



Excessive and indiscriminate use of force by BSF against villagers in West Bengal

Case IND 150208

Excessive and indiscriminate use of force/ Ill-treatment/ Lack of proper investigation

The International Secretariat of the World Organisation Against Torture (OMCT) requests your URGENT intervention in the following situation in India.

Brief description of the situation

The International Secretariat of OMCT has been informed by a reliable source and by Antenna International, a member of OMCT SOS-Torture network, of the excessive use of force used by the Border Security Force (BSF) against several individuals in Amadiu Majher Para village in West Bengal on 15 December 2007.

Among the victims are:

Mr. Mosaraf Molla, 60 years-old, worker, (son of Mr. Achiruddin Molla)

Mr. Rustam Molla 32 years-old, worker, (son of Mr. Fazer Molla)

Mr. Esarul Molla, 40 years-old, worker, (son of Mr. Golam Molla)

Mr. Amzad Gazi, 45 years-old, worker, (son of Mr. Jaha Baks)

Mr. Rafikul Molla, 31 years-old, worker, (son of Mr. Duke Molla)

Mr. Saidul Molla, 18 years-old, worker, (son of Mr. Kalam Molla)

Mr. Faruk Molla, 20 years-old, worker, (son of Mr. Fajul Molla)

Mrs. Roshan Hara, 23 years-old, worker, (wife of Mr. Rafikul Molla)

Mrs. Majida Bibi, 35 years-old, worker, (wife of Mr. Esarul Molla)

Mrs. Sarina Bibi, 27 years-old, worker, (wife of Mr. Rustam Molla)

According to the information received, on 15 December 2007 at about 5:30 a.m., around 15 to 16 officers of the 126^o BSF of G Company, entered Amudia Majher Para village and reportedly accused the villagers of having destroyed the fencing in order to smuggle cattle across the border. The BSF reportedly started beating the villagers indiscriminately, using sticks. BSF officers allegedly further physically attacked villagers whom they found at hand. The villagers started fleeing. Several villagers got injured, including fractures, and reported the event to local police station which was recorded as General Diary Entry no. 750/07 dated 15/12/07.

According to the same information received, about 25 to 30 injured villagers lodged complaint with the Swarup Nagar Police Station but the police allegedly only registered one. The injured villagers were reportedly sent to Sarapul Rural Hospital by Assistant Sub Inspector Biswait Sarkar of Swarup Nagar Police Station.

It is further reported that Mr. Subhashish Bhowmik, the Officer-in-Charge of Swarup Nagar Police Station, stated that he allegedly consulted with Assistant Commander (A.C.) of BSF, Mr. Ram Kumar Tomor, on that issue and also visited the place of incident on 16 January 2008 but no further action was reportedly taken.

The International Secretariat of OMCT expresses its deep concerns about the excessive and disproportionate use of force against villagers of Amudia Majher Para village and the reported lack of proper investigation into this event. OMCT recalls to India that according to article 7 of the International Covenant on Civil and Political Rights (ICCPR) to which it is a State party, *no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*. OMCT calls on the authorities to order a thorough and impartial investigation into these events in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law. Further, as an elected member of the United Nations Human Rights Council, India should particularly guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Action requested

Please write to the authorities in India urging them to:

0. Guarantee in all circumstances the physical and psychological integrity of the above mentioned individuals, including access to appropriate medical assistance if necessary;
0. Order a thorough and impartial investigation into these events in order to identify all those

responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law;

0. Guarantee that adequate compensation is awarded to the victims;

0. Ensure respect for human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standard.

Addresses

- Shri Manmohan Singh, Prime Minister of India, Prime Minister's Office, Room number 152, South Block, New Delhi, Fax: + 91 11 2301 6857
- Shri Shivraj Patil, Union Minister of Home Affairs, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India, Fax: +91 11 2309 2979.
- Justice K. G. Balkrishnan, Chief Justice of India, Supreme Court, Tilak Marg, New Delhi -1, Fax: +91 11 233 83792, Email: supremecourt@nic.in
- Justice Rajendra Babu, Chairperson, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: chairnhrc@nic.in
- Ashish Kumar Mitra, Director General, BSF, Block No. 10, CGO Complex, Lodhi Road, New Delhi – 110003, Tel.: + 91 11 24362181, +91 11 24360016
- Justice Shyamal Kumar Sen, Chairman, West Bengal Human Rights Commission, Bhabani Bhaban, Alipur, Kolkata - 27. Phone +91-33-24797727, 24791629, Fax - 24799633, Email: wbhrc@cal3.vsnl.net.in
- Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9, 1202 Geneva, Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india@ties.itu.int
- Ambassador, Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the embassies of India in your respective country.

Geneva, 15 February 2008

Kindly inform us of any action undertaken quoting the code of this appeal in your reply

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.

Contact : omct@omct.org