



Allegation of torturing Touhidul Islam Touhid after detaining him at Lohagara Police Station for two days

Fact finding report

Odhikar

Touhidul Islam (24) is the eldest son of Mohammad Jafor and Hosneara Begum and a resident of Motor Station area near Bottoli Bazar of Lohagara upazila of Chittagong district. He is an Art Sign Writer by profession. He is the owner of a shop named 'Jhulik Art and Mecca Computer' in Lohagara Bazar. Mohammad Shahidullah, Officer-in-Charge (Investigation) of Lohagara Police Station arrested Touhidul Islam from his shop on April 23, 2013 at around 5.00pm and tortured him after detaining him for two days. He became ill after he was tortured, and as a result, he was taken to Lohagara Health Complex early in the morning of April 25, 2013. When local journalists went to the hospital in order to talk to Tauhid, the police took Tauhid's hospital discharge papers and took him away, despite the doctors' objections. He was shown as a suspected accused in two cases and was sent to jail from the court. When he was sent to remand because of another case, Tauhid's family alleged that the OC of Lohagar Police Station intimidated them and took a large sum of money from them. Touhid has been released on bail, but his case is still under trial.

Odhikar conducted a fact finding mission into this matter and talked with-

- Touhidul Islam, Victim
- Touhid's relatives
- Eyewitness
- Touhid's lawyers and
- Members of law enforcement agencies

Touhidul Islam (24), Victim:

Touhidul Islam told Odhikar (On June 22, 2013, at the Chittagong Central Jail gate) that on April 23, 2013 he was at his shop- Jhulik Art and Mecca Computer. At around 5:00pm, Shahidullah, OC (Investigation) of Lohagara Police Station and some plain clothed men took him away to the Police Station. After waiting for two hours in the duty officer's room, he was sent to a holding cell at around 7:00pm. At around 12:15am, the police took Touhid to the OC's room and made him sit in front of a laptop. OC Shahidullah then showed him some

pictures (pictures of demonstration and vandalism in the Lohagara area after Jamaat-e-Islami leader Delwar Hossain Saidee was given the death penalty on February 28, 2013) and asked him to identify the people who were in front of a procession. Touhidul Islam told the OC that he did not know them and that on the day of the incident, he was at his relative's house in Shatkania. The OC then started to swear and shout at him. At one point, OC Shahidullah started to punch and slap him. After that he was taken to another room and was made to sit on a chair. OC Shahidullah sat on another chair in front of Touhid. At that time OC Shahidullah was in plain clothes. 4/5 other plain clothed police members held his hands and legs. They all were wearing gloves. After that another police member came and gave him electric shock in his hands for 7/8 times in 8/10 minute intervals for one hour. He was the sent to the holding cell again. On the next day at around 11:00am, a police constable came and gave him some bread, banana and a bottle of water. One of Touhid's friends gave that constable some money so that he gives Touhid some food. Touhid did not disclose his friend's name. On April 24, 2013 at around 11:30pm, the police again took him to the room beside the holding cell. AT that time, he was not given any food or water. After entering the room, he was given electric shock again in the presence of OC Shahidullah. The police gave him electric shock 4/5 times for an hour, and then he lost consciousness. After some time, at around 1:00am, he regained consciousness. His body all of a sudden began to spasm and he fell onto the floor from the chair. Then some police members took him to Lohagara Health Complex with a vehicle. The police did not let him talk to any of the doctors. The police members themselves talked with the doctor. After that a doctor came to him and without saying anything, pushed a few injections and saline into his body. On April 25, 2013 at around 10:00am some journalists went to the hospital after hearing the news that Touhid was tortured in police custody. When the journalists left the hospital after talking with Touhid the police, despite the doctor's objections, took Touhid back to the Police Station. At around 2:00pm, he was sent to jail from the Chittagong Chief Judicial Magistrate Court. He got to know after going to the court that he was accused in two cases for illegal procession, vandalism and arson during the chaos that took place after Jamaat-e-Islam leader Delwar Hossain Saidee was given the death sentence on February 28, 2013, even though Touhid's name was not mentioned in the First Information Report (FIR). On May 22, 2013 Touhid was sent remand for two days under one of the cases he was accused in. On that day at around 7:30pm, a constable came to him and told him, "Either you tell your family to give money to the OC or you will be tortured tonight. Beside this, you will be brought to remand again." Touhid could not tell the name of the constable. At around 9:30pm Touhid's father and two of his friends went to meet Touhid

at the Police Station. Touhid told them everything and requested them to give money to the OC so that they do not torture him again. On May 24, 2013 the police sent Touhid to jail after keeping him in the Police Station for two days. However, he was not tortured in remand this time. He said that his family and friends had to give the police a large sum of money so that they do not torture him. However, he could not tell Odhikar the amount of money.

Mohammad Jafor, Father of Touhidul Islam:

Mohammad Jafor told Odhikar that his ancestral home is near the Bottoli Bazar area. They also have a few plots in Bottoli Bazaar that belonged to their ancestor. His eldest son Touhid owns and runs a shop. On April 23, 2013 at around 5:15pm Touhid's staff, Rafik came to him and told him that the police was taking Touhid away. After hearing this, he went to the shop. In the mean time, the police dragged Touhid to a vehicle on the road. Jafor asked OC Shahidullah, who was the leader of the operation, why he was taking Touhid away, but OC Shahidullah kept quiet. At around 7:00pm he, along with Touhid's maternal uncle Ahsanullah, went to the Police Station. But Police did not allow them to meet with Touhid. After a lot of requests, the sentry who was on duty took them to OC Shahidullah. The OC told them, "Touhid was involved with 'Shibir' and we also got information about his involvement in the violence that took place on February 28, 2013. We have arrested him for interrogation. We will interrogate him at night. If he is not guilty, we will let him go tomorrow morning. As a result, you may now leave." Hearing this, they left the Police Station. On the next day, at around 9:30am he went to the Police Station again. He waited outside the Station till noon, but the sentry did not allow him to enter the Police Station. At around 2:00pm he returned to his house. At around 7:30pm, he went to the Police Station again but this time, the sentry was very rude and sent him away. On April 25, 2013, at around 6:30am, a Market night guard informed him that Touhid was taken to hospital that night when he became ill. Hearing this news, he rushed to the hospital. He saw that Touhid was lying unconscious on a bed at the emergency ward of Lohagara Health Complex. There were a few police members around Touhid. When he asked them about Touhid, then they told him that Touhid fell sick and that is why he was brought to the hospital. At around 8:00am, Touhid regained consciousness. Touhid told him that he was brutally tortured last night and the night before that. Besides beating him with a stick and trampling on him with a boot, he was given electric shock in all his fingers. At around 10:00am when a few local journalists went to the hospital, he went back home to take some food for Tauhid. At around 1:00pm he went back to the hospital and got to know that Touhid was taken back to the Police Station.

Immediately he went to the Police Station and got to know that Touhid was taken to the Court. He requested his brother-in-law, Ahsanullah who was at Satkania, to go to the Court. After that he returned home. On April 26, 2013 he went to jail to meet Touhid. Touhid told him that when he left the hospital so in order to bring some food for him, some journalists came to the hospital, took photos and interviewed him. Immediately after that OC Shahidullah came to hospital and demanded the doctors to issue discharge certificates. Despite the objections from the doctors, the police took Touhid to the Police Station without completing Touhid's treatment. After that, Jafor regularly went to jail to talk to Touhid. At one stage, he got to know that Touhid will be taken to Lohagara Police Station for remand on May 22, 2013. On May 22, 2013 at around 9:00pm, he went to Lohagara Police Station. He bribed the sentry, and went inside the Police Station so that he could talk with Touhid. Then Touhid told him to talk with the OC and to give the OC money, if required. Otherwise he will be taken to remand and tortured again. After that he requested some journalists and the local Awami League leaders to call OC Shahidullah and to tell him not to torture Touhid. When Mohammad Jafor was asked whether he had to give money to the police, he said, "Some money had to spend." However he did not disclose the amount of money he had to give, how he gave it, and whom he gave it to.

Mohammad Jafor also informed Odhikar that they own quite a few plots of land in Bottoli Bazaar. Recently, a powerful businessman named Nasir Uddin conspired to build a market by illegally grabbing their land. His eldest son, Touhid was trying to save the land. He assumed that Nasir Uddin gave money to the police to torture Touhid and to falsely accuse him in different cases. He said, if this matter happens to be genuine, then why the police not arrested Touhid in between February 28 and April 23, even though the incident occurred on February 28, 2013. In the mean time, Touhid is running his shop everyday from the morning to night.

Mahfuzur Rahman, Eyewitness:

Mahfuzur Rahman told Odhikar that he is the owner of a medicine shop beside Touhidul Islam's 'Jhulik Art and Mecca Computer'. On April 23, 2013 he was at his shop, like as usual. At around 5:00pm, 2/3 plain clothed policemen took position in front of Touhid's shop. After sometime, 4/5 policemen led by OC Shahidullah entered Touhid's shop. Without saying anything, the policemen dragged Touhid out of his shop. They punched Touhid when he started to struggle. Mahfuzur Rahman said that seeing this, some businessmen approached the police members and asked them the reason behind why they were arresting Touhid. Then one

plain clothed policeman replied by saying that there was a case filed against Touhid and that is why they were arresting Touhid. Mahfuz also said that for 4/5 days after February 28, 2013, they could not open the shop because it was not safe to open the shops, but they guarded the market by positioning themselves around the market. Touhid was always with them. When the situation in that area calmed down, many people left the area but Touhid was still running his shop.

Mohammad Selim Talukdar, Eyewitness and local journalist:

Lohagara correspondent of Daily Amar Desh, Mohammad Selim Talikdar told Odhikar that on April 25, 2013 at around 8:00pm a man informed him that last night, the police brought a man to the hospital. After hearing this, he went to Lohagara Health Complex on April 26, 2013 at around 8:45am. He saw that Touhid, who was extremely ill, was lying on a bed in the emergency ward. Touhid informed him that he was brutally tortured after the police detained him in Lohagara Police Station for two days. 4/5 policemen under the OC of Lohagara Police Station tortured him and gave him electric shock. He was brought to the hospital when he became ill after he was tortured in the Police Station. Dr. Mosharof Hossain, the duty doctor of the emergency ward in the hospital told Selim that Touhid became ill because he was tortured and was given electric shock. He left the hospital after he interviewed Touhid and the doctor and took their pictures. At around 3:00pm, he got to know that OC Shahidullah went to the hospital soon after he left. After hearing that a journalist interviewed and took picture of the victim and the doctor, OC Shahidullah became furious and shouted at the constables who were in the hospital. Shahidullah also forced the doctor to issue the discharge certificates and, despite the objections of the doctor, he took Touhid back to the Police Station without completing Touhid's treatment. Later, Selim got to know that Touhid was shown as an accused in 2/3 cases. As a result, he was arrested and then sent jail.

Dr. Mohammad Sazzadul Alam, Doctor, Lohagara Health Complex:

On June 21, 2013 Dr. Sazzadul Alam, a duty doctor of the emergency department of Lohagara Health Complex told Odhikar that according to the record book that was kept in the hospital the police brought Touhidul Islam, who was suffering from convulsion, to the hospital on the night of April 24, 2013. He was treated at the hospital and was admitted there for further observation. However on April 25, 2013 the police took the patient from the hospital without completing his treatment. On the condition that his name is not disclosed, a doctor's assistant who was working in the emergency department of the hospital told Odhikar

that there were several injury marks on Touhid's body. There were also severe wounds in Touhid's little fingers in both of his hands as a result of the electric shocks. After the journalists took Touhid's photo, the police quickly took him from hospital.

Advocate Najim Uddin, Touhid's lawyer:

Advocate Najim Uddin told Odhikar that Touhidul Islam was shown as a suspected accused in two cases filed in Lohagara Police Station; Case no- 1 and Case no- 2, date- 02-03-2013 (Sections- 143¹/147²/148³/149⁴/323⁵/325⁶/302⁷/201⁸/332⁹/333¹⁰/352¹¹/353¹²/435¹³/427¹⁴ of Penal Code 1860 and Section 3¹⁵/4¹⁶ of the Explosive Substance Act 1908). On May 22, 2013 on the hearing date of Case No- 1, the police prayed for 7 days remand for Touhid but the Court granted 2 days remand. Before granting remand, Advocate Najim talked with Touhid in custody. Before Touhid was taken to remand, he got to know from Touhid that the police had tortured him brutally. On the afternoon of April 23, 2013 Touhid told him that he was tortured and was given electric shock on the night he was arrested and the day after that. At one point, he was taken to the hospital after he fell sick. Touhid's family informed him that Touhid was involved in a land dispute, and that his opponent might have paid money to the police to make this incident happened. He raised this issue before the court.

Mohammad Shahidullah, OC (Investigation), Lohagara Police Station:

Mohammad Shahidullah told Odhikar that the criminals always blame the police in order to cover up their crimes. Touhid and his family members also did the same. Touhid could not have been tortured. Touhid fell sick when he was being interrogated and was immediately taken to hospital. Even after all this, it is a misfortune that Touhid and his family would blame the police for everything.

¹ Punishment for a member of an unlawful assembly

² Punishment for rioting

³ Punishment for rioting and being armed with a deadly weapon

⁴ Punishment for the members of unlawful assembly guilty of offence committed in prosecution of common object

⁵ Punishment for voluntarily causing hurt

⁶ Punishment for voluntarily causing grievous hurt

⁷ Punishment for murder

⁸ Punishment for causing disappearance of evidence of offence, or giving false information to screen offender

⁹ Punishment for voluntarily causing hurt to deter public servant from his duty

¹⁰ Punishment for voluntarily causing grievous hurt to deter public servant from his duty

¹¹ Punishment for assault or criminal force otherwise than on grave provocation

¹² Punishment for assault or criminal force to deter public servant from discharge of his duty

¹³ Punishment for mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten taka

¹⁴ Punishment for mischief causing damage to the amount of fifty taka

¹⁵ Punishment for causing explosion with intent to commit offence

¹⁶ Punishment for attempt to cause explosive or for making or keeping explosive with intent to endanger life or property

Odhikar's comment:

Odhikar interviewed the victim, victim's family, eyewitnesses, the doctor and members of the law enforcement agency as part of the fact finding mission. Odhikar urges the Government to bring the accused police members to justice and so that they can face trials through an independent investigation into the incident. Torture is forbidden according to the Constitution of The People's Republic of Bangladesh, The Penal Code, Universal Declaration of Human Rights and the International Convention against Torture. Yet the rate of torture by law enforcement agencies is increasing day by day in Bangladesh. This questions the democracy and rule of law in this country.