



## **Police allegedly tortured Mohammad Sekandar Ali at Rajibpur Police Station in Kurigram district**

*Fact Finding Report*

Odhikar

Members of Rajibpur Police Station arrested Mohammad Sekandar Ali (37) son of late Goribullah and Mosammot Zabeda Khatun of Borai Dangi village, on September 26, 2012 at around 2:20am, from his home. They took him to the police station as a suspect in the murder of his neighbour Mansur Ali. Unidentified people killed Mansur on August 28, 2012. Police released Sekandar on September 27, 2012 at around 1:00am in exchange for money, when they confirmed that Sekandar had no involvement with the killing.

Sekandar Ali is a cattle trader. After his arrest, the police of Rajibpur Police Station demanded BDT 50000 from his family. So after Sekandar's family handed over BDT 17000 to PSI Nirmal Chandra Mahanta, Sekandar Ali was released.

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

- Sekandar Ali and his family
- Sekandar Ali's doctor and
- Members of the law enforcement agencies



Photo: Mohammad Sekandar Ali

### **Mohammad Sekandar Ali (37), torture victim:**

Mohammad Sekandar Ali informed Odhikar that he is a cattle trader. He sometimes goes outside Kurigram to sell cows. On August 28, 2012 he was at Rajibpur cattle market until 11:00pm. After returning home, he got to know from the local people that his neighbour Mansur Ali could not be found. On August 29, 2012 at around 3:00pm when he was out on business Mansur Ali's son Mohammad Ali called him on phone and said that Mansur Ali's body was found on a turmeric field beside his house. Twenty-eight days after Mansur Ali was killed Mohammad Ali asked him not to stay at home. When he

asked why, Mohammad Ali told him that Lal Chaan, the prime accused in the murder of Mansur Ali told the police that Sekandar was also involved. Sekandar told Mohammad Ali on the phone that he was not going to stay in hiding since he is not involved in the killing of Mansur Ali.

On September 26, 2012 at around 2:20am, 7/8 policemen led by the Officer in-Charge (OC) of Rajibpur Police Station Azizul Haque came to his house. Azizul told him that he has to come to the police station to talk about an urgent matter. Sekandar's wife Razia Khatun told the police officers that if they had something to talk about with Sekandar, he would go to the police station in the morning. The policemen however, paid no heed to her words and forced Sekandar to accompany them to the police station that very night. After taking Sekandar to the police station Azizul told him that he is involved in the murder of Mansur Ali and he has to confess it. Sekandar said he knows nothing about it. Right after he said it, Assistant Sub-Inspector (ASI) Amal Kumar blindfolded him with one kind of a towel. Probationary Sub-Inspector (PSI) Nirmal Chandra Mahanta, ASI Amal Kumar and SI Shahjahan began beating him with sticks on his hands, legs and waist. He lost his consciousness from excessive torture. When he got back on his senses, he fell to the OC's feet and pleaded that he was not involved in the murder of Mansur Ali. SI Shahjahan again beat him with a stick. At one point of the beating, OC Azizul Haque told him to lie down on a bench. PSI Nirmal Chandra Mahanta then took off the *lungi*<sup>1</sup> that Sekandar was wearing. After some time PSI Nirmal Chandra Mahanta and ASI Amal Kumar inserted an ice-like substance through his anus. Instantly he felt a burning sensation and became unconscious. After regaining consciousness he saw that blood was continuously coming out from his anus and a policeman was pouring water on his head. At that time OC Azizul Haque said, "I have received orders from higher authority, you will be killed in crossfire." After that he was blindfolded, put into a police van and taken to the bank of a river. ASI Amal Kumar hit him consistently on his chest with a rifle's butt. At that time one policeman asked him whether he has any last wish before dying. He told that policeman that he wanted to see his children. He then heard the sound of an object being thrown into the river. In order to scare him, ASI Amal Kumar said, "Lal Chaan the prime accused in the case has been thrown into the river, now you will be killed and thrown into the river as well." After some time ASI Amal Kumar brought him back to the police station. His anus was still bleeding but he was not given any medication. PSI Nirmal Chandra Mahanta told him that Sekandar could not tell anyone that he was tortured at the police station if he wanted to be released. At around 10:00am when his brother Jubbar Ali came to the police station he told him about the torture inflicted upon him by the police. Then at around 7:00pm, his uncle Mohammad Kabez Ali, a freedom fighter, Akbar Hossain Hiro, Rajibpur Upazila chairman, Sabur Faruki, Rajibpur Upazila Awami league's former chairman and Mohammad Mokhlesur Rahman, Rajibpur Upazila BNP's chairman came to the police station. Akbar Hossain Hiro told OC Azizul that he wanted to hear from the accused Lal Chaan whether Sekandar Ali is involved in the killing. Lal Chaan was brought from police custody. He confirmed that Sekandar has no connection in the murder of Mansur Ali. Azizul asked Nirmal to release Sekandar Ali as he is not involved in the murder. On September 27, 2011 at around 1:00am his elder brother Mohammad Jubbar Ali came to the police station and gave PSI Nirmal Chandra Mahanta BDT 17000. He released Sekandar Ali after receiving BDT 17000. After getting out of the police station Sekandar could not walk. Jubbar took Sekandar home on a rickshaw-van. After going home he

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<sup>1</sup> *Lungi*- a skirt-like clothing worn by Bangladeshi men.

told his elder brother Jubbar Ali and the rest of his family about the inhuman torture inflicted upon him by the police. He told Jubbar Ali to take him to the hospital. At around 7:00pm he went to Rajibpur Upazila Health Complex. However, the time was shown to be 10:25pm in the hospital register. On September 28, 2012 at around 10:00pm, a policeman came to the hospital and told him that he has to go to the police station. Sekandar refused. Later OC Azizul came to the hospital and took him to the police station. On September 29, 2012 he was presented at the Kurigram Chief Judicial Magistrate's court. On November 13, 2012 he was released on bail.

**Razia Khatun (35), Sekandar Ali's wife:**

Razia Khatun told Odhikar that on the night of September 26, 2012 she and her husband were sleeping. At around 2:20am, 7/8 policemen from Rajibpur Police Station came to their house. They woke up when PSI Nirmal Chandra Mahanta called them. PSI Nirmal Chandra Mahanta told them that Sekandar has to come to the police station for some important matter. She told the police that she will not let her husband go out so late at night. She requested the police officers not to take him to the police station at night but they paid no heed to her words and took Sekandar Ali to Rajibpur Police Station.

**Mohammad Jubbar Ali (46), Sekandar Ali's elder brother:**

Mohammad Jubbar Ali informed Odhikar that on September 26, 2012 at around 3:00am, Sekandar's wife Razia Khatun informed him that the Rajibpur police have taken Sekandar Ali away. He went to Rajibpur Police Station at around 10:00am. He learnt from Sekandar that after he was brought to the police station, he was blindfolded and then PSI Nirmal Chandra Mahanta, ASI Amal Kumar and SI Shahjahan beat him with sticks. The police officers even tortured Sekandar by inserting an ice-like substance into his anus. He asked OC Azizul Haque why his younger brother Sekandar Ali was brought to the police station. The OC informed him that Sekandar was involved in the murder of Mansur Ali. At around 12:00pm he informed his uncle Mohammad Kabez Ali, Akbar Hossain Hiro, Rajibpur Upazila chairman, Sabur Faruki, Rajibpur Upazila Awami league's former chairman and Mohammad Mokhlesur Rahman, Rajibpur Upazila BNP's chairman about this matter. OC Azizul Haque informed him that if he wanted to have Sekandar released, he had to pay BDT 50000. He told the OC that his family and Sekandar's family are not financially solvent and he will not be able to collect so much money. He said that he could only pay BDT 15000 that day and pay the rest later. The OC agreed to the amount and Jubbar returned home and told Sekandar's wife Razia Khatun about it. After gathering a little more than BDT 15000 he went to Rajibpur Police Station on September 27, 2012 at around 1:00am. He gave the amount to PSI Nirmal Chandra Mahanta and an additional BDT 2000. After receiving the money, the police released Sekandar Ali from Rajibpur Police Station. When Sekandar got out of the police station, he could not walk and had to be carried on a rickshaw-van.

**PSI Nirmal Chandra Mahanta, Nageshori Police Station, Kurigram:**

PSI Nirmal Chandra Mahanta told Odhikar that on August 28, 2012 Mohammad Ali son of Mansur Ali filed a murder case at Rajibpur Police Station as the complainant about the killing of his father. The case number is : 01; Date: 29/08/2012; Section: 302 and 34 of the Penal Code. He was the investigation officer of that case. On October 25, 2012 when the accused Lal Chaan was brought to the police station

on a 3-day remand he mentioned the involvement of Sekandar Ali in the murder of Mansur Ali. That is why Sekandar was brought to the police station on September 26, 2012. When asked about the torture inflicted on Sekandar Ali after being brought to the police station, he denied it. On September 30, 2012 when the news of Sekandar Ali being tortured in police custody was published in various newspapers, Kurigram's Superintendent of Police Mahbubur Rahman withdrew him from that police station. He was unwilling to speak any further about this matter.

**Sub-Inspector (SI) Shahjahan, Rajibpur Police Station, Kurigram:**

Sub-Inspector (SI) Shahjahan informed Odhikar that PSI Nirmal Chandra Mahanta was the investigation officer of the case filed by Mohammad Ali regarding the murder of Mansur Ali. On October 3, 2012, when PSI Nirmal Chandra Mahanta was withdrawn and taken to Kurigram police line, OC Azizul Haque gave him the responsibility of the investigation. He began his duty as the investigation officer from October 4, 2012 and he submitted the investigation report on October 24, 2012.

**Mohammad Rashedul Islam Bishshash, Officer in-Charge, Rajibpur Police Station, Kurigram:**

Mohammad Rashedul Islam Bishshash told Odhikar that he has joined Rajibpur Police Station on November 1, 2012. He said that he does not know anything about Sekandar Ali being tortured in police custody.

**Mahbubur Rahman, Superintendent of Police, Kurigram:**

Mahbubur Rahman informed Odhikar that following reports in the newspapers about the torture of Sekandar Ali in police custody, PSI Nirmal Chandra Mahanta was withdrawn from the case and brought to the police line. B Circle SP Sarowar Jahan Bhuiyan was appointed to investigate the allegation. On November 10, 2012 PSI Nirmal Chandra Mahanta was transferred to Nageshshori Police Station.

**Sarowar Jahan Bhuiyan, ASP. Kurigram:**

Sarowar Jahan Bhuiyan told Odhikar that on September 30, 2012 when reports were published in various newspapers about the torture of Sekandar Ali in police custody, the Superintendent of Police ordered him to investigate this matter. The issue is currently under investigation.

**Mohammad Abdul Kuddus, Deputy Assistant Community Medical Officer:**

Mohammad Abdul Kuddus informed Odhikar that on September 27, 2012 at around 10:00pm a man named Sekandar Ali was brought to the emergency department of the hospital. As the duty doctor, Dr. Farhad Hossain Badal was not available he noted the patient's case on the register. He mentioned that Sekandar Ali had bruises on his hands and there were dark spots at various parts of his body. When Dr. Badal arrived and learnt that Sekandar Ali has been taken to the police station, he scrapped the previous case report and wrote anew. In the new description he mentioned that Sekandar had no visible wounds on his body.

**Dr. Farhad Hossain Badal, Medical Officer, Upazila Health Complex, Rajibpur, Kurigram:**

Dr. Farhad Hossain Badal told Odhikar that he is in Dhaka for foundation training. He refused to make any comment without seeing any prescription and related documents.

It was obtained from the Hospital register that on September 27, 2012 at around 10:00pm a man named Sekandar Ali was brought into the emergency department of the hospital. The registrar number was 2263 and serial number was 22. It was obtained from a prescription of registrar number 1518/160 of the internal department that Mohammad Sekandar Ali was given treatment when he fell sick while on remand. The patient was bleeding from his anus. On September 28, 2012 at around 10:20pm PSI Nirmal Chandra Mahanta arrested Sekandar Ali again while he was still undergoing treatment at the hospital.

**Odhikar's view:**

Torture is forbidden according to the Constitution of The People's Republic of Bangladesh, The Penal Code, Universal Declaration of Human Rights and International Convention against Torture. Yet the rate of torture is increasing day by day in Bangladesh. This questions the democracy and rule of law in this country. Odhikar believes that since allegation of torture against a policeman is investigated by another police officer, results are likely to be influenced and less impartial. As a result the victim may be deprived of justice. Therefore, for the sake of an impartial investigation only judicial investigation will be successful in revealing some truth. Besides the tendency of some doctors to write reports in favour of the administration is acting as a prime aid in the violation of human rights. Odhikar demands that the people responsible for the torture of Sekandar Ali in police custody should not only be transferred but also be brought under trial. Otherwise the criminalisation inside the law enforcement agencies will soon go out of control.