

Systematic killed and bodies disappeared - How many times can a man turn his head? And pretend that he just doesn't see? Murshidabad, West Bengal

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To: "Justice Shri H. L. Dattu" <chairnhrc@nic.in>, hrd-nhrc@nic.in

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

16 September 2020

Respected Sir,

Right at the time when the whole world is observing the International day of the victims of enforced disappearance on 30th August, another brutal incident of enforced disappearance took place, where at least seven persons were reportedly killed and their bodies disappeared by the Border Security Force personnel attached with 'F' Company of 117 BSF Battalion in Kaharpara BSF Outpost in Murshidabad district.

Through our fact finding it has been reported that three persons among them were Bangladeshi nationals and four Indian citizens. The families of two of those persons disappeared in the incident, lodged complaints to the police however the others couldn't be traced. As per the versions of eye-witnesses, the victims were reportedly shot and their bodies were allegedly disposed in the Padma River with the purpose of concealing the evidences.

It must be mentioned that enforced disappearance is considered to be the worst form of human rights violation as the feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole. It has been noticed that incidents of killing civilians by the Border Security Force have significantly increased in the bordering districts of West Bengal in the past few years. This case is also adding up to the list of murders by Border Security Force, where the higher official and police administration in a nexus, tries to save the perpetrators.

All those persons were killed by BSF after they were apprehended. The incident clearly indicates that they were not legally treated rather killed in custody. It is also to be mentioned that the place of killing those persons are well inside (2-3 kilometres) Indian territory from border of Bangladesh.

Random killing of Bangladeshi citizens made a huge anger in Bangladesh.

<https://www.aljazeera.com/news/2020/07/indian-border-forces-killed-25-bangladeshis-year-report-200708104609757.html>

<https://indianexpress.com/article/india/dhaka-raises-concern-on-rise-in-killings-at-border-by-bsf-indian-nationals-6561834/>

<https://www.thedailystar.net/editorial/news/bsf-shootings-are-not-stopping-1925661>

The perpetrator Border Security force personnel not only violated the rights guaranteed in Article 21 of Indian Constitution but also the premise of Article 7 of International Covenant on Civil and Political Rights as well as the Goal number 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 incident and subsequent impunity legitimize our long standing demand for immediate ratification of United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment and Declaration on the Protection of all Persons from Enforced Disappearances.

20.7.2020 evening. He was apprehended by on duty BSF at the P.O. and shot, thereafter his body was disappeared as planned by those uniformed BSF. One another victim a 19-year old Hafizul Sheikh was a student of second year in Murshidabad Adarsha Mahavidyalaya of Islampur. His family occupation is agriculture. On 20.07.2020, at around 7:00 pm, Manik Sheikh, son of Ajijul Sheikh and Mithu Sheikh Son of Maksud Sheikh from neighbouring village Char Sarandajpur forcibly took Hafizul in their motorbike. Manik and Mithu were involved in cross-border cattle smuggling. They lured Hafizul with huge amount of money to take buffaloes across the border into Bangladesh. At around 9:00 pm Hafizul along with Ranjit Mondal and some other cattle rattlers were taking buffaloes towards Bangladesh when they were apprehended by 5/6 armed BSF personnel near a field beside the Kaharpara iron bridge; which is about 3 kilometres inside Indian territory from Bangladesh border. According to the eye-witnesses, the BSF started firing and killed at least seven persons in an instance.

As soon as Hafizul's brother Mr. Sajid Sheikh got the news that Hafizul was going to Bangladesh to smuggle cattle, he ran towards the Kaharpara iron bridge to stop him from rattling. But when he reached the spot he saw that Hafizul and others were already apprehended by the BSF. He kept watching them from a distance hiding himself in a jute field. As the area was well-lit by halogen lights of the border fencing, he was able to see the incident quite clearly. Some other villagers were also present there who got a clear view of the whole incident. They could also identify Hafizul when he was shot. According to the eye-witnesses, BSF killed six others and a buffalo was also shot. Later the BSF personnel took all the bodies from the place of occurrence to some place out of their sight. Mr. Sajid Sheikh, Hafizul's brother who was present and witnessed the whole incident from a distance, has the perception that the dead bodies were disposed of into a ditch in the field or in the Padma River to hide evidence of the incident. The next day on 21.07.20, Mr. Attaj Mondal went to the Raninagar police station to lodge a complaint but the Raninagar police didn't accept his complaint. Rather they intimidated the family members of the victim by stating that they will end up in jeopardy if they lodge such complaint, rather they should lodge a missing diary. Later on 4.08.20, the family members of Hafizul, scared of the intimidation of Raninagar police, finding no other alternative, lodged a missing diary vide Raninagar PS **GDE No. 140/2020 dated 04.08.2020** but no initiative was taken by the police on the issue. With no other option to find out his son, Mr. Attaj Mondal contacted one lawyer of Lalbagh court and that lawyer prepared one petition, where he put his left thumb impression. That petition of complaint was filed before ACJM court vide **Memo No. 611/2020** dated 14.08.2020. As instructed by local police, Ms. Rajkumari Mondal, mother of Mr. Ranjit Mondal also lodged a missing diary in the Raninagar police station on 21.07.20 vide Raninagar PS **GDE No. 861/2020** but no action was taken in his case as well. As per our fact-finding, the perpetrator BSF personnel didn't intimate the Raninagar police station of the incident or any such incident where they fired bullets, which they should have done. According to the GRO case registration book of Raninagar police station in Lalbagh court, case number 259/20, a case of 12 P.P. Act, was registered on 18.07.20 and case number 260/20, a case of 498(A) IPC, was registered on 21.07.20. Nothing else was registered as cognizable offence in Raninagar PS jurisdiction area, which depicts that the BSF has concealed the whole matter from the police as well.

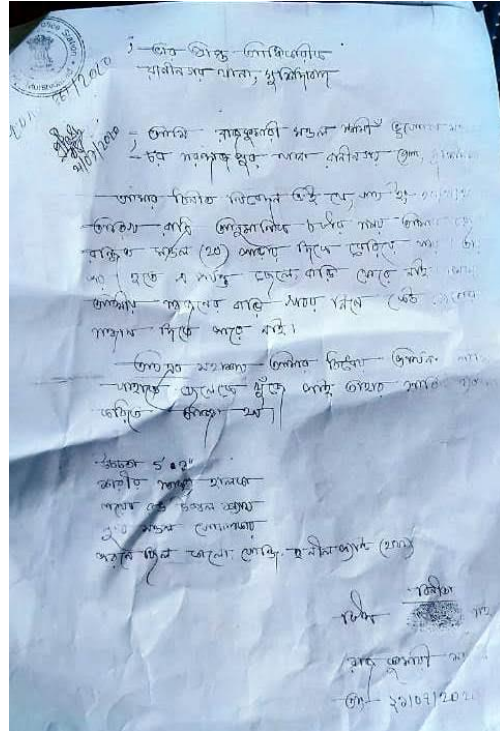
I am affixing the video statements of families, witnesses of the crime, with a hope that those people will be protected and harassed or falsely prosecuted. <https://youtu.be/oKCILeGmPQs>

Killing and disappearance of bodies by BSF in uniform is not a new one in Murshidabad sector of BSF. Many such incidents are going on with impunity. All such complaints were lodged before BSF authorities, Home Departments of central and state governments, district police, district magistrate; from not a single quarter the authorities acknowledged those, hence no reason to believe that they have taken any action. A systematic killing and disappearance is thus granted by the governments. For ready reference, I am citing few cases of Murshidabad district for your ready reference.

Name of the victim	Case Release date	NHRC Registration Date	NHRC Case Number	Status
Selim sk	25.04.2018	12.06.2018	830/25/13/2018/OC	No action
Samaun sk	08.05.2018	04.06.2018	829/25/13/2018/OC	No action
Paritosh Mondal and others	05.07.2018	31.08.2018	1221/25/13/2018	No action
Jullu Sk	14.08.2018	20.09.2018	1322/25/3/2018-PF	No action
Obaidul Sk and Others	22.09.2018	30.10.2018	1713/25/13/2018	No action
Sohel Sk	25.08.2019	21.10.2019	1557/25/13/2019	No action
Mainul Islam	21.08.2019	11.11.2019	1642/25/13/2013-PF	No action



Victim Hafijul



Missing complaint at Raninagar PS



Police GD Entry receipt

Pending List for the Month of Rangun 2021 (41)

Sl. No.	Case No.	Date	Section	Station	Officer
1958	255	15.7.20	399/402 IPC	Wahakarpara more ASI	
20	20				
1973	256	11.8.20	cls-265/20dt-3	1.7.20	R. Ghorosh
20	20	do	363/365 IPC	Raninagar PS-Raninagar, MD	R. Ghorosh
1974	257	do	498(A) IPC	Chas. Bathanpara ASI	
20	20			PS-Raninagar, MD	S. Ghorosh
1987	259	12.7.20	12 PP Act	BPNO-62/350/2020	AS
20	20			117 DIBSF, BOP	S. Ghorosh
2001	260	21.7.20	413-498(A)/306 IPC	Nabapara	SI
20	20			PS-Raninagar	MD. H.A.
2025	269	24.7.20	u/s-31/225/326/307/31 I.P.C.	Mohankhara Bazar	A.
20	20			PS-Raninagar, MD	A.
2036	285	25.7.2020	u/s-390/402 IPC	at Raninagar more area	S
20	20			Raninagar II SP office	MD
	266			PS-Raninagar, MD	A.
2051	267	26.07.20	498(B)/302/34 I.P.C.	Dubopara	S
20	20			PS-Raninagar MD	MD
2049	262	24.07.20	03 P.D. 8 P. Act	B.O.P	S
20	20			Kacharpam	S
2048	264	do	498(A) I.P.C.	Mandalpur	S
20	20			PS-Raninagar MD	D.C
	268				
20	20				

GRO register at Lalbagh court