

Assault and threat of a 16 years old boy by the Border Security Force officers

Case IND 070109.CC

CHILD CONCERN

Continuous threat of a boy assaulted by the Border Security Force officers and of his family / Impunity of the perpetrators

The International Secretariat of 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 MASUM, a member of SOS-Torture network, of the assault of Master Sujit Bala by Border Security Force (BSF) officers on October 19, 2008 in front of his house in the village of Biswaspara, West Bengal, and, of the continuous threat against him and his family. Master Sujit Bala was 16 years old when the facts occurred.

According to the information received, on 19 October 2008 at about 5:45 p.m., five BFS officers, including identified Assistant Commandant Bhagat Singh Rana from Angrail BSF Camp, came to Master Sujit Bala's house, forcibly took him out and started beating him. The victim was severely kicked and punched, including with rifle butts, all over his body. The beatings only stopped when the boy felt unconscious. At that time, the BSF officers left him bleeding, in front of his house.

Then, according to the same information, some villagers, including victim's brother, took Master Sujit Bala to Jiban Deep Nursing Home from where he was rapidly transferred to Sub-divisional hospital of Bongaon where he received stitches for injuries on his head and on his left hand. He remained hospitalized until 23 October.

MASUM also reported that the victim's mother, Ms. Jharna Bala, lodged a first complaint at Gaighata police station on 19 October 2008 against the BSF officers considered responsible. According to the information received, this was not registered as a formal criminal complaint but simply recorded in the General Diary of the police station (entry n° 943/2008 dated 19.10.2008). Furthermore, on October 20, Ms. Bala lodged further written complaints before the highest representatives of the police administration in the district (i.e. Superintendent of police, Sub-Divisional Officer and Sub-Divisional Police Officer). No action was taken until Ms. Bala received a letter dated 30 December 2008 where the Sub-Divisional Officer informed her that Gaighata police station had started a case n°431 under sections 341, 325, 34 and 506 of the Indian Penal Code and was proceeding to an investigation.

In addition to alleged procedural irregularities, there are suspicions that the police voluntarily lowered the level of gravity of the acts and consequently charged the BSF officers with bailable offences. Until now, no action has been taken against the perpetrators.

Moreover, since she lodged complaints, Ms. Jharna Bala and her sons have been frequently threatened. For example, on 25 October 2008 around 9 a.m., several BSF officers came into her house and tried to forcibly take her elder son away. Thanks to strong resistance by the local residents, they failed. When the officers left the place, they threatened the Bala family, including with death, because of the complaints they had lodged.

It should be mentioned also that 15-20 days prior Master Sujit's assault, some BSF officers entered Balas' house while they were chasing smugglers close to that place, and asked the victim's brothers whether they had seen the smugglers. Being unable to answer, the victim's brothers were slapped on their face by the BSF officers and, when their mother protested, the officers threatened the family with serious consequences in the near future. One may deduce from this incident that Master Sujit Bala's assault was premeditated.

The International Secretariat of the OMCT and MASUM are gravely concerned about this incident that adds to a series of similar cases of assaults and extra-judicial killings of civilians, including children, committed by the Border Security Force in West Bengal. In most cases, the impunity of the perpetrators prevails.

Requested action

Please write to the authorities of India urging them to:

0. guarantee, in all circumstances, the physical and psychological integrity of the young victim, Master Sujit Bala;
0. order an impartial and exhaustive inquiry into the assault of Master Sujit Bala, bring those responsible before a competent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
0. ensure that adequate compensation be provided to the victim and his family;
0. guarantee the respect of human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standards and, in particular, guarantee the safety and the physical and psychological integrity of all children throughout the country and adopt immediate measures to put an end to grave violence against children and youths;

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, Email: supremecourt@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
- 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
- National Commission for Protection of Child Rights, 5th Floor, Chanderlok Building, 36 Janpath, New Delhi - 110 001, Email: cp.ncpcr@nic.in ; ms.ncpcr@nic.in , Website: <http://www.ncpcr.gov.in>
- H.E. Mr. Swashpawan Singh, Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9 (6ème étage), 1202 Geneva, Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india@ties.itu.int
- Mr. Dipak Chatterjee, 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 embassy of India in your respective country.

Geneva, January 7th, 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