



Risk of impunity in the killing of Mr. Safiqul Islam Seikh in West Bengal

Case IND 070808

Killing/ Lack of proper 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 a reliable source and by Antenna International, a member of OMCT SOS-Torture network, about the death from gunshot wounds of 26 year old Mr. **Safiqul Islam Seikh**, from Dakshin Bagundi in West Bengal.

According to the information received, Mr. Safiqul Islam Seikh, who was suffering mental distress since the death of his son beginning of 2008 and who had stopped his cattle smuggling activities thereof, was shot allegedly by Border Security Force (BSF) on 4 May 2008 at 2:30am near Taki Guest House (which is located in the middle of Taki town). The exact circumstances of the shooting remain unclear but it is reported that Mr. Safiqul Islam Seikh left his house on 3 May 2008 without informing his family, habit that he had occasionally due to his condition. His family had usually then found him roaming in the area. However, on 4 May 2008, Mr. Safiqul Islam Seikh was reportedly brought home with severe injuries by unidentified individuals who told the family that he had been shot by BSF. His family immediately took him to Basirhat Sub-Divisional Hospital, North 24 Parganas but he had died on the way.

According to the same information, an unnatural death case was subsequently registered at Basirhat Police Station (U/D Case No -101/08 dated 04.05.08). Later on the same day, BSF reportedly lodged a complaint against Mr. Safiqul Islam Seikh at Hasnabad Police Station (under which jurisdiction falls the Taki Guest House area). BSF alleged that, on 4 May 2008, a group of cattle smugglers were discovered and when requested to stop, the smugglers threatened and attacked the BSF who then fired back. The complaint reportedly mentions that one smuggler sustained gunshot wounds but managed to flee. While a police investigation has been launched, no progress has been reportedly made.

The International Secretariat of OMCT is gravely concerned about the unclear circumstances of the killing of Mr. Safiqul Islam Seikh by BSF and the reported lack of proper investigation into the events. OMCT is particular 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 killing, 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. 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, 07 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