



[Under embargo until Friday 26 June 2009, 0h01 New Delhi time]

PRESS RELEASE

International Day in Support of Victims of Torture 26 June 2009

Torture and other forms of ill-treatment can never be justified under any circumstances

INDIA: NO MORE WORDS: JUSTICE LONG OVERDUE FOR VICTIMS OF HUMAN RIGHTS VIOLATIONS IN INDIA

Kolkata – Geneva, 26 June 2009. On the occasion of the International Day in Support of Victims of Torture, the World Organisation Against Torture (OMCT) and its member organisation in West Bengal, India, *Banglar Manabadhikar Suraksha Mancha* (MASUM), jointly call on the Government of India to show its commitment to abolish torture and other forms of ill-treatment by ratifying and implementing effectively the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) as well as the Optional Protocol to this Convention (OPCAT).

OMCT and MASUM renew the expression of their joint concern about the human rights situation in India, in particular with regard to the high incidence of human rights violations committed by the Border Security Force (BSF), having nexus with other components of criminal justice system, in West Bengal, an eastern State of India. OMCT has received substantial information on these human rights violations from MASUM, and has documented several cases.

The Border Security Force (BSF)¹ is a paramilitary armed force of the Union of India established to ensure the security and protection of the border of India. It has been deployed since its inception at the Indo-Bangladesh border, including in West Bengal. However, reports of acts of torture, including rape, and other forms of ill-treatment, against local residents residing along the Indo-Bangladesh border in West Bengal are common and often the victims, including children, or their families, face difficulties reporting the abuses. Cases of corruption among BSF members are known and often contribute to the abuses going unpunished. Victims and their families, who have reportedly tried to file complaints, have allegedly been encouraged to withdraw them after being threatened by the BSF. In several cases, it has even been reported that the BSF has retaliated by in turn submitting complaints against the alleged victims who dare filing complaints. OMCT and MASUM have also reported cases in which local police having jurisdiction along the Indo-Bangladesh border have consistently avoided taking any action against the BSF whenever a crime is reported against a BSF officer at the police station. Furthermore, the police and security forces, including BSF, continue to be protected by section 197 of the Indian Criminal Procedure Code, which states that no court shall handle any offence alleged to have been committed by an official (including members of the armed forces) while acting in the course of duty without the prior authorisation of the Central Government, which is rarely granted.

Local and international human rights organisations have brought this serious human rights situation to the attention of both national and regional authorities, including the West Bengal State Government and BSF director general and human rights institutions. However, no concrete actions have been taken so far. It has been further reported that local human rights defenders denouncing these abuses on behalf of victims or their families have been targeted by local police and authorities.

¹ The BSF is regulated by the Border Security Force Act, 1968 (BSF Act, 1968) and the related Border Security Force Rules, 1969 (BSF Rules, 1969).

On this specific day dedicated to the victims of torture and other forms of ill-treatment, both organisations recall that the victims concerned must be ensured the right to an effective remedy for the human rights violations suffered as well as the right to full redress, including compensation and rehabilitation. In the present situation, however, which is characterized by a climate of persisting impunity, victims of such practices fail to obtain justice. Yet justice is instrumental for the victims' dignity to be restored.

For purposes of remedying this situation of injustice, OMCT and MASUM call on the Government of India to take the necessary steps to ratify without delay, and thereafter effectively implement, the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Optional Protocol to this Convention.

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