

A day-labourer killed by BSF¹ in the Nabin Nagar Khalpar border at Meherpur

Fact-finding Report
Odhikar

Name of the victim: Nazrul Islam

Father's Name: Late Mobarak Ali

Age: 42

Addressee: District: Meherpur, Thana/Upazila: Meherpur, Union: Buriputa, Village: Baridhaka

Bangladesh Border/ Pillar no: Nabin Nagor Khalpar Border, 116

India Border/Pillar no: Hudopara Natna Border

Date of occurrence: 22 January 2010



Photo: Nazrul Islam

Nazrul Islam (40), a day labourer from Baribaka village in Meherpur district was shot dead by the Indian Border Security Force (BSF) on 22 January 2010 at 4.30 am in Nabin Nagar, Khalpar border near the no. 116 pillar, as he tried to cross the border fence between India and Bangladesh. He was a poor peasant who worked in other people's fields and also worked for the cattle traders. He had two daughters, a wife and an old mother to take care of. His son Tutul lives with his own family in another house.

On the day of the incident at 7.00 a.m. some Indians who were working at the no man's land area, informed a relative of the victim that Nazrul had been gunned down by the BSF and his body was hanged on the fence. Ershad and Tutul, relatives of the victim and more than 30 villagers went near the border and from the bank of a pond, they saw the body of Nazrul stuck in the barbed wire fence. The BDR told Odhikar, quoting from BSF, that Nazrul

¹ BSF: Border Security Force – Indian border security force.

was a cattle trader, who was returning from India with a cow when they shot him. They concurred that, no one was allowed to cross the border from 6.00 pm to 6.00 am and the BSF have the order to shoot any one who crosses during that period. The villagers and family members of Nazrul Islam saw that BSF members of the 92 Battalion came with a car and took the body away at 7.00 am.

After receiving the news of the killing, the BDR asked the BSF to hold a flag meeting, which took place after two letters were sent to BSF. The BSF stated that they had recovered a cow and a bamboo ladder as proof of the victim being a cattle trader. On 23 January, BSF conducted a post mortem and returned the body to the BDR of Buripota camp, after a flag meeting. However, the post mortem report was not sent to the BDR, even after repeated letters.

After receiving the body, BDR handed it over to the police who then delivered it to Meherpur General Hospital for further post mortem. The post mortem report concluded that a gunshot had killed Nazrul Islam. The police also conducted an investigation in the matter but found nothing to support the BSF conjecture that Nazrul Islam was a cattle trader. The body was returned to Nazrul Islam's family on 25 January 2010.

Odhikar conducted a fact-finding mission into the incident on February 12, 2010. During the fact-finding mission, Odhikar spoke with:

- The family of Nazrul Islam
- Eye-witnesses
- Local residents
- Concerned members of the BDR
- The doctor

Surjan Begum (32), wife of Nazrul Islam

*"Bhai, ami etim dui maiya niya kemne thakum? Keo to nai"*² this is how Surjan Begum began to tell Odhikar about the killing of her husband Nazrul Islam in the hands of BSF. Surjan Begum said that her husband was a poor farmer and used to work in the fields of others, to earn a living. Nazrul and his wife Surjan had two daughters to take care of and his old mother lived with them too. According to her, her husband got involved in cattle trading three months ago, to deal with their poverty, debts and the mortgage on their land. He wanted to leave the business as soon as he had made enough money. On the day before the incident, 21 January 2010, Nazrul left home around 9.30 pm. He used to work as a night guard in the fields. Surjan said that she used to be worried about her husband, because five months earlier, some one was killed by the BSF while working in the field. Surjan also informed Odhikar that she heard gun shots that morning but assumed that they were between the BDR and the BSF. At 7.00 in the morning, Basna, a neighbour, came to tell Surjan that her husband had been killed at the border.

In a family suffering from extreme poverty and burdened with mortgage and debt, the death of the bread winner has come as a fatal blow. Surjan Begum, with two children, is now clueless about what to do next. Her step son, Tutul drives a van, but he has a family of his own and does not live with them. She said that the villagers helped them with food and other supplies for a while, but she and her daughters are now truly helpless. Her only words were, *"Amar swami koisilo taka hoile ei kam chaira dimu, kintu shei to amago chaira dilo. Allah chara amago dekhbar ar keo roilo na."*³

² "Brother, how am I to survive with two orphan daughters? I have no one now."

³ My husband told me that he would leave this business after saving some money, but he has left us instead. Only Allah can look after us now.

Tutul (20), son of Nazrul Islam

Tutul is Nazrul Islam's son who lives with his own family near his father's house. Surjan Begum is his step mother. He drives a van up and down the village as a living. Tutul told Odhikar that on 22 January, 2010, he heard firing at the border. At 7.00 am, one of his neighbours, Basna, told him that his father had been killed by BSF firing at the border. Tutul informed his relative Ershad about it, who inquired into and confirmed the news. Hearing this, Tutul went to Nabinagar village and from the bank of the pond with other villagers he saw his father's body trapped in the fence. While talking to Odhikar, Tutul recalled that Gobra and Jindha, two Indians working in the no man's land area had seen the body as well and Gobra informed Tutul about it. He also mentioned that he wanted his father to stop working with cattle traders. According to him, Nazrul used to cross the border three to four times per month and made between 500 and 1000 taka (USD 7-14) each trip.

Tutul stated further that he wanted to help his father's family and his step mother and sisters, but he could not afford to do so as he has his own family to support.

Mohammad Ershad (36), Eye-witness

Mohammad Ershad is a maternal cousin of Nazrul Islam who also saw the body. Ershad informed Odhikar that he heard from Jindha, an Indian who was working in the no man's land area on the day of the incident took place, that there was a body stuck in the barbed wire fence at the border. He went to the bank of the pond and found the body of Nazrul Islam caught in the fence with a bamboo ramp and a cow also stuck there at 7.00 am on 22 January 2010. He recalled the firing of 4-5 gun shots that morning before the Fajr Azan⁴. He then asked Basna to inform Nazrul's wife. Meanwhile the villagers and Tutul went closer to the spot. A few minutes later two BSF men took the body away in a car.

Abu Baker (45), Member of Village Defense Party

Abu Baker is a farmer and also a member of the village defense party (VDP) of the Baribaka village. He received the dead body and was present in the flag meeting between the BDR and the BSF. He told Odhikar that he had heard gun shots at around 4.30 am on 22 January 2010. He saw the body of Nazrul Islam, with other villagers and then was able to inform Nazrul's wife. He informed the Chairman of the Buripota Union and the BDR Commander of Buripota Boder.

Abu Baker also recalled that a flag meeting was held between the BDR and the BSF on the same day, where the BSF stated that they would hand over the body to the BDR the next day (23 January 2010). However, the process was delayed as the post mortem was conducted in India. The body of Nazrul was handed over to police by the BDR, who returned it back to victim's family on 25 January at 4.30 pm after conducting a post mortem at the Meherpur General Hospital. Abu Baker carried Nazrul's body to his house and was amongst those who buried him. He knew nothing about Nazrul Islam's involvement in cattle trading.

Subedar Habibur Rahman, Company Commander, Buripota camp, BDR

Odhikar spoke to Subedar Habibur Rahman, Company Commander of the Buripota BDR camp. He said that this was the first incident of a BSF killing of a civilian in this border area, after his station in the camp. Subedar Habibur Rahman mentioned that the Chairman of Buripota Union Parishad⁵ came to collect the body of Nazrul Islam at around 8.00 am. According to him, on 22 January, the BDR demanded the body of Nazrul Islam back and also an explanation from the

⁴ The dawn call to prayers

⁵ Union Parishad is the lowest tier of local government in Bangladesh

BSF in a flag meeting. The BDR asked the BSF to arrange a flag meeting on the day of the incident through a letter, but the BSF did not respond. The flag meeting was finally held that day at 4.00 pm, after sending a second letter to the BSF in this regard. The BSF told them that the deceased Nazrul Islam was a cattle trader, returning from India with a cow and that he had cut a section of the fence and passed the cow through with the help of a ladder. BSF has an order to shoot anyone who trespasses the border between 6.00 pm and 6.00 am. According to BSF statement, shooting at Nazrul Islam was their right, Habibur Rahman told Odhikar. BSF also mentioned that Nazrul's body was trapped in the fence and they recovered a small ramp and a cow from the spot. The body of Nazrul was handed over to them on 23 January by the BSF at the second flag meeting held beside the Khalpar mosque at 4.30 pm. The body was handed over to the police the same day at around 5.30 pm. Two post mortems were done, one by the Indian authority in India and another by the Bangladeshi authority at the Meherpur General Hospital. The report of the post mortem done by the Indian authority had not been sent to the BDR. The BDR has sent letters requesting BSF to send the autopsy report. The BDR commander also mentioned that two bullets fired from close range hit Nazrul in the abdomen after he got stuck in the barbed wire fence on his way back into Bangladesh territory.

Sub Inspector Abu Zahid Khan, Second Officer, Meherpur Police Station

Sub Inspector (SI) Abu Zahid Khan, Second Officer of Meherpur Police Station, informed Odhikar that a General Diary (GD number 723, dated 23/1/2010) was filled on 23 January 2010 following the killing of Nazrul Islam. Police received the dead body from the BDR on 23 January at 5.30 pm. The inquest report showed one gunshot in the victim's abdomen. The body was sent to Meherpur General Hospital for autopsy on the same day at 5.45 pm.

While Odhikar interviewed the Second Officer Abu Zahid Khan, the investigating officer SI Md. Atiar Rahman was away on duty. The officer in his investigation found that the victim was a poor farmer. He told Odhikar that due to extreme poverty the deceased might be working for the cattle traders. He commented that there was no scope for further investigation as the place of occurrence was outside Bangladesh territory. A final report has been sent to the superior authority.

Abu Zahid Khan also mentioned that he was posted in Meherpur Police Station two years ago and this was the first border killing in this area after he took charge.

Dr. Md. Hasan Ali, Meherpur General Hospital

Dr. Md. Hasan Ali of Meherpur General Hospital conducted the post mortem of Nazrul Islam after the body was sent back by the BSF. The body arrived at the morgue at 9.08 am on 24 January 2010, and the post mortem was conducted at 10.30 am. The investigating officer, SI Md. Atiar Rahman was present during the post mortem.

After receiving the post mortem report from the police station, Odhikar fact finders expressed their intention to talk to Dr. Md. Hasan Ali in person. Dr. Hasan Ali said over the phone that everything was written in the report and he had no further information to share. According to the post mortem report, a gun shot wound over the left loin was found and signs of a previous post mortem were also visible. Nazrul Islam died due to "hemorrhage and shock as a result of gunshot injury which was ante-mortem and homicidal in nature", according to the post mortem report.

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