

amnesty international

INDIA

Response to the Indian Government's comments on Amnesty International's report on Punjab

FEBRUARY 1992

SUMMARY

AI INDEX: ASA 20/25/91

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On 10 May 1991 Amnesty International published its report *Human Rights violations in Punjab: use and abuse of the law (ASA 20/11/91)*. Many of the allegations in the report had been raised with various Indian governments in previous years but had received no response. For example, when Amnesty International representatives met the Cabinet Secretary in December last year, they asked the government specifically to comment on most of the cases described in the Amnesty International report.

Amnesty International sent the Indian Government a copy of the report on 23 April, several weeks before the scheduled publication date, and invited official comment. On 9 May 1991 a 31-page response was forwarded to Amnesty International through the Indian High Commission in London. This was the first response any Indian Government had made to a report prepared by the organization. Amnesty International welcomed the government's decision in a public statement released on 9 May 1991, immediately after receiving the government's response (the text of this statement is attached as Appendix A). Amnesty International has now studied the government's comments in detail.

Much of the information provided by the government consists of brief, general denials that human rights violations took place. Rather than substantiating these denials, for example by referring to the findings of official investigations into the alleged abuses, the government's response frequently only lists details of many cases apparently registered under the Penal Code and the Terrorist and Disruptive Activities (Prevention) Act against the men and women the Amnesty International report identifies as victims of serious human rights violations.

The government denies all allegations of torture and rape (cases 5,7,8 and 9) described by Amnesty International except for the allegations of beatings and torture by the CRPF listed in case 5, in which the government admits that the CRPF "misbehaved". In the cases of rape the government rejects the allegations simply on the grounds that the women concerned failed to produce medical evidence. This response lists the evidence for the organization's belief that these abuses did in fact take place and points out, for example, that in the case of Shrimati Siso (case 8) the victim swore in a statement that she twice attempted to obtain a medical examination but that doctors refused to examine her for fear of police reprisals.

The government also dismisses all reports that people have been held in unacknowledged detention (cases 2,3,4,15), despite strong evidence to the contrary. This response describes how, in one of these cases, that of Surinder Singh, alias Pappu (case 3) a judicial officer appointed by the Punjab and Haryana High Court actually wrote a report in which he described how he found Surinder Singh illegally detained in the Jodhewal Police Station without any record of arrest (see *Appendix B*).

While valuing the additional information received from the government, Amnesty International believes the new data provided by the government does not invalidate the general findings of conclusions of its report, or the need for the new administration to take a series of effective measures to protect human rights in Punjab.

The text of this response was conveyed to the Indian Government on 19 August 1991.

KEYWORDS: AI AND GOVERNMENTS1 / DISAPPEARANCES1 / TORTURE/ILL-TREATMENT1 / WOMEN / SEXUAL ASSAULT / NON-GOVERNMENTAL ENTITIES / POLITICAL VIOLENCE / EMERGENCY LEGISLATION / EXTRAJUDICIAL EXECUTION / POLICE1 / INVESTIGATION OF ABUSES / HABEAS CORPUS / COMPENSATION / MEDICAL CONFIRMATION / REAPPEARANCE / PRISONERS' TESTIMONIES / ICCPR /

This report summarizes a 24-page document (11,376 words), *India: Response to the indian government's comments on amnesty international's report on punjab* (AI Index: ASA 20/25/91), issued by Amnesty International in 10 february 1992. Anyone wanting further details or to take action on this issue should consult the full document.

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On 10 May 1991 Amnesty International published its report *Human Rights violations in Punjab: use and abuse of the law (ASA 20/11/91)*. Many of the allegations in the report had been raised with various Indian governments in previous years but had received no response. For example, when Amnesty International representatives met the Cabinet Secretary in December last year, they asked the government specifically to comment on most of the cases described in the Amnesty International report.

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Since the publication of the report, many more grave abuses by armed groups have been reported in Punjab, of which the indiscriminate killing of more than 70 Hindus near the Baddowal and Quila Raipur Railway Stations on 15 June were prime examples. As stated in its report, Amnesty International believes there can never be a legal or moral

justification for such killings, which are also prohibited under the basic rules of international humanitarian law. However, while Amnesty International recognises the difficult law and order conditions created by the activities of the armed groups, it believes that no acts of violence committed by these groups can justify the grave human rights violations committed by the security forces which Amnesty International has documented in its report and which continue to occur.

The government's comments are divided into two parts: the first consists of comments of a general nature (see below under A); the second provides specific information about 24 of the 42 examples of torture, unacknowledged detention, "disappearances" and extra-judicial executions described in the Amnesty International report (see below under B).

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The government also dismisses all reports that people have been held in unacknowledged detention (cases 2,3,4,15), despite strong evidence to the contrary. This response describes how, in one of these cases, that of Surinder Singh, alias Pappu (case 3) a judicial officer appointed by the Punjab and Haryana High Court actually wrote a report in which he described how he found Surinder Singh illegally detained in the Jodhewal Police Station without any record of arrest (see *Appendix B*). Details of the arrest - denied by the government - of Ravail Singh on 16 June 1990, are included, supported by affidavits from eye-witnesses and copies of telegrams sent by his wife on the day of his arrest to senior officials saying he was illegally detained and expressing

fear for his life. The government now acknowledges his arrest but says it took place in July 1990.

In one case (case 1) the government concurs with Amnesty International's findings, but the organization cannot agree with the government's conclusion that this rare instance in which relief was ordered to be paid to the victim of an illegal arrest shows that "a police officer who violates the provisions of any law gets adequate punishment...". Amnesty International welcomes the court's order in this particular case. However, Amnesty International does not know of any case in which a police officer violating the law has been brought to justice.

The remaining cases deal with allegations of "disappearances" (cases 10-14, 16-19, 22-24) and extrajudicial executions (cases 20 and 21). In all instances of "disappearances" the government denies responsibility for arresting the "disappeared" person - despite the arrests or unacknowledged detentions being witnessed in most cases (cases 12-14, 16, 18 and 24) or despite these being reported in the local press (case 16). In other cases the government acknowledges the arrest but claims that the "disappeared" person was released and subsequently killed in an encounter (case 14), or it acknowledges arrest but claims the person in question "escaped" (case 19). In the case of Charanjit Singh (case 22), the High Court found there was *prima facie* evidence to disbelieve the police version that Mr Singh had been killed in a genuine encounter with the police. The findings of the magistrate's report of the inquiry to investigate his "disappearance" are now more than nine months overdue.

In those cases in which Amnesty International believes that people were extrajudicially executed in staged "encounters" with the police, the government claims that the men were killed in genuine police encounters. But in the case of Harpal Singh and Baljit Singh (case 20) a local magistrate concluded that the two men were not killed in a genuine encounter, as claimed by the police.

Amnesty International was glad to learn from the government that official investigations had been instituted in the cases of Sukhdev Singh and Kuljit Singh Dhatt (cases 10 and 17). This demonstrates that an investigative machinery is in place which could make it easier for the victims to obtain redress. However, although such investigations are often initiated by the authorities it is the police or security forces who actually conduct the investigations into the alleged mis-conduct of their own personnel. For example allegations concerning a special branch of police (case 10) were investigated by the Inspector General of Police, Internal Vigilance Cell. Such inquiries lack the necessary impartiality to establish an independent assessment of the facts of the case. The organization is particularly concerned that none of the findings of these inquiries

appear to have been published, and that none of the perpetrators who may have been identified in any such inquiries have been brought to justice.

While valuing the additional information received from the government, Amnesty International believes the new data provided by the government does not invalidate the general findings or conclusions of the its report, or the need for the new administration to take a series of effective measures to protect human rights in Punjab.

A. The government's general comments

1. The government claims that Amnesty International's reporting on Punjab is biased and that this is reflected in the organization's criticisms of the Indian government for not publishing statistics on the number of detained persons. In January 1991, in answers to questions in the Lok Sabha (Parliament), the government had supplied statistics of the number of people arrested under the Terrorist and Disruptive Activities (Prevention) Act and the National Security Act during the last three years. These figures are reproduced in an Appendix to the government's comments on Amnesty International's report. The government also asserts that "the figures of detained persons mentioned in Amnesty's report are absurdly exaggerated. Against two to three thousand and odd actual number of arrests [each year] many of whom have been subsequently released through due process of law, Amnesty has chosen to reflect a figure of 15 to 20 thousand."

AI response:

The Indian government has, in response to questions raised in the Lok Sabha and the Rajya Sabha (Lower and Upper houses of parliament), released figures of **arrests** made under the TADA and the NSA in the last three years. The government apparently argues that these figures are far lower than Amnesty International's estimate of the total number of detainees held in Punjab. However, the government has not released any statistics on the number of people actually **detained** at any one time in connection with political activities under preventive detention or special "anti-terrorist" legislation in Punjab. In June, the Indian Government informed Amnesty International that 1218 people remained detained in Punjab under the TADA as of 15 June 1991. The government said they faced serious criminal charges such as murder and kidnapping.

The figure of 15,000 - 20,000 detainees is an estimate made by human rights groups in the state, not by Amnesty International. When the report on human rights

violations in Punjab was released on 10 May 1991, Amnesty International estimated that "well over 10,000 Sikhs" were being held in the state. The Amnesty International estimate is in line with figures reportedly given to journalists last year by official sources of numbers of prisoners held in Punjab. Similar assessments have been made by foreign and local journalists. For example, when the previous government announced the release of several hundred prisoners, *Reuters* newsagency quoted officials in New Delhi on 3 January 1990 who said that 12,000 people were being held in the state. When the Governor of Punjab announced in April 1991 that the government would release an unspecified number of young Sikhs detained on suspicion of committing minor offenses, both *The Guardian* newspaper in London, and *Reuters* newsagency quoted official sources as saying that the number of detainees held in the state was 11,000. Amnesty International welcomed the government's release order which apparently involved about 150 detainees. According to a 12 May 1991 statement from the Punjab government 300 Sikh detainees, not facing serious charges, were being released, but, the state government added, about fifty percent of them had already been released on bail.

2. In support of its statement that India is allowed to take "requisite measures to contain such situations as are prevailing in Punjab" the government quotes Article 4 of the International Covenant on Civil and Political Rights (ICCPR). This article allows state parties to that Covenant to derogate in strictly defined circumstances from certain rights provided in the ICCPR. The government argues that the Terrorist and Disruptive Activities (Prevention) Act (TADA) is one such measure permitted by the Covenant "designed specifically to meet the extraordinary situation created in Punjab".

In respect of TADA itself, the government observes that "it was ensured by parliament that necessary judicial safeguards were provided before the Act was passed". In a *Note on TADA* supplied to Amnesty International as an Appendix to the government's response, the government specifies - as does Amnesty International in its report - that the TADA makes notable changes to normal provisions regarding bail, trial in open court, burden of proof, confession and appeal. Apart from arguing that these changes are permissible derogations from its obligations under the ICCPR because of the special situation in Punjab, the government also justifies these changes by saying that those who stand accused under the TADA are "hard core criminals".¹

AI Response:

¹ For example, the government observes in its *Note on Tada*: "Since the accused in the terrorist cases are hard core criminals, trial of cases against them is therefore to be held in safe places in camera" and: "Since the terrorists are hardcore criminals and nobody comes to dispose against them, in order to provide justice to the aggrieved party, the burden of proof passes on to the accused."

The government's assurances and parliamentary approval notwithstanding, the suspension of important legal safeguards under the TADA contravenes India's obligations under international human rights law, notably the ICCPR. Article 4 of the ICCPR indeed permits state parties to derogate from certain obligations but only "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed". The ICCPR also specifies that states may only derogate from their obligations "to the extent strictly required by the exigencies of the situation...and [provided they] do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin" (Article 4, paragraph 1 ICCPR).

In March 1991 the United Nations Human Rights Committee - the treaty body established to monitor the Covenant's implementation - examined the report which India had submitted in accordance with Article 40 of the ICCPR. Several members of the Committee observed that the TADA contained a number of provisions which derogated from the rights guaranteed in the ICCPR, and which might not meet the test that they were "strictly required by the exigencies of the situation". For example, one committee member pointed out that the presumption of guilt in the TADA seemed "to be completely unacceptable". Another member pointed out that TADA permitted one-year detention for investigation of broadly defined offenses in circumstances in which bail was difficult to obtain, and commented that it seemed "disturbing that the act can have not only the content it has but [also] such a broad geographic scope of application". She said that it was clear that the TADA and the National Security (Amendment) Act provided for limitations in respect of the right of assembly, the courts and detention and added that "It seems...clear to many of my colleagues and me that these [two acts] do derogate from rights in the Covenant". She noted in concluding that any such derogations had of course to be justified by reference to the exigencies of the situation within the meaning of Article 4 of the ICCPR but added: "I do have doubts whether those acts meet the strictly required test in several very important areas."²

Furthermore, a derogation can only conform with the terms of the ICCPR if the derogating state party fulfils certain formalities. Paragraph 3 of Article 4 ICCPR obliges all states who intend to derogate from any provisions of the ICCPR to "immediately inform the other State parties...of the provisions from which it has derogated and of the reasons by which it was actuated...". Committee members expressed concern that,

² Human Rights Committee, statements summarized in Summary Records of the 1039th, 1040th, 1041st and 1042nd meetings in UN documents CCPR/C/SR 1039 at paragraph 39, CCPR/C/SR 1040 at paragraph 18, CCPR/C/SR 1041 at paragraphs 62,67 and CCPR 1042 at paragraphs 13 and 14. The quotations are from transcripts made by Amnesty International of the official tape recordings of the meetings made by the United Nations.

contrary to the requirements of Article 4(3) of the ICCPR, the committee had not been notified by the Government of India of the derogations it had in effect made.³

Established principles of international law laid down in Article 14(2) ICCPR do not permit anyone, even those suspected of having committed grave offences like those prohibited under TADA, to be presumed to be guilty. They require that all people be treated as innocent until their guilt has been proven.

3. Commenting on the observation made in the Amnesty International report that "police officers themselves sometimes act in the guise of members of armed Sikh groups to extort money from villagers", the government says: "It is difficult to believe that an organised police force would allow its members to become indisciplined in this fashion.... if, however, such cases are brought to the notice of authorities they would be dealt with according to the provisions of the law."

AI Response:

The observation made by Amnesty International is based on reports in the Indian and international press, one of which (the *Far Eastern Economic Review*, 3 January 1991) is partly reproduced on pages 4 - 5 of the Amnesty International report. Another such report appeared in the *Hindustan Times*, 12 December 1990. We quote:

"Escalated militant strikes apart, there has been an unusual spurt in incidents of extortion and looting in the border region of the State. Amritsar and Tarn Taran police circles top in such crimes..... Extortions have been on the increase there for past few weeks. A number of inquiries have revealed that apart from the petty criminals in the garb of militants, a number of lower-ranked police personnel and the private armies raised by forces for counter-militant operations are also indulging in such crimes to a considerable extent..."

Although such allegations have repeatedly been made in the press, Amnesty International does not know of any instance in which police officers have been brought

³ For example, one Committee member said that "it was clear that the Terrorist and Disruptive Activities (Prevention) Act and the National Security (Amendment) Act provided for limitations in respect of the right of assembly, the courts and detention. Since those acts appeared to constitute derogations from the provisions of the Covenant, it would be interesting to know why India had submitted no notification of derogation to the Committee, as it was bound to do under article 4(3)" (Human Rights Committee, Summary record of the 1040th meeting, 26 March 1991 at paragraph 18, CCPR/C/SR.1040).

to justice for committing such crimes, even though official inquiries instituted in some cases have found *prima facie* evidence against police officials..

4. The government says: "Amnesty has highlighted cases of torture and ill-treatment without at times verifying even when the court records were available, whether there was any substance in the allegations." The government quotes as examples the cases of Gurmit Kaur and Gurdev Kaur, who, the Amnesty International report says, were tortured by senior police officials in August 1989. The government concludes from the High Court order handed down in their cases that "the High Court did not believe in the genuineness of the complaint....".

AI Response:

Allegations that these two women had been tortured were widely and substantively reported in the Indian press, including in *India Today*, *the Indian Express*, *the Hindustan Times*, *the Times of India*, *the Statesman*, *the Telegraph (Calcutta)* and *the Illustrated Weekly*. The allegations were so serious that they led the state government to transfer the Senior Superintendent of Police accused of supervising the torture. According to an order of the Punjab and Haryana High Court from which the government itself quotes in its response to Amnesty International: "Mr M.S. Bhullar, Inspector General (Border Range) has held an inquiry into the alleged torture of these two women by the police and on the preliminary report submitted by him, Mr. Gobind Ram...has been transferred from Batala to P.A.P. Jalandhar."

Neither the government, nor the High Court denies that the women were subjected to torture. The High Court merely concluded that the women's "request for medical examination by a board of doctors at such belated stage [in fact no more than three weeks after the torture allegedly occurred] cannot be accepted". The High Court order, from which the government quotes, was available to Amnesty International, but the organization does not believe that it invalidates the women's complaints.

The court said that the women had not produced a medical certificate to show that they had been tortured by the police, and that one of the women, Gurmeet Kaur, had asked for a medical examination on 30 August 1989 - while in detention - but had then stated in writing to Dr Gopal Singh that she did not want to be medically examined when taken to the civic hospital in Batala. However, Amnesty International has not seen a copy of the statement Gurmeet Kaur supposedly made to Dr Singh and there is some evidence to suggest that, if she did make such a statement, she was made to sign it against her will, possibly without knowing what she signed. In a statement to a three-member team of the People's Union for Civil Liberties - which included an ex-Chief Justice of the Calcutta High Court - three days after her release on 3 September,

Gurmeet Kaur said: "On the day of Bharat Bandh i.e. 30.8.1989, they took me to Gurdaspur jail. Meanwhile some persons had taken my signatures on a paper. They had also taken my signatures in the police station." (Further details of the statements in which Gurmeet and Gurdev Kaur describe their arrest and torture to the team are attached in *Appendix C* to this report). Amnesty International therefore attaches little importance to the statement Gurmeet Kaur allegedly signed while in custody, especially since the High Court was giving a ruling on a petition brought by a journalist in a public interest litigation not by the women themselves. The action was apparently based on reports about their torture which had appeared in Punjabi and other Indian papers.

Amnesty International has been told by lawyers and victims of torture that they are reluctant to complain to the police about their treatment for fear of retaliation, especially when torture victims are in custody and entirely at the mercy of those who have tortured them. This could account for the fact that the women's request to be examined by a board of doctors was subject to delay of one week after their release.

Amnesty International would welcome the opportunity to see the full report of the investigation carried out by the Inspector General (Border Range), Mr M S Bhulkar, into the allegations that the two women were tortured.

B. The government's comments on 24 cases of alleged human rights violations described in the Amnesty International report.

1. Lakhwinder Singh (pages 14-15 AI report)

The government says that the High Court's order to pay 5,000 rupees compensation to Lakhwinder Singh "proves that a police officer who violates the provisions of any law gets adequate punishment for such violation".

Both the government and Amnesty International found that Lakwinder Singh was held in unacknowledged detention. Amnesty International welcomes the fact that in this particular case a possible "disappearance" was resolved through effective and speedy intervention by the High Court. But in many other cases of "disappearance", the Court failed to take such action or legal action taken did not produce these positive results. Many such cases are described in Amnesty International's report. The compensation of the victims in this one case does not warrant the conclusion that those violating the law by keeping detainees in unacknowledged detention are brought to justice.

Although the case of Lakhwinder Singh is one of the few in which the High Court ordered that compensation be paid for keeping a person in unacknowledged detention,

Amnesty International does not know of any case in which a police officer violating the law has been brought to justice.

2. *Gurmeet (Gurmit) Singh* (page 19 AI Report)

The government denies that he was arrested on 1 June 1987 and states that "he is still at large".

Amnesty International's has an affidavit from Gurmeet Singh's father stating that his son was handed over to the police on 1 June 1987 and that the arrest was also witnessed by another villager:

"On June 1, 87, I took my son Gurmeet Singh to police station Sadr and the police assured that the boy would be sent back the next day. Hardev Singh alias Phana of my village had accompanied me. We were shocked to learn on 2.6.87 that the police denied to have taken Gurmeet Singh into custody."

Furthermore, on 4 June 1987, the father brought a petition in the court of S. Bhagwan Singh, the Ludhiana magistrate, about the illegal detention of his son, expressing fears he could be killed in an "encounter" staged by the police. Because of the petition, he says in a sworn statement, he was threatened by the police:

"On 8.6.87 during the hearing of the above case, the Naib court (police constable attached to the Court) [name withheld] told me in clear terms that since I had filed a case against the police, so I would be taught a proper lesson. Meanwhile, I came to learn that Gurmeet Singh was in illegal detention in Dehlon Police Station where I contacted SHO [state house officer's name withheld] who started torturing me physically and I was made to write that I would not pursue the case of disappearance of my son. Some respectables intervened and I was set free."

The father states that his son was later brought before the magistrate and sent to Ludhiana jail, where he was eventually released on bail.

3. *Surinder Singh* alias Pappu (pages 22 - 23 AI report).

The government lists six cases brought against him by the police and adds: "It is incorrect to say that Surinder Singh was arrested by the police." Amnesty International reported that he was held in unacknowledged detention between 30 November and 22 December 1990 and was tortured.

On 21 December 1990 the High Court of Punjab and Haryana ordered one of its officers to search for Surinder Singh. The court warrant officer found him to be illegally detained at Jodhewal police station, and confirmed this in his report dated 7 January 1991: "I told the petitioner [Avtar Singh, father of Surinder Singh] to call the name of the *detenu* Surinder Singh Pappu in a loud voice. He did so and Surinder Singh responded [to] the call from a room ... no arrest was shown in the said Roznamcha (daily diary)...After this Surinder Singh Pappu was released".

4. *Iqbal Singh* (pages 23 - 24 AI report)

According to Amnesty International's report, Iqbal Singh was abducted by the Criminal Investigation Agency (CIA) staff in Faridkot on 12 April 1988 and released a month later, on 12 May 1988. The government says that Iqbal Singh "was never arrested nor picked up by the Criminal Investigation Agency Staff in Faridkot on 19.4.88. The allegation is baseless that he was detained for one month."

There is substantial evidence that Iqbal Singh was in fact arrested and detained by the CIA staff of Faridkot in April 1988 and held in unacknowledged detention for a month. According to the *Indian Express* of 19 June 1988:

"Iqbal Singh was abducted by the agency [named in the article as the Central Investigation Agency]... on 12 April this year [1988]...the CIA lay in wait for him and when he came out of his friend's house, its operatives grabbed him and pushed [him] into their unnumbered Matador van....but not before Iqbal was able to shout to a passer-by that he was being forcibly taken away by the agency."

The passer-by then informed his family of his arrest. On 22 April, according to his mother, an official working at the CIA centre at Faridkot confirmed to her that her son was held there and Iqbal Singh himself wrote a letter to his mother, dated 23 April, which was smuggled out of the centre, in which he reportedly said that he was afraid that he was going to be killed. His mother confirmed that the letter had been written by her son; she recognised his handwriting.

The Supreme Court ordered state and police officials to bring Iqbal Singh before a magistrate and allow him to see his lawyer and family after a *habeas corpus* petition was brought on his behalf in the Supreme Court on 10 May 1988 by a human rights organization. The court also ordered that he be allowed to see his lawyer and family. Two days later, he was released. Iqbal Singh's account of his torture in detention is described in the Amnesty International report. It was recorded by a representative of the Committee for Information and Initiative on Punjab, to whom he showed marks of the

"roller treatment" he had suffered in detention. In his account about his arrest and detention by the CIA staff in Faridkot, he identifies two of them by name:

"I recognize[d] one of them [the persons who picked me up], DSP Joginder Singh. There were fifteen or twenty of them. He [Joginder Singh] was sitting next to me in the car. He was the one who led me into the lock-up. I learned his name in the course of my interrogation...I was taken to CIA centre at Faridkot. [I know that because] ...at the start of my interrogation one officer asked me if I knew where I was. I said no. He then told me that I was in the custody of CIA staff in Faridkot...He also asked me if I knew who I was talking to. I again said no. He then told me that his name was Shyam Sunder..."

5. *Balkar Singh* (pages 24 - 27 of AI report)

The Amnesty International report gives a detailed account of Balkar Singh's torture by members of the Central Reserve Police Force in late 1987. The government claimed: "It is incorrect that Balkar Singh ...was tortured by the police."

However, medical examinations conducted while Balkar Singh, a Canadian national, was in detention and after his release by medical experts in Canada show results consistent with the torture allegations. Dr Anand Gopal Singh Bawa of the Civil Surgeon Office in Amritsar examined him on 16 November 1987, two weeks after his arrest on 2 November, and found that he had bruises on the sole of his right foot and right forearm and that he complained of pains in his chest and thighs. He stated that the injuries had occurred between 11 and 16 November 1987 and were caused by a blunt instrument. Dr Vijay Kumar Sharma, the prison doctor who examined him at Amritsar Central Jail concluded that he "could not rule out" the possibility of torture.

If Balkar Singh was not tortured in detention, it is surprising that the authorities did not allow him to be examined by a Canadian doctor who visited him in detention on 26 November with a representative of the Canadian government. Strong evidence of torture was found during examinations carried out by several independent medical experts in Canada one month after his release on 25 October 1988. Balkar Singh was examined by a rheumatologist and a psychiatrist who confirmed that "the complaints that Mr Singh described were compatible with the history of torture he has described".

6. Alleged Excesses by the Central Reserve Police Force at Kathunagal around 30 August 1990

(pages 21 - 22 of the AI report)

According to reports in the Indian press and by civil liberties groups, about 200 people living in villages near Kathunagal were beaten by members of the CRPF and the police in late August 1990 and some were subsequently tortured in the Thiriawal CRPF police station. The information supplied by the government confirms that the CRPF misbehaved, although it does not specify in what manner. The government stated that after an ambush on three CRPF vehicles on 29 August, raids and searches were carried out by the CRPF in collaboration with police. Screening and interrogation of suspects took place on 29 and 30 August. The government states: "In this connection an inquiry was also held by Commissioner, Jalandhar Division who opined that the CRPF action was not proper. The report was sent to the CRPF authorities who have warned the personnel involved."

In its report, Amnesty International noted that an inquiry had been conducted by Sub Divisional Magistrate, L D Hans. Amnesty International requested that it be informed of the outcome of the inquiry and about implementation of any recommendations those carrying out the inquiry may have made.

7. Gurmeet Kaur and Gurdev Kaur (pages 28 - 29 AI report)

See observations made in Part A, point 4.

8. Shrimati Siso (pages 29 - 30 AI report)

Amnesty International was informed that Shrimati Siso said she was raped by two policemen in the Balachaur police station on the night of 9 February 1989. According to information supplied by the government, Shrimati Siso was indeed detained on 9 February 1989 and released the same day after interrogation. In its reply the government dismissed the allegations of rape as "concocted" by the General Secretary CPI (Communist Party of India), Balachaur, and said that Shrimati Siso "could not produce any evidence" of rape and "has also not got herself medically examined by any Medical Officer".

In a sworn statement, submitted through her lawyer, Shrimati Siso said that after her release she made two attempts to be medically examined, but the doctors refused to carry out such examinations. She said:

"[she] went to the Civil Hospital, Balachaur, for getting herself medically examined for the offence of rape committed on her by all the accused... but that the Doctor refused to medically examine the complainant as he was influenced by the local police. The complainant went to the Civil Hospital, Garhshankar, where again the S.M.O. [Senior Medical Officer] refused to medically examine her on the ground that he would not start enmity with the police."

Under these circumstances, it was impossible for her to obtain the medical evidence the government said she should have obtained.

Although the Deputy Superintendent of Police was finally ordered to take down her complaint on 17 July 1989, the government is not known to have investigated her complaints.

9. *Surjit Kaur* (page 30 AI report)

According to Amnesty International's information, Surjit Kaur was tortured on 3 July 1989 in the Valtoha police station.

The government said that Surjit Kaur was called to the local police station for questioning in connection with the kidnapping of a village elder and released after questioning. The government said "It is incorrect that she was harassed by the police."

However, specific details of her torture were reported in the *Hindustan Times*, 30 September 1989: "She was put through to [sic] inhuman torture, administered lashes, given raps on the knuckles and boxes on the ears, hit on the head, forced into shock treatment." The newspaper also reported that there was an eye-witness to her torture: "All this happened while Dr Sewa Singh, son of her brother-in-law Resham Singh, brought along with her, was made to watch the proceedings." Two and a half months later, the correspondent noted that there were still marks of the torture: "Having spent more than 15,000 rupees on seeking her release and paying for the medical aid, a major part of her body - hands, feet, abdomen and shoulders - is still wrapped in bandages." (The *Hindustan Times* article is attached as *Appendix D*.)

10. *Sukhdev Singh* (pages 31 - 32 AI report)

According to Amnesty International's information, Sukhdev Singh died on 1 October 1990 of injuries received at the hands of the Criminal Investigation Agency police, Jalandhar. His body was found the following day. The government denies his arrest but admitted that CIA personnel from Jalandhar searched for Sukhdev Singh on 1 October

1990 without being able to find him. The government says that, following a complaint from his father, the Inspector General of Police, Internal Vigilance Cell, Chandigarh, Punjab, was conducting an inquiry. No details of the outcome of the inquiry were given.

The Punjab Human Rights Organization (PHRO) investigated Sukhdev Singh's death and found that he had been beaten to death October 1990, by Criminal Investigation Agency police from Jalandhar after he was arrested during a search. A post-mortem examination reportedly recorded at least 10 injuries to his body and head. While Amnesty International welcomes the government's announcement of an inquiry into the allegations, it urges that a full and impartial inquiry by an independent body be conducted to investigate the serious allegations and that its report be made public as soon as possible.

11. *Jaswant Singh and Chanan Singh* (pages 35 - 36 AI report)

According to Amnesty International's information both men were held in unacknowledged detention and "disappeared". The government's comment states that Jaswant Singh and Chanan Singh "are not wanted by the police of Dera Baba Nanak in any case".

According to a *habeas corpus* petition heard by the Punjab and Haryana High Court on 10 October 1990, Jaswant Singh, Chanan Singh and five others had been held in unacknowledged detention since 4 October. The judge concluded that "there are reasonable grounds to presume that the above referred *detenus* are being illegally confined by the police", and two warrant officers were asked to search for and secure the release of the seven men. After five of the seven men were found at Dera Baba Nanak police station the judge found that they had been illegally detained and awarded them 5,000 rupees each in compensation. A man called Chanan Singh was also found at Dera Baba Naka police station, but was not released because his father's name and the name of his village differed from the details given in the *habeas corpus* petition. Jaswant Singh was not located by the warrant officers during their searches. In view of the observations made by the High Court, Amnesty International is concerned that the whereabouts of Jaswant Singh and Chanan Singh remain unknown, and that the government appears not to have made efforts to establish what happened to them.

12. *Parvinder Singh* (pages 37 - 38 AI report)

According to Amnesty International's information Parvail Singh was taken by police officials of the Balachor police station on 3 August from his office at the Punjab State

Electricity Board, after which his whereabouts remain unknown. The government commented: "He is absconding and is declared proclaimed offender by the judicial court on 2.4.91. It is incorrect that he was taken by the police and is in illegal confinement."

This version of events is disputed by Parvinder Singh's employers and relatives. An Assistant Executive Engineer at the Punjab State Electricity Board (PSEB) witnessed the arrest of Parvinder Singh on 3 August 1990 and described it in a letter to the Senior Superintendent of Police at Kapurthala written on 9 August:

"On dtd. 03/08/90: Addnl. Station House Officer city police station, p... a (perhaps named Sh.Ram Parkash) accompanied with his squad and SO, Balachaur reached this office at about 10.00 A.M. and taken the above named official (Parvinder Singh) with them and told that... desired in connection with some inquiry /investigation of a case and will be freed within a few minutes. But is surprised that the official concerned has been kept under secret confinement by the city police Phagwara. Shri Om Parkash, J.E. -I of this office visited the city police station, Phagwara on dtd. 6.7 and 8/08/90 in order to know the nature of the case under which the official has been kept under secret confinement and booked. But it is very much regrettable that the police officials at Phagwara gave nothing in writing."

Attempts since made by Parvinder Singh's relatives and employers to locate him have failed to establish his whereabouts. There are thus reasonable grounds to believe that Parvinder Singh was arrested by the police.

13. *Ravail Singh* (page 38 AI report)

According to Amnesty International's information, Ravail Singh was arrested on 16 June 1990 and was illegally detained by the local police. His whereabouts remain unknown. The government has acknowledged Ravail Singh's arrest but stated that it took place on 26 July 1990 and that he is now in judicial custody. The government stated: "It is incorrect that Ravail Singh was kept in illegal custody."

Amnesty International is pleased that Ravail Singh has been located, although the government's reply does not state where he is being detained. However there is strong evidence to suggest that Ravail Singh was indeed arrested on 16 June 1990 and kept for more than a month in unacknowledged detention. In *Appendix E* we reproduce the text of a telegram which Kulwant Kaur, Ravail Singh's wife, sent on 16 June 1990 to the Chief Justice of the Punjab and Haryana High Court, to the Governor of Punjab and to other state and police officials informing them that her husband was "illegally detained

by Inspector of Thana Jandiala, Amritsar on 16 June. No case registered so far. Fear of false encounter". Also attached is a copy of an affidavit she subsequently filed in court giving details about her husband's arrest on that date and of an affidavit sworn by a neighbour, Dharampal, son of Sh. Shanti Saroop, stating he witnessed Ravail Singh's arrest on 16 June 1990 by police from Jandiala police station. Amnesty International has supporting affidavits to the same effect from Ravail Singh's two brothers, Balbir Singh and Bhajjan Singh, and from his cousin, Teja Singh.

14. *Baldev Singh* (pages 38 - 39 AI report)

According to Amnesty International's information, Baldev Singh was arrested with his brother in the presence of witnesses by the Sarhali police, was seen in custody, and "disappeared". The government's comment acknowledges that Baldev Singh was arrested with four others by CIA staff, Amritsar, but says that when they appeared in court they were all acquitted of the charges against them. However, the government goes on to claim that "Baldev Singh was killed in an encounter" in the area of Sadar police station on 6 August 1990.

In December 1990 Amnesty International received a letter from Baldev Singh's relatives, who were still trying to trace him. If Baldev Singh had indeed been killed in a genuine encounter in August 1990, it seems extraordinary that his family had not been informed some four months later.

15. *Hardeep Singh* (page 40 AI report)

According to Amnesty International's information, Hardeep Singh was arrested by police from Sector 27 in Chandigarh at 9 pm on 21 April 1989. His relatives were told the next day that he had been transferred to the Sector 11 police station, where they say they were able to see but not speak to him. After 29 April they were told that he had been taken to Amritsar by police from the Saddar police station. But although reportedly released in late 1989, his arrest and detention were never acknowledged.

The government denies his arrest and detention, and says that "Hardeep Singh was never arrested by Amritsar Sadar police, nor was taken away to Amritsar from Chandigarh on April 29, 1989... He is wanted in case FIR No 183, dated 11 April 1986, under section IPC, 25-Arms Act, P.S. Amritsar, FIR 140 dated 25 February 1987, under section 3/4 TADA, P.S Sadar Amritsar and FIR no. 174/89, under section 25 Arms Act. PS Sadar, Amritsar."

Amnesty International's information does not confirm this. Not only do his relatives claim to have seen him in police custody at the Sector 11 police station,

Chandigarh, but they also wrote to a civil liberties group that the "police of police station Sector 11 and Mr Sagar [the police officer in charge] was assuring us that they are investigated[ing] and interrogating my son and will be released after his satisfaction. We were waiting for the release of my son but he was not released by the Chandigarh Police." Moreover, news of Hardip Singh's arrest was published in *Rozana Jagbani*, a local Punjabi newspaper, on 29 April 1989, and relatives told civil liberties groups that the police themselves told them that Hardip Singh had been transferred to Amritsar by police from Saddar police station: "Today [2 May 1989] I again enquired from the Police of Sector 27 and Mr Sagar in charge of Sector 11 but I was told that Hardip Singh has been taken by Amritsar police."

16. *Darshan Singh Dalla* (pages 40 - 41 AI report)

According to Amnesty International's information, Darshan Singh Dalla was arrested at the Ropar bus stand on 26 March 1988, and his whereabouts remain unknown.

The government denies this, stating: "It is incorrect to say that he was arrested by the police. He is still at large." The government adds that he is wanted in connection with a number of criminal cases.

There is substantial evidence from a number of sources, including from a judge of the Punjab and Haryana High Court, that Darshan Singh Dalla was arrested and detained by the security forces. First, his arrest on 26 March 1988 was reported in the *Punjabi Tribune* (April 1988) and *Ajit* (7 April 1988) which reported that he was in the custody of the Raikot police and that he was being tortured. The *Akali Patrika* reported on 20 April 1988 that Mr Singh was still in police custody, and urged that he be formally arrested if there were any charges against him. His arrest was reportedly witnessed by a friend.

When a local human rights organization brought a *habeas corpus* petition on his behalf at the Punjab and Haryana High Court in October 1989 the court noted that the Ministry of Home Affairs had published a booklet in May 1988 alleging that Darshan Singh Dalla had disclosed information leading to the discovery of arms in Amritsar. In Criminal Writ petition No. 1779 of 1989 Judge S.S. Grewal of the Punjab and Haryana High Court found on 27 October 1989 that the government's denial of his arrest and detention and its explanation that the information in the booklet was "made by Darshan Singh Dalla to some other source and information in this regard has trickled down from some other source... does not seem to be a plausible explanation." The judge ruled that: "Since the Union of India...has reaffirmed the contents of the said booklet about the disclosures made by Darshan Singh Dalla on or about 27th/28th of March 1988, it is quite apparent that Darshan Singh Dalla remained in the custody either of the

respondents (Union of India, Punjab State and local police) or of the paramilitary forces on or about 27th or 28th March 1988. This aspect of the case supports the allegations made in the petition that *detenu* was taken in illegal custody by the Ropar police on 26th of March 1988 or, that subsequently he was sent in the custody of the Hoshiarpur police in April 1988." The judge found Darshan Singh's custody to be illegal and ordered that "both Union of India and Punjab State, are directed to produce Darshan Singh Dalla in this court on 7th November, 1989." However, the High Court's order could not be implemented in the face of the government's failure to produce him before the court.

17. *Kuljit Singh Dhatt* (pages 41 - 42 AI report)

According to Amnesty International's information, Kuljit Singh Dhatt was arrested by police from the Tanda police station on 23 July 1989 and thereafter "disappeared" from police custody.

The government confirmed that Kuljit Singh Dhatt had been arrested, but stated that his arrest took place on 25 July 1989. The government said: "During his interrogation, he made certain disclosures before the police and in pursuance of the said disclosures he was being taken by the police to the site for recovery of arms which were used by him in the commission of offenses in the above mentioned case. However, he escaped from the police custody..." A report about his alleged escape was filed the day after his arrest, on 26 July 1989. The statement concludes: "In this connection, the Supreme Court of India has appointed a Commission of Inquiry by a retired Distt. and Sessions Judge. The matter is being *sub-judice*, no comments are offered except that the order of the Supreme Court of India proves that all competent authorities take cognizance of the matter wherever so warranted and pass appropriate orders as warranted by fact and law."

Amnesty International knew that a police inquiry had been ordered and welcomes the fact the Supreme Court of India has appointed a Commission of Inquiry to investigate the serious charges that the police are responsible for investigating what happened to him. Amnesty International urges that the full report be made public as soon as possible and that the relatives and other interested parties be informed of its outcome.

18. *Kulwinder Singh* (pages 42 - 43 AI report)

According to Amnesty International's information, Kulwinder Singh (alias Kid) was arrested on 22 July 1989, was taken away in a jeep without licence plates and remains unaccounted for.

The government state that Kulwinder Singh fired at police who came to search for him and then escaped during an encounter on 22 July 1989 in which one man was killed. According to their statement he is evading arrest and claims by his relatives that he is still in police custody "are baseless and motivated to save Kulwinder Singh from being arrested".

However, there were many eye-witnesses to the arrest of Kulwinder Singh on 22 July 1989. According to one report by a civil liberties group, his arrest was witnessed by his father Trilochan Singh, Hakikat Singh son of Nikka Singh of village Deh Kalan, Khara; by Inderjit Singh Waroch, son of Sohan Singh of Mohali. Ajmer Singh son of Ganda Singh of village Kumbra, Kharar. Shamsheer Singh son of Mansha Singh of Desu Majra, Kharar and by Harpreet Singh son of Gurcharan Singh of Bhago Majra, Baironpur Khara. Amnesty International also has a copy of a cable sent on 8 January 1990 by his father, Trilochan Singh Sidhu, the Principal of the Khalsa Senior Secondary School, Karar, Ropar, addressed to the President and the Prime Minister of India and the Governor of Punjab in which he wrote: "Patiala Police Party led by Amarjit Singh ASI and Surjit Singh Grewal Inspector CIA staff Patiala arrested my only son (child) Kulwinder Singh Sidhu alias Kid from Phase-5 Mohali Distt. Ropar Punjab on 22 July 1989 at about 3 pm. in the presence of hundreds of people. Representations made to higher authorities for his production in any court bore no fruit so far. His liquidation in cold blood is apprehended. Ordering of immediate Judicial Enquiry is requested in this connection in the interest of justice."

Secondly, although the police claimed that Kulwinder Singh had "managed to escape" during an encounter, relatives believe that he remained in custody. Two released prisoners (whose names are known to Amnesty International) reported that they had seen him alive in police custody in Patiala. One of the prisoners said he had seen him at the residence of the Inspector, CIA staff, Patiala, on 24 July 1989. In view of these reports from various eye-witnesses, Amnesty International believes that Kulwinder Singh was taken into custody and that those responsible for detaining him illegally continue to deny that they are doing so.

19. *Jarnail Singh* (page 43 AI report)

Amnesty International's information is that Jarnail Singh was arrested on 5 May 1989, that the story of his "escape" from police custody is not credible and that he may still be held in illegal custody or may have been killed in custody.

According to the government: "Jarnail Singh escaped from the police custody on 15-7-1989 while he was being taken to effect the recovery of the arms ... Jarnail Singh is still at large."

This statement is based on the police version of Jarnail Singh's escape, which was rejected by relatives. This is how the police (in report No. 41 of 15.7.89 filed by ISI Narinder Singh, in charge, p.p. Sulta Navid) reported the unlikely circumstances of his "escape" while he was, as the police admit, under close police watch: "...Then the accused squatted down beside some reed bushes on the pretext of defecating and then suddenly he pulled the handcuffs with a jerk and snatched the chain from the hands of 838 C. Promadh Kumar and ran off in the darkness along the railway lines towards village Warpal. The police party pursued him and in the efforts to catch him, the ISI took out his revolver and fired two shots and Anwar Masih fired two rounds on the sten gun but the accused, Jarnail Singh, took advantage of the darkness to make good his escape." Wazir Singh, his father, in a report in the *Indian Express*, Chandigarh, 11 August 1989, described the story as "old and fabricated" and did not believe that "a handcuffed person could escape from the custody of armed policemen". He feared that his son was either in illegal detention in the Mal Mandi Camp of the Central Reserve Police Force, Amritsar, or had been tortured to death there.

Amnesty International shares this concern. It urges the government to order a comprehensive independent investigation into these allegations, to provide full details about the alleged "escape" including data about any disciplinary or other action that has been taken in respect of those police officers responsible for letting Jarnail Singh "escape" from their custody. In the absence of such data Amnesty International continues to believe that the police are responsible for this "disappearance".

20. Harpal Singh and Baljit Singh (pages 45 - 46 AI report)

There is important circumstantial evidence that these two students were deliberately killed by the police during the night of 14 June 1990, possibly after having been tortured.

The government states that Harpal Singh and Baljit Singh died during the course of an encounter with police on 14 June 1990: one died when police fired in self defence while the other committed suicide when he was surrounded by police. The government states that a Magisterial Inquiry into the incident was ordered by the Governor of Punjab, but no information is given about the outcome of the inquiry.

Amnesty International is aware, however, that the inquiry was conducted by the Deputy Commissioner, Ludhiana, and that, according to reports in the Indian press, he concluded that "the death of the two was not in the ordinary course of an encounter." Amnesty International is also concerned about reports that senior police officials reportedly obstructed legal action against the police official involved. According to an *India Today* report of 15 November 1990: "Consequently, Home Secretary A S Chadha

and the Advisor P S Kohli have recommended registration of a criminal case against the concerned police officials. But Gill [Director General of Police of Punjab] has protested that it may lead to demoralisation and insubordination in police ranks." The organization urges that the findings of the magisterial inquiry be published in full and that any police officials found to be responsible for unlawfully killing the two men be brought to justice.

21. *Kulwant Singh* (pages 46 - 47)

Amnesty International believes that Kulwant Singh was stopped by police on 8 July 1990, who took him to a nearby plot of land and shot him at point blank range.

The government quote from the report which the District magistrate, Ropar, submitted to the government after visiting the site of the incident: "After a hot chase, an incident occurred in an open space. As a result of the incident the chased fellow died on account of gun-shot injury and Constable Jagir Singh received bullet injury. The full facts of the incident need to be probed as people were giving bits and pieces of the incident only." The government adds that "later on a regular Magisterial Inquiry was also ordered by the Government of Punjab" and a Central Bureau of Investigation (CBI) investigation is pending. The government states that: "This fact also proves that such incidents receive the serious attention of the government."

Amnesty International welcomes the thorough way in which this incident has been investigated and requests that the findings of all these investigations be made public. If evidence is found that police officers were indeed responsible for extrajudicially executing the two men, they should be brought to justice.

22. *Charanjit Singh* (pages 47 - 48)

According to Amnesty International's information, Charanjit Singh was arrested by a named official of the CIA police of Ludhiana on 9 July 1989 and has since "disappeared".

The government does not comment on the report that Charanjit Singh was arrested by the police but alleges that he was killed in an encounter on the night of 18/19 July 1989. The government adds that the High Court directed the District and Sessions judge, Ludhiana, to hold an inquiry into the matter and that "the report is still awaited".

However, the High Court, in its judgement of 9 May 1990 delivered as a result of a *habeas corpus* petition, stated that it was difficult to believe that a father would send a telegram to the High Court [on 14 July] 10 days in advance of his son's death expressing the fear that his son might be killed in a faked "encounter" without substantial

grounds for his concern. The High Court concluded that "these facts raise obvious questions which need to be answered". On 9 May 1990, the High Court judge ordered the report to be submitted by the District and Sessions Judge within three months. However, according to the government it is still not completed. The text of the High Court's order is attached as *Appendix F*.

Amnesty International is concerned about the delay and urges that the report of the judicial inquiry be published in full. If the inquiry has not yet been completed, Amnesty International requests that steps be taken to enable the inquiry committee to finalize its report without further delay.

23. *Rajinder Pal Singh Gill* (page 48 AI report)

Amnesty International received reports that Rajinder Pal Singh Gill was arrested by the Ludhiana police in Chandigarh on 25 January 1989, that he was seen on the day of his arrest and the following morning in custody at the CIA Headquarters at Ludhiana, after which he "disappeared". Reports allege he was taken with three others to the site of an "encounter" and shot dead by the police.

The government stated that Rajinder Pal Singh Gill was killed in a genuine encounter on the night of 26/27 January 1989 and that "it is incorrect to say that Rajinder Pal Singh Gill was first arrested and then killed".

However, there is strong circumstantial evidence that Mr Gill was in fact deliberately killed by the police. Five months before the incident, on 27 August 1988, Rajinder Kaur, the wife of Rajinder Pal Singh Gill, had sent a cable to the Chief Justice of the Punjab and Haryana High Court saying that she had been detained by the Focal Point Police, Ludhiana and that the (then) Superintendent of Police (Detective) had threatened her that her husband would be killed by the police in a staged "encounter". His wife also brought a *habeas corpus* petition on 6 February 1989 in which she stated, before the Chief Judicial Magistrate, Mr M M Aggarwal, that the police arrested her husband on 25 January 1989, that she tried to meet her husband after his arrest but was threatened by the police and that they refused to disclose his whereabouts. Rajinder Kaur again stated she was afraid her husband was likely to be killed in a false encounter. In response, the High Court ordered police to produce Rajinder Pal Singh Gill in court on 10 February, but the police refused to give information about his arrest or whereabouts until 15 February, when they announced that he and two others had been killed in an encounter on the night of 26 January.

Reports in the Indian press suggested that this was hardly a credible explanation. The *Times of India* reported on 22 February 1989: "Evidence gathered by a three-

member advocate team of the Punjab Human Rights Organisation...points strongly in the direction of Prof. Rajinder Pal Singh Gill having been killed in a fake encounter. For once, the police have so far failed to give any satisfactory explanation for not releasing details in time of his death. The SSP, Mr Saini, admits that the professor was shot dead in an encounter on January 26 along with two others. But he briefed the press about the incident only on February 15, 21 days later."

Amnesty International shares this concern. No detailed evidence that he died in a real encounter was produced, his body was not handed over to the relatives but was cremated by the police and no post-mortem examination was, to Amnesty International's knowledge, carried out. Nor was an independent investigation by a judicial authority ordered to investigate his death, despite numerous appeals to the government to do so addressed by people in Punjab, including members of the Punjab Agricultural University Teachers' Association, and members of Amnesty International.

24. *Kushwinder Singh* (pages 39 - 40 AI report)

According to Amnesty International's information, Kushwinder Singh was taken away on 21 July 1989 in the presence of his father by armed men travelling in plain clothes in a van and a jeep without number plates, believed to belong to the CIA, Patiala. Since then, his whereabouts remain unknown, although he was twice sighted in custody.

But according to the comment by the government "Kushwinder Singh s/o Shankar Singh was never arrested by Patiala Police in any case". The government states that a writ filed at the Punjab and Haryana High Court by the mother of Kushwinder Singh against an inspector posted in Patiala district for allegedly taking Kushwinder Singh into custody, was dismissed. This they cited as proof that the allegations against the police are false. Amnesty International has not seen the court's order, nor can it therefore comment on the grounds for dismissal.

However, Amnesty International has information from eye-witnesses who said that Kushwinder Singh was arrested and detained by the CIA. His arrest was witnessed by his father, who went to the CIA office, Patiala, in August 1989 and recognized Surjit Singh Grewal as one of the CIA officials who had taken his son away on 21 July 1989. Furthermore, at the end of August 1989, a former detainee told the family that he had been with Kushwinder Singh in the CIA interrogation centre at Patiala until 23 August. The wife of a relative whose name is known to Amnesty International said she saw him in custody again at the hospital in Chandigarh on 26 October.