

Three persons including a BDR personnel injured during shooting by BSF at the Birampur border of Dinajpur

Fact-finding Report
Odhikar

On January 29, 2008, three persons, Md. Tofajjal Hossain Tofa (25), Md. Nurul Islam (45) and BDR¹ officer Latukhan were injured after being fired upon by the BSF² at the Kochpara border located between South Damodorpur of Birampur, Dinajpur and the Hili Police Station of South Dinajpur of India. This information was gathered from the BDR and eye witnesses.

Odhikar carried out a fact finding mission into the incident. During the fact-finding Odhikar spoke with:

- The injured persons
- The family members, relatives and neighbours of the injured persons
- Eyewitnesses to the incident
- Law enforcement agency
- Chairman and Members of the Union Parishad³
- Journalists

Tofazzal Hossain Tofa (25), South Damodorpur

Tofazzal Hossain Tofa (25) son of Tamij Uddin, resident of Bashupara of the village of South Damodorpur, while receiving treatment at Surgery Ward No. 8 of the Dinajpur Medical College Hospital told Odhikar that at around 8.00 am on January 29 2008, he was at the Katla bazaar. At around 9.30 am he suddenly came to know from others that the BSF had entered the Bangladeshi border and the people were heading towards the Katla Bazaar out of fear. After hearing this, Tofa headed home to save his family members and his domestic animals. On the way Tofa noticed villagers of south Damodorpur, Bonogram, Ramchandrapur and Ghashuriya head towards the Katla Bazaar bringing their domestic animals and other essentials along with them. Some of them were crying because their sons or daughters could not be found or were not able to find out their other family members whereabouts. Tofa stated that on his way home he met his daughter Tania who was on her way to the Bazaar in search of her father in a state of tears. Tania informed Tofa that the BSF had positioned themselves beside a pillar near their house and had opened fire. Some of the bullets had struck the tin roof and trees of Tofa's house. He sent her to Katla Bazaar and rushed for home. On his way, he was stopped by many and asked not to go there. However, he did not pay heed to any and was on his way. Tofa saw 10-12 villagers grabbing hold of a BSF officer and taking him towards the Katla Union Parishad. He got the feeling that the BSF might take away his domestic animals, Tofa kept them elsewhere. After hearing that the BSF killed two BDR personnel, he immediately went to the Ghashuriya Border Outpost and informed what he had heard. A BDR officer at the outpost told him that the BSF will fire more if they see uniformed BDR personnel march towards the border. That BDR officer requested Tofa to help in bringing the bodies of the two dead BDR personnel to the camp. Upon that request Tofa went near the 289/20S pillar of the border and saw villagers taking a wounded BDR member to a safe place. He saw two

¹ Bangladesh Rifles.

² Border Security Force of India

³ Union Parishad is the lowest level of the local government in Bangladesh.

more BDR personnel crawling to be saved and signalling to the villagers nearby to save them. The victim stated that soon afterwards another BDR officer arrived and requested anyone to go towards the 289/20S pillar in order to save the previously mentioned two BDR officers. Tofa again acted upon that request and crawled towards those two BDR personnel and signalled them to come towards shelter. This was how the officers came to safe place and Tofa also headed towards them. Tofa took the wireless of one of the BDR officers and another man took the rifle from the other. After this the two officers easily crawled to the Bashupara village. When Tofa headed for the BDR camp to give back the wireless the BSF began to fire continuously towards him and the two other BDR officers. At the same time the BDR also opened fire from the Ghashuriya outpost. After he reached the front of his house Tofa was forced to lie down due to the excess firing by the BSF. The BSF fired 15/20 rounds of bullets towards him. However, all the bullets struck a *Koroi* tree. Tofa tried to be altitude with the ground as much as he could. When he tried to move elsewhere, the BSF fired another shot which entered through the right side of his stomach and pierced out through the left side. Many people tried to come forward to help the wailing Tofa but he told them to stay away in case they also got fired upon. He stayed lying there for almost 10 minutes. Tofa stated that the injured BDR officer Latukhan was also lying beside him. No one could have transferred him to the outpost due to the firing by the BSF. Tofa stated that after being shot he crawled into his house where others tied up the wound with a *gamchha* (locally made towel) and took him near the Ghashuriya outpost on a motorcycle and then lifted him onto a BDR-van. The BDR officers dropped him off at the Katla Bazaar and told him to take another car to the hospital. Later on another man took him to the Birampur Upazila Health Complex at around 1.00 pm by a motorcycle. He saw there were 30 injured people from a road accident in the hospital, so no doctor could come quickly. At around 5.00 pm a doctor arrived from Dinajpur and examined Tofa and told him that the bullet was no longer in his body and that it had pierced out of his stomach. Since the Health Complex did not have the proper means of treatment, his brother took him to the Dinajpur Medical College Hospital later on. He said that his medical expenses were borne by the BDR.

Fozila Bibi (35), Nurul Islam's wife

Fozila Bibi told Odhikar that her husband was planting onion sprouts in his land in the border area. Someone from India suddenly threw a bag which landed on their land. When a Bangladeshi grabbed hold of the bag and ran, Om Prokash, Commander of the Agra BSF camp and two BSF personnel began to chase him. They crossed the barbed wire at the border and entered the south Damodorpur village. When the BDR officers at the Ghashuriya Border Outpost saw the approaching BSF, they got into an argument with them. Fozila stated that although the two BSF officers ran back into Indian Territory, Om Prokash remained and continued to argue with the BDR and threatened to open fire. At one point Om Prokash got into a clash with Nayek Latukhan. The eyewitness stated that the villagers then came forward and tried to resolve the tension between them. Om Prokash turned around and took a few steps towards the border as if he was heading home. However, he then signalled his colleagues on the other side of the border to start firing. Fozila stated that Latukhan was injured due to the firing of the BSF. The BDR personnel lay down to the ground to protect themselves. One of the BDR officers requested Fozila's husband to deliver his rifle to the BDR camp. When her husband headed for the BDR camp with the rifle of that BDR officer, the BSF began to fire upon him also. He fell to the ground when a bullet struck his throat. Later on,

villagers rescued Fozila's husband and took him to the Birampur Upazila Health Complex. He was then taken to the Bangladesh Rifles Hospital at Pilkhana in Dhaka for better treatment under the supervision of the BDR.

Md. Jayedi Ahsan Habib, Second-in-Command, Ghashuriya Border Outpost, 40 Rifles Battallion, Dinajpur

BDR officer Jayedi Ahsan Habib told Odhikar that in the morning of January 29, 2008, Lance Nayek Motiur Rahman, Nayek Latukhan, soldier Wahiduzzaman and soldier Kais Chowdhury were all on duty near the 289/20S pillar of the border. At around 9.00 am, at the Kochpara border of the Hili Police Station of India's south Dinajpur, Om Prokash, Commander of the Agra Camp of 57 BSF and two to three other BSF officers chased a man, crossing the border into the south Damodorpur village. When the BDR officers asked Om Prokash as to why he had illegally entered Bangladeshi territory, he replied that the Bangladeshis had broken down portions of the border barricade and a Bangladeshi had stolen fertilizer from India and come back to Bangladesh. Om Prokash began to verbally insult the present villagers and BDR officers. Jayedi stated that Nayek Latukhan protested against the misbehaviour of Om Prokash and at one point Om Prokash and Latukhan grabbed hold of each other and got into a fight. It was then that the surrounding people came forward to solve the problem between the two. Jayedi stated that when Om Prokash was going back towards the border he signalled the BSF personnel waiting on the other side to start firing upon the BDR personnel. Nayek Latukhan was shot in the process and fell to the ground. Seeing the firing of the BSF, the villagers grabbed Om Prokash before he could escape to India and took him to the Chairman of the Katla Union Parishad. The firing of the BSF continued and seeing this, Jayedi after seeking permission from the Commander of 40 Rifles Battallion began to fire. The BDR officer stated that instead of going near the pillar, he remained at his outpost and fired towards the Agra camp. At around 11.00 am when a man who lived in a house near the pillar arrived in the camp with information of the death of two BDR personnel, he requested that man whose name was Tofajjal Hossain Tofa to go and rescue them. He went on to say that Tofa was injured by BSF firing while he tried to rescue the injured Latukhan. According to him, another man called Nurul Islam was also injured while he tried to save the distressed BDR personnel. At 3.00 pm when the BSF raised their white flag from the 289/20S pillar, Colonel Rezaul Karim, a Sector Commander of the BDR, came from Dinajpur and also raised a white flag. Jayedi stated that the BSF demanded the returning of Om Prokash by means of a peace agreement. Om Prokash was finally handed over to the Indians during a Flag meeting held between a 14/15 member representative group of the BSF consisting of RS Rawat Khan, the Deputy Inspector General of BSF Maldaha district; RPS Malik, the Commanding Officer of 57 BSF and 7 member BDR representative group consisting of Sector Commander Rezaul Karim, Major Hasnat from 14 Rifles Battallion at 3.00 pm on the no-man's-land of the border.

Ismail, BDR soldier, Ghashuriya Border Outpost

Ismail, a soldier, told Odhikar that at 9.00 am, when the BSF personnel entered Bangladeshi territory and began to chase its people, he saw the whole incident from the outpost. He stated that after Latukhan was injured by BSF bullets, he took his wireless and warned on his own so that other BDR members would not go towards the border. Ismail went on to say that Latukhan informed that since the agitated villagers had grabbed Om Prokash after Latukhan was injured, the BSF members would shoot towards the BDR at sight. He stated that in the midst of the firing by the BSF, he along

with other local people rescued Latukhan along with three other BDR officers who were on duty at the border and brought them to the BDR camp. At on point the BSF began to fire from a mortar. In return of the firing by the BSF, the BDR officers also fired back. According to Ismail, the BSF fired roughly 1500 rounds of bullets during the whole incident.

Swapna Akhtar (16), Eyewitness

Swapna Akhtar, the niece of the injured Nurul Islam, told Odhikar that in the morning of January 29, 2008, she was cooking rice. At around 9.00 am a tall mid-aged fellow wearing black clothes entered into their yard and asked, "Where is the thief...where is the thief"? Swapna stated that she came out of her house hearing the shouting and saw several BDR personnel coming towards her house. She said that the unknown person went through her house and exited through the other side heading towards the barbed wire fence of the border. Swapna stated that an argument developed between the BDR officers and the unknown person and seeing that she went back to her house. After entering her house, she heard continuous sounds of gunfire. Again Swapna came out of her house and this time she saw the injured Tofa lying on the field with two BDR officers lying nearby. Swapna's uncle Nurul Islam was also lying injured on the ground. When an injured BDR officer asked for water, she went into her house and brought some water for him. Swapna said that since the BSF firing mostly struck her house, she became very scared and left for the Katla Bazaar.

Md. Jalal Uddin (32), Eyewitness

Md. Jalal Uddin, a resident of Damodorpur village, informed Odhikar that on the morning of January 29, 2008, he was at the Katla Bazaar. He recalled that seeing people rush towards the Katla Bazaar, he immediately left for his house. When he was near by his house, he heard continuous firing. He saw the villagers who were in a state of panic and tears take their essential belongings and head off to a safe destination. He stated that when he reached near Hafizur's (45) house, a resident of his village, he saw bullets striking the trees. Jalal also saw the straw roofs of houses being blown away. Seeing these things Jalal was extremely scared and having no other option headed for Katla Bazaar.

Rezaul Karim (30), Eye witness

Rezaul Karim (30), a resident of the village of south Damodorpur, informed Odhikar that at around 9.00 am on January 29, 2008, he heard sounds of an argument going on outside between several people. He came outside his house and saw an unknown person verbally abusing BDR officer Latukhan. Rezaul Karim stated that a fight soon developed between the two people and the villagers then came forward to solve the problem. The unknown person soon after headed toward the barbed wire fence of the border and signalled towards the BSF on the other side of the fence with his hands. Just upon receiving the signal the BSF began to fire upon the BDR. Rezaul realised that the unknown person was a BSF officer. According to the eyewitness, after being injured by a bullet, Latukhan grabbed hold onto that BSF officer. Three other BDR personnel in order to protect themselves dropped to the ground. Seeing BDR personnel get injured Rezaul screamed out summoning people around him. That was when a total of 10/12 people including Anwarul Islam (25), Belal Hossain (37), Kabir Hossain (42) and Ayej Uddin (55), together grabbed hold of the BSF officer. He stated that the BSF officer introduced himself as Om Prokash and begged for his life. Due to his subservient attitude the villagers handed him over to the Chairman of the Katla Union

Parishad. Rezaul informed that after the villagers took Om Prokash to Katla, the BSF fired thousands of rounds of bullets towards Bangladesh.

Md. Jahir Uddin, Eyewitness

Md. Jahir Uddin, a resident living near the 289/20S pillar told Odhikar that on the morning of January 29, 2008 while he was tying his goat in a field near the border. He saw Om Prokash enter the village with a stick in his hand. Om Prokash was verbally abusing the villagers and the BDR officers and threatened to shoot them to death. He stated that when he headed towards home, the BSF began to fire towards the BDR.

Ismail Hossain, Member, Ward No. 6, Katla Union Parishad

Ismail Hossain told Odhikar that at around 9.00 am that day, when he was working at the plantation of betel leaf near a border pillar in front of his house, he saw someone throw a bag from India into Bangladesh and someone from Bangladesh collected that bag onto his head and go further into the village. Some BSF officers saw this scene and began to chase that person by entering Bangladesh through a broken portion of the border fence. The BDR personnel from the Ghashuriya camp saw the BSF officers and asked them to leave Bangladeshi territory. It was then that BSF Commander Om Prokash began to verbally abuse the Bangladeshi villagers and BDR officers alleging that they were responsible for breaking a portion of the border fence and stealing fertilizer from India. The BDR personnel protested upon hearing these allegations and at one point a fight began between BSF Commander Om Prokash and BDR Nayek Latukhan. After the fight ended, Om Prokash headed towards the border and signalled the BSF officers to start firing. A bullet struck Latukhan on the left side of his waist and he fell to the ground with his wireless in his hand. Ismail Hossain stated that seeing Latukhan get injured and fall to the ground he began to scream for help from the nearby people and with their help he got hold of Om Prokash before he could cross the border and took him to the Katla Union Parishad. He informed that although the agitated people wanted to beat Om Prokash, he did not allow it. Instead, he kept Om Prokash under the custody of Chairman Doctor Abdul Ahad. Ismail continued by saying that the BSF set up a mortar and fired a rain of bullets towards the Ghashuriya camp and surrounding villages. Four to five villages were soon deserted out of fear of the firing. Ismail stated that the gunfire exchange between the BSF and BDR continued till 3.00 pm that day.

Dr. Abdul Ahad, Chairman, Katla Union Parishad

Dr. Abdul Ahad informed Odhikar that at around 10.00 am on January 29, 2008, while he was at his office, he came to know from others that there was an ongoing fire exchange between the BSF and BDR. He said that after a while he saw people from four to five villages leave their villages and rush for a safe destination. The Chairman stated that at around 10.15 am, Ismail Hossain who was a Member of Ward No. 6 of Katla Union Parishad, arrived at the Union Parishad accompanied by 12/13 other people in the midst of the BSF-BDR firing. They brought with them a man called Om Prokash, Commander of the Agra camp of the BSF. He stated that a volatile situation was created at the border area at that time. Various people from the locality informed him that a rain of bullets was coming from the BSF camp. He stated that he kept Om Prokash under his custody until 12.40 pm when Colonel Rezaul Karim, Commander of 40 Rifles Battallion along with Jayedi Ahsan Habib and their attached forces arrived to take him away.

Dr. Abdul Karim, Acting Director, Dinajpur Medical College Hospital

Dr. Abdul Karim told Odhikar that at around 6.20 pm on January 29, 2008, a bullet-injured patient named Tofazzal Hossain Tofa was brought to the hospital. He came to know from the persons who accompanied the patient that he was injured after being shot by the BSF. The patient's registration number at the hospital was 3173. Dr. Karim stated that Tofa suffered from a wound where the bullet entered through the right side of his stomach and pierced through the left side.

Ahsan Habib, Officer in Charge, Birampur Police Station

Officer in Charge of Birampur Police Station, Ahsan Habib informed Odhikar that on January 29, 2008, after finding out about a clash between the BDR and BSF at the border, he went there to inspect the area. On January 30, 2008, he filed a General Dairy (GD) at the Police Station as appellant. GD No.1089. Place of incident: 289/20S International Border Pillar. He quoted the contents of the GD and said, "In the morning of January 29, Om Prokash, Agra Camp Commander of the BSF crossed the barbed wire fence and entered the south Damodorpur village of Bangladesh. After the BDR personnel saw Om Prokash, they got into an argument and fight with him. At the end when Om Prokash was on his way to the Indian side of the border, he signalled the BSF to open fire and they did so. In this process one BDR officer and two villagers were injured. The agitated people grabbed hold of Om Prokash and because of this there were gunfire exchanges between the BSF and BDR throughout the whole day. The BSF fired almost 1500 bullets and the BDR fired over 200 bullets. This GD has been filed keeping in mind the legal provisions hoping that an incident such as this will not occur again".

Nazrul Islam, Birampur representative, The Daily Ittefaq

Nazrul Islam informed Odhikar that at around 10.00 am on January 29, 2008, he was informed via mobile phone that the BSF and BDR were firing at each other at the Damodorpur border. Hearing the news, he along with Morshed Manik, the local representative of the Daily *Amar Desh* rushed to the place of the incident. On their way, they saw the Agra Camp Commander Om Prokash under the custody of the Katla Union Parishad Chairman. Nazrul tried to speak to Om Prokash, but he refused to talk. They headed towards the south Damodorpur border and saw the BDR were positioned in a defensive way on the ground and the BSF from their side were firing continuously. The *Ittefaq* representative stated that due to the BSF firing they were unable to reach near the border pillar. He informed that they captured everything in their camera staying in that area for three hours. In the afternoon on the no-man's-land near the 289/20S pillar at the border, a Flagged Meeting was held between the BSF and BDR. It was at that meeting that the Agra Camp Commander Om Prokash was returned to the BSF. Nazrul also said that in the whole incident the BDR fired roughly 150-200 rounds of bullets and the BSF fired 1000-1500 rounds of bullets.

-The End of Report-