

## Trespass of BSF Member through Panchagarh Border Line: 3 Bangladeshi Citizens Killed and 1 Injured by Bullet Shots

### Fact Finding Report Odhikar

On the 16<sup>th</sup> of November 2008, at around 9:15 at night, a BSF<sup>1</sup> member from Nayabari's BOP<sup>2</sup> of India, illegally entered into 200 yards of Bangladesh territory through the southern region of Moyna Kuri village in Tetulia upazilla of Panchagarh, between main border pillar no. 434 and sub-pillar 5 and main pillar no. 435. The BSF member attacked 4, of whom 3 were from the same family. In this incident Shahidul Islam (35) was injured and is undergoing treatment at Rangpur medical collage. Shahidul Islam's wife Mst. Majeda Begum (25), son Md. Mamunur Rashid Mamun (8 months) and Golam Mostofa (45) were killed.

Human rights organisation Odhikar went to the spot for fact finding. Odhikar talked to:

- Relatives of the deceased and injured
- Eye witnesses
- Law enforcement agency
- Members of BSF
- Morgue assistant
- Doctor who conducted the post-mortem examination.



Killed Mst. Majeda Begum (26), son Md. Mamunur Rashid Mamun (8 months), Golam Mostofa (45) and Injured Shahidul Islam (35)

<sup>1</sup> BSF: Border Security Force. India's border patrol.

<sup>2</sup> BOP: Border Out Post

### **Md. Abu Sayeed (23), Son of Golam Mostofa**

Md. Abu Sayeed told Odhikar that, on the 16<sup>th</sup> of November 2008, around 9:30 at night, he and his father were sitting on stools inside their room after dinner. Within 7/8 minutes, they heard sounds of 3 rounds of firing. After 5 minutes they again heard 2 rounds of firing. After that, his father went out of the house and stood there. His father heard neighbour Abdul Salam is asking out for someone's identity. The unseen person gave his identity as a BDR member, distance of about 10 yards. All of a sudden, the man started firing without any provocation. 2 bullets hit his father. One of the bullets came into the room, piercing through the bamboo wall and hit the lantern shattering it. Then that person shot another 6 rounds of bullets inside the room. The bullets pierced through the walls of the room and hit utensils, a showcase, doors, cement pillars and a Jackfruit tree nearby. Sayeed went out of the room upon hearing his father scream. Seeing the uniform on the assailant, he could member of the BSF. The BSF man fired 3 more rounds of bullets and went towards Shahidul's house. Sayeed took his father, who was shot, to the Tetulia hospital on a neighbour's van, along with younger brothers Shakil (15) and Anwar (13), sister Noorie (13) and a paternal cousin Awal (18).

### **Mst. Shahera Khatun (45), Golam Mostofa's wife**

Mst. Shahera Khatun told Odhikar that on the 16<sup>th</sup> of November 2008, at around 9:15 at night; her husband went out of the house hearing the sound of firing and was shot. After being shot, her husband was taken to the hospital where he died on the morning of 17<sup>th</sup> of November 2008. Around 2:00 in the afternoon, Chairman Mostaizur Rahman, Motiur Rahman, teacher of Kaliganj High School and a police man bought the dead body on a van, to the house. At that time a flag meeting was going on between the Sector Commanders and DIG's<sup>3</sup> of BDR<sup>4</sup>-BSF. After the meeting was over, a team of representatives visited the spot of incidence and viewed the deceased's body at around 3:30 in the afternoon. Later the body of Golam Mostofa was taken to Panchagarh for post-mortem examination and brought back at around 7:30 in the evening. The burial of Golam Mostofa along with two others who had died in the gunfire, was completed by night.

### **Abdus Salam (35), younger brother of Golam Mostofa**

Abdus Salam told Odhikar that, on the 16<sup>th</sup> of November 2008, at around 9.15 at night, he along with Shafiqul Islam (30), son of Rahim Uddin of the same village and Zahirul (20), son of Helal Uddin alias Bashir Uddin, were standing right next to main border pillar no. 434 and were talking. When standing on the east side of the road, they saw a man at a distance of 50 yards walking up the uncarpeted road. When they wanted to know the identity of the unknown person, he introduced himself as a member of the BDR and approached them. Later Zahirul switched on the torch that he was carrying and went near the man and, seeing his uniform, was sure that he was a member of the BSF. The man stood on the western part and started swearing at them in Hindi and wanted to shoot Zahirul. Zahirul jumped into a nearby pond. The others also lay down on the ground. On

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<sup>3</sup> DIG: Deputy Inspector General

<sup>4</sup> BDR: Bangladesh Rifles. The Bangladesh border patrol.

the eastern side was Golam Mostofa's house. Mostofa was outside. Both the bullets that were shot Zahirul, hit Mostofa's body instead, and Mostofa fell. From there Salam went to the BDR camp of Majhipara, on a bicycle. He saw 8/10 uniformed BDR members sitting there. He informed them that a BSF member had entered Bangladesh and was firing and he requested them to go to Moynakuri village. BDR members said that there was already a mobile team there. Later he went to the hospital to know about Mostofa. On 17<sup>th</sup> November 2008, around 1:00 in the morning, he came back home from the hospital. When he returned from the hospital, he saw that the BSF member had been caught at Hanif's house while he was trying to returning to the border after killing Shahidul, Shahidul's wife Majeda Begum and their 8 month old son Mamun. He came to know that his name was RP Singh. RP Singh was rescued by BDR company commander Nipen Chandra Das from Hanif's house.

### **Sakina Begum (50), Shahidul's mother**

Sakina Begum told Odhikar that, on the 16<sup>th</sup> of November 2008, at around 9:30 at night, she came out of her room, when she heard sounds of firing towards her son Shahidul's room. In the room beside her were Shahidul, Shahidul's wife Majeda Begum, daughter Shathi Akhtar (7) and son Mamun. Hearing the sounds of firing, Shahidul opened the door of his room and saw that a uniformed man was standing with a rifle in his hand. Shahidul quickly closed the door. But the BSF man kicked it open and brush fired. When Majeda tried to hide under a stool with Mamun, bullets hit their body. Daughter Sahthi Akhtar was injured in the index-finger of her left hand. During this time according to Sakina Begum, the BSF member fired about 25/30 rounds of bullets. When the shooter went towards other houses, Shahidul, who had been shot, came out of the house and began to shout to warn others. Majeda and Mamun died within in a few minutes. Around 10:00 at night, her son Sayed, Mintu and nephew Sekander Ali sent Shahidul, who has been shot, to the Tetulia Upazilla Health Complex.

### **Subedar Nipen Chandra Das, Company Commander, Tetulia, Panchagarh**

Subedar Nipen Chandra Das informed that, on the 16<sup>th</sup> of November 2008, around 10:00 at night, as soon as he got the news on the wireless, he informed the Commanding Officer. Later he went to the spot with 2 BDR men on motor cycle. When he went to Hanif's house in Moynapuri village via Majhipara Camp, he saw that 4/5 villagers had held onto a BSF member. He rescued the BSF member R P Singh from Hanif's house.

### **Habildar Md. Torab Ali, Camp Commander, Majhipara BDR Camp, Panchagarh**

Habildar Md. Torab Ali said that, the area from no.430 main border pillar area to no. 435 main pillar, up to no.30 sub-pillar were under Majhipara Camp, and within this 10 kilometre area, there were 4 BDR teams guarding the area. He told Odhikar that he presumes that the member of the BSF was drunk and beyond self-control, when he came into Bangladesh. He said that when he heard that a BSF member had been captured by the villagers, he went to the spot within 30 minutes. When he reached there, he heard that BDR Subedar Nipen Chandra had taken away the BSF member.

**Habildar Shadeed, a member of the BDR ambulation team, Majhipara Camp**

Habildar Shadeed said that, on the 16<sup>th</sup> of November 2008, he was with the patrol team in the no.436 main pillar area. Around 9:15 at night, he first heard the sound of firing at a distance of about 4 kilometres. He called the camp and got to know that a BSF member had trespassed into Moynakuri border of Bangladesh and was firing. He went to the spot of incidence along with the patrol team, within half an hour.

**Md. Taharur Islam, Officer in charge, Tetulia Police station, Panchagarh**

Md. Taharur Islam said that, on the 16<sup>th</sup> of November 2008, at around 10:20 at night, he got to know that a BSF member was firing at the Moynakuri border area, through a phone call from an unidentified person. Then he entered the information (General Diary) in a diary, and called the Commanding Officer of BDR to inform him about the matter. On the 17<sup>th</sup> of November 2008, Mostafizur Rahman, the Chairman of Shalbahon union porishodh, came to the police station regarding the burial of a dead body. He took the 3 bodies from the spot to the hospital, for post-mortem examination. Later the bodies were handed over to them families. To investigate the matter, responsibilities were given to S.I. Latif and S.I. Fazlul. He said that the matter is between the BDR and BSF members, and the police have nothing to do with it.

**Sub Inspector (S.I.) Abdul Latif, Investigation Officer of the GD report, Tetulia Police Station, Panchagarh**

Sub Inspector (S.I.) Abdul Latif told Odhikar that on the 16<sup>th</sup> of November 2008, after hearing the incident at night, he went to investigate along with S.I. Fazlul Haq. Even though no cases had been filed regarding the matter, there are a total of 3 General Dairies on it. At around 10:10 at night, when the Chairman of Shalbahon Union called, the first Information GD, number 489 was written. By night, the duty officer visited the spot of incidence and took the dead bodies to hospital and gave an inquest report by 2:10 in the morning. Then General Diary; GD no. 492 was written. On the 17<sup>th</sup> of November 2008, around 9:20 in the morning, Chairman Mostafizur Rahman himself went to the police station and submitted a written statement that a BSF member had killed Bangladeshi citizens by shooting them. Then a General Diary; GD no. 502 of: 17/11/2008 was filed. He prepared an inquest report of the bodies. He kept the bodies at the morgue of Panchagarh hospital for post-mortem examination. He told Odhikar that a bullet hit a rib of Late Golam Mostofa. Late Majeda Begum was shot by a bullet through her right arm, 1 bullet hit her chest and 1 her stomach. Infant Mamun received 1 bullet shot in his left chest. None of the bullets exited. He said that after two days, on the 18<sup>th</sup> of November 2008, at around 10:35 at night, BDR Company Commander Subedar of Tetulia, Nipen Chandra Das filed a General Diary. In the General Dairy, the Company Commander mentioned that, he was informed about the incident from the Majhipara police station, when he was at the Company Sadar on the 16<sup>th</sup> of November around 10:05 at night. He got to know that a BSF member had entered Shahidul's house near pillar no. 435 of Moynakuri village. The BSF had injured Shahidul and killed Shahidul's wife Majeda and son Mamunur Rashid, with the weapon he had in his hand. During this time, the BSF

shot another person named Golam Mostofa. When he got the news, he went to the spot and controlled the situation. Golam Mostofa died at Tetulia hospital. At that time, Shahidul was sent to Rangpur Medical Collage and Hospital. Villagers captured a BSF member and were hitting him. Abdul Latif told Odhikar that the BSF member trespassed and fired and killed innocent villagers. As per law, BDR can file a case as the complainant. On the 17<sup>th</sup> of November 2008, at around 11:25 at night, the captured BSF member was handed over to a BSF commander through main pillar no. 421, sub-pillar-11 at Mirgarh border.

**Major Sheikh Farid, Officer in Charge (OC), Panchagarh 25 Rifles Battelion, Panchagarh**

Major Sheikh Farid told Odhikar that on the 16<sup>th</sup> of November 2008, around 10:05 at night, he got to know by telephone that, a BSF member had trespassed into the border and was firing. He rushed to Moynakuri village. He saw that a member of the Indian Nayabari Camp, R P Singh (21), was in the hands of the villagers. The BSF camp commander S K Singh, called a flag meeting of Company Commander's after he heard about the incident. Later a meeting took place between the Sector commanders and DIG's. In the meeting, DIG Dutta and Chandra Mohan of 10 Kishanganj BSF Battalion, expressed their grief and asked for forgiveness. He said that the weapon brought by R P Singh is an Indian Inter Arms. In total, he had fired 25 rounds of bullets. There were three magazines. There were 10 bullets in each of the magazines. Two of the magazines were empty and he was caught with only one magazine, in which 5 bullets were left. He said that along with the rifle, evidence signed by the DIG was handed over to the BSF.

**Harun Ur Rashid Hazari, Police Super, Panchagarh**

Harun Ur Rashid Hazari told Odhikar that the entrance of the BSF man was illegal. Police had nothing to do in this matter. He visited the spot of incidence. No case has been filed regarding this matter. He misbehaved with Odhikar's fact-finding team, when he was asked, why even after killing 3 person, a BSF member was not punished. He also said that, if any crime is committed within 5km of the zero line of the border, then neither the police nor the BDR members have anything to do, as per the customary law.

**Md. Munir Hossain, District Administrator, Panchagarh**

Md. Munir Hossain told Odhikar that he knows about the matter. He said that, in order to financially help the families of the deceased, they have given each family four hundred kg's of rice, which is a total of 1600 kg's of rice, from the districts donation fund. Late Golam Mustofa's family, injured Shahidul's family and the two families of Hanif and Zahirul's, who caught the BSF man, got help.

**Dr. Pitambar Rai, Residential medical officer, Tetulia Upazilla Health Complex, Panchagarh**

Dr. Pitambar Rai told Odhikar that, on the 16<sup>th</sup> of November 2008, Golam Mostofa was brought to the hospital after he was shot, at around 10:30 at night. The bullet lodged in Mostofa's rib bone. Mostofa died after 10 minutes. At around 10:45 at night, Shahidul was also brought to the hospital, after he was shot. His left arm was full of bullet holes. Initially he was given first aid anti-biotic injections and pain killers. Then and then he was sent to Panchagarh hospital for better treatment.

**Dr. Baharam Ali, doctor who conducted the post-mortem examination of the bodies, Panchagarh Adhunik Sadar Hospital, Panchagarh**

Dr. Baharam Ali told Odhikar that, all the three who died, were shot. Golam Mostafa was shot in his right ribs. Majeda Begum was shot in 3 places; in her right arm, in her chest and in her stomach. Mamun was shot in his left chest. None of the bullets were taken out.

**Motiqul Islam, Teacher, Kalandiganj Fazil Madrasa**

Motiqul Islam told Odhikar that on the 17<sup>th</sup> of November 2008, at around 6:00 in the morning; a police officer from the Tetulia police station called and told him to collect a dead body. He took the Chairman Md. Mostafizur Rahman along with him to the police station and made 2 requests. With one of the requests, he contacted the District Administrator at around 9:00 in the morning. As per instructions given by the District Administrator, the bodies could not be buried without conducting 3 post-mortem examinations. He went to the hospital around 2:30 in the afternoon with members of the police. Dr. Baharam Ali did the post-mortem examinations. He returned home with the bodies at around 5:00 in the evening.

**Md Hossaina Ali (65), the one who bathed Mostofa's dead body**

Md. Hossain Ali told Odhikar that he bathed Golam Mostofa's body along with Dablu (25) and Abdul Latif (50). He said that Mostofa had been shot in three places; on his right ribs, right arm and on his chest.

**-The End-**