



Nayeem Pathan died in police custody after allegedly being beaten by mob and police

Fact-finding Report

Odhikar

On May 07, 2011, Nayeem Pathan (18), Sakhawat Hossain (20) and Ibrahim Mia (25) were brought to the police station after some people caught them after an allegation of mugging. On May 08, 2011 at about 7.40 am Nayeem, the son of Mokles Pathan and Aklima Begum of Polash Police Station of Zinardi union of Babarchar village under Norshingdi District died in Norshingdi District Hospital. The family of Nayeem alleged that he was tortured to death by the police. A case was filed in Shibpur Model Police Station in this connection.

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

- Relatives of Nayeem
- Witnesses to the incident
- Doctor of Upazila health complex
- Doctor of Narshingdi District Hospital
- Post mortem doctor and Morgue Assistant
- Law enforcement agencies
- Executive Magistrate of Norshingdi Upazila



Picture: Nayeem Pathan

Morshed Pathan(30), Brother of Nayeem

Morshed Pathan informed Odhikar that they were three brothers and two sisters. The youngest brother Nayeem used to work in a pesticide factory and at the same time he was engaged in a plant nursery business. On May 07, 2011 at about 4.00 pm, his father phoned to inform him that police of Shibpur Model Police Station had arrested and beaten Nayeem and that he had been admitted to the Norsingdi District Hospital. After receiving this news, he went to the hospital at about 7.00 pm and found Nayeem lying there unconscious. There was a bandage below Nayeem's right knee and his body was swollen. Nayeem's hip bone was also broken. At about 9.00 pm, according to the doctor's advice, four police including Sub Inspector Nizam brought Nayeem to the Dhaka Medical College Hospital for better treatment. On May 08, 2011 at about 12.15 am Nayeem was admitted to the Dhaka Medical College Hospital. A doctor conducted a CT scan on Nayeem's head. After the CT scan the doctor informed that his condition was normal and sent him along with a prescription to the Norsingdi District Hospital . On May 08, 2011 at about 3.00 am Nayeem was transferred to the Norsingdi District Hospital. At about 7.40 am on the same day he died there. After Nayeem's death, his body was sent to the Norsingdi Sadar Hospital for postmortem and at about 5.00 pm police sent his body to his home. Morshed informed Odhikar that Nayeem was not an addict, neither involved with drug peddling nor in any antisocial activities .There was no case or General Diary filed against him. Morshed Pathan further informed Odhikar that he filed a murder case in the Shibpur Model Police Station under sections 302/34 of Penal Code.

Zakir Hossain (35), Witness, Khashmahal South Kararchar, Shibpur, Norsingdi

Zakir Hossain informed Odhikar that on May 07, 2011 at about 11.00 am a CNG driven scooter was travelling from Bhelanagar bus stand towards Khashmahal. Hearing a scream inside the scooter, a mob stopped it. Inside the scooter there were four people, including the driver. Among them there was a victim of mugging who was allegedly held by those three muggers. Therefore, the mob started beating the three muggers. During this time one of them escaped by running through a knee deep river. After a while police from Shibpur Model Police station came. Police informed that those three muggers snatched taka one lac and thirty eight thousand from one Firoz Mia. Police also recovered a knife and a blade from the muggers. He also recalled that the local residents informed the local Union Parishad Chairman Saiful Islam and in his presence recovered the money and muggers were handed over to the Officer in Charge of Shibpur Model Police Station.

SamirUddin (60), Witness, Khash Mahal, South Kararchar, Shibpur, Norsingdi

SamirUddin told Odhikar that after hearing the hue and cry he came out of his house. He saw a mob was beating some muggers and came to know that some youths were fleeing away after snatching taka 1,38,000. The mob caught them and started beating them. Later, the mob handed over the recovered taka 1,38000 to the police in the presence of the Chairman of that area.

Sakhawat Hossain (20), Alleged Mugger, Norsingdi District Jail

Sakhawat Hossain informed Odhikar at the Norsingdi District Jail that Nayeem, Ibrahim and he took part in the mugging. However, they got caught by a mob and beaten at Khash Mahal area. During this time Nayeem fled, but police managed to apprehend him. He informed Odhikar that at the Shibpur Model Police Station police beat him and Nayeem with sticks, but police did not beat Ibrahim.

Sub Inspector (SI) Kaseef Sanowar, Norsingdi Sadar Model Police Station, Norsingdi

SI Kaseef Sanowar informed Odhikar that on May 07, 2011 at about 12.30 p.m. Officer –in- Charge (OC) of Shibpur Model Police Station informed him through wireless that a mugger was crossing the river. As per OC's instruction, he arrested him. He found that the youth looked very tired, his body was wet and his legs were bleeding. It seemed that the youth might have faced some beating or got hurt by stones or something hard. He handed him over to the Shibpur Model police within 10 minute of his arrest.

SI Mohammad Nizamul Haq, Investigation Officer, Shibpur Model Police Station, Norsingdi

SI Mohammad Nizamul Haq informed Odhikar that along with Nayeem two other muggers were caught by a mob who beat them. During this time Officer- in- Charge SI Shah Alam along with other police reached the spot and they were attacked by the mob too while they were trying to rescue the muggers from them. After arresting the muggers, police admitted them to the Shibpur upazila health complex. Among them Sakhawat and Ibrahim received treatment and were sent to jail, however, Nayeem's condition deteriorated, so that he was sent to the Norsingdi District Hospital. Doctors of Norsingdi District Hospital advised to take Nayeem to the Dhaka Medical College Hospital. On May 07, at about 8.00 pm he along with his force, Nayeem's elder brother and a relative, took Nayeem to the Dhaka Medical College Hospital. A doctor of the hospital examined Nayeem and told him to take him back as Nayeem's condition was alright. On May 08, 2011 at about 8.00 am he was informed that Nayeem had died. Habibur Rahman, an Upazila Executive Magistrate, prepared his inquest report. After the completion of the postmortem in the Sadar hospital at about 5.00 pm, the body was sent to the Nayeem's house. The brother of the deceased, Morshed Pathan , as the complainant, filed a murder case. The case number was 10 (5)11, under sections 302/34 of the Penal Code, dated 8/5/11. The case was under investigation and he was the investigating officer.

Mohammad Mojibur Rahman, Officer – in –Charge, Shibpur Model Police Station, Norsingdi

Mohammad Mojibur Rahman informed Odhikar that on May 07, 2011 at about 1.30 pm he and his force were on the road in his vehicle. During this time, a scooter was travelling from Bhelanagar bus stand to Khashmahal and from inside it they heard a voice cry; 'Help! Help! They are taking everything! They are killing me!' Then he, the SI, driver and about 25 people ran towards the scooter. In the meantime the muggers got down from the scooter and were beaten by the people. He arrested Sakhawat and found Nayeem running towards the river with people chasing him. So he told the police who was standing on the other side of the river to catch him. After a while, he came to know that Nayeem had been arrested. He told police to bring Nayeem to him and Nayeem was brought to the spot. Within 10 and 15 minutes a lot of people gathered on the spot and were beating the muggers. As he could not stop the mob, he informed his mobile team to come to the spot by wireless. As soon as the mobile team arrived, they took the three muggers to the police car. As they were injured they were first taken to the district health complex and a duty doctor treated them and sent Nayeem to the Norsingdi District Hospital .He informed Odhikar that the muggers snatched taka 1,38,000 from one Firoze Mia. Police recovered taka 1,26,900 from the muggers. During this time they also recovered two blades and the scooter from the muggers. Two cases were filed at the Shibpur Model Police Station in this connection.

Nuruzzaman, Doctor, Upazila Health Complex, Shibpur, Norsingdi

Dr. Nuruzzaman informed Odhikar that on May 07, at about 3 pm police brought Nayeem, Sakhawat and Ibrahim to the hospital. He treated Sakhawat and Ibrahim, however as Nayeem's condition was not good he was sent to the Norsingdi District Hospital.

Dr. ANM Mizanur Rahman, Residential Physician, District Hospital, Norsingdi

Dr. A N. M Mizanur Rahman informed Odhikar that on May 07, 2011 at about 5.20 pm Nayeem was brought to the Shibpur Health complex. He found Nayeem semi conscious. Besides, he found stitches on his right leg some parts of his body were swollen and referred him to the Dhaka Medical College Hospital for better treatment.

Dr. Mohsin, Residential Physician, Norsingdi Sadar Hospital, Norsingdi

Dr. Mohsin informed Odhikar that after the arrival of Nayeem's dead body in the hospital, a three member committee was formed for postmortem. He said that the report had not yet been finalised.

Ratan Chandra- Morgue Assistant, Norsingdi Sadar Hospital, Norsingdi

Ratan Chandra informed Odhikar that on May 08, 2011 at about 2.40 pm he received the body of Nayeem. He found stitches below the right knee and the body was swollen.

Habibur Rahman, Upazila Executive Magistrate:

Habibur Rahman informed Odhikar that he prepared an inquest report in the Sadar hospital. He declined to talk about the report.

N.B. Odhikar could not contact with the third accused Ibrahim .

Odhikar's Observation:

From the fact finding it is revealed that Nayeem and his accomplices were caught by the mob at the time of alleged mugging. According to the statement of Sakhawat, another accused in the mugging, it was understood that the police did not take them to the hospital in the beginning rather they were taken to the police station and beaten. This may led to might have Nayeem's death, as alleged by his family. As people are losing faith in the criminal justice system, incidents such as public lynching are taking place. Odhikar believes that erosion of faith in the already weak criminal justice system makes people take the law into their own hands.

.....End of Report.....