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 Cc: Secretary General <sgnhrc@nic.in>, Surajit Dey <registrar-nhrc@nic.in>, "UN WG on Arbitrary Detention Mr. Vladimir Tochilovsky" <wgad@ohchr.org>, UN SR On Torture <Sr-torture@ohchr.org>, Chief Secretary Gov of WB <cswestbengal@nic.in>, Home Ministry <hm@nic.in>, "Home Secretary Govt of W.B." <wb.secyhome@gmail.com>, "District Magistrate, Murshidabad" <dm.murshidabad@gmail.com>, SP MSD Mukesh Kumar <spmurshidabad@gmail.com>

16 September 2020

17 September 2020 at 11:36

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

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.

The perpetrator Border Security Force personnel also made offence under section 201 of Indian Penal Code for causing disappearance of evidence in order to screen their offence.

Under the circumstances we demand:

BSF should be posted in actual borders and not inside villages

The whole incident must be investigated by own investigating agency of the commission

The guilty Border Security Force personnel involved must be booked and prosecuted in open court

The administration must take appropriate steps to control cross border smuggling in bordering villages.

The family of the victim must be duly compensated and security and safety of the witnesses and family members must be ensured.

Thanking You, Yours sincerely

Kirity Roy Secretary, MASUM

Name of the victims: (1) Hafizul Sheikh, son of Attaj Mondal, aged about 19 years, residing at village Nabirpara, Block Raninagar - 2, Police Station Raninagar, District Murshidabad

(2) Ranjit Mondal, son of Mr. Bhugal Mondal, aged about 20 years, residing at village Sarandajpur, Block Raninagar - 2, Police Station Raninagar, District Murshidabad

- (3) One unknown person from Samsherganj police station area
- (4) One unknown person from Jalangi police station area
- (5) Three unknown persons from Bangladesh

Details of the Secondary victims: (1) Mr. Attaj Mondal, father of Hafizul Sheikh, aged about 65 years;

(2) Ms. Khadeja Bibi, mother of Hafizul Sheikh, aged about 59 years;

- (3) Mr. Rajib Sheikh, brother of Hafizul Sheikh, aged about 30 years;
- (4) Mr. Allahrakha Sheikh, brother of Hafizul Sheikh, aged about 24 years
- (5) Ms. Kamela Bibi, wife of Rajib Sheikh;
- (6) Ms. Helina Bibi, wife of Allahrakha Sheikh
- (7) Ms. Robejan Khatun, daughter of Rajib Sheikh, aged about 14 years;
- (8) Master Momin Sheikh, son of Rajib Sheikh, aged about 8 years
- (9) Ms. Nupur Khatun, daughter of Rajib Sheikh;
- (10) Ms. Hira Khatun, daughter of Allahrakha Sheikh, aged about 2 years
- (11) Master Mustafijur Rahman, son of Allahrakha Sheikh, aged about 9 months;
- (12) Mr. Bhugal Mondal, father of Ranjit Mondal, aged about 59 years
- (13) Ms. Rajkumari Mondal, mother of Ranjit Mondal, aged about 50 years;

All the above residing at village - Nabirpara, Block Raninagar - 2, Police Station Raninagar, District Murshidabad.

Date and Time of the incident: On 20.07.2020, Monday at around 11:00 pm

Place of the incident: Near Kaharpara iron bridge under Raninagar police station, Murshidabad

Deatail of witnesses: (1) Mr. Sajid Sheikh, brother of Hafizul Sheikh (2) Sujan Sheikh s/o – Jalal Sheikh (3) Manik Sheikh s/o – Rasul Sheikh (4) Alamgir Sheikh s/o – Chandu Sheikh (5) Bahadur Sheikh s/o – Hannan Sheikh (6) Ilash Sheikh s/o – Siraj Sheikh – All of village Mohanganj, PS- Raninagar

Detail of Perpetrators: (1) 5/6 on duty Border Security Force personnel with uniform of 'F' Company of 117 BSF battalion in Kaharpara BSF Outpost deputed near the Kaharpara iron bridge at about 10 - 11 pm dated 20.07.2020.

Detail of the incident: One Mr. Ranjit Mondal son of Mr. Bhugal Mondal residing at village - Nabirpara, Block Raninagar - 2, Police Station Raninagar was a member of cattle smugglers joined the team near Kaharpara iron bridge on

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/oKClLeGmPQs

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

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GRO register at Lalbagh court