



## **One allegedly beaten to death in the custody of Botiyaghata Police Station in Khulna**

Fact-finding Report  
**Odhikar**

On 7 March 2008 in the afternoon, a team of Khulna district Detective Branch of Police (DB Police) arrested Abul Hossain Dhali (25), a resident of the Boichana village of Shatkhira district, from Khulna Zero Point and handed him over to the Botiyaghata Police Station. The police authority of the Batiyaghata Police Station stated that at around 7:30 pm on 7 March, Hossain committed suicide in the lockup by hanging himself from a rod of the ventilator of the toilet. On the other hand, the deceased's family complained that Hossain was beaten to death by the police in the custody.

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

1. Family members and relatives of the deceased,
2. A resident of the Khulna Zero Point area,
3. A local journalist and
4. The concerned police authorities.

### **Mossamot Selina Khatun (20), wife of Hossain**

Selina, the deceased's wife, told that on 7 March 2008 in the morning, Hossain left home but did not tell her about his destination. At around 3:00 pm her husband called her on phone and told that he was apprehended by the police with ten bottles of Phensidyl<sup>1</sup> in Gollamari near Khulna Zero Point and was being taken to Botiyaghata Police Station. Selina added that on 8 March 2008 at around 3:30 am, a friend of Hossain named Abdul Hamid (35) informed her that he had been informed over the telephone by a police officer from the Botiyaghata Police Station that Hossain had committed suicide by hanging himself. She added that their relatives later went to the Botiyaghata Police Station and brought back her husband's body.

### **Abdul Hamid (35), Hossain's friend**

During a conversation with Odhikar Abdul Hamid said that on 7 March at around 5:30 pm, he came to know about Hossain's apprehension by police. He immediately called at

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<sup>1</sup> An intoxicating cough syrup, which is smuggled into Bangladesh from India. Phensidyl is banned in Bangladesh.

Hossain's mobile number and a police officer<sup>2</sup> who received the call told him that Hossain was in the bathroom. The police officer suggested him to call again later. Later on Hamid heard from different people that Hossain had been released. He once again called Hossain's number at around 9:30 pm for confirming the news. The call was received by the same police officer who told Hamid that they had apprehended Hossain and kept him in Botiyaghata Police Station. The police officer also inquired about the financial condition of Hossain. Hamid wanted to talk to Hossain but the police officer did not allow him to do so. The police officer told Hamid to meet him in the Botiyaghata Police Station the next morning along with Hossain's mother and wife. The police officer also assured him saying that they would release Hossain by 8 am the next morning. Hamid told the police officer that he would reach the police station within 8 am next morning. But at around 3.00 am on 8 March the police officer told him over the phone that Hossain torn apart the cover of a pillow, went inside the toilet and committed suicide by hanging from a rod inside the toilet with that torn portion of the pillow cover. He mentioned that just after telling the news the police officer hung up the line. Hamid said that the officer called him again at around 6 am and told him to go to the police station as quickly as possible to see Hossain's body before the postmortem. He added that after around an hour the officer called him again and inquired whether they were going to police station and in reply he informed that he was not going but Hossain's family members were going to the police station. Hamid continued by saying that when he asked the officer as to how Hossain committed suicide, the officer replied that Hossain torn apart the border of a blanket and hung himself with that border from a rod inside the toilet although the officer, while talking earlier informed him that Hossain committed suicide by tearing apart a pillow cover and hanging from a rod in the toilet. He told Odhikar that when he asked the officer whether there were any other people in the lockup, the officer replied that there was no one in the lockup that day. Hamid added that the police officer hung up the phone line before he (Hamid) finished his talks.

### **Shafiqul Islam (20), Hossain's paternal cousin**

Shafiqul Islam said that on 8 March at around 10.00 am, they reached the Botiyaghata Police Station and saw Hossain's body at the police station gate, wrapped up in a mat. While checking Hossain's body after opening the mat he slightly shook the head and blood came out of Hossain's nose and ears. Shafiqul stated that there was a very thin black mark both on the right and left side of the neck of the deceased. However, there was

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<sup>2</sup> Hamid could not tell the name of the police officer. However, it was later informed from the Botiyaghata Police Station that the number by which the police officer called belonged to Sub-Inspector Shaban Ali.

no mark found in the frontal part of his neck. He commented that the mark on the neck did not seem to be a mark of hanging. He added that the police handed over Hossain's body to them at around 2:30 pm after the postmortem.

**Md. Abu Salek (40), Hossain's brother-in-law**

Md. Abu Salek informed Odhikar that on 7 March at around 4:00 pm, after hearing the news of Hossain's apprehension from others, he called Hossain's phone number and Hossain informed him that he was in the custody of the Botiyaghata Police Station. Salek said that Hossain also requested him to bring some clothes for him (Hossain). He told Hossain that he would go to the police station in the morning on 8 March but at around 3.00 am on 8 March, he heard the news of Hossain's death in the police custody.

While describing the condition of Hossain's body he stated that there were bruises on the left side of Hossain's face and marks of blood clots on the right side of his face.

**Ziaul Huq Nuntu (40), Hossain's maternal cousin**

During his conversation with Odhikar, Ziaul Huq Nuntu said that after he heard the news from Hossain's brother-in-law about Hossain's apprehension by the police, he called Hossain's number at around 4:30 pm on 7 March. Sub-Inspector (SI) Shaban Ali of the Botiyaghata Police Station received the call and informed him that Hossain was arrested with Phensidyl and was in their custody. He said that SI Shaban asked him to meet him at the police station. He called again after 15/20 minutes and SI Shaban asked him to meet him at the police station. He informed Shaban that he would be in the police station by 7.00 am next morning. Nuntu wanted to talk with Hossain but, instead of allowing him to talk with Hossain, SI Shaban hung up the phone line. After some time, he again called on Hossain's number and SI Shaban received the call. When he told Shaban that he would like to talk with Hossain over the phone, SI Shaban replied that it would not be possible to allow him to talk with him (Hossain). He added that he called Hossain's number many times later but no body received those calls. Nuntu said that on 8 March at around 3.00 am SI Shaban told him over the phone that Hossain committed suicide by hanging himself.

At around 11.00 am he reached the Botiyaghata Police Station and saw Hossain's body. While describing the condition of Hossain's body, Nuntu said that he did not see any sign of hanging on Hossain's neck. He stated that there were bruises on his left chin and blood

started oozing from his nose and ears when they slightly shook the body while checking it. When he asked about how Hossain committed suicide by hanging, SI Shaban showed him a torn border of a blanket with a length of one and a half yards and told that with that border of blanket Hossain hung himself from a rod of a ventilator in the toilet of the lockup and committed suicide. Nuntu said that when he asked Shaban as to why police put down Hossain's body on ground before his family members saw it, he replied that when they saw Hossain hanging, he was still alive and they rescued him and took him to the hospital where the doctor declared him dead.

Nuntu told Odhikar that the police handed over the body to them at around 2:00 pm after the postmortem was conducted. They took the body first to Khulna Press Club where, in a press conference, they complained that Hossain was tortured to death in the police custody. After the conference they returned to Shatkhira with the body.

Before they reached Hossain's home with his body, Nuntu, on request of the Officer-in-Charge (OC) of Shatkhira Sadar Police Station, went to meet him in the Shatkhira Sadar Police Station. There the OC requested him not to file any case regarding Hossain's death in custody. The OC requested him to meet him again at the police station the next day.

On 9 March at around 2:00 pm he, along with the Chairman of Bhomra Union Parishad<sup>3</sup>, Shamsur Rahman; Hossain's brother Hassan and Hossain's brother-in-law Kowsar Ali and some other people met the OC. In their presence, the OC talked over the phone with SI Kazi Abdus Saleh, the Second Officer of the Botiyaghata Police Station. The OC told Saleh that since the incident had taken place in Khulna, he alone cannot take the responsibility to initiate negotiation to solve the problem. The OC told Saleh that if the OC of Botiyaghata Police Station along with the Superintendent of Police (SP) of Khulna district would come to Shatkhira, he along with them would try to solve the problem. The OC then asked Saleh to talk with the OC of Botiyaghata Police Station and Khulna district SP and let him know their opinion by 4:00 pm. After the conversation with Saleh the OC told them that he would inform them through the Chairman what he wanted to say, at around 4:00 pm. He phoned the Chairman at around 7:00 pm who informed him that the OC of Botiyaghata Police Station informed through the OC of Shatkhira Sadar Police Station that if Hossain's family would not file any case, they (Botiyaghata Police) would give them Tk. 15,000/-. Nuntu told the Chairman to tell the police that they would not go

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<sup>3</sup> Union Parishad is lowest level of the local government in Bangladesh, which is headed by a Chairman.

for negotiation and they would file a case; they met the OC only because he requested them to meet him. The Chairman also told him that the police told him (Chairman) that they had already made the postmortem report in their favour and thus filing a case would not be fruitful.

**Md. Abul Hassan (30), Hossain's step brother**

While talking with Odhikar, Md. Abul Hassan said that he had three brothers and one sister and they all had been living in Pathorghata in Barguna district. Hassan said that his step brother Hossain and Hossain's three sisters had been living in Shatkhira district. He stated that on 8 March at around 3.00 am he heard the news of Hossain's death in the police custody and therefore in the following morning he along with his two brothers left for Botiyaghata Police Station. Before reaching the police station, Hassan talked to several local people and a shopkeeper near the police station, who informed him that Hossain died on the spot when the police pushed him against a wall while interrogating him near the police station gate. However, he could not tell the names of those people who gave him the information. He said that after going to the police station they saw Hossain's body. Hassan informed Odhikar that there were bruises on the left chin of the deceased and blood came out the nose and ears while they were checking the body. He mentioned that by no means the mark he found on Hossain's neck seemed to be a mark of hanging. It appeared to him that after torturing and killing Hossain police made that mark to prove their statement that Hossain committed suicide by hanging. He said that the mark was like a burning of hot iron. The deceased's brother said that the OC of the police station took him to the lockup where he found a bed and a blanket beside the bed. He continued by saying that the police later showed him the toilet where, according to the police statement, Hossain committed suicide by hanging. He added that the distance between the very rod from which Hossain, as the police claimed, hung himself and committed suicide and his head if he would stand in the toilet, would be around half a yard. Hassan observed that if Hossain wanted to hang himself from that rod by fastening a rope he would have to hoist himself with the help of something but there was nothing in that place and as such it was impossible for Hossain to commit suicide in that situation.

Hassan said that on 9 March they were requested not to file any case regarding the incident but they did not comply with the request. He added

that the Botiyaghata Police made the request to them through the Satkhira Sadar Police. Hassan said that he filed a case on 20 March 2008 at the Court of Chief Judicial Magistrate of Khulna under sections 302/34/114 of the Penal Code for killing and assisting in the killing of Hossain and under section 176(2) of the Code of Criminal Procedure, demanding disinterring of Hossain's corpse to discover the cause of his death. He informed Odhikar that he had accused the following people in the case:

1. Delwar Ahmed, the OC, Botiyaghata Police Station.
2. SI Kazi Abdus Saleh, Botiyaghata Police Station.
3. SI Shaban Ali, Botiyaghata Police Station.
4. SI Shikdar Akkas Ali, Botiyaghata Police Station.
5. SI Sayeed, Botiyaghata Police Station.
6. Ansar Ali, son of Abed Ali Gazi, Gollamari, Botiyaghata, Khulna and
7. Moslem Gazi, son of Abdul Gaffar Gazi, Village: Haraddah, Satkhira Sadar Upazila, Satkhira district.

**Atiyar Parvez, Local Correspondent, the daiy Amar Desh**

Atiar Parvez told Odhikar that he was present when the inquest report on Hossain's body was being prepared. He said that when somebody commits suicide by hanging, usually some signs remain in the deceased's body. For example, the deceased's tongue sticks out, neck remains at an angle and the person defecates, etc. Atiar recalled that he did not see any of these signs in Hossain's body.

**SI Kazi Abdus Saleh, Second Officer, Botiyaghata Police Station**

SI Kazi Abdus Saleh told that on 7 March 2008 in the afternoon some local people apprehended Hossain with Phensidyl near Zero Point in Gollamari of Khulna district and handed him over to the Khulna DB Police. He told Odhikar that since the place of apprehension was under the Botiyaghata Police Station, the DB Police later handed him over to Botiyaghata Police Station. He added that one of those people, who handed over Hossain to DB Police, was Ansar Ali, a resident of Mohammad Nagar of Botiyaghata, who on the same day filed a case against Hossain for keeping smuggled Indian Phensidyl for the purpose of selling them. Saleh said that a team of the DB Police headed by SI Gaoharul Islam, handed over Hossain to them

at around 5:15 pm on 7 March. He refused to tell the name of the police officer who led the team of Botiyaghata Police that received Hossain from the DB police.

The police officer, Saleh told Odhikar that in the evening he came back from outside and as he wanted to see Hossain at around 7:30 pm, a Constable went to the lockup and saw that Hossain was hanging from the ventilator rod in the toilet of the lockup. He stated that they put him down and took him to Botiyaghata Upazilla Health Complex where the duty doctor declared him dead. He claimed that Hossain was not tortured in any way in the custody.

SI Saleh informed Odhikar that on 7 March 2008 he filed an Unnatural Death (UD) case (number was 4) on the death of Hossain. He added that he himself was the Investigation Officer of the case.

**Ansar Ali, a resident of Mohammad Nagar, Botiyaghata**

Ansar Ali was not available in his house during the fact-finding. Later on he talked to Odhikar over phone. Ansar told Odhikar that he neither was familiar with Hossain nor was he involved in the apprehension of Hossain. He mentioned that after Hossain was arrested, many people gathered in that place and he was also there among the crowd. He said that while the DB police was taking Hossain away, they took him (Ansar) too with them and forced him to be the plaintiff of the case filed against Hossain for keeping narcotics and drugs.

**SI Gaoharul Islam, DB Police, Khulna**

During his conversation with Odhikar, SI Gaoharul Islam said that on 7 March 2008 in the afternoon some local people from Gollamari Zero Point informed the DB office over the phone that they had apprehended a person named Abul Hossain for carrying Phensidyl. After receiving the information he along with a team of five to six DB policemen went to Zero Point and after confirming the authenticity of the incident he arrested Abul Hossain with Phensidyl at around 4:00 pm. They handed him over to a team of the Botiyaghata Police Station headed by SI Saleh. When they apprehended

Hossain and when they handed him over to the Botiyaghata Police Station, Hossain was in good health.

**Md. Golam Rouf Khan, the Head of the investigation committee on the incident of Hossain's death**

The Additional Superintendent of Police of Khulna district, Md. Golam Rouf Khan told Odhikar that the postmortem report would prove whether Hossain committed suicide by hanging or he was killed by police torture. However, he commented that he found negligence on the part of the police while he was in the custody, which he had mentioned in his investigation report.

**Dr. Ahsan Habib, a member of the medical board that conducted the postmortem into Hossain's body.**

Dr. Ahsan Habib refused to disclose anything about the postmortem report. When he was asked whether police tried to influence the postmortem report, he said that they were not influenced by any party.