



Allegation of a Chatra Dal¹ Leader Being Tortured in Custody at Netrokona Model Police Station
Fact-finding Report

Odhikar

At around 10.00 am on August 24, 2009, Morshed Habib Bhuiyan Jewel (32), President of the Atpara Unit Chatra Dal of Netrokona District, went to the Khadda Bhaban² at Abdul Gani Road, Dhaka, to submit a tender related documents concerning the renovation of food warehouses. On the same day at around 11.30 am, the police of the Shahbagh Police Station arrested Jewel. At around 10.00 pm, Jewel was taken to the Netrokona Model Police Station by the Netrokona Police. It has been alleged by Jewel's family members that the Police of Netrokona Police Station, with the objective of harassing and filing a false case against him, had taken Jewel into remand for a total of seven days in three separate cases and tortured him.

On the basis of the allegations made by Jewel's family members, Odhikar carried out a fact-finding mission into the incident. During the fact finding mission, Odhikar spoke with:

- Morshed Habib Bhuiyan Jewel
- Eye-witnesses
- Chairman of the local Union Parishad³
- The Criminal Investigation Department (CID) and the Detective Branch of the Police (DB)
- The officers of the concerned police station.

¹ Chatra Dal: A student wing of the Bangladesh Nationalist Party (BNP), major opposition political party in the Bangladesh Parliament.

² Khadda Bhaban: Government food administration office.

³ Union Parishad: the lowest tier of the local government in Bangladesh, headed by a Chairman and several Members.



Photo: Morshed Habib Bhuiyan Jewel

Morshed Habib Bhuiyan Jewel (32), the person who were allegedly tortured:

The fact-finding team of Odhikar visited the Netrokona District Jail on September 4, 2009, and spoke with Jewel. Jewel informed Odhikar that he is the President of the Atpara Unit of Chatra Dal. After the Awami League government had come to power, political pressure had forced Jewel and his wife Taslima Akhtar and two children to come to Dhaka and rent a house at 115 Ahmed Nagar at Mirpur-1, Dhaka. Jewel said that he came from the village of Shunoi at Atpara. He has been involved in the fruit trade and other contractual jobs. At around 10.00 am on August 24, 2009, Jewel arrived at the Khadda Bhaban at Abdul Gani Road to submit bid relating to the renovation of food warehouses. Tuku, the Chatra League Secretary of Netrokona Sadar Unit and personal secretary to Ashraf Ali Khasru, the MP for Netrokona Sadar; Liton, Chatra League leader of the Netrokona Government College and Awlad, a member of Chatra League from Purbodhola and other members of the ruling party were all waiting at the Khadda Bhaban area to prevent others from submitting bids. On Jewel's arrival, the Chatra League men requested the police on duty to arrest him on the alleged ground that Jewel was the accused person in the murder of Netrokona Jubo League⁴ President Babu Shopon Joardar. When the police refused to arrest an unknown person, the Chatra League men requested the RAB officers on duty at the Khadda Bhaban to arrest Jewel but they refused to do so without any verified allegations. Eventually, Tuku and Liton asked Jewel, 'How are you?' When Jewel approached them they grabbed him by his belt. Jewel went on to say that Tuku then made a phone call to Ashraf Ali Khasru, the MP for Netrokona Sadar, informing him of the details of what was going on. Tuku requested Ashraf to arrange Jewel's arrest by all possible means. At around 11.30 am, Sub-inspector (SI) Hirendro Nath from Shahbagh Police Station arrived with his force and arrested Jewel. When Jewel inquired why he was being arrested, SI Hirendro Nath said that he was an accused person in the murder of Netrokona Jubo League President Babu Shopon Joardar. In response, Jewel informed him that he was on bail granted by the High Court Division of the Supreme Court and that he had not been accused in the Charge Sheet of the concerned case, submitted following two separate investigations. When the police demanded seeing the bail documents, a relative of Jewel brought those documents to the police station in

⁴ Jubo League: youth wing of Bangladesh Awami League, now in power.

the afternoon. Nonetheless, the police did not release Jewel. At around 9.30 pm that night, Sub-inspector (SI) Abul Kashem of the Netrokona Model Police Station arrived from Netrokona with a police force, took Jewel into custody and left for Netrokona at around 10.00 pm. At around 3.45 am on August 25, 2009, they arrived at the Netrokona Model Police Station. At around 9.00am, Jewel was blindfolded by 3-4 police officers and taken to the first floor of the station where he was suspended from the ceiling with handcuffs. The police used sticks to beat Jewel from his waist down and he was interrogated about the Babu Shopon Joardar murder case. As he could not give any information regarding the case, he had to suffer more beatings. At around 10.00 am, Jewel's blindfolds were removed and he was brought down from his suspended state and taken to court. At the court, Jewel learned that he had been arrested as a suspect in the murder case of Chatra Dal leader Shiraj which had been filed at the Netrokona Sadar Police Station. Shiraj was from the village of Amlī Keshobpur of Rouha Union Parishad. The case was dated May 1, 2009. When the police sought remand, the learned Chief Judicial Magistrate granted a four-day remand. Jewel was taken back to the police station at around 2.00 pm that day. At around 9.00 pm, Jewel was interrogated in a room about the Shopon Joardar murder case by Md. Abu Taher Miah, the Officer-in-Charge (OC) of the Netrokona Model Police Station; Kaosar Ahmed, the Officer-in-Charge of the DB⁵; Chopol Kanti Rai, an Inspector of the CID⁶; the Additional Superintendent of Police of Netrokona and Sheikh Najmul Alom, the Superintendent of Police of Netrokona, who were all his acquaintances. Jewel did not have anything to say because he knew nothing about the murder. As a result, he was tortured again. Jewel was interrogated on various issues during the period between August 25-28, 2009. He was taught what to say in court and was beaten more if he refused to comply. Jewel was taken to court again on August 29, 2009. The police again sought remand on the ground that Jewel was a suspect in a robbery case number 11, filed on March 8, 2008 at the Netrokona Model Police Station. The Judicial Magistrate gave direction to interrogate Jewel at the jail gate, due to the fact that Jewel was ill. This was why he was eventually interrogated at the jail gate. He went on to say that despite being interrogated, he could not say anything about the matter, as he was not involved in it.

Jewel stated that he was brought to court again by Sub-inspector (SI) Rafique Uddin as an accused in case number 10, filed at the Atpara Police Station. The case was filed on June 17, 2009 and this time Jewel was shown as a murder suspect. On September 1, 2009, the court granted a two-day remand following SI Rafique's plea for remand. Instead of being taken to the Atpara Police Station, Jewel was taken to the Netrokona Model Police Station where he was tortured again. After the completion of the remand period, Jewel was sent to the Netrokona District Jail on September 3, 2009. He alleged that there was not a single case against him and that he was being politically harassed. According to Jewel, the Awami League activists were trying to exert influence in their locality

⁵ DB: Detective Branch.

⁶ CID: Criminal Investigation Department.

and were trying to take control of tenders by tagging Jewel's name in various false cases. He had been tortured in the process. Jewel demanded that he be freed from this vicious cycle of harassment.

From inside the prison Jewel showed the Odhikar fact-finding team the marks of beatings on his body. He further stated that when in remand, three to four men in plain clothes would come from time to time and would take him to the first floor of the police station in blindfolds. They would then handcuff him and suspend him from the ceiling by his wrists and beat him from waist down and ask him questions on various issues. Jewel alleged that they had beaten him to the extent that the nails of his left leg had been uprooted and both his legs were badly wounded, unabling him to walk. Odhikar fact finding team saw beating marks on Jewel's arms and back. On occasions Jewel was made to lay down after which hot water was poured into his nose. When he would cry out in pain, they would stuff a cloth into his mouth and pour hot water on it. Jewel still suffered from chest pains because they would trample on his chest with their boots. He informed Odhikar that he was currently receiving treatment for his illness at the prison hospital.

Saiful Islam (30), a Chatra Dal worker of the Atpara Unit, Itakhola, Atpara, Netrokona

Saiful Islam told Odhikar that he spent most of his time at Dhaka. At around 12.00 pm on August 24, 2009, he learned that Jewel had been arrested by the Shahbagh Police Station as a suspect in the Shopon Joardar murder case. Saiful immediately went to Jewel's house at Mirpur and after he gathered Jewel's bail documents, he went to the Shahbagh Police Station at around 3.30 pm. When he showed the documents, the OC of the Station Rezaul Karim considered releasing Jewel. In the meantime, a phone call came from the Netrokona Police Station urging the Shahbagh Police Station authorities to keep Jewel in custody at any cost. Jewel was kept in custody as a suspect in a murder case, filed at the Netrokona Model Police Station. SI Abul Kashem of the Netrokona Model Police Station arrived at around 9.30 pm and took Jewel into his vehicle and left for Netrokona at around 10.00 pm. On August 25, 2009, Saiful reached the Netrokona Court and saw several hundred BNP activists waiting to see Jewel. After the court granted remand, the police took Jewel away to the Netrokona Police Station. Saiful stated that he spent most of his time at the police station while Jewel was on remand there. In the morning of August 26, 2009, three to four men entered the station premises carrying canes and went up to the first floor. Jewel was taken upstairs too. Soon Jewel's screams could be heard from the street in front of the police station, which led to the gathering of many people. Saiful informed Odhikar that Jewel was apparently tortured on three occasions by the police during his 7-day remand period. He alleged that the objective behind all this was to harass Jewel and torture him by filing false cases against him.

Md. Babul Miah, eye-witness to Jewel's arrest, Administrative Unit, Khadda Bhaban, Abdul Gani Road, Dhaka

Md. Babul Miah told Odhikar that August 24, 2009 was the last day for submitting bids for the renovation of all food warehouses of Dhaka Division⁷. At around 10.00 am on that day, many people gathered in the area. At around 10.30 am, several people suddenly grabbed a man. Later on, he came to know that the person caught was Jewel and that he was the President of Atpara Unit Chatra Dal in Netrokona. Afterwards, SI Hirendra Nath of the Shahbagh Police Station came and took Jewel away in handcuffs.

Sadekur Rahman Talukdar, Chairman, Shunoi Union Parishad, Atpara, Netrokona

Sadekur Rahman Talukdar told Odhikar that he had heard of Jewel's arrest by the police and that he had been tortured in the name of remand. He was not aware of any cases filed against Jewel.

Sub-inspector (SI) Nasim, Second Officer, Shahbagh Police Station, Dhaka

SI Nasim told Odhikar that on August 24, 2009, SI Hirendra Nath was on special duty at the Khadda Bhaban at Abdul Gani Road. At around 11.00 am, a police informer pointed Jewel out to the police as wanted in a murder case. Upon confirming Jewel's identity, Nasim arrested him. When the Netrokona Model Police Station was contacted afterwards, it was learnt that Jewel was a suspect in the Shiraj murder case filed on May 1, 2009, under sections 302/34 of the Penal Code⁸. Shiraj was the Chatra Dal President of Amlı Keshobpur village.

Later on, SI Abul Kashem came to the Shahbagh Police Station and filed a General Diary (GD) which was numbered 1599 and dated August 24, 2009. At 10.35 pm, SI Abul Kashem took Jewel and left for Netrokona.

SI Abul Kashem, Netrokona Model Police Station, Netrokona

SI Abul Kashem told Odhikar that at around 1.00 pm on August 24, 2009, he came to know from a source that Jewel, the suspect in the murder case of Shiraj from Amlı Keshobpur, had gone to the Khadda Bhaban to prevent others from submitting their tender documents and was arrested there by the Shahbagh police. Under the orders of his OC, SI Abul Kashem left for Dhaka at around 3.45 pm and reached his destination at around 9.30 pm. At around 10.35 pm, he took Jewel and left for Netrokona. On August 25, 2009, when Jewel was brought before the court and remand was sought, four days' remand was granted. During the remand, Superintendent of Police, Sheikh Najmul Alom; the Additional Superintendent of Police; the OC of the DB, Kaosar Ahmed and the Camp Inspector of the CID, Chopol Kanti Rai, were involved in the interrogation of Jewel during the remand period. After the remand was over, Jewel was brought before the court, the court sent him to jail. When SI Abul Kashem was asked about the High Court Divisions direction as to not to arrest or harass Jewel in

⁷ Division: Administrative unit comprising several districts. The whole of Bangladesh is divided into all six divisions.

⁸ Sections 302 and 34 of the Penal Code deal with murder and acts done by several persons in furtherance of common intention respectively.

relation to the Babu Shopon Joardar case, he stated that although he was barred from dealing with Jewel regarding the Joardar case, he was not barred from interrogating him with respect to other issues or cases. SI Abul Kashem tactfully avoided saying anything about the fact that the nails of Jewel's left leg had been uprooted during the remand period.

SI Rafique Uddin, Atpara Police Station, Netrokona

SI Rafique Uddin told Odhikar that on August 24, 2009, after Netrokona Police Station officers had brought Jewel to Netrokona from Dhaka, two days' remand was granted on a murder case and another day's remand was granted on a robbery case. Both cases were filed at the Atpara Police Station. SI Rafique Uddin informed Odhikar that Jewel was interrogated at the Netrokona Model Police Station because the doors, windows, ventilators, bathrooms etc. were all in a dilapidated state at the Atpara Police Station custody. He claimed that Jewel had not been tortured.

Chopol Kanti Rai, Inspector, CID Camp, Netrokona

Chopol Kanti Rai told Odhikar that after the Shopon Joardar murder case was filed at the Netrokona Model Police Station in 2001, the CID and the DB Police had filed separate Charge Sheets. On those two investigations, Jewel was found to be not involved in the murder of Shopon Joardar. After the Awami League had come to power, the CID was vested again with the responsibility of investigating the case. He was in charge of the investigations. Chopol Kanti Rai informed further that Jewel had been interrogated during remand and that he had given a good amount of information which was being weighed out.

He stated that if witnesses stood on the dock and testified against Jewel, he would ultimately be convicted. Chopol denied knowledge of Jewel being tortured while he was in police remand.

Kaosar Ahmed, Officer-in-Charge, Detective Branch (DB), Netrokona

Kaosar Ahmed informed Odhikar that on August 25, 2009, he interrogated Jewel after he was brought to the Netrokona Model Police Station during the remand period. He stated that although Jewel had been taken into remand as a suspect in the murder case of Shiraj, the Chatra Dal leader, Jewel had given a considerable amount of information regarding the murder of Shopon Joardar which the DB police was verifying. He claimed that Jewel had not been tortured.

Sheikh Najmul Alom, Superintendent of Police (SP), Netrokona

Sheikh Najmul Alom told Odhikar that on August 24, 2009, he came to know from the Sadar Police Station that Jewel, the accused in the murder cases of Shopon Joardar and Shiraj, had been arrested by the Shahbagh police when he had gone to the Khadda Bhaban to force others to abstain from submitting bids. Later on, police went from Netrokona to Dhaka to take Jewel into custody. On August 25, 2009, the court granted a 4-day remand, during which Jewel was interrogated on various issues. Since the logistic support and security at the Atpara Police

Station was inadequate, Jewel was taken to the Netrokona Model Police Station where he was interrogated. He went on to say that the High Court Division had given directions not to arrest or harass Jewel. However, the direction stated also that Jewel could be interrogated on issues other than the Shopon Joardar case. Sheikh Najmul Alom asserted that Jewel had not been tortured in any way.

Odhikar expresses its concern at the allegation of torture on Morshed Habib Bhuiyan Jewel while in the custody of police. Odhikar demands that an independent investigation be made about the allegation and the perpetrators, if any, be brought dealt with as per the dictates of the law.

-The End of Report-