



Death in BSF custody

Case IND 120808

Death in custody/ Torture and ill-treatment/ Risk of impunity

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, about the death in Border Security Force (BSF) custody of **Mr. Sentu Mondal**, 19 year old residing at village-Chakmathura, District-Murshidabad, in West Bengal.

According to the information received, on 17 June 2008 around 11pm, Mr. Sentu Mondal was arrested by BSF officials near Out-Post no. 1 of Udaynagar Colony after having been caught smuggling cattle. While the other individuals involved along with him in the smuggling managed to flee, Mr. Sentu Mondal was reportedly brought to the BSF Out-Post no. 1. There, he was reportedly so severely beaten (including causing severe injuries to his genitals) by BSF, including Mr. Ganeshan, D.I.B. of Singhpara BSF Camp, Battalion no.90, Company-C, that he lost consciousness in front of Out-Post no. 1. Mr. Sentu Mondal's body was allegedly later drowned in Padma River, near Out-Post no. 1.

According to the same information, on 19 June 2008 at around 4pm, Mr. Sentu Mondal's body was recovered from the river. Jalangi Police reportedly arrived on the scene and ordered a post mortem examination at Berhampore General Hospital. An unnatural death case was reportedly registered at Jalangi Police Station with reference no. 15/2008 dated 19.06.2008. The victim's father, Mr. Ershad Mondal, lodged a written complaint on 24 June 2008 with the Murshidabad Superintendent of Police against BSF officials and Jalangi Police whom he accuses to have failed to have taken appropriate actions in the case.

The International Secretariat of OMCT is gravely concerned about the death in BSF custody of Mr. Sentu Mondal, the alleged torture and ill-treatment, and the reported lack of proper investigation into the events. OMCT expresses again its concern over the human rights situation prevailing in West Bengal, in particular with regard to abuses committed by BSF. OMCT recalls that "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" as stipulated in article 6 1) of the International Covenant on Civil and Political Rights. OMCT calls on the authorities to order a thorough, independent and impartial investigation into the circumstances of this death, in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law. Moreover, OMCT calls on the authorities to protect the

physical and psychological integrity of the victim's father, Mr. Ershad Mondal, in view of the complaint he has lodged and the risk of harassment and intimidation he may be victim.

Action requested

Please write to the authorities in India urging them to:

0. Guarantee in all circumstances the physical and psychological integrity of the victim's father, Mr. Ershad Mondal;
0. Order a thorough, independent 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;
0. Guarantee that adequate compensation is awarded to the victim's family;
0. Ensure respect for human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

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
- 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
- Mr. Gopalkrishna Gandhi, Governor, West Bengal, Raj Bhaban, Kolkata – 62, Phone: +91 33-2200 1641, Fax: +91 33 – 2200 2444 / 2200 1649, secy-gov-wb@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
- 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, 12 August 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