

The police breaks the hands and legs of Abul Bashar Tuhin at the Kotwali Police Station, Sylhet

Fact Finding Report Odhikar

At 7.30 pm on September 1, 2009, the police of the Kotwali Police Station arrested Abul Bashar Tuhin (40) from House No. 158, Bagbari Sylhet. He lived in No. 3 Nasima House in Lauai of Dokkhin Surma, Sylhet. After being tortured in custody for the whole night, he was initially admitted to the Sylhet Osmani Medical College Hospital. When Tuhin's condition deteriorated he was transferred to the National Institute of Trauma and Orthopedics, Dhaka where his right leg was amputated.

During a fact finding into the incident, Odhikar spoke with,

- The victim, Abul Bashar Tuhin
- His relatives
- Members of the concerned law enforcement agencies.



Picture: Abul Bashar Tuhin

Abul Bashar Tuhin (40), the torture victim

On October 10, 2009, a group representing Odhikar visited Tuhin at the National Institute of Trauma and Orthopedics, Dhaka. Tuhin who was being treated at Ward No. 79 could not speak because he was undergoing treatment. Odhikar then spoke with Tuhin's wife Chomirunnessa Begum.

Chomirunnessa Begum (30), Tuhin's wife

Chomirunnessa Begum told Odhikar that her husband was involved in the stone business. Recently, Tuhin under took a second marriage with Rini Begum from the village of Shimultola of Bisshonath Upazila. Tuhin stopped all communications with Rini due to family feuds. Later on Rini Begum planned a conspiracy with Babul, a known broker of Kotoali with the objective of having her husband arrested and physically assaulted. When one of Babul's brokers was mugged, Babul engaged several men to file a false case against Tuhin to harass him. It was after the filing of the case that the Officer in Charge (OC) of the Kotwali Police Station, Syeduzzaman and Sub-Inspector (SI) Al Mamun

persistently tried to arrest Tuhin. At 7.30 pm on September 1, 2009, Tuhin went to a relative's house at no. 158, Bagbari, from where SI Al Mamun of the Kotwali Police Station, with the help of Babul, arrested him.

Chomirunnessa went on to say that at 8.00 pm, she learnt that her husband had been arrested. Since it was nighttime, Chomirunnessa did not go to the Police Station. At 6.00 am on September 2, 2009, she arrived at the Kotwali Police Station to hear that her husband had been admitted to the Osmani Medical College Hospital. At the hospital, Chomirunnessa saw several police officers guarding her husband who was lying on the floor. She spoke with the officers about her husband's arrest. The police tried to force her out of the hospital and told her that her husband would be released in exchange for Taka 5 hundred thousand.

Chomirunnessa stated that when she tried to get close to her husband, he continuously asked for some water. However, the police did not allow any water to be given to him. Chomirunnessa claims to have seen knife marks on Tuhin's back. She asked her husband what had happened. Tuhin told her that Babul the broker had helped the police in arresting him and immediately following the arrest had used a knife to cut him on his back. He was then blindfolded by the Police and taken to the Kotwali Police Station. That night, Babul, with the cooperation of the police beat Tuhin who was tied up in custody. SI Al Mamun took Tuhin in his pick-up truck to various places that night. Sometimes he was brought back to the Police Station and beaten up. On other occasions he was interrogated on various topics. Tuhin went on to say that his legs were placed on the seat of the pick-up truck and broken with a hammer. His hands and fingers were also twisted and broken. Canes were used to wound different parts of his body. Tuhin's back was struck with an iron rod. As Chomirunnessa was listening to her husband's story, the police continuously tried to force her out of the hospital premises. At one point Chomirunnessa left the hospital.

Chomirunnessa said that Tuhin was transferred to Dhaka by the doctors after his condition deteriorated. On the evening of September 4, 2009, she got a call from SI Al Mamun who informed her that Tuhin needed to be treated at Dhaka. He also told Chomirunnessa to meet him with Taka 50,000/-. Chomirunnessa agreed to the proposal, and they were due to meet at Dhaka. At 10.00 pm, she arrived at the National Institute of Trauma and Orthopedics, Dhaka with the money. Chomirunnessa found her husband being treated at IG Ward No. 79. The doctor's advised that Tuhin's right leg needed to be amputated because his knee cap was shattered and beyond repair. After this step was confirmed by the police, the doctors amputated Tuhin's right leg on September 6, 2009. Chomirunnessa informed that her husband was still in police custody with one leg. On September 7, 2009, she submitted an application to the Inspector General of Police seeking justice for the torture that had been inflicted on her husband. She alleged that the police still prevented her from meeting her husband. SI Al Mamun, with the intent of transferring the guilt of torturing Tuhin on someone else, filed a false case at the Kotwali Police Station. The case was numbered 05 and dated 02/09/2009 and was filed under Sections 186/332/333/353/427/379/34 of the Penal Code 1860. Tuhin was granted bail by the Court on October 1, 2009. However the police have shown him as arrested in another

extortion case and he has been kept under treatment in their custody. Chomirunnessa stated that if her husband was deprived of proper treatment, he probably would not survive.

SI Al Mamun, Kotwali Police Station, Sylhet

SI Al Mamun told Odhikar that on September 1, 2009, he was on patrol duty with his fellow officers on a CNG scooter. At 7.30 pm, he learnt from a secret source that a group of muggers were preparing to commit an offence at the Madina Market. Mamun arrived at the scene soon after. Realising that the police had arrived, the muggers tried to escape in front of the rod-cement shop of Rafiqul Islam Fenu from Bagbari. Tuhin was caught by the police during his escape attempt. Tuhin and his accomplices attacked the police officers. At one point, Tuhin got hold of Constable Shahin Ahmed's rifle and used it to assault him. In the process, the rifle butt was broken. Later on when Tuhin was cornered, he tried to escape again. At this point the local residents gave Tuhin a beating. During the scuffle, Tuhin fell into a hole and was injured in various parts of his body. SI Al Mamun was also injured during the incident. Tuhin was initially taken to the police station but later on transferred to the Osmani Medical College Hospital for treatment. SI Mamun claimed that Tuhin had not been tortured while he was in police custody.

Syeduzzaman, OC, Kotwali Police Station, Sylhet

Syeduzzaman told Odhikar that at 7.30 pm on September 1, 2009, SI Al Mamun and his force carried out a raid at the Bagbari area on the basis of news gained from a secret source. Tuhin, a listed mugger at the Kotoali Police Station and an absconding accused of a previously filed case, was arrested by the police during that raid. During the arrest, Tuhin and his accomplices attacked the police. This prompted the local residents to come forward and assist to the police. Tuhin received a mob beating during the event. He was brought to the Police Station in an injured state. He was not tortured while in police custody. With regard to a newspaper allegation that outsiders entered the police station and assaulted Tuhin, the OC expressed utmost disbelief and stated that such an allegation was absolutely false and impossible. He also stated that the police seeking Taka 5 hundred thousand as a bribe, as alleged by Tuhin's family, was also a lie. The OC alleged that Tuhin was a top criminal, an extortionist and a mugger. There were a total of 9 cases and general diaries (GD) filed at various police stations against him. They included cases filed at the Dokkhin Surma, Jointapur, Kotoali and Moulvibazaar Police Stations respectively and two GDs at the Kotwali Police Station.

Abul Hashem, OC, Dokkhin Surma Police Station, Sylhet

Abul Hashem told Odhikar that Tuhin was a recognised criminal and a listed mugger. There were three cases filed against him at the Dokkhin Surma Police Station. Tuhin was a very clever person, which was why the Police repeatedly failed to arrest him. He also informed Odhikar that Tuhin had served time for three years under a mugging case filed in 2005 at the Rajnagar Police Station of Moulvibazaar.

**Doctor Ehteshamul Huq Chowdhury Dulal, Assistant, Records Department,
Osmani Medical College Hospital, Kajalshah, Sylhet**

Doctor Ehteshamul Huq Chowdhury Dulal told Odhikar that at 3.35 am on September 2, 2009, the police officers of the Kotoali Police Station brought in an unconscious Abul Bashar Tuhin. The doctors on duty admitted Tuhin under registration number 15837 at Bed No. X-60 of Ward No. 9. Tuhin was transferred to the National Institute of Trauma and Orthopedics, Dhaka on September 3, 2009 after his condition did not improve.

(Note: Odhikar was unable to speak with Tuhin's Doctor at the National Institute of Trauma and Orthopedics, Dhaka, because he was not there during the fact finding.)

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