

Monthly Report

June 2022

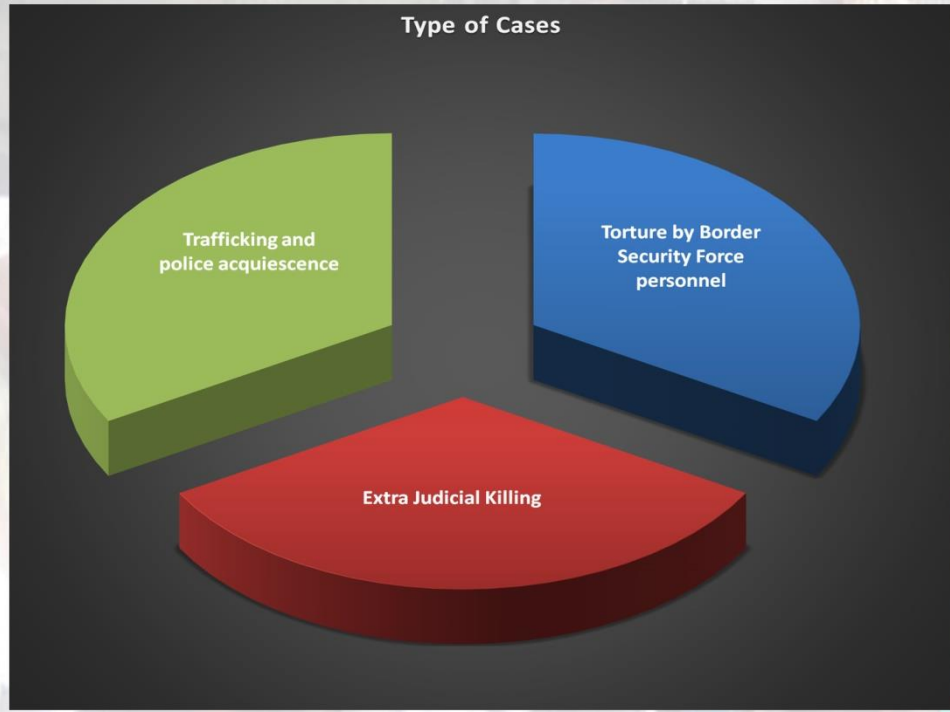
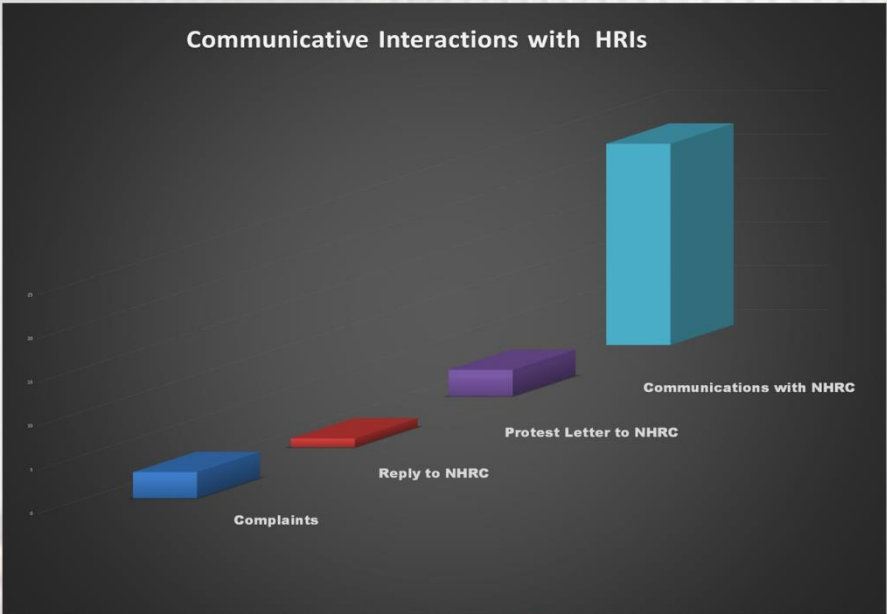


Miles to go...

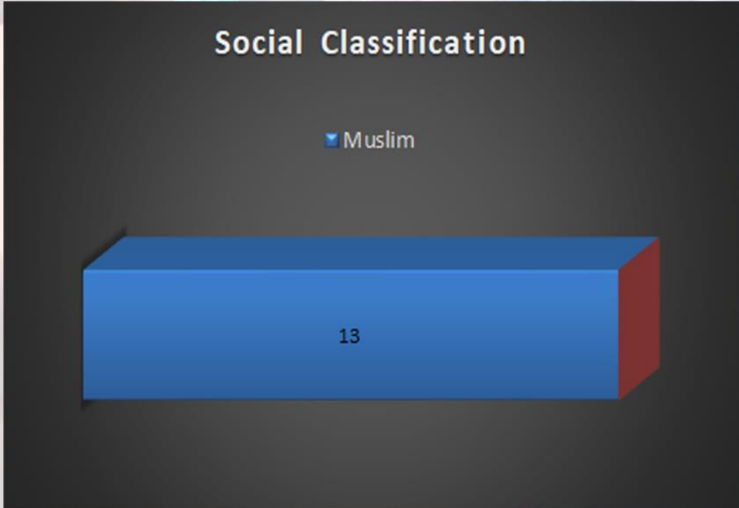
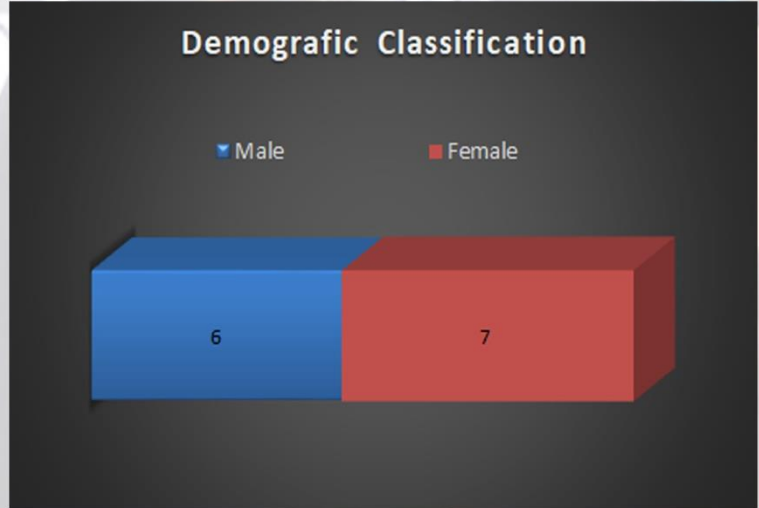
**Banglar Manabadhikar
Suraksha Mancha**



Banglar Manabadhikar Suraksha Mancha (MASUM) made 3 fresh complaints of gross human rights violation before the relevant state authorities and different human rights institutions; especially the National Human Rights Commission during the month of June 2022. We have sent 1 reply to the NHRC, where we were asked to put comments against a query. We have sent 3 protest letters to the authorities, where they have closed a case or sent overdated summons to our victims. During this month we have received 23 directions from the NHRC in various ongoing investigations.



Out of the 3 complaints, one was on torture by Border Security Force personnel, another on extra judicial killing and one on trafficking and police acquiescence. Through these complaints we addressed the issues of 13 individual victims. All of them belonged from minority Muslim community. Among the victims 6 were males and 7 were females. Among these victims 1 was minors. Due to our extensive work of the social audit on issues of Indo-Bangladesh border villagers this month, we didn't focus on complaint mechanism.



Our Activities

MASUM conducted four different workshops to train the volunteers associated with MASUM and other similar organizations on the issues of border populace. On 10.06.2022 and 11.06.2022 two of these workshops were conducted in North 24 Parganas. The other two workshops were conducted in Cooch Behar on 14.06.2022 and 15.06.2022 respectively.



Village level Meeting



In this month a total of five village level meetings were conducted with the Amra Simanta Basi committees in Tufanganj 1 block. The main purpose of the meeting was to understand the present status of the committees. Through these meetings a future plan of action was decided. On 09.06.2022 three new Amra Simanta Basi committees were formed successfully in Darjeepara village, Hemkumari Masterpara village and Sardarpara village. All the three villages are situated under Haldibari Block.

Medical Camps - In the month of June 2022 MASUM organized three medical camps with the help of United Nation Voluntary Fund for Victim of Torture (UNVFVT) for the torture survivors and their family members. On 16.06.2022 and 17.06.2022 two different medical camps were held at Dinjata and Tufanganj of Cooch Behar where 54 victims and 30 victims availed the treatment under the supervision of Dr. Saokat Ali respectively. On 28.06.2022 another medical camp was held at Swarupnagar, North 24 Parganas where 42 victims availed the treatment under the supervision of Dr. Anasuyak Roy. The prescribed medicines were provided to the beneficiaries. At the end of the each medical camp volunteers of MASUM had meetings with tortured victims and their family members to discuss about the case status of individuals.



Legal Activities Report: June 2022

High Court at Calcutta

MASUM had applied for United Nations Voluntary Fund for Victims of Torture (UNVFVT) fund for the year 2022 and granted the same by the Secretariat of UNVFVT. However, our bank didn't remit the fund to our account stating the reason that MASUM don't have FCRA certification. On 12.05.2022 we have filed one legal case against the concerned HDFC bank before the High Court at Calcutta for getting positive direction / order from the High court to the HDFC bank regarding remittance of our project money. On 9 June the matter was transferred to the bench of Justice Shampa Sarkar and the matter was out from the cause list. On 13.06.2022 we mentioned the case for listing the matter and the Court directed to list the matter on 19.07.2022 for the purpose of hearing.



On 07.04.2022 one Criminal Revision case of Reba Bewa was listed in the cause list of the Calcutta High Court. Rajib Molla, husband of Ms Reba died of brutal custodial torture by the Raninagar police personnel. Additional Chief Judicial Magistrate, Lalbag court acquitted the perpetrator police personnel from all charges. MASUM supported the legal assistance of the victim's family and therefore one Criminal Revision case was filed before the High Court at Calcutta. The hearing of the case was fixed on 21 June but was not done as the matter was out from the list.

Sub-divisional Courts



This month we provided legal support in 06 prosecution cases in the Lalbag court among which three cases are in the statement recording stage of the victim and witnesses and three cases are pending for the report submitted by the concerned authority. In this month MASUM also supported 13 victims in the Lalbag court, Murshidabad where the false case against them was started. In the court of Basirhat, we provide legal support in 03 prosecution cases and 03 defence cases.

RTI activities

On 27.12.2021 we lodged five separate RTIs to the SPIO, office of the Chief Secretaries in the State of West Bengal, Assam, Meghalaya, Tripura and Mizoram regarding the details of the extrajudicial execution matters. On 23.06.2022 we received a reply letter from the Additional Superintendent of Police [HQ] and PIO, Morigaon, Assam where he claimed that no information of extrajudicial killing was reported from 2011 to 2020.

On 30.03.2022 we sent one RTI application to the Central Public Information Officers [CPIO], Ministry of the External Affairs, Government of India related to the Memorandum of understanding between the government of India and government of Bangladesh on bilateral cooperation for prevention of human trafficking, especially trafficking in women and children; rescue, recovery, repatriation and re-integration of victims of trafficking signed on 06.06.2015. On 13.06.2022 we received a reply letter dated 8th June, 2022 from Deputy Secretary [PR and ATC] and CPIO where he sent a list of representatives from Indian side who had attended the Task Force Meeting. He also informed us that so far six meetings of the joint task force was held.

Social audit on issues of Indo-Bangladesh border villagers

Banglar Manabadhikar Suraksha Mancha (MASUM) conducted a social audit on the issues of Indo-Bangladesh border villagers on 25.06.2022 at Felani Khatun Bhawan (Anandamoyee Bhawan) Serampore, where several cases pertaining to human rights violations were presented before 3 benches comprising of 8 panelists. The panelists comprised of doctors, former justice, social activists, mental health activists, professors, police officer and journalists who had earned name and respect for the work that they have done in their respective fields.



In the social audit, a total of 45 victims of human rights violations from the Indo-Bangladesh border villages have presented their cases before the panelists. The victims of torture had been categorized into groups which consisted of extra-judicial killing, enforced disappearances, livelihood violations, BSF torture, firing by BSF, government negligence, custodial death, sexual violence, torture on minor and illegal restrictions.

The 3 benches comprising of the Panelists had been divided into violation of Article 21, Article 19 of the Indian Constitution and Sustainable Developmental Goal 16. The general observations which had been presented in the report had been unanimously agreed upon by the panelists. The victims who had been present at the social audit are a part of the Indo-Bangladesh border populace where human rights are neglected, trampled upon and disregarded in general. This social audit presented in front of the panelists, a real picture of how neglected the villagers of Indo-Bangladesh border are.

On the basis of the individual narratives narrated by the victims, the jury members presented their individual observations and recommendations which had been summed up into a preliminary report. This preliminary report had been released before the media representatives at Kolkata Press Club on 26th June, 2022, on the occasion of International Day in Support of Victims of Torture, in the presence of the panelists and a few of the victims. In the press meeting, the panelists also put forward their further recommendations which will be included and published in a detailed report soon. We aim to forward this report, which will comprise of individual cases and a detailed observation and recommendation columns, to the UNO, Human Rights Institutions of the country, human rights organization and other relevant personalities.

The panelists in the 3 benches have had several compelling findings as well as recommendations which have starkly underlined the systemic ignorance of the victims of torture, specifically in the borders. The social audit has showcased how individual victims have been ignored, and relegated the margins, both metaphorically and realistically.



Case Briefs: June 2022

• **Torture by BSF personnel:** A male (Muslim by faith), Asidul Miya from Kaiyeterbari village of Sitai Block in Cooch Behar district was tortured on 09.03.2022, in the wee hours of the morning by two BSF personnel associated with 100 battalion of Chitrakut BOP, 'G' Company. They picked him up from his village to a distant location and brutally beat him for almost 10 minutes. After which his head was forcefully submerged in mud until he gasped for breath. Thereafter, they threw his body in the bamboo bushes nearby. His neighbor, Bidhan Barman spotted his body and informed the locals and his family to be taken to a private hospital in Cooch Behar for treatment. The two BSF constables who took him have not yet been identified though the victim is aware of their physical attributes. Our fact-finding has revealed that the victim has been associated with cross-border smuggling. A case has been filed against BSF. No action has been taken yet.



• **Extra-judicial killing:** A case of firing and execution of a young male (Muslim by faith) in Ramnarayan Para village under Sagarpara police station of Murshidabad.



The deceased, Ruhul Mondal (26) years was shot directly without giving any warning, 1.5kms inside the Indian Territory from Bangladesh border by the on duty BSF personnel attached with Singpara Border Outpost.

From our fact-finding report, we have gathered that the family of the victim is BPL and depends on agriculture. On 05.06.2022, at about 5 am he went to the jute field where he was killed. The BSF authorities have denied the allegation. Nagendra Singh, the Commander of the BSF Battalion BSF told the media smugglers tried to smuggle Phensedyl bottles to Bangladesh and in the process they later found Ruhul to be dead in the jute field apparently used by the smugglers. The self defense theory which BSF put here to cover the original fact of the case is nothing but a fabricated story which they usually tell after committing any such firing incident. Though a case has been filed but no proper action has been taken.

Video of [Ruhul Mondal](#)

• **Trafficking and police acquiescence:** A case of illegal trafficking and police inaction towards a minor female, Anima Khatun. The victim and her husband resided in the village of Daribas, under Dinhata police station of Cooch Behar district since their marriage in 2014.

Anima went to Delhi in search of work and has been missing since 2019. Her father, Osman Ali lodged a complaint to the police station on 19.4.2019. No immediate action was taken against the in-laws' family in Dinhata nor was any investigation done in Delhi. Meanwhile, Anima's husband has fled to Delhi, the police had been informed of the same but have delayed the enquiry. On 30.8.2019, Osman Ali submitted a complaint to the S.P. of Cooch Behar.



The Police then took Osman Ali and went to the place where his son-in-law was hiding. Osman Ali gathered information from the villagers of the area that the victim's sister-in-law's husband had been associated with trafficking. When Osman Ali informed the police, the police arrested the accused and presented him at Dinhata court. However, no information could be gathered from him and has gotten a bail. On 27 April 2022, Osman Ali submitted another application before the district superintendent of police alleging motivated inaction from the local police.

Statement by MASUM

MASUM issued a statement against attack upon Bangladesh human rights organisation, Odhikar



Banglar

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7th June, 2022

Statement on attack upon Bangladesh human rights organization, Odhikar

Odhikar, one human rights organisation of Bangladesh, is known for its condemnable work on protecting human rights of people in Bangladesh since 1994. Their three decades old people- centric activities have changed the human rights quotient in South Asia. On 6th June, 2022 their humanitarian activities have been restricted as their license has been cancelled by the government of Bangladesh.

Human rights workers are a pillar of a democratic government that insures an efficient governance of the state. Odhikar has served as a pillar of the civil society of Bangladesh and a human link with their disenfranchised citizens. As Odhikar faces the backlash from the government, it creates an ambience of deterioration of democratic well-being of the state.

Three decades to the creation of the United Nations' Human Rights defenders Forum, the breach of the basic rights of Odhikar reflects on the silencing of human rights work in the region and reinstates the need for international interference. U N Declaration of Human Rights, 1998 recognizes the key role of human rights defenders in the realization of the human rights. It enshrined in the Universal Declaration of Human Rights and legally binding treaties and in the international human rights system.

If Odhikar's license is revoked by the Bangladesh government, many questions will be answered by the People's Republic of Bangladesh. Does the Bangladesh government acknowledge that there are instances of human rights violations in the country? If yes, who and how will that be addressed? Does BD government identify any incident of human rights violation by the hands of people in uniform in the country, raised by Odhikar? If yes, what steps have been taken to provide justice to the victims? Is the order of government to be followed by throttle other human rights bodies?

Banglar Manabadhikar Suraksha Mancha (MASUM) in India condemns the move by the government of Bangladesh towards Odhikar and shows solidarity towards their rights to continue their work. We pledge to fight any violation of Odhikar's rights.

A handwritten signature in black ink, appearing to read 'Kirity Roy'.

(Kirity Roy)

Secretary, Banglar Manabadhikar Suraksha Mancha (MASUM)

&

National Convener, Programme Against Custodial Torture and Impunity (PACTI)

Statement by MASUM

MASUM issued a statement against the irregular and vindictive arrest of Ms. Teesta Setalvad



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28th June, 2022

Statement against the immoral and vindictive arrest of Ms. Teesta Setalvad

Banglar Manabadhikar Suraksha Mancha (MASUM) expresses shock and disappointment at the arrest of journalist and women human rights defenders Ms. Teesta Setalvad by the Gujrat Police Anti-Terrorist Squad on 25th June, 2022. The day of her arrest takes us back exactly 47 years ago, when our country entered an era of emergency, declared by the then Prime Minister Indira Gandhi, on 25th June, 1975. The incident of her arrest denotes another undeclared emergency, the country is facing now.

This immoral arrest is followed by the dismissal of a petition by the Supreme Court of India in which Teesta is a co-petitioner, who appealed against a lower court's order and in connection with the Special Investigation Team's clean chit to 64 people, including the then Gujrat Chief Minister Narendra Modi in the Gujrat riot case. Here the apex court has assailed those who have used the process of law.

Teesta and others who raised their voice for the victims of communal violence in the Gujrat riot case have tried to provide proper justice to the riot victims by filing petition before the apex court challenging the report of the Special Investigation Team on Gujrat riots. The petition was accepted by the lower court magistrate. It is unfortunate that now Teesta have been targeted and made a victim in a terrifying process of vendetta unleashed by the executive and judiciary. After the unfortunate Supreme Court decision to throw out the appeal filed by Zakia Jafri whose husband, Ehsan Jafri was brutally killed in the Gujarat riot, the Gujarat police has lost no time in arresting Teesta Setalvad who has stood with Ms Jafri in the field of legal battle. After ATS entered her house, Teesta informed police in writing ".I fear seriously for my life..". The action of the Gujarat administration in her arrest has been enabled by the questionable verdict of the three-member bench of the Supreme Court.

The petitioners including Teesta Setalvad have a right to question the lower court orders and challenging the report of the Special Investigation Team. Equally the court has the right to weigh the evidence and come to its conclusions. However, because the apex court did not agree with the petitioners, it does not give the right to the executive to launch a case against those who had questioned the findings of the Special Investigation Team. The FIR against Teesta includes charges under various provisions of the Indian Penal Code, including sections 468 (forgery for cheating); section 471(using as genuine a forged document or electronic records), 120B (criminal conspiracy), 194 (giving or fabricating false evidence with the intent to procure conviction of capital offences).

It is only reasonable that as Teesta was arrested with the hyperactivity of the Gujrat police following the unfortunate decisions of the Supreme Court, then actions must also be taken against those police personnel who lodged false complaint against any person and later that person is discharged from the court.

It is a duty of the Indian citizenry to raise questions as enshrined in the Article 51A (h), "to develop the scientific temper, humanism and the spirit of inquiry and reform". The decision of the court is not an exception to this. Hence, when the apex court's decision is divesting the interest of human rights, protesting the decision should be a citizen's duty. In this regard it can be added that in Supreme Court of India two cases are pending at the stage of final hearing namely, Killing of Felani Khatun case WP CrI No. 000141 / 2015 and another case WP (C) No. 000218 / 2012 challenging impunity in torture and killing perpetrated by BSF since years and the court is taking no initiative to deliver justice in these cases. Therefore, our duty should be to protest against these unreasonable delays.

We protest this politics of vengeance and we call to drop the false charges against Teesta. We also call upon human rights defenders everywhere to raise their voice against the travesty of justice and to ensure Teesta Setalvad is set free at the earliest.

Kirty Roy
Secretary, MASUM

Activities at a glance



Full bench of the social audit on issues of Indo-Bangladesh border villagers



Preliminary report release of the social audit at Kolkata Press Club



Meeting with the villagers of Dhadiyal village of Cooch Behar district on issues of the border populace



Meeting with the villagers of Jhaukuthi village of Cooch Behar district on issues of the border populace



Workshop with volunteers from Cooch Behar district



Medical support being provided to the victims of torture in North 24 Parganas district