

**Trigger Happy BSF personnel snatched the lives of people including minor in the name of Border protection**

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To  
The Chairman  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block-C, G.P.O Complex, INA  
New Delhi-110023

17.01.2020

Respected Sir,

This is to bring to your kind attention an incident of brutal killing and hiding the dead bodies of four poor marginalized Muslim youths from Deocharai village under Tufanganj Block and Tufanganj Police Station area of Cooch Behar district, by the perpetrator Border Security Force personnel attached with Battalion number 62 of Krishnapur (Monapara) Border Out Post. On 13.12.2019 at around 8.30 to 9.30 pm when a group of ten people tried to cross Indo-Bangladesh border with a herd of cattle to Bangladesh, the Border Security Force personnel without given any intimation started 15 to 16 round firing and as a result one person namely Mr. Safikul Islam was died, 4 people rushed to Bangladesh side and 4 other people had been missing from that time and due to our continuous intervention ultimately recovered the bodies under the water of Gadadhar river four days later which were tied with rope and stone. It is a clear case of intentional murder by the Border Security Force personnel and to conceal the crime they tried to hide the bodies of the victim. This again reveals the saddest part of human rights condition in this country before the eyes of International arena

On 15.12.2019 Mr. Rahimuddin Ali lodged a written complaint to the Officer in charge of Tufanganj police station that on 13.12.2019 BSF fired upon Mr. Nur Mohammad Mia but the body of Mr. Mia was not found. Tufanganj Police station received the complaint but did not register the complaint as First Information Report and not to initiate any investigation and thereby try to cover up the criminal activities of their fellow brothers.

Salient points in this case:-

Ø It is a case of extra judicial execution and attempt to disappear the body of the victims by the Border Security Force personnel under Battalion number 62 of Krishnapur (Monapara) Border Out Post

Ø Guidelines framed and circulated by N.H.R.C. in case of extra judicial execution on 27 March 1997 was not followed by local police of Tufanganj police station.

Ø Supreme Court of India in various cases, laid down norms to be followed in case of encounter death; such as, immediate register of F.I.R., investigation by CID or police team of another police station led by a senior officer, etc.

Ø Till date, scene witnesses, family members were not examined; blood stained earth, hair, fibers were not collected.

Ø Post Mortem Examination was not done by two autopsy surgeons as ordered by apex court.

Ø It is also an instance that how the trigger happy Border Security Force personnel after committing the heinous crime tried to disappear the body of the victim and now it is a trend of BSF to disappear the bodies of the victim after firing upon them



**Detail of the incident:** Mr. Nur Mohammad Mia was a Muslim youth of 24 years lived with his father, mother, wife and little daughter in the village of Deocharai under Tufanganj block in the district of Cooch Behar. The family is going under critical financial crisis. He is the only earning member in his family. The financial condition of the villagers in the Indo Bangladesh border is remain same i.e, below poverty line and thereby few people get involved in cross border smuggling for earning a little more money. Widespread poverty, even in states which have achieved a high rate of economic development, is a principle cause of violation of rights. Poverty deprives individuals, families and communities of their rights and promotes illegal workings that degrade the value of social life. A life of dignity is impossible in the midst of poverty and these people are under acute poverty were trapped by the smugglers and get involved in smuggling activities. On 13.12.2019 at about 8.30 pm a group of ten people tried to smuggle the cattle under the Krishnapur Palpara bridge. 4 people crossed the river Gadadhar then on duty Border Security Force personnel without giving any intimation fired 15 to 16 rounds bullets. Out of rest 6 people 2 people received fatal bullet injury but able to escape to Bangladesh side and there one man was died at Rangpur Hospital and another returned back on 15.12.2019 to India and admitted in Cooch Behar nursing home. But from the time of incident no one could trace out rest of the four persons body.

The incident again proves that we have successfully converted the Border Security Force who is the protector of the country into a gang of murderers. The border Security Force authority cannot be given the right to behave as the executioner. Most important part is that those people who tried to smuggle the cattle in the Border are unarmed and Border Security Force with the help of fire arms fired at them and killed. It is completely an imbalance situation where BSF killed unarmed civilians even when they were not so much dangerous before the country. Before firing, BSF did not communicate any warning to them. Question arises in the mind - Why the people were shot dead and not injured by being shot below the belt?

Those people were far away from posted Border Security Force party, in the river of Gadadhar. Border Security Force fired at them from a long distance. Border Security Force has no right to kill the people by firing. There is no domestic law where any force person can fire to any people. If they were accused the Border Security Force person should act according to procedure established by law i.e., apprehend those accused and produced them before the Court of Law. Border Security Force has motor boats and other equipments. But without using those, Border Security Force fired at those people in water. Is Border Security Force think that they are above Constitution?

We have an apprehension that Border Security Force will surely lodge a false and fabricated case and make a concocted story that those victims tried to attack upon the Border Security Force troops and for self defense, they fired. The same story was created by the Border Security Force in Felani Khatun Case, in 2011. They did not have possessed any humanitarian look towards common people in India.

Most important part is that one person namely Mr. Safikul Islam residing at village Charbalabhut under Tufanganj Police Station who was admitted in the Rangpur Hospital of Rangpur Sub Division, Bangladesh after bullet injury, breathed his last on 14.12.2019. Before his last breathe Mr. Safikul gave statement before the doctor that they were total 10 people in the border and he was received the bullet fired by Border Security Force.

We want answer for several questions –

- Why Border Security Force authority without giving any intimation fired towards them?
- Why Border Security Force did not maintain minimum responsibility to apprehend the offenders rather firing?
- Why Border Security Force fired to all unarmed people?
- Why four people were disappeared after firing by Border Security Force?

On 15.12.2019 about 200 people gathered in front of the Krishnapur (Gholapara) Border Out Post. To see the situation head of the Panchayat (local self government) and members sat to discuss about this matter with the Company Commander of Krishnapur (Gholapara). In the meeting Company Commander clearly expressed “our jawans did not fire and kill anyone”. On the said day Mr. Rahimuddin Ali lodged a written complaint to the Officer in Charge of Tufanganj Police Station about the incident of BSF firing and the subsequent disappearance of Mr. Nur Mohammad Mia. Family members of Nur Mohammad Mia and other three victims claimed that BSF concealed the bodies of those victims under the Palpara Bridge. But Police version was they continued their enquiry on that spot but did not find anything. We presume that there is a nexus between Tufanganj Police station and perpetrator Border Security Force personnel and therefore Tufanganj police station did not take any action after receiving the complaint against BSF firing and subsequent disappearance of 4 victims. On 16.12.2019 people’s organization in the district ‘Amra Simantabasi’ requested to the District Magistrate and Superintendent of Police, Cooch Behar to take action regarding this fateful incident. District Magistrate of Cooch Behar immediately called the Company Commander of BSF and Superintendent of Police rushed to the spot at Palpara bridge. Before reaching the spot one body was recovered by BGB and they held the body because previously BSF of Krishnapur Border Out Post killed one man and imposed responsibility upon BGB. As BGB was

informed that 26 round firing was done by BSF at night on 13.12.2019 and one man from Dhubri was died in the Rangpur Hosital, they began to monitor that no dead body can enter to Bangladesh side from India. On 14.12.2019 a flag meeting was conducted between Indian BSF and Bangladesh BGB.

On 16.04.2019 at about 4 pm one body was recovered under the Palpara Bridge. About 300 people gathered at that time. Two other bodies were also recovered from that place on the same day. Those bodies were tied with rope and stone under the water of the Palpara bridge. One person from G branch of Border Security Force captured the photos of those bodies and after that those photos became viral. We do not collect the name of that G branch BSF person. At about 10 pm Tufanganj Police Station took away those bodies of Sajid Alam, Ajijul Haque and Rejjak Ali. Next day i.e., on 17.12.2019 at about 11 am inquests of those bodies were done by the Block Development Officer of Tufanganj Block. At about 3 pm those bodies were sent to Cooch Behar Hospital and at about 4 pm those bodies were taken to Morgue and that night post mortem of those three bodies was not done. On the same day another body of Mr. Nur Mohammad Mia was recovered at about 5 pm under the Palpara Bridge. The body was tied with rope and stone under the water. At about 7 pm Tufanganj Police Station took away the body of Mr. Nur Mohammad Mia. An Unnatuaral Death case was registered in the Tufanganj Police Station being UD case number 123/2019 dated 17.12.2019. Next day i.e., on 18.12.2019 at about 11 pm inquest of the body was done by Block Development Officer of Tufanganj block. At about 12 on the said day Post mortem of those four bodies were done by Dr. Soukat Saha and at about 7 pm four bodies were released to their family members.

Istanbul Protocol provides that “States Parties shall guarantee that any person making an accusation of having been subjected to torture or extra judicial execution within their jurisdiction shall have the right to an impartial examination of his case”. Therefore an impartial inquiry should be conducted in this respect. This is not a case of extra judicial execution by the Border Security Force authority but also a heinous crime to conceal the bodies after killing. Therefore I again urge to your Commission to proceed properly and immediately to conduct an investigation into the case and initiate the corresponding criminal process against the perpetrator Border Security Force personnel.

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Attached Documents

- Pictures of deceased
- Complaint lodged by deceased family to Officer in Charge of Tufanganj Police Station
- Challan of Nur Mohammad Mia
- Aadhar card of Nur Mohammad Mia



