

AMNESTY INTERNATIONAL

Public Statement

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India: Concern over reported unlawful killings by security personnel in Assam

Amnesty International is concerned at reports of shootings, allegedly carried out by Central Industrial Security Force (CISF) personnel, that resulted in the death of two local businessmen near Geleki town, Sivasagar district (a town outside CISF jurisdiction in Upper Assam) on 23 January 2007. A third businessman was seriously injured.

Amnesty International would like to remind the Indian authorities that they are obliged, under both international human rights law and the Indian Constitution, to ensure that no one is arbitrarily deprived of their right to life.

According to reports, Mr Nilikesh Gogoi, Mr Bholu and Mr Arun Saikia were returning from a coal depot in Anakbati when the shooting took place. According to Arun Saikia, who is currently undergoing treatment for bullet wounds to his stomach, CISF personnel overtook their vehicle when they were returning from Anakbati, a town bordering Nagaland, at approximately 23.30 and without warning immediately opened fire on the unarmed civilians.

Amnesty International understands that a judicial inquiry into the incident has been ordered by Tarun Gogoi, Chief Minister of Assam, and that compensation to the families of the deceased has been offered. The organization understands that no action has been taken against the Deputy Commandant who is reported to have ordered the shooting. CISF constable Padum Bora, who is the personal bodyguard of Deputy Commandant and reportedly carried out the shooting on his orders, has been arrested.

India is a state party to the International Covenant on Civil and Political Rights, which provides for the right to life, which must be respected in all circumstances. Under the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the intentional use of firearms is prohibited except when strictly unavoidable to protect life -- that is, in self-defence or the defence of others against whom there is an imminent threat of death or serious injury (Principle 9). Even when the use of such force is unavoidable, it must be used with restraint and in proportion to the seriousness of the offence. (Principles 4, 5 (a) and 5 (b). It is also explicitly stated that if firearms are to be used a clear warning must first be given (Principle 10). Amnesty International has information which leads it to believe that the incident which took place on Tuesday evening has violated the Principles, and the victims' right to life. Amnesty International is concerned that the Basic Principles and accompanying procedures appear not to have been adequately embedded within the CISF's training and practice.

Amnesty International would also like to remind the authorities conducting the probe to comply with the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions which spell out in detail the obligations of governments to conduct inquiries into unlawful killings. Such inquiries should seek to determine the cause, manner and time of death, the person(s) responsible, and any pattern or practice which may have brought about the deaths. They should include an adequate autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. Those who have ordered unlawful killings or are in any other way responsible should be held to account as well as those who have carried the killings out. In accordance with Principle 17, written reports must be made within a reasonable time on the methods and findings of the inquiry. These must be made public immediately and include the scope of the inquiry, procedures and methods used to evaluate the evidence as well as conclusions and recommendations based on findings of fact and on applicable law.

Background:

Amnesty International issued a statement earlier in the month (www.amnesty.org/library/Index/ENGASA200032007?open&of=ENG-IND) highlighting its concern at the targeting of non-Assamese labourers by the United Liberation Front of Assam (ULFA). The organization remains concerned that violence and tension in Assam appears to be rising and calls on the authorities to implement effective measures to protect citizens -- and that these measures firmly respect international human rights standards.

