

HC wants to know whether RAB can detain anyone without any case

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Online Desk: The High Court (HC) on Tuesday asked whether the Rapid Action Battalion (RAB) could detain, arrest or pick up any individual on the basis of a mere complaint and without any case. It also asked whether the RAB had any jurisdiction to arrest any individual under the Digital Security Act (DSA).

The HC also wanted to know whether deceased Sultana Jesmine of Naogaon was questioned at any respectable place (police station or office) following her arrest and was the RAB personnel's behaviour with her lawful until she was taken to hospital. Besides, the HC bench questioned why the RAB detained Sultana Jesmine who died in custody on March 24, though she was not accused in any case at the time of her detention.

During the hearing on a writ petition, the HC bench comprising Justice Farah Mahbub and Justice Ahmed Sohel sought the answers to the above questions from Attorney General AM Amin Uddin. The Attorney General was assisted by deputy attorney general Samarendra Nath Biswas and assistant attorney general Abul Kalam Daud Khan.

The HC bench said, "We want that none will be affected. Everyone will get justice. We will do that. But, our question is why Sultana Jesmine died? What were the reasons behind her death? Whether the RAB can pick up any individual lawfully?" Then the court fixed 2:00pm on April 5 for the next hearing on the writ. Besides, the HC bench directed to submit all the relevant documents and post mortem report of Sultana Jesmine on that day.

"It is an admitted fact that RAB picked her up at 11:50am on March 22 and she was taken to Naogaon hospital at 1:15pm the same day after she became sick. Then she was taken to Rajshahi Medical College Hospital at 9:20pm the same day where she died in the morning on March 24. What happened with her during the period from her detention to taking her to Naogaon hospital and where she was kept in that duration?" questioned the High Court.

"She might have committed a heinous crime. But she has the right to get protection and justice. There are rules for regulating the RAB, which is a special force. Can RAB detain any person without any case? Our concern is whether RAB followed relevant procedures in dealing with her," the HC bench said. The bench asked Attorney General AM Amin Uddin to submit the post-mortem report of Sultana before it by April 5 and fixed 2:00pm on April 5 for further hearing of the petition.

Earlier in the day, Supreme Court lawyer Manoj Kumar Bhowmick filed the writ petition as a public interest litigation with the HC, seeking its directive on the government to form a high-powered committee led by a retired judge of this court in order to probe the incident.

During the hearing of the petition, Manoj told the HC that RAB has been established as a special elite force in order to prevent some particular offences like robbery, murder and drug smuggling. It has no authority to conduct an investigation into a case filed under the Digital Security Act (DSA). Police have the authority to investigate such cases as per section 154 of the Code of Criminal Procedure (CrPC), but RAB conducted a probe into the case that was filed against Sultana Jesmine under DSA, 31 hours after her detention.

RAB has not produced Sultana Jesmine before a court in 24 hours of her detention, and all these acts of RAB are illegal and unlawful, he argued. Opposing the writ petition, Attorney General AM Amin Uddin told the HC that the claim that Sultana Jesmine was kept in RAB custody for more than 24 hours and was not

produced before a court, is absolutely incorrect.