



Nawab Ali allegedly beaten and thrown in the river by the Police in Brahmanbaria: Body recovered after four days

Fact finding report Odhikar

On January 11, 2009 at around 2.30 pm, Nawab Ali (25) of Sarail upazila's Bariakandi village was arrested by 3/4 persons and a force from Shahbajpur Police camp of Sarail Police led by the Station In Charge Sub Inspector (SI) of Armed Police Md. Nur Ahmed. His family claimed that he was beaten and thrown into the River Titas that was beside his home. On January 14, 2009, 4 days after the incident, his dead body was recovered from the river.

Odhikar engaged in a fact finding of the incident. While fact finding, Odhikar spoke with:

- The deceased's family
- Eye witnesses
- A representative of the local government
- The person who prepared the inquest report of the deceased
- Doctor who performed the post mortem
- Police Officers related to the incident

Fultara Begum (40), the deceased's sister-in-law and eye witness

Fultara said that, Nawab Ali came from Kuwait three months ago with the intension to get married. She said that along with Mamun Chakdar, who her husband Sunab Ali knew from before, 3/4 other people and 3/4 Police men came to their house on 11 January 2009, at 2:30 am in search of her husband. When they heard that her husband was in Sylhet, they knocked the door of the room where Nawab and his father were sleeping and one of the men kicked the door open. Fultara said that Nawab tried to escape through the window of the room out of fear but the Police and the men who were accompanying them chased him and got hold of him. Then Mamun, along with the other men and the Police men took Nawab to the bank of River Titas near the house. Fultara said that when she went to the river bank, there a few minutes later, she saw the Police and the other men standing there but could not see Nawab. She said that, at that time she thought that Nawab had escaped to the other side of the river, due to which she did not ask them anything regarding him. After that, Mamun and the other men including the Police Officers left. Fultara said that after a few hours, some one came who introduced himself a Police Officer and wanted to know if Nawab had returned. Fultara replied saying that the Police had taken Nawab along with them, therefore they should know where Nawab is. Police Officer then said that Nawab had escaped. She mentioned that, the Police Officer advised her to look for Nawab in the river and in the house of relatives. From that day on, for a few days, they threw nets in the river in order to look for Nawab's body and the matter was informed to the Sarail Police Station. She also said that, Nawab Ali's body was seen floating in the river on the January 14, 2009 around 8:30am. Later in the presence of senior Police Officials, the

Police of Sarail Police Station retrieved Nawab's body and sent it to the Brahmanbaria Sadar hospital for post-mortem examination.

While describing Nawab's dead body, Fultara said that there were cuts in his upper lip and one of his ears was badly torn. Apart from this, he did not have 2/3 teeth in his upper jaw, and one of his eye's were missing. She also mentioned that the face was swollen and there were dark bruises on his chest. She thought that the Police had drowned Nawab in the river after torturing him. Nawab had grown up beside the river and was a skilled swimmer. Unless, he had been tortured before being thrown into the river, he would not have drowned.

According to Fultara, even after knowing the truth, in order to escape their liabilities, the Police did not inform them of the matter right then, but later, the Police had asked them repeatedly to look for Nawab in the river. She said that her husband would be able to say why the Police had visited there house in the first place.

Sunab Ali (45), Nawab's elder brother and Fultara's husband

When talking to Odhikar, Sunab Ali said that he worked at a brick field in Hobiganj. He said that Mamun Chakdar had appointed a few labourers from Sharail, through him, to work at his brick field at Madhabpur, Hobiganj, and had paid him in advance for the labourers. Sunab heard that since the Manager of Mamun's brick field had assaulted some of the labourers, before their contract was over, the labourers came back to Sarail on the January10, 2009. Sunab said that Mamun had informed him about the labourers leaving then jobs that very day. He told Mamun that he would go to Hobiganj and talk to them and bring them back to work January 12, 2009. He also mentioned that Mamun had agreed to his proposed. Thus he really did not know why Mamun had come to his house with the Police that night.

Khorsheda Begum (35), Nawab's neighbor and eye witness

Khorsheda said that, on January 11, 2009 at 2:30am she went to the bank of the River Titas beside her house after hearing a commotion, to see Nawab's body submerged in the shallow water. She said that the Police Officers and others accompanying them were standing along the bank of the river. Khorsheda said that seeing the situation, it seemed as if the people accompanying the Police had chased Nawab and Nawab had jumped into the water out of fear of being caught.

Khorsheda Begum said that her neighbors immediately went to the river with their boats but by then they could not find Nawab anywhere. She said that after this incident, many people went to the river with boats and searched for Nawab's body by throwing out nets but Nawab's body was not found. Finally his body was found floating on the river in the morning of January14, 2009.

Raju Begum (30), Nawab's neighbour and eye witness

Raju Begum said that on January11, 2009 at 2:30am, she also saw Nawab's head floating in shallow water near the bank of the river. She said that at that time the people who

were accompanying the Police were standing very close to that place and the Police men were standing a little further away. Raju said that right then the neighbours immediately went to the river with boats but by then they could not find Nawab anywhere. She said that Nawab's body was found floating in the river in the morning of January 14, 2009.

Osman Uddin Khaled, Chairman, Shahbajpur Union Council, Sarail, Brahmanbaria

While talking with Odhikar, Osman Uddin Khaled said that it is very natural that since he grew up beside the river, Nawab would be a skilled swimmer. Henceforth, his death due to drowning in the river is unnatural and therefore the case should be judged fairly and in an unbiased manner.

Md. Alkash Hossain, Officer in Charge (OC), Sarail Police Station, Brahmanbaria

Md. Alkash Hossain said that on the of January 11, 2009, at 2:30am a person named Sayam Chakdar and Mamun Chakdar of Madhupur, Hobiganj, along with a few men came to Shahbajpur Police Station to complain against Nawab Ali's brother Sunab, saying that he had taken Tk. 2,50,000 in advanced to pay labourers fees, but had not paid the labourers and instead returned home taking the money . He said that on the bases of this complaint, the S.I. Nur Ahamed went to Sunab's house looking for him, with the other men who complained and Constable Afzal and Md. Shahadat Hossain. The OC said that since Sunab was not at home, his younger brother Nawab came out from his room to the courtyard and seeing the Police and the other men, went back inside saying he had to change clothes. He said that Nawab then escaped through his room's window, ran and jumped into the River Titas, beside the house. OC Alkash also said that after the occurrence, the Police and the complainants left and the members of Nawab's house tried looking for him in different places, including the River Titas, but could not find him any where. He said that on the January 11, 2009 in the morning, in presence of senior Police Officers, Nawab's body was pulled out of the river.

Faridul Islam, Additional Police Super and Head of the Investigation committee formed for the investigation of the case, Brahmanbaria

On the February 10, 2009, Odhikar talked to Additional Police Super Faridul Islam, also the Head of the Investigation committee, formed to investigate if the Police had any liability in the death of Nawab. When his attention was drawn to the fact, that even after knowing that Nawab had jumped into the river, the Police had not reported the incident to the Police Station, or informed Nawab's family and neighbours; Faridul Islam said that Nawab on the pretext of changing clothes, went inside his room and escaped through the window and later his dead body was found floating on the River Titas. According to him, when Nawab fled through the window of his room, the Police were at his house and at that moment they were unaware of where he had gone.

It is to be mentioned here that this statement made by the Additional Police Super regarding the incident is inconsistent with the facts of the case regarding Nawab's unnatural death filed by the Police. The complainant of this unnatural death, S.I. Md. Mosleh Uddin, of Sarail Police Station, in his written complaint, said that, Nawab went inside his room with an excuse to wear clothes and went out through the window of his

room, ran and jumped into the River Titas, and after the occurrence the Police Officers left. This implies that the Police followed him and knew he jumped in the river.

The Additional Police Super said that S.I. Nur Ahmed, Constable Shahadat and Afzal had been temporarily suspended as they had gone to the place of the incident despite there not being any case and not informing the OC of the adjoining Police Station.

Inquest Report of Nawab's body

The Inquest Report of Nawab's body had been prepared by S.I. Mosleh Uddin of Sarail Police Station. It is mentioned in the Inquest Report that the skin of both the ears and the left side of the upper lip was peeled off. It was also mentioned in the report that there was blood loss from the wounded upper lip. Apart from this, there was a grievous wound under his left ear from where blood was falling.

Post-Mortem examination Report

The Post-Mortem examination of Nawab's dead body was conducted by the Residential Medical Officer Dr. A.S.M. Musa Khan of Brahmanbaria Sadar Hospital. In the report he mentioned that Nawab died from suffocation after drowning in the river. He said that there was mud inside Nawab's nails and muddy water in his stomach, which proved that he had drowned. The scars that Nawab had on his body were mentioned as after death scars in Dr. Musa's report.

Absence of statements of the accused Police Officers

Assistant Superintendent of Police (ASP) Nazmul Hasan, Officer in Charge of the Police Circle had not granted permission to Odhikar, to meet the three temporarily suspended Police Officers who were posted in the Brahmanbaria Police Line.

Iqbal Ali, ASP, Headquarter

On May 27, 2009, Iqbal Ali told *Odhikar* that SI Nur Ahmed and Constable Shahadat and Afzal had been temporarily suspended from duty and a departmental investigation was going regarding the allegations against them. He said that he would not make any comments regarding the matter until the investigation was completed.

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