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India: Repeal shoot on sight orders in Assam

The government of the northeastern state of Assam in India should immediately repeal the orders issued to shoot at sight in response to the inter-communal clashes in Darrang and Udalguri districts, said Amnesty International. This order violates the right to life, a key human right which India is obliged to respect and protect at all times.

Darrang and Udalguri districts witnessed violent clashes between members of the Bodo and Muslim communities since the night of 3 October claiming 53 lives including 25 people killed as a result of alleged police firing.

Eyewitnesses based in the state capital Guwahati, who travelled in the violence-hit areas, told Amnesty International that both these communities, including women and children, were targeted by youths carrying machetes and knives. Hundreds of homes were burnt down.

At a number of places, the state police forces appeared to have used excessive force to deal with members belonging to both communities who were armed with sickles, pick-axes and machetes. Reports said a total of 80,000 people belonging to both communities have been displaced so far by the continuing violence and are now housed in 50 relief camps in the Bodo districts, with little hopes of immediate return to their respective villages. Several towns in the two districts are still under curfew.

While Amnesty International acknowledges the volatile situation in the Bodo districts and the Indian security forces' duty to protect themselves and others, by force if unavoidable, the organization emphasises that, in using such force they must respect the right to life, provided in the International Covenant on Civil and Political Rights to which it is a state party.

They must also abide by other international standards, including the UN Code of Conduct for Law Enforcement Officials and Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Under these standards:

- There must be no blanket orders to shoot on sight;
- Police must apply non-violent means as far as possible;
- Police must resort to force only if other means are ineffective, and use it proportionally;
- Firearms may only be used where unavoidable, with restraint, and only in self-defence or the defence of others clearly under immediate threat of death or serious injury;
- Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.

All cases of death and other human rights violations must be investigated promptly, impartially, independently and thoroughly. Those suspected of committing them must be prosecuted in proceedings which meet international standards of fairness.

The human rights of those displaced by violence must be protected, including by providing for their humanitarian needs including safe return to their homes.

Background

Mounting tensions between the Bodo community, which has raised a demand for a separate homeland, and Muslims of Bengali descent have led to the clashes. The last round of clashes

took place in August, leaving 30 people dead and rendering homeless about 10,000 people who were yet to return to their villages. While the Bodos allege that the Bengali-speaking Muslims were illegal immigrants from Bangladesh, Muslim leaders claim that the majority of their community came to Assam before Bangladesh came to existence in 1971.

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