



## **Teenage girl, Felani, killed by the BSF firing at Anantapur border under Kurigram district**

### ***Fact-finding Report***

***Odhikar***

South Ramkhana is a village at the Bangladesh border under Naggeshwari Upazila of the Bangladesh-India border district of Kurigram. Most of the occupants of this impoverished village are either farmers or make a living by agriculture. Due to poverty and a very poor and difficult communication system, most children of this locality cannot go to school. Killing and aggression by the Indian Border Security Force (BSF) also cause the villagers to live under a constant state of fear. When he was very young, Nurul Islam left this village in Bangladesh, for Assam in India with his mother, after the death of his father and due to extreme poverty. On 7<sup>th</sup> January 2011, at approximately 6:00 in the morning, Nurul Islam's daughter, 15 year old Felani Khatun, was shot and killed by the Indian BSF. According to Nurul Islam, an eye-witness to this killing, he and Felani were crossing into Bangladesh, by climbing over a barbed-wire fence using bamboo ladders, through the vacant space between number 3 and 4 S pillars, which are adjacent to the 947 main pillar of the Kitabur Kuthi Anantapur border. In order to do this they had made a deal with two Indian smugglers, namely Mosharaf Hussein and Buzrat in exchange of 3,000 Indian Rupees. While they were crossing the fence, Felani's clothes got tangled in the barbed-wire, which frightened her and caused her to scream in panic. In quick response to her scream, the BSF on patrol opened fire at them. Felani was shot and killed, but her father managed to escape. The body of the deceased teenager hung on the fence till 11 am that morning; subsequently, 5 hours later the BSF brought down Felani's body and took it away. About 30 hours after the incident, on 8<sup>th</sup> January, 2011, following a flag meeting between the Border Guard Bangladesh (BGB) and the Indian BSF, Felani's body was returned to the concerned authorities in Bangladesh. On 9<sup>th</sup> January, 2011 at about 7:00 in the morning the body was then sent to Kurigram District Hospital by Sub Inspector Nuruzzaman of Phulbari Police Station, for post-mortem. After completion of the post-mortem at the Kurigram District Hospital, the body of the deceased was handed over to her maternal uncle Hanif Ali, by the police on the same day. At approximately 10 pm that night, Felani's body was buried in the back yard of her home.

Odhikar carried out a fact finding at the scene of the incident. During the fact finding mission they interviewed:

- Felani's father, Nurul Islam
- Felani's relatives
- Local villagers
- Members of the Border Guards Bangladesh
- Police officers, Phulbari Police Station
- Residential Medical Officer, Kurigram District Hospital

- Civil Surgeon of Kurigraam
- 27 Battalion Commander, BGB, Kurigram



**Photographs of Felani Khatun, who was killed by the Indian BSF (Photographs taken by Anandabazar Patrika, Kolkata, India and a local journalist in Kurigram, Bangladesh respectively)**

### **Nurul Islam (40), Felani's Father**

During the interview with Odhikar, Nurul Islam said that he lives in an area called Tuniapara Bhawalkuri at the Bongai gaon village of Assam, India with his wife. He had three daughters and three sons. Felani was the eldest of his 6 children. Since the death of Nurul's father, his mother fell into dire straits with her 3 sons. Due to their impoverished condition, Nurul Islam moved to Assam with his mother when he was very young. There he pulled rickshaws, and worked at brick fields. Later he returned to his own country Bangladesh and got married. Then, he moved back to Bongai gaon in Assam with his wife. All his children were born there. He owns a betel leaf shop there, run by his wife. About 5-6 months before the incident, Nurul Islam came to Bangladesh and arranged the marriage of his eldest daughter, Felani, with her maternal cousin Mohammad Amjad Ali of Kalughat under Lalmonirhat district. Amjad works at a garment manufacturing factory in Dhaka. The wedding was scheduled to be held on 8<sup>th</sup> January, 2011. In order to bring Felani to Bangladesh across the border for the wedding, Nurul made a deal with the Indian smugglers Mosharaf Hossain and Buzrat in exchange of 3,000 Indian Rupees. At around 9 pm on 6<sup>th</sup> January, Nurul brought Felani to Mosharaf's house. At approximately 1 am on 7<sup>th</sup> January, they reached the barbed wire fence at the Kitabur Kuthi border area on the Indian side; however, as there was no proper opportunity, the smugglers delayed their crossing. Dawn was nearing while they waited for an

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opportunity. After the Fazr Azaan (the Muslim call to dawn prayers) Mosharaf instructed Nurul Islam to approach the border. Even though Nurul expressed his unwillingness to cross the border at that time, the smuggler took no heed and made preparations for them to climb across the fence with the help of ladder. Mosharaf pushed Nurul up the ladder even after repeated refusals from him. According to Nurul Islam, Mosharaf kept telling him that if he did not climb up now, they would be unable to cross the border and his payment would not be refunded. He said that he was, in a way, compelled to cross the border at that point and so he and Felani, climbed up the bamboo ladders. Nurul Islam was able to successfully climb up and reach the other side safely, however, halfway up the ladder, Felani's clothes got caught up in the barbed-wire and being frightened, she started to scream. In response to her scream, the Indian border guards on patrol opened fire at them. The bullet hit the upper right side of Felani's chest and she fell on to the barbed-wire fence. At that time, Nurul Islam, jumped off the ladder to save his life. Several parts of his body were scratched by the fence. He then began to scream out for his daughter, but when the BSF aimed their guns at him, he had to move away. After this, he claimed he lost consciousness.



**Nurul Islam standing in front of the grave of his daughter Felani Khatun (Photograph taken by a local journalist in Kurigram, Bangladesh)**

Nurul Islam further said that, he received his daughter's body, but did not get back the jewellery she was wearing at the time. Felani's mother had herself put the jewellery on her daughter for the wedding. While they were crossing the border, Felani was wearing earrings, a nose ornament and

gold bangles. They had saved up the money little by little, in order to make ornaments for their daughter's wedding. Nurul Islam now wants to resettle in his own country Bangladesh, on the land left by his father, and bring back his wife and remaining children from India.

### **Mohammad Abdus Salam, Felani's Uncle**

Muhammad Abdus Salam told Odhikar that, he had come to the deceased's house to attend her wedding. He said that Felani's father had arranged to bring Felani to Bangladesh through an Indian agent. Felani's father was able to cross the barbed-wire fence but Felani could not as her clothes got tied up in the barbed wire and she began to scream. The BSF guards on patrol heard her scream, approached her and shot her; she died on the spot. Soon after the shooting, BGB soldiers on patrol and locals arrived at the scene. However, due to dense fog, nothing was visible. He further informed that there was a flag meeting between the BSF and BGB at 11am on 8<sup>th</sup> January and that the deceased's body was then returned by the BSF at 11:30am. He, along with former Ramkhana Union Parishad Chairman Abdul Alim, Ward member Abdur Rashid and police and border guards of India and Bangladesh were present at the flag meeting. After the handing over, Felani's body had been sent to Phulbari Police Station at around 5 pm for inquest and other official formalities. The next day at 7 am Felani's body was sent to Kurigram District Hospital from Phulbari Police Station. At the end of the post-mortem, police of the Phulbari Police Station returned Felani to her uncle Hanif Ali at 3 pm.

### **Nayeb Subedar Abdul Jabbar, Company Commander, Kashipur BGB Camp, Fulbari, Kurigraam**

Abdul Jabbar, Company Commander of Kashipur BGB camp, told Odhikar that, at approximately 6:15 am on the morning of 7<sup>th</sup> January, right after the shooting, BGB patrol soldiers of Anantapur Border Outpost went to the scene of the incident; however, due to the dense fog, they could not spot Felani's body at the time. At 10:30am, that morning, a group of BGB patrol soldiers were able to locate Felani's body hanging on the barbed-wire fence on the Indian side. At 10:50 am the same day, the BSF picked up Felani's body and took it to Kuchbihar, India, for post-mortem investigation. At around 11am, the Company Commander Abdul Jabbar, sent the BSF a letter urging them to return Felani's body and attend a flag meeting between the counterparts. But no response was received from the BSF. At around 11am on 8<sup>th</sup> January, 2011, a flag meeting took place between the BGB and the BSF which ended at 11:50am with the handing over of the deceased teenager's body after approximately 30 hours since her killing. He informed that the flag meeting was led by him and accompanying him was Anantapur BOP in-charge, Habildar Sanaullah and 13 other BGB members. On the other hand, BSF was led by their Company Commander Inspector Rambrij Roy. At that meeting Indian police and 30 other BSF members were also present. According to Nayab Subedar Abdul Jabbar BSF has breached the border agreement between Bangladesh and India by killing the innocent teenager, Felani. He further mentioned that the BSF has expressed no remorse for this incident.



**Handing over the of body of Felani Khatun (Photograph taken by the local journalist in Kurigram, Bangladesh)**

**Sub Inspector Nuruzzaman, Phulbari Police Station, Kurigram**

SI Nuruzzaman told Odhikar that, he was present at the flag meeting between the BGB and the BSF and that he received the body of the teenager from the Indian police. Afterwards, an unnatural death case had been field at the Phulabri Police Station, in regard to this incident bearing case number 01/11, date 08/01/2011 and timed 13:25. He is the investigating officer of this case. Being a remote area, there had been no means of transport and that had caused delay in bringing back the body. After the required formality had been complied with, the body of Felani was brought to the police station at 8 pm. The body was taken to the Kurigram district hospital for post-mortem the following morning. After the post-mortem, Felani was handed over to her uncle, Hanif Ali.

**Dr. Mohammad Nazrul Islam, Residential Medical Officer, Kurigram District Hospital**

Dr. Mohammad Nazrul Islam told Odhikar that, the Indian authorities had carried out the first post-mortem investigation into the deceased's body. After having received the body on the morning of the 9<sup>th</sup>, a three-member medical team was formed. The members were 1) Dr. Ajoy Kumar Rai, 2) Dr. Mahfuzur Rahman Sarkar and 3) Dr. Shoel Rana. At 2pm in the afternoon of 9<sup>th</sup> January, the post-mortem investigation was completed. One bullet had penetrated the upper right side of her chest and had come out through the ride side of her rib cage. This was a case which was homicidal in nature, according to them.

**Dr. Mohammad Hafizur Rahman, Civil Surgeon**

Civil Surgeon Dr. Mohammad Hafizur Rahman said that the post-mortem into Felani's body was conducted and its report had been sent to the office of the Superintendent of Police within 24 hours. It was concluded that it was a case of homicide. He said that there was no difference in the results of the post-mortem carried out by them and that carried out in India.

**Lieutenant Colonel Abdur Razzak Tarafdar, 27 BGB Battalion Commander, Kurigram**

Lieutenant Colonel Abdur Razzak Tarafdar, Commanding Officer of 27 BGB Battalion, told Odhikar that, when they had found out that the deceased was a Bangladeshi citizen, he contacted his Indian counterpart SH Manindra Singh, Commandant of 181 BSF Battalion, at around 12 noon on 7<sup>th</sup> January 2010 over the telephone. He confirmed the incident of the killing of the teenage girl by the hands of the BSF, and requested the assistance of the Company Commander in returning the body. 'We have expressed strong condemnation of the incident at the flag meeting held between the BGB and BSF', he mentioned.

Abdur Razzak Tarafdar further informed Odhikar that, a letter strongly condemning the barbaric killing of an unarmed teenage girl by the BSF has been sent by the BGB. He also mentioned that a proper explanation about the incident; and an elaboration on what grounds the BSF had carried out such conduct will be demanded. This was not only a breach of International Law, but an extreme violation of human rights and a display of barbaric inhumanity, he added.

In 2010, a reported number of 74 Bangladeshis were killed by the Indian BSF. It is a clear violation under International law – something that India is well aware of, it being signatory to several relevant and important Treaties and Conventions. Odhikar has continuously demanded that the Bangladesh government should take appropriate steps to bring such violations to a stop and that there should be immediate protest against such incidents. Odhikar further demands that the Government of Bangladesh should ask for compensation from the Indian Government for the victim families.

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