



Man Allegedly Tortured to Death in the Custody of Kahalu Police Station in Bogra

Fact-finding Report
Odhikar

On June 4, 2009, the Kahalu Police Station arrested Md. Mozam Ali Pramanik (39), the son of late Md. Solaiman and Roima, from the village of Bandai Khara under Kahalu upazila¹ in Bogra district. After he was produced before the court, he was sent to jail pending trial². On June 15, 2009, when the police sought a 7-day remand for questioning Mozam, the learned Senior Judicial Magistrate for the zone 'Bogra C' issued a 3-day remand. According to the police, Mozam was taken to the police station on June 16, 2009, where he committed suicide by hanging with his shirt inside the toilet of the lock-up. On the other hand, the family members of the deceased alleged that the police officers killed him with electric shocks and then hanged the body to fabricate a story of suicide by hanging.

Odhikar, a human rights organisation, conducted a fact-finding mission into the incident. During the fact-finding, Odhikar spoke with:

- The relatives of the deceased
- Witnesses
- The concerned doctor and the person who washed the body
- The concerned police officers



Picture: Md. Mozam Ali Pramanik

Shajeda Akter (24), the Wife of Md. Mozam Ali Pramanik

Shajeda Akter told Odhikar that her husband was a share cropper and that she had an adopted daughter. She said that her neighbour Golam Robbani (15), son of the late Jahaboksh, had been killed and his body was found at around 6am on June 4, 2009. On June 4, 2009, his brother Md. Amzad Hossen Faqir (25) filed a case with the Kahalu Police Station against unidentified persons for killing his brother. The case was numbered 4 and was filed under sections 302/201/34 of the Penal Code³. Shajeda said that with reference to this case, Sub-Inspector (SI) Abu Bakkar Siddique, along with some other police officers, came to their house at around 9pm on June 4, 2009, looking for Mozam and his brother Tazammel. Tozammel fled

¹ Administrative unit smaller than a district, which operates under a district.

² In Bangladesh Judicial system, under-trial prisoners are kept in jail if they are not on bail.

³ These sections talk about punishment for murder; causing disappearance of evidence of offence, or giving false information to screen offender; and punishment for criminal acts done by several persons in furtherance of common intention, respectively.

on seeing the police. The police arrested Mozam at his sister's house nearby. She said that Robbani's brother, Engrej Hossen, helped the police in the arrest. While arresting Mozam, the police officers kicked him and slapped him. As she asked the police officers why her husband was being arrested without any allegation and requested them to release him, SI Siddique verbally abused her and kicked her in the abdomen, forcing her to fall to the ground in pain. The police officer also pushed her daughter from her lap and violently threw her (the daughter) to the ground. Mozam's wife said that the police officers also took away two mobile phones from Mozam's sister's house. She said that her daughter is now so traumatized that she cries when she sees a stranger and refuses to eat. The police officers left with her husband at around 11.30pm. In the afternoon on June 16, 2009, a relative of Motleb Ali, a former Union Parishad⁴ Member of her village, told her that her husband was taken on a 3-day remand and he committed suicide by hanging himself with his shirt in the toilet of the lock-up of the police station at around 3.30pm while on remand. She could not immediately go to the police station to see her husband, though she heard the news because the injuries she received from the kicks of SI Abu Bakkar Siddique were yet to heal. She sent her relatives to the police station. Her brother, Moksed Ali, contacted the police station for the body. She told Odhikar that Mozam's body was brought home at around 2.30pm on June 17, 2009 following the post-mortem and buried in the evening. She alleged that her husband was killed by electric shocks and then his body was hung. She demanded that the perpetrators be tried, through proper investigation into the incident.

Moriam Begum (40), Mozam's Elder Sister

Moriam Begum said that the dead body of a neighbour, Golam Robbani, was found near the house of another neighbour Abbas at around 6am on June 4, 2009. Later the policemen took away the body. Mozam had accompanied the body from its transportation to the hospital for post-mortem till its burial. She said that Mozam went to her house at around 8.30pm. At around 9pm, Golam Robbani's brother, Engrej Hossen, led several policemen to her house and identified Mozam. She said that a police officer called Abu Bakkar Siddique seized two mobile phones from her house during the arrest. The police officers verbally abused her when she asked them why they were arresting Mozam. She said that they slapped Mozam several times. The police officer also kicked Mozam's wife in the abdomen and threw her daughter violently to the ground. She said that following the incident, Mozam's daughter is scared of people and cannot eat. The police officers put handcuffs on Mozam and took him to the police station at around 11.30pm. In the afternoon of June 16, 2009, she learnt from her fellow villagers that Mozam had died in the Kahalu Police Station. She alleged that the police officers had killed Mozam by electric shock and other forms of torture and then hung his body with his shirt inside the toilet to escape responsibility. She demanded that those who are responsible for her brother's death be tried.

Asma Akter (62), Mozam's Neighbour

During her conversation with Odhikar, Asma Akter said that one of Golam Robbani's brothers, Amzad, filed a case against unidentified person at the Kahalu Police Station regarding Robbani's death. Following the filing of the case, the police officers arrested Mozam and his neighbour Jewel as suspects in the murder at around 11.30 on June 4, 2009. She said she had met Mozam several times in jail. Asma said that on June 15, 2009, the court put Mozam on a 3-day remand. She said that on June 16, 2009, she talked with him in the Bogra Central Jail from 11am to 12pm about various matters. During their conversation, Mozam told her that he had been put on a 3-day remand and that he might be taken to the police station from the jail that day. Asma said that at around 4pm, while returning home from the jail she heard from others that Mozam had killed himself in the lock-up of the Kahalu Police Station. She remarked that it was hard to believe that anybody on remand could commit suicide in the toilet of the lock-up while two policemen were on sentry duty. While describing the condition of Mozam's body, she

⁴ Union Parishad is the lowest tier of local government institution in Bangladesh.

said that the fingers of his right hand bore signs of electric shocks. She demanded punishment of those who were responsible for the killing, through a proper investigation into the incident.

Md. Moksed Ali Talukder (48), Mozam's Brother-in-law

Md. Moksed Ali Talukder said that he heard the news of Mozam's death from others in the afternoon of June 16, 2009 and saw his body in the Kahalu Thana Health Complex at around 6pm. He said that there was a mark around Mozam's neck and the fingers of his right hand were loosely clenched. He also said that Mozam's teeth were clenched together. He then visited the lock-up. He observed that it was not possible for Mozam to hang himself from an iron wall bracket⁵ hanging over the toilet that the police claimed Mozam used to hang himself because while standing, the gap between Mozam's head and the wall bracket would not have been more than a foot. He alleged that the police officers had killed him by electric shocks and then hung the body from the wall bracket. Moksed said that a few days after the incident, two people in civilian clothes took his signature on a written sheet of paper. Since he was illiterate, he could not read what was written on the paper and when he asked the two people about the contents of the paper, they did not tell him. Moksed said that when he asked them for a copy of the paper he signed, they said to him, 'What will you do with this paper? It is of no use in your house.' He also said that they told him, 'You will have no benefit from filing any case against the police. You are a poor man. If you go for legal action, you will only spend money.'

Md. Motiar Rahman, Officer-in-Charge (OC), Kahalu Police Station, Bogra

Officer-in-Charge (OC) of the Kahalu Police Station, Md. Motiar Rahman, told Odhikar that on June 4, 2009, Md. Amzad Hossen Faqir (25) filed a case at the Kahalu Police Station against unidentified persons for killing his brother Golam Robbani. The case was numbered 4, filed under sections 302/201/34 of the Penal Code. He said that SI Abu Bakkar Siddique was assigned to investigate the case. On June 5, 2009 Siddique arrested Mozam and another person named Shohag as suspects in the village of Bandai Khara⁶. When Mozam was produced before the court on June 6, 2009, he was sent to jail. The police sought for remand on June 8, 2009 but the Magistrate ordered to send him to jail. When Mozam was produced before the court again on 15 June 2009 and a petition for remand was submitted, the learned Senior Judicial Magistrate Court for the zone Bogra C issued a 3-day remand. As the letter from the court did not reach the jailor by 2pm on June 15, the jailor did not hand him over to the police. The OC said that Mozam was taken to the police on remand at around 3pm on June 16, 2009 and put in the lock-up as per rules. At that time, Assistant Sub-Inspector (ASI) Md. Sekendar Ali was working as the Duty Officer and Constable Abdus Sattar was on sentry duty. The OC said that he was at his residence for lunch at that time. The police officer said that when the Duty Officer Sekendar Ali went to the lock-up to ask Mozam if he had had lunch, he did not find him there. The Duty Officer asked Constable Sattar to bring the key to the lock-up. He unlocked the cell and when he opened the door of the toilet inside the lock-up, he found that Mozam was hanging with his shirt from an iron wall bracket and groaning in pain. At that time, SI Siddique returned to the police station from court on a motorcycle. With a few other police officers, SI Siddique then moved the critically injured Mozam to the Kahalu Thana Health Complex. Being informed by an officer from the Kahalu Police Station, the Officer-in-Charge (OC) went to the Health Complex and found that Mozam had been declared dead. He immediately informed his superiors. The Assistant Superintendent of Police (ASP) for Bogra police circle 'B', Mohammad Quazem Uddin and the Superintendent of Police (SP) of Bogra, Humayun Kabir, were informed and saw Mozam's body at the hospital. The OC said that the Upazila Nirbahi Officer⁷ of Kahalu prepared the inquest report of the body at around 7.15pm.

⁵ There used to be an old-fashioned iron toiled cistern on the wall above the toilet. The cistern is long gone, but one of the brackets that used to support it was still in the wall.

⁶ According to Mozam's relatives and witnesses to the arrest, Mozam was arrested at around 9pm on June 4, 2009 and taken to the police station at around 11.30pm. On the other hand, the police officers claimed that Mozam was arrested at around 5.10pm on June 5, 2009 and taken to the police station.

⁷ Upazila Nirbahi Officer is a Magistrate who heads the upazila civil administration.

The body was sent to the Shaheed Ziaur Rahman Medical College morgue for autopsy at around 10am. He believed that Mozam might have hanged himself. He denied the allegation that Mozam had been killed by electric shocks.

Assistant Sub-Inspector (ASI) Sekendar Ali, Kahalu Police Station, Bogra

ASI Sekendar Ali told Odhikar that an escort handed Mozam over to him at around 3pm on June 16, 2009. He put him in the lock-up and went for lunch. He said that Constable Abdus Sattar was on sentry duty at that time. At around 3.15pm, ASI Sekendar sent Constable Sattar to the lock-up to enquire if Mozam had had lunch. Constable Sattar returned from the lock-up and informed him that Mozam had had lunch. He himself again went to the lock-up at around 3.30pm to ask Mozam if he had had lunch but he did not find him there. ASI Sekendar asked Constable Sattar to bring him the key to the lock-up. He opened the lock-up and then opened the door of the toilet inside the lock-up to see Mozam had hung himself with his shirt from an iron wall bracket inside the toilet and was groaning in pain. Along with some other police officers, when he took Mozam to the Kahalu Thana Health Complex nearby, the attending doctor declared him dead on arrival.

Sub-Inspector (SI) Abu Bakkar Siddique, Kahalu Police Station, Bogra

Sub-Inspector (SI) Abu Bakkar Siddique said that the OC gave him the responsibility to investigate case number 4, filed by Amzad from the village of Bandai Khara. He tried to capture the suspects in the murder. He said that he went to Bandai Khara village on June 5, 2009 along with 4 other police officers and arrested Mozam as a suspect at around 5.10pm and sent him to court on June 6, 2009. When Mozam was produced before court on June 6, 2009, he was sent to jail. The police sought for remand on June 8, 2009 but the Magistrate ordered to send him to jail. The court put Mozam on a 3 days remand when Mozam was produced before the court again on June 15, 2009. SI Siddique said that since necessary documents regarding remand order of the court reached the jail late on June 15, they could not take Mozam on remand that day. He said that he was due to give evidence before the court in another case on June 16, 2009. When he was in the court to give evidence, an escort from Kahalu Police Station received Mozam from the jail and took him to the police station at around 3pm. The moment he returned the police station at around 3.30, he heard that Mozam was hanging and groaning in pain inside the toilet of the lock-up. He then recovered Mozam and took him to the Kahalu Thana Health Complex which was 200 yards away from the police station, but the attending doctor Abu Raihan declared him dead. He argued that since he did not have time to interrogate Mozam, there was no scope for him to torture Mozam.

Mohammad Quazem Uddin, Assistant Superintendent of Police (ASP), Circle B, Bogra

Assistant Superintendent of Police (ASP) Mohammad Quazem Uddin told Odhikar that OC Motiar informed him at around 4pm that Mozam, who was on remand, had hanged himself in the toilet of the lock-up. He saw the body at the Kahalu Thana Health Complex. The Upazila Nirbahi Officer prepared the inquest report in his presence, he said, adding that he had visited the place of the incident. When Odhikar asked him on June 21, 2009, if any measures had been taken against the Kahalu Police Station, he replied that, as ordered by the S P, he had submitted a report on the incident. He added that due to his report, the accused police officers might be transferred for negligence. However, he claimed that Mozam had committed suicide by hanging.

Humayun Kabir, Superintendent of Police (S P), Bogra

The Superintendent of Police (SP) of Bogra, Humayun Kabir, said that he had visited the Kahalu Police Station following the incident. He said that he had not yet received the report regarding the incident, sent by ASP Quazem. The S P said that once he received the report, he would take necessary steps.

Dr. Md. Abu Raihan, Resident Medical Officer (RMO), Kahalu Thana Health Complex, Bogra

Dr. Abu Raihan said that on June 16, 2009 between 3.30pm and 3.40pm SI Siddique and 4 or 5 other police officers from the Kahalu Police Station brought the body of a man called Mozam. Along with Dr. Toufiqul Huq, he declared him dead. He believed that Mozam might have died 6 or 7 minutes before he was brought to the Health Complex. Dr. Raihan said that there were marks of hanging around the neck of the body. He also said that Mozam had released a tiny amount of seminal fluid. After the inquest report was prepared, the police took the body to the Shaheed Ziaur Rahman Medical College at around 10pm for autopsy.

Mirazul Islam Ukil, Upazila Nirbahi Officer (UNO) and Nirbahi Magistrate, Kahalu, Bogra, the Person Who Prepared the Inquest Report of Mozam's Body

Mirazul Islam Ukil told Odhikar that he had prepared the inquest report of Mozam's body at Kahalu Thana Health Complex at around 7.15 on June 16, 2009. He said that the body bore a curved, black mark around the neck that started from the left ear and extended towards a place 2 and half inches below the right ear. He had also released small amount of seminal fluid and his jaws were clenched together. The UNO said that no other sign was found on the body. He finished his conversation with Odhikar by saying that the post-mortem report will reveal whether he committed suicide by hanging or whether he was killed.

Dr. Rezaul Karim, Lecturer, Department of Forensic Medicine, Shaheed Ziaur Rahman Medical College, Bogra

Dr. Rezaul Karim said that he was a member of a two-member body headed by Dr. K M Saiful Islam, which conducted the post-mortem of Mozam's body at around 10am on June 17, 2009. He said that there was a sign of hanging around Mozam's neck and both his jaws were clenched together. They did not notice any sign of torture on the body, he added. He referred to the post-mortem report as saying that he had died by hanging.

Dilip, Morgue-Assistant, Shaheed Ziaur Rahman Medical College, Bogra

Dilip told Odhikar that at around 10am on June 17, 2009, Dr. K M Saiful Islam, the Head of the Department of Forensic Medicine and Dr. Rezaul Karim, a lecturer of Forensic Medicine, conducted the post-mortem of Mozam's body. He said that a sign of hanging was found around the neck of the body. Dilip said that if he had been forcibly hung by others and his feet pulled down to hasten death, the facts could be discovered through the post-mortem. The morgue-assistant said that Mozam's relative claimed his body at around 1.30pm.

Haji Abdur Rahman Bablu (52), Who Washed Mozam's Body, Bandai Khara, Kahalu, Bogra

Haji Abdur Rahman Bablu said that he received the news of Mozam's death at around 3.30pm on June 17, 2009 and went to Mozam's house to wash the body in preparation for burial. He said that he noticed a mark around the neck of the body. He also said that the fingers of his right hand were bent loosely into the palm. He believed that electric shocks were applied on the ends of Mozam's fingers.

-The End of Report-