



## One Killed by police gunfire in Kushtia

Fact-finding Report

**Odhikar**

*Akbar Ali (55) was the son of late Mofizur Rahman (Mofi) Mondol and a resident of the village Nawdapara in Chithlia Union Parishad<sup>1</sup> under Mirpur Upazilla<sup>2</sup> in Kushtia district. Akbar's family alleged that he was killed by the police of the Mirpur Police Station on 9 February 2008 at around 10:00 in the morning. On the other hand, police claimed that Akbar was killed in an encounter with police.*

Odhikar conducted a fact-finding mission into the incident.

During the fact-finding Odhikar spoke with

- Akbar's family members, relatives and neighbours
- Eyewitnesses to the incident
- Hospital authority
- Law enforcing agency

### **Fuljan (48) – Wife of Akbar**

Fuljan told Odhikar that her husband was involved with *Purbo Banglar Communist Party*<sup>3</sup>. One or one and a half years ago when two leaders of that party— Abir Hasan and Taijal were killed, he left politics and started agricultural work. She added that she had never seen her husband carrying any firearms. Two years ago he was arrested in a murder case. Later he was released on bail. Fuljan told that since then he used to run his family by growing banana on the banks of a government canal in Nawdapara and doing business. She opined that if her husband would have been a criminal, he should have been tried in the court but police killed him mercilessly.

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<sup>1</sup> Union Parishad is the lowest level of local government in Bangladesh.

<sup>2</sup> Upazila means sub-district.

<sup>3</sup> An underground, ultra-left political party of Bangladesh.

### **Amod Ali (60) – Elder brother of Akbar**

Amod Ali told Odhikar that although Akbar and he had been living in the same village— Nawdapara, he did not have much interaction with Akbar. He heard from others that Akbar had been residing on the bank of the canal and used to run his family by growing bananas on the government-owned land there.

### **Motiar Member (55) – Eyewitness**

Motiar told Odhikar that on the day of the incident he was going along the road on the bank of the canal. When he came near the house of Jalal, who was living temporarily on the bank of the canal, he saw that 2 or 3 policemen were continuously making calls by a mobile phone and every time another mobile phone was ringing in the field at the back of the house of one Jalal. Akbar was holding the mobile phone that was ringing. He added that following the ring tone policemen moved towards its source. When the police went towards Akbar, he stood up. He started running as soon as the police asked him his name. At that time the policemen fired two shots, aimed at Akbar, from a distance of 8 to 10 yards. At first, Akbar sat down on the ground. Then he stood up and started running again and the police fired shots again, which hit Akbar's left hand. He held his left hand hit by bullet and started running again through the canal.

### **Amirul (28) – Eyewitness**

Amirul, son of Abed Ali and a resident of the same village told Odhikar that on 9 February 2008 in the morning he was cutting grass on the *Aile*<sup>4</sup> of a wheat field. While going towards the wheat field of Rakat Ali, he saw a number of policemen standing in group on the mud road near the graveyard in Nawdapara. He told that approximately 30 to 40 minutes later, 20 to 30 yards away on the bank of the canal, he saw some other policemen, some of whom were in uniform while some others in plain clothes. Amirul said that they were moving actively. He continued by saying that after a while, he heard 2 or 3 gunshots on the other side of the canal. He saw Akbar Ali, chased by the police, was running along the bank of the canal. After rushing around 200 yards he again saw policemen in front of him and turned back and came to the place where Amirul was cutting grass. At that time, being frightened by the pointed guns of the policemen around him, Akbar took his position right next to Amirul. The police told them to sit on the ground. Then Amirul and Akbar became terrified. He also told Odhikar that the police slowly approached

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<sup>4</sup> The border of two pieces of agricultural land is called Aile in Bangladesh.

them and one of the policemen grabbed the collar of Akbar's shirt. After that the OC of the Mirpur Police Station, S M Kamruzzaman took a rifle from a policeman of his force and hit Akbar on his shoulder with that. Akbar then screamed and fell to the ground. The police pushed Amirul aside and asked him to go home. Immediately after that the police started firing gunshots. Amirul said that he left the spot but kept watching the incident from a short distance. He informed that the police shot at Akbar from a close range and killed him.

### **Billal Hossain (38) – Eyewitness**

Billal Hossain, son of khoka Mondol and a resident of Bijnagar told Odhikar that on 9 February 2008 at around 9:00 in the morning, while irrigating his agricultural land, he saw a number of policemen scattered and positioned inside the banana orchard on the bank of the canal. He also saw other 20 to 30 policemen divided in groups and standing on the mud road near the graveyard. He added that at that time he heard 2 or 3 gunshots on the other side of the canal. He was frightened by the gunfire and was trying to see what happened. Billal saw that there were policemen on both the banks of the canal, which was why Akbar was running towards the east through the canal. After going 200 to 300 yards to towards the east, he entered into a tobacco field. As he also faced police there, he started running towards the west and at one point Akbar entered into the wheat field of Rakat and the police surrounded him. At that time Akbar was standing next to Amirul. He went on saying that the police slowly moved towards them and one of the policemen grabbed the collar of Akbar's shirt. Then another policeman hit Akbar on his shoulder with a rifle and Akbar fell down on the ground with a scream. At that time, all the policemen were shouting, "Shoot him! Shoot him!!" and instantly he heard a number of gunshots. Billal said that while the police were shooting Akbar, nobody other than Amirul was present there. After a while, many people gathered at that place of the incident.

### **Dr. Abdullah Al Masud – Kushtia General Hospital**

Dr. Abdullah informed Odhikar that he conducted the postmortem of Akbar's body. The doctor said that he removed two bullets from Akbar's body. The bullets hit the back of Akbar's body and pierced through the front. He added that Akbar's spinal cord was torn by a blow on the right side of his shoulder.

### **SI Ibad Ali – Mirpur Police Station**

SI Ibad Ali told Odhikar that early in the morning, on the day of the incident he received a tip-off saying that Akbar, along with his gang, was preparing to commit a

crime. He said that five platoons of police led by the Officer-in-Charge (OC)<sup>5</sup>, Kamruzzaman reached near the place where they were staying and Akbar's gang started opening fire at the police, prompting the police to retaliate for their self-defense. At one stage, Akbar's accomplices managed to flee. However, Akbar was killed by gunfire at the place of the incident.

SI Ibad provided Odhikar with the following information about the cases filed against Akbar in the Mirpur Police Station:

Number	Case Number	Section	Statute
1	9(8)98	143/448/326/307/364/34	Penal Code
2	4(10)98	364/302/34	,,
3	2(10)98	302/34	,,
4	9(08)92	354/448	,,
5	2(02)01	304/394	,,
6	1(9)01	364/302/34	,,
7	12(5)02	302/34/326/307	,,
8	16(11)06	19 cha (f)	Arms Act
9	17(11)06	4	Explosives Act
10	18 -21/12/98	365/386/387/342/343/447/34	Penal Code
11	5(2)01	458/380	,,
12	10(10)06	302/34	,,
13	8(12)06	448/364/302/34	,,

**Summary of the complaint made in the case filed by police regarding the incident of Akbar's death**

SI Hashem of Mirpur Police Station told *Odhikar* that he himself as the plaintiff had filed a case against Akbar under sections 332/353/307/302/34 of the Penal Code on 9 February 2008. The case was numbered 02. The case stated that for a very long time Akbar Ali (50), son of (Late) Mofizur Rahman and a resident of Nawdapara village under Chithlia Union in Mirpur Thana and also the Khulna Division armed commander of the banned criminal organization *Purbo Banglar Communist Party (ML Jonojuddhho)*, had been committing several kinds of criminal acts in the areas under the Mirpur Police Station and the neighbouring police

<sup>5</sup> A police officer with the rank of Inspector, who is the head of a police station.

stations. Although he was a top-listed criminal in the Mirpur Police Station, the police could not find him. Under this circumstance on 9 February 2008 very early in the morning they received a piece of secret news saying that Akbar was holding a meeting with his gang and planning to commit a robbery or any other crime. Following the tip-off, the police force of Mirpur Police Station with the help of extra forces of police from other stations and camps attempted to arrest Akbar. For that purpose when police reached near the Paharpur agricultural field under Chithlia Union Parishad, Akbar and his gang started opening fire at the police. At one point, when the police started firing in retaliation, Akbar and his gang tried to escape. Though unidentified 8 to 10 of the miscreants managed to escape, Akbar was hit by bullets and was killed on the spot. In this gunfight between police and the miscreants, several policemen including the OC of the Mirpur Police Station, SI Ibad Ali and Constables Tofazzal and Zahidul were severely injured. Police recovered Akbar's body and firearms after the gunfire and handed them in the police station.

#### **SI Atiar – Investigation officer of the case filed by the police**

SI Atiar told *Odhikar* that he took the responsibility of investigating the case on 9 February 2008. He told that he did not have any further details regarding the case.

#### **Kamruzzaman – OC, Mirpur Police Station**

During a telephone conversation with *Odhikar* on 10 January, the OC, Kamruzzaman said that a two-member investigation committee, headed by Molla Hasan Mahmud, the Upazila Nirbahi Officer<sup>6</sup>, had been formed to investigate into the incident. He added that he himself was the other member of the committee.

-End of Report-

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<sup>6</sup> Upazila Nirbahi Officer is the head of the upazila civil administration.