



Complaint of the death of BDR member Mobarak at the Pilkahna BDR Headquarters

Fact-finding Report Odhikar

On the 22nd of March, , Nayak Mobarak Hossain(42), the who was on duty in the riffles security unit at the Pilkhana Bangladesh Riffles(BDR) Head Quarters(HQ) passed away at the Dhaka Medical Collage hospital(DMCH) after being assaulted by the army men, as complained by the deceased's family. While investigation it was found that Late Mobarak Hossain was the son of Late Lokman Hossain who was a resident of Solimabad village of Nagpur Upazila of Tangail. Mobarak Hossain was employed as a detective at Cox's Bazar 18-Riffles Battalion in the riffles security unit.

Human rights organization Odhikar went to the spot to investigate. While investigation, Odhikar talked to

- The deceased's family and relatives.
- Witnesses.
- Members of the law enforcing agencies.

Tania Sultana Molly (30), Mobarak's wife

Tania Sultana Moly told Odhikar that her husband was employed as a detective at Cox's Bazar 18-Riffles Battalion in the riffles security unit. On the 2nd of February 2009, her husband came to Solimabad of Tangail from Cox's Bazar on a leave of 10 days. On 12th February 2009, he rejoined in Cox's Bazar. He had been called from the BDR HQ on special duty for the BDR week 2009. By the Command Certificate (CC) given by Subedar Ibrahim, he joined the Pilkhana HQ for 16th-27th February 2009 to carry out his duty. She mentioned that everyday she talked to her husband over mobile phone at least 5/6 times. She also mentioned that on the 25th of February 2009, her husband was on duty at gate-4 of the Pilkhana HQ, and was talking to her while on duty. Director General's (DG) darbar (meeting) was going on in the Pilkahna Darbar Hall. All on a sudden she heard sounds like firing. "What happened?" she asked her husband. Her husband told her that there was a darbar going on of the DG in the Darbar Hall. Probably someone is hunting birds nearby. Gradually the sound was escalating. Then her husband told her, "Keep the phone down, firing started inside the Darbar hall." her husband kept the cell phone close to his ears and went running towards the Mosque at Pilkhana and he told her "situation at Pilkhana is not good and that a lot of firing is going on." he asked her to take care of their two sons Md. Nayeem Hossain Murad (14) and Miraz Hossain Likhon (8) and kept the phone down. She said that there was no communication after that. On the night of 26th February 2009, he eloped from Pilkahna and to his house in Tangail. Around 10:00pm he got to know that Prime Minister (PM) Sheikh Hasina declared simple forgiveness to all BDR Jawans and has ordered them to rejoin their respective work places. She said that her husband is not involved in the incident and since he is innocent, he called up Subedar Ibrahim who is the commanding officer of Cox's Bazar 18 Riffles Battalion. Ibrahim told his wife, that he eloped himself. Apart from that, her husband's CC is at the BDR HQ. Therefore the commanding officer did not tell him where to join. At last her husband joined at the Pilkhana BDR HQ at 12:30pm on the 28th of February, 2009. She said that her elder brother Hassan Mahmud Babu was with her husband when he joined at Pilkhana. While joining at the HQ's, she said that she had heard that her husband's mobile phone was taken away and his hands were tied from the back and was then taken inside. After that the on duty army officers, inside Pilkhana did not allow her to communicate with her husband. Moly also informed Odhikar that her elder brother Abdul Basher is employed at the Pilkhana CSD Canteen's 24 line GP. She used to take information of her husband through her

brother. She said, on the 18th of March 2009, her husband called her from Pilkhana and said that he is in great pain, and is wearing the same pant, a vest and a t-shirt for the last few days. The army men are not even giving him an opportunity to take a shower. In the morning and at night they give inadequate amount of food which is not filling. Beard and mustache has grown over his face there is no place to shave. At night they all have to sleep stuffed up on the floor of the barracks. They feel very cold towards the end of the night. He asked to send him a few dry foods and a blanket. Her husband also told her that if anyone tries to communicate from outside than that person is tortured more. She said that on the 22nd of February 2009, around 8:00am her elder brother Hassan Mahmud Babu called her from Dhaka and told her that her husband was unwell. After proper inquiry from DMCH, Babu called her around 12:30pm and said that her husband died. She claimed that her husband was killed by torturing.

Hassan Mahmud Babu (39), Father: Late Liakat Ali, eye witness of the corpse

Hassan Mahmud Babu told Odhikar that on the 28th of February 2009, Mobarak, husband of his younger sister Molly went to Pilkhana BDR HQ to join. He was with him. He said that at first the army men checked a few hundreds of BDR members and then took them to the field beside Pilkhana. When the army men took Mobarak inside Pilkhana around 1:30pm he went back to his Hatirpool residence at Dhaka. After that communication was not possible. On the morning of 22nd March 2009, at around 7:00am, his brother Abul Bashir who is also a BDR member, was on duty inside the CSD canteen at Pilkhana called Babu and told him that at night Molly's husband has been taken from the line of 24 to the line of 36 but Mobarak cannot be found anywhere. Hearing this news, Babu went in front of the Pilkhana HQ's gate from his Hatirpool residence. Security that was on duty in front of the gate informed that a BDR member has been taken to DMCH from the BDR hospital but could not tell the name of the BDR member who was taken to DMCH. He was not allowed to contact inside Pilkhana. He saw Mobarak's dead body in the morgue of DMCH at around 11:30am. He said that there were signs of punches on the face of the dead body, the left side of the chin was misplaced, injury on both the rear side of the palms which was covered with tape, wrist and neck broken. He also said that burnt needles were injected in his fingers. Knee bone and ankle bone were both distorted due to which his legs were inexplicably swollen. He said that there was no apparent damage on the skin but he had internal injuries. At that time a few police and army members were present. At around 4:00pm a magistrate came to prepare the post mortem examination report. The magistrate said that the marks of injuries are mentioned in the report. He ran from the doctors-morgue helpers for the post-mortem. As per law post-mortem examination should be conducted during day light which is between 9:00am-5:00pm but in this case, due to pressure from the army, the post-mortem examination was conducted at 7:00pm. On the post-mortem reports it has been written that the examination was conducted at 5:00pm. The dead body was wash and packed under supervision of the army. He said that the army and police detectives tried a lot to know about the death of Mobarak. He showed them the marks on Mobarak's dead body and said that he has been brutally tortured and killed.

Aklima Akhtar Suma (25), Mobarak's niece

Aklima Akhtar Suma told Odhikar that she lives in Dhaka. On the 22nd of March 2009, his elder brother Kamrul informed her over phone that her uncle died in Pilkhana. Around 12:00pm she got to know that the dead body is at DMCH. She went to the hospital's morgue at around 2:30pm and saw the corpse on the stretcher. She said that needles were burnt and injected in his fingers which burnt the fingers and made holes. The body has been physically tortured though the skin was intact but the bones inside were broken. Knee, ankle, elbow and wrists were twisted and then broken. Two holes have been made on two of the rear side of his palm which was covered with tape. She heard that her uncle was wearing the same clothes for a couple of days. He has not even been given the chance to shave. She said that he has been brutally tortured and killed.

Firoz Ahmed (40), Mobarak's nephew and eye witness of the dead body

Firoz Ahmed told Odhikar that he lives in Dhaka and after the incident on the 25th of February 2009; every one was worried about his maternal uncle Mobarak. On the 22nd of March 2009, he got to know over mobile phone that his uncle is very sick. After an hour or two he got to know that his uncle Mobarak died, from his other uncle Babu. Then he went to the hospital and saw the dead body. He said that apart from injecting burnt needles in his fingers they tortured him physically and broke all joints but there were no other marks apart from the torture marks. Two holes have been made on two of the rear side of his palm which was covered with tape. Post-mortem examination commenced at 7:00pm but he went home.

Md. Ashraf Hossain, Duty officer, Nagarpur Thana, Tangail

Md. Ashraf Hossain told Odhikar that he got to know about the death of Md. Mobarak Hossain, son of Late Lokman of Salimabad village on the 23rd March 2009, through news paper. He got to know that the dead body has been flown in from Dhaka and buried in the village but did not get any message or letter from the police administration. He said that Mobarak's family did not file any case regarding this matter.

Sub-Inspector Delwar, Lalbagh Thana, Dhaka

Sub-Inspector Delwar told Odhikar the on the 22nd of March 2009, he was special on duty in for no-1533 GD. On getting the information of Mobarak's death he went to DMCH. He said that the dead body was handed over to Mobarak's family after the post-mortem no-555/2009 of dead body no. -1997 (Mobarak) was completed. He himself filed a complaint of murder at the Lalbagh police station, and the number: 10 date: 22nd March 2009. He said that he himself is the investigating officer. He had nothing else to say regarding this matter.

Follow-up report

When Odhikar contacted the Investigation Officer of the case SI Delowar, he stated that all cases concerning the BDR mutiny had been transferred to the New Market Police Station. The unnatural death case which had been filed at the Lalbagh Police Station following the death of BDR Nayek Mobarak Hossain had eventually been transferred which resulted in the appointment of SI Motlubur Rahman as the new Investigation Officer of the case.

SI Motlubur Rahman told Odhikar that the Post Mortem of the late Mobarak Hossain revealed that his death was caused due to physical torture. Afterwards, the SI himself filed a regular case at the New Market Police Station which was numbered 2 and dated 2/10/2009. The current Investigation Officer of the case is SI Rasul Ahmed Nizami.

SI Nizami informed Odhikar that the case was currently under investigation.

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