



Ill-treatment and fear for personal integrity

Case IND 140108

Ill-treatment/ Fear for personal integrity

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 ill-treatment suffered by Mr. **Paresh Chandra Mondal**, 35 years old fisherman resident of Nalbona Colony village in West Bengal, and five colleagues (*names withheld*), by an officer of the District Intelligence Bureau (DIB), Murshidabad, a Sub-Inspector of Kakmari Border Security Force Camp and four constables of Khayertala Border Out Post No. 5, on 23 October 2007, in the Border Out Post No. 5, Khayertala, Murshidabad District, West Bengal.

According to the information received, on 23 October 2007 at about 12:30 p.m., Mr. Paresh Chandra Mondal was returning from his work with five of his colleagues when, at the same time, two smugglers were reportedly trying to smuggle buffaloes with the alleged help of some personnel of the Border Security Forces (BSF) Out Post No.1. Suddenly, an officer of the DIB showed up and the smugglers reportedly hid the buffaloes and fled. After founding Mr. Paresh Chandra Mondal and his colleagues at that place, the DIB officer reportedly turned to them and ordered to tie down their boat what Mr. Paresh Chandra Mondal did. Following this, the DIB officer allegedly suddenly slapped at Mr. Mondal's face, who felt. Then, the DIB officer started beating Mr. Paresh Chandra Mondal on his waist with a baton. Mr. Mondal's colleagues were also allegedly beaten by the said DIB officer and also by a Sub-Inspector and four constables from Out Post No. 5, who were also on the scene. They also reportedly snatched costly fishes from the fishermen's catch.

According to the same information, Mr. Paresh Chandra Mondal suffered from injuries on his face and buttock. He was assisted by local Human Rights NGO MASUM and brought to a primary health centre but was then referred to Berhampore New General Hospital, which he could not afford.

The International Secretariat of OMCT expresses its deep concern over the ill-treatment suffered by Mr. Paresh Chandra Mondal. OMCT is also particularly concerned with regard to the general climate of impunity and the fear instilled in the victims to denounce these violations. OMCT is highly concerned that, although India has signed onto the UN Convention against Torture, it has failed to ratify it yet. OMCT recalls to India that according to articles 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. i. Guarantee in all circumstances the physical and psychological integrity of Mr. Paresh Chandra Mondal and his five colleagues, including access to appropriate medical assistance;
0. ii. 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. iii. Guarantee that adequate compensation is awarded to the victims;
0. iv. 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
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- 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, 14 January 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