



## Death threats and lack of appropriate investigation

Case IND 150109

**Death threats/ Lack of an effective investigation/ Fear for safety/ 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 Banglar Manabadhikar Suraksha Mancha (MASUM), a member of OMCT SOS-Torture Network, about the death threats received by Mr. **Giyasuddin Mondal** and the lack of appropriate measures taken by police, in West Bengal.

According to the information received, on 16 December 2008, Mr. Giyasuddin Mondal, who owns a shop, was threatened with death by Mr. Samad, a man known for having nexus with local police and political mafias, after the former had lodged a complaint against Mr. Samad for theft at the Deganga police station. Mr. Samad allegedly threatened Mr. Giyasuddin Mondal with ransacking his home and killing him and his family.

Mr. Giyasuddin Mondal informed thereof Mr. S. **Mokhtar Ahmed**, MASUM District Human Rights Monitor of North 24 Parganas district, who assisted him on the theft case. Mr. Mokhtar Ahmed immediately contacted the officer-in-charge of Deganga police station, and was said to notify Mr. Giyasuddin Mondal to come to the said police station in the evening. Ten minutes later, Mr. Samad called Mr. S. Mokhtar Ahmed on his mobile phone and also threatened him with dire consequences if he helped Mr. Giyasuddin Mondal in any manner. Mr. Samad also reportedly abused Mr. Mokhtar with the filthiest languages and made derogatory remarks about MASUM. He further said that he had links with the higher echelon of police force and relation between the police and himself. Subsequently, at about 3.19 p.m., Mr. Mokhtar called the Deganga police station and informed the matter to the police officer-in-charge. He also supplied him the cell number of Mr. Samsad.

According to the same information, the same day at about 8:00pm, Mr. Giyasuddin Mondal went to Deganga police station and discussed the events with the officer-in-charge, who asked him to lodge a written complaint. Mr. Giyasuddin Mondal did so the next day, on 17 December 2008 at about 11:00am (vide Deganga PS GDE no. 1116 dated 17.12.2008).

However, on 18 December 2008, Mr. Samad reportedly caught Mr. Giyasuddin Mondal and beat him severely, following what Mr. Giyasuddin Mondal tried to escape to a nearby Panchayet office where he

was again beaten by Mr. Samad. He was seriously injured and later medically treated. Mr. Giasuddin Mondal reported the incident to the Deganga police station but he was instead detained, the reasons of which are currently unknown. He was later released when MASUM intervened before higher police officers, including sub-divisional police officer of North 24 Parganas, and was then able to register his case. Mr. Mokhtar also lodged a written complaint over the matter to the superintendent of police of the district and the concerned police station.

Till this date, no investigation has been reportedly conducted by police into these events and no appropriate protective measures taken with regard to Mr. Giasuddin Mondal and his family.

## **Context and antecedent**

According to the same information, Mr. Giasuddin Mondal had been tortured and ill-treated by police officers at the same Deganga police station on 2 August 2007 after he had been falsely detained. He was sprayed acid like liquid into his rectum which caused him severe injuries requiring an operation.

He was released on 4 September 2007.

The International Secretariat of OMCT is gravely concerned about these events and in particular the lack of appropriate actions taken by police. OMCT calls on the authorities to order a **prompt, thorough and impartial** investigation into these events.

## **Action requested**

Please write to the authorities in India urging them to:

0. Guarantee in all circumstance the physical and psychological integrity of Mr. Giasuddin Mondal, his family and of Mr. S. Mokhtar Ahmed;
0. Order a prompt, 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;
0. Guarantee the respect of human rights and the 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

- Mr.P.Chidambaram, 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
- Mr. M. L. Kumawat, 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, 15 January 2009

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](mailto:omct@omct.org)