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EYES WIDE SHUT TORTURE IN PUNJAB PREVAILS

REPORT OF A MISSION TO PUNJAB, INDIA

AUGUST 1999



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INTRODUCTION

Physicians for Human Rights - Denmark sent a preliminary mission to Punjab, India from 17 to 23 August 1999. The mission was a follow-up to a visit in July 1999 by Ms. Christine Van Risseghem and Ms. Monseu of the Belgian *Avocates Sans Frontières*, who strongly recommended the need for a medical perspective on torture research in the region. The mission delegates were Dr. Lise Worm from Denmark and Dr. Morris Tidball Binz and Ms. Claudia Gerez, Argentine and Mexican citizens respectively, currently residing in Costa Rica.

The mission had a two-fold objective: to determine whether torture is still occurring in Punjab and to determine the role of the medical profession in the practice. Delegates were to interview and examine torture survivors to gain insight on these issues. The delegates also carried out research into other human rights issues in Punjab, including the situation of human rights defenders in the state.

MAIN FINDINGS

Is torture still occurring Punjab ?

The mission findings indicate that torture is still widely prevalent in Punjab and appears to be practised systematically in both common criminal and political cases. The latter reportedly receive more severe treatment. The main purpose of torture is extortion and extracting confessions. All survivors interviewed and cases reviewed had been implicated on false charges for this purpose. The fabrication of criminal evidence based on forced confessions by the police to substantiate charges against detainees is a prevalent practice. In fact, torture is such a common practice that most detainees expect it following arrest, unless they happen to have influential acquaintances or are prepared to pay large sums of money.

Delegates also found an on-going pattern of threats and human rights violations against human rights defenders and those presenting complaints against officials involved in torture and other human rights violations. Those interviewed also reported a worrisome increase in political control of the Sikh population.

These findings put into serious question the rather complacent current perception about the human rights situation in Punjab. For example, on 16 June 1999, the British Home Secretary claimed that "sixteen countries accounted last year for the 14,000 (asylum) applications, almost every single one of which was abusive and neither genuine nor well founded. They include ...India."¹ This statement certainly does not hold true for Punjab, nor for Jammu and Kashmir and probably not for the rest of India. Perceptions of this kind therefore require urgent revision and the international attention should be given to the human rights situation, particularly the practice of torture in Punjab.

Torture in Punjab is carried out mostly by the State Police. Most torture is carried out while detainees are held in secret detention, at clandestine interrogation centres, or under police custody in police holding stations, before the person is "produced" before the courts. Vigilante groups and agencies under Punjab State Police control, especially the Central Investigation Agency, are also involved in torture. Torture instruments such as *ghotanas* (rollers) and *pullys* (for suspension from the wrists) can reportedly be found at police stations, particularly in rural areas. Torture does not appear to be common in prisons although prison conditions are poor due to over-crowding, poor nutrition and lack of health care, often amounting to cruel, inhuman and degrading treatment.

Despite substantial evidence of torture and other gross human rights violations and scores of complaints against the police presented to the courts and to both the National and State Human Rights Commissions (governmental), almost none of those responsible have been brought to justice and many have even been promoted. Impunity is prevalent and effective compensation for the victims of torture virtually inconceivable. Specialised treatment for torture survivors is unavailable and even basic medical treatment is often denied to victims by government hospitals and unwilling physicians.

¹ Jack Straw MP, Home Secretary, debate on Report and Third Reading, Immigration and Asylum Bill, 16 June 1999 (*Hansard Parliamentary Debates, Commons*. Vol. 333, col 413-414), quoted in the Medical Foundation's 1999 report *Lives under Threat: a study of Sikhs coming to the UK from the Punjab* (2nd edition).

The population most affected by torture in Punjab appear to be adolescent and young adult Sikh men, although older men are not free of risk, nor are women and children. Less than 15% of the victims reported are women, although this appears to be an underestimate since they are more reluctant to come forward to report their cases than men. While those targeted for political repression are mostly Sikhs perceived to be activists (Sikh separatists or other people suspected of supporting their cause), those tortured in common criminal cases belong to all ethnic/religious groups, with the highest incidence among the less privileged and/or articulate sectors of society. Human rights defenders, regardless of their ethnic or religious background, are also under high risk of suffering arbitrary arrest and torture (see the "cases" section of this report).

Thousands of Sikh children lost one or both of their parents during the years of the worst repression (1982-1996). Many of them have witnessed the torture and/or murder and disappearance of their parents.² A few cases of torture of children in the recent past, due to their parent's alleged political activities, have also been reported. For example, Ashis Lakhanpal, the 10 year old son of Mr. Ranjan Lakhanpal, an active Hindu human rights lawyer, was run over and killed allegedly by a police vehicle in 1995, reportedly in retaliation for his father's activism³.

The methods of torture reported and the injuries documented in Punjab are fully consistent with those described by the Special Rapporteur on Torture, Mr. Nigel Rodley, in his 1997 country report. "The methods of torture reported include beatings with fists, boots and *lathis* (long bamboo canes), *pattas* (leather straps with wooden handles), leather belts with metal buckles or rifle butts; being suspended by the wrists or ankles and beaten; *kachcha fansi* (suspension of the whole body from the wrists, which are tied behind the back); having the hands trodden upon or hammered; application of electric shocks; burning of the skin, sometimes with a hot iron rod; removing nails with pliers; *cheera* (forcing the hips apart, sometimes to 180 degrees and often repeatedly, for 30 minutes or more); and the roller method (a log of wood or *ghotana* (pestle for grinding spices) is rolled over the thighs or calves with one or more police officers standing upon in); and insertion of chilli peppers into the rectum."⁴

Additionally, *phalanga*, near suffocation by forcing the head into foul water (*submarino*), mock executions, death threats and humiliation of the Sikh creed (in cases of Sikh victims) appear to be prevalent methods. The most conspicuous method of torture, rarely reported elsewhere, is *cheera*. This method appears to be applied nearly systematically in torture incidents reported in Punjab. Extensive torture to the genital areas is widely practised against political detainees and often leads to impotence in men. In fact, Mr. Inderjit Singh Jaijee and Mrs. Baljit Kaur, Conveners of the Movement against State Repression, report that causing sterility of Sikh men, coupled with the killings of tens of thousands, was a method of genocide used by the Indian security forces during the 1982-1996 repression to prevent this ethnic/religious group from reproducing.

According to reports, rape of women in custody in both political and common criminal cases is not uncommon, although underreported. Many of those interviewed reported that the rape of Sikh women in their home by men purporting to be Sikh militants was a common counter-insurgency tactic during the 1982-1996 period. The rape of men as a method of torture was also reported, mostly using truncheons and/or sticks, sometimes smeared with petrol or chilli.

² Delegates visited the "Guru Asra" orphanage on the outskirts of Chandigarh, which presently offers shelter, food, education and guidance to 142 Sikh children (42 full board, 100 half board), aged three to late teens, whose parents were killed or disappeared during the 1982-1996 period. The children are cared for by volunteers, mostly widows of victims of human rights violations. Funds for running the orphanage are donated by families of victims of human rights violations and by rural communities throughout Punjab. The children are surprisingly happy and healthy, despite their life histories, the result of quite obvious dedication and care provided by those running the orphanage. A handful of such orphanages exist in Punjab and according to those interviewed during the visit, many more could be opened if funds were available: tens of thousands of Sikh children in Punjab have become orphans during the conflict.

³ Mr. C.L. Lakhanpal (Mr. Ranjan Lakhanpal's father), President of the Punjab High Court Bar Association, was arrested and died in custody for his activism against illegal detentions during the state of emergency in 1970s.

⁴ E/CN.4/38, 24 December 1997

While most of the methods described above leave little or no external marks, some, such as *cheera* and suspension from the wrists, leave varying degrees of permanent neuromuscular damage. Additionally, there appears to effectively be a high incidence of impotence among male victims of torture as a result of the torture methods.

"Punjab torture" (as the combination of some of these methods is sometimes referred to) and other counter-insurgency tactics used during the 1982-1996 period, including the execution of detainees in staged "encounters", are reportedly being used in Jammu and Kashmir, as well as in other states with separatist conflicts (Assam, Nagaland, etc.). These allegations are additionally substantiated in the case of Jammu and Kashmir by the fact that key officials responsible for the repression in Punjab have been transferred to Jammu and Kashmir. For example, Mr. Gurbachan Jagat Singh, former Additional Director General of the Punjab State Police (1984 to 1996) where he was reportedly actively involved in carrying out and directing the practice of torture, is currently the Director General of police in Jammu and Kashmir.

What is the role of the medical profession in torture in Punjab ?

While there are apparently no reports of direct medical participation in torture, most health professionals, especially those working in public or government hospitals, normally refuse to conduct medical examinations or provide treatment for torture survivors. In fact, even the few cases of orders issued from the High Court to conduct medical examinations of torture survivors have often been refused. The examinations conducted tend to be superficial and careless, resulting in mis- or underreporting. This finding was confirmed both by a member of the Punjab State Human Rights Commission and the Director of the Forensic Medical Department at the Government Hospital Medical College.

Most post mortems of victims of human rights violations are carried out by unskilled physicians, often under orders of the police not to report injuries. According to many of those interviewed, including Judge T.S. Cheema, from the Punjab Human Rights Commission and Mr. B.S. Danewalia, former Inspector of the State Police, physicians often willingly prepare "tailor made forensic reports for the Police" and systematically refuse treatment for torture survivors.

There are of course some honourable exceptions to the prevailing situation. For example, Dr. Vineeta Gupta, a member of the People's Union for Civil Liberties NGO, is an active human rights defender and promoter of physician's commitment to human rights. She has been instrumental in documenting the practice of torture and demonstrating its prevalence by the Punjab State Police. In 1997 she resigned from public practice due to pressures from senior doctors against her ethical and human rights stance.

Some physicians have been victims of human right violations themselves. This was the case of Dr. Swaran Singh, a Sikh physician who was killed for treating victims of state repression (see the "cases" section of this report).

Lack of training and skills for the documentation and treatment of torture is prevalent also in Punjab. Many of those interviewed during the mission, including most lawyers, and the head of the Forensic Department in Chandigarh, recommended training for local doctors on ethical issues and the documentation and treatment of torture as an important follow-up activity to the mission.

RELEVANT CASES DOCUMENTED DURING THE MISSION

1) Mr. Ajit Singh Bains ("old" case, human rights defender)

77 year old Sikh man, former Justice, human rights activist, writer and sportsman, current head of the Punjab Human Rights Organisation, an NGO created in 1985; interviewed on 19 August at his home and office.

Mr. Ajit Singh Bains was arrested without warrant on 3 April 1992 at the Chandigarh golf club by members of the Punjab State Police. He was handcuffed and scoffed by the police, which was highly humiliating for someone of his stature, as he and many of those interviewed remarked. His house was ransacked by the police who presented no search warrants and many valuables went missing during this operation.

Mr. Singh Bains was driven to an interrogation centre about 40 kilometres from Chandigarh, where he was maintained *incomunicado* for four days and interrogated about his activism. He was denied food and water during the first day, kept in a very small cell and forced to stand for long periods of time under the sun. He was also forced to witness the torture of a young Sikh man who was tortured nearly to death before being taken away, never to be seen alive again. Mr. Singh Bains was threatened with the same fate, threatened with death and humiliated for his activism.

After four days in the interrogation centre, he was transferred to Chandigarh Jail, where he remained until his release on 18 August 1992 under charges of sedition of the Terrorist and Disruptive Practices (Prevention) Act (TADA). He was released and did not suffer more severe treatment because of his influential status and the great public outcry and Bar Association strike on his behalf. Charges against him were later dropped. None of those responsible for his arbitrary arrest and ill-treatment have been brought to justice nor suspended from duty.

Despite the imprisonment and threats suffered for his activism, Mr. Singh Bains has continued unabated. In April of 1998 he, along with Mr. Kuldip Singh and D.S. Tewatia (former Chief Justice of the Calcutta High Court), established a People's Commission to investigate past human rights violations in Punjab, in response to the government's (including the National and State Human Rights Commission's) failure to do so.

The People's Commission held its first public session in August 1998 to hear testimonies of scores of relatives of victims of past violations. The Commission also called upon about 90 police officers accused of human rights violations to present their testimony. The Indian government presented a complaint before the Punjab High Court, contesting the authority and jurisdiction of the People's Commission to carry out their investigations. The Court ordered the temporary suspension of investigations carried out by the People's Commission, pending a decision on the petition. The decision was still being considered at the time of the interview.

Meanwhile, Mr. Singh Bains has continued his human rights activism, particularly in seeking redress for past violations and in preventing their repetition. He is nonetheless pessimistic, claiming that the future in Punjab is very grim, given that the political roots of the conflict – access to waterways and greater autonomy – have not even been addressed by the Indian government. The corresponding demands are therefore bound to continue. Further, he claims that impunity for perpetrators of the most egregious human rights violations is prevalent and "torture continues to be used systematically by the Punjab police."

2) Mrs. Balwinderjeet Kaur ("old" case)

Sikh widow; interviewed on 19 August at the Guru Asra orphanage on the outskirts of Chandigarh.

Mrs. Balwinderjeet's husband had gone on pilgrimage to central India in 1992, when his bus was stopped. He and another Sikh man were taken out of the bus and shot dead. Those responsible have not been brought to justice.

3) Mrs. Balwinder Kaur ("old" case, human rights defender)

Sikh widow, human rights activist; interviewed on 19 August at the Guru Asra orphanage on the outskirts of Chandigarh.

Mrs. Balwinder Kaur is the widow of Dr. Swaran Singh, a medical practitioner who was very committed to providing medical care to Sikh victims of human rights violations. Mrs. Balwinder Kaur reports that her husband was detained by a mob of a dozen or so men dressed in civilian clothes at their home near Chandigarh in December 1994. He was beaten to death by the mob who accused him of "providing care to Sikh extremists". Their 13 year old son, Gurbach, witnessed his father's murder and was also badly beaten by the mob, suffering fractures and other serious injuries as a result.

Dr. Swaran Singh had been previously detained and tortured by the Punjab State Police for a week in 1984. He was released free of charge, after being unfoundedly accused of supporting Sikh militants. Despite actively seeking justice on behalf of her husband and son, Mrs. Balwinder Kaur reports that impunity has prevailed for the perpetrators and that she has received no compensation for the damage suffered.

4) Mr. Daljit Singh Rajput ("recent" case, human rights defender)

40 year old Sikh man, married with three children, practising lawyer and human rights activist; interviewed on August 21 at Mr. Lakhanpal's office, the latter helped interpret given Mr. Singh Rajput's difficulties with the English language.

Mr. Singh Singh began his practice in 1982 at the start of the governmental repression against Sikh separatist claims. He has filed more than 200 complaints against members of the Punjab State Police on behalf of relatives of victims of torture and other human rights violations. He has also defended many relatives of people killed at the Golden Temple in Amritsar in the 1984 Blue Star Operation, when the army and police stormed the temple to quell Sikh activists sheltered there. He and his family have received repeated death threats due to his human rights activism.

As a result of presenting a formal complaint against Punjab Police officers for the murder of 47 people in the recent past, he was detained on 27 July 1998 while attending a hearing on his complaint at the Session Court of Ropar, Punjab. He was unfoundedly accused by the Punjab State Police of conspiring to release political prisoners from Chandigarh Jail on charges of sedition.

He was transferred to a local interrogation centre under responsibility of the Central Investigation Agency of the Punjab State Police, where he remained for four days. During this time, he was stripped naked and interrogated by P.C. Dogra, Chief of Punjab Police and several other officers, whom he had accused of murder. He claims that the police stopped short of badly torturing him, but did force him to stand for hours (i.e. for the entire night) and to lie on the floor while officers stood on his legs and arms. The latter treatment resulted in a serious sprain to his right ankle. He was also repeatedly threatened with death, as were his relatives. The main purpose of this ill-treatment was to dissuade him from perusing the court cases and, according to one of the torturers, to "teach him a lesson".

Mr. Singh Rajput believes that he was spared worse treatment because the High Court Bar Association immediately demanded his release and the public outcry on his behalf rapidly mounted. After four days in the interrogation centre, he was transferred to the Central Jail in Patela, where he managed to secure medical care for his right ankle, which demanded 20 days of plaster. After two days in the Patela Jail, he was transferred to the Maximum Security Jail in Nabha. He was kept at the Jail in Nabha in solitary confinement until 1 August 1998, when he was transferred to Chandigarh Prison. Conditions there improved and he was allowed regular visits.

He was released on bail on 7 January 1999, following a ruling by the Punjab High Court on his behalf, due to lack of evidence to substantiate the charges brought against him by the police. Following his release, the Supreme Court of India over-turned the decision and he was again arrested on 17 February 1999. He remained at the Central Jail in Patela until 7 April 1999, following a second ruling on his behalf by the Punjab High Court, again for lack of evidence to substantiate the charges brought against him. During his second arrest, Mr. Singh Rajput did not suffer any torture or ill-treatment.

Despite the acknowledged lack of evidence against him, the court case remains open. He fears that this might be used to curtail his human rights work in the future.

Although Mr. Singh Rajput reports not having any visible marks of the treatment suffered during his first arrest in 1998, he does report loss of memory and concentration; recurrent nightmares leading to insomnia; depression; and anxiety attacks. These symptoms were strongest after his ordeal. They appear to be waning at present, though he is not taking any medication.

5) Mr. Gurmukh Singh and Mrs. Jasbir Kaur ("recent" case, non-political)

Married Sikh couple, residents of Atalgarh village. Hoshiarpur District, Punjab; Mr. Gurmukh Singh was interviewed on August 20 at Mr. Lakhanpal's office, Mrs. Jasbir Kaur was invited to attend the interview but chose not to.

On 30 September 1997, Mr. Gurmukh Singh was picked up without charge from his village by the Punjab State Police and taken to the Police Station in Sadar, Hoshiarpur. He was made to wait there the entire day without questioning and finally allowed to return to his home that evening, accompanied by a police escort and under the condition that he return to the police station early the following day for questioning.

On 1 October at 8:00 am, he returned to the station and was held in a cell without questioning until evening. He was then falsely accused of having stolen a weapon and forced to witness two policemen (the Senior Superintendent of the Police Hoshiarpur and Devinder Kumar, Constable Police Station Sadar) torturing another man. Mr. Gurmukh Singh was then stripped naked and tortured with beatings; *cheera*; electric shocks to sensitive parts; and suspension from the wrists with hands tied behind the back.

Later that night, his wife, Mrs. Jasbir Kaur was also detained arbitrarily, transferred to the local police station and taken to the room where her husband was being held. She was raped by three policemen (Ram Natch, Assistant Sub Inspector, Police Station Sadar; Devinder Kumar, Constable, Police Station Sadar; and Ram Parkash, Station House Officer, Police Station Sadar) in the presence of her husband, whose hands and feet were tied to a bed frame. He was then taken to another cell and she was left for the rest of the night to sit in a corner without any clothes. On the following day late at night, she was again raped by another police officer (D.S.P. Sushil Kumar, Deputy Superintendent of Police, Hoshiarpur). The police officers responsible for the abuses were reportedly all under the influence of alcohol.

On 3 October, Mr. Gurmukh Singh was taken to Central Intelligence Agency staff of the Punjab Police Station in Hoshiarpur, where he was forced to watch others being tortured and interrogated. He was threatened with the same fate in order to force confession, but he resisted. He was transferred back to the Sadar Police Station, Hoshiarpur on the following day, 4 October. That evening Mr. Gurmukh Singh's father, his brother and the head of the village approached the police station to demand their release and were made to sign several documents. They were not allowed to see Mr. Gurmukh Singh.

On the morning of 5 October, Mr. Gurmukh Singh and Mrs. Jasbir Kaur were dropped off by the police at a remote place on the Chintipurni Road. The police threatened that they and their family would be killed and thrown into the canal if they reported the matter to anyone. Mr. Gurmukh Singh was unable to walk at the time and they were finally given a lift back to their town. They reached Hoshiarpur where they contacted a lawyer and filed a complaint with the Senior Superintendent of Police, Hoshiarpur. They then stayed at a friend's house for fear of returning to their own house, which had been raided by the police. They finally fled to Chandigarh and have not returned to their village since for fear of the police.

Suspecting that they would not get justice at the hands of the local police, they have filed their case with the Punjab and Haryana High Court for illegal detention and torture to the third degree. The defence of the accused has claimed that Mr. Gurmukh Singh belongs to a terrorist criminal family.

Shortly after their release, Mr. Gurmukh Singh and Mrs. Jasbir Kaur tried to obtain a medical examination to substantiate their complaints at the Civil (government) Hospital in Hoshiarpur but the doctors failed to medically examine them when they realised that they were torture cases. The Punjab and Haryana High Court later ordered a medical examination to be conducted by doctors at

General Hospital, Sector 16, Chandigarh. The physician however, refused to conduct the examination until the lawyer informed him that failure to do so amounted to contempt of court. The physician finally acceded and both were physically examined but in a careless and haphazard manner. Mrs. Jasbir Kaur's clothes were sent for examination to the Central Forensic Science Laboratory, Chandigarh which concluded that semen could not be detected. Furthermore, the medico-legal reports were misplaced from the High Court file and had to be recovered from the Forensic Science Department, where they were not delivered in a sealed cover. The High Court reached the following conclusion about the medico-legal reports, *"Even on a physical examination, the simple injuries which were found were not such as may be suggestive of any subjection to violence or a gang rape. These could well be the result of a friendly hand."*

Those responsible for the torture suffered by Mr. Gurmukh Singh and Mrs. Jasbir Kaur have not been brought to justice and remain on duty. They have been informed that the police have been to the village several times searching for them. On May 1999, Mr. Gurmukh Singh was on the outskirts of Chandigarh, where he was chased by the Punjab police who threatened to kill him. They both live in fear of retaliation and have been unable to return to their home. Mrs. Jasbir Kaur never leaves the house where they are residing and Mr. Gurmukh Singh only does so to go to Mr. Lakhanpal's office.

Mr. Gurmukh Singh described some immediate physical symptoms, suffered after his torture in 1997. He was unable to lift his arms due to pain in the shoulder joints and could not walk due to pain in the hip joints. He described having bruises on his back after having been beaten with wet leather straps and swollen fingers after being hit on the hands with a stick.

Currently, Mr. Gurmukh Singh still has trouble walking long distances due to painful hip joints. He also feels weakness in both legs and numbness on the back of the thighs. His shoulders are completely recovered.

The following findings were reached upon Mr. Gurmukh Singh's medical examination by the delegate. The movement of the hip joints actively and passively induce pain in all directions, more intensely on the left side. The pain increases by moving the leg in lateral (abduction) and backward (extension) directions. The movement is reduced on the left side lateral and backwards by 5 to 10 degrees. The strength of the different leg muscles are considered to be weaker than would be expected for a man of that age. All muscle groups were included, to a lesser degree the muscles innervated by n.femoralis. The strength was equally diminished in both legs. Mr. Gurmukh Singh had a clear change in sensation on the back of his thigh and some part of his calf on both sides. He could not tell the difference between light touch (cotton wool) and pain (pin-prick). The above symptoms are consistent with the S1-S2 nerves. The physical findings are fully consistent with the described method of torture (forcing the hips apart).

6) **Mr. Jaspar Singh Dhillon ("recent" case, human rights defender)**

Sikh man in his late 30s, married with two children, former Chairman of the Human Rights Wing of the Shiromani Akali Dal, since 1996 he is the Director of the Human Rights and Democracy Forum and is also a prominent member of the Committee for Coordination on Disappearances in Punjab; interviewed on 23 August 1999 in a private room at a hotel in Chandigarh.

In the early 1990s, Mr. Singh Dhillon became increasingly involved in human rights activism on behalf of Sikh victims of state repression. As a result, he was arbitrarily detained by the Punjab State Police on 16 August 1993 and held in a secret detention centre in Rajpura for 25 days before his release without charges.

During the first 19 days of that period of detention, he reportedly suffered repeated torture, consisting of beating (which led to unconsciousness on a handful of occasions); rollers over the thighs; flogging to the back, thighs and buttocks; suspension from the wrists with hands tied behind the back; electric shock to sensitive parts, especially the genitals; phalanga; chilli inserted to his anus with a stick; and *cheera*. While suffering *cheera* and suspension from the wrists, he was brutally beaten in the genitals and his testicles were repeatedly pulled, while his torturers told him he would thus be made impotent. He was also repeatedly humiliated for his Sikh beliefs and creed. Mr. Singh Dhillon stated that he was so badly tortured that he would "rather be shot than live through it again".

After his release, Mr. Singh Dhillon needed weeks of medical care while recovering in bed at home. As a result of his ordeal, Mr. Singh Dhillon has been rendered impotent; suffers from continuous epiphora (lacrimation), reportedly due to the beatings on the head and eyes; he is unable to squat; and has limited movement of the shoulders. He also suffers from chronic pain to the lower back, shoulders and inner thighs. He requires chronic medication against insomnia and refers to difficulty in concentrating, as well as intrusive thoughts (flashbacks) about his ordeal. He claims that these last symptoms were much worse during the first year after his torture, when he also suffered serious memory impairment and continuous headaches.

Despite the torture suffered, in 1995 he directed the first investigations into the disappearance of Mrs. Mohinder Kaur, who was reportedly abducted by the Punjab State Police to force her son, Paramjit Singh Pank (a well known activist in hiding) to give himself up. Weeks after Mrs. Mohinder Kaur's abduction, another of her sons, Rajvinder Singh, was also abducted by the police and remains disappeared. The cases led to widespread public outcry and brought the issue of ongoing disappearances and police responsibility in the practice to the limelight.

Mr. Singh Dhillon actively campaigned to shed light on the victim's whereabouts. He has also been in the forefront of campaigning on behalf of poorer victims of human rights violations in Punjab. Most of these victims are unable to articulate their complaints due to lack of means, support and know-how. This led him to organise two important human rights groups, including the one he chairs at the moment. He also helped co-found the Guru Asra orphanage (see "findings" section of this report).

A close friend of Mr. Singh Dhillon's and fellow member of the Committee for Co-ordination on Disappearances in Punjab, Mr. Jaswant Singh Khaira, has disappeared after being arbitrarily arrested in Amritsar on 6 September 1995 by the Punjab State Police. His detention was reportedly in retaliation for their joint investigation into the mass disposal of bodies (cremation) of victims of political repression by the Punjab State Police in the village of Tarn Taran. Mr. Singh Khaira was tortured nearly to death and then executed by members of the Punjab State Police with a close range shot to the head, according to later investigations into his whereabouts⁵. His body was reportedly disposed of into a canal and has not been recovered. Mr. Singh Dhillon was also threatened with death for this investigation into the Tarn Taran mass cremations.

In April 1998, Mr. Singh Dhillon became a petitioner on behalf of the family of Mr. Gurdev Singh Kaunke, a prominent Sikh who has disappeared after illegal detention in 1993 by the Punjab State Police. His family was forced into exile in the United States. Fresh evidence suggests the involvement of high ranking officers of the Punjab State Police in his disappearance and murder, an indication of the difficulty in taking up the defence of such a case. In fact, after receiving mounting threats to drop the case, Mr. Singh Dhillon was arrested at a friend's house in Chandigarh on 23 July 1998 by the Punjab State Police. They allegedly had a warrant of arrest but failed to inform him of the charges. He was then transferred to a Central Investigation Agency centre in the village of Rupnagar. He claims not to have suffered torture on this occasion, although he was interrogated for lengthy periods of time, occasionally slapped on the face, forced to stand for lengthy periods and repeatedly threatened with death.

He was interrogated about his activism, his investigations into the mass cremations at Tarn Taran and about the latest case he was representing. At no time was he questioned about the charges against him, which he learned about eight days after his arrest when he was transferred to solitary confinement in the Maximum Security Jail in Nabha, India. He was charged by the Punjab State Police with "*conspiracy to blow up the Maximum Security compound of Chandigarh Jail*" despite any lack of evidence to substantiate such claims.

In Nabha Jail he was held in a very small individual cell (2 mts. X 1.5 mts.), 24 hours a day with no access to sunlight, exercise or medical care. Food was very scarce and he remained *incomunicado*. After two months in these conditions, he was allowed "*regular prison treatment*". He was transferred to a larger individual cell (2 mts. X 3 mts.) with access to sunlight, exercise

⁵ For further details, see the Committee for the Co-ordination on Disappearances in Punjab (Ran Narayan Kumar, Amrik Singh Muktsar, Harshinder Singh) 1999 interim report entitled *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Obligations. Interim Report*.

and medical care and better food. He was also allowed short visits with lawyers, family and friends. He remained in Nabha Jail for another month before he was transferred to Chandigarh Jail, where he remained in similar conditions until his release on bail on 28 May 1999.

He is currently facing two court cases on the same charges of sedition, under Section 124A of the Indian Penal Code. One is before the Chandigarh Court and another before the Court in Rupnagar. One is nearly closed for lack of evidence, while the other trial has not yet begun. The charges brought against him for sedition entail that his passport be secured and he is not allowed to travel abroad. Mr. Singh Dhillon believes that limiting his travel abroad, as well as intimidation, are behind the charges filed against him by the police, in an effort to prevent his increasing international advocacy, especially before UN mechanisms.

Mr. Singh Dhillon is seriously concerned about his short-term future because he is expecting to reinstate the court case on behalf of Mr. Gurdev Singh Kaunke, which was suspended after his arrest in 1998. In addition, during his detention, he advised the temporary closure of the Human Rights and Democracy Forum under his direction, following threats to many of its members and he is exploring the possibility of reopening it.

7) **Mr. Kanwar Singh Dhami and Mrs. Kulbir Kaur** ("old" and "recent" cases, human rights defenders)

Sikh married couple, human rights activists; interviewed on August 19 at the Guru Asra orphanage on the outskirts of Chandigarh.

Mr. Singh Dhami and Mrs. Kulbir Kaur, co-founders and current directors of the Guru Asra (God's Grace) orphanage for children of victims of repression, were both victims of torture themselves. They have been targeted since 1991 for their activism for a peaceful solution to the Punjab conflict and for their human rights activism. They were first arrested under unfounded charges of terrorism by a commando force of the Punjab Police in mid-May 1993 in Gujarat, south-western India. They were arrested with their five year old son who was soon handed over to other family members. They were taken to an interrogation centre in Rupnagar, Punjab and remained under police custody for nearly 11 months before they were transferred to prison in Chandigarh.

During the first month of detention, Mr. Singh Dhami suffered torture consisting of beatings (often leading to unconsciousness); suspension from the wrists with hands tied behind the back; rollers to the thighs; electric shocks to sensitive parts, especially genitals and wounds caused by torture; *phalanga*; suspension from the ankles; flogging with wooden bars on ankles and thighs; flogging with *pattas* on the back and thighs; mock executions; death threats to him and his family; and humiliation by pulling his hair and insulting his Sikh creed. During torture he was often stripped naked and interrogated about his political activities. During this period, he was told that his wife had been executed and that the same fate awaited his son and other members of his family. He was forced to watch the torture of several people, some of whom died under torture, and the execution of some detainees.

While Mrs. Kulbir Kaur did not suffer such extreme methods of torture, she did suffer beatings, threats of rape and death threats against her and her family. She was also forced to watch the torture of others including children. Apparently as a result of torture, she aborted two and a half months after her arrest and had a long period of bleeding. She was given no access to medical care.

After six months of being held separately at the interrogation centre, during which time they were both told that the other had been killed, they were allowed to share a cell, following growing public outcry on their behalf. They remained under police custody for nearly eleven months before they were transferred to prison where they remained awaiting trial under unfounded charges of terrorist activities.

Mrs. Kulbir Kaur was finally released in July 1996, following growing public pressure on her behalf, including a petition from the National Human Rights Commission. Mr. Singh Dhami was released on the 1 July 1998 and the charges against them have been dropped.

They have both presented formal complaints for their illegal arrest and detention and for the torture suffered, but none of those responsible has been brought to justice. They have continued to suffer harassment for their human rights activism, including running the Guru Asra orphanage.

The delegates were unable to examine the interviewees due to lack of facilities (space and privacy), but both referred to suffering from some apparent consequences of torture, despite their very strong will to overcome these. Most importantly, they both refer to lower back pain and to sleep and concentration problems. Mr. Singh Dhami also reported tenderness to the inner hips, limitations in shoulder movements, impotence and painful ankles (after being beaten, electric shocks and salt in the wounds). He showed the delegates hyper-pigmented marks on both feet near the ankle joints (pictures included in the general material). Mrs. Kulbir Kaur showed the delegates her loose teeth.

On 6 June 1999, anniversary of the Blue Star Operation, the Punjab Police arbitrarily closed an orphanage for 45 Sikh children of victims of repression, located at the Golden Temple in Amritsar. Mr. Singh Dhami and Mrs. Kulbir Kaur, who were actively involved in supporting that orphanage were threatened during the operation and Mr. Singh Dhami was arrested for one month under charges of sedition before his release without charge on 6 July 1999. He did not suffer torture during this time, but was reportedly threatened with death by the police for his continued activism on behalf of victims of human rights violations.

8) Mrs. Maninder Kaur ("old" case, political)

40 years old, Sikh widow; interviewed on 19 August at the Guru Asra orphanage on the outskirts of Chandigarh.

Mrs. Maninder Kaur was arbitrarily arrested by members of the Punjab State Police near Chandigarh in mid-January 1992 and transferred to a local secret detention centre. During detention, she reportedly suffered torture in order to disclose the whereabouts of her husband Mr. Sarabjit Singh, a National Railway Police Officer accused of supporting the Sikh separatist cause. She suffered beatings (which rendered her unconscious at least once); rollers over her thighs; phalanga with metal bars; suspension from the wrists, hands tied in front; *cheera*; and electric shocks to the face, nipples and genitals. She did not report having been raped herself, but was forced to watch other women being raped and she was threatened with rape. While in detention, she learned that her husband had been killed on 26 January 1992.

She remained in detention two and a half months before her release free of charge. She has presented complaints but none of those responsible for her torture have been brought to justice or suspended from duty.

At the time of the interview, she complained of chronic pain to some joints (shoulders, hips and knees – unable to squat); tenderness on the inner thighs and the sole of both feet; and painful and swollen wrists. She also referred to depression; difficulty in sleeping; memory loss and inability to concentrate since her ordeal.

9) Mr. Meja Singh ("recent" case, non-political)

37 year old Sikh man, Head Constable of the Punjab Police in Salim Tabri, Punjab; the delegates were told about the case by Mr. Lakhanpal, his lawyer.

Mr. Meja Singh was arbitrarily arrested on 8 August 1999, in the same police station where he works. He was tortured (medical report confirming multiple bruises and abrasions), reportedly for refusing to buy a cellular phone for the Deputy Superintendent of Police, who had previously threatened him with a "lesson" in case of failing to comply with his demand. He was released later on the same day, following a *habeus corpus* filed on his behalf. Those responsible have not been brought to justice nor suspended, despite complaints filed on his behalf by Mr. Lakhanpal. A copy of the medical report is available in the general materials.

10) Mrs. Rashpal Kaur ("recent" case, non-political)

45-year old Sikh woman; the delegates were told about the case and shown the case file by Mr. Lakhanpal, her lawyer.

Mrs. Rashpal Kaur was arbitrarily arrested by the Punjab State Police on 6 May 1999 at her home in Mullapar Dakha, Punjab, under false charges of robbery, but effectively for not complying with extortion demands from the local police, who were demanding bribes under threats of arrest. She remained in detention until 8 May 1999 and suffered torture consisting of flogging with *lattas* to the thighs, back and buttocks and rape. This was confirmed by a medical report, documenting several linear "railway" type bruises and some lacerations to the back, buttocks and thighs.

She was released without charge after growing public outcry on her behalf and required 13 days of hospital care at a local private clinic to recover. She has filed a complaint through Mr. Lakhanpal, but those responsible have not been brought to justice nor suspended from duty.

11) Mr. Sarabjit Singh ("old" case, non-political)

42 year old Sikh man; interviewed on 20 August 1999 in Mr. Lakhanpal's home and office. On Mr. Lakhanpal's request (Mr. Sarabjit Singh's lawyer), Dr. Morris Tidball Binz, satisfied with the consistency of the allegations, prepared a report which included a summary of medical findings to help further substantiate a case on his behalf before a local court.

Mr. Sarabjit Singh was detained without warrant by members of the Punjab Police and the Indian Army on 7 April 1992 in Punjab. While under police custody he was allegedly interrogated under duress before his release free of charge two days later.

According to Mr. Sarabjit Singh, immediately after his arrest in a police lock-up, he was stripped naked and subjected to 13 hours of interrogation under torture, which consisted in: beatings to various parts of the body, including his back, buttocks, legs, face, ankles and groin area, with fists, boots, *lathis* and *pattas*; total body suspension from the wrists for up to an hour (until fainting) with hands tied to his back (*kachcha fansi*); *cheera*, repeatedly, for up to 30 minutes or more; having a wood log rolled over his thighs; having a pin or nail inserted into the left shin; electric shocks, applied with a high voltage magneto-type device, to several parts of his body, including genitals, ears and wounds produced during interrogation; insertion of chilli/pepper into his anus; forcible pulling of genitals (testicles and penis); beating with rods to the sole of both feet (*phalanga or bastinado*); and having the nail of his left toe removed with pliers; and pins inserted in the same nail bed.

Apart from the physical methods of torture described, he was allegedly also subjected to additional psychological duress consisting of mock executions and threats to kill his relatives. According to Mr. Sarabjit Singh's account, at least 10 officers participated in his torture and interrogation. He was allegedly questioned about the suspected tenure of firearms, but soon his interrogators turned into asking for 400,000 rupees for his release (extortion). He was released due to influential connections and mounting protests on his behalf. After release, Mr. Sarabjit Singh was transferred by acquaintances to Takkar (private) Hospital for treatment and thereafter remained for nearly three months in bed before sufficient recovery.

Mr. Sarabjit Singh reports no relevant medical conditions (physical or psychological) prior to the incident described above. On medical examination, the following scars and other visible marks were found: a 4cm. by 3 cm. horizontal scar in the front of left knee; a 12 cm. long by 3 cm. wide scar to the front of left shin; a 3cm. by 2 cm. oval scar right ankle (internal); and unhealed old fracture of fifth finger, right foot. All the above are consistent with, but not specific to the injuries described.

Mr. Sarabjit Singh has a bilateral and painful limitation to the movement of his shoulders, especially affecting lateral abduction, axial rotation, forearm pronation-supination and elevation of both arms. Compounded with some degree of regional fibrositis palpable over the tendon sheath of both shoulders and with diminished sensory perception and paresthesias, especially in the deltoid regions and outer parts of both forearms and a tendons. The findings are diagnostic of type of torture described (i.e. this appearance could not have been caused in any other way other than that described /full body suspension from the wrists, arms to the back of the body). The symptoms are

also consistent with permanent damage, although the patient would benefit from adequate physiotherapy.

Mr. Sarabjit Singh also suffers a gait limitation and inability to squat caused by lesions to both hip joints. Upon examination both hips present painful limitation of movement, especially anterior flexion and lateral abduction, compounded with muscle weakness and complete loss of pain sensation in the groin area, perineum and lateral surface of both thighs (especially the dermatomes of genitofemoral, obturator, lateral cutaneous and ilioinguinal nerves); absence of cremasteric reflex; diminished strength on muscles innervated by the femoral and to a lesser degree those innervated by the sciatic nerves, together with some degree of muscle wasting in both legs and fibrositis palpable over both sartorius muscles. Mr. Sarabjit Singh also reports to have suffered from impotence since the events described, with total incapacity to sustain an erection. These findings are highly consistent with the trauma described (over-stretching of both hips and repeated kicks to the perineum), and the symptoms are also consistent with permanent damage, although the patient should benefit from adequate physiotherapy.

Mr. Sarabjit Singh currently complains of the following psychological conditions: difficulty in falling and staying asleep (insomnia, including both initial and late sleep disturbances, including repeated nightmares with recollection of traumatic events); general loss of appetite (anorexia); excessive arousal; intrusive thoughts; memory loss; tiredness (asthenia); persistent low mood; and difficulty in concentrating. The above mentioned symptoms have allegedly started soon after his release and have not abided since. Both the cluster of symptoms described and their duration are consistent with Post-Traumatic Stress Disorder, produced by an extraordinary traumatic experience or event.

Despite complaints presented before the authorities about his torture, those responsible have not been brought to justice nor suspended from duty. Nor has Mr. Sarabjit Singh received any compensation for the injuries suffered.

12) Mr. Shri Gurinder Singh ("recent" case, political)

26 years old Sikh man, single, from Kartar Pur village, Patiala District, Punjab; interviewed on August 19 at Mr. Lakhanpal's home and office, with his father Shri Jagjit Singh who served as an interpreter. The interview was not easy, given the poor English spoken by the father and his tendency to over-interpret on his son's behalf.

According to Mr. Shri Gurinder Singh's testimony, he was picked up by the Punjab State Police on August 12, 1999 at 7:00 pm at a road block at Ganour village, Punjab. He was driven away in his own car by three policemen and beaten and threatened with death for failing to collaborate with them. He was then forced to swallow a liquid substance, which made him unconscious.

On August 13 at 9:00 am, he was reportedly taken by the police to the Dayanand Medical College Ludiana, where he was admitted as a poison case under a false name. It was therefore impossible to later get a copy of the medical report. He recovered consciousness on 14 August around 7:00 pm, where he remained under escort until his release free of charges on 17 August 1999, following a writ of *habeas corpus* presented by his father before the Punjab High Court on August 13. While in hospital he noticed, and the doctors treated, skin injuries to his genital areas, apparently caused by a caustic substance, which had been applied before his admittance. The substance he was forced to swallow is unknown.

This was the latest of a series of incidents, including illegal arrests and torture, suffered by the victim since 1991, when he was first picked up by the Punjab State Police and forced, under torture and death threats against him and his family, to collaborate as an informant in counter-insurgency operations. Several documents presented to the delegates during the interview substantiate these allegations (enclosed in general documentation).

Before his latest ordeal, Mr. Gurinder Singh had been arbitrarily arrested by the Punjab State Police on May 17, 1999 at Patiala, Punjab by five Punjab police officers and was driven to Sadar police station, where he was reportedly tortured by at least 15 police officers. They threatened him to continue to collaborate in counter-insurgency operations against Sikh separate militants and in Jammu and Kashmir. He reportedly lost consciousness as a result of torture suffered.

He was released later on that same day and handed over to his father at 9:00 pm in very poor physical condition. His father transferred him to the local government hospital at Patiala, which refused to admit him and therefore ended up in a local private hospital, where he remained under care for 6 days. According to Mr. Gurinder Singh, on that occasion torture consisted of beatings to several parts of the body; electric shocks, mostly to the genitals, temples and below the ears; near suffocation by submersion in a bucket of water; suspension from the wrists with hands tied to his back; *cheera* ; *phalanga* and death threats against him and his family.

Mr. Gurinder Singh claims that his last two detentions and corresponding torture are the result of his unwillingness to continue collaborating with the Punjab Police. He has filed a complaint before the Punjab High Court against those allegedly responsible for his abduction and torture. While no one has been brought to justice, Mr. Gurinder Singh and his father's serious fear of reprisals is well-founded, according to their lawyer Mr. Ranjan Lakhnarpal, a human rights activist.

Mr. Gurinder Singh's examination revealed the following positive findings: a 5mm circular painful scar with slightly de-pigmented centre and slightly elevated borders on the left parotideal region, 3cm below the earlobe; a 5mm circular painful scar with slightly de-pigmented centre and slightly elevated borders on the right parotideal region, 2cm below the earlobe; 5 slightly oval painful scar-like lesions around 10mm long and 5mm wide each with slightly hyper-pigmented centres and slightly elevated borders scattered on the prepucium (foreskin), dorsal and distal section of the penis (all of these lesions are consistent with the time and type of injuries produced by electric current); chemical dermatitis affecting most of the scrotal area, extending to the groin and inginal regions; marked tenderness in the groin areas and inner thighs; moderate tenderness in both shoulder areas; moderate loss of sensation in both deltoid (shoulder) regions; moderate loss of sensation in inguinal (groin) regions, inner thighs and genital areas; movement limitation on both shoulders (difficulty to raise the hands above the head); movement limitation of both hips (inability to squat) and gait affected; and tenderness on both soles of the feet. Mr. Gurinder Singh also reports the following: insomnia, anxiety attacks, loss of memory, loss of concentration and nightmares.

The above findings are consistent with the time and type of the torture he alleges to have suffered during his recent detention on May. Additionally, the chemical dermatitis observed in the inguino-scrotal region is consistent with that described following his detention on 13 August 1999.

13) Mr. Surrinder Singh ("old" case, non-political)

Sikh man; interview filmed by Mrs. Baljit Kaur of the Movement against State Repression in General Hospital, Sector 16, Chandigarh in January 1991, viewed by the delegates on 20 August (copy of the footage in general material).

Mr. Surrinder Singh was arbitrarily arrested by the Punjab State Police on 21 December 1990 and held in secret detention for 21 days before his release free of charges in response to growing public pressure on behalf of the innocent and influential victim.

During his detention, Mr. Surrinder Singh was tortured, initially for the purpose of interrogation but finally for extortion. After being stripped naked, Mr. Surrinder Singh was allegedly beaten unconscious on several occasions. Beatings were carried out with hands covered by cloth, apparently to minimise marks. He was suspended from the wrists with his hands tied behind his back and was also suspended from his axillae (armpits), under which a rod was passed. He was subjected to *cheera*; rollers forced over his thighs; electric shocks to the genitals and to wounds caused by torture; *phalanga*; flogging to the back, buttocks and thighs with *pattas*; and had chilli forced into his anus with a stick. He was also threatened with death, suffered mock executions and was humiliated about his Sikh beliefs and creed, including forceful and repeated pulling of the hair and beard.

None of those responsible for Mr. Surrinder Singh's torture have been either brought to justice or suspended from duty, despite a complaint presented before the Punjab High Court on his behalf. Also, despite needing medical care after release for his injuries, the Government Hospital in Chandigarh initially refused to accept him on grounds that "it was a police case". The Chief Medical Officer accepted the patient and acceded to carry out a summary report of his injuries only after an order from the High Court was issued.

This led Mrs. Baljit Kaur to film the testimony, which is a rather fortunate case regarding the opportunity to video record physical evidence of recent torture as commonly applied by the Punjab State Police.

BACKGROUND

In order to help readers of preceding paragraphs to understand some of the complex historical developments leading to present-day human rights violations in Punjab, the following summary background information has been included in this report.

Punjab, one of the most affluent agricultural states in India, has a long history of political violence and human rights violations. The Punjab, a large region originally comprising parts of present day India and Pakistan, was probably the region to suffer most destruction and damage at the time of Partition between the two countries shortly preceding independence from Britain in 1947. The region had a multiethnic population comprised of large percentages of Muslims (55%), Hindus (30%) and a substantial number of India's Sikhs.

The dividing line of Partition cut between the Punjab's major cities and Sikh holy sites, Lahore and Amritsar. This led to the greatest exodus in human history across the new border. The Muslim population moved to western Punjab in the newly created Pakistan and the Hindu and Sikh population fled east to the poorer Indian Punjab. Over 10 million people changed sides and gross human rights violations accompanied the exodus. Trains full of Muslims, fleeing westward were held up and slaughtered by Hindu and Sikh mobs, while Hindus and Sikhs fleeing east suffered the same fate. The army was sent in but proved unable or unwilling to control the chaos and often participated in the killings. Conservative estimates calculate that 250,000 people were slaughtered, though the true figure may well be over half a million.

Chandigarh was built in the 1960s to serve as the capital of the Indian state of Punjab, since Amritsar was too close to the Pakistani border for Indian comfort. The Punjab was again divided in 1966, into the predominantly Sikh and Punjabi-speaking state of Punjab and the state of Haryana to the south-east, while some of the northern parts of the Punjab were given to Himachal Pradesh state. This division angered Sikh peasants because it cut off major water sources from the predominantly Sikh and agro-industrial state of Punjab. Chandigarh remains the capital of both Punjab and Haryana and is administered as a Union Territory from Delhi. In 1986, in an attempt to placate the Sikhs, the government announced that Chandigarh would be handed over solely to Punjab, though this has yet to take place. The state currently covers an area of 50,362 square kilometres and has a population of approximately 21.8 million people.

Most of the 18 million Sikhs in India live in the Punjab, where they conform a large majority of the state's population. The Sikh religion was founded in the fifteenth century by Guru Nanak to bring together the best of Hinduism and Islam. Sikhs, meaning "learner", believe in one God, follow the teachings of the ten *Gurus* (spiritual leaders) and cremate their deceased. Sikhs practise tolerance and love of others, do not uphold the caste system and offer shelter to anyone who comes to their *gurdwaras* (temples). The Golden Temple in Amritsar is the holiest *gudwara* and a place of pilgrimage.

Military overtones were introduced to the religion by the Guru Gobind Singh in the sixteenth century in response to persecution of Sikhs. He introduced five *kakkars*, symbols to help Sikh men easily recognise each other: *kesh* (uncut hair, symbol of saintliness), *kangha* (wooden or ivory comb, symbol of cleanliness), *kucha* (under-shorts, symbol of alertness), *kara* (steel bracelet, symbol of determination) and *kirpan* (sword, for the defence of the weak). At this time, Sikh men were given the surname Singh, meaning "lion", while women carry the name Kaur, meaning "princess". Some young Sikhs have abandoned these symbols, in some cases reportedly to escape police attention, and many no longer undergo the baptism ceremony or abstain from alcohol, meat and tobacco.

Because of their pragmatic attitude and work ethic, Sikhs are one of the more affluent groups in Indian society. Since independence however, the status and power they held under British rule has been consistently eroded by the Hindu dominated central government. Sikh leaders calling for greater autonomy in the 1970s demanded the creation of an independent state to be called Khalistan. In the face of opposition and unrest in Punjab and other states, the Prime Minister Indira Gandhi declared a state of emergency throughout India in 1975. Despite the government's ensuing successful economic policy, thousands of political opponents, including many Sikh activists, found themselves behind bars and the press and judicial system were tightly controlled by the government.

The Punjabi conflict escalated to wide-spread violence in the early 1980s, with extremist factions of Sikh militants increasingly adopting direct action tactics against elected officials, civil servants and Hindu and Sikh civilians perceived as opponents to their cause. The groups were led by Sant Bhindranwale, a charismatic Sikh preacher, who was courted by the ruling (Hindu) Congress party in an attempt to discredit the Sikh opposition party, the Akali Dal.

The most important Akali Dal demand was greater control over local and neighbouring river waters on behalf of the Punjabi (and predominantly Sikh) peasant population. In April 1982, the Akali Dal organised a civil disobedience campaign to protest the construction of a dam to divert some of the state's river water. The government responded by breaking off talks with the Akali Dal and banning a number of militant Sikh groups. Many members of these groups then retreated to the Golden Temple in Amritsar, the holiest of Sikh temples. By May 1982, the temple complex housed several hundred Sikh activists demanding greater autonomy from India.

Protests and civil disobedience campaigns continued, to which the government responded by arbitrarily arresting thousands of Akali leaders and activists under the preventive detention provisions of the National Security Act. Torture of detainees in order to force them to abandon activism was reportedly systematic. Protracted negotiations between the Gandhi government and the Akali Dal also continued, though they were undermined by the continuing power struggle between the Akali Dal leaders and militant factions and the government's lack of political will to meet Sikh demands. Militants stepped up attacks on policemen and civilians, while Sikh civilians and suspected militants alike were killed by the security forces in alleged "encounters".

The conflict intensified in June 1984, when the Indian army stormed the Golden Temple under *Operation Blue Star*. Thousands died in the assault, including men, women and children on pilgrimage. In retaliation, Sikh presidential bodyguards assassinated Prime Minister Indira Gandhi on 31 October 1984. In response, angry mobs took to the streets in New Delhi and other cities across northern India, slaughtering thousands of Sikhs. The connivance of many local officials and the authorities' failure to prosecute those responsible alienated many Sikhs who had not previously supported the separatist cause. Problems in the army, where Sikhs formed a significant part of the officer corps also ensued. The cycle of violence and retribution that was to dominate political life in Punjab for the next ten or so years had begun.

The period of escalated violence (1982-1996)

The period between 1982 and 1996 was marked by massive human rights violations against the Sikh population (mostly in Punjab, but also elsewhere in India), costing probably well over 50,000 lives⁶. In their efforts to end the growing insurgency of Sikh militants, government forces operating in Punjab, particularly the Punjab State Police acting under orders from the central government, committed widespread abuse. The police summarily executed civilians (usually disguising the killings as "encounters"); arbitrarily detained scores of thousands of young Sikh men and their friends and families; brutally tortured detainees leading to an unknown number of deaths in custody; and engaged in widespread "disappearances". Many people, especially government officials and their relatives, were also murdered in militant attacks, which often amounted to human rights abuses, including executions of detainees.

In the grim logic of the counter-insurgency campaign, the end of eliminating Sikh militant leadership justified all means. All Sikhs were regarded as potential enemies and targets of repression. The deliberate use of arbitrary arrest, torture, executions and disappearances as a counterinsurgency tactic was not merely tolerated but actively encouraged by senior government officials. The Director-General of Police (DGP) K.P.S. Gill, who had overall authority for the counterinsurgency operations during most of these years, implemented a bounty system of rewards for police who killed suspected militants, a practice that encouraged the police to resort to extrajudicial executions of innocent Sikhs. The police sometimes performed perfunctory post mortems with the help of willing physicians and cremated the thousands of bodies in secret or threw them into the irrigation canals flowing towards Pakistan or neighbouring states in order to destroy evidence of their actions. The police thus disposed of tens of thousands of victims whose whereabouts remain unknown.

⁶ According to official sources cited in Mr. Inderjit Singh Jaijee's 1999 book entitled *Politics of Genocide: Punjab 1984 - 1998*, this figure might be as high as 200,000. Mr. B.S. Danewalie, former Inspector General of the Punjab State Police, puts the figure at around 55,000.

Those most at risk were Sikh adolescent and young adult men, particularly those belonging to political groups or engaging in activism. Relatives and friends of suspected militants, regardless of age or gender, were also routinely threatened, arrested or tortured and many disappeared. Those attempting to investigate abuses were also targeted. Disappearances and killings of Sikhs thought to be linked to the Punjab conflict also took place outside the state.

Torture was systematically applied by the Punjab Police during this period. The Terrorist and Disruptive Activities (Prevention) Act (TADA), legislation enacted to grant greater powers to combat the militants, facilitated the practice of torture by taking away normal legal safeguards. People could be detained for months or even years without access to courts, relatives or medical care. According to reports, at least 150 Sikh activists are still being held under TADA in Punjab jails, despite the Act having lapsed in 1995. Torture usually occurred in police stations, interrogations centres, such as the Central Investigation Agency Staff, and secret detention centres under responsibility of the state police located on the outskirts of main cities. Methods of torture included those described in the "main findings" section of this report. Family members were frequently detained and tortured in order to reveal the whereabouts of relatives sought by the police. The police justified the use of torture as the only means to obtain confessions or information, although it also served as punishment and to create a general climate of fear and repression.

The police and other government officials acted with virtual impunity. Although a handful of cases against the police reached the courts, hundreds of others have not been brought to trial. The judiciary proved ineffective in controlling police abuses. Most of those responsible for grave human rights violations have not been suspended from their positions, and in some cases have even been promoted, demonstrating that the government has no intention of holding them accountable for their acts.

The militants also committed human rights abuses. Some separatists groups violated international humanitarian law by killing, kidnapping and assaulting both Sikh and Hindu civilians, including political figures, civil servants, journalists and other community leaders opposed to the militant aims. They also sometimes forced local civilians to provide food and shelter and meet other demands.

Throughout the conflict, the Sikh political leadership was divided by rivalries. In 1985 the Akali Dal leaders signed an agreement with the Indian government granting many of the Sikh community's long-standing demands. The promised reforms never took place and some Sikh militant groups viewed the agreements as a compromise and betrayal. Electoral politics did not withstand the escalating violence and the decade was marked by annulment of election results, cancellation of polls and dissolution of elected bodies. Elections were finally held under difficult circumstances in 1992, with the Akali Dal boycotting the polls. The Congress (I) Party secured power with only 24% voter turn-out.

The repression finally began to wind down in the mid-1990s. According to many of those interviewed, the pattern of disappearances and killings subsided following the assassination of Mr. Beant Singh, Chief Minister of Punjab (1982- 1995) on 31 September 1995 by Sikh extremists. The assassination prompted a change in counter-insurgency tactics, which thereafter abandoned the use of most conspicuous human rights violations, which increasingly angered most of the Sikh population. The February 1997 elections led to a landslide victory for the Akali Dal-BJP Alliance and militant insurgency has also waned considerably since.

The consequences of the Punjab conflict have had far-reaching effects throughout India. Repressive security legislation enacted in response to the crisis, such as TADA, has been used to restrict fundamental freedoms not only in other areas of conflict, including Kashmir, but against peaceful critics of government policy in Gujarat, Tamil Nadu, Delhi and elsewhere in India.

The long-term impact of the violence within the state is best summed up in the Human Rights Watch and Physicians for Human Rights 1994 report on Punjab, *"The price of the government's apparent success against the separatists is the legacy of these abuses: a corrupt and brutalised police force... ten years of unfulfilled political reforms and escalating violence in the state fostered a culture of lawlessness and corruption to which the police have become inured; their resort to torture and murder has become institutionalised and accepted by senior government officials."*⁷

While the most extreme Sikh dissent were temporarily quelled by the Indian government through its campaign of bloodshed and terror, the outstanding demands of the Punjabi population, greater autonomy and water rights, have not been granted by the central government, thus sowing the potential for a future re-emergence of the conflict. At the time of the visit, the issue of Sikh extremism was being ostensibly fanned up by the government-controlled press, reportedly for electoral gains of the Hindu governing party (BJP), as elections began on 5 September. Noticeably, young Sikh men have been recently summoned to local police stations in small towns across Punjab, especially Rupnagar and Patiala, for identification. Many have been reportedly harassed and intimidated by the police during these operations.

Police currently also make random arrests of innocent Sikh men to extract large bribes for their release from parents of village elders, with corruption reaching to the top of the police hierarchy. This was confirmed by many of those interviewed, including Mr. B.S. Danewalia, former Inspector General of the Punjab State Police (1977-1980). He claims that the 60,000 officers of the state police force are often involved in human rights violations due to corruption, lawlessness and impunity affecting the institution as a legacy of the years of the worst repression, when it was given a free hand. He claims that to *"revert the situation, it would be necessary to ensure political will, prosecute those who are guilty, reestablish discipline through inspiration and instruction and curtail corruption. Otherwise human rights training alone will not work."*

⁷ Human Rights Watch/Asia and Physicians for Human Rights. *Dead Silence: The Legacy of Human Rights Abuses in Punjab*. USA: Human Rights Watch/Asia and Physicians for Human Rights 1994.

RECOMMENDATIONS

- 1) Conduct a training course on forensic medicine for physicians and lawyers. The University of Punjab, the Human Rights Commission, the Movement against State Repression, the Punjab and Haryana High Court Bar Association and Mr. Ranjan Lakhanpal have all expressed interest in co-hosting such and event;
- 2) Help increase awareness and campaigning on behalf of human rights in Punjab. This should include targeting immigration authorities in Europe and elsewhere dealing with asylum claims from Punjabi refugees;
- 3) Step-up protection campaigns on behalf of human rights defenders and witnesses in Pujab;
- 4) Conduct a more extensive, in-depth mission to carry out research in the countryside and interview more survivors (advising local contacts with time to arrange the interviews, facilities and interpreters) in order to set up human rights protection and promotion campaigns for Punjab;
- 5) Promote campaigns for the children of those killed and/or disappeared during the repression years in Punjab (1982-1996);
- 6) Study the possibility of promoting the establishment of a treatment centre for victims;
- 7) Conduct further research into the effects, consequences and treatment possibilities of *cheera* and the types of sexual torture described in the report;
- 8) Consider the possibility of convening a meeting of concerned international monitors and institutions to discuss and plan the most appropriate plan of action for human rights in Punjab. Participants should include Amnesty International, Human Rights Watch, (UK) Medical Foundation for the Care of Victims of Torture, Physicians for Human Rights, among others.

PRACTICAL/LOGISTICAL ISSUES

The mission, although short, accomplished its main goals of establishing whether torture continues in Punjab and exploring the role of the medical profession in the practice. In fact, many other issues were also investigated and substantial information about the human rights situation in Punjab was obtained. This was possible thanks to the outstanding commitment, support and generosity of many of the people that the delegates met, especially local human rights defenders, who also helped to ensure a most gratifying mission.

The fact that no meetings had been arranged beforehand and that there had been no previous contact between the delegates and the local contacts did not preclude the quick establishment of a full working agenda soon after arrival in Chandigarh. Needless to say, for a future longer mission, it would be useful to organise the agenda beforehand, especially considering the need to visit rural communities to interview local organisations and victims. The availability of good interpreters and private facilities should also be ensured before the mission.

Accommodation, food and local transport was excellent and in the case of the latter two was provided by the excellent local contacts-turned-hosts. A word of advice however, regarding the Mountview Hotel. Future visitors to Chandigarh looking for a less expensive and ostentatious hotel should ask local contacts for alternative accommodation, of which there is a plentiful offer.

Regarding climate, the best time of the year to visit Punjab is October through December, when temperature is mild, air is clear and the rainy season has passed. Later it may become very cold and in the summer, searing hot.

AGENDA

Tuesday, 17th of August:

- Delegates arrive and meet in Delhi;
- Travel to Chandigarh by train.

Wednesday, 18th of August:

Morning

- Establish communication with local contacts;

Afternoon

- Meeting with Mr. Inderjit Singh Jaijee and his sister Mrs. Baljit Kaur, Convener and Co-convener respectively of the Movement against State Repression, for a situation briefing;
- Meeting with Mr. Ranjan Lakhanpal, human rights lawyer and member of the Punjab and Haryana High Court Bar Association, for a situation briefing;
- Visit Mr. Ranjan Lakhanpal's home and office, meet with approximately six torture survivors and a policeman who has participated in torture (unable to conduct private interviews due to lack of facilities);
- Dinner with Mr. Lakhanpal and his family and a member of the Delhi-based South Asia Human Rights Documentation Centre, conducting research on the use of TADA in Punjab.

Thursday, 19th of August:

Morning

- Meeting with Mr. Herkawaljit Singh, News Bureau Chief of the Daily Ajit, the largest vernacular newspaper in Punjab, accompanied by Mrs. Baljit Kaur;
- Meeting with Justice Ajit Singh Bains of the Punjab Human Rights Organisation regarding past and current HR violations and his arrest in 1992;
- Interview and medical examination of torture survivor Mr. Shri Gurinder Singh (26 years) at Mr. Lakhanpal's office;

Afternoon

- Lunch with Mr. Lakhanpal and his family at their home;
- Visit the Guru Asra orphanage on the outskirts of Chandigarh: interview children whose parent's were killed or disappeared during the recent past, orphanage founders and torture survivors (Mr. Kanwar Singh Dhami and Mrs. Kulbir Kaur) and widows of men extra-judicially executed (Mrs. Baldwinder Kaur and; Mrs. Maninder Kaur, 40 who was also tortured), accompanied by Mrs. Baljit Kaur who served as interpreter.

Friday, 20th of August:

Morning

- View video footage of past torture survivors (Mr. Surrinder Singh interviewed at the Chandigarh General Hospital on 21/12/90 and two women survivors interviewed at Amritsar's Guru Ramdass Hospital in 1988), filmed by Mrs. Baljit Kaur;
- Interview and medical examination of torture survivor, Mr. Gurmukh Singh who witnessed his wife's rape in custody (Mrs. Jasbir Kaur) conducted by Lise and Claudia at Mr. Lakhanpal's office (Mrs. Jasbir was requested for an interview but chose not to attend);
- Meeting with Mr. B.S. Danewalie, former Inspector General of the State Police conducted by Morris, accompanied by Mrs. Baljit Kaur;

Afternoon

- Lunch with Mr. Jaijee and Mrs. Baljit Kaur;
- Meeting with Mr. Amrik Singh, Co-founder of the Committee for Co-ordination on Disappearances in Punjab conducted by Lise and Claudia;
- Interview and medical examination of torture survivor Mr. Sarabjit Singh, 42, conducted by Morris at Mr. Lakhanpal's office;
- Meeting with Mr. Rajvinder Singh Bains, human rights lawyer, son of Justice Bains and friend of Dr. Vinjeeta Gupta (physician working for human rights);
- Meeting with Dr. Jagdish Chander, head of Microbiology Department of Chandigarh Government Hospital Medical College at Mr. Singh Bains' office.

Saturday, 21st of August:

Morning

- Visit Forensic Medical Department of the Government Hospital Medical College, Chandigarh for a meeting with Dr. Krishan Vij to discuss possibilities of future collaboration for training, attended by Lise and Morris, accompanied by Mr. Rajvinder Singh Bains and Mr. Jagdish Chader;
- Obtain copies of Mrs. Baljit Kaur's video footage of torture survivors and organise the video footage of the mission by Claudia;

Afternoon

- Interview with Mr. Daljit Singh Rajput, human rights lawyer and torture survivor (unable to conduct a medical examination due to sensitivity);
- Discuss mission findings with Mr. Lakhanpal at his office;
- Visit the Yadavindra Gardens in Pinjore with Mr. Lakhanpal and his family;
- Dinner with Mr. Lakhanpal and his family, Mr. Inderjit Singh Jaijee and Mrs. Baljit Kaur for a mission de-briefing.

Sunday, 22nd of August:

Morning

- Co-ordination of logistics and tasks before Lise's departure;
- Lise departs for Delhi;

Afternoon

- Morris and Claudia begin to write the mission report;
- Meeting with Mr. Inderjit Singh Jaijee.

Monday, 23rd of August:

Morning

- Lise departs from Delhi to Denmark;
- Morris and Claudia continue writing mission report in Chandigarh;

Afternoon

- Lunch with Mr. Inderjit Singh Jaijee;
- Visit the Punjab State Human Rights Commission to meet Judge T.S. Cheema, one of its three members, to discuss possible interest in forensic training course;
- Interview Mr. Jaspar Singh Dillon, member of the Committee for Co-ordination on Disappearances in Punjab and torture survivor, recently released from prison;
- Farewell dinner with Mr. Lakhanpal and his family.

Tuesday, 24th of August:

Dawn

- Morris and Claudia depart to Delhi by train;

Night

- Morris and Claudia depart to London.

Thursday, 26th of August:

- Morris and Claudia hold two de-briefing meetings (morning and afternoon) with Emma Blower, AI Researcher for India, her team and Jim Welsh at the International Secretariat, Amnesty International, London.

CONTACTS

Former Justice Mr. Ajit Singh Bains

Human rights activist and leading member of the Punjab Human Rights Organisation
(*Excellent contact for background information*)

Kothi No. 22 Secotr 2-A

Chandigar – 160 001

Tel. 0172 – 740 865

Fax 0172 – 743 398

Mr. Amrik Singh

Co-founder of the Committee for Co-ordination on Disappearances in Punjab
(*Helpful contact, particularly on the issue of disappearances*)

742 Sector 8-B

Chandigarh

Tel. 0172 - 780 449 / 779 681

Mr. B.S. Danewalia

Former Inspector General of Punjab State Police (1977 – 1980)

(*Excellent for general background and insiders information about the police.*)

Tel. 0172 – 549 732

Mr. Daljit Singh Rajput

Human rights lawyer and torture survivor

(*May be a good contact for access to victims of human rights violations*)

Office

S.C.O. 1012-13, 2nd floor

Opp. General Bus Stand

Sector 22-B, Chandigarh

Tel. 0172 – 531369

Fax 0172 – 700936

Home

279 Sector 44-A

Chandigarh

Tel. 0172 - 645944

Pager 9610 - 401599

Mobile 0172 – 645944/ 098 150 10799

Mr. Herkawaljit Singh

News Bureau Chief, the Daily Ajit

(*May be useful contact in the press*)

1939 Sector 22-B

Chandigarh

Tel. 0172 – 705215, 706506 (office)

Tel. 0172 – 541670, 549995 (home)

Dr. Jagdish Chander

Head of Microbiology Dept. Government Medical College, friend of Mr. Rajvinder Singh Bains

(*Helpful for arranging meetings with the medical establishment*)

Government Medical College Hospital

Sector 32

Chandigarh 160047

Tel. 0172 – 665 253/ 57

Home

1151 A Sector 32-B

Chandigarh

Tel. 0172 – 664 699

Mr. Jaspal Singh Dhillon

Chairman of the Human Rights and Democracy Forum and torture survivor

(*Excellent for contacts, background information and case details, as well as access to victims and grass-roots organisations*)

Resi. H. No. 672, Phase-6

S.A.S. Nagar (Mohali)

Distt. Ropar, Punjab – 160 055

Tel/Fax 0172 – 672 998 (home)

223 430 (office)

Professor, Head of Department Dr. Krisham Vij
Head of Forensic Medical Department Government College Chandigarh
(Very important contact for organising a training course for the health profession, he offered the support of his department)
Government Medical College Hospital
Sector 32-A
Chandigarh
Tel. 0172 – 665 545-49/ 221 (office)
610 572 (home)
gmcchd@ch1.net.in

Movement against State Repression

(Most helpful and generous contacts for background information, general support and to meet many influential people involved in human rights)

Mr. Inderjit Singh Jaijee

Convener

314, Sector 44-A

Chandigar – 160 045

Tel. 0172 – 600484

Mrs. Baljit Kaur

Co-convener (Mr. Jaijee's sister)

64, Sector 2

Chandigar – 160 001

Tel. 0172 – 740 424

Mr. Rajvinder Singh Bains

Human rights lawyer, Justice Bains' son

(Excellent for contacts, background information and access to victims)

Kothi No. 22 Secotr 2-A

Chandigar – 160 001

Tel. 0172 – 740 865

Fax 0172 – 743 398

rajvinderbains@hotmail.com

Mr. Ranjan Lakhanpal

Human rights lawyer

(Most helpful and generous contact for access to victims and general support, an average of one new human rights case comes to his office every day seeking legal support)

97, Sector 10-A

Chandigar – 160 010

Tel. 0172 – 743225, 740866

Fax 0172 – 743225

Mobile 98150 – 10492

Mr. Sonder Kang

(an excellent translator)

16 the Mall Road

Jalandhar Cantt

Punjab 144005

Tel. 260 864 (0181) / 98140 78337

South Asia Human Rights Documentation Centre

(Useful information resource centre, delegates did not visit)

Mr. Ravi Nair, Executive Director

New Delhi, India

Tel. 91 11 – 685 9622

Fax 91 11 – 686 5736

ravi@sadc.unv.ernet.in

Judge T.S. Cheema

Leading member of the Punjab State Human Rights Commission

(Reliable bureaucrat and useful contact for training course)

Can be contacted through Mr. Inderjit Singh Jaijee

Dr. Vineeta Gupta

Physician and human rights defender, member of the Peoples Union for Civil Liberties
(Unable to meet her because she was abroad, apparently an important contact for concerned physicians)

H. No. 5042

Affim Wali Gali, Batinda, Punjab

Tel. 0164 – 253 903/ 215 400

BIBLIOGRAPHY

Amnesty International. *India: A vital opportunity to end impunity in Punjab*. London: Amnesty International Secretariat, August 1999.

Committee for the Co-ordination on Disappearances in Punjab (Ran Narayan Kumar, Amrik Singh Muktsar, Harshinder Singh). *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony and India's Obligations, Interim Report*. Chandigarh, India: mid-1999.

Gurtej Singh. *Tandav of the Centaur: Sikhs and Indian Secularism*. Chandigarh, India: Institute of Sikh Studies, 1996.

Human Rights Watch/Asia and Physicians for Human Rights. *Dead Silence: The Legacy of Human Rights Abuses in Punjab*. USA: Human Rights Watch/Asia and Physicians for Human Rights, 1994.

India (7th edition) Australia: Lonely Planet Publications, 1997.

Medical Foundation of the Care of Victims of Torture. *Lives under threat: a study of Sikhs coming to the UK from the Punjab* (2nd edition). Oxford: Medical Foundation for the Care of Victims of Torture, 1999.

Nijhawan, P.K. *Suppression of Intellectual Dissidence and How Left-Nehruvians Destroyed Punjab*. Delhi, India: Offbeat Readings India, 1997.

Singh Jaijee, Inderjit. *Politics of Genocide: Punjab 1984 – 1998*. Delhi: Ajanta Publications, 1999.

United Nations Office of the High Commissioner for Human Rights. *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol)*, 1999.

U.S. Department of State. *India Country Report on Human Rights Practices for 1998*. Bureau of Democracy, Human Rights and Labor: February 26, 1999.

PHYSICIANS FOR HUMAN RIGHTS DENMARK

Is a group of Danish medical doctors whose goal is to bring the skills of the medical profession to the protection of human rights. Members of PHR/DK have participated in fact finding missions to several countries such as Israel and The Occupied Territories, Chile, El Salvador, Guatemala, Venezuela, Turkey, Northern Ireland, Cyprus, Kuwait, Kenya, Romania, Uruguay, Lithuania, Latvia, Pakistani and Indian held Kashmir, Sri Lanka, Mexico, Nepal, Croatia, Bosnia, Thailand, The Philippines, and Punjab. PHR/DK co-operates with several other human rights organisations.

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