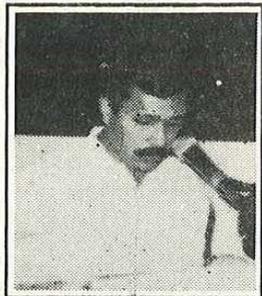


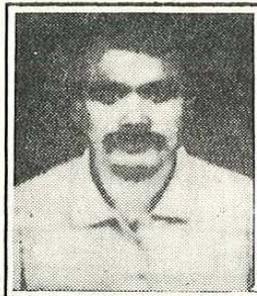
a report on

KILLINGS OF HUMAN RIGHTS DEFENDER

in Assam



Parag Kumar Das



Cheniram Nath



Latika Kachari



Golapi Basumatary



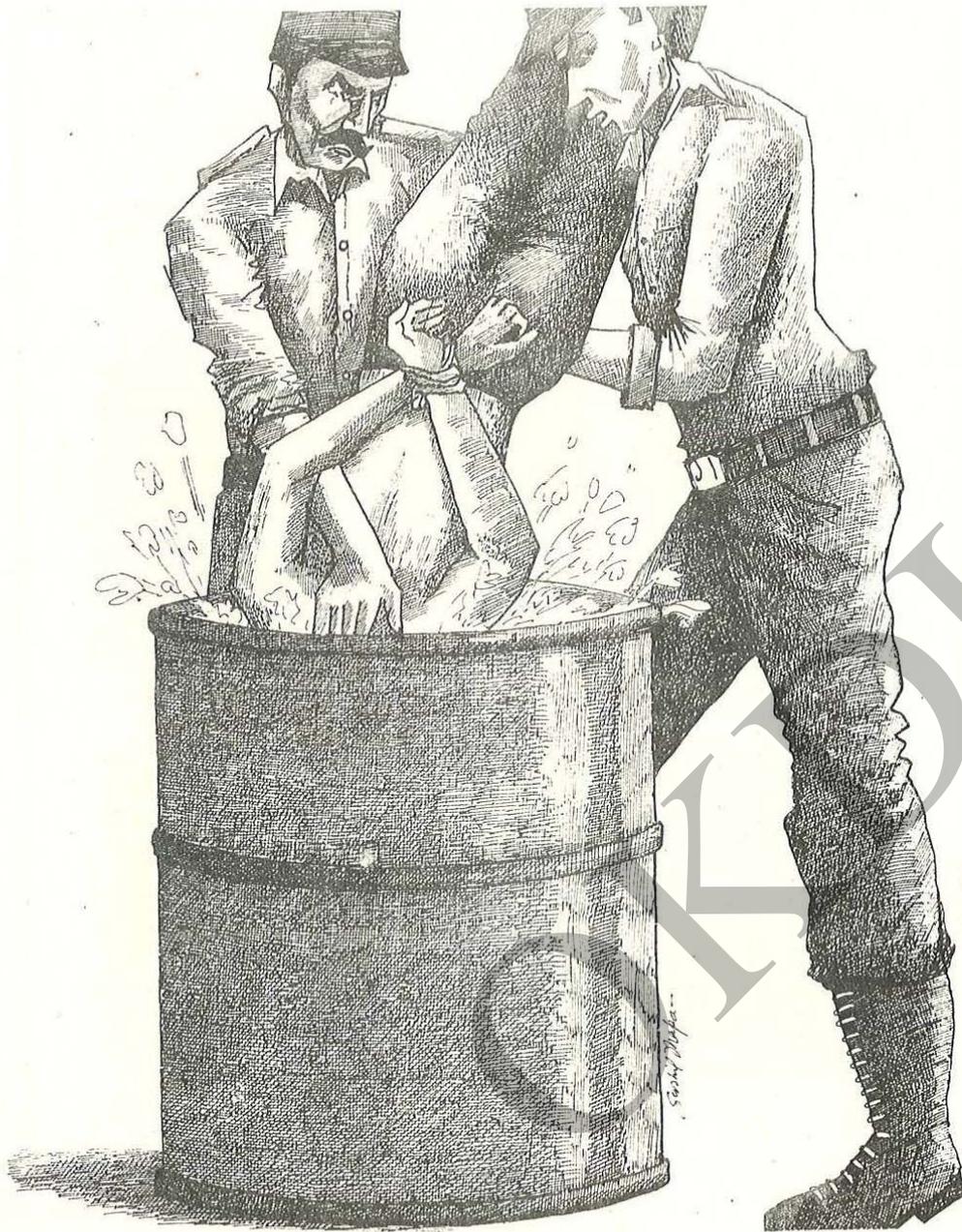
Mahesh Nath



Nripen Sarma



MANAB ADHIKAR SANGRAM SAMITI (MASS)



Sushil Thapa, Kathmandu

SKETCH REFLECT THE BRUTALLITY OF INDIAN ARMD FORCES

UN declaration on the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms was adopted on 9 December, 1998 by the General Assembly of United Nations in stressing that the primary responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State, and in recognizing that rights and responsibilities of individuals, groups and associations to promote respect for, and foster knowledge of, human rights and fundamental freedoms at the national and international levels.

THE DECLARATION SAYS

ARTICLE 2.1 Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic and the political as well as other fields and the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

ARTICLE 5.

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and with association with others, at national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups
- (c) To communicate with non-governmental or intergovernmental organizations.

ARTICLE 12.1

Everyone has the right, individually and in association with others, to participate to peaceful activities against violations of human rights and fundamental freedoms.

ARTICLE 12.2

The State shall take necessary measures to ensure the protection by the competent authorities of everyone, individually or association with others, against any violence, threats retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present declaration.

Manab Adhikar Sangram Samiti (MASS), a human rights organization of the Northeastern parts of India (Assam), has been facing brutal suppression from the State through its agencies since its formation at November in 1991. Hundreds of human rights defenders had been tortured with a political motive by the state forces to crush the organization as the activists are working to promote and to strive for the protection and realization of human rights and fundamental freedoms of the people of Assam and protesting against the large-scale violations of human rights as well as basic fundamental rights of the people of the state. The human rights defenders are become the first target of State policies for surveillance, arbitrary detention, and extra-judicial killing. Their families become the secondary targets of State repression. Extra judicial killing enforced disappearance, raping of womenfolk, torture, fake encounters are becoming day to day incident of the state. All these violations committed by the state police and Indian army in the state is carried out to suppress the hopes and aspiration of people of Assam to free from the eclipse of the repressive and exploitative regime.

The state sponsored vigilante force had killed the founder Secretary General of MASS Mr. Parag Kumar Das in broad day light at the capital city Guwahati on May'1996. Before the killing of Mr. Parag Kumar Das he was detained several times under black laws like Terrorist and Disruptive Activities Prevention Act (TADA) and National Security Act (NSA). Not only Mr. Parag Kumar Das was booked under TADA and NSA but also other activists of the organization namely Mr. Ajit Kumar Bhuyan, founder Chairman, (Guwahati) Mr. Lachit Bordoloi, Secretary General (Nagaon), Mr. Bubumani Goswami (Morigaon), Chairman, Mr. Prakash Mahanta (Nagaon), member, Asish Gupta(Guwahati), Vice Chairman, Jibeswar Saikia(Jorhat), Advisor, Jnanen Chakrabarty(Nalbari), Secretary, Pallab Borbara(Golaghat), organizing Secretary, Kushal Gayan(Nagaon), member, Harichandra Boro (Barpeta), Chief Organizing Secretary, Sujit Roy, Secretary of Bongaigaon District Unit, Tikendrajit Patgiri(Dibrugarh), Ganesh Bordoloi, Ranjit Saikia, Tarun Bora all from Nagaon District unit, Munli Rajbanshi, Kutubuddin Ahmed, Amol Kalita, Naba Baishya,

Ranjit Das, all from Nalbari District unit, Nabajit Das, Kishori Das, Utshab Roy, Kishori Mohan Deka, Phulen Tamuli, Babul Das, Ratna Das, Nripen Deka, Niranjana Das, Phulen Das, all from Barpeta District unit, Sujit Roy, Ashim Roy, Nikhil Roy, all from Bongaigaon District unit, Biren Medhi, Bijay Goswami, Tutu Borthakur, Suren Nath, Madan Das, all from Morigaon District unit, Jaynta Buragohain, Birinchi Gogoi, Promod Gogoi, all from Sibsagar, Dipankar Neog of Lakhimpur District, were booked under the above mentioned black laws for several times in some false charges. Mr. Cheniram Nath a MASS activist was arrested by Indian army on May 31, 1996 and his dead body was found on the next day. When the World is preparing for the celebration of International Women's Day one of the woman activist of MASS Ms. Dhirabati Choudhury was arrested after she was beaten mercilessly by the State Police in front of the Deputy Commissioner of Bongaigaon making her half naked when she was leading a group of women to demonstrate a sit-in-strike against the illegal torture and arrest of four MASS activists who were engaged in wall painting of the organization. Although the Court released her on bail, she was again booked under NSA, and put her inside Jail for two months. The Advisory Board constitute by the Government itself, release her considering her innocent. On January 1, 1999, the vigilante force had killed MASS activist Mr. Mahesh Chandra Nath. Recently, the State Police had killed another MASS activist Mr. Nripen Sarma after torturing brutally. The State Police, the Indian army and the state sponsored vigilante force which is popularly known as 'secret killers' unleashed such a situation that the free movement of human rights activists is totally hampered and documentation of large scale human rights violations by the state forces have been totally paralyzed.

Killing of human rights defender Parag Kumar Das (17 May, 1996)



Parag kumar Das, aged about 36 years, was the founder Secretary General of MASS and NECOHR and editor of 'Asomiya Pratidin', a local daily newspaper. It was around 2 PM of 17 May, 1996, when Mr. Parag Kumar Das went to receive his son Mr. Rohan from

Asom Jatiya Vidyalyaya at Rajgarh road of the capital city Guwahati. But he could not receive his son. As Mr. Rohan came out from the school and Mr. Parag proceeded to receive him, a group of vigilante force sprayed 13 bullets on his body and he immediately collapsed. Even Mr. Rohan too received bullet injuries on his hand.

Born in February 24, 1961, he had a very brilliant career occupying the 10 tops position in Matric and Pre University from Cotton Collegiate Higher Secondary School and Cotton College respectively. He had been graduated from Delhi University and done post-graduation from Delhi Schools of Economics. After that, he had been served for a short period in Punjab & Sindh Bank and joined as a Trading Manager in Gauhati Stock Exchange where he was later promoted as the General Manager of the Stock Exchange.

During the period of working in Stock Exchange Mr. Parag Kumar Das edited a vernacular weekly namely 'Budhbar' and another 10 days magazine 'Agan'. At the later part of 1994, Mr. Parag Kumar Das resigned from the Stock Exchange and joined as the Executive Editor of 'Asomiya Pratidin'.

After the statewide protest against the ruthless killing of Mr. Parag Kumar Das, the state government declared one person as the responsible person for the killing. But the government did not show any interest to book the same. On the other hand another accomplice of the killing, Mr. Kajal Khan, as declared by the government, was set free from the police lock up and the government had published that he had fled from the custody by breaking the police lock up.

Later, the state government had handed over the case to Central Bureau of Investigation (CBI), an investigation agency of India, to probe into the killing. After the passing of more than two and half years the CBI authority cannot complete the investigation, but published through the news agencies that the person declared responsible for the killing by the government was not involved in the incident. Even the Government once in Delhi declared that Mr. Das was killed by United Liberation Front of Assam (ULFA) an armed opposition group fighting for liberation of Assam. But when it create great resentment in the State, the Govt. retracted the statement. Thus the State Government misled the whole investigation and as a result the culprits could not be identified yet.

Killing of Ms. Golapi Basumatary (December 22, 1996) :



Golapi Basumatary, general secretary of Boro Women Justice Forum and a school teacher of Barimakha under Barama PS of Nalbari district was killed in an attack by suspected members of Boroland Liberation Tiger Force (BLTF) on December 22, 1996 at Kotoupara village near Barama in Nalbari district.

The incident took place when she along with several others, was going to her village from Barama on that evening in a hired car, suspected militants of the BLTF way laid her car and opened indiscriminate firing killing Ms. Golapi and three others on the spot.

Born in September 1, 1965, she was the general secretary of the Boro Women Justice Forum from February 20, 1993. Formerly a school teacher, later she resigned from service to dedicate her life as a full time human rights activist and a social worker. She was also associated with Nalbari district tribal league, Boro Sahitya Sabha, Students Union and other social activities.

Killing of a unit Chairman of MASS by army (31 May, 1997):



Cheniram Nath, aged about 35 Years, chairman of Hatichung unit of MASS, was a farmer of the village Jamuguri under Jajori police station in Nagaon district.

On 30th May '97, at about 10P.M., Mr. Cheniram Nath was picked by army, from a house belonging to one Mr. Lankeswar Nath, near his own residence at Jamuguri village, under Jajori police station of Nagaon District. From eyewitness, it is known that Mr. Cheniram was mercilessly beaten by Army without any reason on the spot and later taken away. Next day, on 31st May, hundreds of women from that area gheraoed (cordon off) the District commissioner's office demanding immediate release of Mr. Cheniram Nath. Mr. S. Abbasi, the D.C. of Nagaon District, gave assurance that he would take immediate action for handing over Cheniram Nath to police custody within 24 hours and also told the

women group that if there is no case pending against him at police station, he will be released. Surprisingly next day i.e. on 1st June, at about 8 A.M. the dead body of Mr. Cheniram Nath was handed over to Sadar Police station by army of 13 Mahar Regiment. The top portion of the skull of the dead body was removed and the entire body was badly injured by bayonet. According to the Army version, Mr. Cheniram was shot dead during the Army operation at Senchowra, on 31st night, while he was tried to escape. But it is known that Mr. Cheniram was brutally tortured and later he was killed in Army camp. Moreover, on that day no Army operation was carried out in that particular area i.e. at Senchowra. On 2nd June, a MASS delegation, submitted a memorandum to Mr. S. N. Bhargav, the Chairman of State Human Rights Commission, Assam demanding a high level inquiry of the incident. The MASS delegation also requested Mr. Bhargav to visit the spot and the house of the victim, which is within 10 Km, in distance, but he refused to go there saying that they have no power to deal with the cases where the armed forces of the State is involved. On 4 June hundreds of people from different organizations hold a sit-in-strike in front of the office of the Deputy Commissioner of the District and on 6 June several organization like AASU AJYCP, TTVF, ATTSA and MASS called for a District 'Bandh' (Total close/strike). To file a case in the court, the family members of the victim applied for the copies of the case document, but the District administration did not allow to give copies of the case documents for around one year. Finally the case was submitted at the Gauhati High Court. The District administration sent the case to the National Human Rights Commission along with the Video recording of the post-mortem considering it as a case of custodial death.

Killing of Miss Latika Kachari of Nalbari (12 August' 1999)



A group of 8 SULFA members wearing masks, shot dead Miss Latika Kachari and three other members of her family including her 60 years old Mother Mrs. Phuleswari Saikia Das. Dr. Dharamidhar Das, elder brother of Latika, his wife Rupjoyti Das and Mrs. Phuleswari Das, mother of Latika, his entire family had dinner earlier than the usual days after he returned from work early because of inclement weather and went

to sleep around 10 P.M. Soon after, it started to rain heavily and the entire area was engulfed in pitch darkness. Around 45 minutes past midnight, the calling bell started to ring and as Ms. Latika, woke up and opened the door, the assailants shot her dead. The assailants, all masked and wielding 9 mm pistols, had crossed over the verandah protected with nets, to the door of the main room when Ms. Latika opened it. As Ms. Latika collapsed on the floor, the assailants entered the main room and shot at Dr. Das, his wife Ms. Rupjoyti and mother Mrs. Phuleswari, all of whom had by then woken up, killing them on the spot. Bhaskar, the four-year-old son of Dr. Dharanidhar, escaped as he hid himself beneath the bed. A lady guest, one Ms. Nirmali Das (25) and the maid servant, Soni (12) who slept in a separate room, also escaped unhurt as they kept confined to the room bolted from inside. The assailants, after committing the dastardly crime, escaped under the cover of darkness and the rain. Incidentally, Mr. Khagen Das, father of Miss Latika, was not at home at that night as he had gone to Manikpur to invite her family for the birthday of his grandson, Bhaskar, which falls on.

Killing of a MASS member at the capital city on August 31, 1998.



Atul Phangsu, aged about 31, of Thakurkuchi village under Chandrapur police station of Kamrup District, was active MASS member of the capital city Guwahati and used to stay at the Bamunimoidam area of the city along with some of his relatives. On 31 August, 1998, around 9 P.M. four plain clothed armed youths, suspected to be armed SULFA group involve in many killings in the State, picked Mr. Atul Phangsu up from railway quarter No. 702 at Bamunimoidam introducing them special Branch of State Police. The party told the family members that they shall release him after identifying the residence of one Mr. Abhijit who resides nearby the railway colony. But next day, his dead body recovered by the police near Geetamandir area of the city. A bullet pierced through his skull, he was doubted to shot from point blank range. The Chandmari police registered a case, but in the name of investigation, police first accused the relatives, who stay with Atul at Bamunimoidam, as involve in the conspiracy, next accused the family members, who resided at Chandrapur and finally declared that some of his friends had killed Atul. But no action was taken against any person, nor police seems to be serious to investigate the case.

Mohesh Nath of Goalpara (January 1, 1999).



Mohesh Nath, aged about 48 years, a primary school teacher of Nishinta village under Goalpara Police Station was Central Committee member of MASS and adviser to the Goalpara district committee of MASS. Mohesh lost his only brother few months' back and his old and ailing father died a week later. Mohesh was the only earner of his big family and now, after his death the oldest male member of the agriculture base family is his five-year-old son. On January 1 of 1999, at about 4 P.M., Mr. Mahesh Nath, along with 2 friends namely Mr. Nirmal Biswas and Mr. Bhagirath Nath, were returning from Paikan village to Nishinta on that day. Around 4 PM, a group of vigilante force boarding on a Maruti stopped in front of them at Bhimajuli and picked Mr. Mahesh Nath on the Maruti. After an hour, i.e. at 5 p.m. Mr. Mahesh was shot dead at Naokhowa Bazar, Krishnai. Later, police recovered his bullet-ridden dead body and after post-mortem handed over to the family.

Killing of popular MASS activist by the Police (5 April, 1999).



Nripen Sarma, aged about 30 of Dharamtala village under Patacharkuchi police station in Barpeta district was the chairman of the Patacharkuchi unit of MASS. Around 1:30 A. M. of 4 April, an armed group of 10/12 people cordoned off the house of Mr. Nripen Sarma and called him to open the door, saying that they are police from the Patacharkuchi Police Station. Mr. Nripen and his sister Miss Hiran Devi opened the door. The two civil dress wearing person, whom Miss Hiran identify as Mr. Jitmol Doley, the S.D.P.O. and Nagen Bora, the Officer-in-charge of Patacharkuchi Police Station) beat Mr. Nripen in front of his sister and made search of his house. After few minutes, the group taken away Mr. Nripen saying his sister and parents to come to the Police Station next day morning. When next day early in the morning his sister Miss Hiran went to the Police Station and asked the officer-in-charge about her brother, first the Officer replied her that he never know any Nripen Sarma and Police did not arrest any person last night. Then

Miss Hiran lodged a complain about the missing of her brother and met the Sub Divisional Officer of Bajali Sub Division. The local unit of MASS, AJYCP, AASU, Patacharkuchi Bazar Committee, and members of the Bihu Committee, whom Nripen was the Secretary, went to the Deputy Commissioner of the District and submitted a memorandum requesting immediate inquiry of the incident. The above mention organizations observed a day long 'bandh' (strike) at the Patacharkuchi area demanding immediate release of Mr. Nripen Sarma. Surprisingly, at the evening of 5 April, the dead body of Mr. Nripen was recovered from Pahukata river, at Dhamarpur under Bhabanipur P.S. The dead body bore bullet injury and cut marks.

After the recovery of the dead body, on 6 April morning, in front of the MASS investigation team, the family members of Mr. Nripen Sarma charge repeatedly the S.D.P.O. in presence of the Addl. Superintendent of Police that the police taken away Mr. Nripen. And Mr. Jitmol Doley, S.D.P.O. and Mr. Nagen Bora, O/C. The other armed men were masked led the party. But the two Officers were not in musk, but in civil dress. The Police party, particularly Mr. Jitmol Doley told the agitated family members that police is not involve in the incident, but one Mr. Tirtha Bhuyan, surrendered ULFA, had committed the incident. Till the preparing of this report, no one had been arrested in this case by Police.

The local unit of MASS, AJYCP. Bihu committee had been observing a day long sit-in-strike in front of the office of the Deputy Commissioner demanding a high level judicial inquiry in to the incident and punishment of the culprits.

OTHER RELATING INFORMATION(S).

A section of the surrendered ULFA activists were used by the Police administration as well as the army authority against the active ULFA activists since last few years. Lastly, from August 1998, the administration sponsored the surrendered ULFA group to directly killed ULFA members, their family members and 'sympathizer' of ULFA. During last 8 months, the surrendered but armed SULFA group killed as many as 75 persons and few surrendered ULFA was also killed by the active ULFA. But on 3 rd April, some surrendered ULFA, including Tirtha Bhuyan, published an appeal in local news paper to cease-fire for the month of Bohag (15 April to 15 May), which is a month of the national festival of the State and also appeal the Government to stop the operation against ULFA, to made an atmosphere, where the peace-process will get strengthen. So, reasonably the doubt arises that the local Government, people charges whom for blocking the peace-process time to time, may

have done such incident, to block the process. Though the Police claimed the involvement of one surrendered ULFA in the killing of Mr. Nripen Sarma, till to day, Police did not take any steps to nab the culprit. Moreover, the Officer-in-charge of the Patacharkuchi Police Station first refused to know Mr. Nripen, the local people informed MASS investigation team that the O/C knows Mr. Nripen very well. The O/c himself told the MASS investigate team that at the evening of 3 April he last talk to Mr. Nripen about the Bihu festival and he was very good person.

Killing of a human rights activist by the Vigilante group:



Pratul Sarma(32) was the owner of a restaurant at Guwahati Club area of the Capital city Guwahati and resident of Happy Vila area of the city. On 27 November, around 8:30 p.m., when he was busy with his restaurant, all on a sudden, 2 armed youths in plain get up, entered to his restaurant and first asked the 'waiter' about the owner of the restaurant. Then they came to Mr. Sarma. The youths call him out to a red colour Maruti van stand in front of his restaurant. Another two armed youth was siting in side the car. Taking Mr. Sarma in to the car at gun point, they went away. The Hotel boys could not understand the incident. When up to 11 p.m. Mr. Sarma did not come back to either his restaurant or to his house, the family member went to police to inquire and finally lodged a complain. Next day, his dead body was recovered from Jungal Balahu Garh, 100 Kilometers away from the city, under Roha Police Station of Nagaon district. Some journalist informed the family about the recovery of an unidentified dead body and the family members identify the body. The dead body bore multiple injuries of blatant arms despite two bullet injuries at his forehead and chest. His hands were tied back folded and legs fastened. The Police did not take any steps to investigate the case or to book the culprits. The news published in local daily papers, make the Govt. sponsored secret killer group responsible for the killing

Killing of Dasham Sonowal (19 March'99):

At around 2 p.m. of 19 March'99, a vigilante group, numbered about 15-20, boarding on a Tata Sumo and a Maruti gypsy along with a group of Police, suddenly stopped in front of the residence of Mr. Dasham

Sonowal(27), a MASS member of the Nitai Panidihing unit, at Nitaipukhuri Nemukur village and entered to his residence. As the vigilante group had killed as many as 26 people during last few months in the district, Mr. Dasham being afraid of 'GUPTA GHATAK' (secret killer), had fled towards backside of their residence. The group chased him and shot him dead from point blank range. But later police published that Mr. Dasham Sonowal is an ULFA activist and he died in an encounter. Surprisingly, no arms or ammunition was recovered either from Dasham or from his residence. Several democratic and human rights organizations condemned the brutal murder of an innocent youth by the vigilante force and demanded a high level inquiry into the killing and book the culprits. On 21 March'99, hundreds of people hold a protest in front of the office of the Deputy Commissioner of the Sibsagar District and submitted a memorandum demanding Judicial inquiry in to the incident and to provide adequate compensation to the victim's family.

A case of a 'disappeared' MASS member:

Nabin Tamuli(42) was the Advisor of Tinsukia District unit of MASS and a Farmer. Around 11:30 p.m. of 27 April'99, a group of 6 armed people, three of them in army dress, knocked the door of Mr. Nabin Tamuli calling his name. Mr. Nabin opened the door and saw six people, out of whom two were in army dress and others in plain cloths, but in masked. Out of fear, Mr. Nabin closed the door before the armed people could enter his house. However, they entered his house from backside, breaking one bamboo door. The armed group caught him, pulled him out in front of his other family members, and went away in a Gypsy vehicle. Next day, the family members went to the police to inquire about Nabin, but police simply expressed ignorance. The family members also went to the nearest army camp, but failed to get any information. On 30 April, the family members submitted a written complain at Digboi Police station. However, the police did not take any steps or carried out any investigation for the safe recovery of the disappeared person. The family members went to the Gauhati High Court to file a habeas corpus petition. Mr. Tamuli is untraced till filling of this report(May10'99). The District unit of MASS also submitted a memorandum to the Deputy Commissioner of Tinsukia district to take necessary action for the safe recovery of the human rights defender and hold a high level inquiry in to the incident. From our previous experience, we suspect that either army or the vigilante group is involved in this incident.

Torturing of women activists:

Ms. Dhirawati Choudhury, aged about 30 years, was arrested by Police of Bongaigaon district, on 24 February'99, and tortured inhumanely, while she was in a peaceful protest program in front of the Deputy Commissioner's office against arrest of four MASS member of the district. After the arrest she was immediately send to Goalpara District Jail. On 1 March'99, when the judicial court allowed her to released on bail, the Bongaigaon District authority again detained her under National Security Act. But, the Advisory Board considered the Grounds of detention made against her by the authority is false and baseless. So, the Board pleased to released her.

On 19 June'98, some women from Nalbari district including MASS activists started a 10-day long fasting at Nalbari, demanding punishment of the guilty army personnel involve in the rape of two woman, Mrs Lilawati Baishya and Mrs. Bina Baishya at Paikarkuchi in the same district. The fasting was continued up to 10 days and finally the Governor compelled to give a written assurance that he will take steps to prevent such incident and the culprits will be punished. However, one Mrs. Bina Das of Thamana of the same district was killed after raped by two personnel of Border Security Force of India, within one month's of the assurance. Hundreds of women from the district hold a protest program on 24 July'98, in front of the office of the Deputy Commission of Nalbari district. But, instead of taking any steps to book the culprits, the district authority beaten up the protestors, most of whom are women and arrested Rinku Dutta and Lalita Barman of MASS.

The continuous killing of human rights defenders by state police, army and govt. sponsored renegade groups, in the State highlighted the suppression of human rights activity in Assam, where human rights violation have been committed with impunity by the law enforcement authority. The deliberate targeting of human rights defenders worsen the already serious human rights situation in the state. In this situation, MASS have repeatedly knocked the doors of State Judiciary and the State and National Commission on Human Rights, but failed to get any satisfactory response. So, we appeal all the human rights and democratic organizations to raise strong voice against killing, torturing human rights defenders and create public opinion against such anarchism periled by the State forces.



PARAG KR. DAS at Post mortem table



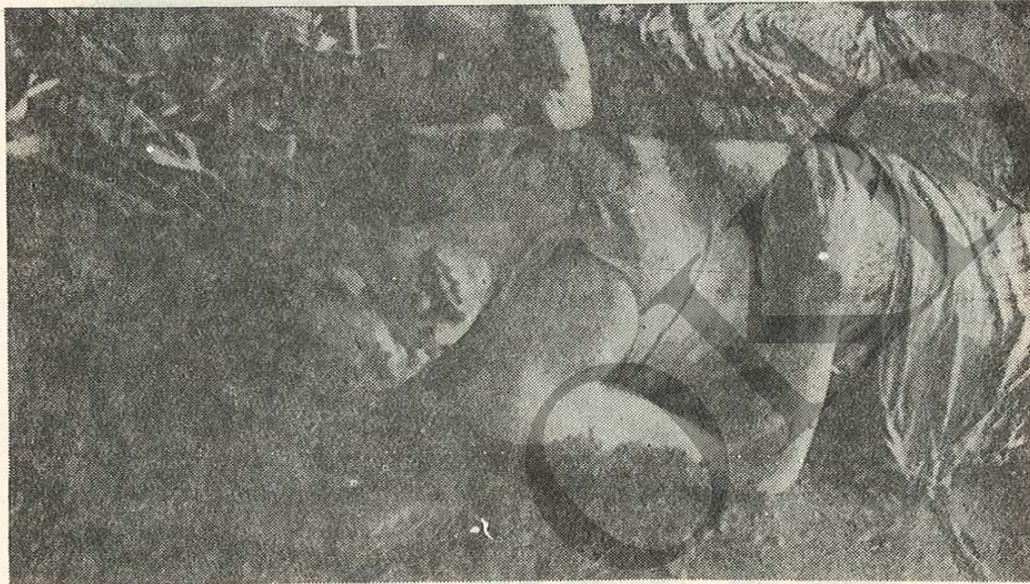
Body of Martyr Parag Kr. Das founder Secy. Gen. of MASS and a Protest program demanding punishment of his killers.

Torturing of women activists
 ... 30 years ...
 ... of the ...
 ... of the ...

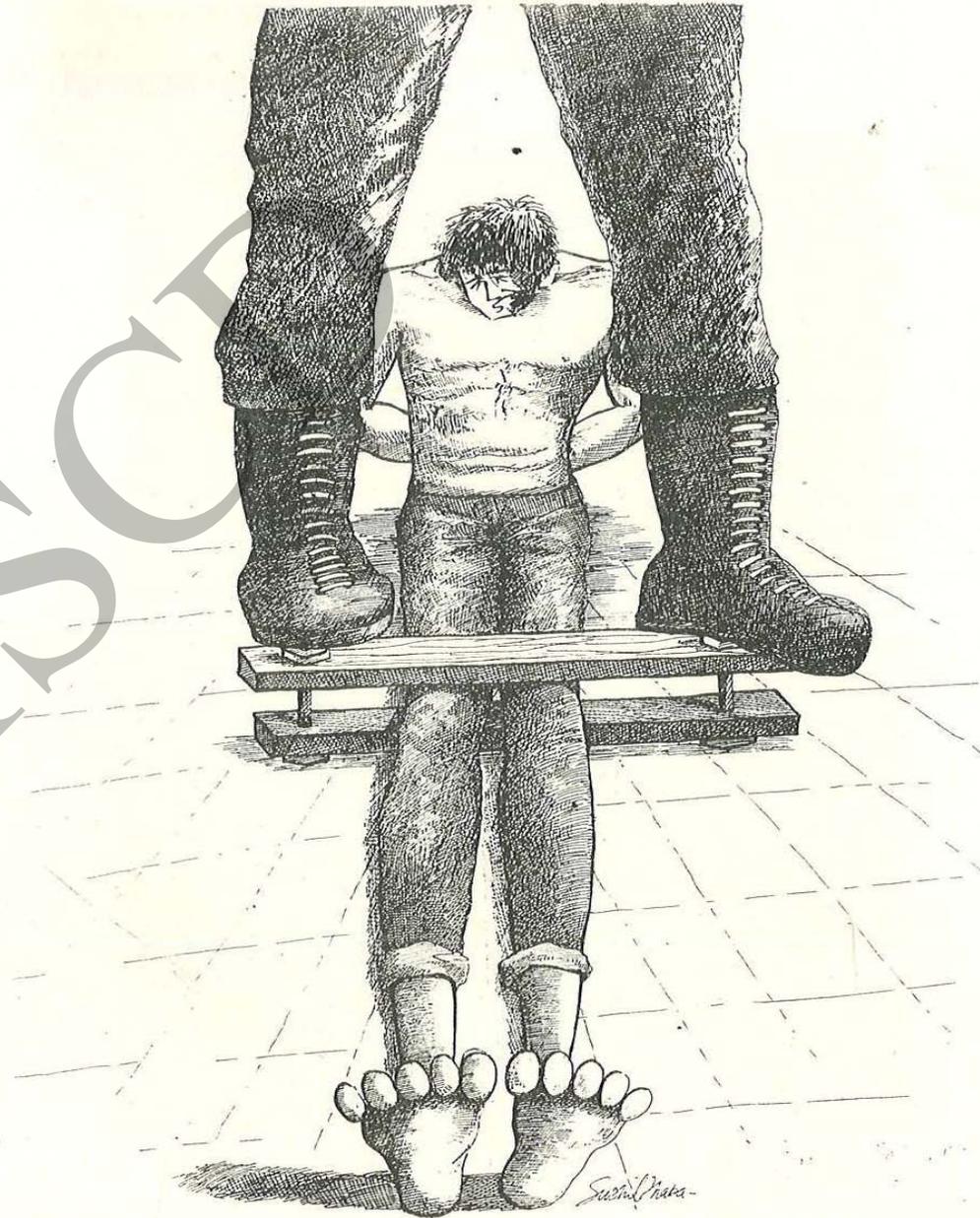


Injured dead body of Cheneram Nath and a protest against Govt. sponsored 'Secret Killing' in Guwahati.

... the ...
 ... the ...
 ... the ...
 ... the ...



Body of Latika Kachari and Nripen Sarma killed by Vigilente groups.



Sushil Thapa, Kathmandu

THUS THE 'INDIAN PEACE KEEPERS' ACT IN ASSAM.