



Allegation of Nurujjaman being Tortured to Death by the Police at Pirgacha, Rangpur

Fact-finding Report
Odhikar

At around 7.30 pm on November 5, 2009, Nazrul Islam, Sub-Inspector (SI) of the Pirgacha Police Station arrested Mohammad Nurujjaman Mia (56¹) from the village of Purba Chandipur, Pirgacha, in front of Mohammad Mahtab Hossain's (35) shop at the Pirgacha Railway Station after which he took Nurujjaman to the Police Station. It was learned from an eye-witness that Nurujjaman was physically assaulted while he was being arrested. Within an hour of arrest, Nurujjaman died in police custody. It has been alleged by the family members of the deceased that Nurujjaman was tortured to death by the police. On the contrary, police claimed that Nurujjaman had suddenly fallen ill when he was in custody and died while he was being taken to Pirgacha Upazila Health Complex.

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

- Family members of Nurujjaman
- Eye-witnesses
- The Doctor who performed the post mortem of Nurujjaman's body
- Concerned police officers



File photo: Mohammad Nurujjaman Mia

Amena Begum (40), Wife of Nurujjaman

Amena Begum told Odhikar that her husband was a day labourer. She said that at around 4.00 pm on November 5, 2009, her husband Nurujjaman left home for the Pirgacha Bazaar taking Taka 500/- with him. Towards the evening, Amena learned from her sister Kohinur Begum that Nurujjaman had been arrested by SI Nazrul Islam and an

¹ According to the birth certificate and the national identity card, Nurujjaman's age was 56 years and 10 months. On the other hand, the First Information Report of the Case No. 11, filed on December 23, 2008, under which the police claimed to have arrested him, mentioned that his age was 30.

assisting Chowkidar² and taken to the police station. Amena then left for Pirgacha Police Station at around 8.00 pm taking her sister Kohinur and Noreja with her. Officers on duty at the gate of the police station informed them that Nurujjaman had been sent to the Pirgacha Upazila Health Complex due to illness. Amena went on to say that when they expressed their grievances, the police officers physically assaulted them. Afterwards, Amena Begum and her companions went to Pirgacha Upazila Health Complex and saw her husband's body. Amena stated that her husband was fully fit when he left home. She alleged that the police had tortured her husband to death and demanded that those guilty be brought to justice following investigation. She also stated that there were no cases filed against her husband.

Describing her frustration regarding the fate of her family following her husband's death, Amena stated that she did not own any land or property or any house either. She had been living in another's homestead with her two sons and a daughter. Amena demanded that the police officers responsible for her husband's death be brought to justice and the Government financially compensate for her loss.

When asked whether Amena would file a case regarding the incident, she stated that she was not in a financial position to initiate a case or follow up on the litigation process.

Mohammad Omar Ali, (65), Eye-witness to Nurujjaman's body, Purba Chandipur, Pirgacha, Rangpur

Mohammad Omar Ali stated that at around 9.00 pm on November 5, 2009, he saw Nurujjaman's dead body at the Pirgacha Upazila Health Complex. Describing the condition of the body, Omar Ali stated that there were bruises on Nurujjaman's chest and faeces around his anus.

Mohammad Mahtab Hossain (35), betel leaf seller and telephone service provider at the Pirgacha Railway Station, Pirgacha, Rangpur. Eye-witness to the arrest

Mohammad Mahtab Hossain stated that on the evening of November 5, 2009, Nurujjaman came to his shop to make a phone call. This was when a police officer in plain clothes took Nurujjaman into custody and took him away in handcuffs. He recalled that the police officer was accompanied by another person. According to Mahtab, Nurujjaman was not beaten in front of the shop. However, he had no idea whether he was beaten afterwards.

Mohammad Shaju Mia (25), Rajbari, Pirgacha, Rangpur. Eye-witness to the arrest of Nurujjaman

Shaju said that he was standing nearby when Nurujjaman was arrested by SI Nazrul and an associate in front of Mahtab's shop on the Pirgacha Railway Station platform. Shaju said that when Nurujjaman asked SI Nazrul why he was being arrested, SI Nazrul slapped him several times.

Mahbubur Rahman (38), Guabari, Pirgacha, Rangpur. Eye-witness to the arrest of Nurujjaman

Mahbubur Rahman stated that Sub-inspector (SI) Nazrul took Nurujjaman away from Mahtab's shop after arresting him and grabbed him by the collar. At that point Nurujjaman asked SI Nazrul under what allegation he was being arrested. In response,

² Chowkidar: An official working under Union Parishad – the lowest tier of local government in Bangladesh – assisting law enforcement agencies in their operation.

SI Nazrul stated, 'You'll find out as soon as we reach the police station'. Mahbubur Rahman recalled that SI Nazrul and another person later took Nurujjaman away on a motorcycle. Mahbubur also stated that Nurujjaman was not beaten up while he was being arrested.

Doctor Ranjit Kumar Barman, Upazila Health Complex, Pirgacha

While talking to Odhikar, Doctor Ranjit Kumar Barman said that at 8.05 pm on November 5, 2009, the already dead Nurujjaman was brought to the Health Complex. The matter was registered at the hospital and was numbered 3174/11.

Doctor Md. Abdul Jalil, Assistant Professor, Department of Forensic Medicine, Rangpur Medical College. Performed the post mortem.

In a conversation with Odhikar on November 12, 2009, Doctor Md. Abdul Jalil said that he carried out the post mortem of Nurujjaman's body on November 6, 2009 and that the post mortem was numbered 204/3. He said that he would submit the post mortem report in a week. Doctor Jalil refused to disclose the results of the post mortem. The Doctor did, however, mention that the viscera of the deceased had been preserved for chemical examination. However, on December 20, 2009, during a conversation with SI Md. Abdus Samad Sarkar, the investigation officer of the unnatural death case filed in connection with the death of Nurujjaman, Odhikar came to know that the post mortem report had not yet been submitted. **Sub-inspector (SI) Nazrul Islam, the Police Officer who had arrested Nurujjaman**

SI Nazrul Islam, the police officer alleged to have tortured Nurujjaman, stated that an arrest warrant had been issued against Nurujjaman in a mugging case. In pursuance of executing the warrant, he arrested Nurujjaman at around 6.30 pm on November 5, 2009 in front of a shop on the platform of the Pirgacha Railway Station. After reaching the police station, he transferred custody of Nurujjaman to SI Md. Abdus Samad Sarkar, the officer on duty at the Station. SI Nazrul then left the police station to arrest another accused in the mugging case. According to SI Nazrul, Nurujjaman fell ill while in custody at around 7.45 pm and died while he was being taken to the hospital. SI Nazrul failed to specify Nurujjaman's type of illness. He denied all allegations of torture on Nurujjaman.

Aslam Iqbal, Officer-in-Charge (OC), Pirgacha Police Station, Rangpur

OC Aslam Iqbal stated that Md. Abdul Kader from the village of Gonganarayanpur, Pirgacha, had filed a case against Nurujjaman and four others under sections 143/341/323/379 of the Penal Code, on December 23, 2008, for the robbery of his rickshaw. The case was numbered 11 and its GR number was 344/08. The court had issued arrest warrants against all the accused in that case and it was under that warrant which led to Nurujjaman's arrest.

According to the OC, there was another case against Nurujjaman. Assistant Sub-inspector (ASI) Md. Sadekul Islam had filed that case at Pirgacha Police Station on September 14, 2008 under sections 3/4 of the Public Gambling Act, 1867. The Charge Sheet of that case was filed on September 30, 2008.

Aslam Iqbal claimed that Nurujjaman had not been tortured while he was in custody. He said that when Nurujjaman suddenly began to suffer from chest pain, he was immediately taken to the hospital where the Doctors declared him dead.

OC Iqbal further stated that an unnatural death case had been filed at the Pirgacha Police Station on November 5, 2009, following the death of Nurujjaman. The case was numbered 29. SI Md. Abdus Samad Sarkar was entrusted with the investigation of the case.

SI Md. Abdus Samad Sarkar, the Investigation Officer of the unnatural death case filed in connection to Nurujjaman's death

While speaking with Odhikar on December 20, 2009, SI Abdus Samad Sarkar stated that he had not yet received the post mortem report of Nurujjaman's body. He said that he would decide upon his course of action regarding the case upon receipt of the post mortem report. When Odhikar inquired about the Inquest Report, SI Sarkar stated that it had been prepared by Executive Magistrate Mohammad Nazrul Islam. He referred to the Inquest Report as saying that Nurujjaman's body showed no signs of torture. He also claimed that Nurujjaman had not been tortured while he was in custody.

Mohammad Touhidul Islam, Assistant Superintendent of Police (ASP), Police Circle 'B', Rangpur. Head of the three-member committee formed to investigate the death of Nurujjaman in police custody.

During a conversation with Odhikar on December 13, 2009, ASP Mohammad Touhidul Islam, the Head of the three-member committee formed to investigate the death of Nurujjaman while in custody at the Pirgacha Police Station, stated that they did not find anything to prove that Nurujjaman had been tortured. The police officer also said that if the post mortem report proved the allegation of torture on Nurujjaman, proper legal proceedings would be taken against the concerned police officer.

Differences between the accounts given by Abdul Kader, the Complainant of the mugging case and the Police: Odhikar's observation

According to the Pirgacha Police, Nurujjaman had been arrested in pursuance of an arrest warrant under a particular case. Abdul Kader, the complainant of the case, had been robbed of his rickshaw while he was on his way to his home on a particular night following the public propagation of the electoral rules and regulations under the directions of the Upazila Nirbahi Officer³ of Pirgacha, prior to the national elections in December 2008. Kader said that in the darkness, he could not recognise any of the robbers. When Kader went to the police station following the incident, he was made to sign a document, the contents of which remained unknown to him. In this regard, it must be mentioned that Kader was barely literate and police did not read out the contents of the document to him. It was only after Nurujjaman's death he found out that Nurujjaman was an accused in the case filed by him. One thing worth noticing was that the signature shown on the photocopy of the First Information Report read 'Md. Abdul Kader'. However, as per the account of Abdul Kader, he used to write only the word 'Kader' as his signature. In addition, it is easily noticeable that the 'Md.' of the signature bears no resemblance to the 'Abdul' and 'Kader' written just beside it. The discrepancies between the statements of Abdul Kader and statements in the First Information Report made Odhikar believe that he was arrested in a fabricated case, that is, the arrest was unjustified. For these reasons, Odhikar demands a thorough, independent and impartial judicial investigation into the incident.

-End of Report-

³ Upazila Nirbahi Officer (UNO): Head of Upazila civil administration. Upazila is an administrative unit under a district.