



Killing of Mohammad Shamim Sharkar by the police of Savar Police Station

Fact finding report

Odhikar

On June 5, 2013, residents of Hemayetpur, Mohammad Shamim Sharkar (32) son of Mohammad Abul Halim Sharkar and Mosammat Jayvanu and Mohammad Saiful Islam Khan (25) son of Hazrat Ali Khan and Nasima Akhter, were arrested by police, led by assistant Sub Inspector (A.S.I) Mohammad Akidul Islam at around 7:30 in the evening for being accused in a motorcycle theft case. After being arrested, Shamim and Saiful were taken to different places including Nabinagar bus stand, Amin Bazar, Savar Police Station and finally were brought to Harindhara Police out-post.

Fact finding revealed that the news of Shamim and Saiful's arrest was conveyed to Shamim's elder brother Mohammad Amin Sharkar by a medicine businessman named Topu and then Shamim's younger brother Mohammad Biplob Sharkar contacted A.S.I Akidul Islam over his mobile phone. On June 6, 2013, at around 12:30 am, A.S.I. Akidul Islam asked Biplob Sharkar to meet him in front of the Mollah Filling Station. At that time Sub Inspector (S.I) Emdadul Huq of Ashulia Police Station was also present there. A.S.I Akidul Islam informed Biplob that Shamim and Saiful were arrested under a murder case filed in 2002. He demanded Taka 5 hundred thousand as bribe to release them. He informed that they will be freed if Taka 2 hundred thousand is paid. When Biplob was paid Taka 20 thousand only and asked for some time for the collection of the residual amount, they took Shamim and Saiful to Harindhara Tanary Industries Police out-post. Later, Shamim and Saiful were allegedly tortured there.

During torture, Shamim had severely fallen ill and was taken to Sir Salimullah Medical College (Mitford) Hospital at Dhaka in a private car by police. When the medical officers declared Shamim dead, the members of the police cleverly managed to flee away leaving Shamim's body in front of the hospital. As the emergency department staffs of the hospital grew suspicious, they informed the matter to Kotowali Police Station to take necessary actions. On June 6 at around 12:00 noon, Shamim's family found his body and after conducting post mortem, Shamim Sharkar's body was buried on June 7 in the morning at Hemayetpur Graveyard in Savar.

Odhikar conducted a fact finding mission on the matter. During the fact finding mission Odhikar spoke with:

- The relatives of the deceased Mohammad Shamim Sharkar

- Eye-witness
- The doctor and
- The members of the law enforcement agencies

Mohammad Amin Sharkar (38), Shamim's elder brother

Mohammad Amin Sharkar informed Odhikar that Shamim Sharkar was involved in the business of buying and selling lands in the locality. On June 5, 2013 at around 4:00 pm, Shamim and his nephew Mohammad Saiful Islam went to a relative's house at Shingair Upazilla under Manikganj district by a private car. He got to know from Saiful Islam that while returning from Shingair to their house at around 7:30 pm, when they reached near Mollah Filling Station, a white microbus stood in front of their private car. A.S.I. Mohammad Akidul Islam of Savar Model Police Station and a few other members of the police forcibly brought out Shamim and Saiful from their private car and put them into that microbus and went away to an unknown destination. At around 10:00 pm a medicine seller near Mollah Filling Station named Topu came to his house and informed that A.S.I. Mohammad Akidul Islam of Savar Model Police Station had arrested Shamim and Saiful. He informed about the matter to his another brother, Mohammad Biplob and asked him to meet with A.S.I. Akidul Islam. Afterwards, when Biplob tried to contact A.S.I. Akidul Islam over his cell phone, Akidul did not receive the call. Then, he asked Biplob to call Shamim's mobile. When Shamim's mobile rung, A.S.I. Akidul picked that up and asked Biplob to meet him near the Mollah Filing Station at Hemayetpur. At around 12:30 am at night, Biplob along with Mukul, who was known to Biplob, had met with A.S.I. Akidul. When Biplob asked about the whereabouts of Shamim and Saiful, he opened the door of the microbus. Biplob could see Shamim and Saiful along with S.I. Emdadul Huq sitting inside the microbus. Then S.I. Emdadul and A.S.I. Akidul had asked for a bribe of five hundred thousand taka for the release of Shamim and Saiful. When they told that they do not have the ability to give such a large sum of money, A.S.I. Akidul and S.I. Emdadul had asked to give two hundred thousand taka instead and told them not to inform any one about the matter. They threatened that if the information is passed on to anyone else, Shamim and Saiful would never be found and even if they are, they would be connected with many different pending cases including murder cases. At that time, Biplob agreed to pay 20 thousand taka and asked for some time to collect the rest of the money after which A.S.I. Akidul swore and cursed at Biplob. Biplob returned from there and told him about the incident. Then he met his uncle Mohammad Abdur Rahman (Who is a local influential person). Abdur Rahman said that there is no need for any money to be given to the police and the matter shall be dealt with in the morning. On June 6, 2013 at around 7:30am, he went to Savar Model Police Station along with Biplob and asked the duty officer about Shamim and Saiful. The duty officer informed that Shamim and Saiful were not brought at the police station. Afterwards, they started looking at various places. At around 12:00 noon, he got to know that police had left Shamim's body at Mitford Hospital in Dhaka and went away. Then he sent his another younger brother Bablu and his cousin Awlad at the Mitford Hospital. They identified Shamim's body and informed him over his cell phone. On June 6, 2013 when the body

of Shamim was brought in the house, he could see that there were black marks all over the body. On June 7, 2013 Shamim's body was buried at the Hemayetpur Graveyard. He then filed a case at Savar Model Police Station against S.I. of Ashulia Police Station Emdadul Huq, A.S.I. of Savar Model Police Station Mohammad, Akidul Islam; member of police, Mohammad Moyazzem Hossain; Mohammad Romzan Ali and Mohammad Yusuf under sections 323/385/379/302/34¹ of the Penal Code 1860. After arresting Shamim, S.I. Mohammad Emdadul Huq, A.S.I. Akidul Islam along with the members of police Mohammad Moyazzem Hossain, Mohammad Romzan Ali, Mohammad Yusuf had beaten him to death. He demanded justice for his brother's murder.

Mohammad Biplob Sharkar (24), Shamim's younger brother

Mohammad Biplob Sharkar informed Odhikar that on June 5, 2013 at around 11:00pm he got to know from his elder brother over mobile phone that A.S.I. of Savar Model Police Station, Mohammad Akidul Islam and S.I. of Ashulia Police Station Mohammad Emdadul Huq had arrested his brother Shamim and his nephew Saiful from in front of Mollah Filling Station at Hemayetpur. Hearing this, he called A.S.I. Akidul Islam at his mobile. In spite of calling him repeatedly as the phone was not being picked up, Biplob called on Shamim Sharkar's mobile instead. Then A.S.I. Akidul Islam spoke over the phone. A.S.I. Akidul Islam asked Biplob to meet him in front of Mollah Filling Station at 12:30 am. Following his instructions, Biplob met with A.S.I. Akidul Islam and S.I. Emdadul Islam in front of Mollah Filling Station at 12:30am. A.S.I. Akidul Islam informed Biplob that Shamim and Saiful were arrested under a murder case in 2002. He requested to see the arrest warrant. But A.S.I. Akidul was unable to provide any. A.S.I. Akidul demanded Taka five hundred thousand as bribe. Then, Biplob told him that they did not have the ability to provide such a large amount of money. Then A.S.I. Akidul Islam told him to give two hundred thousand taka. Biplob at that time agreed to pay 20 thousand taka. He said he would pay the rest of the money later. At the time, S.I. Emdadul told Biplob, "There is no money now but as soon as beating starts inside the police station, money shall automatically appear." Afterwards, A.S.I. Akidul Islam went away from Mollah Filling Station towards Savar. He too returned to his house and informed his elder brother about the matter.

Mohammad Saiful Islam (25), Eyewitness

Mohammad Saiful Islam informed Odhikar that on June 5, 2013 at around 7:00 pm he and his uncle, Mohammad Shamim Sharkar were returning to Hemayetpur on a car from a relative's house under Shingair Upazilla in Manikganj district. When they reached near Hemayetpur Mollah Filling Station, a black microbus came in front of them. A.S.I. Akidul Islam came down from the

¹Section 34: Sentencing for acts conducted by a group of people with the same motive
Section 302: Sentence for Murder: The one who commits murder must be given death penalty or life sentence and above that would be penalized financially.
Section 323: Sentence for causing voluntary bodily harm.
Section 379: Sentence for Theft: Any individual at any kind of imprisonment, which could be up to three years or fined or could be sentenced by both.
Section 385: Sentence for threatening someone attempting to achieve something by force

vehicle and arrested him and Shamim Sharkar. After the arrest, Saiful and Shamim were taken to different places. At around 12:30am, A.S.I. Akidul Islam had asked Shamim Sharkar's younger brother Biplob over a mobile phone to meet him in front of Mollah CNG Filling Station. When Biplob met with them, they demanded two hundred thousand taka as bribe. As Biplob expressed his inability to pay such a big amount of money, Saiful and Shamim were brought to Harindhara Tannery Industry Police Camp. There, they were taken into different rooms and S.I. of Ashulia Police Station Emdadul Huq, A.S.I. of Savar Model Police Station Mohammad Akidul Islam, members of police Mohammad Moyazzem Hossain, Mohammad Romzan Ali and Mohammad Yusuf beat them overnight. At one stage during the beating, Shamim became severely ill and at the dawn of the June 6, 2013 at around 5:00 am, police took Shamim to the hospital in a private car. At around 7:00am, Saiful was brought to Ashulia Police Station and he was freed on around 3.00pm.

Dr. Mohammad Masud Parvez, Emergency Medical Officer(EMO), Sir Salimullah Medical College (Mitford) Hospital, Dhaka

Dr. Mohammad Masud Parvez informed Odhikar that on June 6, 2013 at around 5:30am, four people brought in an individual named Shamim Sharkar in severe condition at the emergency department of the hospital. The doctor on duty had sent Shamim to the Coronary Care Unit (C.C.U). After taking Shamim there, he was declared dead. Later, he was informed by an emergency department staff, Zahidul Islam that the four individuals wanted to take the body of Shamim away in a private car. But when Zahidul asked them to take the body in an ambulance instead, they left Shamim's corpse on a trolley in front of the hospital in an empty area and fled away by a private car. Afterwards, Kotowali Police Station was informed about the matter.

Professor Pranab Kumar Chakraborty, Divisional Head, Forensic Medicine Department, Sir Salimullah Medical College (Mitford) Hospital, Dhaka

Professor Pranab Kumar Chakraborty informed Odhikar that on June 6, 2013, police from Kotowali Police Station had brought in a dead body of an individual named Mohammad Shamim Sharkar in the hospital morgue. The postmortem was conducted under his instructions by Dr. Mohammad Sarwar Hossain lecturer of the forensic medicine department of Sir Salimullah Medical College (Mitford) Hospital. Post mortem numbered 213/13; dated- 6/6/2013. The postmortem report was sent to Savar Police Station on June 9, 2013. He notified that the death of Shamim Sharkar was caused due to torture.

Shyamal Kumar Mukherjee, Additional Superintendent of Police, Dhaka

Shyamal Kumar Mukherjee informed Odhikar that on June 6, 2013 when an allegation was made that Mohammad Shamim Sharkar had been killed by police torture in Savar Police Station, an investigation team was formed consisting three members under the instructions of the Superintendent of Police (S.P) Mohammad Habibur Rahman. The team was lead by Additional

Police Super (Crime North) of Dhaka District Mohammad Faruk Hossain and the two other members are Assistant Police Super (ASP) Nurul Amin and Inspector Selim Sajjad.

Mohammad FarukHossain, Additional Superintendent of Police (ASP) (Crime North), Dhaka

Mohammad FarukHossain informed Odhikar that on March 2, 2013 an individual named Shahidul Islam Selim filed a theft case in Savar Model Police Station under Section 394 of The Penal Code, 1860. The case was numbered 4, dated 2/3/2013. The investigating officer for the case had arrested Mohammad Abul Kashem's son Mohammad Belal Hossain residing at Zaduhar village under Ranishankail Police Station under Thakurgaon District, suspecting him for having relation with stealing motorcycle. Mohammad Belal Hossain had testified in the court under section 164 of the Code of Criminal Procedure, 1898. In his testimony Belal mentioned the name of Mohammad Abdul Halim's son Mohammad Shamim Sharkar. Since then, the police had been looking for Shamim Sharkar. On June 5, 2013 at around 07:30 pm, S.I. Mohammad Emdadul Huq of Ashulia Police Station along with members of police of Savar Police Station Mohammad Moazzem Hossain, Mohammad Romzan Ali and Mohammad Yusuf, A.S.I. Akidul Islam arrested Shamim Sharkar from in front of Hemayetpur Mollah CNG Filling Station. Afterwards, Shamim was brought to Harindhara Tannery Industry Police Camp. A.S.I. Akidul Islam contacted with Shamim's family and had asked for a bribe of two hundred thousand taka but Shamim's family had expressed their inability to pay such a big amount of money. Allegations were made by his family that Shamim was tortured in Harindhara Tannery Industry Police Camp as they were unable to provide the bribe money. On June 6, 2013 under the instruction of SP Mohammad Habibur Rahman, a three member investigation team was formed where he was appointed as the team-leader. The two other members of the team were Additional Police Super of the Police Head Quarters, Nurul Amin and DIO-1 Inspector Syed Selim Sajjad. After completion of the investigation, on June 13, 2013 he had submitted the investigation report to the Superintendent of Police. He mentioned in his investigation report that on the night of June 5, 2013 the in-charge of Tannery Industry Police Camp was ATSI Shahidul Islam. At around 10:00 pm, ATSI Shahidul Islam went home without informing anyone. S.I. Sajjat Hossain Romon was in-charge of the Foot Patrol around that area. At around 12:00 o'clock at night, S.I. Romon, being ill, had issued a General Diary (GD) at Savar Police Station and went home without informing anyone. As a result, A.S.I. Akidur Islam along with S.I. Emdadul Huq and three other members of police got the chance to torture Shamim. ATSI Shahidul Islam and S.I. Sajjat Hossain Romon had been suspended for negligence of their duties. On June 6, 2013 Shamim Sharkar's brother filed a casenumbered 14: dated 6/6/2013. under Section 323/385/379/302/34 of the Penal Code, 1860 against A.S.I. Akidur Islam, S.I. Emdadul Huq, Constable Mohammad Mofazzal Hossain, Mohammad Romzan Ali and Mohammad Yusuf of Savar Police Station. The five accused persons under the case have been arrested and have beensent to jail.

Mohammad Aminur Rahman, Police Inspector (Investigations), Savar Model Police Station, Dhaka

Mohammad Aminur Rahman informed Odhikar that he is the investigation officer for the case filed on June 6, 2013 by Shamim Sharkar's brother Mohammad Amin Sarkar under Section 323/385/379/302/34 of the Penal code, 1860 against A.S.I. Akidur Rahman, S.I. Emdadul Huq of Ashulia Police Station, Constable Mohammad Mofazzal Hossain, Mohammad Romzan Ali and Mohammad Yusuf of Savar Police Station. The five accused persons under the case have been arrested and sent to jail. He informed that the case is currently being investigated.

Odhikar's Comment:

Although there are constitutional restrictions on torture, but it is still carried out by the law enforcement agencies in Bangladesh. The death of Shamim Sharkar is just another incident of the culture of impunity. Odhikar believes that no neutral result could be derived from the investigation carried out by the members of police against torture allegations by other members of police. As a result, chances remain that the victim families would not get proper justice. Therefore, for the sake of neutral investigation, judicial enquiry is the only way to reveal some truth.

-The End-