



A mentally disabled Bangladeshi allegedly beaten to death by Indian citizens at the Ghashuriya border under Dinajpur District

Fact-finding Report
Odhikar

Name of the Victim : Babul Sheikh
Age : 48
Father's Name : Late Miraz Sheikh
Address : District: Dinajpur, Police Station: Birampur, Union: Katla,
Village: Choughoria
Border/Pillar
(Bangladesh) : Ghashuriya Border/ Pillar No: 288 Main Pillar, Sub Pillar 54
Border/ Pillar (India) : Agra Border/ Pillar No: 288 Main Pillar, Sub Pillar 54
Date of Occurrence : 5 January 2010

Babul Sheikh (48) was a resident of Choughoria village under Birampur Upazila of Dinajpur District. He was beaten to death by Indian civilians on 5 January 2010 at around 1.00 am in a betel grove which was 500 yards inside India from the main pillar no 288, sub-pillar 54. He was mentally disabled and used to live with his brother – he had a wife but no children.

On 5 January 2010 at 7.30 am one Indian villager informed the victim's brother Bulbul Sheikh about the killing of his brother. He was brutally beaten and killed by the local people in a betel-nut grove near the Indian borderline. He had injuries to his head which allegedly resulted in his death.

Upon receiving the news of the killing from the victim's brother, the BDR asked the BSF to hold a flag meeting through a letter. On 5 January at 3.00 pm the BSF told the BDR at the first flag meeting that they would be late in returning the body due to a post mortem. At 7.30 pm on that day the BDR held the second flag meeting with the BSF and Hili Police Station at the Main pillar no 288, sub pillar no 54 where they apologized for the incident. They said that a case had been filed with Hili Police Station against unknown criminals, numbered 09/2010 under section 304/34 of the Indian Penal Code, for culpable homicide with a common intention. The BSF assured that the perpetrators would be punished.

At 8.00 pm on 5 January 2010, while the flag meeting was going on, some men with covered faces, left the body near pillar no 288, sub pillar no 54. After receiving the body, the BDR sent it to the local police and at 8.15 pm that day. Later the body was handed over to the deceased's family. Babul's family did not give any consent for further postmortem of the body and they found four injuries on his head.

Odhikar conducted a fact-finding mission into the incident on 21 March, 2010. During the fact-finding mission, Odhikar spoke with:

- Babul Sheikh's family
- Local residents
- Concerned members of the BDR
- Concerned police officers

Romima Khatun (40), Victim's wife

Romima Khatun said that she and her husband used to live with his brother's family. According to Romima, her husband became mentally unstable after his father's death. He was usually unemployed. She also informed Odhikar that Babul used to take drugs and alcohol sometimes. Odhikar was told by Romima that the day before he was killed, on 4 January, Babul left the house after taking his morning meal. Till 9.00 pm of that day he did not get back to home. Romima thought Babul was watching a movie in the nearest local market. She went to bed but in the morning at 7.00, on 5 January, when he was not back, she became worried and started searching. She came to know from the local people that Babul's body had been found in the betel leaf grove of the Indian locality near the North Agra camp of BSF. She cried out in anguish "*Seto pagol chilo...bhalo manush chilo, karo khoti kore nai. Tare keno amon kore maira falailo?*"¹

Bulbul Shiekh (42), younger brother of victim

Bulbul Sheikh (42) is the younger brother of Babul Sheikh. On 4 January 2010, he returned home at night and asked Romima Khatun where Babul was. He was informed by Romima that Babul had gone out. He went to bed. At 7.30 am on 5 January 2010, he went out to work in the betel leaf grove where an Indian citizen named Anurag informed him that his brother had been

¹ He was a lunatic.... good man, never harmed anybody, why he was killed like this?

killed by Arjun, Bishwa, Karthik, Nitho and Montu at the Indian border under the North Agra BSF camp.

Bulbul went to the BDR camp at Ghashuriya and informed them about the incident. According to Bulbul, the BDR Camp Commander sent a letter to the North Agra BSF camp for the return of the body of Babul. In the mean time one Shah Alam (uncle of Bulbul) informed the Birampur Police Station. Upon receiving the letter sent by the BDR, the BSF did not reply. However, at the first flag meeting the BSF informed that they would return the body by 3.30 pm but they did not do so until 7.00 pm. At 7.30 pm on 5 January, the BDR had another flag meeting with the BSF at Ghashuriya border where a member of the Union Parishad, a journalist, two villagers and Birampur police were present. According to him, the meeting was held mostly in the Hindi language which he could not understand. At around 8.00 pm the BSF handed over the body to the BDR and Bulbul took the body of Babul to their house. Bulbul also informed Odhikar that police of the Birampur Police Station wanted the body for further post mortem but he refused to give them the body and checked the body himself. He found four severe injuries on Babul's head which seemed to be made by an axe.

One of the wounds was in the left side of the head and that went up to right side. On 6 January 2010 at 9.00 am the body of Babul Sheikh had been buried in the local graveyard.

Mohammad Shah Alam, relative of Babul Sheikh

Shah Alam told Odhikar that Babul Sheikh was his nephew. According to him, Babul became mentally ill after his father's death. He had no children. He used to drink alcohol and smoke weed. He did not do anything and was dependent upon his younger brother Bulbul. On 5 January 2010 at 3.30 am he heard two gun shots from the nearest Indian border and on 8.30 am on that day he came to know about the death of Babul from his family. He made a phone call to the Birampur Police Station and informed Sub-Inspector Amirul Islam at around 9.00 am. He also went to the BDR camp along with Bulbul and met Nayek Subeder Fazlul Rahman. According to him, at 9.30 am that day, the police arrived at their village. He also heard that the BSF had told the BDR that they would be late due to a post mortem of the body by the Hili Police Station. He told Odhikar that the first flag meeting was held at 3.00 pm. He came to know from one Indian who lived near the North Agra border camp, that Babul went to a betel leaf grove at around 1.00 am on 5 January 2010 to steal betel leaves and people who were guarding

the grove saw him. Shah Alam also came to know that villagers named Arjun, Bishwa, Karthik, Nitho and Montu beat Babul to death.

Shah Alam also informed Odhikar that while the second flag meeting was going on, some masked men left the body near the international pillar. On receipt of the body at around 8.30 pm on 5 January, SI Amirul Islam told him to check the body for any bullet wounds, as he had heard two shots. Shah Alam did not find any gun shot wound. Later he heard from the Indian villagers the two gun shots were fired by the BSF of North Agra camp to disperse the people who gathered around the body of Babul Shiekh.

Ismail Hossain (52), a local union member of Choughoria

Ismail Hossain is the member of the local Union Parishad. According to him, Babul Shiekh was a man with good character, although not mentally sound. He had never harmed any one in the village. He told Odhikar that he heard that on 4 January 2010, Babul bought alcohol from the local market and while drinking he headed towards the Indian border which is only 500 yards away from the village.

He heard about Babul's death on 5 January at around 8.30 am. He went to the BDR camp. He was also present during the second flag meeting. The BSF said that they did not kill the man and the body was in the Hili Police Station where they sent it to conduct a post mortem. According to Ismail, after the meeting at 8.00 pm, some masked men left the body near the pillar 288, sub pillar 54.

Nayek Subedar Mostafa, Camp Commander, Ghashuriya BDR Camp

On 5 January 2010, the BDR camp at Ghashuriya was under the command of Nayek Subedar Fazlul Rahman but when Odhikar went there to find facts, the camp was under the command of Nayek Subedar Mostafa due to the transfer of Fazlul Rahman. The BDR Camp Commander Mostafa told Odhikar that the body of Babul was found in a grove of betel leaves which is 500 yards away from the main pillar no 288, sub pillar 54. The BDR commander Fazlul Rahman came to know about the killing of Babul Sheikh at 9.00am on 5 January 2010. The former camp commander sent a letter to the BSF at 11.00 am on 5 January 2010 claiming the return of the body. The Camp Commander informed Odhikar that the BDR held the first flag meeting with the BSF at 3.30 pm on 5 January and the second flag meeting at 7.30 pm with the BSF

commander R.S. Ojha of North Agra Camp. The BDR received a post mortem report from the BSF and the body and a copy of post mortem report was handed over to the Birampur Police Station in Bangladesh by the former Camp Commander Nayek Subedar Fazlul Rahman.

Md. Jalaluddin Rumi, Journalist, The Daily Satmatha

Odhikar was told by Md. Jalaluddin Rumi, a journalist of the local daily, that he was informed about the killing of Babul Shiekh on 5 January 2010 at 10.00 am by the BDR Camp Commander Fazlul Rahman by cell phone. He reached Choughoria village near the Ghashuriya BDR camp at 11.00 am. He saw that members of Union Parishad, SI Amirul Islam from Birampur Police Station and the BDR Camp Commander were present. He stated that it was told by the BSF that they will return the body after the postmortem by the Hili police. Jalaluddin Rumi was also present at the second flag meeting. He came to know from the BSF and Hili police that Babul entered the Indian border to steal betel leaves. He also told Odhikar that he heard from the BSF that the BSF had refused to accept the body at first because it did not seem that he crossed the border to steal as he did not carry any implements or objectives from which they could have concluded that the man had come to commit a crime. He told Odhikar that the BSF was very sorry for this incident and the Officer-in-Charge of the Hili Police Station in India told him that they had filed a case of homicide under the Indian Penal Code.

Sub-Inspector Amirul Islam, Birampur Police Station

Odhikar was told by SI Amirul Islam that he came to know about the incident at 9.00 am on 5 January 2010 from Shah Alam. He filed a General Diary numbered 157/166. He went to Choughoria village and remained there all day long till the body of Babul was brought. He was present at both the flag meetings. He was informed by the officer in-charge of Hili Police Station that on 5 January 2010 at around 1.00 am some Indian villagers near north Agra border line beat Babul Sheikh and caused fatal injuries, suspecting him to be thief. On the refusal of the BSF to accept the body, the Hili police filed a case of culpable homicide under section 304/34 of Indian Penal Code. SI Amirul Islam also informed Odhikar that Hili Police Station conducted a post mortem of the body and found signs of beating and axe wounds on the head of the deceased and congealed blood all over the face and ears. Among the strokes, one was made on the left side of the head by an axe. On the request of Odhikar, SI Amirul Islam showed the fact-finders a photocopy of the post mortem report, but it was not at all legible due to bad printing.

-End of Report-