



Two persons were disappeared after being arrested at Savar allegedly by RAB¹ and DB² police

Fact Finding Report

Odhikar

On February 5, 2012 approximately at 1.00 a.m. Al Mukaddas (22), 4th year student of the Department of Al Fiqah and Mohammad Waliullah (23), a Masters candidate of Dawah and Islamic Studies Department of Islamic University, were allegedly arrested and disappeared by some persons who identified themselves as RAB-4 and DB Police members from Savar.

Al Mukaddas was a son of Abdul Halim and Ayesha Siddiqua of the village, Khana Kuniary under Pirojpur District.

Mohammad Waliullah was a son of Mohammad Fojlur Rahman and Afifa Rahman of West Shoilo Jalia village under Kathalia Thana of Jhalkathi District.

Al Mukaddas and Mohammad Waliullah, were students of the same university and were close friends. Both lived in room no. 211 of Banga Bandhu Sheikh Mujibur Rahman residential hall.

Odhikar conducted a fact finding into the matter. During this, they interviewed:

- Relatives of disappeared persons
- Eyewitness
- Members of law enforcement agency



Photo of Al Mukaddas & Waliullah

Mohammad Abdul Hai (41), uncle of Al Mukaddas

Mohammad Abdul Hai told Odhikar that he lived at 8/2 Shantibagh of Malibagh. On February 2, 2012 Al Mukaddas came to Dhaka from the university campus. He talked to Al

¹ RAB: Rapid Action Battalion. This was established in 2004 as a force to assist the police in combating crime. Made up of members of armed forces and police

² DB: Detective Branch of Police

Mukaddas on his cell phone, and the latter informed him that he had to stay on in Dhaka for the release of an album of patriotic songs. Al Mukaddas stayed at the house of his friend Jafor at the Bangla Motor area and continued the recoding of songs. On February 3, 2012 Waliullah, another friend of Al Mukaddas came to Dhaka and stayed with him. Waliullah was in Dhaka for some printing work. On February 4, 2012 Al Mukaddas met Mr. Hai at the Polton area and told him that the recording was finished and the songs would be released after editing. Waliullah and Al Mukaddas decided to return to the campus at night.

On February 6, 2012 at 3.00 in the afternoon, the young sister of Al Mukaddas called Mr. Hai on his cell phone to inform him that Al Mukaddas' cell phone was switched off and he was not at university or at home. Mr. Hai went to Paltan Police Station and filed a General Diary (GD). He also talked with several friends of Al Mukaddas on his cell phone. From Bangla Motor Al Mukaddas's friend Jafor told him that he saw off Al Mukaddas and Waliullah that night at the Kolyanpur bus stand. Another friend of Al Mukaddas, Syed Ahmed told him that he talked with Al Mukaddas and Waliullah on his cell phone at 10.32 that night. At that time Mukaddas informed Syed that they would get on the 11.30 bus belonging to the company Hanif Enterprise³. Abdul Hai also said that after being informed by Syed, he went to Darus Salam Police Station and there saw Waliullah's brother, Khalid Saifullah. After a discussion, Khalid Saifullah filed a GD about the disappearance of the two men.

On February 7, 2012 Mr. Hai and Khalid Saifullah went to the bus counter of Hanif Enterprise at Kolyanpur and met the supervisor, Mohammad Sumon Mia. Sumon Mia told him that on February 4, 2012 at 11.30 at night a Hanif Enterprise bus (bus no. 3750) of left for Kustia from Kolyanpur bus stand. When it reached Nobinagar, Savar in between 12.30pm and 1.00 am, a white microbus approached his bus. In it were seven or eight men, some wearing DB uniform, and others in RAB uniform. The DB members entered the bus and forcefully took Waliullah and Al Mukaddas out of seats C-1 and C-2. Sumon Mia asked them where they were taking his passengers. A DB member replied that there were charges filed against them and that they would be released after interrogation.

Mr. Hai then went to Ashulia Police Station and filed a General Diary (GD no. 525, Date: 08.02.2012). Accompanied by Khalid Saifullah, he then went to the RAB-4 office. The duty officer recommended that they go to Nobinagar Camp. After reaching Nobinagar Camp a RAB officer named Mizan informed them that nobody had been arrested on that specific day.

On February 10, 2012 Mohammad Abdul Hai held a press conference at the Press Club. On February 11, 2012 he organised a Human Chain in front of the Press Club. In both, he demanded that the whereabouts of the two students be disclosed and that they be returned.

On February 12, 2012 Mr. Hai filed a Habeas Corpus Writ in High Court Division of the Supreme Court to the Bench of Justice Abdul Awal and Justice Akram Hossain (Writ no.

³ Hanif Enterprise- the name of a private bus company

1535 / 2012). The hearing of the Writ occurred on February 13 and 14. The Court ordered nine individuals including the Secretary of the Ministry for Home Affairs, Inspector General of Police (IGP); Director General (DG) of RAB and the Deputy Commissioner (DC) of Detective Branch (DB) to give an explanation within three weeks as to why Al Mukaddas and Waliullah will not be produced in the court within three weeks.

Mohammad Khalid Saifullah (32), brother of Waliullah

Mohammad Khalid Saifullah told Odhikar that he lived at Shiddhirganj, at Narayanganj. On February 3, 2012 Waliullah came to Dhaka from Kustia to complete some tasks. Waliullah told his brother that he was meeting his friend Al Mukaddas and that they would both stay at Jafor's home at Bangla Motor and would return to the campus later. On February 5, 2012 at around 3.00 in the afternoon, a classmate of Waliullah from Islamic University informed him that Waliullah's cell phone was switched off and Waliullah had not returned from Dhaka. Then Mohammad Khalid Saifullah searched for Waliullah in different places. He called Jafor, who told him that he saw off Waliullah and Mukaddas at the Kolyanpur bus stand. He then went to Kolyanpur and filed a GD at Darus Salam Police Station (GD no. 317, Date: 06.02.12). At the police station, he met Al Mukaddas' uncle Abdul Hai, who informed him that Mukaddas was missing too.

On February 7, 2012 Saifullah went to the Kolyanpur bus stand and came to know that on February 4, 2012 the two were on their way to Islamic University in a bus belonging to the company Hanif Poribahan. At around 12.15 in the night when the bus reached Nabi Nagar, RAB and DB members arrested them. Then he along with Mukaddas' uncle, Abdul Hai went to the Ashulia Police Station and filed a GD. On February 12, 2012 Khalid Saifullah, along with Abdul Hai, filed a Habeas Corpus Writ (Writ no. 1536 / 2012) to the Bench of Justice Abdul Awal and Justice Akram Hossain in the High Court Division of the Supreme Court.

The Court took the writ petition into account after hearing it on February 13 and 14. On February 15, 2012 the Court ordered nine individuals, including the Secretary of the Ministry for Home Affairs, Inspector General of Police (IGP); Director General (DG) of RAB and the Deputy Commissioner (DC) of Detective Branch (DB) to give an explanation within three weeks.

After three weeks the said nine individuals informed the Court that they could not gather any information about the whereabouts of the missing Al Mukaddas and Waliullah. The Court was not satisfied with their answers and gave seven days time for further investigation. After seven days, the officials informed the Court that they could not find the missing men. The Court awarded seven days more time and ordered them to produce the cell phone call list of Al Mukaddas and Waliullah. After seven days the nine individuals gave a list of some numbers written by hand. The court rejected the hand written call list and ordered the nine officials to present the court on April 14, 2012 with the original call list. The nine individuals failed to submit the original call list within the stipulated time. Then the Court ordered them to present the call list on April 18, 2012. But due to hartal the matter could not be heard.

He also added that after the filing of the Writ petition, Detective Branch police often raid Abdul Hai's house at night and he is being threatened by them over cell phone. As a result, Abdul Hai is not forced to switch off his cell phone and stay away from home.

Syed Ahmed, friend of Al Mukaddas

Syed Ahmed told Odhikar that he studied at Dhaka. Al Mukaddas was from Syed's locality and known to him. Mukaddas came to Dhaka to cut and release a music album and Waliullah came for some printing work. Syed was with Al Mukaddas on February 3, 2012 at the recording studio. On February 4, 2012 Al Mukaddas and Waliullah left Dhaka for the Islamic University in Kustia. At 10.32 pm he spoke with Mukaddas for the last time. Mukaddas told him that they would start for the University at 11.30 in the night from Kolyanpur. He told Syed that he would come back to Dhaka for further recording and editing. That was the last Syed heard from his friend.

Mohammad Sumon Mia (32), eye witness

Mohammad Sumon Mia told Odhikar that he worked as a supervisor for Hanif Enterprise on the Dhaka-Kustia route. On February 4, 2012 approximately at 11.30 in the night he was on duty on bus, 3750. Their bus started for Kustia on time and about half an hour after midnight they reached the Nabinagar area under Savar Police Station. The bus was stuck in a traffic jam when a white microbus came and stopped at its left. Seven or eight persons got down from the microbus, some wearing jackets of the DB (Detective Branch) police and rest wearing RAB uniforms. They identified themselves as members of RAB-4 and DB Police. Some of them got into the bus to search it. One of them ordered Waliullah and Al Mukaddas, who were seated in seats C-1 and C-2, to get down and go with them. Sumon asked them where they were taking his passengers. A DB member replied that there were charges against the two and that they would be released after interrogation. They were put into the bus and Sumon was told to move on.

Sub-Inspector (SI) Khairul Alam, Ashulia Police Station, Dhaka

Khairul Alam told Odhikar that Waliullah and Al Mukaddas, two student of Islamic University were missing from Nabinagar area at Savat while they were on the way to Islamic University. On February 8, 2012 relatives of Waliullah and Al Mukaddas came to the Police Station and filed a GD alleging that RAB and DB Police had arrested the two (GD no. 525, Date: 08.02.12). The case was first investigated by SI Towhidul Islam. After he was transferred, SI Khairul Islam continued the investigation. After his transfer SI Zakaria was given the responsibility to investigate the case.

SI Zakaria allegedly tried to contact the families of the missing men. Unable to do so, he filed a case of abduction (case no. 61, Date: 23.02.12) under section 364, 171, 34 of Penal Code, 1860⁴. Moreover, he also continued his role as the investigation officer of the case.

⁴ Penal Code, 1860:

Eventually, Zakaria was transferred and Khairul Alam is still investigating the case. SI Khairul Alam also told Odhikar that while inspection of the scene he came to know that on February 5, 2012 at approximately at 12.15 in the morning a white microbus stopped a Hanif Enterprise, which was heading towards the Islamic University in Kustia from Dhaka at 11.30 on February 04. From the microbus four or five RAB and DB (Detective Branch) Police took Al Mukaddas and Waliullah away. He talked with the supervisor and bus conductor on duty that night. He also went to the Islamic University and gathered photos of the two missing men; he also gathered information about their political affiliations and involvement. Khairul Alam also mentioned that informers had been set in the area; their cell phone lists were being checked and suspects watched.

Sub Inspector (SI) Sarwar Alam, Darus Salam Police Station, Dhaka Metropolitan Police, Dhaka

SI Sarwar Alam told Odhikar that on February 6, 2012 family members of Waliullah and Al Mukaddas came to the police station at 10.45 pm and filed a GD, which also described their physical attributes (GD no. 317, Date: 06.02.2012). He refused to say anything else about this matter.

Ohiduzzaman, Officer in Charge, Detective Branch, Dhaka District

Wahiduzzaman told Odhikar that on February 5, 2012 nobody named Waliullah or Al Mukaddas had been arrested from Savar, Dhaka.

Lieutenant, Colonel Abdullah Ibne Zyed, RAB-4, Dhaka

Lieutenant, Colonel Abdullah Ibne Zyed told Odhikar that the Court ordered RAB to give a reply of the Habeas Corpus writ filed by the families of Waliullah and Al Mukaddas. He refused to give any other information as RAB Headquarters was preparing a reply.

Odhikar demands a fair investigation of this incident and punishment of the guilty persons.

The End

Section 364-: Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Section 171-: Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description, for a term which may extend to three months, or with fine which may extend to two hundred taka, or with both.

Section 34-: When a criminal act is done by several persons, in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.