

Present Scenario of Extra Judicial Killing in India-Bangladesh Border: A Legal Analysis of Human Rights Perspective

¹Sayedul Husan, ²Dr. Md. Shahidul Islam

¹Lecturer, Department of Law & Justice, Bangladesh Army University of Engineering & Technology (BAUET), Bangladesh

²Professor, Department of Law & Justice, Bangladesh Army University of Engineering & Technology (BAUET), Bangladesh

DOI: <https://doi.org/10.51244/IJRSI.2024.11120068>

Received: 17 December 2024; Accepted: 21 December 2024; Published: 18 January 2025

ABSTRACT

The Indian Border Security Forces are killing Bangladeshi nationals on the border indiscriminately by violating international norms, treaties and agreements, which are gross human rights violations. Every state of the civilized world seriously maintains the standard of human rights and respect the international law. However, human rights have been violated by the Border Security Force (BSF) with immunity in the Bangladesh border by torturing, killing and abducting. Though India claims Bangladesh as a friendly state and several times assured not to kill Bangladeshi nationals in the border area, but they are continuously killing the Bangladeshi nationals. Even they do not feel regret and instead claim the reverse. The main objective of this research is to analyze the actual scenario on the Bangladesh border side from the perspective of international legal instruments. This is a qualitative research based on secondary data. This research recommends that the Bangladesh government should take proper actions to restrict human rights violations in the border area

Keywords: Extra-Judicial Killing, Indo-Bangla Border Killing, Human Rights Violation, BGB, BSF, International Law.

INTRODUCTION

India surrounds Bangladesh on three of its sides and the whole length of Bangladesh's land border is 4,156 kilometers, of which 93% is shared with India.¹ Though India claim Bangladesh as a friendly state but it is not much true indeed. Because, border killing is the gross violation of human rights but India continues it till now. Though there have rules and regulations between India and Bangladesh but BSF are not abided by such law and still continue such killing. Indian Border Security Forces assured Bangladesh for several times that there will be no more killings at the Bangladesh-India border and both countries agree upon the proposal that both will use rubber bullet instead of lethal weapons if needed. But such assurances from the BSF are not new rather the agreements and pledge is rest on the paper.²

In comparison of last few years, border killing is increased more in 2019. In 2019, 115 people were the victims of different violations by BSF in the border area. In 2020, 51 people were killed, 27 people were injured and 7 people were abducted. And in 2021, 17 people were killed, 12 people were injured and 1 was raped, which is very pathetic from friend state. In 2022, 18 Bangladeshis were killed and 21 were injured, among those who were killed, 14 were gunned down, 4 were tortured. Among the 21 who were injured, 11 were shot, 9 were tortured and 1 was injured by a stun grenade blast by BSF. In 2023, a total of 28 Bangladeshi nationals were killed and 28 were injured and 7 were abducted. Among those who were killed, 27 were gunned down, 1 was

¹ 'Bangladesh Geography' (2016) *Banglapedia* <http://en.banglapedia.org/index.php?title=Bangladesh_Geography> accessed 15 September 2022

² Masum Billah, 'Border killings: Promises made to be broken' *The Business Standard* (Dhaka, 14 January 2020) <<https://www.tbsnews.net/opinion/border-killings-promises-made-be-broken-36231>> accessed 17 September 2022

tortured to death. Among the 28 who were injured, 21 were shot, 6 were tortured and 1 Bangladeshi was wounded when BSF members threw crud bomb. From 2000-2023, 4585 people were the victim of border violence and 1299 were killed.³

Statement of the Problem

India and Bangladesh are the two nearest, friendly and neighboring states, but Indian security forces (BSF) shoot, kill, torture and abduct unarmed Bangladeshi civilians in the border areas indiscriminately though there are several treaties and agreements that exist between the two countries.⁴ Such indiscriminate killings are a gross violation of international laws and also a violation of human rights. These laws and rights guaranteed by the constitution still BSF continue such killing without caring about even the constitution, international law and human rights.

Causes and Reasons of Extra Judicial Killing in Bangladesh

Demands of bribes

“Suleman” (not his real name) was a 35-year-old who lived with his eight-year-old daughter in a thatched hut. Struggling to make ends meet, according to his family, Suleman would rely on his siblings for food and other expenses.

The family members of Suleman told Amnesty that before he was killed in an alleged “gunfight”, Suleman called a relative that the police demanded 20,000 takas (USD 237) for his release and requested to arrange the money. One of Suleman’s family members confirmed to Amnesty that he paid the sums to the police, however, the police demanded an additional 50,000 takas (USD 593) – “or else they will kill me,” Suleman told the relative.

Desperate to locate Suleman, the relatives went to a police station where they were told he had been transferred to prison. Three or four days after the phone call, they were told that Suleman had died in a “gunfight.”

Enforced disappearances

All the victims of the supposed “gunfights” appear to have been forcibly disappeared by the police and the Rapid Action Battalion (RAB) prior to their deaths. When relatives sought information of their whereabouts, the authorities either denied they were in their custody or refused to say where they are.

“Rahim” (not his real name) was forcibly disappeared from the home of his in-laws. Eight days later, Rahim’s corpse was discovered. RAB claimed he died during a “gunfight”.

“Bablu Mia” (not his real name) was forcibly disappeared from the highway by two RAB officers dressed in plainclothes, according to his brother, who filed a police complaint detailing the disappearance. A month and a half later, RAB said that Bablu Mia was killed in a “gunfight”.

Investigations

Amnesty International is calling on the Bangladesh authorities to carry out a prompt, impartial, independent and effective investigation into the wave of apparent extrajudicial executions and other human rights violations committed by the police and RAB as part of its ongoing anti-drugs operations.

“These killings have taken place in the wider context of a blanket prohibition of drugs under which the

³ ‘Bangladesh Based Human Rights Organization’ *ODHIKAR* (Statistics-2000-21)< http://odhikar.org/wp-content/uploads/2022/02/Border_2000-2021.pdf> accessed 15 September 2022

⁴ Odhikar | Violations in the border area’ (Odhikar | Protecting human rights in Bangladesh) <<https://odhikar.org/violations-in-the-border-area/>> accessed 08 December 2022

government has deliberately punished and violently attacked people, particularly those from the most marginalized communities. The Bangladesh government must carry out prompt and effective investigations and hold the perpetrators accountable. It must urgently shift its drug control strategy to ensure it protects people, not harms them,” said Dinushika Dissanayake.⁵

Research Questions

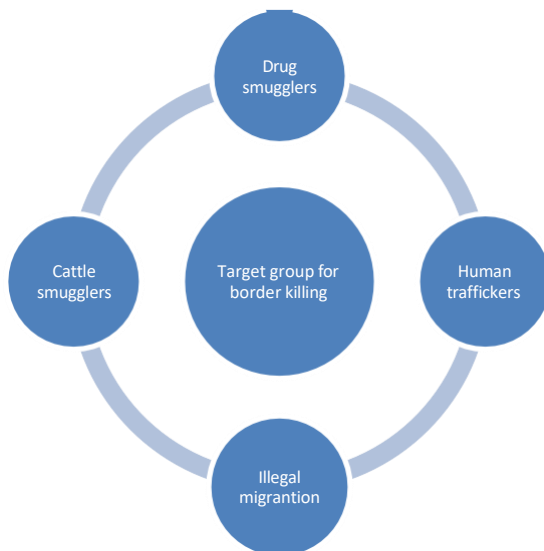
- What are the reasons behind the continuous border killing on the India-Bangladesh border?
- Whether such border killings violate international law and human rights or not?
- What measures should be taken to protect the human rights?

Objectives of the Research

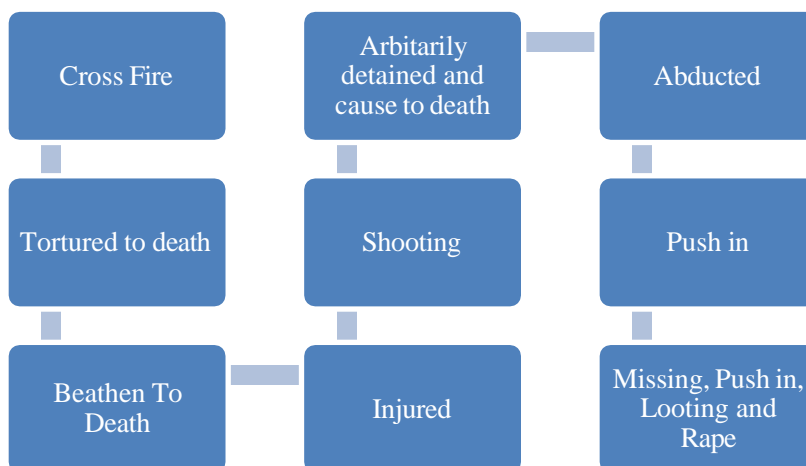
There are some objectives of this research. Such as:

- To find out the practical scenario of Human Rights in the India-Bangladesh border
- To identify the reasons of continual border killing and analyze how border killing violate the human rights.
- To draw certain suggestions for Bangladesh to stop such illegal killing or minimizing its frequency.

‘Target group for border killing’⁶



‘Types of border killing and violence’⁷



⁵ The Daily Star 04 Nov 2019

⁶ ibid-8

⁷ ibid-3

Trans-border Problems

In 1975, the Joint India-Bangladesh Guidelines were established as a set of rules for border authorities between the two countries. This guidance has defined very simply, detailed rules and procedures to direct the two forces in policing a shared border. Some trans-border problems are found by these guidelines. These are-

- a) Smuggling.
- b) Traffic with ammunition and illicit arms.
- c) Claims over cattle, fisheries and land privately.
- d) Crossing of land and river boundaries unintentionally.
- e) Movements of persons across the border without authorization.
- f) Border crimes related crimes particularly armed cattle lifting, kidnapping, and robbery.
- g) When border forces from Bangladesh and India arrive at the boundary in the hot pursuit of criminals, there is a risk of a confrontation.⁸

Laws and Treaties between India and Bangladesh

There are no special treaties or agreements between India and Bangladesh regarding border killing issues though many treaties are signed between the two countries regarding other matters. A treaty named the Indo-Bangla Treaty of Friendship, Cooperation, and Peace is about maintaining international peace and cooperation, 'which was signed in 1972 for 25 years and renewable after expiration of the term'.⁹ Then, both countries mutually gave some guidelines to the border authorities regarding border issues; the guidelines are discussed below:

BSF Act and Rules: According to this law and rules, BSF has no right to kill people indiscriminately if anyone crosses the border illegally; rather, they could easily prosecute alleged trespassers based on its laws instead of killing them. But they continue such killing indiscriminately violating their laws and rules. They can do that only for their self-defense.¹⁰

Constitution of Bangladesh: The constitution of Bangladesh ensures equality before the law, the right to the protection of the law, the right to life and personal liberty, and the right to freedom of movement for the citizens. So every citizen shall be entitled to enjoy such rights. Every citizen of Bangladesh has the right to move throughout Bangladesh, but when any citizen is killed by the BSF illegally entering Bangladesh, all mentioned rights are violated. Though such killing is illegal, it continues, and the government takes no action to protect human rights except for bilateral discussion.

Under International Instruments

There are some international instruments under which human rights are violated through border killing. These instruments are analyzed below-

Universal Declaration on Human Rights: All human beings are born free and equal in dignity and freedom, according to this declaration. This declaration also addresses the right to life, liberty, and protection of individual, as well as the right to be treated as a person before the law everywhere. No one shall be tortured or subjected to cruel, inhuman, or degrading treatment or punishment, and no one shall be subjected to arbitrary arrest, imprisonment, or exile, according to this. The presumption of innocence is specified, and everyone is equal before the law and entitled to equal protection under the law without discrimination. Everyone will have the right to free movement and residence within each state's borders under this declaration, and everyone will

⁸ Joint India –Bangladesh Guidelines for Border Authorities of the two Countries, 1975 (Art- 2)

⁹ 'Treaty of friendship and peace between the government of India and the government of the people's republic of Bangladesh' 1972 (Art- 11)

¹⁰ BSF Act and Rules, March 2004

have the same right to meaningful redress through the national tribunal for violations of the constitutional fundamental rights.¹¹

So, this declaration is mainly enacted to protect human rights from violation because the right to life is more precious than other rights. Such rights killed by the BSF within a second without giving an opportunity to be heard. If anyone violate the border rules should be punished but such sanction should be under the due process of law. BSF has no right to kill in any circumstance rather they bring them under the prosecution.

International Covenant on Civil and Political Rights: It states that every human being has an intrinsic right to life, and that no one's life can be taken away arbitrarily. This right will be safeguarded by the constitution. No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention, according to this convention; rather, everyone has the right to liberty and protection. It also claimed that before proving the guilty, the presumption of innocence must be established, and that everyone has the right to be treated as an individual before the law everywhere.¹²

So, this convention also talks about the right to life and security. Even criminal shall be treated as innocent person before proving the guilty. Border killing is the gross violation of those rights because it executes the capital punishment without following due process. No liberty, security exists in the border side when such killing continues in the border area. So, it is the violation of human rights.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: It states that each state is responsible for enacting administrative, effective legislative, judicial, or other legislation to prevent acts of torture in any territory under its jurisdiction, and that all states must consider torture to be a criminal offense under their criminal laws, punishable with sufficient penalties. It also states that every state must perform a thorough examination of interrogation laws, instructions, techniques, and practices, as well as arrangements for the detention and care of individuals, in order to avoid any cases of torture within its jurisdiction, and that any statement obtained through torture may not be used as evidence in any proceeding against a person acquitted.¹³

Convention on the Rights of the Child: In all acts involving children, the best interests of the child shall be a primary concern,' according to the convention. Furthermore, states parties agree that every child has an inalienable right to life'.¹⁴ So, it may be said that in the case of the child, the best interest will get the first priority, and every child shall enjoy the inherent right to life. But the present situation is absolutely contradictory. So, if the emphasis is given to this issue, killing Felani is totally illegal in the eye of international law because she was innocent and unarmed. Instead of killing, she may be brought under prosecution for illegal border crossing.

Violations of Different Rights through Border Killing

There are many rights which are violated through border killing, but those human rights are guaranteed by the international instruments which deal with human rights. The core and crucial human rights, like rights to life is violated through border killing, but such right is guaranteed by the constitution of every state. Then equality before law, right to equal protection of law, right to protection of life and personal liberty and also right to get fair justice violated by border killing. Those important rights are violated through border killing, but BSF didn't care though several bilateral talks took place.

Incidents of Some Heinous Border Killing:

Case study 1: Felani was a Bangladeshi girl of 15 years old who worked as a domestic maid. Her father arranged her marriage in Bangladesh. So she and her father returned to Bangladesh from Asam, where her

¹¹ Universal Declaration of Human Rights, 10 Dec 1948 (Art- 1, 3, 5, 6, 7, 8, 9, 11, 13)

¹² International Covenant on Civil and Political Rights 1966 (Art-6 (1), 7, 9 (1), 14 (2), 16)

¹³ Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment 1984, Art 2 (1), 4 (1), 11, 15, 16 (2)

¹⁴ Convention on the Rights of the Child, 1990 (Art-3 (1) & 6 (1))

family lived. She and her father were crossing the border at Anantapur on Friday, January 7, 2011, at 8:30 a.m. by scaling the barbed wire fence with a ladder. Her father had crossed, but as she attempted to climb over the fence, her clothes became entangled in the wire, causing her to scream. BSF members began firing at her after hearing her scream.¹⁵



Case study 2: Shimon Roy, aged 16 years; a son of Paresh Chandra Roy, was a student of the SSC examination. He lived in the Chaklahat union. He was killed by BSF by a shot in front of his father. The deceased was erecting a fence around their jute field near the Shingroad Prodhana para border around 4:00 pm. Suddenly, BSF entered the territory of Bangladesh and asked them to leave the place, but they protested saying that they were on their land. They shot at his abdomen, according to the statement given by his father. Shimon passed away around 8:30 pm at Rangpur Medical College Hospital.¹⁶

Case study 3: Two Bangladeshi men were shot dead by BSF in the Masudpur border area under Shibganj Upazila, Chapainawabganj, while they were trying to cross inside Indian territory. One was Milon aged 17 years, son of Belal Hossain Kalu, and another one was Senarul, aged 25 years, a son of Afsar Uddin. Both were cattle traders.¹⁷

Case study 4: Shariful Islam, aged 30, was a fisherman. He was shot dead by BSF in the morning while he was fishing in the bordering river of Nagar. Nagar is a common river, and it is adjacent to the Beorjhari frontier under Baliadangi Upazila in Thakurgaon. His post-mortem was arranged by Border Guard Bangladesh personnel at the Beorjhari border outpost and Baliadangi police in the district hospital. Sub-inspector Ram Babu, appointed at Baliadangi police station, said that the bullet hit Sharif's chest and passed from the right to the left.¹⁸

Case study 5: Mohammad Badsha, aged 22 years, was shot dead by Indian guards posted at the Golapnagar border outpost in Malda District. BSF killed him by using a bullet from a lethal weapon. BSF shot him with a rifle bullet below the left ear. This incident was another example of the cruelty of the BSF.¹⁹

Case study 6: Sabil Uddin, aged 36 years, was shot dead by BSF in Nageshwari of Bangladesh's northern Kurigram district, which is the international border. According to the post-mortem report ensured by the Kachakata police station officer proved that the bullet was fired from a lethal weapon, and he was shot in the waist, and the bullet went from his left to right.²⁰

¹⁵ Tribune Desk, 'Seven years of Felani murder: The long wait for justice' Dhaka Tribune (7 January 2018)

¹⁶ Correspondent 'Bangladeshi teenager shot dead by BSF' The Daily Star (20 April 2020)

¹⁷ Md Anwar Hossain Choudhury, '2 Bangladeshis killed in BSF firing in Chapainawabganj' Dhaka Tribune (2 April 2019)

¹⁸ Muktadir Rashid, 'Promises bring no end to border killing' New Age (12 September 2020)

¹⁹ ibid- 36

²⁰ Muktadir Rashid, 'Bangladeshi killed in BSF firing in Kurigram' New Age (4 September 2020)

Case study 7: Kala Mia, aged 36 years, lived at Kandubasti village in Purba Jaflong union. As he went to collect logs and bamboo from the border's Zero Point area at about 11:20 a.m., he was shot dead by BSF.²¹

Case study 8: A Bangladeshi national, Dulal, aged 20, a son of Safiku Islam, was shot dead around 2:00 am by alleged members of BSF at Kiranganj border in Shibganj Upazila of Chapainawabganj when they went near border pillar No. 178. Binodpur Union Parishad Chairman Enamul Haque quotes this incident.²²

Case study 9: Sumon Ali, a 22-year-old native of Moralpara village in Shibganj Upazila, was killed. When Sumon and a few others went near the Indian border to carry back their cattle, the BSF shot them down. His body was discovered on the Bangladeshi side of the border at Shingnagar, according to OC Shamsul Alam of Shibganj Police Station.²³

Case study 10: Jahangir Alam, aged 50 years; a son of Aynal Haque, was shot dead by BSF at the Telkupi border in Shibganj Upazila. Jahangir was picked up by BSF when he went to cut grass on land near the border and took him to their camp near 9 am. Later, he was tortured and shot to dead ensured by a local UP member of Mofazzal Hossain.²⁴

Case study 11: Khairul Islam, aged 40, was a cattle trader of Gubrakura village in Haluaghat, Mymensingh. He was attempting to go across the border. He was shot in the Gubrakura area around 8:30 pm along the border by BSF personnel when they were patrolling near the international border pillar 1124, ensured by police and Border Guard Bangladesh (BGB) officers.²⁵

Landmark decisions of the Indian Supreme Court

The Chairman, Railway Board & others v Chandrima Das & others: Another instance of cross-border justice occurred in the Indian Supreme Court in January 2000. The woman was raped at Kolkata's Howrah Station in this historic event. The accused is sentenced to 12 years in jail by an Indian trial court. The Calcutta High Court has directed a Bangladeshi woman passenger to be paid Rs 10 lakhs and has upheld the trial court's verdict. The judgment of the Calcutta High Court was upheld by the Supreme Court of India. The landmark decision reads as follows:

"Even those who are not citizens of this country and come merely as tourist will be entitled to the protection of their lives in accordance with the constitutional provisions".²⁶

Felani killing Case: BSF started an investigation against the accused, Amiya Ghosh, who killed Felani and submitted a charge sheet. On August 19 2013, a special court named General Security Forces Court acquitted Amiya Ghosh, which was constituted by the BSF. Later, BSF decided to revise the murder trial upon criticism of the acquittal. However, on July 2 2015, General Security Forces Court upheld the previous verdict and acquitted Amiya Ghosh again.²⁷

He then took his case to India's High Court but was denied justice. With the support of the human rights group Manabadhikar Suraksha Mancha, Felani's father, Nurul Islam, filed a writ petition in the Supreme Court of India. The Indian Supreme Court bench, led by the chief justice, then summoned several bodies, including the Home Ministry, and ordered a new inquiry into Felani's death by an SIT or the CBI, as well as the disclosure of the BSF Court's proceedings against constable Ghosh and seek compensation for the family.²⁸

Role of Judiciary

²¹ Md Serajul Islam, 'BSF kills Bangladeshi man on Sylhet border' Dhaka Tribune (23 May 2020)

²² UNB, Chapainawabganj, 'Bangladeshi shot dead by BSF along Chapainawabganj border' The Daily Star (8 July 2019)

²³ Chapainawabganj Correspondent, 'Bangladeshi dies in alleged BSF fire in Chapainawabganj' bdnews24.com (17 August 2020)

²⁴ 'Bangladeshi shot dead by BSF men in Chapainawabganj border' United News of Bangladesh (4 July 2020)

²⁵ Star Report, 'BSF kills another Bangladeshi amid zero killing talks' The Daily Star (24 December 2020)

²⁶ The Chairman, Railway Board & Ors vs Mrs. Chandrima Das & Ors [2000]

²⁷ Rajashri Dasgupta, 'With SC Set to Hear Petition, Killings at Bangladesh Border Back in Focus' (5 March 2020) The Wire <<https://thewire.in/rights/felani-khatun-killing-bangladesh-border-supreme-court>> accessed 20 November 2020

²⁸ ibid-65

Judiciary plays an important role. They provide several judgments regarding the cross border. The learned court held in the landmark case of *Chairman, Railway Board & others v Chandrima Das & others* that "all those who are not citizens of this country and come merely as visitors will be entitled to the protection of their lives following constitutional provisions. In this case, the learnt court has given a sentence for 12 years and compensates Rs 10 lakhs to the rapist.²⁹ Moreover, in the landmark case of *Lous De Raed v Union India*, 'the learnt court held that the right to life and liberty extends to a foreigner as well'³⁰.

Moreover, though the accused of killing Bangladeshi nationals Felani is acquitted twice from BSF special courts. Then Felani's father filed a writ petition before the Supreme Court of India, which is now pending. The nationals of Bangladesh are awaited for this judgment, and they believe that it will be another landmark judgment for the foreigners.³¹

Though the judiciary gave great emphasis on the foreigners upon several judgments, the killings are still now continuing illegally. The court said that the foreigners would also get the same protection of life following the Indian Constitution. However, the question remains whether foreigners get equal protection at all.

Role of BGB in Controlling Border Killing

Though Border Guard Bangladesh plays an important role in controlling border killing, it does not reduce because the role played by BGB does not have any enforceability. When any such incidents take place, they actually issue a letter to BSF to hold a flag meeting or to call the director general level conference, investigate the incidents or call upon a meeting immediately taking place the incident. 'The five-day director general-level conference between the BGB and BSF, which was in India's Guwahati, over the meeting the killing of Bangladeshis by BSF, illegal trespassing by Indian nationals including BSF members, smuggling of drugs and illegal arms into the country from India and also several issues were discussed.'³²

However, the consequences are zero, and the killing continues. When the BGB-BSF DG-level conference was held in Dhaka on September 19, 2020, the BSF DG reported that they are working on a plan to minimize killings at the India-Bangladesh border areas to zero.³³

So, after observing the daily newspaper reports, it is pointed out that BSF assured BGB that they will stop such killing and work out to bring it to a zero level. But the consequences are still zero. The question is that why it happens after giving assurance? The answer is that such meeting which has taken place between these two security forces has no enforceability.

FINDINGS

Findings are the core elements of every research. It appears that what is found by the researchers in the research study. It is the heart of legal research. So given below are the core findings of this research:

1. Border killings are a gross violation of human rights in the perspective of international law and under the constitution of every state because it violates the fundamental rights of a man's right to life. Though there are treaties, agreements and guidelines which provide that instead of killing, the accused shall be treated as infiltration and handed over to the civil authority.
2. There are many bilateral talks or DG-level meetings held between India and Bangladesh whenever border killing occurs; India assured Bangladesh to stop border killing. However, it continues because it is just a mere discussion. No special treaties or agreements deal with border killing, meaning there are no special procedures to deal with incidents. Most incidents are not being prosecuted in the due process because there are no border-related treaties.

²⁹ ibid- 67

³⁰ ibid-64

³¹ ibid-68

³² Star Report , 'BSF killed another Bangladeshi amid zero killing talks' The Daily Star (24 December 2020)

³³ ibid-64

3. When border killing or related incidents occur, the Border Security Forces claim adversely that they shot through the gun for self-defence, though the victims have been seen unarmed in most incidents.
4. The accused and witnesses are from one side. Proper evidence can not be found to prosecute the case because they give evidence in favour of them. For lacking evidence, the perpetrators get free from prosecution.
5. BSF is exempt from criminal prosecution if the government does not permit it to prosecute.³⁴ So for such a bar, most of the prosecution could not be taken place because no one wants to debase his state.
6. In many cases, Indian Security Forces entered the Bangladesh side. They killed innocent people who were working near the fence on their land or fishing in the river near the border though they were unarmed.
7. Lack of accountability, gentle approach from the Bangladesh side, and impunity are some of the main reasons for the continuation of such killings; if they are accountable and prosecuted, such killings are never committed or must be reduced.
8. There is no legally open market near the border to buy cattle or other necessary products, so most of the time, many people cross cattle or other goods illegally. In that time, many people have been killed, claimed by BSF.
9. From 2000-2020, 1299 citizens were killed by BSF, and 4585 people were the victims of different violations such as torture and abduction.

RECOMMENDATIONS

Upon the significant finding of the research, the authors recommend some core points to ensure justice by applying legal knowledge. They are-

Enacting Special Treaties:

Treaties are more important than bilateral agreements or discussions because of their enforceability. Both governments of Bangladesh and India should enact special treaties instead of bilateral agreements which only deal with border killing and border-related issues so that the accused are being prosecuted duly.

Establishing Independent Commission

India and Bangladesh should jointly form an independent commission to inquire about the severe violation of human rights caused by the border security forces. The commission will inquire into the incident impartially, and the commission must protect the witnesses. Moreover, if any allegation arises against the border security forces for entering another country or killing civil citizens illegally, then the commission will do an impartial inquiry and investigation. And finally, the commission will submit the report to the Court.

Establishing Special Court

The perpetrators involved in border killing illegally should be prosecuted by an impartial court, which forms participation from both countries. Entering another country or killing any civil citizen by the border security forces must be prosecuted strongly and immediately because it is a prima facie violation of human rights and hits on the sovereignty of an independent country.

CONCLUSION

Bangladesh and India share long borders, and both claim each other as a friendly state, but the reality is different. The BSF violates human rights by killing Bangladeshi nationals in the border area continuously. Among all the killings, the killing of Felani created a global outcry. They are not sorry for those heart-touching

³⁴ The Code of Criminal Procedure, 1973 (Sec-197)-amended

incidents; instead, they claim the reverse. Though they try to justify those killings as self-defence, most people killed were unarmed. India has the right to impose border control but has no right to kill illegally or use lethal weapons, which is restricted under international law. However, ‘the court also told that even foreigners should get equal protection of the right to life under the Indian Constitutional provisions.’³⁵ Though there is an explicit agreement that anyone who enters the Indian Territory shall be treated as infiltration and handed over to the civil authority instead of killing, it continues. BSF assured several times BGB and foreign ministers not to use lethal weapons, but it also continues. Those incidents are a gross violation of human rights, international norms, and UN principles, and it is a hit on the territorial sovereignty of Bangladesh.

³⁵ The Chairman, Railway Board & Ors vs. Mrs. Chandrima Das & Ors [2000]