



Allegation of a young man being shot and killed and of another being shot and injured, while at custody in Gulshan police station in capital city Dhaka

Fact Finding Report Odhikar

Families of the victim's alleged that, Mohammad Mizanur Rahman (35), Mohammad. Aslam Sheikh (35), Mohammad Manik (29) and Mohammad Jalal (28), were arrested on the morning of 29th June, 2010, by Sub Inspector (SI) Anisur Rahman.

Mizan's family claimed that, early morning of 29th June at around 4:30 am, police personnel arrested Mizan from their residence at Noyanagar, Moddho Badda. On 1st July, 2010, at around 1:00 am in the morning, the four arrestees were taken to the link bridge between Banani and Gulshan and on the road No. 42 in front of plot No. 38, SI Anisur Rahman left arrestees Aslam and Jalil in the van, tied up Mizan and Manik and shot them at the legs.

On 1st July 2010, at 7:33 am (according to the medical statement and First Information Report) Mizan died while receiving treatment at Dhaka Medical College hospital. Manik, the other injured, underwent treatment and was sent to the Dhaka Central Jail. On 19th September 2010, after getting bail Aslam and Jalal was release from Dhaka Central Jail.

However, SI Anisur Rahman claimed that Mizan was killed in crossfire between the arrestees and the police when they were trying to hijack a car.

Dhaka Metropolitan Police Headquarters formed a separate inquiry committee on the incidents of deaths of three persons in the hands of police in the city. A three-member committee headed by the Joint Commissioner of Police is investigating these matters.

On July 3, 2010, Dhaka Metropolitan Police Commissioner AKM Shahidul Huq told the journalists indicating Mizan's death and other two that "the three incidents of death which occurred in three police stations in the city were isolated incidents. These could be fabricated stories of the newspapers." The Police Commissioner rather than recognising the gravity of the incidents and its implications the Police Commissioner has flatly termed these cases as creation of the media.

On July 5, 2010, a Division Bench of the High Court Division of the Supreme Court comprising of Justice AHM Shamsuddin Chowdhury and Justice Sheikh Md. Zakir Hossain had ordered that members of the law enforcement agencies be barred from the inquiry committee regarding the incidents of three custodial deaths in the city. After the Court's order the Ministry of Home Affairs formed a two-member probe-committee comprising of Mr. Shawkat Mostofa, Joint Secretary (Law) and Mr. Mozakker Ali, Deputy Secretary (Law) of the Ministry of Home Affairs to inquire into the incident.

After this incident, higher authorities of the police have transferred accused SI Anisur Rahman to Chittagong Metropolitan police and SI Khtisht Chandra Rai to Rajshahi range.

Human rights organisation *Odhikar* has carried out a fact finding mission into the matter. During the investigation they interviewed-

- relatives of the deceased and the injured
- eye-witnesses
- individuals who prepared the inquest report of the deceased's body
- doctors and morgue assistants who carried out the postmortem investigation
- Officials of the Gulshan police station.



Photographs: Dead body of Mizan and injured Manik

Taslima Akhter (30), Mizan's wife-

Taslima Akhter told *Odhikar* that she along with her husband and ten-years old daughter Liza

Akhter lived at 706 Moddho Noyanagar, Notun Bazaar area under Badda Police Station at Dhaka. Mizan ran two businesses, a CD store named 'Liza Sound System' and a shop called 'Photo Home Digital Studio'.

On 29th June, 2010, at around 4:30am in the morning, some persons who identified themselves as police officers, arrived at their house and asked them to open up the door. When she was beginning to get up and answer the door, Mizan asked her not to. Then 4/5 armed and plain clothed men broke the door and entered the house with two police men in uniform. The men first vandalised the house, handcuffed Mizan and took him away. On the way out, one of the police men informed Taslima that he was an SI of Gulshan police station and that his name was Anis. He also mentioned that they were arresting Mizan as a suspect of a car theft incident.

Later in the morning of 29th June at around 7:30am, Taslima went to the police station and met with SI Anis in order to check on her husband. That evening, at around 7:00 pm, she again went to Gulshan police station and met with her husband at the station lockup. Mizan then informed Taslima that SI Anis had tortured Mizan in custody and that he had demanded Taka 100,000 (1438.85 USD) as bribe. Mizan asked his wife to arrange the money in order to be released from jail and be relieved from torture.

On 30th June, 2010, at around 7:30 pm in the evening, Taslima again went to the Gulshan police station, to ask SI Anis whether they would let her husband go or whether they would send him to the Court. The SI informed her that if they complied with the demand of Taka 100,000 (1438.85 USD), he would present him at the court for an ordinary hijacking case. Also, at that time, SI Anis allowed Taslima to talk to her husband for half an hour in exchange for a bribe of Taka 500 (7.19412 USD). She then bought Mizan some bananas and bread for supper and returned home.

Taslima further told *Odhikar* that she had loaned a sum of Taka 10,000 (143.885 USD) to pay off SI Anis and at around 6 am on the 1st of July, 2010, while getting ready to go to Gulshan police station with the sum she had arranged, she received a call from a man who identified himself as a police officer and informed her that Mizan had been taken to Dhaka

Medical College Hospital, as he had fallen ill at the Police Station lockup. He also told her that, Mizan was in urgent need of a blood transfusion and asked her to come to the hospital immediately. Later that morning, at 7:30 am, Taslima arrived at the hospital and went to ward number 32. There she saw Mizan undergoing treatment, with bullets lodged into both his legs. After a while the duty doctor declared Mizan dead. Manik, who was being treated at the next bed of Mizan told her that very early morning on that day, SI Anis and a few other police officers, took them to the link road between Banani and Gulshan and shot them there. Manik was shot at his left leg and Mizan was shot at both legs. Manik further told her that, the two other arrestees, Aslam and Jalal were with them that night, but were spared because they had already bribed SI Anis with the money he demanded. The attending medical officer informed Taslima that Mizan had died due to excessive loss of blood resulting from the two gunshot wounds he received at both of his legs. Taslima said that, later the police officers asked her to collect Mizan's body from the morgue. She said that she refused to do so alleging that Mizan was kept in jail for two days so that SI Anis could obtain bribe from him and that Mizan was shot and killed as they were unable to comply with his demand immediately.

Taslima further said that, at 8:00pm on the night of 2nd July, 2010, two plain clothed men from Badda Police Station and Gulshan Police Station arrived at her house by a motor cycle. They said that, a sum of Taka 200,000 (2877.70 USD) would be transferred in her name at a bank account if she agreed not to stir up any protest, not to resort to any legal measure and to quickly bring the body from the morgue and have it buried. Mizan's brother-in-law (his sister Farida's husband) Nur Hossain, a butcher, agreed to this deal.

That night, at around 11:00 pm, a police van arrived at Taslima's house and she, accompanied by her neighbor Bishwanat's wife Geeta Digga, went to the Gulshan police station. There the police officers told her that they would need a paper to be signed by Mizan's mother. Telling the two women that they were taking them to Mizan's mother in Savar, the police men put Taslima and Geeta in a van. Taslima says that since the road was dark, she was unable to tell where they were going. A while later the car, instead of going to Savar, stopped in front of a building. The police men then took Geeta and Taslima to level-4 of the building. When Taslima wanted to know why they were brought there, the policemen told them that this was a notary office and that they needed their signature on a few documents. The policemen then brought a stamp consisting of a few pages of writing, and asked Geeta Digga to read them. Geeta read the papers and told Taslima that they stated that, Taslima's husband, Mizanur Rahman, was a criminal and a hijacker and that on the morning of 1st July, 2010, Mizan was caught in crossfire with the Gulshan station police, while he was attempting to rob a car. He died from bullet wounds suffered during that period. It also said that, Taslima was not aware of the fact that her husband was a thief and a hijacker and only came to know of it after his death. She makes no allegations against anybody for killing her husband.

Taslima said that, she did not want to sign the papers because it contained all of these statements. However, she was frightened and in the end was forced to signing the papers in the face of threats made to her by the policemen. After she had signed the papers, they were brought back to the station in the same van.

She told *Odhikar* that, at 2:00 am on the morning of 3rd July, 2010, Mizan's brother-in-law and Robin Awami league leader of Badda station, received the body from the morgue without her permission. She said they had done this under pressure from the police force. By 5:00 am that morning, they had buried his body at the Noyanagar Haji Shena Mia Jame Mosque graveyard.

Taslima said that, on 19th July, 2010, police men took her and her sister-in-law Farida, to the Gulshan branch of Trust Bank. The police men then issued a joint 5-year bond of Bangladesh Taka 200,000 (2877.70 USD), in the name of the two women, naming Mizan's

daughter, Liza, as the nominee of the bond. Bond number: 51/10; Serial number: PANEO-0709295-96. Date: 19/07/2010.

She said that, Farida's husband had conspired with the police and had included his wife's name in the bond, whereas Taslima and her daughter are the only ones who should be entitled to it.

The members of both Badda and Gulshan Police Station had been threatening her and tried to frighten her from taking any action. She also informed that, there were not a single case against Mizan in any Police Station, and still the Gulshan station police took him away and killed him when he could not provide the Taka 100,000 (1438.85 USD) which they were demanding as bribe.

Mohammad. Aslam Sheikh (35), one of the arrestees

Mohammad Aslam Sheikh was interviewed at the central jail by one of *Odhikar's* correspondents. During the interview he told *Odhikar* that, he owned a shop called 'Goodwill tire and battery' on Block- J, Pragoti Sharoni in Baridhara area. Aslam was acquainted with van driver Jalal for the purposes of obtaining his services in transporting goods to and from his shop. Aslam knew Mizan as he was a regular customer at Aslam's shop, purchasing batteries for his business 'Liza Sound System' in moddho Noyanagar. Also, Manik often came to his shop for repairing a private car and often he would obtain these services on credit; Aslam kept the contact details (mobile number and address of residence) of such clients. At 4:45am on the morning of 29th June, 2010, SI Anisur Rahman, an acquaintance, arrived at his place with customer Mizan. The SI then informed Aslam that Manik had been arrested as a suspect in a car theft case and that he too, was being arrested for involvement in the same incident. After the arrest, the police took Aslam to Notun Bazaar, and made him call Manik on his cell phone and ask him to meet him there. When Manik arrived there in the private car, he too was arrested and taken to the Gulshan police station. Since that point onwards, SI Anis began to demand Taka 200,000(2877.70 USD) from him as bribe. That evening, at around 7:30pm, inside the lockup SI Anis gave him a phone and told him to call his wife, Ripa, and ask her to arrange the sum. Ripa Akhter arranged Taka 100,000 (1438.85 USD) and at 7:30 pm on 30th June, 2010, gave the money to SI Anis in front of Aslam at the Gulshan station. After this, Aslam was still not sent to court. At around 1:00 am on the morning of 1st July, 2010, the four of arrested men were put into a police van. The officers then blindfolded Mizan and Manik. They were driven to the link bridge between Gulshan and Banani, and Mizan and Manik were escorted out on to the street, while Aslam and Jallil were left inside the van. SI Anis then shot Manik and Mizan a total of five times on their legs. When the two of them had collapsed onto the ground SI Anis came to Aslam and held his gun to Aslam's chest. SI Anis then threatened to shoot Aslam unless he agreed to give a false statement in court saying that, Manik and Mizan were caught in crossfire with the police when they were found trying to rob a car. Aslam agreed in order to save his life. SI Anis then took them back to the police station and at around 10:00 am that morning, sent Aslam and Jalal to court. There he found out, from a police officer, that Mizan had died at the hospital. On the same day, Aslam and Jalal were sent to prison. Aslam demands to know why he was arrested without a reason and demands justice for this irrational imprisonment on a false theft case. He said that the police have fabricated this incident and filed a false case against him. On 19th September, 2010 Aslam received bail from Dhaka District Judge's Court and was out of jail.

Mohammad Manik (29), individual shot while in police custody with Mizan

Mohammad Manik was interviewed at the Dhaka central jail by one of *Odhikar's* correspondents, whilst in the company of Manik's family. During the interview Manik told *Odhikar* that, he and Aslam, owner of 'Goodwill tire and battery' shop on Plot number- 10,

Block- J, Pragoti Sharoni in Baridhara area, were tenants in the same house. He worked as a chauffeur for Mizan and drove his private car. He said that, at around 5:00 am on 29th June, 2010, Aslam Sheikh called on his mobile phone and asked him to come to Notun Bazaar with the private car. Within a few minutes he had reached Notun Bazaar. There he saw Aslam sitting in the police pickup van which was parked on the road. Sitting beside Aslam in the van were Mizan, his employer, and Jalal whom he was previously acquainted with. 5/7 plain clothed police men approached the car, pulled him out and put handcuffs on him. When he tried to question why he was being arrested, the police officers stopped him, put him in the car and blindfolded him and tied his mouth with a light cotton towel. He says that the pickup had driven for approximately 15 minutes before it stopped. A while later, they were taken out of the van and brought into a room where his blindfold was lifted. When he asked a police officer where he was, he was informed that he had been brought to the Gulshan police station. He said that their hands were put against their backs and cuffed and that they were blindfolded again. They were then taken to a separate room where they were tortured. He said that during the day, a number of different police men came into the room and interrogated them about a car theft and asked them various questions about their personal life.

At around 12:45 am on the morning of 1st July, 2010, the four of them were put into the pickup van with their hands cuffed behind their backs. Mizan and he were blindfolded and after about 15 minutes they were brought to a street and taken out of the van. He said that, his legs were tied with ropes and that he was thrown face forward to the ground, and consecutively shot right below his left knee. SI Anis then took off his blindfold and used the cotton towel to roughly tie up his gunshot wound. After a while SI Anis fired bullets on Mizan.

He then saw that the police who were standing nearby, fired three blank shots and yelled 'robbers, robbers!' A few minutes later Aslam and Jalal were separated from them, and Mizan and Manik were taken to the emergency ward of Dhaka Medical College Hospital. From there, at around 3:00am, he was moved to bed number- 22 of ward number – 32. He alleges that, after being arrested on 29th June, they were not sent to court because they were unable to pay the Taka 100,000(1438.85 USD) that was demanded from them as bribe. Later, since Aslam's wife paid Taka 100,000(1438.85 USD) and Jalal's relative gave some money to SI Anis, they were not tortured. At approximately 1:00 am on the morning of 1st July, 2010, Manik and Mizan were tied up and thrown to the ground face forward, and in that state, shot under the knee at close range. Mizan died while under medical care at the hospital. He said that, there were no cases filed against him at any police station and that he was an ordinary, private car chauffeur. He demands to know why he was kept in the police station lockup for two days and why three cases were filed against him after that. He wants justice for what has been done to him. He is currently imprisoned at Dhaka Central Jail.

SI Khitish Chandra Rai, Accused for shooting Mizan and Manik, Gulshan Police Station, Dhaka Metropolitan Police, Dhaka

SI Khitish Chandra Rai told *Odhikar* that, at 10:00pm on the night of 30th June, 2010, in accordance with command certificate number- 3743/10, he accompanied by SI Anisur Rahman, SI Mahmud Moin, Constable Abdul Malek, Constable Shafikuzzaman and Constable Shahidullah, went on a robbery prevention duty in Gulshan area. At around 1:00 am of 1st July, officer in charge (OC) Mohammad Kamal Uddin and operations officer Sheikh Masud Karim , informed them over the radio that, 5/6 unidentified men in a silver private car, were preparing to carry out a robbery on road number- 11 on the west side of the Gulshan-Banani link bridge. Receiving this news, the OC, along with a few officers, pursued the suspects from the back. Hearing this, SI Khitish Rai and his accompanying officers, went and stood guard in front of an under construction building on plot number- 38, road number- 42, Gulshan 2. At around, 1:05 am, they saw a private car on the road and stopped it.

Meanwhile, the OC and his men had barricaded the road behind them. Then the men from the private car stepped out and opened fire on the police men. In order to protect his life and government property, SI Khitish Rai fired four rounds of bullets at the assailants. Other than that, operations officer Sheikh Masud Karim, SI Mahmud Moin, Constable Abdul Malek and all the other officers, fired two rounds of bullets each. The gang of robbers continued to shoot at the police officers. When two men had fallen in the crossfire, they were arrested. The police officers were able to arrest two other robbers. They came to know from the arrestees that, their names were Aslam, Mizan, Manik and Jalal. He said that during the incident, Constable Shahidullah and Constable Abdul Malek were injured. He said that they recovered from the arrestees, a 9mm pistol with a magazine, 4 rounds of bullets and an Allion private car, (license plate number Dhaka Metro- Ga-21-3805). He took the four arrestees to the police station. SI Khitish Chandra Rai filed two cases against them, as the complainant. Case numbers 4 and 5, date: 01/07/2010. The charge sheet of the case number 5 had already been submitted to the Court. They have been charged under sections 399/402 of the penal code for preparing and coming together to commit a robbery, and case number 5 was filed under section 19-A of the Weapons Act 1878, for illegally keeping in possession unregistered weapons and ammunition. Investigating Officer of both the cases is SI Munshi Shahidul Islam, SI Anisur Rahman was the Investigating Officer in this case before, the prime accused of the extrajudicial killing of Mizan.

Mizan and Manik were taken to Dhaka Medical College hospital as they received gunshot wounds, and Aslam and Jalal were taken to court.

SI Anisur Rahman, Accused for shooting Mizan and Manik, Gulshan Police Station, Dhaka Metropolitan Police, Dhaka

SI Anisur Rahman told *Odhikar* that, there was crossfire between the police and a gang of hijackers at the Gulshan Banani link road at around 1:00am of 1st July, 2010. He was present at the scene of the crime, but since there was no gun assigned for duty in his name, at the police station that day, he was only carrying a baton on his duty. Two assailants named Manik and Mizan who were shot, and two others named Aslam and Jalal were arrested. SI Khitish Chandra Rai, as complainant, filed two cases against the four arrestees. SI Anisur Rahman said that he had been assigned as the officer in charge of investigating these cases.

He says that, the allegations made against him, of shooting and killing Mizan, are untrue. The officer in charge of that operation was Khitisha Chandra Rai, and not him. SI Khitish and SI Mukul Mia, used the pickup van assigned in his name and took the two injured assailants to the Dhaka Medical College hospital. He claims that he did not shoot Mizan and Manik. At around 8:00 am of the 1st July, 2010, he came to know from the police radio briefing that Mizan had died while under treatment at the hospital, and that Manik was still under medical attention. With regard to the incident that took place the previous night, SI Anisur Rahman, as complainant, filed a case against the 4 arrestees, with the Gulshan police station. The charges against them were of obstructing a government official in the line of duty, and injuring the officers with intention to kill under sections 353/332/307/38 of the Penal Code. Case number 8; date: 01/07/2010; investigating officer is currently SI Apurbo Hasan . Earlier Khitish Chandra, another accused of shooting of Mizan and Manik, was the investigation Officer.

SI Mahmudul Hassan, Officer who prepared the inquest report on the victim's corpse.

SI Mahmudul Hassan told *Odhikar* that, on the 1st of July, 2010, he went to Dhaka Medical College hospital, after he was informed that the accused, Mizan, had died that morning. In the presence of executive magistrate Salim Hussein, SI Mahmudul Hassan prepared the inquest report on Mizan's body. He said that, since both his legs were bandaged, he was

unable to tell whether there were any gunshot wounds and that the conclusive reason for Mizan's death could be found in the postmortem report.

Noor Muhammad, Senior Nurse Staff, ward number-32, Dhaka Medical College Hospital, Dhaka

Noor Muhammad told *Odhikar* that, at 2:00 am of 1st July, 2010, 7/8 police officers, including SI Khitish Rai and SI Mukul Mia, brought accused Mizan and Manik into the emergency ward of the hospital. At 3:05 am, they were admitted to ward number- 32. He said that, Mizan had two gunshot wounds on his legs, and that Manik had one gunshot wound on his left leg. Mizan died while being under medical treatment, at 7:33 am in the morning. He said that, the doctor who was attending to Mizan, Dr. Salma Sultana, wrote in the prescription that there were bullet injuries. Manik was kept under treatment for a few days and then transferred to the Dhaka Central Jail.

Mohammad.Robin (33), Local Awami League leader, 8/3, Boro Beraid, Badda, Dhaka

Md. Robin told *Odhikar* that, at around 10:00pm on the night of 2nd July, 2010, Mizan's wife came to him and told him that SI Anis of Gulshan police station had shot and killed her husband and therefore she did not receive his body from the morgue. On the other hand he was informed by members of the police force that, if no one received the body, it would be declared as unclaimed and handed over to the Anjuman Mafidul Islam institution. Hence, he and Mizan's brother-in-law, Nurul Hussein Molla, a butcher, sat at a meeting with Awami League members of Badda station and members from the police task force, to find a solution. In accordance with the decision arrived at in the meeting, on 2:00 am of 3rd July, 2010, he went to the hospital morgue and received Mizan's body. Under the observation of the Badda police station officers, the body was buried at Moddho Noyanagar Haji Shena Mia grave yard at 5:00am that same morning.

Dr. Pradip Kumar, doctor who carried out the postmortem investigation on Mizan's body, Dhaka Medical College Hospital, Dhaka

Dr. Pradip Kumar told *Odhikar* that, on 1st July 2010, he carried out the postmortem investigation on accused Mizan's body. The reason for his death has been mentioned in the report.

Babul Chandra, Morgue Assistant, Dhaka Medical College Hospital, Dhaka

Babul Chandra told *Odhikar* that, on 1st July, 2010, officers from the Gulshan police station brought in, from ward number- 32, the corpse of an accused named Mizan. Dr.Pradip Kumar conducted the postmortem investigation on the corpse. He saw that there were gunshot wounds on both of Mizan's legs. He had heard that the man had suffered excessive blood loss. A GD had been filed at Gulshan police station and was of number- 44, date: 01/7/2010. Postmortem investigation number was 1070. He said that, at 2:00 am of 3rd July, 2010, Md. Robin of Boro Beraid village, Badda station, had received the body.

***Odhikar* demands that the perpetrators be brought to justice and that an impartial investigation be carried out into the entire incident.**

End of Report