

Systematic killing at India Bangladesh border with impunity --- body of Indian now lying at Bangladesh -- retrieve the body

Kirity Roy <kirityroy@gmail.com> 12 April 2022 at 14:22
To: NHRC Complaint <cr.nhrc@nic.in>
Cc: Home Ministry <hm@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, Chief Secretary Gov of WB <cs-westbengal@nic.in>, DG BSF <edpdte@bsf.nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, DM Cooch Behar Kaushik Saha <dmcoochbehar@gmail.com>, SP Cooch Behar <spcbr@policewb.gov.in>, MHA JS Border Management <jsbm@nic.in>, BSF North Bengal <ftrnb@bsf.nic.in>, SDO Dinhatata <sdodinhatata@gmail.com>, UN SR on EJK <eye@ohchr.org>, UN SR EJE Christof Heyns <Christof.Heyns@up.ac.za>, OHCHR <urgent-action@ohchr.org>

To
The Chairman
National Human Rights Commission
Manav Adhikar Bhawan
Block-C, GPO Complex, INA
New Delhi-110023

12 April 2022

Respected Sir,

This is to bring into your attention an incident of extra-judicial execution of a poor, marginalized villager from Atiyabari village under Sahebganj police station area in Cooch Behar district of West Bengal. The victim suffered a fatal injury on his chest after the perpetrator BSF personnel attached with Padma BSF BOP, 75 Battalion fired shots at the victim. The victim, critically injured, in an attempt to escape, entered Bangladeshi territory, where he succumbed to his injuries. Later personnel from Aditmari police station of Bangladesh came to the spot and recovered the body of the victim and sent for autopsy. The family members of the victim went to lodge a complaint to the Sitai police station of Cooch Behar district at around 3:15 PM on 11.04.2022 but the on-duty police personnel of the Sitai police station didn't accept their complaint. The complaint was then sent to the Superintendent of Police, Cooch Behar district via whatsapp on 11.04.22 at around 4:19 PM.

The victim is a poor daily labourer, who was involved in cross-border smuggling in order to survive and sustain his family. Even after two days of the incident the family members couldn't get the body of the victim and the police, BSF and administration have turned deaf ears to their pleas. The brutal incident raises several questions on the safety and security of the Indian citizens residing along the border. Who is to blame if a person resorts to illegal means in order to survive and sustain his family? What is the highest punishment for cross-border smuggling; is it death penalty? Does the BSF have the authority to grant death sentence to someone they think as guilty? Does the BSF have judicial powers to grant ruling over Indian citizenry? Such incidents are a shame to the Country's criminal justice system and violation of the Indian Constitution.

o In Cooch Behar police website at Sitai police station page there was not a single crime FIR was registered in the year of 2022; so this complaint from Mr Anowar assumingly not registered.

o The picture of dead body of Mr. Serajul Haq (deceased) clearly shows that he received the bullet of on duty BSF from back, for which exit wound of firing is at left chest. Firing was done from close range. Hence the claim of BSF, firing was done for self-defense, is ruled out.

o The BSF and local police administration, in nexus, have least respect to guidelines framed by NHRC "Information as received shall be regarded as sufficient to suspect the commission of a cognizable offence and immediate steps should be taken to investigate the facts and circumstances leading to the death to ascertain what, if any, offence was committed and by whom..." This famous guideline is now observing quadtranscentennial anniversary.

For your reference, following are the names of the victims who were extra-judicially executed under Sitai police station since November, last year. The Sitai police didn't take any actions against the perpetrators of these killings. Neither did your Commission take any positive step to stop such killings. Under the circumstances the perpetrators of these killings are enjoying impunity.

Sl. No.	Name of Victim	Date of incident	NHRC case No.	Status
1	Prakash Barman & 3 others	12.11.2021	4862/25/6/2021 - AD	NHRC asked for report on 2.12.2021 from DG, BSF; DGP, WB; DM, Cooch Behar; SP, Cooch Behar and Secretary, WBHRC; within

				6 weeks but no report was received on our end
2	Bikash Debnath	12.12.2021	Complaint sent on 1.03.2022. NHRC didn't register a case	No steps taken by the Commission even after a month of lodging the complaint

The incident not only violated the rights guaranteed in Article 19 and 21 of Indian Constitution but also the premise of Article 6, 7 and 12 of International Covenant on Civil and Political Rights as well as the Goal No. 8 and 16 of Sustainable Development Goal earmarked by United Nations and in both these international instruments; the government of India is a party and have agreement. The Sitai Police have violated the Supreme Court Guidelines in the Lalita Kumari Judgment which makes it mandatory for them to lodge a FIR in cases of cognizable offences.

Our immediate demand is -

- The whole incident must be investigated by a neutral agency appointed by the Commission
- MEA, MHA of GOI and Government of WB should take immediate steps to retrieve the body of the victim
- No more killing at Indo Bangladesh border in the name of "Self-defense"
- The victim's family should be duly compensated for their loss
- BSF should guard the actual borders and not be stationed inside villages
- Punitive actions should be taken against the guilty BSF personnel
- Punitive actions should be taken against the guilty police personnel of Sitai PS

Thanking You,
Yours truly,

Kirity Roy
Secretary, MASUM

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Details of the victim-

1. Serajul Haq, Son of Late Najo Miya, aged about 45 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.

Details of the victim-

1. Serina Bibi, wife of Serajul Haq, aged about 28 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.
2. Hassan Ali, son of Serajul Haq, aged about 20 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.
3. Hasibur Rahman, son of Serajul Haq, aged about 18 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.
4. Hasibulla Rahman, son of Serajul Haq, aged about 8 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.
5. Hujaifa Haq, son of Serajul Haq, aged about 5 years, village - Atiyabari, under Sahebganj police station area, Cooch Behar district.

Date and Time of the incident – On 09.04.2022, at around 2:00 am

Place of the incident – Between the IBP and border fencing at Andaran Singimari village under Sitai block and PS, under Padma BSF camp.

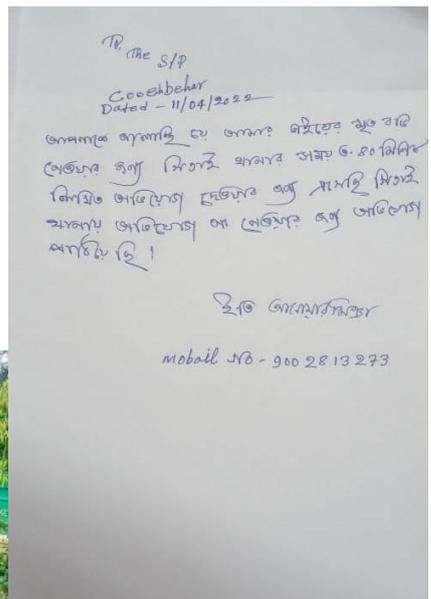
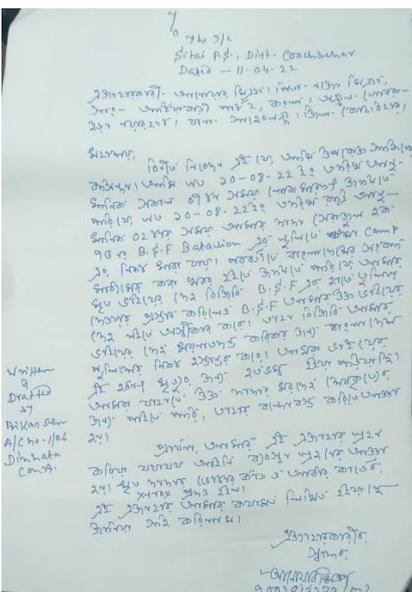
Details of the perpetrators –

- 3/4 BSF personnel attached with Padma BSF camp, 75 Battalion
- On-duty police personnel attached with Sitai police station, Cooch Behar

Details of the incident - Serajul Haq, a marginalized Muslim daily labourer from Atiyabari village under Sahebganj police station area, Cooch Behar district, earns a living on meagre income and sustains a family of six. For the purpose of earning some extra money to sustain his family, he was involved in illegal cross border trade and used to smuggle goods into Bangladesh. On the wee hours of 9.04.22, at around 2:00 am, he along with some of his friends were heading towards Bangladesh in order to smuggle goods, when they were spotted by some BSF personnel attached with 75 Battalion of Padma BSF BOP, who were patrolling the area. Spotting them, the perpetrators shot rounds that hit Serajul Haq on his chest. Critically injured, Serajul managed to flee into Bangladeshi territory but soon succumbed to his injuries.

As per our fact-finding, police personnel from Aditmari police station in Bangladesh recovered his body and sent for autopsy. Family members of Serajul Haq went to the Sitai police and BSF authorities of the Padma BSF camp and pleaded to them for taking custody of Serajul's body. However, neither the police, nor the BSF responded to their pleas. On 11.04.2022, at around 3:15 PM, Mr. Anwar Miya, the brother of Serajul Haq, lodged a written complaint to the Sitai police and requested to take necessary actions, so that they could retrieve the body of his brother for last rites. However, the Sitai police didn't even accept the complaint or register an FIR (First Information Report). Mr. Anwar Miya then sent the complaint to the Superintendent of Police, Cooch Behar district via whatsapp on **11.04.22 at around 4:19 PM**, from whatsapp number **9002813273** to whatsapp number **9083272900**.

With the only bread-earner of the family gone, the family is suffering under critical circumstances. Due to the apathetic attitude of the police, BSF and administration, the family is also being denied the right to perform last rites of the victim.



pics 1) body lying in Bangladesh having bullet exit wound at chest; 2) ID proof of deceased; 3) Two minor orphans; 4) In front Sitai PS after police refused to receive the complain; 5) Written complaint submitted to Sitai PS and 6) letter to SP, CBR sent via WA