



MASUM Secretary, Kirity Roy and staff Sujoy Singh Roy with Bangladesh NHRC Chairperson Mr. Kazi Reyazul

## Meeting with Chairperson, NHRC, Bangladesh

Date: 18:03.2019

Time: 13:00 Hrs

Venue: NHRC Office, Dhaka, Bangladesh

Members present: Mr. Kirity Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and Mr. Kazi Reyazul Haque, Chairperson, NHRC, Bangladesh

The meeting previously scheduled at 12:00 noon started at 13:00 hrs due to some prior engagement of the Chairperson, Mr. Kazi Reyazul Haque. The chairperson greeted us heartily and offered a private audience in his chamber for at least an hour. Three main issues were discussed with him during this meeting namely – (a) Violence in West Bengal – Bangladesh border, (b) Situation of erstwhile enclave dwellers of both the countries, and (c) „Jankhalash“ prisoners inside the prisons of both the countries. Our proposals to him in respect to these three issues were –

(a) To talk with the Bangladeshi and Indian authorities on the issue of severe violence of West Bengal – Bangladesh border and take necessary actions to reduce the same. The Chairperson agreed to that and have assured to talk with the Bangladeshi government regarding the issue and take necessary steps on that. He also assured us to have a talk with the Indian NHRC regarding the issue and take joint actions to reduce violence in the border.

(b) To organize a joint fact finding with the National Human Rights Commissions of Bangladesh and India on the erstwhile enclaves to assess the situation of the dwellers in order to get the actual picture of erstwhile enclaves.



MASUM Secretary, Kirity Roy and staff Sujoy Singh Roy with members of media and CSO, Bangladesh

The Chairperson acknowledged the proposal and suggested that he will first go through the records and information on the erstwhile enclaves provided by us and then will proceed with the proposal.

(c) To take necessary steps in order to repatriate „Jankhalash“ prisoners of both India and Bangladesh. These prisoners are still in jail long after their term of sentence is over. The Chairperson acknowledged the fact that there are prisoners from both countries in each other's prison and the Commission of Bangladesh have already taken action to repatriate the Bangladeshi prisoners from India. In this context he also informed that recently a team of Bangladesh NHRC visited the Mathura prison in India on the basis of an appeal from there and met with 74 Bangladeshi prisoners. They are already in a procedure to bring back those prisoners through proper governmental channels. He also assured us that he will talk to the Home Secretary of Bangladesh within a week and take proper actions in order to undertake a repatriation programme for these „Jankhalash“ prisoners from other Indian prisons as well.

The meeting with Mr. Kazi Reyazul Haque, Chairperson, Bangladesh NHRC ended up with a successful note, with Mr. Haque assuring to act on the proposals placed by MASUM.

### **Meeting with members of media and CSO, Bangladesh**

Date: 19:03.2019

Time: 11:00 Hrs

Venue: RIC Office, Dhaka, Bangladesh

Members present: Mr. Kirity Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and members of media and CSO, Bangladesh

The meeting with media persons and various members of Civil Society Organisations took place at the Regional Integration Centre office of Dhaka on March 19 at around 11:00 am. The main agenda of the meeting was to create a forum including different persons with common intentions from both the countries, in order to act on the following issues – (a) Extreme violence in the West Bengal – Bangladesh border, (b) Repatriation of the „Jankhalash“ prisoners and (c) situation of the erstwhile enclave dwellers.

All the members present in the discussion agreed to the fact that violence in the West Bengal – Bangladesh border is an issue of concern as the number of incidents like extra-judicial killing; enforced disappearances etc. are recurring in recent times. The members decided to keep watch on border situation from the perspective of both the countries and post updates of any incident through the common forum from both sides of the border.

On the situation of the „Jankhalash“ or Released Prisoners the members agreed to the fact that there are several such victims in the prisons of both the countries. Indian prisons have a lot more lot more victims than that of Bangladesh. Hence the members suggested that a lot of work in regard to the „Jankhalash“ victims needs to be done on the Indian side approaching the Government of India. The members decided to follow-up and report through a list of such victims present in the prisons of both the countries.

On the erstwhile enclave situation, the members present agreed that though the Bangladeshi enclave dwellers were provided with several amenities like water supply, roads, education and health facilities, the erstwhile enclave dwellers were not provided with their citizenry rights yet. Hence the members decided to investigate the situation through fact-finders and proceed accordingly by creating a plan of action.

The meeting successfully ended with the formation of a forum that will act on the above issues. The members suggested formalizing the forum after it accumulates more members with common agenda soon. Till then interacting on a social communicative app to maintain proper communication was suggested.

### **Meeting with erstwhile enclave dwellers of Dasiyerchara chit, Kurigram, Bangladesh**

Date: 20:03.2019

Time: 11:00 Hrs

Venue: Dasiyerchara chit, Kurigram, Bangladesh

Members present: Mr. Kirty Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and erstwhile enclave dwellers of Dasiyerchara chit, Kurigram, Bangladesh

It has been observed by MASUM that the erstwhile enclave dwellers of Dasiyerchara enclave are now in much better situation after the Land Boundary Agreement of 2015. Due to the agreement the erstwhile Indian enclaves are now under Bangladesh territory. Hence the dwellers are able to move freely within the country without any restrictions from the state. The Bangladesh government has also provided them with the basic amenities like water supply, roads, education and health facilities etc. The dwellers were also given documents related to the ownership of the land.

However, the dwellers don't have any right to buy or sell their land yet. MASUM Secretary, Mr. Kirty Roy suggested them to form a forum with all the enclave dwellers and move together in order to place their demands to the government. The dwellers informed that they will discuss with the other residents of Dasiyerchara and get back to MASUM for further proceedings.

### **Meeting with erstwhile enclave dwellers of Uttar Gotamari chit, Hatibanda, Bangladesh**

Date: 21:03.2019

Time: 12:00 Hrs

Venue: Uttar Gotamari chit, Hatibanda, Bangladesh

Members present: Mr. Kirty Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and erstwhile enclave dwellers of Uttar Gotamari chit, Hatibanda, Bangladesh

About 250 families reside in the erstwhile Indian enclave of Uttar Gotamari chit. Mr. Hafizul Islam, one of the dwellers from Uttar Gotamari chit stated that the enclave dwellers from this enclave are in much penury as the government has not provided them with much facility. For instance not enough solar pumps, not enough educational institutions were provided to the dwellers. Educated youth in the area are jobless as no job oriented training programmes were undertaken by the government. The houses in the erstwhile enclave suffered much loss due to heavy hailstorm but no governmental help or compensation regarding that was provided to the dwellers. MASUM Secretary Mr. Kirty Roy suggested them to focus on bigger issues like.

citizenry and land rights first before complaining about smaller issues. He also suggested forming a forum with all the erstwhile enclave dwellers and lodge complaints to the district Judge's court regarding their demands. The dwellers stated that they will discuss and take actions accordingly and will also post updates to MASUM regarding the same.

### **Meeting with media personnel and members of civil society of Kurigram, Bangladesh**

Date: 20:03.2019

Time: 17:00 Hrs

Venue: Uttarbanga Jadughor premises, Khaliljanj, Kurigram, Bangladesh

Members present: Mr. Kirty Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and media personnel and members of civil society of Kurigram, Bangladesh. On a primary basis the meeting was organized with the aim to build a local support base of MASUM in Bangladesh in order to act on or get factual information on incidents of torture in the West Bengal – Bangladesh border. The support base is also intended to report on released MASUM members with media personnel and members of civil society of Kurigram, Bangladesh

prisoners of „Jankhalash“ victims in Bangladesh prisons and follow-up on the current situation of the erstwhile enclave dwellers.

Mr. Kurity Roy, Secretary of MASUM provided a layout of the situation in these aspects stating that the West Bengal – Bangladesh border is the most violent border in the world in terms of extrajudicial killings and various forms of torture. Citing the instance of Felani Khatun he added that the situation is escalating with each passing day. The members present were on the same page regarding the border violence issue.

On the released prisoners or „Jankhalash“ victims it was reported that several Bangladeshi citizens are inside Indian prison even long after their term of sentence is over. Similarly Bangladeshi prisons have such victims who are Indian citizens. A proposal of reporting the details of such victims to MASUM was made to the members, which they agreed to move forward.

Finally, on the situation of the erstwhile enclave dwellers, it has been noted that the Bangladesh Government have initiated several developmental schemes for the erstwhile enclave dwellers. The members of civil society and media personnel also informed that though the erstwhile enclave dwellers were not given land deeds by the government, they were provided with the scarcity of the land and by that they have complete land rights. Still they will keep an eye on the situation of the erstwhile enclaves.

The meeting was more informative as the discussions didn't shape up a concrete plan of action for the future. But the members decided to keep an open eye and post updates regarding the issues discussed. They also assured to act on the issues from the Bangladesh perspective whenever situation demands.

### **Meeting with media personnel and members of civil society of Hatibanda, Lalmonirhat, Bangladesh**

Date: 21:03.2019

Time: 17:00 Hrs

Venue: Government Alimuddin College, Hatibanda, Lalmonirhat, Bangladesh

Members present: Mr. Kurity Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM and media personnel and members of civil society of Hatibanda, Lalmonirhat, Bangladesh

The meeting started with a discussion from the members of civil society regarding the present political situation of India and the upcoming parliament elections. A note of despair came out of the discussion that the political situation in the South Asian countries is critical at present as most of the states are using religion as a means to torture and kill its citizen.

The same issues were raised in front of the members present in this meeting regarding the released prisoners or „Jankhalash“ victims as well as the torture and killing in the West Bengal – Bangladesh border. It was stated by Mr. Kurity Roy, Secretary of MASUM, that among the victims killed in this border, about 80 % are Indian citizens. He proposed the media personnel to come forward and act on the issue by reporting those in their respective media. He also urged the members of the civil society to protest such incidents of violence publicly whenever it takes place. Regarding the released prisoners or „Jankhalash“ victims, Mr. Kurity Roy urged the media personnel to gather information of such victims in prisons of Bangladesh and make a list of such victims. He assured the members

that if they get a detailed list of victims, MASUM will act on the issue to make a difference. To this the media personnel informed that recently it is almost impossible to bring out information from government offices. But still they will try to find out „Jankhalash“ victims and make the list for further proceedings.

### **Meeting with lawyers of different district of Rangpur division, Bangladesh**

Date: 22:03.2019

Time: 10:30 Hrs

Venue: Scout Bhawan, Rangpur, Bangladesh

Members present: Mr. Kirity Roy, Secretary MASUM, Mr. Sujoy Singh Roy, staff of MASUM, lawyers of different district courts of Rangpur, Dinajpur, Panchagarh, Nilphamari, Kurigram and Joypurhat districts and media personnel of Rangpur, Bangladesh

The meeting was chaired by Mr. S.M. Abraham Lincoln, advocate in Supreme Court of Bangladesh with representatives present from all the six district courts under Rangpur division. The main agenda of the meeting was to set up a forum of lawyers in Bangladesh in order to act on the issues of torture and killings in the West Bengal – India border and also to intervene into the current situation of „Jankhalash“ or released prisoners in Bangladesh prisons in order to act on bettering the situation.

The lawyers representing different districts of Rangpur division of Bangladesh acknowledged the fact that the issues in hand are severe and requires urgent intervention. For the purpose the members decided to form a committee and act on the issues. The name of the forum as suggested by the members was – „Bangladesh – India Border victim“s Legal Assistance Forum“.

### **Monthly Legal Activity Report-MASUM, March 2019**

#### **Supreme Court of India**

FIR no. 134 dated 09.06.2008 under section 120B/170/229 IPC was registered against Mr. Kirity Roy and other Members of Project on Preventing Torture alleged that Mr. Roy hatched a criminal conspiracy and pursuant thereto as public servant in order to hold a legal forum in the name of people“s tribunal on torture, knowing that they cannot hold such tribunal and falsely personated as public servant and thereby held pseudo judicial proceeding. After successful conclusion of the public tribunal, a plain clothed police officer trespassed into the venue and took photographs without permission and informed that a criminal case had been lodged against Mr. Roy at Taltola police station for organizing the public tribunal. On 12.06.2008 police officers from the detective department raided the MASUM office with a warrant issued by the Chief Metropolitan Magistrate, Kolkata, but without indicating the motive for such a warrant. Petitioner filed Writ Petition 25022 of 2008 before the High Court at Calcutta on 18.09.2008 to rescind the FIR dated 09.06.2008 and to prohibit the Respondents from taking any steps on the basis of said FIR and on 26.08.2009, the High Court at Calcutta dismissed the Writ Petition and directed the respondents to continue investigation. Mr. Roy preferred an appeal FMA 1317/2010 against the order dated 27.08.2009 along with a stay application on 10.12.2009. A charge sheet was filed against Mr. Kirity Roy on 07.04.2010u/s 120B/170/229/417/468/471/420/201 of Indian Penal Code before the Court of the Ld. Chief Metropolitan Magistrate, Kolkata. On 18.05.2010 High Court at Calcutta constituted a committee to look into the complaints brought to its notice by the MASUM. The committee shall ascertain whether there is any prima facie truth in the complaint and whether any action has been taken on the basis of such complaints by any agency. After that on 10.03.2014 High Court at Calcutta dismissed the appeal with liberty to the petitioner to agitate the issues raised by him in the Writ petition and submit documents in support thereof before the investigating agency and, if the same is done, the investigating agency shall consider the same in accordance with law. On 31.07.2017 Special Leave Petition was filed SLP (Criminal.Appeal) no.001323 of 2017. This case was listed on 26.02.2019 and 12.03.2019 but no such progress was happened those days as hearings were not conducted. The matter will be listed after.