

Urgent Appeal Regarding an Incident where Army raids a village, assaults and molests women in Assam

URGENT APPEALS PROGRAMME

Urgent Appeal No. 57/2010/UA/22/10-11

Dated: 08 June 2010

Dear Friends,

[Barak Human Rights Protection Committee](#) (BHRPC) forwards this Urgent Appeal issued by [Asian Human Rights Commission](#) (AHRC) regarding an incident where army raids a village, assault and molests women in Assam with request to all to take suggested actions.

Yours Sincerely

Waliullah Ahmed Laskar
15, Panjabari Road, Six Mile,
Guwahati-781037, Assam

INDIA: Army raids a village, assault and molests women in Assam

ASIAN HUMAN RIGHTS COMMISSION – URGENT APPEALS PROGRAMME

Urgent Appeal Case: AHRC-UAC-080-2010

7 June 2010

INDIA: Army raids a village, assault and molests women in Assam

ISSUES: Violence against women; torture; militarisation; impunity

Dear friends,

The Asian Human Rights Commission (AHRC) has received information that the soldiers from a field regiment stationed in Manipur Block, Hailakandi district, Assam illegally raided houses in Mohanpur village and in the process tortured the inmates, molested women and girls and even took their pictures at gun point. It is reported that the soldiers were looking for Mr. Nurul Hoque Barbhuiya, the former elected president of Mohanpur Gaon Panchayat. During the raid that lasted for about half a day, the soldiers destroyed household properties at gun point and opened fire to threaten the villagers who gathered near the house. A pregnant woman who was kicked in her abdomen by the soldiers lost her child in a miscarriage within two days after the

incident.

CASE NARRATIVE:

According to the information we have received from the [Barak Human Rights Protection Committee \(BHRPC\)](#), a human right organisation based in Assam, the soldiers from 117/33 Field Regiment stationed at Manipur Block, Hailakandi, Assam state raided the house of Mrs. Hawatun Nesa, wife of Mr. Nurul Hoque Barbhuiya at about 3.30am on 23 May 2010 in Mohanpur village. Hawatun is the president of Mohanpur Gaon Panchayat, a position previously occupied by her husband Nurul.

There were about 17 soldiers who entered the house and all of them had their face covered by black cloth. The soldiers knocked at the front door of the house at about 3.30am when the family was sound asleep. Hawatun opened the door. Without warning, the soldiers marched into the house and asked Hawatun where her husband Nurul was. Hawatun replied that Nurul is not at home as he had gone to a relative's house in a nearby village a day before. The soldiers refused to believe this and started searching the house.

They ordered everyone to get off from their bed. 82-year-old Mr. Mashur Ali Barbhuiya, Nurul's father was unable to get from the bed since he requires help to get up. The soldiers dragged Mashur from the bed holding him by his throat. Then the soldiers started beating 65-year-old Mrs. Fulerun Nesa, Nurul's mother accusing her that she is hiding Nurul. Then the officers started destroying household goods and furniture including chairs, tables, drawers, wardrobes and cooking utensils. The soldiers were not accompanied by women soldiers or women police officers from the local police station, which is a mandatory requirement under the law. The soldiers did not inform the family why they were looking for Nurul.

At about 7.30am the villagers gathered around the house to see what was going on in Nurul's house. At the time some of the soldiers came out of the house and fired a few shots into the air asking the villagers to stay away. The soldiers did not allow Hawatun to feed her children and others inside the house till 2.30pm. When she requested the soldiers to allow her to feed the family, a soldier pointed his rifle at her and ordered that she must feed the soldiers rather than her family and forced her to make tea and cook snacks for the soldiers to eat. They refused her to feed her family members until the soldiers left.

In the meanwhile some soldiers went to the neighbouring house where Mr. Moinul Hoque Barbhuiya resides with his family. The soldiers searched this house also. Mrs. Rejwana Parvin Barbhuiya, aged 24 years, the eldest daughter of Moinul who was recently married was home at the time. The soldiers molested her and her two younger sisters, Sabina Yasmin Barbhuiya aged 14 years and Shahnaj Yasmin Barbhuiya aged 17 years, by holding the girls by their arms and pulling them towards them with a gesture to have sex with them in front of their father.

The soldiers threatened that they have weapons and that they could do anything to them if they refused to come closer. They threatened that they could rape the girls in front of their father. One of the soldiers asked the girls and their elder sister to come along with them if they wanted to have sex away from their home and parents. Then the soldiers took turns to

take the pictures of the girls and their elder sister with their mobile telephone camera.

Rejwana informed the BHRPC that she had to beg and plead with the soldiers not to rape herself or her sisters. Rejwana informs that her sisters and she are traumatized by the incident and they find it difficult to speak to their father who witnessed helplessly while his daughters were abused by the soldiers.

The soldiers during the raid in Hawatun's house also engaged in pilferage. They took dress, cosmetics, utensils and gold ornaments belonging to the family when they left the house. The articles stolen from the house is approximately of Rs. 70,000 in value. Hawatun also accuses that the soldiers took Rs. 20,000 in cash that they found inside the house.

Before leaving, the soldiers forced Hawatun to sign documents that they had prepared and forced her to affix her official seal in the documents. The soldiers also took by force documents belonging to the Panchayat that Hawatun had kept at home. The soldiers took two mobile telephones from the house with its SIM cards with registered numbers 9854621923 and 9435582945 used by Nazim Uddin, Hawatun's brother, and that of Hawatun. Hawatun's brother's telephone was returned on 25 May.

While the soldiers were still at Hawatun's house some other soldiers were on the rampage in the village. At about 5am, they raided yet another house. This house belonged to Mr. Mujammil Ali Barbhuiya and is about 0.5kms away from Hawatun's house. When the soldiers entered the house compound Ali was getting ready to go to his farm. The soldiers stopped him and demanded to know where Nurul is. When Ali informed the soldiers that he did not know where Nurul was they assaulted him with a bamboo stick and started hitting him with their rifle butt. Ali fell down and his cloths were torn. Ali's wife Rushna Begum came running to rescue Ali from the soldiers. But she was also kicked around and beaten by the soldiers. The soldiers stopped assaulting Ali when they saw yet another villager Mr. Abdul Jalil Laskar, aged about 65 years on the street.

Laskar was going to the mosque for his morning prayers. The soldiers grabbed Laskar by his dress and without asking anything started beating him. Some persons who happened to witness this tried to intervene and they were also beaten up by the soldiers. Mrs. Latiful Begum Barbhuiya, aged 35 years, Sharmina Begum, aged 12 years and a mentally challenged boy, Imran Hussain aged 14 years are among those who were beaten up. Mrs. Suretun Nesa, aged about 30 years was beaten up by the soldiers and kicked in her abdomen. Suretun Nesa was in her advanced stage of pregnancy and on 25 May she had a miscarriage at Silchar Medical College and Hospital due to the injuries suffered to her womb from the assault.

Another group of soldiers at about 6am went to yet another house belonging to Mr. Amit Das. The soldiers asked Das about Nurul for which Das replied that he did not know about Nurul's whereabouts. Immediately the soldiers started beating him, whereby he sustained serious injuries on his leg. Das is currently under treatment at Community Health Centre, Mohanpur. It is reported that the soldiers refused to allow anyone to leave the village to seek medical help until they left.

It is suspected that the raid and assault was carried out for wrecking political vengeance

against Nurul and his wife, who are popular among the villagers. Both husband and wife do not belong to any political parties and during their tenure as the president of the local panchayat they are trying to root out corruption in the distribution of funds in the government schemes. It is widely believed among the villagers that the some local politicians are behind instigating the soldiers to raid the village in an act of vengeance against Nurul and his wife since they have so far refused to join any political parties.

ADDITIONAL INFORMATION:

The BHRPC contacted Subedar Mr. Yadav at the 117/33 Field Regiment in Manipur Block on 4 June at about 12pm. The officer informed BHRPC that the operation was conducted based on the information provided from anonymous sources, but the identity of the suspect was mistaken and that they have apologised to Hawatun about the incident. Yet the officer insisted that he need to meet Nurul.

At about 1pm Captain Mr. Amit Gautom, COB Commander contacted BHRPC from the telephone number +91 9435742088. The Captain informed BHRPC that the raid was conducted by the 117/33 Field Regiment. When the Captain was questioned about the absence of any police officer during the raid he first replied that it is not required under law. When confronted about his misinterpretation of the law, quoting from the [Naga People's Movement for Human Rights](#) case as decided by the Supreme Court of India, the Captain claimed that the raiding party was accompanied by a police constable from Katlicherra Police Station. However, the BHRPC claims that Mohanpur is outside the jurisdiction of Katlicherra Police Station.

The Captain further claimed that they did not injure, torture or abuse anyone during the raid and that the soldiers did not destroy any property. He claimed that Hawatun has signed a document to prove this. Hawatun as well as her family members claim that the document was signed by Hawatun at gunpoint and that she was not informed about the content of the document. It has to be noted that this is a common practice employed by soldiers and police officers when they conduct illegal house raids in India. The AHRC has reported cases in the past where soldiers and police officers resorting to such practices.

The Captain further informed BHRPC that Hawatun and her husband need not be afraid if they are innocent. The Captain also claimed that the army will use force only when required. Yet the Captain insisted that Nurul and Hawatun must come to their camp and meet the Captain. He also threatened that there would be further raids in the village if the army receive any information and insisted that the raid on 23 May was not conducted on any mistaken identity.

The police so far have refused to register any case concerning the incident. Two complaints however are filed at Algapur Police Station, one by Hawatun and the other by Abdul Jalil. The police accepted Hawatun's complaint but refused to register any formal case. As for Abdul's complaint, the police asked him to go home and refused to register a case based on his complaint. The police told Abdul that he must be happy that he is alive after his encounter with the army and that he should not complain and if he insisted, the army would get him and

finish him off in some other excuse.

It must be noted that the army has no right whatsoever to summon a civilian to their camp and has no legal mandate to engage in crime control or other operations in the area unless for supporting police operations. The local police must immediately record the statement of the injured and the witnesses to the incident. This is a clear case of abuse of authority by the army and such acts must not be allowed to recur. In addition, the soldiers conducting house raids without informing their ranks and names with their face covered is a direct violation of law against which the unit's immediate commanding officer must be punished.

The villagers also fear for the safety of Nurul and his wife Hawatun. They say that if the husband and wife try to pursue their case against the soldiers, they will come again and kill both of them and later claim that they were killed in an armed encounter, a phenomenon common in the region and there would be no inquiry into the case at all. But Nurul and Hawatun are confident that if there is enough pressure, there will be an investigation into the incident and the soldiers will be punished.

SUGGESTED ACTION:

Please write letters to the authorities mentioned below, in particular to the Defence Minister of India and the Chief Minister of Assam, expressing your concern in the case. The statements of the victims and witnesses must be recorded by a judicial magistrate and the Army has a legal as well as moral duty to inform the civilian authorities about the identities of the officers involved in the raid. The AHRC is writing separate letter of concern to the UN Special Rapporteur on violence against women calling for an intervention in the case.

To support this appeal, please click here:

SAMPLE LETTER:

Dear _____,

INDIA: Illegal army raid in Mohanpur, Assam must be investigated

Name of injured victims:

1. Mrs. Suretun Nesa, aged about 30 years, wife of Mr. Altaf Hussain Barbhuiya
2. Mr. Abdul Jalil Laskar, aged about 65 years
3. Mrs. Latiful Begum Barbhuiya, aged about 35 years
4. Ms. Sharmina Begum, aged about 12 years
5. Imran Hussain, aged about 14 years
6. Mr. Amit das, aged about 35 years, son of Umesh Das
7. Mr. Mashur Ali Barbhuiya, aged about 82 years
8. Mrs. Fulerun Nesa, aged about 65 years
9. Mrs. Hawatun Nesa, aged about 30 years

Name of the threatened victims:

1. Mr. Nurul Hoque Barbhuiya, aged about 42 years
2. Farhat Parvin Kawsar Barbhuiya, aged about 9 years, daughter of Nurul Hoque Barbhuiya

3. Rahat Parvin Kawsar Barbhuiya, aged about 7 years, daughter of Nurul Hoque Barbhuiya
 4. Fuzail Ahmed Barbhuiya, aged about 6 years, son of Nurul Hoque Barbhuiya
 5. Mikail Ahmed Barbhuiya, aged about 3 years, son of Nurul Hoque Barbhuiya
 6. Mr. Moinul Hoque Barbhuiya
 7. Mrs. Rejwana Parvim Barbhuiya, aged about 24 years, daughter of Moinul Hoque Barbhuiya
 8. Ms. Sabina Yasmin Barbhuiya, aged about 14 years, daughter of Moinul Hoque Barbhuiya
 9. Ms. Shahnaj Yasmin Barbhuiya, aged about 17 years, daughter of Moinul Hoque Barbhuiya
- All the above victims are the residents of Mohanpur village, Hailakandi district, Assam

Names of the perpetrators:

1. About 17 unidentified soldiers under the command of Captain Mr. Amit Gautom, stationed at 117/33 Field Regiment stationed at Manipur block, Hailakandi District, Assam
2. Captain Mr. Amit Gautom, of 117/33 Field Regiment stationed at Manipur block, Hailakandi District, Assam

Date of incident: 23 May, 2010

Place of incident: Mohanpur village, Hailakandi district, Assam

I am writing to voice my concern regarding the case of an illegal army raid held on 23 May 2010 in Mohanpur village, Hailakandi district Assam, in which several persons were seriously injured and several others threatened by the soldiers of 117/33 Field Regiment stationed at Manipur block, Hailakandi District under the command of Captain Mr. Amit Gautom.

I am informed that about 17 soldiers on 23 May 2010 at about 3.30am raided the house of Mrs. Hawatun Nesa, the president of Mohanpur Gaon Panchayat, a position previously occupied by her husband Nurul Hoque Barbhuiya. I am informed that the soldiers were looking for Nurul, Hawatun's husband.

It is reported that the soldiers who entered the house had their face covered by a black cloth thereby concealing their identity, which is illegal in India. The soldiers knocked at the front door of the house at about 3.30am when the family was sound asleep and asked for Nurul when his wife Hawatun opened the door. I am informed that without being accompanied by any woman soldiers or police officers and without offering the women in the house to step outside the house, the soldiers marched into the house and asked Hawatun where her husband Nurul was. This again is a clear violation of Indian laws, in particular the several directives issued by the Indian Supreme Court concerning state agencies, including police and the military, conducting house raids and the Criminal Procedure Code, 1973.

I am informed that Nurul was not at home at the time of the raid since he had gone to a relative's house in a nearby village a day before. It is reported that the soldiers refused to believe the statement given by Hawatun that her husband is not at home and started searching the house.

It is reported that the soldiers then ordered everyone to get off from their bed. I am aware that

82-year-old Mr. Mashur Ali Barbhuiya, Nurul's father was unable to get up from his bed since he required help and that the soldiers dragged Mashur from the bed holding him by his throat. The soldiers reportedly assaulted 65-year-old Mrs. Fulerun Nesa, Nurul's mother accusing her that she is hiding her son. It is reported that the officers then destroyed household goods and furniture including chairs, tables, drawers, wardrobes and cooking utensils. Until today the soldiers have not informed why they are looking for Nurul.

It is reported that at about 7.30am the villagers gathered around the house to see what was going on in Nurul's house. At the time some of the soldiers came out of the house and fired shots into the air asking the villagers to stay away. I am informed that the soldiers did not allow Hawatun to feed her children and others inside the home till 2.30pm whereas the soldiers forced Hawatun to make them tea and snacks. I am aware that the soldiers refused anyone in the house to have food until they left.

I am also informed that while some soldiers stayed at Hawatun's house some soldiers went to the neighbouring house where Mr. Moinul Hoque Barbhuiya resides. I am informed that the soldiers searched this house and in the process molested Moinul's daughters who were in the house at the time. Mrs. Rejwana Parvin Barbhuiya, aged 24 years, the eldest daughter of Moinul who was recently married was home at the time. The soldiers molested her and her two younger sisters, Sabina Yasmin Barbhuiya aged 14 years and Shahnaj Yasmin Barbhuiya aged 17 years, by holding them by their arms and pulling them towards them with a gesture to have sex with them in front of their father.

I am informed that the soldiers threatened that they have weapons and that they could do anything with the girls and the woman if they refused. It is reported that the soldiers threatened that they could rape the girls and the woman in front of their father. One of the soldiers asked the girls and their elder sister, Rejwana, to come along with them if they wanted to have sex away from their home and parents. It is reported that the soldiers then took turns to take the pictures of the girls and their elder sister with their mobile telephone camera.

Rejwana has informed the BHRPC, a local human rights organisation that she had to beg and plead with the soldiers not to rape herself or her sisters. It is reported that Rejwana and her sisters are traumatized by the incident and they find it difficult to speak to their father who witnessed the incident helplessly while they were abused by the soldiers.

It is alleged that the soldiers during the raid in Hawatun's house also engaged in pilferage. Hawatun claims that the soldiers took dress, cosmetics, utensils and gold ornaments belonging to the family when they left the house. The articles stolen from the house is approximately of Rs. 70,000 in value. Hawatun also accuses that the soldiers took Rs. 20,000 in cash that they found inside the house.

I am also informed that before leaving the soldiers forced Hawatun to sign documents that the soldiers had prepared and forced her to affix her official seal in the documents. It is reported that the soldiers also took by force documents belonging to the Panchayat that Hawatun had kept at home. Hawatun claims that the soldiers took two mobile telephones from the house with its SIM cards with registered numbers 9854621923 and 9435582945 used by Nazim

Uddin, Hawatun's brother, and that of Hawatun. Hawatun's brother's telephone was returned on 25 May.

I am also informed that while the soldiers were still at Hawatun's house some other soldiers were on the rampage in the village. It is reported that at about 5am, they raided yet another house belonging to Mr. Mujammil Ali Barbhuiya. When the soldiers entered the house compound it is reported that Ali was getting ready to go to his farm. It is alleged that the soldiers stopped him and demanded to know where Nurul is. I am informed that when Ali told the soldiers that he did not know where Nurul was they assaulted him with a bamboo stick and started hitting him with their rifle butt.

Ali fell down and his cloths were torn. Ali's wife Rushna Begum came running to rescue Ali from the soldiers. But she was also kicked around and beaten by the soldiers. The soldiers stopped assaulting Ali when they saw yet another villager Mr. Abdul Jalil Laskar, aged about 65 years on the street.

I am informed that Laskar was going to the mosque for his morning prayers when the soldiers grabbed him by his dress and without asking anything started beating him. It is reported that persons who happened to witness this when tried to intervene they were also beaten up by the soldiers. Mrs. Latiful Begum Barbhuiya, aged 35 years, Sharmina Begum, aged 12 years and a mentally challenged boy Imran Hussain aged 14 years, are among those who were beaten up.

Mrs. Suretun Nesa, aged about 30 years and wife of Mr. Altaf Hussain Barbhuiya also was beaten up by the soldiers and kicked in her abdomen. Suretun Nesa was in her advanced stage of pregnancy and on 25 May she had a miscarriage at Silchar Medical College and Hospital due to the injuries suffered to her womb from the assault.

I am further informed that another group of soldiers at about 6am went to yet another house belonging to Mr. Amit Das. The soldiers asked Das about Nurul for which Das replied that he did not know about Nurul's whereabouts. Immediately the soldiers started beating him, whereby he sustained serious injuries on his leg. I am informed that Das is currently under treatment at Community Health Centre, Mohanpur. It is reported that the soldiers refused to allow anyone to leave the village to seek medical help until they left.

Nothing is known as to why the soldiers conducted the raid and for what purpose are they looking for Nurul. I am informed that the raid was conducted by soldiers under the command of Captain Mr. Amit Gautom of 117/33 Field Regiment stationed at Manipur block, Hailakandi District. I am informed that the Captain has ordered Nurul and Hawatun to be present in his camp, an order he is legally unfit and have no powers to issue.

I am certain that the deployment of army detachment units in Assam is for the singular purpose of aiding operations by the local police and that the army has no legal mandate to engage in either crime control or carryout investigations or house raids without police assistance. I am also certain that the law in India mandates the army can enter houses only if they suspect that an enemy or a terrorist is harboured in the house. In all these circumstances they are expressly prohibited to cover their face or take similar measures to cover their identity. This very act forces me to suspect that the soldiers were operating illegally, for

which they have to be punished. Captain Amit Gautom, being the immediate commanding officer of the unit engaged in the raid, must be immediately punished for his command responsibility, even if he was not directly present in the raid.

The army also has a moral as well as legal duty to divulge the identities of the soldiers involved in the raid to the civilian authorities, in particular the Algapur Police Station, where a complaint has been registered against the incident.

I am informed that the police so far have refused to register any formal case concerning the incident. Two complaints however are filed at Algapur Police Station, one by Hawatun and the other by Abdul Jalil. It is reported that the police accepted Hawatun's complaint but refused to register any formal case based on his complaint. As for Abdul's complaint, the police asked him to go home and refused to register a case. It is reported that the police told Abdul that he must be happy that he is alive after his encounter with the army and that he should not complain and if he insisted, the army would get him and finish him off on some other excuse.

I therefore request you to:

1. Make appropriate arrangements so that the statements of the victims and the witnesses in the case are recorded by a judicial magistrate;
2. The soldiers involved in the incident, in particular Captain Mr. Amit Gautom, and the soldiers involved in the raid are suspended from active duty and detained by the military police;
3. That the complaint filed by Hawatun at Algapur Police Station is converted into a formal case after registering a First Information Report and Crime; and the case be investigated by the police;
4. The soldiers involved in the raid handed over to the custody of the local police and produced before a Judicial Magistrate, charged with the offense as alleged in the complaint filed by Mrs. Hawatun;
5. The complaint filed by Mr. Abdul Jalil at Algapur Police Station be accepted to records and a similar procedure initiated as in the complaint filed by Mrs. Hawatun;
6. The Army Command conducts an impartial inquiry into the incident and actions initiated to prevent the soldiers from misusing their presence in the district among civilian population for acts that could be termed as 'unbecoming of a soldier'.

I'm looking forward to your intervention in this case.

Yours sincerely,

PLEASE SEND YOUR LETTERS TO:

1. Mr. A. K. Anthony
Defence Minister
Government of India
104 South Block
New Delhi

INDIA

Fax: +91 11 23015403

2. Dr. P. Chidambaram
Minister, Ministry of Home Affairs
Griha Mantralaya Room
No. 104, North Block Central Secretariat
New Delhi 110001

INDIA

Fax: +91 11 2301 5750, 2309 3750, 2309 2763

3. Mr. Tarun Gogoi
Chief Minister of Assam
Assam Secretariat, Dispur
Guwahati-6, Assam

INDIA

Fax: +91 361 2262069

4. Chief Secretary
Assam Secretariat, Dispur
Guwahati-6, Assam

INDIA

Fax: +91 361 2260900

Email: psccy_it@assam.nic.in

5. Director General of Police
Assam, Ulubari
Guwahati-7, Assam

INDIA

Thank you.

Urgent Appeals Programme
Asian Human Rights Commission (ua@ahrc.asia)

Posted on 2010-06-07

AHRC URL: <http://www.ahrchk.net/ua/mainfile.php/2010/3473/>

BHRPC URL: <http://bhrpc.wordpress.com/2010/06/10/urgent-appeal-regarding-an-incident-where-army-raids-a-village-assault-and-molests-women-in-assam/>