

## ASK Case Summary | Limon Hossain

### 1 Information Regarding the Incident

a	<b>Location</b>		Sathuria village under the jurisdiction of the Rajapur police station of Jhalakathi district - Bangladesh
b	<b>Incident</b>	<b>23 March 2011</b>	<p>At around 3.30 pm Limon was shot in the left thigh by a member of the RAB 8 Unit whilst grazing cows in a field near his home.</p> <p>Limon was stopped by a group of nine persons riding three motorbikes as three persons in each bike. Among them one man was in plain clothes while the rest eight were wearing the black uniform of the Rapid Action Battalion (RAB)</p> <p>Limon was shot in the leg by the plain clothed man who happened to be the Deputy Asst Director (D.A.D) Lutfor Rahman, RAB accused Limon of being a terrorist and a cohort of a local criminal.</p>
c	<b>Perpetrators of Incident</b> All the alleged perpetrators were attached to Crime Prevention Company (CPC) 01 of the Rapid Action Battalion (RAB)-8 based in Barisal district at the time of the original incident		<ol style="list-style-type: none"><li>1. Md. Lutfor Rahman, Deputy Assistant Director (DAD) ID No. 5926</li><li>2. Mr. Muktadir Hossain, Nayek ID No. 63165</li><li>3. Md. Tanzir Ahmed, AB 2006475</li><li>4. Mr. Prohlad Chandra, Nayek ID No. 546</li><li>5. Mr. Anis Mollah, Sipahi ID No. 30711</li><li>6. Mr. Kartik Kumar Bisaws, Soldier ID No. 1812201</li><li>7. Mr. Md. Abdul Aziz, Constable ID No. 4590</li><li>8. Md. Hasan Habib, Sub Inspector (SI)</li><li>9. Md. Harun-ur-Rashid, Police Constable (PC) ID No. 30264</li><li>10. Md. Jahangir Hossain, Assistant Sub Inspector (ASI) ID No. 5515</li><li>11. Mr. Tarek Aziz, ASI ID No. 378</li><li>12. Mr. Md. Mazharul Islam, Corporal ID No. 46660</li></ol>

### Information regarding the victims of the incident

<b>Victim</b>	<b>Main Incident</b>	Limon Hossein  <b>23 March 2011</b>	16 year old male  Student – managed his fees by working part time at local brick factory Kathalia P. G. S. Multilateral High School and College
<b>Recent Development</b>	<b>20 Aug 2012</b>     <b>23 Aug 2012</b>     <b>27 Aug 2012</b>		A few days after Henoura Begum filed a no confidence petition against unsatisfactory Police Investigation report into charges she had made against RAB officials she was attacked along with other family members in a separate incident instigated by Ibrahim Howlader, who was also a RAB Informant and a witness in charges against Limon Hossain in initial investigations.  Ibrahim Howlader 17 <sup>th</sup> witness in previous case against Limon filed a case accusing Limon, his parents and relatives of killing his brother in law Forkhan Howlader who was found dead in the local area. Ibrahim Howlader has threatened local boy, Arif Hossain because he refused to make a statement against this allegation.  Police probe finds Ibrahim to be “the attacker, not Limon” in incident reported on 23 <sup>rd</sup> August 2012.
<b>Additional Victims</b>	<b>Second Incident</b>	Mother – Henoura Begum Father - Tofazzel Hossain	
<b>Medical History of Victim Since Incident</b>			
	<b>24 March 2011</b> <b>27 March 2011</b>  <b>13 April 2011</b> <b>29 April 2011</b>		Limon admitted to Dhaka Clinic His leg is amputated at National Institute of Traumatology and Orthopaedic Rehabilitation (NITOR) Limon returns home. Limon is fitted with an artificial leg at the Centre for Disability Development (CDD) in

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		<b>11 June 2011</b>	Savar. Limon admitted for Physiotherapy at Gonoshasthyro Hospital Dhaka.
		<b>23 August 2012</b>	. Sustained injury to ear after being attacked by Ibrahim Howlader on Eid Day.
		<b>9 Sept 2012</b>	Limon suffered a fall on his way to morning tutorials and has broken his artificial leg Awaiting more information.

### Charges made against Victim

Below, the first two rows are the details of the charges made against Limon Hossain, initial information reports issued by the RAB D.A.D and the charge sheets finally submitted had discrepancies and still no fair trial. Charge sheets have been delayed, hearings have been postponed and stretched over 18 months plus, whilst the victim has been in and out of hospital, adjusting to his disability, unable to work, trying to continue with his studies- which have been severely disrupted; he has had to deal with the two criminal charges which have been poorly managed. There has been no consideration for any costs incurred throughout this period, where Limon and his family have had to travel to and from Dhaka regularly. He has been struggling to continue with his life.

<b>First Information Report- FIR No. 10</b>	23 March 2011	Filed by Deputy Asst Director RAB, Lutfor Rahman at Rajapur police station was registered under Sections 19 A and 19 F of the Arms Act-1878. In this case DAD Lutfor claimed that a group of terrorists of the Shahid Jomaddar's gang opened gun fire targeting the RAB team when the latter reached Shahid Jomaddar's house. RAB responded to the gunshots by firing with own pistols and Sten guns. The terrorists escaped except one person named Limon, who had a bullet wound in his left thigh, with a USA-made pistol and magazines in his possession.
Sections 19 A and 19 F of the Arms Act-1878		
<b>Possession of Arms</b>	24 April 2011	<b>Charge Sheet Submitted</b> by Sub Inspector Ariful Islam. Limon's charge sheet was separate to the seven others under Juvenile Crime Prevention Act.
<b>Court hearings have been postponed throughout period</b>	8 January 2013	The latest postponement made on the 16 <sup>th</sup> September 2012 is because the Judge who was dealing with the case has been transferred to a Judge at a junior level.
<b>First Information Report – FIR No.11</b>	23 March 2011	Filed by Deputy Asst Director RAB, Lutfor Rahman at Rajapur police station was registered under Sections 332, 353, 307 and 34 of the Penal Code-1860 for obstructing

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<p>Sections 332, 353, 307 and 34 of the Penal Code-1860</p> <p><b>Obstructing the law-enforcement agencies</b></p> <p><b>Court hearing due</b></p>	<p>1 July 2011</p> <p>17 October 2012</p>	<p>the law-enforcement agencies to discharge their duties and attempting to murder.</p> <p><b>Charge Sheet submitted</b> by Sub Inspector Ariful Islam accusing Limon and seven others for obstruction of law enforcers from performing their duty.</p>
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(c) Information regarding the alleged perpetrators: If known, an explanation of the reasons why they are suspected to be responsible; if perpetrators are no state agents, details on how these forces or individuals relate to the State (e.g. cooperation with State security forces including information on chains of command; State connivance with, or tolerance of their operations, etc.);

<p>Name of RAB/Police personnel involved in initial Incident</p>		<p><b>Background on Rapid Action Batallion</b></p> <p>RAB formed in 2004 as a composite law enforcement agency recruited from military police and security services, under an amendment to the Metropolitan Armed Forces Act, to control the outbreak of crimes. They have exercised questionable impunity for extrajudicial killings, which have been explained as “Cross fire” deaths. Reports from families of victims show that since its inception in 2004, RAB members have been implicated in allegations of at least 600 unlawful killings, torture cases and disappearances.</p> <p><b>Capabilities of Rapid Action Batallion</b></p> <ol style="list-style-type: none"> <li>1. Internal security duties.</li> <li>2. Recovery of unauthorized arms, ammunitions, explosives and Such other articles.</li> <li>3. Apprehension of armed gangs of criminals.</li> <li>4. Assisting other law enforcing agencies to maintain law and order</li> <li>5. Intelligence gathering in respect of crimes and criminal activities</li> </ol>
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6. Investigation of any offence on the direction of the government.
7. Such other duties as the government may, from time to time, assign.

[http://www.rab.gov.bd/about\\_us.php?page=3](http://www.rab.gov.bd/about_us.php?page=3)

**(d) Information regarding steps taken by the authorities** to investigate the alleged violation of the right to life and/or measures adopted to protect persons under threat as well as to prevent similar incidents in the future, in particular: if complaints were filed, the action taken by competent organs upon their receipt; progress and status of investigations at the time of the submission of the allegation; in case the results of the investigation are said to be unsatisfactory, an explanation of why this is so.

The Investigations have been unsatisfactory as they have not affected or assisted in bringing any kind of justice to the victim and his family. None of the investigation details have ever been disclosed or share although the government have publicly claimed to order “independent” investigations. The RAB held an investigation; the police held an investigation – regardless, the fabricated charges against Limon have remained unchallenged and inconclusive.

The home ministry, RAB and Police have also never disclosed any details of the investigations conducted.

The circumstances reflect the case of hundreds of extrajudicial killing cases which have occurred at the hands of the RAB, where the victims’ families have never received justice.

**7 Apr 2011**

HC Suo Moto. The High Court ordered the government to investigate the alleged torture on Limon following media reports.

**12 Apr 2011**

Press briefing at the home ministry. State Minister for Shamsul Haque Tuku said five probe bodies are investigating the shooting incident: (1) Rab headquarters, (2) Jhalakathi Rab,

**Five Separate Probe Bodies**

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<p><b>first mentioned</b></p> <p><b>Two Investigations have been announced in the press but details have never been shared</b></p>	<p><b>12 April 2012</b></p> <p><b>29 Apr 2011</b></p> <p><b>6 June 2011</b></p>	<p>(3)magistrate and two investigators. Names not mentioned yet y "Jhalakathi district RAB unit, RAB headquarters, a magistrate, and two police officers are separately investigating the incident" .</p> <p>Independent 3 member RAB probe team from Dhaka led by Mezbahuddin, additional director general (Director Training) of Rab, Major SM Nazmul Hoque, ASP Mohammad Mafuzur Rahman recorded statements of 11 witnesses, including the victim's mother, brother and uncle.</p> <p>Government one man fact finding team of additional divisional commissioner formed, Shawkat Akbar</p> <p>Shawkat Akbar submitted Report to Iqbal Khan Choudhary. additional home affairs secretary. He interviewed 12 people including Limon, his father and the doctor.</p>
<p><b>Comments made by officials</b></p>		
<p>DG RAB expressed how Limon was accidentally hit.</p> <p>Defense advisor implicate Limon and his father were involved with criminal gang.</p> <p>Senior RAB official again implicates Limon and his</p>	<p><b>23 Mar 2011</b></p> <p><b>11 Apr 2011</b></p> <p><b>19 May 2011</b></p>	<p>Director General of RAB – Mokhlesur Rahman Stated that Limon was an accidental victim of a shootout between RAB and a criminal gang.</p> <p>DG Rab Muklesur Rahman said Limon was accidentally hit by a bullet during shootout between Rab and criminals. Limon is not a criminal, the DG added.</p> <p>Statement by PM’s Defense Advisor – Tareque Siddiqi - “Limon and his father were directly involved with criminal Morshed Zomaddar. Allegations against RAB of shooting Limon’s leg after grabbing him, were not correct. Limon was escaping from the scene while RAB was trying to hold criminal Morshed Zomaddar and then RAB shot at his leg.”</p>

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<p>families have a connection with criminal gang.</p>	<p><b>23 May 2011</b></p> <p><b>29 May 2011</b></p> <p><b>1 June 2011</b></p>	<p>In his statement, Tareque Siddiqi also accuses a national daily and its editor of following up the news of Limon, he goes on to mention “... if the Government wishes, the editor can be arrested.”.</p> <p>M Sohael, Director of Legal and Media Wing of RAB told a press conference, held in RAB Headquarters, that the investigation report of RAB has “come to their hands”. He said, Limon, his parents and siblings have contacts with Morshed Zomaddar, his group and his wife.</p> <p>PM’s Economic advisor admits grounds for suspicion against Limon. Statements by NHRC Chairman, Mashiur Rahman questioning jail detention, critical of RAB statement as influencing case proceedings.</p> <p>PM directs officials to make no comment with regards to Limon as ongoing investigations could not find evidence of allegations he was a “terrorist”.</p>
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**(c) Information regarding steps taken by the victims or their families and, in particular, about complaints filed, by whom, and before which organ. If no complaint was filed, information as to why not;**

	<b>Action</b>	<b>Date</b>	<b>Information</b>
	<p>First Investigation Report (FIR) filed by Limon’s mother Henuara Begum at District Magistrates Court, Jhalakathi.</p>	<p><b>10 April 2011</b></p>	<p>Case was filed against six members of the RAB 8 Unit and six unknown persons.</p> <ul style="list-style-type: none"> <li>I. Deputy Asst Director – Lutfor Rahman</li> <li>II. Corporal Majharul Islam</li> <li>III. Nayeks Moktadir Hossain</li> </ul>

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			<p>IV. Prohlad Chandra  V. Sepoy Kartik Kumar Biswas  VI. Constable Abul Aziz</p>
	Delay in Registering	<b>10 April 2011</b>	Case not filed at station
	Threat Received	<b>19 April 2011</b>	Henoura Begum alleges threat received to withdraw case
	Case Registered	<b>26 April 2011</b>	Police registered Henuara Begum's case after an order from lower court to accept case within 48 hours.
	17 Months later – Police issue investigation Report.	<b>14 Aug 2012</b>	<p>Police issue investigation report filed by Limon's mother's months prior. Investigation clears DAD and six RAB members from involvement in shooting on grounds of no evidence.</p> <p><b>Please note: Limon, witnesses and his family member were not interviewed for the police investigation.</b></p> <p>By closing this case in such a manner, closes the window of opportunity Limon had for justice.</p>
	Another Case Henoura wants to file is only filed as a General Diary entry and not a First Investigation Report	<b>23 Aug 2012</b>	After being attacked on by Ibrahim Howlader and assaulted, Henoura Begum was not able to file a first investigation report.

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