

# Monthly Report

## June 2020



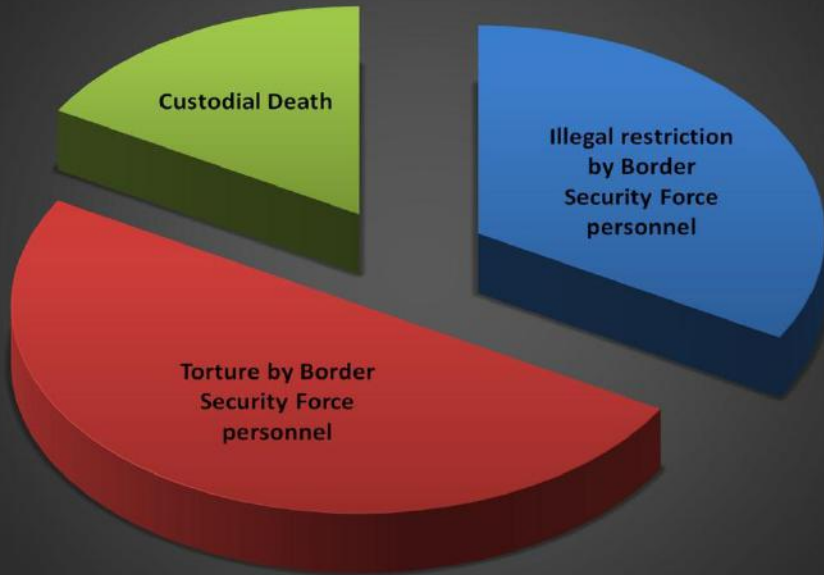
*Miles to go...*

**Banglar Manabadhikar  
Suraksha Mancha**





### Type of Cases



Banglar Manabdhikar Surakksha Mancha (MASUM) made 6 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 2020. During this period we made follow-up complaints regarding 5 cases formerly lodged. Two among the five follow-ups made this month were on BSF restriction and one each on custodial death, livelihood violation and denial of compensation. During this month, MASUM received directions from the NHRC in 38 cases and provided feedback on the directions issued by the NHRC in 14 cases.

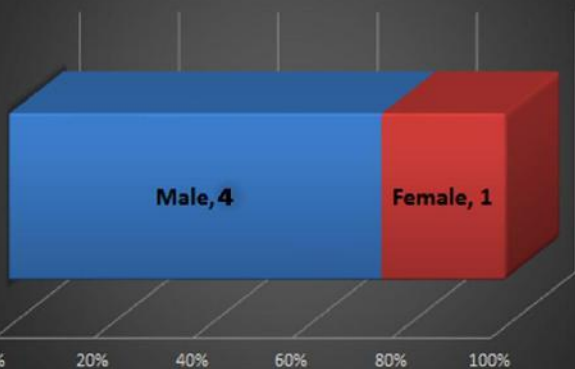
Out of the six complaints, three are on Torture by Border Security Force personnel, two on Illegal restriction by BSF personnel and one on custodial death.

In the complaint regarding Illegal restriction by Border Security Force personnel, the victimization was collective and does not reflect in demographic and social classification of victims. Total numbers of victims in individual complaints were 5; among them 3 belong from the minority Muslim community and one each from Hindu Scheduled Caste and Scheduled Tribe community. Among the victims 4 were males and 1 female.

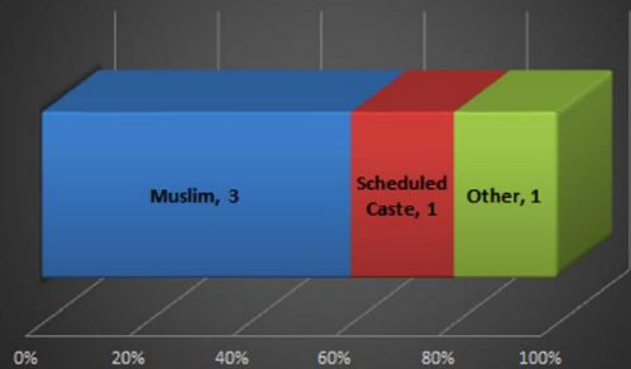
### Communicative Interactions with HRIs



### Demographic Classification



### Social Classification





## An armour of impunity

### Stripped, beaten and tortured at the borders

On 16.05.20, Ms. Joli Bibi (name changed), a resident of Char Parashpur village in Murshidabad was stopped by two BSF personnel at Char Parashpur Out Post attached with 141 Batallion, 'A' COY, under Faraji Para BSF camp. The victim was on her way to the bank for a loan application which required her to produce her ID card so she could not have submitted her identity card with the BSF personnel at the gate. As she provided this information to the border guards, including two women BSF personnel and a male official, they vehemently refused to take her request into account and started checking her. The absurd demand of submitting identity documents at the Border Outpost creates a lot of problems for the villagers in that area and the personnel are infamous for conducting degrading searches on women. In spite of this, the victim conformed to their demand and they continued the search. The two women BSF constables tried disrobing



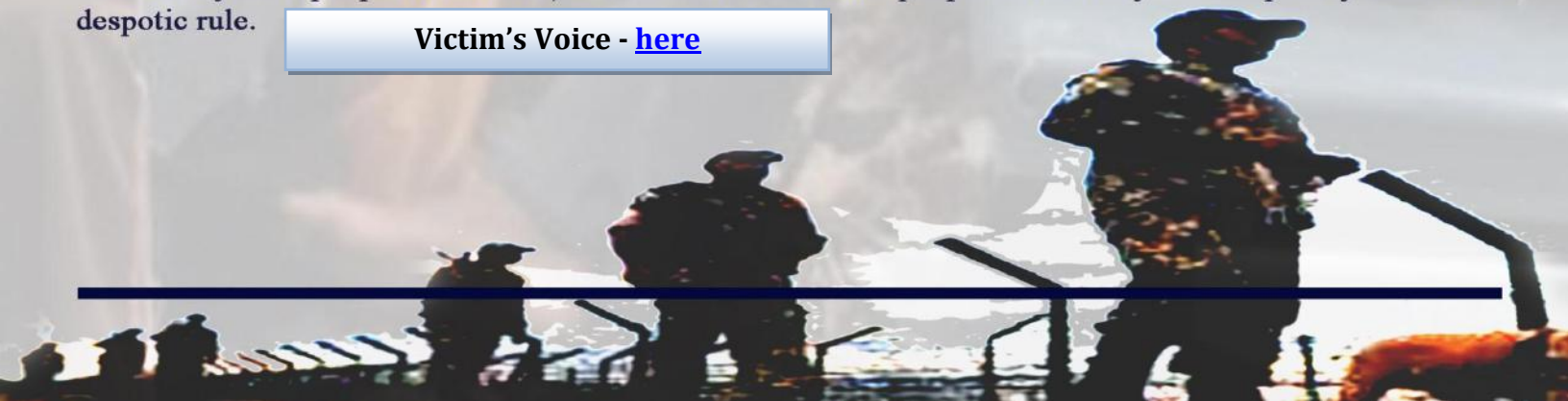
her, to which the victim protested. This enraged the BSF guards and they started abusing her. The victim kept resisting but the BSF constable thrashed her and forcibly undressed her in broad daylight. The victim was then abused and forced by the male BSF Jawan to remove her blouse. The victim was petrified and had no choice but to obey them. The BSF Jawans started to hit her genitalia with a bamboo stick and pestered her to remove her petticoat as well. The traumatized victim protested against such inhuman demands but the perpetrators continued beating her, to which she had to comply and completely disrobe herself. The BSF Jawans continued thrashing her bare body—humiliating and sexually harassing her. They threatened to injure her if she stepped on the mainland in future. Ms. Chahaton Bibi of Char Parashpur witnessed the entire incident and informed our DHRM (District Human Rights Monitor) about it. Ms. Joli Bibi (name changed) lodged a written complaint to the Jalangi Police Station and the Block Development Officer of the Jalangi Block. In Jalangi Police Station, the complaint was received by the duty officer and instead of treating the complaint as First Information Report, police issued one scrap of paper where one General Diary number 861 dated 16.05.2020 was issued violating Section 154 of the CrPC. Till date, no action has been taken against the perpetrators. The victim and her family

members are extremely afraid as the perpetrator BSF personnel are constantly keeping their house under surveillance.

The victim was physically and mentally tormented by the BSF personnel, in violation of many provisions under the Indian Penal Code and the illegal detention and restriction enforced on her were in violation of the rights enshrined under Article 19 and 21 of the Constitution of India. As a signatory to the ICCPR, the state has the obligation to ensure the right to a life of dignity and civil and political liberties of all its citizens.

This incident sheds light on the lives of the villagers residing along the borders. Mr. Sanjay Mondal, member of the Ghosh para Gram Panchayat told our DHRM that such illegal restrictions and display of autocratic behavior by the Border Security Force have become the norm in the village. This derogatory behavior is inflicted by most people in uniform, as a means to intimidate people so that they are completely under their despotic rule.

Victim's Voice - [here](#)





## Towards a conversation about torture

June 26 is recognized as the International day to commemorate and support the victims of torture. For that, and many other reasons, it is imperative that India realizes the need for an urgent conversation regarding torture.

The United States has erupted in protest against the bone-chilling murder of George Floyd and police brutality. Citizens all across the world have stood in solidarity with the discrimination faced by the African-American community. Important conversations regarding defunding the police and rethinking incarceration of individuals have been initiated in the USA. In India, the effects of the pandemic have revealed how the aggression of the state comes crashing down on the poor, marginalized and vulnerable communities. Migrant and daily wage workers, sanitation workers, small businessmen and vendors have faced the hostility of the police and the scorn of a democratically elected government. These events have revealed that the conversation regarding torture cannot be limited to the police, prisons and the state. This conversation needs to address the inherent discrimination and socio-economic inequalities faced by the Blacks, Dalits, Adivasis, Muslims and women and acknowledge that the brunt of state aggression is most often borne by the disadvantaged sections of society.

At the heels of the murder of George Floyd in the USA, come the brutal killings of Jayaraj and Fenix in the custody of Police in Tamil Nadu. The victims were lower middle class businessmen who were tortured and killed by the police for keeping their shop open 15 minutes past the curfew imposed by the state. The facts in this case showcase a culture of impunity that has corrupted all actors of the criminal justice system. The First Information Report was fabricated by the police, the victims were declared physically fit by the medical examiner in spite of excessive bleeding and grave injury marks and the Magistrate remanded the victims to custody without them being physically presented before him. This case highlights the culpability of several actors in the murder of two innocent citizens and reveals the gruesome reality that torture is sanctioned by the practitioners of law and justice.

The case of Jayaraj and Fenix is not an isolated incident in India. For several years, MASUM has been documenting a similar pattern of torture, police brutality, state apathy and impunity. Medical practitioners in prisons are often allies of the police or are intimidated into conducting fake diagnosis and post-mortems. In cases of custodial deaths, inquest is seldom performed by a judicial magistrate as mandated by law and are instead performed by executive magistrates or even investigating officers. At the Indo-Bangladesh border, where our work is primarily located, the main perpetrators of torture are the personnel of the Border Security Force (BSF). The victims of torture, like the rest of the country, are disadvantaged on the basis of their class, caste, religion and/or gender. The BSF receive their mandate from the Central government and therefore, have little regard for the local police. The Police are often reluctant to lodge complaints against the atrocities committed by the BSF and assist them in intimidating and harassing victims, implicating them in false criminal charges and denying them any access to justice.



After conducting thorough fact findings of cases of torture and other cruel, inhuman and degrading treatment, we send complaints to the National Human Rights Commission (NHRC). The NHRC is legally not mandated to investigate allegations against the armed forces or paramilitary forces such as the BSF. However, they can seek information from them and recommend higher authorities to conduct an unbiased investigation into certain cases. In most complaints made to the NHRC, the Commission chooses to believe the narrative of the police and the BSF without conducting independent investigations into the cases. The NHRC was formed in the aftermath of the Emergency imposed in India in 1975 which brought to light horrifying incidents of police brutality, torture and other excesses committed by public officials. The legacy of the NHRC is rooted in humanitarian principles of accountability, equality and justice and its very inception lies in the acknowledgement of state sponsored violence against its citizens. Therefore, the callousness of the NHRC in bringing the perpetrators of violence to justice is another indication that torture has become an undisputed component of policing in India.

Even after decades of independence, a Constitution that enshrines the ideas of secularism, justice and equality, and many democratically elected governments, we, the people have failed to eradicate the inherent discrimination that plagues our society. The murders of George Floyd, Jayaraj and Fenix are similar in intent and indicate similar problems of law, order and inequality. However, the Indian society is yet to witness a popular protest against police brutality such as the one that USA is witnessing now. Our collective consciousness has failed to designate torture as a heinous violation of fundamental rights and access to justice. It is thus, time to unite and raise our voices against the autocratic and unconstitutional state that India is becoming.

On the occasion of the International day in support of victims of torture, MASUM takes the opportunity to urge the Indian state to ratify CAT, ensure accountability and offer justice and reparations to the torture survivors. We also urge the National Human Rights Commission to conduct thorough investigations into incidents of torture and take suo moto cognizance of state brutality at the Indo-Bangladesh border and other parts of the country.

We take a solemn oath to continue our struggle in support of torture survivors and their families by devoting ourselves to the cause of justice, peace and equality for all the citizens of India. We stand in solidarity with protest movements worldwide that are speaking up against state violence, autocracy and police brutality.



**STOP  
TORTURE**



## Case briefs: June, 2020

• **Custodial death:** The systematic impunity that does not shy away with time is demonstrated once again through the rigorous torture and custodial death of a young boy namely Mr. Jayanta Bora in Jorhat district of Assam, in the custody of state police of Assam and the Army attached with 244 Army Regiment of Charaideo district during an anti-insurgency operation on the night of June 15. There were multiple irregularities and violations with the arrest and procedures undertaken right after his death. Along with rigorous torture that led to his death, the victim (deceased) was not given due medical care while he was in custody of the jail authorities and neither was his family informed of his deteriorated health condition which ultimately led to his death. If probed further, a chain of illegalities and continuing impunity will be revealed which is only threatening and dangerous if not acted upon. MASUM lodged a complaint to the NHRC on the incident.



• **Torture by Border Security Force personnel:** Mr. Sushanta Sarkar and Mr. Anarul Biswas, both were victims of indiscriminate torture and physical assault meted out by the Border Security Force personnel attached with Dayarampur BOP, Murshidabad. Both the victims suffered heavy injuries and received gruesome injury marks on their bodies and were severely affected by this act. The complaints lodged by the families of both the victims were not treated as FIR, violating legal provisions of the CrPC. This act of nexus is also a growing threat for the people believing to live under legal protection. In another case Ms. Joli Bibi (name changed), a resident of Char Parashpur village, Murshidabad was a victim of torture and sexual harassment by the BSF officials attached with Faraji Para BSF camp. The victim was stripped, beaten and tortured, degrading her completely and unnecessarily detained. These reports of torture and harassment on the bordering populace is increasing vigorously over the years and no



proper steps have been taken to curb this despotic attitude of the BSF officials yet. MASUM lodged complaints to the NHRC in all these cases.

• **Illegal restriction by Border Security Force personnel:** Mr. Rezaul Mondal, a resident of Char Parashpur village was arbitrarily restricted and threatened by the BSF members attached with Farajipara BOP. The victim was restricted on the account of being late and a BSF members on duty pulled his gun, threatening to shoot him and accused him of being a Bangladeshi since he had a beard. Another case pertaining to the villagers of Motherganj, show the continuous restrictions on their livelihood, creating many hindrances and leading to incur heavy losses. Along with the arbitrary behaviour of the BSF officials, an illegal fencing had been constructed by them in the cover of darkness, defying the mutual decision of the Panchayat Pradhan and the BSF officials. This sneaky move by them shows utter disregard towards the lives of the villagers. In both the cases MASUM lodged complaints to the NHRC.

Victim's Voice - [Mr. Rezaul Mondal](#)

Victim's Voice - [Villagers of Motherganj](#)





## International day in support of victims of torture MASUM's initiative

**“We can't breathe”**  
Week-long observance of International day in support of victims of torture  
Facebook Live on MASUM's Facebook Page  
5:00 pm IST, 20 - 26 June, 2020  
Like our Facebook page to watch the live talks from 5:00 pm IST

**Speakers:**  
Gerald Staberock (Secretary General, OMCT), Ajimuddin Sarkar (Victim of Torture), Fatia Maulidiyanti (Secretariat member, A3T), Mukunda Kattel (Former Executive Director, Forum Asia), Aqsa Agha (Researcher and Activist), Dr. Anil Saha (Secretary, Sramajibi Hospital), Shahzad Ahmed (Director, Bytes for All, Pakistan), Adilur Rahman (Secretary, Odhakar, Bangladesh), Malay Sengupta (Former Chief Justice, High Court of Sikkim), Vrinda Grover (Lawyer and Human Rights Activist), Shazia Ahad (Researcher with Jammu Kashmir Coalition of Civil Society), Martin Macwan (Director, Dalit Shakti Kendra), Ratnaboli Ray (Mental Health Activist), Prof. Subhendu Dasgupta (Former Professor, Calcutta University)

Every year, Banglar Manabahikar Suraksha Mancha (MASUM) observes 26 June as the International day to commemorate and support the victims of torture by participating in different activities and interacting with torture survivors. However, due to the circumstances created by the pandemic COVID-19 this year, MASUM decided to organize a week-long talk session on various issues related to torture. From 20-26 June, 2020, 14 eminent personalities from different fields of human rights talked about the different aspects of torture. The talk session was broadcasted live from MASUM's Facebook page. Every day two speakers talked about torture, impunity, state brutality and other relevant topics during the week at 5:00 pm. Mr. Kirity Roy, Secretary of MASUM presided as a moderator for these

talk sessions. All these sessions got a wide audience and were viewed by approximately 500 viewers each day. We are obliged that our initiative received such appreciation and it has motivated us to take more initiatives against torture in the future.

The talk session was initiated on 20th June with Mr. Gerald Staberock, Secretary of OMCT talking on torture and impunity and Mr. Ajimuddin Sarkar, a victim of brutal torture from Murshidabad district sharing his experience of torture. On the second day of the talk session, Ms. Fatia Maulidiyanti, Secretariat member of Asian Alliance Against Torture (A3T) and Mr. Mukund Raj Kattel, former Executive Director of Forum Asia discussed on torture in Asia. Dr. Anil Saha, Secretary of Sramajibi hospital talked on torture and role of doctors on the third day of our event followed by Ms. Aqsa Agha, Researcher and Activist, who discussed on torture and women rights. On the fourth day of the observance, Secretary of 'Odhikar', a Bangladesh based human rights organization, Mr. Adilur Rahman talked on torture and role of judiciary, while Director of 'Bytes for All', a Pakistan based human rights organization, Mr. Shahzad Ahmed emphasized on torture and state responsibility.

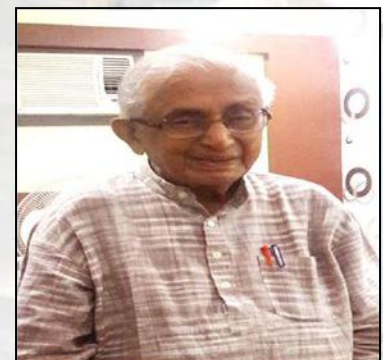
Justice Malay Sengupta, President of MASUM and former Chief Justice of Sikkim High Court talked on torture and role of judiciary on the fifth day of the event, followed by renowned lawyer and human rights activist, Ms. Vrinda Grover, who elaborated on torture and Indian constitution. On the sixth day of the week-long observance of anti-torture day, Researcher with Jammu Kashmir Coalition of Civil Society, Ms. Shazia Ahad talked on torture in Kashmir followed by Mr. Martin Macwan, Director of Dalit Shakti Kendra, who spoke on torture and dalit. On the final day of our week-long observance of anti-torture day, Former Professor of Calcutta University and Social Activist, Prof. Subhendu Dasgupta talked on torture in our culture followed by Mental Health Activist, Ms. Ratnaboli Ray, who talked on the psychological aspects of torture.

On 26 June 2020, the members of MASUM along with some friends also observed the International day in support of victims of torture by distributing handbills and displaying posters near Serampore Railway station as a means to spread awareness regarding the practice of torture.

Watch the complete talk session [here](#)

### MASUM mourns the demise of Justice H. Suresh

MASUM mourns the demise of a valiant Human Rights Defender and the former judge of the Bombay High Court. He was a legal luminary and as we remember his opening lines, “I am a retired judge, not a tired judge”, we can't help but salute his spirit. He will be remembered for his earnest response in cases wherever people were in trouble. He also attended to MASUM's call many times and we had the opportunity to work in close quarters with him, which shall remain immemorial.



JUSTICE HOSBET SURESH  
(20.07.1929 - 11.06.2020)



## Activities at a glance

MASUM observed the National Mourning day called by Right to Food and Work Network, West Bengal (RTFWN WB), in Serampore, Hooghly and other parts of West Bengal on June 1, 2020. Due to the miserable condition of migrant workers all across India on the instance of Covid-19 pandemic, RTFWN WB called to observe 1st June, 2020 as National mourning day. MASUM activists along with Serampore Nagarik Samaj observed the day by demonstrating posters and distributing handbills to the passerby near Serampore station today. District Human Rights Monitors along with volunteers associated with MASUM also took various initiatives to observe the day in various parts of West Bengal. They demonstrated posters in Gobindapur under Swarupnagar police station area of North 24 Parganas district and Sheikhpura, Sialmari and Rajapur villages in Raninagar 2 block under Raninagar police station area of Murshidabad district. The erstwhile enclave dwellers from Batrigach erstwhile enclave and villagers from Kalmati village under Dinhatia subdivision in Coochbehar district also observed the day by demonstration of posters demanding food for everyone and security of job for all.



## In Memory of Jolly Mohan Kaul

Veteran communist leader and an enthusiast of human rights movement, Jolly Mohan Kaul passes away at the age of 99 in Kolkata on 29th June evening succumbing to heart attack. He was a freedom fighter and the last living member of the central committee of undivided Communist Party of India. His wife, Manikuntala Sen, a prominent face of the leftist women movement, passed away earlier. In his much celebrated autobiographical book, 'In Search of a Better World: Memoirs', he illustrated a critique of his life and times. He was a supporter of human rights movement as he once said that in these times, human rights activities and environmental activities should be prioritized and more people should come forward to support these activities. MASUM mourns his death and will always remember him for his social accomplishments.



JOLLY MOHAN KAUL  
(1921 - 2020)