

26 March 2019

India: Human rights defender Samiul Biswas being held in judicial custody

On 19 March 2019, the Chief Judicial Magistrate's Court remanded human rights defender **Samiul Biswas** in custody at Krishnanagar District Jail. He had been arrested the previous day by the Border Security Force (BSF) of the Mahakhola Border Outpost near the India-Bangladesh border in West Bengal on charges of theft relating to his “possession” of Bangladeshi currency and a Bangladeshi SIM card, the evidence for which is believed to have been falsified. Given the prevalence of smuggling on the border, the charges appear to be an effort to slander the defender by implicating him in illegal activity.

[Samiul Biswas](#) is a volunteer of Banglar Manabadhikar Suraksha Mancha (MASUM) who has been instrumental in documenting human rights violations committed by the BSF and other state agents along the India-Bangladesh border. He has also been active in mobilising the local community to resist the alleged torture and illegal restrictions on movement carried out by the BSF.

On 8 March 2019, MASUM filed a complaint to National Human Rights Commission on behalf of Samiul Biswas regarding the illegal and forceful confiscation of his bicycle by the BSF on 29 January 2019 and the denial of access to his home by BSF officers since 16 February 2019. The BSF's actions have prevented the human rights defender from transporting goods to his shop, which has impacted his livelihood and that of his family. Their actions have also prevented the defender from staying in his home and he has been forced to stay with several different friends. The human rights defender also fears for his safety following the threats and intimidation from the BSF.

After MASUM filed the complaint, Samiul Biswas was summoned by the Deputy Superintendent of Police for questioning on 13 March 2019. The deputy reassured him that the matter would be investigated and that his safety would be assured.

At around 7pm on 18 March 2019, Samiul Biswas was detained for three hours by the BSF at the Hathkhola BSF camp, during which he was slapped by officers. He was charged with theft under section 379 of the Indian Penal Code after being “found” in possession of 6500 Bangladeshi taka as well as a Bangladeshi SIM card. In reality, the BSF officers had placed the Bangladeshi currency and SIM card into Samiul Biswas' hands and filmed him holding it. At around 10.30pm, the officers sent the footage to Chapra Police Station. The next day, on 19 March, the human rights defender was brought before the Chief Judicial Magistrate's Court of Nadia district and remanded to Krishnanagar District Jail. As of 26 March 2019, he remains in judicial custody.

Samiul Biswas has faced intimidation and harassment from both the police and the BSF on several occasions since February 2019 as a result of his peaceful human rights work advocating against violations committed by the BSF.

Front Line Defenders expresses serious concern over the detention of and fabricated charges against Samiul Biswas. We recognise these to be part of a pattern of targeted reprisals against MASUM members for their peaceful and legitimate work in defence of human rights, in particular their work to expose human rights violations of the BSF, the police, and other state agencies.

On 1 February 2019, Front Line Defenders issued an urgent appeal, relating the violence perpetrated against woman human rights defender and MASUM volunteer [Shila Bewa](#) by BSF officers near the India-Bangladesh border. On 8 February 2019, another urgent appeal was issued on the detention of human rights defender [Kurity Roy](#) and other MASUM members by the BSF.

Front Line Defenders expresses its deepest concern for the physical and psychological integrity of Samiul Biswas and other MASUM members.

Front Line Defenders urges the authorities of India to:

1. Immediately drop all charges against Samiul Biswas;
2. Immediately and unconditionally release Samiul Biswas;
3. Ensure that the treatment of Samiul Biswas, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
4. Carry out an immediate, thorough and impartial investigation into the harassment of Samiul Biswas, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
5. Guarantee in all circumstances that all human rights defenders in India are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.