



Alleged extrajudicial killing_Lack of an effective investigation

Case IND 090109

Alleged extrajudicial killing/ Lack of an effective investigation/ 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 alleged extrajudicial killing of Mr. **Tutul Seikh**, aged about 18 years old and former resident of Katlamary Ramnagar para, by Border Security Force (BSF), nearby the Out Post no.2 of 90 Battalion Mohangunj BSF Camp, in West Bengal.

According to the information received, Mr. Tutul Seikh, whose family possesses agricultural land at the site of the event, was found dead by Raninagar police station policemen on 2 January 2009 at about 5:00 am. Police reportedly received information on 1 January 2009 at about 8:30pm that BSF had fired against 20 to 25 individuals, who were allegedly trying to smuggle cattle through the Indo-Bangladesh border, after these individuals had tried to attack the said BSF, sequence of events that is contested by witnesses to the scene.

Raninagar Police station reportedly opened an unnatural death case (No. 1/09 dated 02.01.2009), later followed by a First Information Report (FIR) lodged by BSF against the deceased victim on 2 January 2009, which was accepted by the police. Both cases are reportedly investigated by the same police officer. Furthermore, according to the same information, Mr. Tutul Seikh's body was not immediately examined by an authorised medical practitioner and while a post-mortem examination was conducted on 2 January 2009, its conclusions are not known. According to the source, the bullet injury on Mr. Tutul Seikh's body indicates it was fired from a short distance.

It is also reported that Mr. Tutul Seikh's family was threatened not to lodge any complaint on the event.

The International Secretariat of OMCT is gravely concerned about the unclear circumstances of the killing of Mr. Tutul Seikh by BSF and the reported lack of an effective investigation into the events, particularly in view of the repeated abuses committed by BSF, which OMCT has been documenting (see previous OMCT urgent appeals). 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 **prompt, thorough and impartial** investigation into the circumstances of the killing, as provided in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law.

Action requested

Please write to the authorities in India urging them to:

0. Guarantee in all circumstance the physical and psychological integrity of Mr. Tutul Seikh's family;
0. Order a prompt, thorough and impartial investigation into the circumstances of the killing of Mr. Tutul Seikh 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 reparation is granted to the victim's family;
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
- 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
- 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, 9 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