



A Rickshaw-van Driver Allegedly Shot Dead by Kushtia Sadar Police

Fact-finding Report

Odhikar

At around 3:30 pm on January 4, 2009, Touhidul Islam Touhid (27) from the village of Shostipur, Kushtia, was arrested at Shenerchatal in the village of Bottoil by police from Kushtia Sadar Police Station. Touhid's family alleged that Touhid was shot and killed by the police near Boriya graveyard in the village of Boriya at around 2:30 am on January 6, 2009.

Odhikar carried out a fact-finding mission into the incident. During the fact finding, Odhikar interviewed:

- The relatives of the deceased
- Eyewitnesses
- A doctor and a morgue-assistant from the concerned hospital
- Concerned law enforcement agency members

Rekha Khatun (23), Touhid's wife

Rekha Khatun told Odhikar that her husband was a rickshaw-van¹ driver. She said that in the morning of January 4, 2009, Touhid went to the village of Bottoil Dokkhinpara Shenerchatal to visit his sister Kulsum. At around 4:30 pm, Rekha came to know from Kulsum's family that Touhid had been arrested by Sub-Inspector (S I) Masud and four other police officers from Kushtia Sadar Police Station. On hearing the news, Rekha's brother-in-law Shafikul Islam immediately contacted Alal Uddin Biswash, a member of Alampur Union Parishad² and Abdul Wadud Biswash Bablu and Advocate Delwar who were President and Secretary of the 'Community Policing Committee' of the Shostipur Ward³ respectively. They all assured Shafikul that the police would set Touhid free. Later, over mobile phone, Rekha came to know that Touhid had been killed in 'crossfire' at around 2:30 am on January 6, 2009. She stated that there were no cases against Touhid that she knew of. Rekha demanded justice for her husband's death.

Md. Shafikul Islam (38), Touhid's elder brother

Md. Shafikul Islam told Odhikar that Touhid went to the village of Bottoil on January 4, 2009, to visit his younger sister Kulsum. At around 4:30 pm, Shafikul's cousin Lutfor (23) informed him over mobile phone that Touhid had been arrested by S I Masud of the Sadar Police Station and taken into custody. Kulsum also came to his home and informed him of the matter. After hearing the news, Shafikul met Alal Uddin Biswash and requested him to arrange Touhid's release from the police station. Subsequently, Shafikul informed Abdul Wadud Biswash Bablu and Advocate Delwar of the matter in the evening. They assured Shafikul that Touhid had probably been taken into custody for interrogation and that he might eventually be set free. Later on, he learnt that Touhid had been killed in 'crossfire'. Shafikul finally saw Touhid's body at the morgue in the Kushtia General Hospital at around 6:00 am on January 6, 2009. After the post-mortem of Touhid's body was completed at 2:30 pm, Shafikul took it home. While commenting on Touhid's dead body, Shafikul said that not only was Touhid shot, but his hands and fingers were broken and his nails were missing. In addition, various parts of his body were bruised. He stated that Touhid was a rickshaw-van driver. He alleged that police killed Touhid because he would often carry members of the *Sromojibi Mukti*

¹ A rickshaw-van is a locally-made tricycle with pedals, used for carrying passengers or goods.

² Union Parishad is the lowest tier of local government in Bangladesh.

³ Union Parishad in Bangladesh consists of several Wards and each member of a Union Parishad represents a Ward.

*Andolon*⁴. However, he added, that it was not possible for Touhid to know who members of Sromojibi Mukti Andolon were and who were not.

Kulsum Khatun (25), Touhid's sister and an witness to the arrest

Kulsum Khatun told Odhikar that Touhid came to her home towards noon on January 4, 2009. At around 3:30 pm, 4 or 5 men in civilian dress entered her house and called upon Touhid. When they were confirmed of Touhid's name and address, they left taking Touhid along with them. On their way out, one of the men, in a degrading tone, told Kulsum, 'Do you know who I am? I am S I Masud and I am taking your brother to the police station'. Kulsum then followed them out. She saw the men take Touhid to the bank of the GK Canal where 5 or 6 other men dressed in police uniform were standing. She also saw a white microbus standing nearby. As the men approached the canal, they crossed paths with Kulsum's husband Shonali Prodhan. They asked Shonali about Touhid. At one point, she saw a police officer become agitated and randomly slap Shonali. After that they put Touhid into the microbus and left. On January 5, 2009, Kulsum went to her father's house in Shostipur and learnt that Touhid had not been released. On the morning of January 6, 2009, Kulsum heard that the police had killed Touhid in 'crossfire'. She demanded justice for incident.

Shonali Prodhan (32), Touhid's brother-in-law and an witness to the arrest

Shonali Prodhan told Odhikar that at around 4:00 pm on January 4, 2009 when he was on his way home past Shenerchatal, he saw 4 or 5 police officers in civilian dress arrest his brother-in-law, Touhid, and take him away along the bank of the GK Canal. When the police officers saw Shonali, they stopped and asked him several questions concerning Touhid. Before he could answer, a police officer randomly slapped him. The police officers then informed him that they were taking Touhid to the police station. Several other police officers who were standing at a distance gathered around and took Touhid into a white microbus and left. Shonali then immediately informed the incident to his in-laws at Shostipur by mobile phone and told them to inquire at the police station. On the night of January 6, 2009 at around 3:30 am, his cousin Alamin informed him over mobile phone that Touhid had been killed in 'crossfire' near the Boriya Graveyard. Shonali alleged that Touhid had been killed in the name of 'crossfire'.

Md. Wadud Biswash Bablu, President, Community Policing Committee, Ward No. 1, Alampur Union Parishad

Md. Wadud Biswash Bablu told Odhikar that on January 4, 2009 when he heard the news of Touhid's arrest, he went to the police station and contacted S I Masud who told him that there were no cases against Touhid and that he would be sent to court. At around 6:00 am on January 6, 2009, Bablu came to know that Touhid had been killed in 'crossfire'.

Shahidur Rahman (55), eyewitness, Boriya, Sadar Upazila, Kushtia

Shahidur Rahman told Odhikar that at around 2:00 am on January 6, 2009 when he came out of his house to relieve himself, he saw two white minibuses with one police pick-up in between going east past his house. The vehicles came to a halt at the Boriya Graveyard which was close to his house. 3-4 vehicles lights were turned on, which lighted up the whole area. Shahidur said that he went back inside his house out of fear and watched on through the window. He noticed that Mujam Mondol (40) whose house was beside the Boriya Graveyard, was ploughing his land with a power tiller⁵. He said that the police officers got down from their vehicles and asked Mujam to leave the place. The witness continued by saying that shortly after Mujam left the place, the police officers shouted, "Get him! Get him! He's escaping! Get him!" Another Officer said, "Hey, make a run for it. Escape!" He also heard another officer say, "Hey, get back here." Shahidur then heard the firing of three gunshots in a row. Five minutes later he heard another gunshot. 8-10 minutes later a *Nasimon*⁶ arrived and at around 2:30 am the police officers left the area with a body. On January 6, 2009, Shahidur came to know from the local newspapers that Touhid had been killed in 'crossfire' near Boriya Graveyard.

⁴ *Sromojibi Mukti Andolon* is a radical leftist political party in Bangladesh, which operates underground.

⁵ A mechanical farming equipment with several curved blades for ploughing land, pulled by a tractor-like vehicle.

⁶ *Nasimon* is a local, three-wheeled engine vehicle that carries passengers.

Mujam Mondol (40), eyewitness

Mujam Mondol told Odhikar that at around 2:00 am on January 6, 2009 when he was ploughing his land adjacent to the Boriya Graveyard with a power tiller, two minibuses and one police pick-up arrived and stopped beside the graveyard. Mujam said that around 20-25 police officers got down from the vehicles and asked Mujam to leave the area. Then the lights of the police pick-up and the other vehicles were turned on. They lighted up the whole graveyard. Directed by the police officers, Mujam went back to his house nearby. He said that just as he reached his home and turned off his power tiller, he heard shouts and screams. He heard many people together shout, "Hey, get him! He's escaping!" He then heard three bullets being fired which was soon followed by another one. Mujam continued by saying that 10 minutes later a *Nasimon* arrived at the place of the incident and 20-25 minutes later the *Nasimon* headed off along the road towards Bottoil. The two minibuses and the police pick-up also left along the same road. The witness said he did not go to the place of the incident because he got scared hearing the sound of bullets. The following morning, Mujam heard from other people that Touhid was killed in the incident that occurred the graveyard in the early morning.

Asgar Ali, General Secretary, District Awami League, Kushtia

Asgar Ali told Odhikar that on January 5, 2009, he contacted Kushtia Sadar Police Station inquiring about Touhid's arrest. He said that while talking with him, the Officer-in-Charge (OC) of the police station, Babul Uddin Sarkar confirmed that they had arrested Touhid. On January 6, 2009, Asgar Ali came to know that he had been killed in the name of 'crossfire'.

Babul Uddin Sarkar, Officer-in-Charge (OC), Kushtia Sadar Police Station

Babul Uddin Sarkar said that when a force of police officers led by S I Azizul Huque reached near the Boriya Graveyard at around 1.00 am on January 6, 2009 on the information that a group of miscreants was preparing to commit a crime, Touhid and his accomplices randomly opened fire on them. The OC said that when the police officers fired back in self defense, Touhid was hit and injured while his accomplices managed to escape. He continued by saying that when Touhid was taken to Kushtia General Hospital, the doctor on duty declared him dead. Babul Uddin stated that there was a number of murder cases filed against Touhid at the Police Station along with a few General Diaries (GD). He also said that S I Azizul had already filed a case against Touhid for murder and obstructing state work. The case was numbered 5 and dated 6/1/2009 and it was filed under Sections 332/353/302/34 of the Penal Code.

Doctor Jahangir Alam, Medical Officer, Kushtia General Hospital

When Odhikar inquired about the post-mortem report of Touhid's body, Doctor Jahangir Alam refused to make any comments on the matter.

Lakshman Lal, Morgue-Assistant, Kushtia General Hospital

Lakshman Lal told Odhikar that on January 6, 2009, Doctor Jahangir Alam conducted the post-mortem of Touhid's body at around 2.00 pm. He stated that there were six bullet wounds in Touhid's body. The fingers of his right hand were broken and his nails were missing. In addition, there were signs of torture and injuries on various parts of his body.

Joynal Hujur (60), the man who washed Touhid's body

Joynal Hujur told Odhikar that on January 6, 2009, he and a man named Abul Hossain washed Touhid's body. He said that there were signs of wounds on various parts of Touhid's body. A bullet had entered through his right rib and exited through the left rib. There was a single bullet wound on his chest. There was a hole in Touhid's left arm. Joynal said that there were also 2-3 cuts on his chest. The fingers of Touhid's right hand were broken and his nails had been uprooted. His right elbow was broken and blood was dripping from his mouth. Joynal added that Touhid's thighs also bore signs of beating.