



Mohammad Fozlul Haque Fozol allegedly shot to death by RAB at Shiddhirgonj in Narayanganj

Fact-finding report
Odhikar

Odhikar fact-finding team found that at around 9.30pm on November 13, 2010, members of RAB 11 CPC-1 arrested Mohammad Fozlul Haque Fozol (44) at Dhakesshori Bus-stand No. 2 at Shiddhirgonj. Later, his body was found at the plot of one Abu Mia in the Ati Housing area at Shiddhirgonj.

Fozol's family members alleged that Fozol at around 4.00am on November 14, 2010, Mohammad Fozlul Haque Fozol from Lamapara, Fotullah in Narayanganj was killed by the members of the RAB-11 CPC-1.

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

- Relatives of Fozol
- Witnesses
- The Doctor who conducted the post-mortem
- A Morgue Assistant
- The law enforcement agencies concerned



Mohammad Fozlul Haque Fozol

Sokhina Begum (47), Elder sister of Fozol

Sokhina Begum told *Odhikar* that Fozol was engaged in dredging business in Rupayon Housing Prokolpo (project). Alongside, he had a business on Jhut¹ products of Garments factories. He had a family of 4 children and his wife. On November 13, 2010 at 5pm, he left home in order to purchase a bull for the upcoming Eid- Ul- Azha. Accompanied by Jamai Aslam, his neighbor; Abu-bokkor; Rashid and Molla Khokon, his business partners, went to a cattle market at Dhakesshori Bus-stand no. 2, Shiddhirgonj.

At around 10pm, Jamai Aslam informed her over the cell phone that he, with Fozol, Abu-bokkor, Rashid and Molla Khokon, was taking tea and *halim* in the bus-stand at the tea-stall of Monir, a relative of Fozol around 9:30pm. In the meantime, a pickup of RAB- 11 stopped

¹ Jhut products are the rejected cloths of Garments factory.

beside the tea-stall. 6 or 7 armed men, wearing civil dress, came out of the pickup and asked Fozol his name. When Fozol introduced himself, the RAB members took him away.

Sokhina told Odhikar that after she was informed of what had happened, she looked for his brother in a number of places. She also contacted the office of RAB-11 at Shiddhirgonj but the RAB members on duty at the gate of the office informed her that they had not arrested Fozol. She went to the Shiddhirgonj and Fotullah Police Stations in search of Fozol but he was nowhere. Then she returned home. At around 6:00am on November 14, 2010, local journalists informed her over the cell phones that Fozol's body had been kept at the Khanpur Hospital. She went to the hospital at around 7:00am and saw the shot dead body of Fozol. Shokhina said that the blood-stained body was carrying 5 bullet wounds. She came to know that Fozol was shot and killed by the RAB members in the Ati Housing area at Shiddhirgonj. After the post-mortem, her relatives received the body at around 7:00pm and the body was buried in Pitalipur Graveyard at around 9:00pm. She claimed that some false cases were filed against Fozol but he acquitted from charges of those cases by the court. She alleged that the RAB members killed Fozol in the guise of 'crossfire' though there were no cases filed against him. She demanded justice for the killing through proper investigation.

Jamai Aslam (38), Witness

Jamai Aslam said to Odhikar that he, with Fozol, had taken tea and *halim* at Monir's tea-stall at around 9.00pm on November 13, 2010 in Dhakessori bus-stand no. 2. A pickup of RAB 11 stopped beside the stall at 9.30pm. 6 or 7 armed men, wearing civil dress, came out of the pickup and asked Fozol his name. When Fozol introduced himself, the armed men introduced themselves as RAB members and took Fozol into the pickup in handcuffs. His eyes and mouth were covered with a piece of black cloth. When Fozol tried to flee, two RAB officers twisted his neck and forced him to lie in the pickup. As people rushed to the spot, the RAB officials threatened to open fire and left with Fozol in their custody. He informed the matter to Fozol's sister, Sokhina and his relatives.

On November 14, 2010 at 6.00am, Almas, a journalist of the Daily Eeyad, a local newspaper, made a phone call to him and informed that Fozol's body was kept in the Khanpur Hospital. He transferred the news to Sokhina and went to the hospital by a motor-bicycle. There he saw the bullet-ridden body of Fozol under the custody of a force of police from the Shiddhirgonj Police Station. He came to know that Fozol had been shot to death by the RAB members in the Ati Housing area at Shiddhirgonj. After the inquest report of was prepared, body was sent to the morgue for autopsy at 5.00pm. Aslam brought the body to Fozol's home at 7:00pm after the post-mortem was finished at 6.30pm.

Mohammad Monir Hossain (40), Witness

Monir told Odhikar that Fozol was his relative. He said that Fozol, accompanied by Rashid, Molla Khokon, Abu Bokkor, Jamai Aslam, came to a tea-stall located in Dhakessori bus-stand no. 2 and took tea and *halim* there. At around 9.30pm, a RAB pickup with 6 or 7 men, wearing civil dress, stopped there. They introduced themselves as RAB officers took Fozol away in handcuffs.

Mohammad Ansar Ali (50), Witness

Mohammad Ansar Ali informed Odhikar that he lived in the Ati Housing area at Shiddhirgonj. On November 14, 2010, he was in sleep in his room. Suddenly he woke up with the sound of gunfire at around 4.00am in Abu Mia's plot, located at the southern side of his house. He recalled the firing of 6 bullets. A few minutes later, 2 or 3 men knocked at his door and asked him to come out. When he responded, they introduced themselves as RAB

officers and asked him to go with them. He followed them to Abu Mia's plot and saw a number of RAB members with arms. Under the light of torch, he saw a man shot lying on the ground. RAB members told him that the man was Fozol from the Lamapara village. Pointing to the blank cartridges of bullets, they stated that there had been a gunfight between the RAB members and the criminals. Ali said that, in the meantime, Abdul Karim (38), his neighbor and Islam (50), guard of the plot, reached there. He said that they were asked to sign a written paper and did so without reading it in the fear of RAB officers.

Mohammad Abdus Salam Khan, Senior Warrant Officer (Deputy Assistant Director), RAB 11, CPC-1, Shiddhirgonj, Narayanganj

In First Information Report (FIR), filed at the Shiddhirgonj Police Station, Mohammad Abdus Salam Khan, stated that on November 14, 2010 at around 1.25am, he, accompanied by RAB 11 members Sub-inspector (SI) Mohammad Jahedur Rahman, SI Mohammad Abu Saeed, AB Mohammad Mizanur Rahman, Lance Corporal Mohammad Al-Amin and Constable Mohammad Azad Hossain, had been on duty at Shiddhirgonj. During that time, he was informed by a confidential source that some unidentified persons engaged in unlawful arms trade at Abu Mia's plot in the Ati Housing area. The FIR stated that he informed it to his superiors and with the permission, surrounded the whole area with his force at around 4.00am. The unidentified 6 or 7 men opened fire on the RAB men when they sensed the appearance of the RAB. Consequently, Mohammad Azad Hossain, one of the team members, received injury on his right elbow. The RAB members fired back. 10/12 minutes later, Shiddhirgonj Police and local residents rushed to the spot. After the gunfight ended, a man was found lying on the spot, shot by the criminals, holding a loaded pistol in his right hand. At 4.20am, a seizure list was made and local people were enlisted as witness. The local residents identified the man shot as Fozzul Haque Fozol from Fotullah Thana. Later on, the police took the injured person at the Khanpur Hospital. He died while under treatment, the FIR stated. According to the FIR, there were 8 cases and some General Diary (GD) Entries against Fozol in various police stations.

Salam filed two cases against Fozol and 6 or 7 unidentified persons at 11.30am at Shiddhirgonj Police Station. One case was numbered 14 and was filed under section 19 (A) of the Arms Act of 1878. The other case filed against them was filed under sections 186/307/332/353/302/407 of the Penal Code. The latter was numbered 15 and filed on November 14, 2010. SI Nazmul Hossain was investigating the cases.

SI Nazmul Hossain, Second Officer, Shiddhirgonj Police Station, Narayanganj

SI Nazmul Hossain told Odhikar that on November 14, 2010 at around 4.30 am, he got the news of a clash between RAB and a group of illegal arms dealers in the Ati Housing area. He and S. M. Bodrul Alam, the Officer in Charge, accompanied by a team police reached the spot. After the end of firing, they noticed a bullet-hit man lying on the ground. The local residents identified the man as Fozol of Fotullah. When he was taken to the Khanpur Hospital at around 4.50am, the on-duty Doctor declared him dead. The corpse was sent to the morgue for post-mortem after the inquest report was prepared. Later on, Fozol's relatives took the body home.

SI Hossain told Odhikar that on November 14, 2010 at 11.30am, Deputy Assistant Director Mohammad Abdus Salam from RAB 11 filed two cases against Fozol and other 6 or 7 unidentified men regarding the incident. One of the cases was numbered 14 and was filed under section 19 (A) of the Arms Act of 1878. He said that he had submitted the charge sheet to the court on December 20, 2010, accusing Fozol and his associates. Salam filed another

case under sections 186/307/332/353/302/407 of the Penal Code. The case was numbered 15 and was filed on November 14, 2010. The case was under investigation.

Nazmul told that 7 cases were filed against Fozol at Fotullah Police Station. The cases were numbered 8(5)03, 66(10)03, 45(1)04, 14(6)04, 45(6)04, 4(8)04, 1(3)10. Another case was filed against him at Narayangonj Police Station and was numbered as 261/48. He informed that he had heard that Fozol had been acquitted from the charges of most of these cases.

Jibon Kanti Sorkar, Officer- in- Charge, Fotullah Police Station, Narayanganj

Jibon told Odhikar that he heard the news of Fozol being killed in an 'encounter' with the RAB members. He stated that there were no cases filed against Fozol in Fotullah Police Station presently. He continued by saying that some of the cases had previously been filed against Fozol but those had been settled at the court.

Dr. Tofazzel Hossain, Khanpur Hospital, Narayanganj

Dr. Tofazzel Hossain told Odhikar that on November 14, 2010 at 4.50am, a force of police from the Shiddhirgonj Police Station brought the dead body Fozol in the hospital. He said that he had prepared the death certificate. After the police came again towards the noon and prepared the inquest report, he carried out the post-mortem. The post-mortem registration no. was 120. Dr. Hossain said that five bullets hit Fozol in the chest and pierced through the back. He observed that no other injuries were found on the body.

Dorpon, Morgue Assistant, Khanpur Hospital, Narayanganj

Dorpon told Odhikar that on November 14, 2010, at 9.00am, Shiddhirgonj Police brought the body of Fozol to the morgue. He saw that five bullets hit the body in the chest and made their way through the back. Dr. Tofazzel Hossain carried out the post-mortem. At around 6.30pm, Fozol's relatives took his body away.

Odhikar's fact-finding team observed some discrepancies in the statements made by the RAB members, the police officers, the Doctor and the witnesses on their comments. As claimed by the RAB members, they surrounded the Ati Housing area at Shiddhirgonj upon the information that a group of miscreants were engaged in illegal arms dealing there. According to the RAB, when they lay siege to the area, there had been a gunfight between the RAB and the arms dealers, leaving one person called Fozol injured by bullet. Later on, the police took the injured Fozol to the hospital where he died while receiving medical treatment. The RAB claimed that there were 8 cases and a few General Diary Entries filed against Fozol at the Fotullah Police Station.

In contrast, the witnesses told the Odhikar's fact-finding team that on November 13, 2010 at 9.30pm, RAB-11 members arrested Fozol at Dhakesshori Bus stand no.2 at Shiddhirgonj in presence of people. On November 14, 2010 at 4.00am, he was killed in 'crossfire' at the Ati Housing area at Shiddhirgonj.

The Officer-in-charge of the Fotullah Police Station told Odhikar that there were no cases or GD Entries filed against Fozol in the Fotullah Police Station. Point to be noted that RAB members opined that police had taken an injured Fozol to the hospital. However, the concerned Doctor in the hospital stated that they brought the dead body of Fozol.

Odhikar, demands that those who are responsible for the killing be brought to justice through an impartial investigation.

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