture, Mukit was brought to the hospital as a dead body. He said that

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

Khademul Bahar, a Sub-inspector (SI) from Sudharam Police Station, arrested and tortured Mukit and SI Ataur Rahman sent him to the court. At around 2.00 am, Idris went back to see Mukit's body in the hospital. He noticed that the Jail Police had gone and 7/8 officers from the Sudharam Police Station were guarding Mukit's body. At around 10.25 am on September 14, 2008 upon the order of Quazi Nurul Islam, an Executive Magistrate, SI Siraj from the Sudharam Police Station prepared an inquest report on Mukit. Idris stated that he was taken away from the premise while the report was being prepared. In addition, his signature was taken on the inquest report as a witness despite the fact that he was not allowed to read the report. The body was finally handed over to him at around 4.00 pm.

Rasheda Parvin Rita, Mukit's Mother, Fatehpur, Sudharam, Noakhali

Rasheda Parvin Rita told *Odhikar* that on September 11, 2008 at around 9.00 am Mukit left for his aunt's house. She said her husband called her over the phone at around 11.00 am that morning and informed her that Mukit had been captured by the residents of Maizdi Housing Estate for attempted theft of flat 10/F of No. 10 Building of Maizdi Housing Estate. When she reached there at around 11.15 am, she found Mukit captured. Those who captured Mukit did not let him go till the owner of the flat came. She said that at around 12.00 noon the owner of the flat, Panowara came followed by her husband, Mosharraf Hossain at around 1.45 pm. Mosharraf asked Mukit many questions. Many people from that area knew Mukit which is why no one harmed him. When police came from Sudharam Police Station at around 3.30 pm and took Mukit away in handcuffs, Mukit's mother left the spot and went home.

Rita said that Mukit used to smoke and take 'weed' sometimes. She thought that if Mukit spent a couple of days in jail, he would give up this habit and then she would make arrangements for his release on bail. On September 13, 2008 at around 6.00 pm, she learnt that Mukit had died in the hospital while in jail custody. On September 14, 2008, at around 4.00 pm, her husband brought Mukit's body home.

On September 21, 2008, she filed a case with the Judicial Magistrate in Noakhali accusing that Mukit had died of torture he received while he was in the custody of Sudharam Police Station. The case was numbered 797/2008 and it was filed under sections 302/34 of the Penal Code, against SI Khademul Bahar, SI Ataur Rahman Bhuyia, police source Md Shahin Hajari alias Kala Hajari. She also said that on September 12, 2008, when SI Ataur took Mukit to hospital, Dr. Fariduddin, the officer in charge of the hospital suggested that Mukit be admitted into the hospital. But SI Ataur did not pay heed and gave a false address of Mukit in the paperwork and sent them to the court. She also said that on September 14, 2008, she went to the police station to file a case against police and a police source but the police refused to file the case.

Mahmudul Hasan Mahim (17), Mukit's Brother

Mahmudul Hasan Mahim told *Odhikar* that Mukit was arrested at Maizdi Housing Estate on September 11, 2008 but he was sent to the court shown as an accused in a case of theft of Bangladesh Krishi Bank, Neyazpur Branch,

Mahim said Mukit's neck was injured and there were bruises on his elbows. He said Mukit's right hand was broken and there were marks of kicks on his lower abdomen. Mahim also said he saw marks of beating on his left hand, feet and ankles.

Rakibul Hasan (24), Mukit's Brother

Rakibul Hasan told *Odhikar* that his younger brother, Mahim had an affair with Priya (16), the daughter of their neighbour, Anwar Hossain. A month ago when Priya came to meet Mahim, Anwar called police and told them that Mukit and Mahim had kidnapped Priya. SI Khademul and four other police officers came to their house. As Mahim was not at home at that time, the police took Mukit and Priya to the police station. Priya told the police that she went to Mukit's home by her own will. After they were released, Mukit scolded and shouted at SI Khademul. Rakib alleged that a revengeful SI Khademul arrested Mukit on September 11, 2008 and tortured him, causing his death in the hospital on September 13, 2008 while in jail custody.

Modasserul Huq, Former Vice Principal, Noakhali Sarkari Mahila College (Noakhali Govt. Women College), Noakhali

Modasserul Huq said that on September 11, 2008 at around 11.00 am he heard noises from flat 10/F of Building No. 10 of Maizdi Housing Estate and when he reached there he found Mukit tied up. He said that he told everyone who gathered there that Mukit was well known and should be handed over to his parents when they came. So at that moment, no body beat or hurt Mukit. Modasserul said that the owner of the flat, Mosharraf, handed Mukit over to SI Khademul Bahar from Sudharam Police Station at around 3.30 pm. He said that on September 12, 2008, he was informed that Mukit was sent for prosecution for attempted theft at the Neyazpur Branch of Bangladesh Krishi Bank. He also came to know that SI Aatur Rahman Bhuiyan stated in his report that Mukit was beaten up by the public during arrest. Modasserul concluded by saying that no body had touched Mukit while he was held by the people at Maizdi Housing Estate so it was shameful to hear a police officer telling a lie.

Panowara Begum, Building No. 10, Maizdi Housing Estate, Noakhali

Panowara Begum told *Odhikar* that she was an assistant teacher at Moddhom Karimpur Sarkari Prathamik Bidyalaya (Moddhom Karimpur Govt. Primary School) and her husband worked at Begumganj Upazila BRDB Office. She said that she had been living at flat 10/F of the Building No. 10 in Maizdi Housing Estate. Panowara said that on September 9, 2008 at around 9.00 am, she saw a boy sitting on the rooftop of the building. On September 11, 2008 at around 9.00 am, she locked her house and went off to school leaving the key with her son, Rafi(8). After she left for school, Rafi went to play in front of the building. At around 11.45 am Rafi told her over the telephone that a thief had broken into their house. She returned home at around 12.00 pm to see that the boy whom she saw on the rooftop the day before yesterday had broken into her house. Panowara said that no body there had hurt him. She said that Mukit was tied with a rope but when his mother came, he was untied. She also said that at around 3.30 pm, police came and took Mukit. Panowara said that Mukit was well known to everyone as he used to connect dish antennae for people. On September 13, 2008 at around 8.00 pm, she heard that Mukit had died in the custody of the Jail Police while he was in medical care.

Mosharraf Hossain, Building No. 10, Maizdi Housing Estate, Noakhali

Mosharraf Hossain said he was currently working as an accountant of Begumganj Upazila BRDB Office. After he heard the news that a thief had broken into his house, he came back home on September 11, 2008 at around 1.45 pm and found the thief to be Rasheda Parvin's son Mukit. He interrogated Mukit for 15 minutes. He said that SI Khademul Bahar came from the Sudharam Police Station and said that an Assistant Commissioner (Land)² informed him over the telephone that he (Mosharraf) had captured a thief. He said that the police took Mukit away in handcuffs. Mosharraf confirmed that nobody beat Mukit or handed him over to police. He said that police arrested Mukit of their own will and that no one there had called them to come.

Mezbaul Rafi (8), Son of Mosharraf Hossain, Building No. 10, Maizdi Housing Estate, Noakhali

Mezbaul Rafi told *Odhikar* that on September 11, 2008 at around 11.00 am, while he was playing cricket with Alvi, Nafiz, Simon and some other friends, he heard a cracking noise from their house. When he went back home, he found that the lock of their house was broken. He began shouting, and people ran to the house and found Mukit inside. He said that nobody hurt Mukit as he was known to many. Rafi added that police came and took Mukit away.

Abdullah Al Mansur Simon (23), Building No. 10, Maizdi Housing Estate, Noakhali

Abdullah Al Mansur Simon said that in the morning on September 11, 2008, he heard Rafi shouting "Thief! Thief!" When he went to Rafi's house, he found that Mukit, whom he knew, had broken into the house. He tied Mukit with a rope and told everyone. At around 12.00 pm, when the owner of the house, Panowara Begum, came, he handed Mukit over to her and left the place. On hearing that police had come, he went back to Rafi's house at around 3.30 pm and saw SI Khademul kicking Mukit's abdomen and shouting "For you the police department cannot sleep at night. Tell us where else you have committed theft?" Simon said that he requested the police not to beat him anymore. Simon said that Mukit died on September 13, 2008. He added that, it was a lie that Mukit was beaten up by a mob before he was arrested. Simon commented that police had fabricated a story to escape liability of Mukit's death.

Saimur Rahman Rana (28) Young Satellite Network, New Police Line Road, Maizdibazar, Noakhali

Saimur Rahman Rana told *Odhikar* that Mukit used to work as a Cable Supervisor in his satellite cable network company. He said that Mukit did not come to work on September 11, 2008. On September 13, 2008 at around 6.45 pm, he heard that Mukit had died of police torture. Rana said he went to Noakhali Sadar Hospital to see Mukit's body under police custody. He added that Mukit had injuries in his left arm, lower abdomen, legs and many other places of his body.

Noakhali District Jail

² Assistant Commissioner (Land) is a civil administration officer in Bangladesh.

A source from Noakhali District Jail, who wished to remain anonymous, informed *Odhikar* that the court sent Mukit to the prison on September 12, 2008. He said that Jail Police brought Mukit to the prison along with a medical prescription. The source said since Mukit's physical condition was not sound, he was admitted to the prison hospital. The source also said that on September 13, 2008 Mukit was taken to Noakhali Sadar Hospital as his condition worsened. He died at around 7.00 pm while he was in medical care. The source claimed that Mukit was not tortured in any way while he was in jail custody.

SI Khademul Bahar, Sudharam Police Station, Noakhali

SI Khademul Bahar said that he went to Building No. 10 of Maizdi Housing Estate along with another police officer at around 3.30 pm. He said he found the door lock of flat 10/F of the building broken and sheets of paper scattered inside the house. He found Mukit captured by people suspecting he was attempting theft. He handcuffed Mukit and took him to the Sudharam Police Station. The police officer said that he left for home at around 7.00 pm, leaving Mukit in the custody of SI Ataur Rahman Bhuiyan. He also said that those who captured Mukit beat him up. Khademul said Mukit was also an addict. He claimed that police did not torture him in any way.

Sub-inspector (SI) Ataur Rahman Bhuiyan, Shudharam Police Station, Noakhali

SI Ataur Rahman Bhuiyan told *Odhikar* that on September 11, 2008 at around 7.00 pm, SI Khademul Bahar informed him that a person called Mukit had been arrested as an accused in a theft case and the mob had severely beaten him up, making him sustain serious injuries. On September 12, 2008 at around 10.00 am, he took Mukit to the hospital. Then he brought Mukit back to the police station after necessary treatment. He added that on May 12, 2008, a case was filed with Sudharam Police Station for an attempted robbery at Neyazpur Krishi Bank. The case was numbered 14 and was filed under section 939 of the Penal Code. The accused in the case were unknown. After brining him back from the hospital, he implicated Mukit as a suspect in that particular case and sent him to the court at about 12.30 pm. He stated that there were many allegations of theft against Mukit.

SI Ataur said that on June 16, 2008, Humayun Kabir, the owner of 'Shuvo Manzil' at Maizdi Khondokar Para, filed a case on June 10, 2008 for theft and other offences, under sections 450/380/411 of the Penal Code. The case was numbered 17. He further mentioned that Mukit's name was included in the charge sheet of this case.

Dr ALM Monir Ahmed, Residential Medical Officer (RMO) 250-bed General Hospital, Noakhali

Dr ALM Monir Ahmed said that on September 14, 2008, the doctors formed a 3-member board for the postmortem of Mukit's body. He said that there was no consistency between the inquest report and the actual condition of the body. After the police gave the doctors an edited inquest report, earlier signed by a Magistrate, adding a description of injuries on the body, they conducted the postmortem. After the postmortem, some special parts of the body were preserved for viscera test. He said a viscera test report will prove how Mukit had died.

Dr. Kamal Uddin Ahmed, Medical Officer, 250-bed General Hospital, Noakhali

Dr. Kamal Uddin said that on September 13, 2008, at around 7.00 pm, two members of police brought Mukit to the hospital. He said that under the supervision of Dr. Kornojid, Dr Saifuddin and he conducted the postmortem of the body. He said the police took the body away at around 1.30 pm next day. Dr. Kamal said Mukit had a three-inch long and one and a half-inch wide cut on his right elbow. He also had a four-inch long and one and a half-inch wide cut on his left elbow. He said some parts of the body had been preserved for viscera test. He concluded by saying that the viscera report will give the correct reason for the death.

Khorendro Babu, Morgue Assistant, 250-bed General Hospital, Noakhali

Khorendro Babu said he found signs of kicks on Mukit's lower abdomen. He also said that the body had bruises on several places, including arms and knees.

Kazi Nurul Islam, Executive Magistrate, Office of the District Magistrate, Noakhali

Kazi Nurul Islam said that on September 14, 2008 at around 10.25 am, SI Siraj from the Sudharam Police Station prepared an inquest report and he signed it. He also said that the report had some flaws that the police corrected before the postmortem, in consultation with him.

Md. Siraj Mia (61), the man who washed Mukit's body for burial, Anantapur, Begumganj, Noakhali

Md. Siraj Mia told *Odhikar* that Mukit had bruises on his left cheek and his left arm was broken. He also said that there were signs of kicks on his abdomen. He also said that Mukit's penis was badly injured. He also had a lot of bruises on his left foot and soles of his feet.

-The End of Report-