

# Violent Deaths and Enforced Disappearances During the Counterinsurgency in Punjab, India

## A Preliminary Quantitative Analysis



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Counterinsurgency in Punjab, India  
**A Preliminary Quantitative Analysis**

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## Preface

Having been involved for a few decades in documenting human rights violations committed by Indian state agencies in Punjab, I recognize that the insufficiency of attention towards the quantitative issues of the data has seriously affected the quality of discourse on abuses of power, their significance for the rule of law, and the challenges of meaningful reforms.

In confrontation with lethal abuse of authority by state agencies, human rights activists tended to downplay the significance of quantitative issues. Human rights organizations were unable to reach out to every reported incident of abuse and, often, could not verify the sources of reports and their reliability. So they consoled themselves with the thought that “what matters is understanding the nature of individual abuses and the demonstrable evidence to establish its truth. It does not really matter, from the normative standards of respect for human rights, whether or not the quantitative patterns are captured and conveyed.” This preference for the qualitative over quantitative approach concealed a “Platonic” conviction (or, a bias), which presupposed commitment of the state to the principles of human rights enshrined in the Constitution, at least in theory. It failed to recognize that the state could make normative professions that it may, for political reasons and in an exceptionalist mentality, consciously infringe. In speaking law to power, human rights defenders and advocates forgot that until the society at large is able to identify, classify, and quantify the wrongs perpetrated with impunity, then accountability, reparations, and reforms will not follow.

From this perspective, it is important for human rights research, documentation, and advocacy to integrate both the qualitative and quantitative approaches. The classical case-level analysis approach used by most human rights groups is useful in shedding light on the details of specific cases, as well as the range of lethal abuses committed, the affiliations and roles of perpetrators, classes of victims targeted, and responses of state institutions. However, exclusive reliance on legal qualitative case-level analysis fails to capture the broader context, magnitude, and pattern of human rights violations associated with such violence.

Capturing numerical repetitions of the ontological truth of abuse of power establishes its quantity, relations, and space in society, existentially implicating all people. With the methodological reliability of the compilation and analysis of events data, it becomes easier for all involved, irrespective of political dispositions, to see how they become socially responsible when the rule of law is suspended.

For being a step in this direction, this study is seminal.

Ram Narayan Kumar  
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South Asia Forum for Human Rights  
January 10, 2009  
Hong Kong

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# 1 Executive Summary

This report analyzes reported fatal violence across Punjab during a period of conflict from 1984 to 1995. This preliminary, descriptive statistical analysis by Ensaaf and the Human Rights Data Analysis Group (HRDAG) at Benetech uses systematic and verifiable quantitative research to interrogate the Indian government’s portrayal of the Punjab counterinsurgency as a successful campaign with isolated human rights violations. Our empirical findings indicate that the intensification of coordinated counterinsurgency operations in the early 1990s was accompanied by a shift in state violence from targeted enforced disappearances and extrajudicial executions to large-scale and systematic lethal human rights violations, accompanied by mass “illegal cremations.”

As part of government counterinsurgency operations from 1984 to 1995, Indian security forces disappeared and extrajudicially executed Sikh militants as well as individuals who had no known connection to the militancy. Special counterinsurgency laws facilitated human rights violations and shielded perpetrators from accountability. The government of India dismisses claims that enforced disappearances and extrajudicial executions were widespread and systematic, asserting instead that human rights violations were unavoidable “aberrations” in the war on terrorism. A former Director General of Punjab Police has repeatedly claimed that he led the “most humane counterinsurgency operation in the annals of history.”

To date, this report is the most comprehensive quantitative analysis of available data on human rights violations during the Punjab counterinsurgency. This analysis brings together six data sets comprising more than 21,000 records. The report draws on documentation from the National Human Rights Commission of India (NHRC) and its sub-commissions, the People’s Commission on Human Rights Violations in Punjab (PCHR), and the Committee for Coordination on Disappearances in Punjab (CCDP). The authors further examined reports

from the *Tribune* newspaper in Punjab from 1988 to 1995, and recovered logbooks from six municipal cremation grounds. This documentation collectively identifies and documents 2,059 “illegal cremations” acknowledged by the NHRC, approximately 2,196 victims of reported enforced disappearances and extrajudicial executions documented by CCDP and PCHR, 17,582 victims of lethal violence reported by the *Tribune*, and 1,484 records from the municipal cremation grounds.

Human rights groups have collected extensive qualitative evidence that provide detailed descriptions and analyses of the type and range of abuses committed by Indian security forces and the corresponding impunity that persists in Punjab. Until now, however, human rights groups have lacked the capacity to conduct quantitative research to record the level of human casualties and enforced disappearances from the Punjab counterinsurgency period.

By using quantitative methods, this report demonstrates the implausibility of lethal human rights violations being “random” or “minor aberrations” as claimed by Indian officials. Specifically, the report notes that:

- The available data sources, each collected through substantially different social, political, and legal processes, are generally consistent in noting that enforced disappearances and extrajudicial executions in Punjab were overwhelmingly concentrated in the early 1990s when the government intensified its counterinsurgency operations against alleged Sikh militants. The strong correlation between reported lethal human rights violations and overall reported lethal violence across time is inconsistent with official claims that human rights violations were random or minor aberrations.
- The data collected by the local *Tribune* newspaper and the CCDP show that reported

enforced disappearances, extrajudicial executions, and encounter killings shifted from being almost exclusively concentrated in Amritsar district to being dispersed throughout almost all districts of the state of Punjab after 1992. This dispersal suggests that human rights violations were not random acts of violence but rather part of a specific plan or set of widespread practices used by security forces during the counterinsurgency.

- The information reported by the *Tribune* shows that few security officers were reported to have been killed during “encounters” and that instead these incidents, on average, involved a lone killing of an alleged “militant” or a “civilian,” consistent with qualitative findings that reported encounters were often faked. The observed correlation between reported lethal human rights violations and reported militant encounter deaths is also consistent with the phenomena of “fake encounters.”
- As state violence increased substantially after the beginning of Operation Rakshak II in November 1991, notably fewer bodies of the disappeared and extrajudicially executed were recovered by the next of kin compared with the period prior to 1991. In the period after 1991, the NHRC data also acknowledges a notable increase in mass “illegal cremations.” This correlation suggests that these two phenomena are driven by a shift in state violence towards large-scale lethal human rights violations coupled with mass cremations.
- The strong, positive correlation between the reported acts of lethal violence and “illegal cremations” acknowledged by the NHRC is inconsistent with official claims that these reported disappeared persons are not dead but instead immigrated abroad.
- Age-sex data on reported victims of enforced disappearances, collected by the PCHR, CCDP, and NHRC, are consistent with the hypothesis that these violations were overwhelmingly targeted against young Sikh males be-

tween the ages of 18 and 45 whom security forces alleged were members of the militant movement.

Future analyses, which draw on multiple data sources and inferential statistical methods, will allow clarification of the total magnitude and patterns of violence throughout Punjab, broadening the discussion about the impact of counterinsurgency strategies on human rights. Scientifically-defensible analysis of political violence can help enable honest dialogue to improve public understanding of the counterinsurgency in Punjab. By triangulating independent data sources and employing reproducible scientific methods, questions about the magnitude, pattern, and responsibility associated with lethal violations connected to the Punjab counterinsurgency can be engaged transparently. The answers to these questions will ultimately strengthen truth, justice, and institutional reform processes.



## 2 Introduction

Darshan Singh from Sabhra village in Amritsar district was a 28 year-old farmer with a young family. On September 9, 1990 he visited his in-laws in Saidon village. The next day, Darshan Singh was shot dead, declared a militant, and cremated as “unidentified” in the local municipal cremation ground by the Patti station police.<sup>1</sup> When Darshan Singh’s family learned of his death and inquired about him at the Patti police station, the Station House Officer refused to allow the family to view the body or to attend the cremation, which was conducted in secret. Today, a legal case proceeding before India’s National Human Rights Commission (NHRC) has forced the government of India to acknowledge that the Punjab Police “illegally cremated” Darshan Singh. The government recorded his cremation under serial number “83/246,” only

The government of India has claimed that human rights violations were unavoidable “aberrations” in the war on terrorism.

because standard administrative procedure required them to account for the cost of the necessary firewood.<sup>2</sup> Had his body been returned to the family, disposed of differently, cremated in a different crematorium, or cremated in the same pyre as another “unidentified” body, his extrajudicial execution and his “illegal cremation” would have been ignored by the official investigative processes.<sup>3</sup> No official or unofficial process has determined the full spectrum of rights violations suffered by Darshan Singh or identified the perpetrators.<sup>4</sup>

As part of their counterinsurgency operations between 1984 and 1995, Indian security forces disappeared and extrajudicially executed Sikh militants, those suspected of being part of the Sikh militant movement, and individuals who had no known connection to the militancy, like Darshan Singh.<sup>5</sup> Special counterinsurgency laws further facilitated human rights violations and shielded perpetrators from accountability.<sup>6</sup> The government of India has dismissed claims by human rights groups that the use

<sup>1</sup>Ram Narayan Kumar, Amrik Singh, Ashok Agrawal, and Jaskaran Kaur, *Reduced to Ashes: The Insurgency and Human Rights in Punjab* (Kathmandu: South Asia Forum for Human Rights, 2003), p. 243.

<sup>2</sup>Ibid.

<sup>3</sup>Darshan Singh’s family was unable to pursue any remedies for his death. The Indian National Human Rights Commission, which is currently considering the “illegal cremation” of 2,059 individuals between 1984 and 1994, including the cremation of Darshan Singh, has limited its review to three cremation grounds in Amritsar district, then one of 13 districts in Punjab. NHRC order dated January 13, 1999, Reference Case No. 1/97/NHRC.

<sup>4</sup>Kumar, et al., *Reduced to Ashes*, p. 243. The NHRC has determined that it is “not necessary to identify officer or officers responsible” for the cremations. NHRC Order dated August 18, 2000, Reference Case No 1/97/NHRC. Copy on file with Ensaaf.

<sup>5</sup>Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence: Legacy of Abuses in Punjab* (New York: Human Rights Watch, 1994), p. 1; US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices-2007: India,” March 11, 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100614.htm> (accessed December 11, 2008), (noting that little progress has been made in holding “hundreds of police and security officials accountable for many enforced disappearances committed during the Punjab counterinsurgency and the Delhi anti-Sikh riots of 1984–94”); Human Rights Watch and Ensaaf, *Protecting the Killers: A Policy of Impunity in Punjab, India*. (New York: Human Rights Watch, 2007), p. 1.

<sup>6</sup>US State Department, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices - 1990: India,” p. 1437; US State Department, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices - 1992: India,” p. 1133; Human Rights Watch and Ensaaf, *Protecting the Killers*, pp. 12–13.

<sup>7</sup>See Section 4.1.1 for an explanation of enforced disappearances in the Punjab context.

<sup>8</sup>Extrajudicial executions refer to deaths at the hands of state agents without due process of law. “Such executions shall not be carried out under any circumstances including, but not limited to, situations of internal armed conflict, excessive or illegal use of force by a public official or other person acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such person, and situations in which deaths occur in custody.” Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted May 24, 1989, E.S.C. res 1989/65, annex, 1989

of enforced disappearances<sup>7</sup> and extrajudicial executions<sup>8</sup> were widespread, claiming instead that human rights violations were unavoidable “aberrations” in the war on terrorism.<sup>9</sup> A former Director General of Police for Punjab has repeatedly asserted that he led the “most humane counterinsurgency operation in the annals of history.”<sup>10</sup>

Human rights groups have collected extensive qualitative evidence and provided detailed analyses of the type and range of abuses committed by Indian security forces and the “impunity gap” that persists in Punjab.<sup>11</sup> Alleged enforced disappearances, extrajudicial executions, and “illegal cremations” were documented in official cremation ground and municipal committee records, judicial and quasi-judicial proceedings, newspaper accounts, and human rights investigation reports. This documentation refutes official assertions that security practices ended the “war on terrorism” with only minor or random human rights violations. However, the documentation presents a larger epistemological challenge in which the *documented* enforced disappearances, extrajudicial executions, and “illegal cremations” are only a subset of *all* lethal human rights violations. The observable subset may not be representative of all enforced disappearances, extrajudicial executions, and “illegal cremations.” Until now, human rights groups have lacked the capacity to conduct systematic and quantitative research to record the level of human casualties and enforced disappearances throughout Punjab during the counterinsurgency period.

This report presents a preliminary, descriptive statistical analysis of reported fatal violence across Punjab during the period of conflict from 1984 to 1995. This analysis draws on documentation from the National Human Rights Commission (NHRC) and its subcommissions, the People’s Commission on Human Rights Violations in Punjab (PCHR), the

Committee for Coordination on Disappearances in Punjab (CCDP), the *Tribune* newspaper from 1988 to 1995, and recovered logbooks from six municipal cremation grounds. This documentation collectively identifies and documents 2,059 “illegal cremations,” acknowledged by the NHRC, 1,484 records from the Kharla Cremations Grounds, approximately 2,196 victims of reported enforced disappearances and extrajudicial executions documented by CCDP and PCHR, and 17,582 victims of lethal violence reported by the English-language media.

The statistical analysis collates the available data on enforced disappearances, extrajudicial executions, encounter killings, and “illegal cremations,” which have been documented by different segments of civil society and government processes, totaling six datasets of more than 21,000 records. This analysis represents the first stage in systematically bringing together these related datasets, and assessing the Indian government’s explanations for human rights violations in light of the empirical findings.

The observed patterns in the available data challenge the government’s explanations of human rights violations. The data on lethal violence are consistently correlated across time and space, demonstrating the implausibility of lethal human rights violations being random or minor aberrations. Instead, the available data suggest that these lethal violations and “illegal cremations” were driven by the same underlying practices. Further, observed patterns of deaths of security officers relative to those of alleged militants suggest that encounters reported in the media were staged or fake encounters. These empirical findings further support existing qualitative findings that as coordinated counterinsurgency operations intensified in the early 1990s, state violence shifted in its nature from targeted enforced disappearances and extrajudicial executions to large-

U.N. ESCOR Supp. (No. 1) at 52, UN Doc. E/1989/89 (1989), principle 1.

<sup>9</sup>“India not to submit to terrorism: Manmohan,” Press Trust of India, *Tribune* (Chandigarh), February 4, 1994, p. 1.

<sup>10</sup>Geoff Parrish, “India—Who Killed the Sikhs?” Dateline, SBS Australia, April 3, 2002, [http://news.sbs.com.au/dateline/india\\_who\\_killed\\_the\\_sikhs\\_130052](http://news.sbs.com.au/dateline/india_who_killed_the_sikhs_130052) (accessed January 18, 2009);

Praveen Swami, “Bad apples are everywhere” *Frontline*, November 18, 1994, p. 40.

<sup>11</sup>Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 1.

scale lethal human rights violations, coupled with mass cremations. This preliminary statistical analysis, therefore, supports existing qualitative findings and challenges the dominant narrative that human rights violations were isolated incidents during a successful counterinsurgency campaign by the state.

Additional data and analysis are required to make inferential claims about the actual scale of en-

forced disappearances, extrajudicial executions, encounter killings, or “illegal cremations” in Punjab. In the conclusion to this report we suggest directions for further analysis which could clarify the total magnitude and pattern of enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab by applying inferential demographic and statistical techniques to the available data.

## 3 Background

### 3.1 Historical Context

Of the more than 20 million Sikhs worldwide, the majority live in the state of Punjab, comprising over 60 percent of the state’s population of 24.4 million.<sup>12</sup> Since India’s independence in 1947, Sikh leaders have challenged the central government, demanding greater autonomy for Punjab, water rights, local control over agricultural production and prices, and official recognition of the Punjabi language, among other concerns.<sup>13</sup> Tensions escalated throughout the 1970s and early 1980s, culminating in a planned Sikh demonstration in late May 1984 intended to block the transport of grains, water, and power supplies from Punjab. Prime Minister Indira Gandhi responded on June 3, 1984 by authorizing an army attack on the center of Sikh religious and political life, Harmandir Sahib (colloquially known as the Golden Temple), as well as gurdwaras<sup>14</sup> throughout Punjab to apprehend Sikh dissidents and mili-

tants. Gandhi deployed over 100,000 Indian Army troops across Punjab to conduct the attack, code-named Operation Bluestar, during one of the most celebrated religious holidays in the Sikh calendar, the martyrdom anniversary of the fifth Sikh Guru.<sup>15</sup> The troops stationed outside the Harmandir Sahib complex prevented thousands of civilians who had gathered for the religious celebrations from escaping the violent exchanges between militants inside the temple complex and the Indian Army forces. The attack continued for four days. Citing eyewitness accounts, human rights groups have estimated, using non-scientific means, that 7,000 to 8,000 people lost their lives.<sup>16</sup>

On October 31, 1984, Indira Gandhi was assassinated by two Sikh security guards in retaliation for her authorization of Operation Bluestar. After the assassination, senior politicians from the ruling Congress Party and police officers orchestrated pogroms of Sikhs in various cities across India,

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<sup>12</sup>Office of the Registrar General, India, “The First Report on Religion: Census of India,” 2001, <http://www.censusindia.net/religiondata/Summary%20Sikhs.pdf> (accessed December 7, 2008).

<sup>13</sup>Khushwant Singh, *A History of the Sikhs, Vol. 2* (New Delhi: Oxford University Press, 1999), pp. 293–318, and pp. 401–402; K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence* (New Delhi: K.K. Publishers, 1998), pp. 110–111.

<sup>14</sup>A Gurdwara is a Sikh house of worship.

<sup>15</sup>Ram Narayan Kumar, *Terror in Punjab: Narratives, Knowledge and Truth* (New Delhi: Shipra, 2007), p. 116.

<sup>16</sup>Amiya Rao, Arobindo Ghose, Sunil Bhattacharya, Tejinder Ahuja and N.D. Pancholi, “Operation Blue Star: The Untold Story”, 1984, <http://www.gurmat.info/sms/smspublications/%27operation%20Bluestar%27%20The%20untold%20story.pdf> (accessed January 15, 2009), pp. 15–16; The official government report on the incident describes 493 “terrorists” killed, and does not refer to the estimated thousands of civilians trapped and killed inside the Harmandir Sahib complex. Government of India, *White Paper on the Punjab Agitation* (New Delhi: Government of India, 1984), p. 169.

killing at least 2,733 Sikhs in Delhi alone.<sup>17</sup> Gangs of assailants burned Sikhs alive, gang-raped Sikh women, and destroyed gurdwaras and other Sikh-owned properties, among other crimes.<sup>18</sup> None of the senior security officers or politicians identified by eyewitnesses as organizers of the violence have been held responsible.<sup>19</sup>

Spurred on by the intensification of violence against the Sikh community in 1984, Sikh militants, fighting for an independent nation of Khalistan, engaged in increasingly violent acts, including bombings, murder, torture, and extortion.<sup>20</sup> From May 1987 until February 1992, the Indian government dismissed the elected government in Punjab and imposed direct governance by the center.<sup>21</sup> Political commentators observed that militant violence was at its peak between 1989 and 1992, and especially pervasive in the three districts bordering Pakistan: Amritsar, Gur-

daspur, and Ferozepore.<sup>22</sup> By 1993, according to qualitative historical accounts, the movement had dissipated into isolated militant groups.<sup>23</sup> Although scholars debate the reasons for the “return to normalcy” in Punjab,<sup>24</sup> the mainstream Indian media attributed the victory to the policies and tactics of former Director General of Punjab Police K.P.S. Gill.<sup>25</sup>

Human rights groups documented that security forces engaged in torture, extrajudicial executions, and enforced disappearances as part of their counterinsurgency operations.

Human rights groups and media reports, however, have documented that security forces engaged in torture, extrajudicial executions, and enforced disappearances as part of their counterinsurgency

<sup>17</sup>An official government inquiry established that 2,733 Sikhs were murdered in Delhi. R.K. Ahooja, “Ahojja Report”, 1987, <http://www.carnage84.com/official/ahooja/ahooja.htm> (accessed January 11, 2009).

<sup>18</sup>For a detailed analysis of the November 1984 pogroms, based on witness, survivor and government submissions to government commissions, see Jaskaran Kaur, *Twenty Years of Impunity: The November 1984 Pogroms of Sikhs in India* (Portland: Ensaaf, 2006), 2nd ed.

<sup>19</sup>*Ibid.*

<sup>20</sup>Ramachandra Guha, *India After Gandhi* (New Delhi: Picador, 2006), pp. 557–562.

<sup>21</sup>US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices - 1992: India,” p. 1133.

<sup>22</sup>Gurharpal Singh, *Ethnic Conflict in Punjab: A Case Study of Punjab* (Houndmills: Palgrave, 2000), p. 165; K.V. Lakshmana, “A new offensive,” *Frontline*, April 14–27, 1990, p. 12.

<sup>23</sup>Singh, *Ethnic Conflict in Punjab*, p. 165.

<sup>24</sup>Some scholars have suggested that political and internal organizational developments had a greater impact on the end of Punjab militancy than security operations. Joyce Pettigrew, *The Sikhs of the Punjab: Unheard Voices of State and Guerrilla Violence* (London: Zed Books Ltd., 1995), p. 191; K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence* (New Delhi: K.K. Publishers, 1998), p. 115; Singh, *Ethnic Conflict in Punjab*, p. 168.

<sup>25</sup>See, e.g. Singh, *Ethnic Conflict in India*, p. 163; “India; Peace at Last in Punjab,” *The Economist*, May 22, 1993, p. 45; John Rettie, “An End to Separatist Fighting Spurs Sikh Hopes,” *The Guardian* (London), June 9, 1994, p. 13 (discussing the public credit for the collapse of Sikh separatism as belonging to K.P.S. Gill). Gill served as Director General of Punjab Police from April 1988 to December 1990, and from November 1991 to January 1996.

<sup>26</sup>“Army again,” *Frontline*, December 20, 1991, p. 13. See also Praful Bidwai, “Rights-India: Govt Gives Gujarat Pogrom A Terrorist Spin,” *Inter Press Service*, May 13, 2002 (stating: “what is not in dispute is that Gill’s police committed gross human rights violations”); “Unbridled’ police powers to be checked,” *Tribune* (Chandigarh), August 27, 1994, p. 3;

Kumar, et al., *Reduced to Ashes*, pp. 56, 58. For other reports on abuses by Indian security forces, see Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence: Legacy of Abuses in Punjab* (New York: Human Rights Watch, 1994); Human Rights Watch, *India-Punjab in Crisis: Human Rights in India* (New York: Human Rights Watch, 1991); Amnesty International, “Human Rights Violations in Punjab: Use and Abuse of the Law,” May 1991, <http://www.amnestyusa.org/document.php?id=8D63FE02A44B98C8802569A600600B91> (accessed January 11, 2009); Amnesty International, “Punjab Police: Beyond the Bounds of Law,” April 1995, <http://www.amnestyusa.org/document.php?id=3D24566B3D60358B802569A500715046> (accessed January 11, 2009); Amnesty International, “Break the Cycle of Impunity and Torture in Punjab,” AI Index: ASA 20/002/2003, January 2003, <http://web.amnesty.org/library/Index/ENGASA200022003?open&of=ENG-IND> (accessed

operations.<sup>26</sup> The Committee for Coordination on Disappearances in Punjab has documented 1,691 alleged enforced disappearances and extrajudicial executions.<sup>27</sup> In 1994, Human Rights Watch and Physicians for Human Rights described the government's operations as "the most extreme example of a policy in which the end appeared to justify any and all means, including torture and murder."<sup>28</sup> The United Nations Working Group on Enforced and Involuntary Disappearances (UNWGEID) has repeatedly communicated allegations of enforced disappearances to the Government of India.<sup>29</sup> In 1994, the UNWGEID further observed that the underreported enforced disappearances may be due to citizens' fear of reprisals for exposing human rights violations.<sup>30</sup> The "US Country Report on Human Rights Practices: India" has highlighted the continuing impunity for human rights abuses in Punjab repeatedly, stating in 2007 that "hundreds of police and security officials" remained unaccountable.<sup>31</sup>

Indian authorities have downplayed reports of abuses in Punjab as "aberrations" that have been addressed according to appropriate procedures. The

Government of India's official response to the UNWGEID stated, "Scrupulous care had been taken to protect the rights of the individual under due process of law." Furthermore, "wherever there was any suspicion of police excesses, action was taken."<sup>32</sup> Similarly, in 1992, Punjab Chief Minister Beant Singh responded to reports of human rights violations by stating: "So many complaints have come; they are small and minor. We are inquiring into some of them...But it is not on a large scale; what people are saying are just rumors."<sup>33</sup> K.P.S. Gill, the face of the campaign against terrorism in Punjab and the former director general of police,<sup>34</sup> described human rights violations as "random excesses" and specifically responded to allegations of enforced disappearances claiming: "Thousands of Sikh youth who had left for foreign countries under fake name[s] and documents were claiming to be missing persons killed by security forces in encounters," adding, "they are missing with the consent of their parents."<sup>35</sup> Gill has also led the criticism of the prosecution of security officers for human rights abuses, describing the writ petition as a "weapon" of terrorism and "an integral part of a propaganda war aimed against peace and

April 13, 2007); Human Rights Wing (Shiromani Akali Dal), "Press Note on Mass Illegal Cremations", January 16, 1995, <http://www.ensaaf.org/docs/pressnote.php> (accessed November 22, 2008).

<sup>27</sup>See Section 4.2.3 of this report.

<sup>28</sup>Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence*, p. 2.

<sup>29</sup>Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1995/36, December 21, 1994, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/5d7027895994334b802566e1005606f9?Opendocument>, para. 219 (accessed December 11, 2008).

<sup>30</sup>Ibid.

<sup>31</sup>US State Department, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices—2007: India," March 11, 2008, <http://www.state.gov/y/drl/rls/hrrpt/2007/100614.htm>

<sup>32</sup>At the 50th session of the UN Human Rights Commission in February 1994, Dr. Manmohan Singh, then India's finance minister, downplayed widespread human rights abuses in India as "aberrations" that had occurred in confronting terrorism. Report of the Working Group on Enforced or Involuntary Disappearances, E/CN.4/1995/36, December 21, 1994, <http://www.unhcr.ch/Huridocda/Huridoca.nsf/TestFrame/5d7027895994334b802566e1005606f9?Opendocument>, para. 222 (accessed May 15, 2007). "India not to submit to terrorism: Manmohan," Press Trust of India, *Tribune* (Chandigarh), February 4, 1994, p. 1.) On the contrary, see Ensaaf and Human Rights Watch *Protecting the Killers*, New York: Human Rights Watch, 2007, which focuses extensively on obstruction of justice and judicial impunity for human rights violations.

<sup>33</sup>"It is our political will: Interview with Beant Singh," *Frontline*, November 20, 1992, p. 28.

<sup>34</sup>K.P.S. Gill, "Text of K.P.S. Gill's letter to Prime Minister I.K. Gujral on the death of Ajit Singh Sandhu," May 30, 1997, <http://www.satp.org/satporgtp/kpsgill/terrorism/97PM.htm> (accessed November 22, 2008)

<sup>35</sup>Rajender Puri, "The Real Fake Encounter," *Outlook*, May 16, 2007, [http://www.outlookindia.com/full.as\[\?fodname=20070516\&fname=rajinderpuri\&sid=1](http://www.outlookindia.com/full.as[\?fodname=20070516\&fname=rajinderpuri\&sid=1) (accessed January 11, 2009).

<sup>36</sup>Air Commodore Ran Vir Kumar & Group Captain B. P. Sharma, *Human Rights and the Indian Armed Forces: A Source Book* (New Delhi: Sterling Publishers, 1998), pp. xiv-xv. See also Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 19; Onkar Singh, "Gill refutes rights body allegations," *India Abroad*, October 19, 2007, <http://www.rediff.com/news/2007/oct/19gill.htm> (accessed December 7, 2008) (quoting Gill describing Ensaaf as an organization "which backs terrorists," in response

stability.”<sup>36</sup>

Human rights groups have rebutted the Indian government’s characterizations of abuses as random and inconsequential “excesses” by offering widespread qualitative accounts of human rights violations. These documentation efforts have, however, failed to unseat the dominant narrative of Punjab as a success story and a model for counterinsurgency efforts throughout India.<sup>37</sup>

### 3.2 The Body Count: A Scoring System

Indian government leaders explicitly attempted to legitimize the state’s counterinsurgency practices by comparing how many militants, civilians, and security officers died in a given time period. State authorities depended especially on this scoring system when alleged militant deaths began to increase. As the national magazine *Frontline* reported in July 1992: “the preoccupation is only with daily scoreboards and balance sheets, of those killed by the *Munday* (the boys, as the militants are known in Punjabi) and the *Pulsiye* (colloquial for policemen).”<sup>38</sup> K.P.S. Gill established a system of bounty rewards to officers for killing alleged militants,<sup>39</sup> and fostered an institutional fixation with the body count, as one Senior Superintendent of Police (SSP) under Gill describes:

Before a meeting with [K.P.S.] Gill, 300 to 400 Sikhs used to die in Punjab. Every SSP had to report: I have killed 14. The other who said “I have killed 28” was appreciated more. The third SSP, who had to outsmart the first two, had to report 31. The night before the meeting with Gill, the Sikhs used to die so that the SSPs could vie with each other in showing their anti-terrorist achievements.<sup>40</sup>

In turn, the local and national media did indeed report the number of alleged terrorists killed as evidence of a victory over terrorism, noted by *Frontline* in 1993:

For the first time, the balance of those killed has shifted sharply against the terrorists, who are now the hunted. This is emphasized by the figures for the past three months which show that for every one civilian or policeman killed, 15 terrorists are killed.<sup>41</sup>

Security officials almost always explained alleged militant deaths at the hands of security forces as “encounter” deaths—deaths from an exchange of gunfire with security forces.<sup>42</sup> Kirpal Singh Dhillon, Director General of Punjab Police from 1984 to 1985, suggests that reported militant deaths from encounters represented “tangible results” that allowed the

to its joint report with Human Rights Watch released in October 2007).

<sup>37</sup>“Anti-terrorist front comes out in support of Delhi Police,” *Express India*, Oct 24, 2008, <http://www.expressindia.com/latest-news/antiterrorist-front-comes-out-in-support-of-delhi-police/377223> (accessed November 22, 2008).

<sup>38</sup>Madhusudan Srinivas, “Policing Punjab,” *Frontline*, July 17, 1992, p. 60. See also, “Punjab’s Winter of Despair,” *Frontline*, December 8–21, 1990, p. 4; “Police chief vows revenge against Sikhs,” *The Toronto Star*, April 10, 1986, p. A12 (quoting former DGP of Punjab Police, Julio Ribeiro: “Death is an occupational hazard for a Punjab policeman. But if you die at least four lives should be taken in return.”).

<sup>39</sup>Amnesty International, *Human Rights Violations in Punjab: Use and Abuse of the Law* (New York: Amnesty International, 1991), Appendix A. See also Kanwar Sandhu, “Punjab Police, Official Excesses,” *India Today*, October 15, 1992, pp. 87–89.

<sup>40</sup>Kumar, et al., *Reduced to Ashes*, pp. 107–108.

<sup>41</sup>Manoj Joshi, “Punjab’s Progress,” *Frontline*, April 23, 1993, p. 56; See also Section 5.6 of this report, discussing the reported deaths in Punjab during the conflict, as recorded by the *Tribune* newspaper.

<sup>42</sup>People’s Union for Civil Liberties, “Murder by Encounter,” in Akshayakumar Ramanlal Desai, ed., *Violation of Democratic Rights in India* (Mumbai: Popular Prakashan, 1986), p. 457. See Section 4.1.2 for a full definition of “encounter” as it is used in this report.

Punjab Police to enjoy “unprecedented freedom from legal and democratic accountability.”<sup>43</sup> The Indian public, including members of the judiciary, expressed support for restricting the fundamental rights of Sikhs in pursuit of measurable gains against militancy.<sup>44</sup> Furthermore, special counterinsurgency laws, such as the Armed Forces (Punjab and Chandigarh) Special Powers Act of 1983 (AFSPA) and the Terrorist and Disruptive Activities (Prevention) Act of 1987 (TADA) gave security forces greater powers to arrest, detain, and kill suspected militants, and provided prosecutorial immunity to officers who acted “in pursuance” of the acts.<sup>45</sup> Thus, allegations of widespread and systematic human rights violations by the security forces were not thoroughly investigated, nor were the actions of the security forces

monitored or assessed against international human rights norms.<sup>46</sup>

Human rights activists have produced extensive qualitative accounts and analyses of state violence, supported by narrative testimonies, affidavits, and legal proceedings, challenging official assertions that security practices ended the “war on terrorism” while resulting in only minor human rights violations. Until now, however, human rights groups have lacked the capacity to conduct systematic and reproducible quantitative research to record the nature and scope of human casualties and enforced disappearances resulting from the conflict.<sup>47</sup> Such an analysis can help to evaluate security rationale, policy, and practices against international human rights standards.

## 4 Motivation for this Quantitative Analysis

There have been a number of different data collection initiatives on enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab over the last two decades. This report synthesizes the existing data and describes the magnitude and pattern of *reported* enforced disappearances, extrajudicial executions, and “illegal cremations.” Of

official claims and justifications for security policies and practices connected to the counterinsurgency against the Sikh militant movement will be compared to observed patterns. Specifically, we seek to assess the observed policies and practices of the security forces<sup>48</sup> against the government’s claims that enforced disappearances, extrajudicial executions, and

<sup>43</sup>K.S. Dhillon, “A Decade of Violence, 1983–1992,” in J.S. Grewal, et al., ed., *Punjab in Prosperity and Violence*, p. 115.

<sup>44</sup>Ibid. See also Mohan Guruswamy, “Close Encounters,” *Outlook*, June 8, 2007, <http://www.outlookindia.com/full.asp?fodname=20070608&fname=mohanguruswamy&sid=1> (citing perceived corruption and incompetence in the lower judiciary as the reason “the general public is willing to go along with the police’s murderous ways”); Khushwant Singh, “Defending the Indefensible,” *Hindustan Times*, June 20, 2003. Copy on file with Ensaaf. (stating: “I supported K.P.S. Gill for resorting to extra-judicial methods to stamp out terrorism,” before he read *Reduced to Ashes*); Jaskaran Kaur, “A Judicial Blackout: Judicial Impunity for Disappearances in Punjab, India,” *Harvard Human Rights Journal*, vol. 15 (2002), p. 284 (quoting the response of Justice G.S. Singhvi when questioned about the failure to protect the rights to life and liberty in Punjab during the period of militancy: “What about the life and liberty of those killed by the militants and terrorists? [It is] not possible to separate the militants from the innocent people who were killed”).

<sup>45</sup>Armed Forces (Punjab and Chandigarh) Special Powers Act (1983), section 7. Section 7 states: “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.” The Terrorist and Disruptive Activities (Prevention) Act, section 26. Section 26 states: “No suit, prosecution or other legal proceeding shall lie against the Central Government or State Government or any other authority on whom powers have been conferred under this Act or any rules made thereunder, for anything which is in good faith done or purported to be done in pursuance of this Act or any rules made thereunder or any order issued under any such rule.”

<sup>46</sup>Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 4.

<sup>47</sup>Singh, *Ethnic Conflict in India*, p. 163 (noting the lack of verifiable research available).

<sup>48</sup>The term “security forces” refers to the Punjab Police, the Indian Armed Forces, as well as paramilitary forces consisting of the Central Reserve Police Force and the Border Security Force.

“illegal cremations” were “minor aberrations.” Additional data will be required, however, before we can make conclusions about the total number of people killed or disappeared during the conflict. An additional objective of this report is to frame policy-relevant questions and pose hypotheses about lethal violence in Punjab which might be testable with additional data and inferential statistical methods.

#### 4.1 Enforced Disappearances, Extrajudicial Executions, and “Illegal Cremations”: Modalities of State Violence in Punjab

The human rights narrative describing political violence during the counterinsurgency operations in Punjab between 1984 and 1995 is dominated by terms such as “enforced disappearances,” “fake encounters,” and “illegal cremations.” This section clarifies these terms and places them in the context of the political violence in Punjab in the 1980s and 1990s.

##### 4.1.1 Enforced Disappearances

Some men arrive. They force their way into a family’s home, rich or poor, house, hovel or hut, in a city or in a village, anywhere. They come at any time of the day or night, usually in plain clothes, sometimes in uniform, always carrying weapons. Giving no reasons, produc-

ing no arrest warrant, frequently without saying who they are or on whose authority they are acting, they drag off one or more members of the family towards a car, using violence in the process if necessary.<sup>49</sup>

The above scenario describes an enforced disappearance from the perspective of a family member.<sup>50</sup> According to the International Covenant for the Protection of All Persons from Enforced Disappearances, an enforced disappearance is considered to be:

the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the whereabouts of the disappeared person, which place such a person outside the protection of the law.<sup>51</sup>

Enforced disappearances in Punjab often began with illegal detention.<sup>52</sup> In the majority of the cases, security forces abducted the victims in front of witnesses, often family members.<sup>53</sup> Indian security forces did not officially acknowledge detentions, provide family members with information regarding the illegal detention or enforced disappearance of the victims, or present detainees before magistrates within 24 hours, as required by Indian law.<sup>54</sup>

<sup>49</sup>United Nations Working Group on Enforced and Involuntary Disappearances, “Fact Sheet No. 6 (Rev.2), Enforced or Involuntary Disappearances,” <http://www.ohchr.org/Documents/Publications/FactSheet6rev.2en.pdf> (accessed November 22, 2008) (citing the Independent Commission on International Humanitarian Issues, “Disappeared Technique of Terror,” London, 1986).

<sup>50</sup>Ibid.

<sup>51</sup>International Covenant for the Protection of All Persons from Enforced Disappearances, adopted December 20, 2006, G.A. Res. A/RES/61/177, not yet in force, art. 2.

<sup>52</sup>Kumar, et al., *Reduced to Ashes*, p. 186.

<sup>53</sup>Ibid.

<sup>54</sup>Ibid., p. 201.



In many cases, security officials extrajudicially executed victims and disposed of their bodies without acknowledging the deaths or informing family members of the whereabouts of the remains.<sup>55</sup> With the channels of information controlled by government authorities, families were discouraged from seeking legal remedies, and human rights organizations were hindered in their attempts to document the full scale of the enforced disappearances.<sup>56</sup> Security forces further obstructed justice by intimidating witnesses and lawyers, detaining and torturing family members, and ignoring court orders.<sup>57</sup>

#### 4.1.2 Fake Encounters

According to evidence collected by human rights groups, Indian security forces reported many extrajudicial executions, custodial deaths, and enforced disappearances as “encounters” or “escapes” from custody, in order to conceal the extrajudicial violence.<sup>58</sup> For example, in February 2006 then Director General of Punjab Police S.S. Virk admitted that the Punjab Police had faked the encounter deaths of over 300 militants-turned-informers, cremating others in their place, who remain unidentified.<sup>59</sup> Further, in an examination of 838 reported enforced disappearances, the Committee for Coordination on Disappearances in Punjab found that 467

of the cases were reported in newspapers as encounters or escapes, though victims’ families were never officially informed about the victim’s whereabouts or death.<sup>60</sup> The US State Department described the practice of fake encounter killings in Punjab in 1993:

In the typical scenario, police take into custody a suspected militant or militant supporter without filing an arrest report. If the detainee dies during interrogation or is executed, officials deny he was ever in custody and claim he died during an armed encounter with police or security forces. Alternatively, police may claim to have been ambushed by militants while escorting a suspect. Although the detainee invariably dies in “crossfire,” security officer casualties in these “incidents” are rare.<sup>61</sup>

Alleged encounters were often reported in local newspapers with little information other than the number of alleged militants killed in a given encounter and the village where the encounter supposedly took place.<sup>62</sup> These reports have thus been difficult to systematically scrutinize against claims of enforced disappearances and extrajudicial executions.

<sup>55</sup>Ibid., pp. 197–199, 201–202.

<sup>56</sup>See, e.g. Ibid., pp. 197–199, 201–202.

<sup>57</sup>Jaskaran Kaur, “A Judicial Blackout: Impunity for Disappearances in Punjab, India”, *Harvard Human Rights Journal*, p. 269.

<sup>58</sup>US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices-1993: India,” January 31, 1994, [http://dosfan.lib.uic.edu/ERC/democracy/1993\\_hrp\\_report/93hrp\\_report\\_sasia/India.html](http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_sasia/India.html) (accessed December 11, 2008). See also Alex Perry, “Urban Cowboys: Bombay’s cops gun down a lot of gangsters,” *Time International*, January 13, 2003, p. 25 (quoting the former editor of the *Hindustan Times*: “We know the vast majority of encounters are fake. We do not think that this is a perfect situation, but in common with the rest of the middle class we have come to the regrettable conclusion that there is no real alternative”).

<sup>59</sup>Kumar, et al., *Reduced to Ashes*, p. 156.

<sup>60</sup>“DGP Fears Threat to Sukhi’s Life,” *Tribune* (Chandigarh), February 20, 2006, <http://www.tribuneindia.com/2006/20060220/main4.htm> (accessed December 11, 2008). In late 2007, S.S. Virk was arrested on unrelated corruption charges, but the official police admission of fake encounters which he made remains unexamined.

<sup>61</sup>US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices-1993: India,” January 31, 1994, [http://dosfan.lib.uic.edu/ERC/democracy/1993\\_hrp\\_report/93hrp\\_report\\_sasia/India.html](http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_sasia/India.html) (accessed December 11, 2008).

<sup>62</sup>See Section 5 of this report.

### 4.1.3 “Illegal Cremations”

We went to the cremation grounds and asked the employees [to] tell us how many dead bodies did the police give you? Some said we burned 8–10 every day. Some said there was no way to keep count. Sometimes a truck full of bodies came, and sometimes 2–4 dead bodies.<sup>63</sup>

In the above description, Jaswant Singh Khalra explains how he and fellow human rights activist Jaspal Singh Dhillon discovered the security forces’ practice of secret cremations to dispose of bodies of people who were killed by Indian security forces from 1984 to 1994 in Punjab. Khalra and Dhillon discovered records of unidentified cremations carried out in three cremation grounds in Amritsar district, labeled by the Punjab Police as cremations of “unidentified/unclaimed” bodies.<sup>64</sup> In 1995, the Committee for Information and Initiative on Punjab (CIIP) petitioned the Supreme Court to demand a comprehensive inquiry into the mass cremations. Motivated by Khalra’s own enforced disappearance a few months later, the Supreme Court ordered the Central Bureau of Investigation (CBI) to investigate the cremations. The CBI limited its investigation to three crematoria in Amritsar district, acknowledging 2,097

secret cremations.<sup>65</sup> Based on the CBI inquiry reports, the Indian Supreme Court referred the matter to India’s National Human Rights Commission (NHRC), giving it unprecedented powers to investigate and redress the claims of human rights abuses. The NHRC subsequently restricted its review to the procedural matter of “illegal cremations”—the fact that the bodies were cremated in violation of Punjab Police rules.<sup>66</sup>

Human rights groups have used survivor and witness testimony to demonstrate that victims of “illegal cremations” were also illegally deprived of life, through methods such as enforced disappearances and fake encounters.<sup>67</sup> In contrast, the NHRC has limited itself to determining the identity of the cremation victims based on security forces confirmations, and awarding compensation to the next of kin of those identified, ignoring issues of fundamental rights violations and of institutional and individual responsibility.<sup>68</sup> The NHRC has also limited its review to the three crematoria listed in Khalra’s original petition from Amritsar district—one of thirteen districts in Punjab during the conflict.<sup>69</sup> The NHRC has refused to accept evidence of illegal cremations conducted outside of Amritsar district. The limitations in the geographic and substantive scope of the NHRC’s review thus preclude drawing conclusions about the scale of human rights violations through-

<sup>63</sup>Ensaaf, “Sardar Jaswant Singh Khalra,” video report, 2006, <http://www.ensaaf.org/docs/khalravideo.php> (accessed January 11, 2009).

<sup>64</sup>Human Rights Wing (Shiromani Akali Dal), “Press Note on Mass Illegal Cremations,” January 16, 1995, <http://www.ensaaf.org/docs/pressnote.php> (accessed November 22, 2008).

<sup>65</sup>The NHRC subsequently acknowledged 38 duplicate records of cremations, putting the number of unique cremations at 2,059. NHRC Order date October 9, 2006, Reference Case No. 1/97/NHRC, <http://nhrc.nic.in/Punjab.htm> (accessed January 18, 2009).

<sup>66</sup>NHRC order dated January 13, 1999, Reference Case No. 1/97/NHRC. Copy on file with Ensaaf.

<sup>67</sup>Human Rights Watch and Ensaaf, *Protecting the Killers*, pp. 33–34.

<sup>68</sup>The NHRC has thus avoided the enforcement of fundamental human rights norms against extrajudicial executions and enforced disappearances, which would require the full investigation of the violations, the prosecution of perpetrators, and reparations for the families of the victims. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted December 16, 2005, G.A. res. 60/147, U.N. Doc. A/RES/60/147 (2005). The NHRC has accepted the police proposal with regard to the illegal cremations matter that “It does not matter whether the custody was lawful or unlawful, or the exercise of power of control over the person was justified or not; and it is not necessary even to identify the individual officer or officers responsible/concerned.” NHRC order dated August 18, 2000, Reference Case No. 1/97/NHRC. Copy on file with Ensaaf.

<sup>69</sup>At least 10% of the victims identified by the NHRC as having been secretly cremated in Amritsar district live outside of Amritsar district.

out Punjab.<sup>70</sup>

By examining these related reports of lethal human rights violations—alleged enforced disappearances and extrajudicial executions reported by human rights organizations, alleged encounters reported by newspapers, and “illegal cremations” from Amritsar acknowledged by the National Human Rights Commission—this analysis attempts to clarify the historical narrative of violence in Punjab based on the data currently available.

## 4.2 The Data

In this report, we analyze data representing over two decades of documentation initiatives by local human rights groups, official records from India’s National Human Rights Commission, and daily accounts of deaths due to the insurgency from 1988 to 1995 reported in a major Punjab newspaper. Ensaaf and the Human Rights Data Analysis Group (HRDAG) at the Benetech Initiative have gathered the currently available documentation, processed the information where necessary, eliminated duplicate records, and prepared the documentation for statistical analysis.<sup>71</sup> In total, this report presents an analysis of six datasets comprising over 21,000 records.

<sup>70</sup>Kumar, et al., *Reduced to Ashes*, p. 205.

<sup>71</sup>For a more detailed discussion of the processes involved in preparing the data for analysis, please see Appendix A of this report.

<sup>72</sup>For references on the analysis of mass graves in the aftermath of political violence, see for example, Eric Stover and Gilles Peres, *The Graves: Srebrenica and Vukovar* (Zurich: Scalo, 1998); Luis Fondebrider, “Reflections of the scientific documentation of human rights violations,” paper presented at the ICRC Workshop on Human Remains: Law, Politics, and Ethics, Geneva, Switzerland, May 23–24, 2002; Clyde Collins Snow, Fredy Armando Peccerelli, José Samuel Susanávar, Alan G. Robinson, and Jose Maria Najera Ochoa “Hidden in Plain Sight: X.X. Burials and the Desaparecidos in the Department of Guatemala, 1977–1986,” in J. Asher, D. Banks and F. Scheuren, eds., *Statistical Methods for Human Rights*, (New York: Springer, 2007); C.C. Snow and M.J. Bihurriet “An epidemiography of homicide: Ningun Nombre burials in the Province of Buenos Aires from 1970 to 1984,” in T.B. Jabine and R.P. Claude, eds., *Statistics in the Service of Human Rights* (Philadelphia: University of Pennsylvania, 1991).

<sup>73</sup>See, e.g. Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 15.

<sup>74</sup>Human Rights Wing (Shiromani Akali Dal), “Press Note on Mass Illegal Cremations,” January 16, 1995, <http://www.ensaaf.org/docs/pressnote.php> (accessed November 22, 2008).

### 4.2.1 Official Administrative Records of Mass Cremations

Unlike many other cases of large-scale enforced disappearances, in Punjab the perpetrators did not build mass graves to dispose of the bodies of the deceased.<sup>72</sup> Instead those responsible disposed of the bodies of the victims by different means. Some bodies were dumped in canals,<sup>73</sup> others were returned to the victims’ families, and yet others were delivered to the municipal cremation grounds. Evidence of large-scale human rights violations emerged in early 1995 when human rights activists Jaswant Singh Khalra and Jaspal Singh Dhillon exposed government cremation records relating to over 2,000 cremations from Amritsar district, one of then 13 districts in Punjab.<sup>74</sup> Khalra described how he obtained proof of these “illegal cremations” after approaching cremation ground workers:

When we said we need an account, they [the municipal cremation ground workers] told us we could get the account from one place: ‘The police gave us the dead bodies, and the municipal committee gave us the firewood.’ Because the municipal committee’s policy is if they receive an unclaimed body within the city, then the city’s municipality will cremate it on its own expense, we went and

we saw the full account of our disappeared brothers written.<sup>75</sup>

When Khalra went public with the information collected from municipal cremation grounds and municipal committee records, he began to receive threats from the security forces.<sup>76</sup> The Punjab Police abducted Khalra on September 6, 1995, secretly detained and tortured him for almost two months, and murdered him in late October 1995. His body was then dumped in a canal in Amritsar.<sup>77</sup> The Punjab and Haryana High Court recently affirmed the convictions of five police officers for Khalra's abduction and murder, enhancing the sentences of four officers so that all five convicted officers must serve life imprisonment.<sup>78</sup>

The cremation records available to Ensaaf include 482 firewood purchases by Punjab Police for the cremation of "unidentified" bodies and 303 records of cremations from the Durgiana Mandir cremation ground in Amritsar district.<sup>79</sup> In addition to official administrative records collected by Khalra from Amritsar's municipal cremation grounds, Ensaaf has also obtained municipal cremation ground records from the districts of Faridkot, Kapurthala, Moga, Zira, and Ludhiana, all of which are part of the record in the mass cremations case before the

NHRC. A substantial limitation of these data is that only 7% (104/1,484) of the recovered municipal cremation logbook entries include the names of the deceased. Most entries refer to "unidentified bodies," making it difficult to match entries from the cremation logbooks with information from other data sources such as the NHRC, CCDP, PCHR, and the *Tribune*.

#### 4.2.2 Information Collected by the National Human Rights Commission of India

After the Punjab Police disappeared Jaswant Singh Khalra in 1995, the Supreme Court of India ordered the Central Bureau of Investigation (CBI), India's premier investigative agency, to investigate the cremations Khalra had brought to light. The CBI's confidential report to the Supreme Court listed 2,097 illegal cremations at three cremation grounds of Amritsar district, one of 13 districts in Punjab at the time.<sup>80</sup> After reviewing the report, the Supreme Court found that it disclosed a "flagrant violation of human rights on a mass scale," and referred the matter to the Indian National Human Rights Commission (NHRC).<sup>81</sup> At the beginning of the process in 1997, the CBI fully established the identities of 585 cremation victims, partially identified 274 vic-

<sup>75</sup>Ensaaf, "Sardar Jaswant Singh Khalra," video report, 2006, <http://www.ensaaf.org/docs/khalravideo.php> (accessed January 11, 2009).

<sup>76</sup>*State (CBI) v. Ajit Singh Sandhu & Others*, Additional Sessions Judge Bhupinder Singh, Patiala, Session No. 49-T of 9.5.1998/30.11.2001, Judgment, November 18, 2005, paras. 14, 17.

<sup>77</sup>*Ibid.*, paras. 28, 31.

<sup>78</sup>*Paramjit Kaur Khalra v. State of Punjab and Others*, Punjab and Haryana High Court, Criminal Revision No. 323 of 2006, Judgment, October 8, 2007.

<sup>79</sup>According to the press release issued by Jaswant Singh Khalra and Jaspal Singh Dhillon, approximately 400 unclaimed bodies had been brought to the Patti cremation grounds, 700 firewood purchases were discovered in Tarn Taran for cremating unclaimed bodies, and over 2,000 unclaimed bodies had been cremated in the Durgiana Mandir cremation ground in Amritsar district. Human Rights Wing (Shiromani Akali Dal), "Press Note on Mass Illegal Cremations," January 16, 1995, <http://www.ensaaf.org/docs/pressnote.php> (accessed November 22, 2008).

<sup>80</sup>Khalra himself, however, had discussed over 6,000 cremations in Amritsar district. Ensaaf, "Sardar Jaswant Singh Khalra," video report, 2006, <http://www.ensaaf.org/docs/khalravideo.php> (accessed January 11, 2009). The Committee for Information and Initiative on Punjab questioned the CBI's report, raising issues with the CBI's failure to conduct a thorough investigation. See Kumar, et al., *Reduced to Ashes*, pp. 161–169.

<sup>81</sup>Order of the Supreme Court dated December 12, 1996, Writ Petitions (Crl.) Nos. 497 and 447 of 1995. Copy on file with Ensaaf.

<sup>82</sup>A cremation is "identified" if the name of the decedent, his father's name, and his residence are known. A cremation is "partially identified" if two out of the three above pieces of information are known. If none of these facts are known, the

tims, and failed to identify 1,238 victims.<sup>82</sup>

After 12 years of proceedings before the NHRC, 38 duplicate records were identified, leaving 2,059 “illegal cremations,” 657 of whose victims remain unidentified.<sup>83</sup> The public records from these proceedings consist primarily of identifications or confirmations made by the Punjab Police, the accused perpetrators in the case.<sup>84</sup>

In most cases, only a limited amount of information about the victims, aside from the name, sex, father’s name, and some details of the incident, is available. Additionally, because the information released by the NHRC was not uniformly recorded, it is difficult to ascertain in detail the nature and patterns of the cases documented by the NHRC.

#### 4.2.3 Information Collected by the Committee for Coordination on Disappearances in Punjab

The Committee for Coordination on Disappearances in Punjab (CCDP) was a coalition of human rights activists dedicated to honoring the memory of Jaswant Singh Khalra and exposing the truth of human rights violations in Punjab. Their efforts recorded 1,713 detailed narratives, through a standardized survey instrument, of families whose loved ones had allegedly been disappeared or killed by the security officers,<sup>85</sup> providing information on 1,691 unique enforced disappearances, extrajudicial executions, and “illegal cremations.” Of the enforced disappearances documented by the CCDP, 89% (1,503/1,691) were obtained from either the parent, spouse, sibling, or child of the deceased. As

a result, the information collected from CCDP is highly detailed, including full names of the victims and their parents, details of the incidents, and demographic information of the victims. In 2001, after the CBI released its lists of cremations to the parties to the NHRC litigation, the CCDP focused its documentation efforts on Amritsar district, to help identify the victims of “illegal cremations.”<sup>86</sup> The CCDP data therefore has the same focus on Amritsar as the other data sets: 52% (880/1,691) records are from Amritsar, 9% (152/1,691) from Gurdaspur, 8% (142/1,691) from Sangrur, 7% (115/1,691) from Ludhiana, and 24% (400/1,691) from other districts; 0.1% (2/1,691) CCDP records have an unknown district.

#### 4.2.4 Information Collected by the People’s Commission on Human Rights Violations in Punjab

In 1997, the CCDP organized a private panel of three retired justices to hear people’s petitions about abuses committed by the security forces. This civil society initiative, called the People’s Commission on Human Rights Violations in Punjab (PCHR), was banned by the Punjab and Haryana High Court in 1999 for creating a parallel judicial system. The case took issue with the Commission’s plan to reevaluate judgments passed by the High Court.<sup>87</sup> The Punjab state authorities never responded to the 522 affidavits and applications collected by the PCHR. The contents of the affidavits have been entered into a database and are examined in this report alongside the patterns of reported enforced disappearances and “illegal cremations” documented in the other available data sources.

cremation is “unidentified.”

<sup>83</sup>Updates to the NHRC proceedings are available at [www.ensaaf.org/docs/nhrc.php](http://www.ensaaf.org/docs/nhrc.php).

<sup>84</sup>The NHRC relied solely on the Punjab Police, the accused perpetrator of illegal cremations, to confirm the identities of the victims. Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 34.

<sup>85</sup>Kumar, et al., *Reduced to Ashes*, pp. 149–150.

<sup>86</sup>*Ibid.*, p. XIII.

<sup>87</sup>*Sudershan Goel v. The Union of India and Others*, Punjab and Haryana High Court, Civil Writ Petition No. 14133 of 1998, Judgment, December 20, 1999.

The 522 affidavits and applications submitted to the PCHR document 538 victims. Of these 538 victims, 506 are unique (i.e. duplicate reports were received in about 33 cases). The PCHR documented enforced disappearances, fake encounters, killings, torture, and acts of ill-treatment. The PCHR collected these affidavits from all parts of Punjab: of the unique victims reported, 16% (132/506) were from Amritsar, 12% (60/506) were from Gurdaspur, 10% (50/506) were from Sangrur, and 10% (50/506) were from Hoshiarpur. Information about the 506 unique victims was collected from a co-lineal relative (i.e. a parent, sibling or child) of the victim in 85% (430/506) of cases.

#### 4.2.5 Newspaper Articles from the *Tribune*

The *Tribune* is the major daily English-language newspaper in Punjab. From 1988 to 1995, the *Tribune* regularly reported alleged encounters, deaths from crossfire, “inter-gang” violence, accidents, lethal attacks (deaths without a reported exchange of fire), and escapes from custody. Ensaaf constructed a database of all such incidents reported by the *Tribune* during this period. Although the vast majority of reports in the *Tribune* do not include any identifying information about the deceased, the information recorded in the newspaper allows an analysis of when and where the deaths occurred, and how they were described.

The *Tribune* deaths database contains 17,582 unique victims from 1988 to 1995. Of these victims, % (NULL/17,582) were civilians reported to have been killed in lethal attacks, 33% (5,805/17,582) were reported to have died in an encounter, 6% (1,055/17,582) were reported to have died in warfare with rival gangs, and 5% (938/17,582) were simply reported as “body found.”<sup>88</sup>

<sup>88</sup>Reported deaths from crossfire, accidents and escapes from custody comprised less than 9% of the recorded violence combined.

<sup>89</sup>The newspaper accounts, while not directly citing the police, “dutifully” reflect police reports. Kanwar Sandhu, “Punjab Police, Official Excesses,” *India Today*, October 15, 1992, p. 82.

In general, most deaths reported by the *Tribune* were described without a cited source: 85% (14,902/17,582) of reports did not mention a source.<sup>89</sup> Of the deaths reported in the *Tribune*, 7% (1,179/17,582) explicitly cited the “Punjab Police” as the information source, and 1% (261/17,582) cited “K.P.S. Gill,” former Director General of Punjab Police. Given the concise nature of such newspaper reporting, minimal description of the victim was included in the *Tribune* newspaper reports. Of the victims documented by the *Tribune*, the victim’s home district was not reported in 85% (14,859/17,582) of cases. The most frequently reported home districts were Amritsar, 3% (538/17,582); Gurdaspur, 2% (372/17,582); Ludhiana, 1% (231/17,582); and Ferozepore, 1% (206/17,582).

#### 4.3 Limitations of the Available Data

The data analyzed in this report were compiled from cremation records collected by Jaswant Singh Khalaria, claims and identifications acknowledged by the National Human Rights Commission, interviews conducted by the Committee for Coordination on Disappearances in Punjab, affidavits collected by the People’s Commission on Human Rights Violations in Punjab, and newspaper articles reported by the *Tribune* newspaper.

The data capture part of the human impact of enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab. However, these data do not capture all of the enforced disappearances, extrajudicial executions, encounters, fake or otherwise, and illegal cremations which occurred from 1984 to 1995. Instead, these data represent an unknown fraction of such cases. These data sources amount to an incomplete record because:

- the media may have been averse to reporting acts of state violence as enforced disappearances or extrajudicial killings fearing that they would be subjected to intimidation and violence by security officers;<sup>90</sup>
- people who lived or were disappeared or extrajudicially executed in remote areas of Punjab had a smaller chance of being documented;
- the NHRC process itself was limited to victims who were illegally cremated in three crematoria in Amritsar district—then one of 13 districts in Punjab. Further, security forces had to confirm each identification before the NHRC acknowledged it. The list of alleged cremations in the three crematoria at issue was further constrained by limitations of the CBI investigation;<sup>91</sup>
- people with little access to the media and mass communications are less likely to contact the NHRC, non-governmental organizations (NGOs), or the media;
- survivors who faced continuing intimidation by security forces may have been less likely to report an enforced disappearance or extrajudicial execution of a relative. Further, families went underground to escape persecution and had to relocate, making it difficult for NGOs to locate them;
- the reliability and timeliness of reporting enforced disappearances or extrajudicial executions at different times, in different places, and involving different institutional perpetrators may vary. The probability with which a given enforced disappearance or extrajudicial execution was reported may vary according to the time and place of the violation, the perpetrator involved, the modality of the lethal violence, and the means of disposal of the deceased's remains;
- NGOs faced a scarcity of resources that limited their ability to continuously document the phenomena of enforced disappearances, extrajudicial executions, and “illegal cremations,” both during the conflict and immediately after it;
- CCDP's focus on Amritsar after the CBI lists were released in 2001 largely excluded cases outside of Amritsar district;
- older and less mobile family members may have lower probabilities of reporting an enforced disappearance or extrajudicial execution of a relative due to their reduced mobility, hence victims survived by mostly elderly and less mobile persons were less likely to have their violations documented.

As a result, without additional data and the use of inferential statistical methods, it is not yet possible to estimate the total magnitude and pattern of all enforced disappearances and extrajudicial executions in Punjab.<sup>92</sup> The estimation of total en-

<sup>90</sup>The reliability of media reports on enforced disappearances and extrajudicial executions were also affected by security forces' intimidation of reporters. For example, in January 1992, Punjab Police abducted and disappeared journalist and human rights activist Ram Singh Billing for his work exposing human rights violations in Punjab. US Department of State, “Country Report on Human Rights Practices - 1992: India,” p. 1143. Reporters fearing for their lives would have been less likely to report on extrajudicial executions and enforced disappearances during the conflict. For a detailed analysis of the inverse correlation between actual state violence and the reporting of violence by local media, see Christian Davenport and Patrick Ball, “Views to a Kill: Exploring the Implications of Source Selection in the Case of Guatemalan State Terror, 1977–1996,” *Journal of Conflict Resolution*, vol. 46:3 (2002), pp. 427–450.

<sup>91</sup>Kumar, et al., *Reduced to Ashes*, p. 161.

<sup>92</sup>There is a growing literature on the estimation of lethal violence during armed conflicts, which draws on the integration of multiple, independently collected data sources and the demographic estimation technique, “multiple systems estimation.” See, e.g. Patrick Ball, Herbert Spierer, and Louise Spierer, eds. *Making the Case: Investigating Large Scale Human Rights Violations Using Information Systems and Data Analysis*. (Washington, DC: American Association for the Advancement of Science, 2000);

Patrick Ball (with the American Bar Association-Central and East European Law Initiative), *Political Killings in*

forced disappearances and extrajudicial executions throughout Punjab is a long-term goal of the collaboration between Benetech's HRDAG and Ensaaf. This preliminary descriptive analysis is a first step

towards that goal and is aimed at framing our future, inferential statistical analysis and research on enforced disappearances and extrajudicial executions during the counterinsurgency in Punjab.

## 5 Observed Patterns in Reported Lethal Violence in Punjab

This preliminary analysis describes patterns in the observed data across the dimensions of time, space, and the demographic profile of documented victims. The available statistical data have been independently collected by government and non-governmental entities. This report considers whether the data are consistent or inconsistent with claims by the government of India and security officials. In particular, it aims to clarify whether documented lethal violence associated with the counterinsurgency in Punjab follows the pattern of "random excesses" or "minor aberrations" of overzealous security officials, as senior Punjab officials have previously claimed.<sup>93</sup>

This section describes the pattern of reported enforced disappearances, extrajudicial executions (including "fake encounters"), and "illegal cremations" documented by previous data projects in Punjab. The magnitude and patterns described here do not represent the total magnitude and overall pattern of enforced disappearances, extrajudicial executions, "illegal cremations," and alleged militant deaths. Rather, this analysis describes the pattern and trend of the reported acts observable from the available data, such as:

- Variations over time in the number of reported enforced disappearances, extrajudicial executions, "illegal cremations," and deaths relative to one another; and
- Variations in reported enforced disappearances, extrajudicial executions, documented cremations, and newspaper-reported deaths across Punjab districts.

Based on government assertions that human rights violations were "random excesses" or "aberrations," we would expect the reported human rights abuses to reflect random variations across time and space. It is plausible that the more that security forces engaged in violent incidents, as recorded by the *Tribune*, the more likely we would find "aberrant" violations during a given time period. Human rights groups including Ensaaf, however, also cite the intensification of counterinsurgency violence, and the corresponding focus on eliminating large numbers of suspected militants, as the driving force behind widespread lethal human rights violations.<sup>94</sup> Patterns observed in this analysis will suggest future directions for research that will allow us to statistically determine the true nature of the violations, whether systematic or random.

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*Kosova/Kosovo, March-June 1999* (Washington, DC: ABA/CEELI-AAAS, 2000); Patrick Ball, Jana Asher, David Sulmont, and Daniel Manrique, "How many Peruvians have died? An estimate of the total number of victims killed or disappeared in the armed internal conflict between 1980 and 2000," Report to the Peruvian Commission for Truth and Justice (CVR), 2003; Romesh Silva and Patrick Ball, "The Profile of Human Rights Violations in Timor-Leste, 1974-1999: Report by the Benetech Human Rights Data Analysis Group to the Commission on Reception, Truth and Reconciliation (CAVR)," (Palo Alto: Benetech Human Rights Data Analysis Group, 2006) [http://hrdag.org/resources/timor\\_chapter\\_graphs/timor\\_chapter\\_page\\_01.shtml](http://hrdag.org/resources/timor_chapter_graphs/timor_chapter_page_01.shtml) (accessed January 18, 2009).

<sup>93</sup>Rajender Puri, "The Real Fake Encounter," *Outlook*, May 16, 2007, <http://www.outlookindia.com/full.asp?fodname=20070516&fname=rajinderpuri&sid=1> (accessed December 11, 2008); See also "It is our political will" Interview with Beant Singh," *Frontline*, November 20, 1992, p. 28.

<sup>94</sup>See, e.g. Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence*, p. 2



## 5.1 Patterns of Reported Lethal Violence Over Time

According to accounts from senior security officials and historians, militancy-related deaths increased notably in the early 1990s, and declined due to two major events: the implementation of “Operation Rakshak II” in November 1991, representing a major influx of Army officers into Punjab, a reorganization of the police force by Punjab Police chief K.P.S Gill, and the election of the Congress Party to political office in Punjab in February 1992, espousing a mandate to “eliminate” terrorists.<sup>95</sup>

This description would suggest that the count of reported killings of militants, security forces, and civilians would, on average, increase over time, and peak around November 1991 to mid-1992, with a notable decline in 1993. Human rights groups similarly state that violations escalated as a result of Operation Rakshak II.<sup>96</sup> Fluctuations in the number of deaths

The available data are consistent with qualitative findings suggesting that enforced disappearances and extrajudicial executions were overwhelmingly concentrated in the early 1990s when the government intensified its counterinsurgency operations against alleged militants.

reported may be associated with events such as elections and major militant attacks or special operations by a particular security forces unit, or may instead reflect sample selection effects by which the available data are constrained. Future research will concentrate on addressing such limitations.

Figure 1 shows the pattern of reported enforced disappearances

and extrajudicial executions documented by the People’s Commission on Human Rights Violations in Punjab (PCHR) and the Committee for Coordination on Disappearances in Punjab (CCDP), which varied substantially over time, but generally remained consistent with the pattern of deaths reported in the *Tribune*. All three data sources consistently show a rise in reported lethal violence in Punjab in the early 1990s. Such reported violence was overwhelmingly concentrated in the period 1991–1993. Of the deaths reported by the *Tribune* from 1988 to 1995, 53% (8,294/15,707) occurred between 1991 and 1993. Similarly, 55% (232/422) of lethal human rights violations reported to the PCHR were concentrated in this period, as were 61% (1,038/1,691) of lethal human rights violations reported to the CCDP. The pattern of enforced disappearances and extrajudicial executions reported by CCDP, which is shown at the top of Figure 1, shows an isolated spike of around 20 documented enforced disappearances and extrajudicial executions in late 1984. Then from 1985 to 1991, between 0 and 20 enforced disappearances and extrajudicial executions are observed per month, suggesting a low level of violence until 1992. From 1992, enforced disappearances and extrajudicial executions reported to the CCDP, on average, steadily increase to around 50–60 per month in late 1992 and then steadily decrease to low levels (of about 0 or 1 per month) by early 1994. This observed pattern is consistent with qualitative findings that enforced disappearances and extrajudicial executions were overwhelmingly concentrated in the early 1990s when the government intensified its counterinsurgency operations against alleged militants.

Qualitative analyses by scholars and human rights groups have found that there was notable variation in how perpetrators disposed of the bodies of the disappeared and extrajudicially executed.<sup>97</sup> In some cases a victim’s body was dumped in a canal,

<sup>95</sup>Singh, *Ethnic Conflict in India*, p. 166. Operation Rakshak II involved over 150,000 Indian Army soldiers, 40,000 paramilitaries, 53,000 Punjab Police, 20,000 Home Guards, and 12,000 Special Police officers—a total of 275,000 security forces.

<sup>96</sup>Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence*, p. 2.

<sup>97</sup>Ibid.

Figure 1: Count of Reported Lethal Violence by Month, 1984–1996

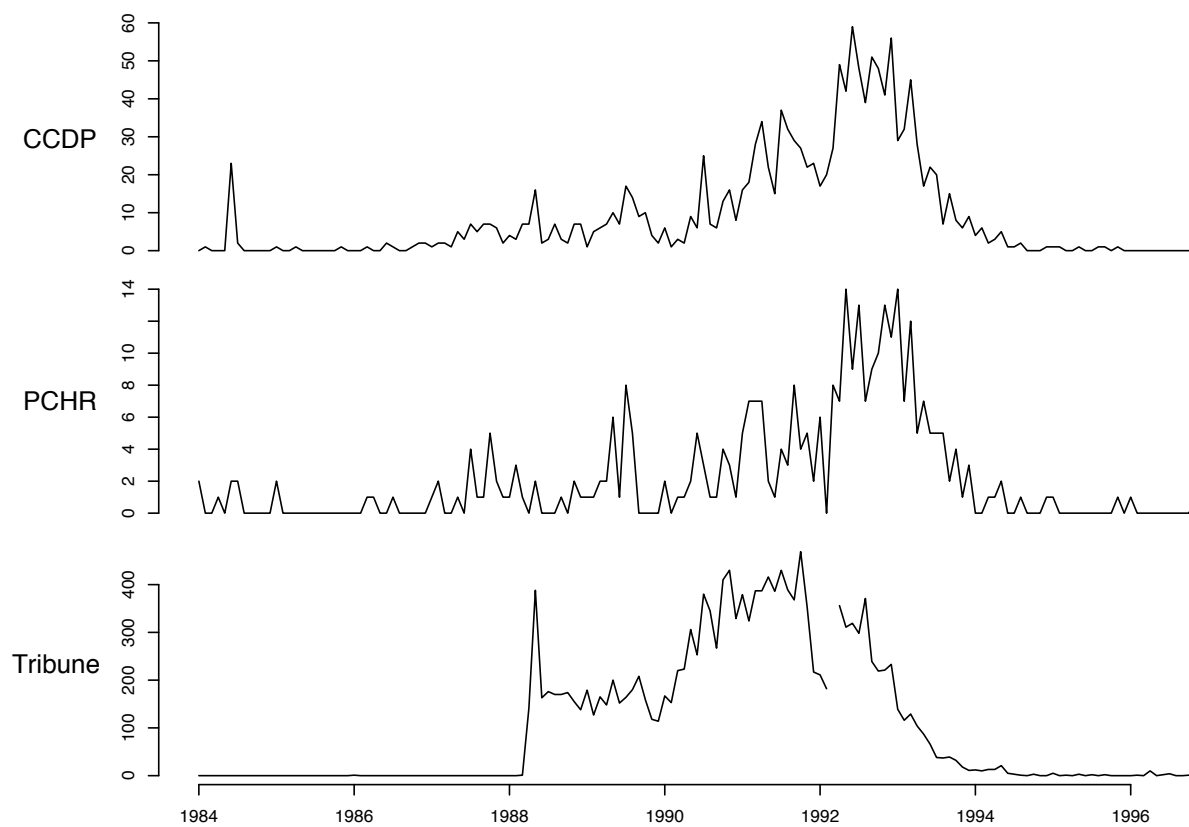
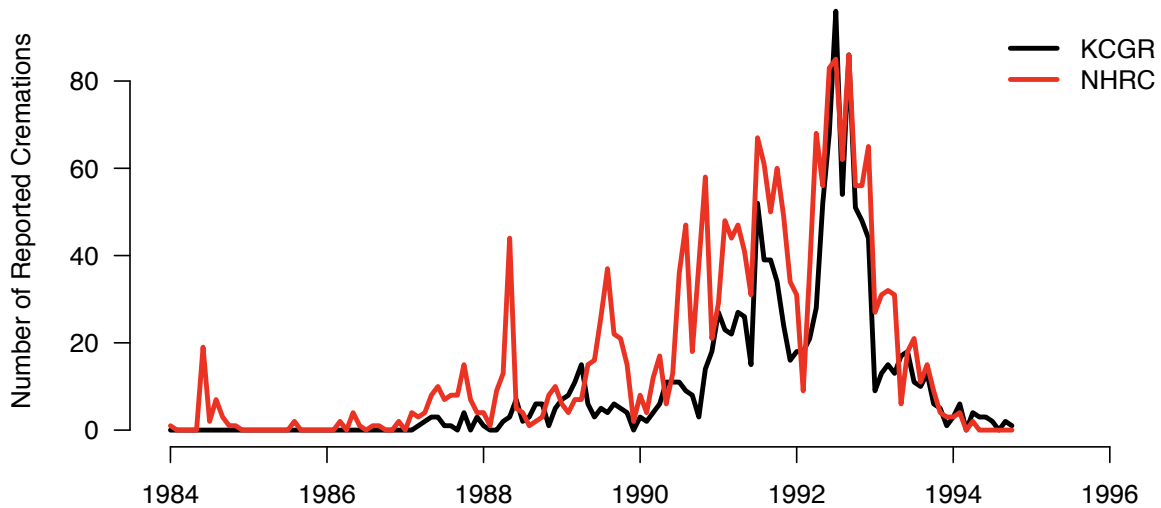


Figure 2: Count of Documented Cremations by Month, 1984–1996



while in other cases security officers handed the victim’s body back to the family. When Jaswant Singh Khalra and his colleagues discovered that the bodies of some victims were secretly cremated in municipal cremation grounds,<sup>98</sup> he collected documentation of cremations in three municipal cremation grounds in Amritsar and five other cremation grounds in other parts of Punjab.<sup>99</sup> Figure 2 presents the observed pattern of documented cremations in these cremation grounds along with the “illegal cremations” acknowledged by the NHRC. It is important to note that information collected from the municipal cremation grounds includes only a sample of cremations carried out there: evidence suggests that not every body cremated in a municipal cremation ground was recorded.<sup>100</sup> For example, cremation ground workers interviewed by CCDP stated that security offi-

cers sometimes burned more than one body in each pyre.<sup>101</sup> Furthermore, not all cremations recorded in the municipal cremation grounds were illegal. In contrast, the NHRC data report “illegal cremations” listed by the Central Bureau of Investigation and confirmed by security forces and the NHRC. Nevertheless, the temporal pattern of documented cremations in the municipal cremation grounds is similar to that of the pattern of “illegal cremations” accepted by the NHRC. The pattern of documented cremations in municipal cremations grounds, like that of reported enforced disappearances and extrajudicial executions documented by CCDP, PCHR, and *Tribune*, varied substantially over time. “Illegal cremations” confirmed by the NHRC were concentrated in 1988–1994: 94% of cremations acknowledged by the NHRC and 89% of cremations documented in the

<sup>98</sup>Kumar, et al., *Reduced to Ashes*, pp. 161–165.

<sup>99</sup>The locations of cremations grounds outside of Amritsar, where Khalra carried out documentation work, include Kapurthala, Moga, Zira, Ludhiana, and Faridkot districts.

<sup>100</sup>Please see Section 4.1.3 of this report.

<sup>101</sup>Geoff Parrish, “India—Who Killed the Sikhs?” Dateline, SBS Australia, April 3, 2002, [http://news.sbs.com.au/dateline/india\\_who\\_killed\\_the\\_sikhs\\_130052](http://news.sbs.com.au/dateline/india_who_killed_the_sikhs_130052) (accessed January 18, 2009)

<sup>102</sup>The correlation coefficient reported here is a quantitative measure of how closely the number of cremations documented

Khalra records were concentrated in this period; the correlation between these two sources is  $\rho = 0.86$ .<sup>102</sup> The high correlation coefficient suggests that cremations recorded in the Khalra records and “illegal cremations” acknowledged by the NHRC were caused by the same underlying process. Human rights activists have shown that cremations were preceded by arbitrary arrests, illegal detentions, enforced disappearances, and extrajudicial executions carried out by security forces.<sup>103</sup>

All available data sources, including reported enforced disappearances, extrajudicial executions, “illegal cremations,” and lethal violence reported by the *Tribune* reflected a consistent pattern throughout the counterinsurgency, suggesting that different types of violence were driven by the same underlying causes. Specifically, the pattern supports existing qualitative findings by human rights groups that extrajudicial executions, enforced disappearances, and “illegal cremations” were driven by the main policies and practices of Indian security forces during the counterinsurgency.<sup>104</sup> In addition, these data are inconsistent with claims by security officials that extrajudicial executions, enforced disappearances, and “illegal cremations” were minor aberrations by a few overzealous security officials.

### 5.1.1 The Nature of Lethal Violence Reported in the *Tribune* Across Time

As discussed in Section 5.1, the temporal patterns of enforced disappearances and extrajudicial executions reported to CCDP and PCHR and the lethal violence reported by the *Tribune* appear initially to be consistent with each other. In gen-

eral, the temporal pattern of reporting by the *Tribune* is similar to that of the CCDP but differs in a notable way: the documented lethal violence by the *Tribune* suggests that large-scale lethal violence commenced in mid-1990, almost two years earlier than when is suggested by the CCDP’s data. To explore this difference, in Figure 3, we analyze the temporal pattern of lethal violence reported by the *Tribune* by the specific causes of death reported. This pattern shows that the 1992 peak in deaths recorded by the CCDP happened at a time when the *Tribune* reported increasing “encounter” deaths in which gunfire was exchanged, and fewer deaths from lethal attacks, suggesting that the CCDP-recorded violence was following a pattern more closely associated with alleged encounters, rather than lethal attacks. Qualitative evidence from human rights groups have demonstrated that human rights violations were falsely reported by security personnel as militant deaths from encounters.<sup>105</sup> The observed correlation between reported enforced disappearances and reported encounters is consistent with the phenomenon of “fake encounters.”

The observed correlation between reported enforced disappearances and reported encounters is consistent with the phenomenon of “fake encounters.”

The correlation between reported lethal attacks, “found bodies,” “encounters,” and “inter-gang warfare” is shown in Table 1. The large, positive correlation coefficients between all pairs of *Tribune*-reported violation types show that all violation types reported by the *Tribune* tended to increase and decrease together. This consistency suggests a “flow-on” effect, where the types of violence may be de-

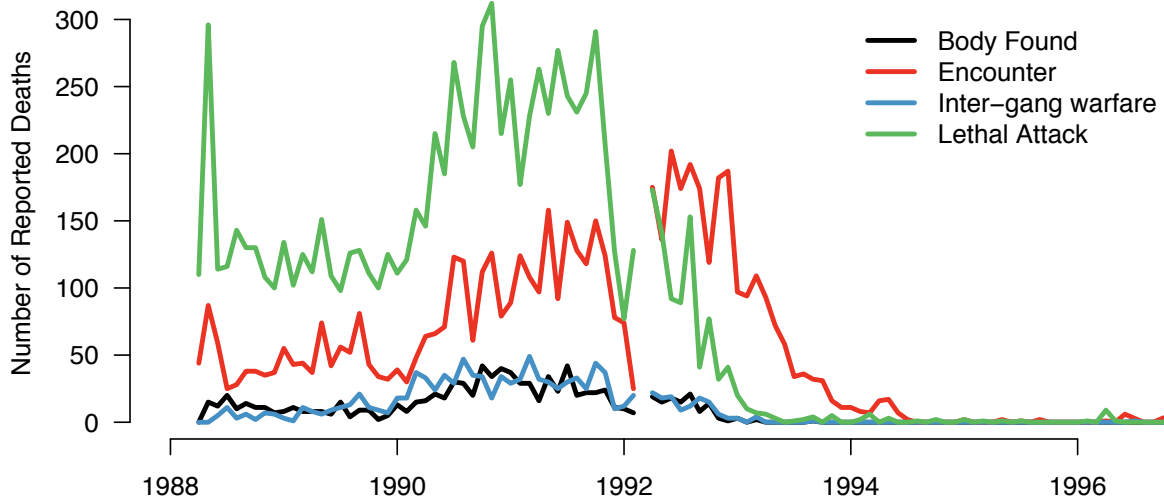
by these two sources move in the same direction over time.  $\rho = 0$  would indicate no correlation,  $\rho = 1$  would indicate perfect, positive correlation and  $\rho = -1$  would indicate perfect, negative correlation; the observed  $\rho = 0.86$  shows very strong, positive correlation.

<sup>103</sup>See, e.g. Kumar, et al. *Reduced to Ashes*, pp. 207–598.

<sup>104</sup>See, e.g. Human Rights Watch/Asia and Physicians for Human Rights, *Dead Silence*, p. 2.

<sup>105</sup>US State Department, Bureau of Democracy, Human Rights, and Labor, “Country Reports on Human Rights Practices - 1993: India,” January 31, 1994, [http://dosfan.lib.uic.edu/ERC/democracy/1993\\_hrp\\_report/93hrp\\_report\\_sasia/India.html](http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_sasia/India.html) (accessed December 11, 2008).

Figure 3: Monthly Number of Incidents of Fatal Violence Reported by the *Tribune* Over Time, by Reported Mode of Violence. Data from *Tribune* editions published in March 1992 were not available. Some other records are not shown: 2% (289/17,582) of records have an unknown violation type, and 2% (267/17,582) of records have a violation type other than lethal attack, found body, encounter, or inter-gang warfare. 2% (338/17,582) of records have invalid or unknown dates, and 0.04% (7/17,582) of records have a date outside 1984–1996.



	Body Found	Encounter	Inter-gang warfare
Encounter	0.78		
Inter-gang warfare	0.93	0.75	
Lethal Attack	0.92	0.77	0.86

Table 1: Spearman Rank Correlation Coefficients between the Different Reported Modes of Death Shown in Figure 3.

pendent upon each other. For example, encounters increasing may be in reaction to attacks on increasing civilians. Establishing these dependencies with more data will allow us to examine possible causes for different violation types and the reasoning behind counterinsurgency policies and practices.

Figure 4 compares the pattern of *Tribune*-reported fatal violence suffered by civilians and alleged militants against that suffered by security officials. The patterns reported by the *Tribune* suggest that civilian and alleged militant deaths were consistently greater than security officer deaths. Figure 4 shows an interesting shift in *Tribune*-reported deaths around the beginning of 1992 similar to the shift in alleged encounters and lethal attacks illustrated in Figure 3. Before 1992, the *Tribune* reported more civilian deaths (usually by lethal attack) than alleged militant deaths (usually by encounter), but after February 1992, this pattern is reversed, with the *Tribune* reporting more encounter deaths of suspected militants than attacks on civilians.

There are at least two potential explanations for this observed pattern:

- an actual shift in fatal violence from civilians to alleged militants, as the Indian and Punjab security officers launched coordinated operations,<sup>106</sup> or
- a shift in how the state and/or English-language media reported the nature of violence related to the insurgency and counterinsurgency operations.

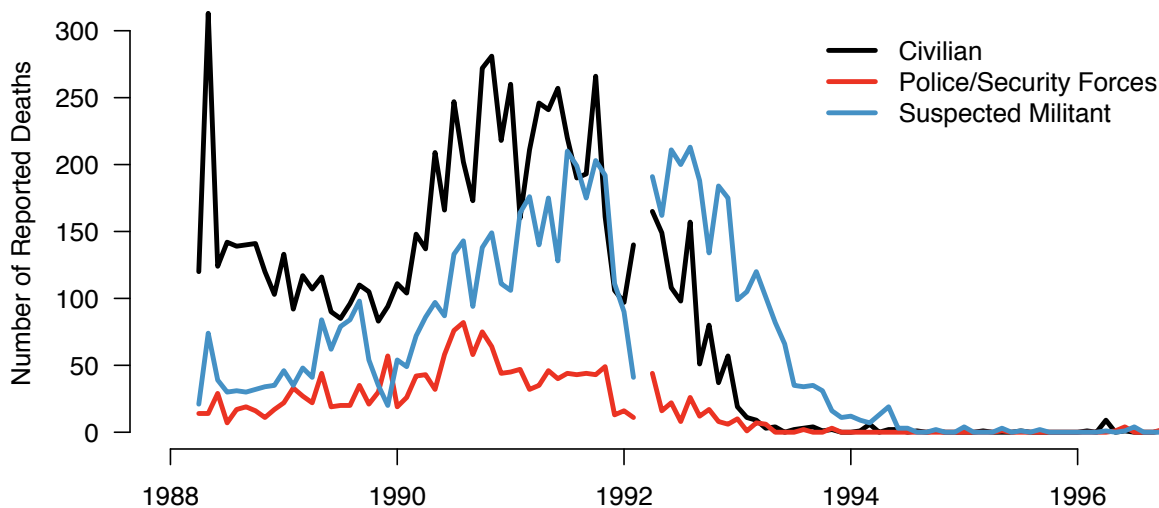
Figure 4 also shows that reported fatal violence against security officers is notably lower than fatal violence against civilians and alleged militants throughout the late 1980s and early 1990s. This may be representative of the actual pattern of violence during the period or may be a function of

systematic under-reporting of casualties suffered by security personnel. More data and inferential statistical methods are needed to clarify this point.

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<sup>106</sup>Kanwar Sandhu, "Punjab Police, Official Excesses," *India Today*, October 15, 1992, p. 82 (attributing the shift in fatal violence to legitimate security gains as well as fake encounters).

Figure 4: Monthly Number of Incidents of Fatal Violence Reported by the *Tribune* Over Time, by Reported Victim Status. Data from *Tribune* editions published in March 1992 were not available. Some other records are not shown: 0.2% (27/17,582) of records list a victim with unknown status, and as in Figure 3, 2% (338/17,582) have invalid or unknown dates, and 0.04% (7/17,582) have a date outside 1984–1996.



### 5.1.2 Patterns of Reported Enforced Disappearances, Extrajudicial Executions, and “Illegal Cremations” Across Time and Space

Historical accounts suggest that militant violence was concentrated in the Punjab districts bordering Pakistan, primarily Amritsar and Gurdaspur, until the Indian Army was deployed briefly in December 1990 and again in November 1991 along the Punjab-Pakistan border, leading to a militant exodus to further districts.<sup>107</sup> Security forces are reported to have pursued the militants to other parts of Punjab.<sup>108</sup>

The reported lethal violence from the *Tribune*

is concentrated in Amritsar: 38% (6,448/17,146) of *Tribune*-reported deaths with a known location occurred in Amritsar district. Similarly, reported lethal human rights violations and “illegal cremations” are concentrated in Amritsar district: 62% of enforced disappearances and extrajudicial executions reported to the PCHR and CCDP occurred in Amritsar, and 100% of “illegal cremations” reported to the NHRC occurred in Amritsar. The high percentage is most likely a function of the NHRC focus on Amritsar district, which in turn affected the investigative work of the CCDP, wanting to make an impact on the case. The CCDP organized the PCHR, and may have in turn influenced a disproportionate number of survivors from Amritsar district to submit affidavits. Khalra’s investigations of

<sup>107</sup>KPS Gill, “Endgame in Punjab: 1988–1993,” South Asia Terrorism Portal, 2001, <http://www.satp.org/satporgtp/publication/faultlines/volume1/Fault1-kpstext.htm> (accessed December 11, 2008).

<sup>108</sup>A senior intelligence official notes that, in response to these operations by the Indian Army and police, the militants retreated to other districts of Punjab, into which the security forces are reported to have pursued them. Manoj Joshi, “Fear in the fray,” *Frontline*, February 28, 1992, p. 4.

the municipal cremation grounds throughout Punjab found 53% (785/1,484) of the cremations in Amritsar. This pattern may be a function of convenience sampling, given that Khalra was based out of Amritsar district. Thus, the concentration of reported human rights violations in Amritsar district does not speak to the location of violations overall.

Figures 5 and 6 show the spatial distribution of reported lethal violence over time. Both data sources, despite their focus on Amritsar, also show that as lethal violence increased, its spatial distribution changed from being concentrated exclusively in Amritsar district prior to 1990 to being spread throughout almost all districts of Punjab in 1990–1992.<sup>109</sup> It should be noted that the reported levels of violence outside of Amritsar are relatively small compared to those within Amritsar, but this may be a function of the CCDP’s focus on Amritsar district and the *Tribune*’s greater ability to cover incidents in the major urban hub of Amritsar relative to other areas of the state. It is particularly interesting that the spatial-temporal distribution of violence reported by these two sources is so consistent, as the way in which these data were collected and compiled are substantially different. As described in Section 4.2.3, the CCDP data was compiled by a local human rights organization which used a structured questionnaire to collect detailed events data and demographic information about the victims. After 2001, when the CBI released its lists of cremations to the parties to the NHRC litigation, the CCDP focused its documentation efforts on Amritsar district. Hence violence in Amritsar may be disproportionately represented in the CCDP data. In contrast, as discussed in Section 4.2.5, the information contained in the *Tribune* was compiled by journalists who relied heavily on reports and press releases by the security forces. It is unclear how centralized the public information and media liaison processes of the security forces were in the late 1980s and 1990s. Additional research on the coverage and representativeness of the *Tribune* articles on the

counterinsurgency is required. However, the nature of the *Tribune* reporting was certainly closer to a passive surveillance system which relied heavily on information updates from the security forces, in contrast to the proactive, community-based information collection by CCDP through structured questionnaire instruments.

The available data collected by the NHRC, NGOs, and official government processes suggest that lethal violence spread from Amritsar to other districts of Punjab in the early 1990s, with Amritsar district consistently recording the largest amount of reported violence. However, the available data are substantially limited by the overwhelming focus of the PCHR, CCDP, and NHRC data collection on Amritsar district. It is therefore difficult to draw conclusions about the patterns of violations across districts. However, based on the available data, not only is there clear evidence of human rights violations outside of Amritsar district, the distribution across Punjab over time mirrors the pattern of violence reported in the *Tribune*. The consistency between these data suggests that counterinsurgency practices led to greater human rights violations as the conflict grew more intense across the state.

The distribution of human rights violations across Punjab over time mirrors the pattern of violence reported in the *Tribune*, suggesting that counterinsurgency practices led to greater violations as the conflict grew more intense across the state.

<sup>109</sup>See Section A.2 for a discussion about the changes to the boundaries of administrative divisions within Punjab.



Figure 5: Counts of Lethal Violence Reported in the *Tribune* Newspaper, 1984–1996. Precise counts, including records of violence with unknown places or dates, are given in Table 2. During this time, some Punjab district boundaries changed; see Section A.2 for details.

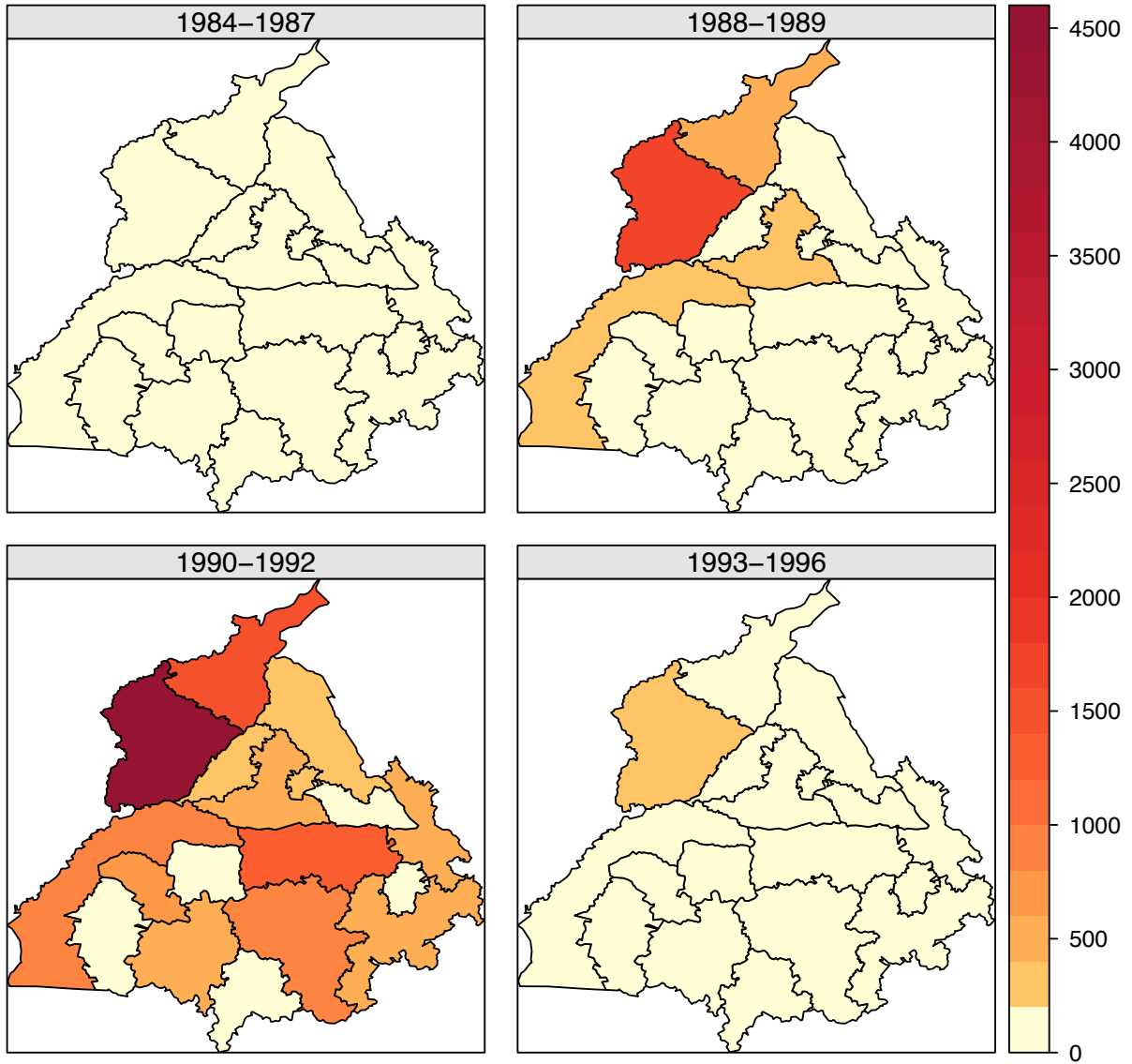
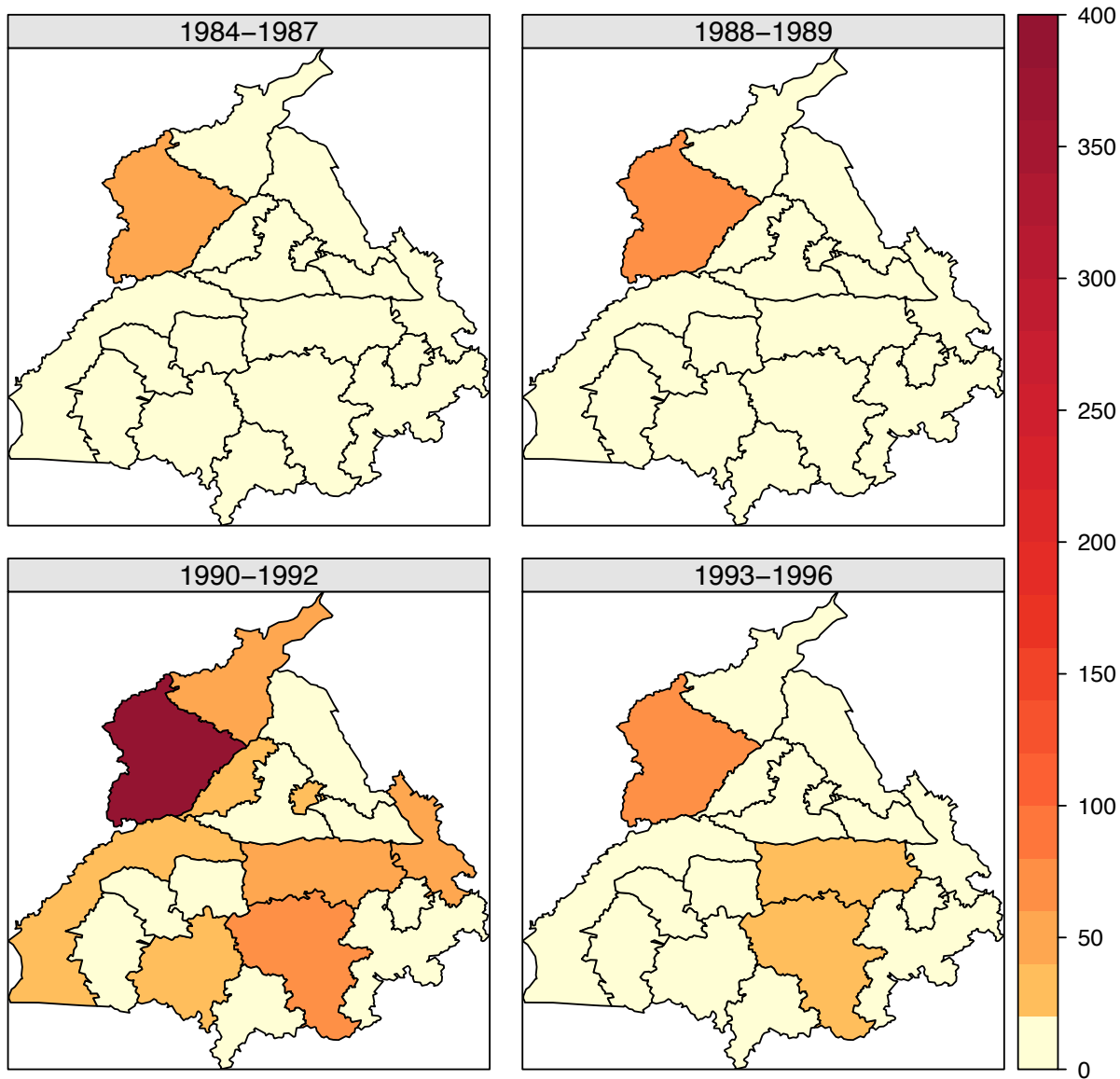


Figure 6: Counts of Lethal Violence Reported by the CCDP, 1984–1996. Precise counts, including records of violence with unknown places or dates, are given in Table 3. During this time, some Punjab district boundaries changed; see Section A.2 for details.



## 6 The Nature of Reported Lethal Violence in Punjab

### 6.1 Encounter Killings: Deaths of Security Forces vs. Deaths of Alleged Militants

According to the narrative of government officials, the majority of militant deaths resulted from genuine encounters between security forces and militants.<sup>110</sup> The encounters reported in the *Tribune* will be analyzed for observable patterns that can potentially confirm or refute government claims.

While there were security force casualties in these incidents, there were many more deaths of alleged militants. According to the data coded from the *Tribune*, among the 5,805 people who died in encounters between 1988 and 1995, 85% (4,945/5,805) were alleged militants, 10% (598/5,805) were security officers, and 4% (251/5,805) were civilians.

The information reported in the *Tribune* is consistent with claims of “fake encounters”: they show that security officer casualties were rare during such encounters.

The 5,805 encounter deaths reported in the *Tribune* occurred in 3,400 separate incidents. Among these incidents, 89% (3,031/3,400) involved the death of at least one alleged militant, and 10% (349/3,400) involved the death of at least one security officer.

Figure 7 shows the number of encounter incidents which resulted in various death counts among alleged militants and security forces. The most com-

mon scenarios involved one or two alleged militant deaths accompanied by zero security officer deaths. For example, 1,750 encounters involved one death of an alleged militant and zero deaths of security officers. This pattern accounts for 75% (2,559/3,400) of the encounters reported in the *Tribune*. This pattern suggests that fatalities of security forces in such encounters were either rare or under-reported. Qualitative historians and human rights organizations have argued that the majority of encounters were staged or faked by the security officers and were simply cover-ups for deaths in police custody or extrajudicial executions by security officers.<sup>111</sup> The information reported in the *Tribune* is consistent with claims of “fake encounters”: they show that security officer casualties were rare during such encounters (in which the name “encounter” itself implies an exchange of fire by both sides, whereby the security forces are acting in self-defense).

### 6.2 Individual vs. Multiple Victims

“Encounter” incidents involving a single victim may indicate different intent on the part of the perpetrators than those involving multiple victims: encounters resulting in individual killings may be reflective of more “targeted” forms of violence, whereas “group killings” may be indicative of indiscriminate lethal violence. In other studies of state violence in Guatemala and Timor-Leste, the pattern of reported killings and enforced disappearances against individuals varied substantially from those against victims who were killed in groups.<sup>112</sup> Either observa-

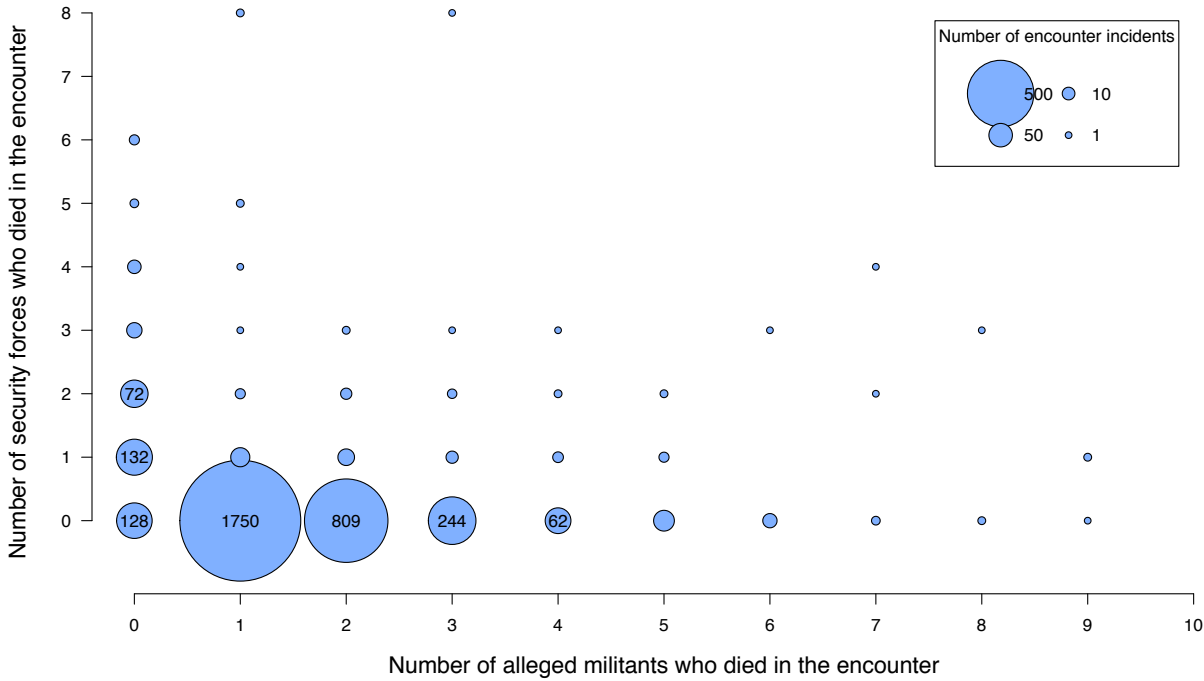
<sup>110</sup>KPS Gill, “Endgame in Punjab: 1988–1993,” South Asia Terrorism Portal, 2001, <http://www.satp.org/satporgtp/publication/faultlines/volume1/Fault1-kpstext.htm> (accessed December 11, 2008).

<sup>111</sup>Rajender Puri, “The Real Fake Encounter,” *Outlook*, May 16, 2007, [http://www.outlookindia.com/full.as\[\?fodname=20070516\&fname=rajinderpuri\&sid=1](http://www.outlookindia.com/full.as[\?fodname=20070516\&fname=rajinderpuri\&sid=1) (accessed December 11, 2008).

<sup>112</sup>See, e.g. Patrick Ball, Paul Kobrak and Herbert F. Spierer, *State Violence in Guatemala, 1960–1996: a Quantitative Reflection*. (Washington DC: AAAS, 1999);

Romesh Silva and Patrick Ball, *The Profile of Human Rights Violations in Timor-Leste, 1974–1999, a Report by the Benetech Human Rights Data Analysis Group to the Commission on Reception, Truth and Reconciliation* (Palo Alto: Benetech Human Rights Data Analysis Group, 2006), <http://www.hrdag.org/resources/Benetech-Report-to-CAVR.pdf>.

Figure 7: The Number of Encounter Incidents Reported by the *Tribune*, Categorized by the Number of Deaths of Alleged Militants and Security Forces. N.B.: The size of the circles in this chart represent the number of encounters, not the number of deaths. One encounter with more than 10 alleged militant deaths and 3 encounters with more than 8 security force deaths are not shown. The numbers in the largest circles indicate the exact number of incidents represented.



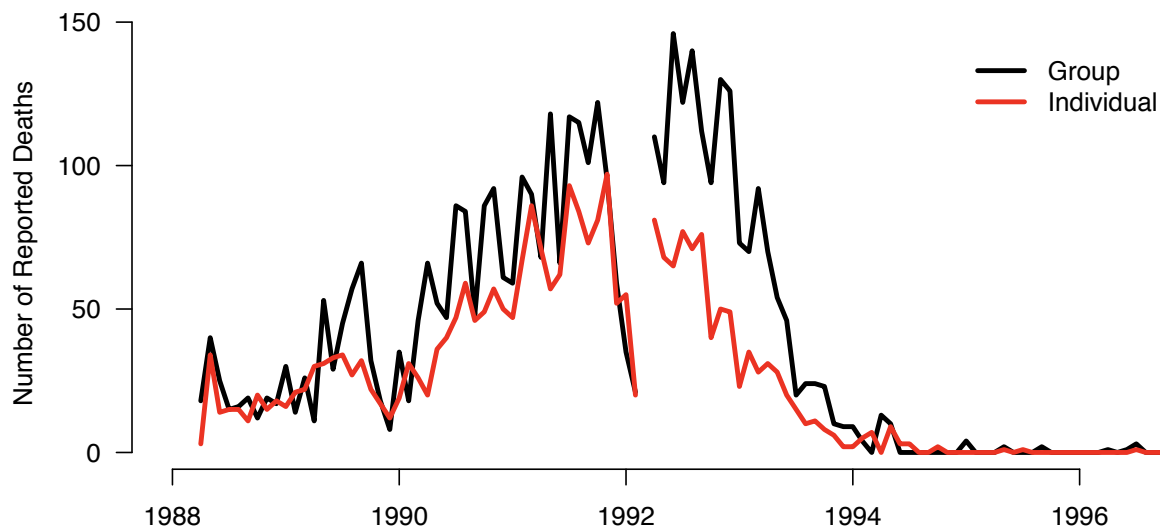
tion would motivate additional questions regarding the manner in which encounters were carried out.

The nature of reported lethal violence against alleged militants in Punjab varied over time. Figure 8 shows the temporal variation between violations reported in the *Tribune* with a single alleged militant victim compared with those with multiple alleged militant victims. Reported fatal violations against individual alleged militants and groups of alleged militants are very closely correlated from 1988 to 1992, but from April 1992 until the start of 1994, group violence began substantially outnumbering individual violence. This pattern suggests a shift in violence from being more

targeted before 1992 to being notably more indiscriminate during 1992 and 1993. This finding of increased indiscriminate violence is consistent with previous qualitative findings that the state's counterinsurgency operations intensified in 1992 after policy shifted in New Delhi and K.P.S. Gill again stepped into the position of Director General of Police.

The data on “encounters” suggest a shift in violence from being more targeted before 1992 to being notably more indiscriminate during 1992 and 1993.

Figure 8: Monthly Number of Incidents of Fatal Violence Against Alleged Militants Reported by the *Tribune* Over Time, by the Number of Victims Involved. Data from *Tribune* editions published in March 1992 were not available. Some other records are not shown: 0.7% (49/6,879) of records describe a violation with an unknown or uncertain number of victims, 0.9% (61/6,879) have invalid, unknown dates, or out-of-range dates.



### 6.3 Lethal Human Rights Violations Reported to the CCDP

The data suggest that as state violence increased, state authorities made substantially less effort to return the bodies of victims to the next of kin, disposing of them instead via mass cremation or other means.

Human rights groups have shown that despite a significant number of enforced disappearances and extrajudicial executions observed by witnesses, security forces were able to obstruct investigations into alleged deaths by disposing of victim remains.<sup>113</sup> Of the enforced disappearances and extrajudicial executions reported to

the CCDP, 49% (829/1,691) were observed by a

witness, but the deceased's body was recovered only 8% (129/1,691) of the time. There was no information about witnesses in 3% (51/1,691) of the records or about the deceased's body in 3% (51/1,691) of the records. Figures 9 and 10 show the variation over time in the reported number of lethal human rights violations in which a witness saw the violation and the deceased's body was recovered, respectively. Both Figures 9 and 10 show a substantial increase in lethal violence reported to the CCDP throughout 1992 and 1993. Witnessed and unwitnessed CCDP-reported lethal violence increased together. Reported lethal violence where there was no body recovered increased substantially in 1992–1993, while reported lethal violence where the body was recovered remained at very low levels throughout 1992 and 1993. Thus, as fatal violence increased after Operation Rakshak II, very few of the bodies of the

<sup>113</sup>Kumar, et al., *Reduced to Ashes*, pp. 175–176.

Figure 9: Monthly Number of Enforced Disappearances and Extrajudicial Executions Reported to the CCDP Over Time, by whether or not the Enforced Disappearance was Witnessed. Not all reported enforced disappearances are graphed: 3% (51/1,691) of records do not contain information about whether the enforced disappearance was witnessed, 16% (274/1,691) have invalid, unknown, or out-of-range dates.

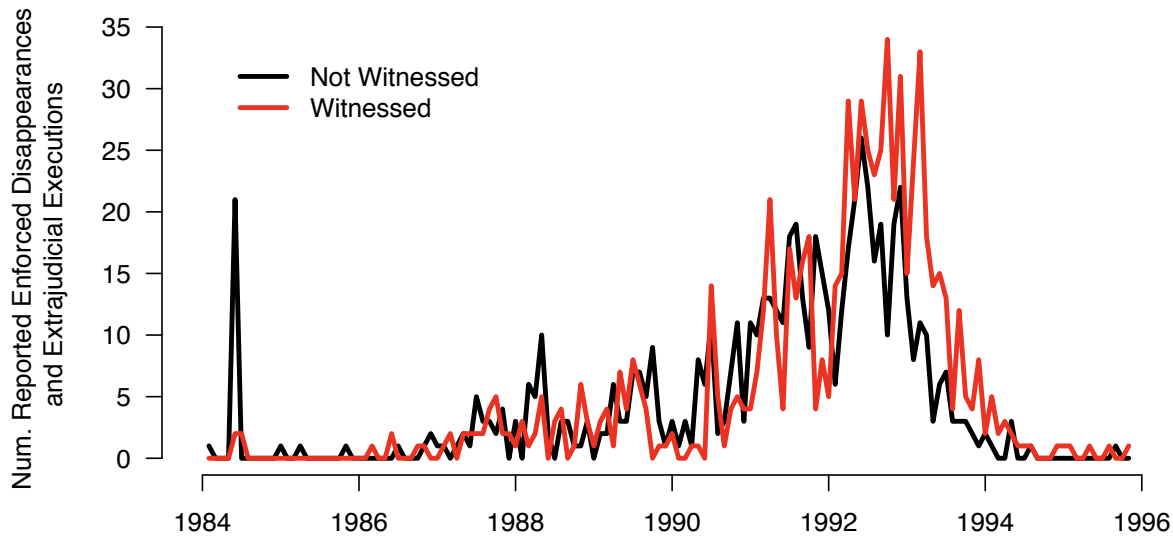
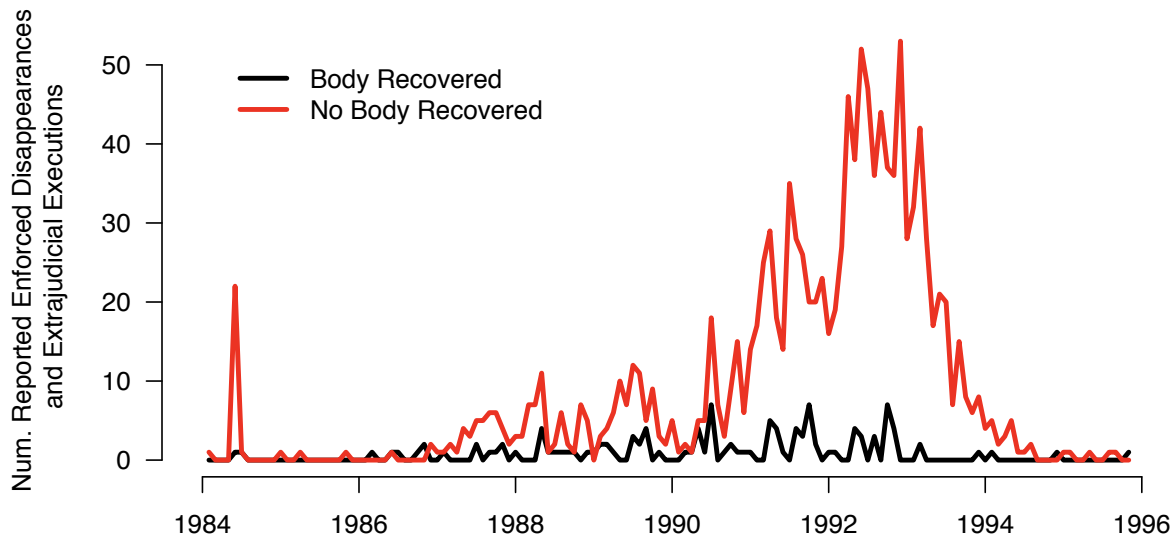


Figure 10: Monthly Number of Enforced Disappearances and Extrajudicial Executions Reported to the CCDP Over Time, by whether or not the Deceased's Body was Recovered. Not all reported enforced disappearances are graphed: 3% (51/1,691) of records do not contain information about whether the deceased's body was recovered, and as in Figure 9, 16% (274/1,691) have invalid, unknown dates, or out-of-range dates.



deceased were recovered by the families of the victims. This pattern, in turn, is consistent with the hypothesis that as coordinated counterinsurgency operations ramped up after Operation Rakshak II, the modality of state violence shifted from targeted enforced disappearances and extrajudicial executions to large-scale lethal human rights violations coupled with secret cremations or other means of disposing of the bodies of victims. Human rights scholars have previously noted that the refusal to hand over a victim's body is reflective of the state's strategy of minimizing the capacity of families and friends to investigate the reported death.<sup>114</sup>

The shift in state violence in Punjab is consistent with the pattern of "overkill" violence used by the Guatemalan security agencies in the mid-1980s.<sup>115</sup>

"Overkill" was defined as killings in which gratuitously violent methods were used, or the bodies were mutilated after death—both pre- and post-mortem violence incurring effort beyond what was necessary to kill the victim. As the scale of mass state-violence increased in Guatemala, the proportion of deaths which were overkilled decreased. One explanation is that security officials were simply able to spend less time per victim as the number of victims increased. In Punjab, the available data suggest that as state violence increased, state authorities made substantially less effort to return the bodies of victims to the next of kin and, instead, either handed over the bodies of the victims for mass cremation in the municipal cremation ground or disposed of the bodies by other means, such as dumping corpses in canals.<sup>116</sup>

## 7 The Demographic Profile of Victims of Lethal Violence and "Illegal Cremations"

In this section, we consider whether enforced disappearances, killings, and "illegal cremations" were conducted in a systematic fashion and targeted at victims because of their demographic characteristics (such as their age and sex). The common assumption is that the bulk of the victims of enforced disappearances, killings, and "illegal cremations" were young males between the ages of 18 and 45.<sup>117</sup>

Lethal violence reported by the CCDP, PCHR, and *Tribune* were overwhelmingly against male victims, as were "illegal cremations" documented by the NHRC and cremations logged at the municip-

pal cremation grounds. In particular, among victims with known sex, 91% (10,249/11,287) of deaths reported by the *Tribune* involved male victims, 98% (1,647/1,684) of enforced disappearances and extrajudicial executions documented by the CCDP involved male victims, and of the "illegal cremations" recorded by the municipal cremation ground officials, 98% (858/872) were of male corpses.

Ninety-nine percent of all lethal violence reported to the PCHR and CCDP were suffered by males 18–45 years old.<sup>118</sup> These data are consistent with the qualitative findings that enforced dis-

<sup>114</sup>See, e.g. International Covenant for the Protection of All Persons from Enforced Disappearances, adopted December 20, 2006, G.A. Res. A/RES/61/177, not yet in force, art. 2 (noting that the concealment of the victim's whereabouts place that person outside the protection of the law).

<sup>115</sup>Ball, et al., *State Violence in Guatemala*, p. 71.

<sup>116</sup>Human rights reports describe many case studies where victims of extrajudicial executions were thrown in canals, including Jaswant Singh Khaira. See, e.g. Human Rights Watch and Ensaaf, *Protecting the Killers*, p. 15.

<sup>117</sup>See, e.g. Kumar, et al., *Reduced to Ashes*, p. 178 (describing "Numerous examples also show that the police shot and killed young men without warning.")

<sup>118</sup>The ages of victims in NHRC are sparsely reported: less than 1% of NHRC records contained information about the victim's age and sex.

Figure 11: Counts of Lethal Violence Reported by the CCDP, 1984–1996, by Age and Sex



appearances and extrajudicial executions in Punjab were targeted against young adult men who were either connected to the militant movement or whom the security forces alleged were members of the militant movement.

Senior security officials have claimed that the young adult males who disappeared had migrated to Canada and other Western countries.<sup>119</sup> The CCDP data suggest that the young males still have dependents in Punjab. Of the victims reported to the CCDP, 25% (419/1,691) left one surviving dependent and 57% (963/1,691) left multiple surviving dependents, totaling 82% (1,382/1,691) who were survived by at least one dependent. 44% were married. 0.06% (1/1,691) of the records had no information

about the deceased’s dependents.

In addition, while these CCDP data alone are not necessarily a basis for rejecting the state’s claim that the disappeared migrated to the UK and Canada, the increase in documented “illegal cremations” by the NHRC provides corroborating evidence and suggests that the state’s claim of labor migration is inconsistent with data which have been compiled by the state. These data point to the considerable ongoing legacy of enforced disappearances, extrajudicial executions, and mass cremations in Punjab on surviving relatives.<sup>120</sup>

<sup>119</sup>Rajender Puri, “The Real Fake Encounter,” *Outlook*, May 16, 2007, <http://www.outlookindia.com/full.asp?fodname=20070516&fname=rajinderpuri&sid=1> (accessed December 11, 2008).

<sup>120</sup>Surviving relatives of the disappeared in Punjab continue to suffer an “extraordinary” level of psychological stress. Physicians for Human Rights and the Bellevue/NYU Program for Survivors of Torture, “Evaluation of Litigants Pertaining to Write Petition(Crl.) No. 447/95 Committee for Information and Initiative on Punjab vs. State of Punjab,” October 24, 2005, <http://www.ensaaf.org/docs/phr-bellevue.php> (accessed January 17, 2009), p. 21.



## 8 Conclusions

According to the available data, there is considerable variation across time and space in reported enforced disappearances, extrajudicial executions, alleged encounter killings, and “illegal cremations” in the municipal cremation grounds. Further research into the patterns of these violations in time and space is needed. The current analysis, however, suggests that state practices influenced the magnitude and nature of human rights violations. Most notably, this report observes that the intensification of counterinsurgency operations, documented as encounters, were correlated with increased enforced disappearances and extrajudicial executions reported to local human rights groups. This period is when “illegal cremations” also substantially increased. These correlations suggest a modality of state violence whereby security forces secretly disposed of the victims of enforced disappearances and extrajudicial executions, and reported the deaths as encounters.

In this report we have also noted that:

- The available data sources, each collected through substantially different social, political, and legal processes are generally consistent in noting that enforced disappearances and extrajudicial executions in Punjab are overwhelmingly concentrated in the counterinsurgency period of the early 1990s. Such correlation is inconsistent with official claims that human rights violations were random or minor aberrations.
- The data collected by the CCDP and *Tribune* newspaper show that reported enforced disappearances, extrajudicial executions, and lethal violence all shifted from being almost exclusively concentrated in Amritsar district to occurring throughout almost all districts of the state of Punjab after 1992. This pattern suggests that these phenomena were driven by the same underlying causes, and were not random acts of violence but rather part of a specific

plan or set of widespread practices used by security forces during the counterinsurgency.

- The temporal pattern of documented cremations in the Khalra cremation ground records was strongly positively correlated with that of “illegal cremations” acknowledged by the NHRC, suggesting that these two phenomena had a common cause.
- The English-language media reporting of fatal violence in Punjab shifted in 1992 from being mostly involving civilians to mainly involving alleged militants. Encounters remained high as attacks decreased dramatically. The pattern of alleged militant encounter deaths corresponded to the pattern of enforced disappearances and extrajudicial executions reported by the CCDP and PCHR. This correspondence is consistent with the hypothesis that human rights violations were often concealed as encounter deaths.
- The information reported by the *Tribune* show that few security officers were reported to have been killed during “encounters,” and that instead these incidents, on average, involved a lone killing of an alleged “militant” or a “civilian.” This finding is consistent with qualitative findings that reported encounters were often faked, because encounters involving a heavy exchange of gunfire seemed to disproportionately kill alleged militants.
- After April 1992, group encounter killings began substantially outnumbering individual violations, suggesting a shift in state violence from being targeted to being substantially more indiscriminate during 1992 and 1993.
- As state violence increased substantially after Operation Rakshak II, notably fewer bodies of the disappeared and extrajudicially executed were recovered by the next of kin compared with the period prior to 1991. The period after 1991 is also the period where the NHRC

has acknowledged a notable increase in mass “illegal cremations.” This correlation suggests that these two phenomena are driven by the same underlying cause: most likely a change in the modality of violence employed by the state.

- The available data suggest that as state violence increased, state authorities made substantially less effort to return the bodies of victims to the next of kin and, instead, either handed over the bodies of the disappeared for mass cremation in the municipal cremation ground or disposed of the bodies by other means, such as dumping corpses in canals. As state violence intensified, security officials were simply able to spend less time per victim as the number of victims increased. This pattern is inconsistent with official claims that such events were random or minor aberrations.
- The strong, positive correlation between the reported acts of lethal violence and “illegal cremations,” acknowledged by the NHRC, is inconsistent with official claims that these disappeared persons are not dead but instead migrated abroad.
- The age-sex data on reported victims of lethal violence collected by the PCHR, CCDP and NHRC are consistent with the hypothesis that these violations were overwhelmingly targeted against young men between the ages of 18 and 45.

## 9 Future Research Directions

This report describes the existing data on enforced disappearances, lethal violence, and “illegal cremations.” Two main areas of future research include: extensions to the analysis of existing data, and additional data collection on enforced disappearances, extrajudicial executions, encounter killings, and “illegal cremations” throughout Punjab.

The next step in our study of enforced disappearances and extrajudicial executions in Punjab is to match and merge multiple, independent datasets to estimate the true patterns of violence.<sup>121</sup> Given the considerable coverage gaps and reporting biases affecting any quantitative analysis based on any single dataset, it is inappropriate to draw statistical conclusions about the total magnitude and pattern of violence from any single dataset. However, even using the multiple, available data sources, the conclusions that the state’s official explanations for large-scale lethal violence appear implausible, is subject to some uncertainty. This points to the need for further research drawing on demographic and statistical methods which can quantify this uncertainty and clarify the total magnitude and pattern of total lethal violence during the counterinsurgency period.

Due to the geographic focus of the currently-available data, our future research agenda includes specific, data-rich estimates on enforced disappearances and extrajudicial executions in Amritsar. Understanding what happened to the victims of political violence in Amritsar is important in its own right. But it also will serve as a guide to future research on enforced disappearances and killings across Punjab.

Our most immediate priority is to collect more data on enforced disappearances and extrajudicial executions from districts other than Amritsar, for which the data are currently too sparse to observe discernible temporal and spatial patterns. Further-

more, we intend to collect new data which contain richer demographic information and more detailed accounts of the incidents resulting in the victim’s death. Such data will allow us to clarify the total magnitude and nature of lethal human rights violations across all of Punjab.

As discussed in Section 3, the connection between deaths in political violence and “illegal cremations” is often ambiguous. For this reason, our second priority is to explore methods to more precisely discern which cremations in municipal cremation grounds represent lethal human rights violations.

With respect to both Amritsar district and Punjab-wide analyses of political violence, we conclude that renewed data collection efforts, by more organizations in more locations, are vital if we are to understand the magnitude, pattern, and nature of the violence. We are currently compiling a Punjabi-language newspaper database of lethal violence, similar to the *Tribune* database which we analyzed in this report. In addition, we are also pilot testing adaptive sampling techniques, which are often used to study elusive populations, and assessing their feasibility for studying enforced disappearances, extrajudicial executions, and “illegal cremations” in Punjab.

We have highlighted the importance of collecting large amounts of detailed quantitative data on individual cases of enforced disappearances and extrajudicial executions. However, such quantitative data needs to be complemented by qualitative information, especially historical, political, and demographic data contextualizing quantitative patterns of violence. Qualitative data frame our understandings of the causes of violence. Together with quantitative analysis, these investigations will provide evidence regarding the magnitude and patterns of violence throughout Punjab, contributing to the debate about human rights and counterinsurgency strategy.

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<sup>121</sup>Patrick Ball, “Making the Case: The Role of Statistics in Human Rights Reporting,” *Statistical Journal of the United Nations*, vol. 18. (2001), pp. 163–173.

## 10 About the Authors

Benetech's Human Rights Data Analysis Group (HRDAG) designs and builds information management solutions and conducts statistical analysis on behalf of human rights projects. With its partners, HRDAG makes transparent and scientifically-defensible arguments based on rigorous evidence. Since 1991, HRDAG has advised nine official truth commissions, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Court, United Nations Field Missions in Timor-Leste, Guatemala, Cambodia and the Democratic Republic of Congo, and numerous non-governmental human rights groups.<sup>122</sup> HRDAG is part of the Benetech Human Rights Program.<sup>123</sup>

Ensaaf is an international human rights organization dedicated to ending impunity and achieving justice for mass state crimes in Punjab, India by documenting and exposing human rights violations, bringing perpetrators to justice, and organizing survivors to advocate for their rights to truth, justice, and reparations. Ensaaf means "justice" in many South Asian languages. Ensaaf works closely with prominent Indian human rights attorneys and human rights organizations to conduct innovative documentation studies, publish ground-breaking reports, engage international experts, and provide crucial litigation support.

### Romesh Silva

Romesh Silva, M.A, is a Demographer/Statistician with HRDAG. He has led HRDAG projects in Sri Lanka, Timor-Leste, India, Chad and Bangladesh, and also contributed to projects in Colombia, Sierra Leone, Guatemala and Liberia. Romesh has co-authored a number of policy-related reports and

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Romesh previously served as a Statistical Consultant to the United Nations Development Programme (UNDP) in Laos, where he provided quantitative analysis for the 2001 Lao National Human Development Report, and served as a technical advisor to the Lao Ministry of Finance in the upgrade of its international trade statistics system. He holds a B.Sc. (Hons, Class 1) in Statistics and a B.A. in German Studies from the University of New South Wales (Sydney, Australia), a Masters of International Affairs from Columbia University in the City of New York, and a Masters of Arts in Demography from the University of California, Berkeley. In addition to his work with HRDAG, Romesh is pursuing a Ph.D. in the Department of Demography at the University of California, Berkeley.

### Jasmine Marwaha

Jasmine Marwaha, Program Associate at Ensaaf, is a 2006 graduate of Harvard Law School (HLS) and recipient of the Irving R. Kaufman Fellowship from HLS. During her time at HLS, she was President of the National South Asian Law Students Association and Coordinator for the Asia Initiative of the HLS Advocates for Human Rights. Jasmine served as a Primary Editor of the *Harvard Human Rights Journal*, where she published the comment "Twenty Years Later: Recent Reports Highlight the Continuing Struggle for Sikh Human Rights." Jasmine graduated from the University of Washington with honors in 2003, and from Harvard Law School in 2006.

<sup>122</sup>For more information about other projects and publications by HRDAG, see <http://www.hrdag.org/>.

<sup>123</sup>Benetech is a Silicon Valley non-profit organization which builds science and technology for the benefit of humanity. Benetech is comprised of a Human Rights Program, Literacy Program and Environment Program. To read more about Benetech, please see <http://www.benetech.org> for more information.

## Jeff Klingner

Jeff Klingner, M.S., is a Data Analysis and Visualization Consultant for HRDAG. He contributed to the data analysis and led the data graphics work on HRDAG's Chad project. He also leads HRDAG's research and implementation on machine-learning

based record-linkage techniques.

Jeff is pursuing a Ph.D. in Computer Science at Stanford University. He holds a M.S. in Computer Science from Stanford University and B.S. degrees in Computer Science and Biology from the University of Texas at Austin.

## 11 Acknowledgments

The analysis in this report builds on the work of the People's Commission on Human Rights Violations in Punjab, the Committee for Coordination on Disappearances in Punjab, and the National Human Rights Commission. This project would not have been possible without the courage of the families of the disappeared and extrajudicially executed to tell their stories.

The data analyzed in this report were compiled by Ensaaf staff and volunteers. Ensaaf staff and Hansdeep Singh electronically scanned the articles from the *Tribune* newspaper. Ensaaf staff and Vanessa Pon entered the information from the

scanned *Tribune* articles into a database. Jay Singh, Karandeep Singh, Ashveer Pal Singh, and Jasmine Marwaha deduplicated the individual datasets.

Romesh Silva, Jasmine Marwaha, and Jeff Klingner wrote the report. Jeff Klingner, Patrick Ball, and Romesh Silva wrote the statistical code which produces the graphs, charts, tables, and maps. The data preparation was conducted by Romesh Silva, Jeff Klingner, Patrick Ball, and Scott Weikart. Jaskaran Kaur, Sukhman Dhani, and Mie Lewis edited the report. Patrick Ball, and Ram Narayan Kumar reviewed the report.

## A Methods Appendix

This appendix describes the main data editing and data processing techniques which we used to prepare the datasets for analysis. Most of the data processing and charting for this report was done using the *R* statistical computing environment.<sup>124</sup>

### A.1 Data Standardization

#### A.1.1 Standardization of Date Information

In many of the datasets, dates were recorded in multiple ways. Sometimes date information was encoded in “DD/MM/YY” format, other times they were encoded “MM/DD/YY,” “DD/MM/YYYY,” “MM/DD/YYYY,” “DD/month-name/YYYY,” or “month-name/DD/YYYY” format; periods and hyphens were also found in place of slashes. We first converted all the date values to system dates in *R*.<sup>125</sup> We then converted each system date to a date in the ISO date format standard, “YYYY-MM-DD.”

#### A.1.2 Standardization of Place Information

Geographic places in the different datasets were represented in various ways, from full addresses to simply the name of the village, tehsil, or district. The transcription of place names into English often varied. For each dataset we mapped the geographic place information into a standard set of spellings of Punjabi districts. Geographic locations outside of Punjab were simply mapped to a category of “Other.” For the CCDP dataset, some records recorded the location of the violation as “Residence” or with a village name which occurs in multiple districts. In such cases, we used the residence district of the victim as the location of the violation. This processing of geographic place information facilitated spatial analysis at the level of districts.

### A.2 Spatial Representation of Data using Maps

In order to generate the Punjab maps shown in Figures 5 and 6, we first counted up the number of reported incidents of lethal violence in the tribune and CCDP datasets which fell in each district and period of the conflict. Dates outside the period of analysis of 1984–1996 or outside of Punjab were classified as *Other*, and records with missing or uninterpretable date or location information were classified as *Unknown*. Records with other or unknown dates or places do not appear in the maps, though their counts are shown in Tables 2 and 3.

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<sup>124</sup>R Development Core Team, “R: A language and environment for statistical computing,” 2008, <http://www.R-project.org> (accessed January 18, 2009).

<sup>125</sup>A system date in *R* is an integer representing the number of days since 1970-01-01.

Once the mappable counts of lethal violence for each district and time period were determined, the data were rendered using the `maptools`<sup>126</sup> and `spatial processing`<sup>127</sup> packages of *R*. The Punjab map data are from the 2001 Census of India.<sup>128</sup> The color scale is interpolated from the perceptually-based 9-class sequential Yellow-Orange-Red scale invented by Cynthia Brewer,<sup>129</sup> modified in both cases to concentrate more color variation in the lower range of the scale and make districts with low but different levels of violence more visually distinguishable.

	1984-1987	1988-1989	1990-1992	1993-1996	Other	Unknown	Total
Amritsar	0	1700	4477	232	1	46	6456
Bathinda	0	87	590	31	0	4	712
Faridkot	0	154	660	62	0	3	879
Fatehgarh Sahib	0	17	36	16	0	0	69
Firozpur	0	393	856	28	1	5	1283
Gurdaspur	0	527	1419	80	2	14	2042
Hoshiarpur	0	101	266	30	1	1	399
Jalandhar	0	288	562	43	0	6	899
Kapurthala	0	122	263	38	0	3	426
Ludhiana	0	167	1261	187	1	12	1628
Mansa	0	1	76	27	0	1	105
Moga	0	25	13	2	0	0	40
Muktsar	0	0	2	0	0	0	2
Nawanshahr	0	3	0	1	0	0	4
Patiala	0	143	432	34	0	6	615
Rupnagar	0	99	463	62	0	2	626
Sangrur	0	58	801	95	1	6	961
Other/Unknown	1	203	83	13	0	136	436
Total	1	4088	12260	981	7	245	17582

Table 2: Counts of Lethal Violence Reported in the *Tribune* Newspaper, 1984–1996. These data are mapped in Figure 5.

The map used in Figures 5 and 6 reflects the the district boundaries at the time of the 2001 Indian census, depicting seventeen districts. Prior to 1992, Punjab consisted of 13 districts that were subsequently redistricted into 17 by the late 1990s. Districts with low levels of reported violence, therefore, may be explained by the redistricted Punjab map, as no reported violence would take place in a district that had not been delineated at the time. Specifically, Mansa district in the southern region of Punjab was created in April 1992 from Bathinda district. Fatehgarh Sahib district was also established April 1992 from Patiala district.

<sup>126</sup>Nicholas J. Lewin-Koh, Roger Bivand, contributions by Edzer J. Pebesma, Eric Archer, Stéphane Dray, David Forrest, Patrick Giraudoux, Duncan Golicher, Virgilio Gómez Rubio, Patrick Hausmann, Thomas Jagger, Sebastian P. Luque, Don MacQueen, Andrew Nicolai and Tom Short, “`maptools`: Tools for reading and handling spatial objects,” 2008, R package version 0.7-15.

<sup>127</sup>E.J. Pebesma and R.S. Bivand, “Classes and methods for spatial data in R,” *R News*, vol. 5:2 (2005), <http://cran.r-project.org/doc/Rnews/>.

<sup>128</sup>Office of the Registrar General, India, “Census Map of Punjab,” 2001, <http://www.censusindia.gov.in/>, stored and provided by GeoCommons, <http://finder.geocommons.com/overlays/4378>, accessed November 19, 2008.

<sup>129</sup>Cynthia A. Brewer, “ColorBrewer,” 2002, <http://www.ColorBrewer.org> (accessed January 19, 2009).

	1984-1987	1988-1989	1990-1992	1993-1996	Other	Unknown	Total
Amritsar	49	73	385	70	3	86	666
Bathinda	0	1	33	4	0	4	42
Faridkot	2	0	2	3	0	0	7
Fatehgarh Sahib	0	2	6	5	0	2	15
Firozpur	0	0	21	8	0	10	39
Gurdaspur	8	16	48	18	0	9	99
Hoshiarpur	2	10	12	2	0	5	31
Jalandhar	2	8	17	8	0	2	37
Kapurthala	1	6	25	3	0	0	35
Ludhiana	5	11	44	33	1	14	108
Mansa	0	0	3	0	0	0	3
Moga	2	0	12	1	0	7	22
Muktsar	1	0	3	0	0	1	5
Nawanshahr	0	1	2	1	0	0	4
Patiala	1	2	17	8	0	4	32
Rupnagar	0	5	45	14	0	8	72
Sangrur	2	1	69	32	0	9	113
Other/Unknown	11	24	158	59	3	106	361
Total	86	160	902	269	7	267	1691

Table 3: Counts of Lethal Violence Recorded by the CCDP. These data are mapped in Figure 6.

In November 1995, Nawanshahr district in eastern Punjab was created from Hoshiarpur and Jalandhar districts. Also in November 1995, Faridkot district was trifurcated into the districts of Faridkot, Moga and Muktsar. It should also be noted that part of Amritsar district recently became the new district of Tarn Taran. Figures in this report for Amritsar include events and deaths reported in Tarn Taran.

### A.3 Deduplication of Data Sources

The information collected by the CCDP, PCHR, NHRC, *Tribune*, and the cremation ground records are essentially convenience samples. Each of these data collection projects collected information pertinent to enforced disappearances, extrajudicial executions, and mass cremations. PCHR, CCDP, and NHRC each collected information from relatives (and sometimes friends) of the victims. The *Tribune* reported about encounter killings, inter-gang killings, and enforced disappearances, as press releases were distributed by security forces or based on the research of their journalists. Jaswant Singh Khalra obtained copies of the official logbooks from the municipal cremation grounds.

Within a dataset, a person may be identified by multiple witnesses. In the testimony-based processes of the PCHR, CCDP and NHRC different relatives (e.g. the victim’s spouse and the victim’s sibling) may have reported about the death. Whereas, in the *Tribune*, an incident may have been reported multiple times.

Intra-system matching links records that identify the same person to generate a list of unique named



persons to prevent over-counting, and thus, over-estimations. Intra-system matching is very complex and difficult to perform in a database as a person can match to  $n$  other records in the dataset. Therefore, the data are manipulated in a spreadsheet which makes it easier to order and reorder the data in multiple ways to locate linkages that need to be made. Intra-system matching a dataset before merging its records with other datasets can reveal patterns inherent in that data collection project. Some of these patterns may be systematic errors in data collection, coding, or data entry, or may be the result of the structure of the data collection. The observation of patterns within each dataset allows for the investigation, and if necessary, the correction of the underlying errors.

First, intra-system matching on records in the individual data sources was performed to link records that described the same victim. The records were imported into a spreadsheet and sorted on first name, last name, Place-Of-Death, and Date-of-Death (when available), to find records that matched.

As records were linked, a “rep rec” (i.e. a representative record) was chosen. After each sort, a matching pass was performed and the linked records within a match group hidden (but not dropped) from the outputted data file, leaving just its “rep rec.” This reduced the noise within the data. Noise can be defined as the “non-rep rec” records in a match group that distract the matcher from the potential relationships of the “rep rec” to other candidate matches. The smaller the list of unique records, the easier it is to see potential matches and other patterns within the data. Each subsequent pass identifies additional matches, and finally, a list of unique records is distilled from the entire dataset. A minimum of three passes are done on each dataset. The matched records were linked back to the “rep rec” for analysis when all matching was completed.

## B Corrections to the Printed Version of this Report

Since this report went to press, we have made the following corrections:

- We made several minor wording changes in the executive summary.
- We made several minor wording changes in Section 6.3.
- We replaced the term “Assassination” with the term “Lethal Attack” in Figure 3 and Table 1.
- We replaced the term “Fatal Violations” with the term “Deaths” in the y-axis labels of Figures 3, 4, and 8 and the caption of Table 1.
- We added the phrase “extrajudicial executions” to the second sentence of Section 6.3 and the fourth sentence of Section 7.
- We changed the phrase “Fatal Violations” to “Fatal Violence” in the captions of Figures 3, 4, and 8.
- We changed the y-axis labels of Figure 2 from to “Number of Reported Fatal Violations” to “Number of Reported Cremations.”

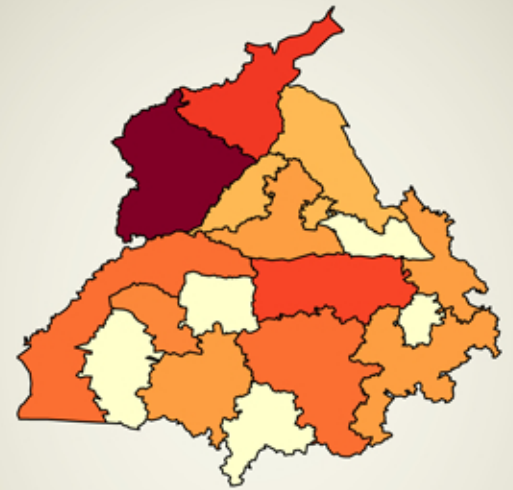
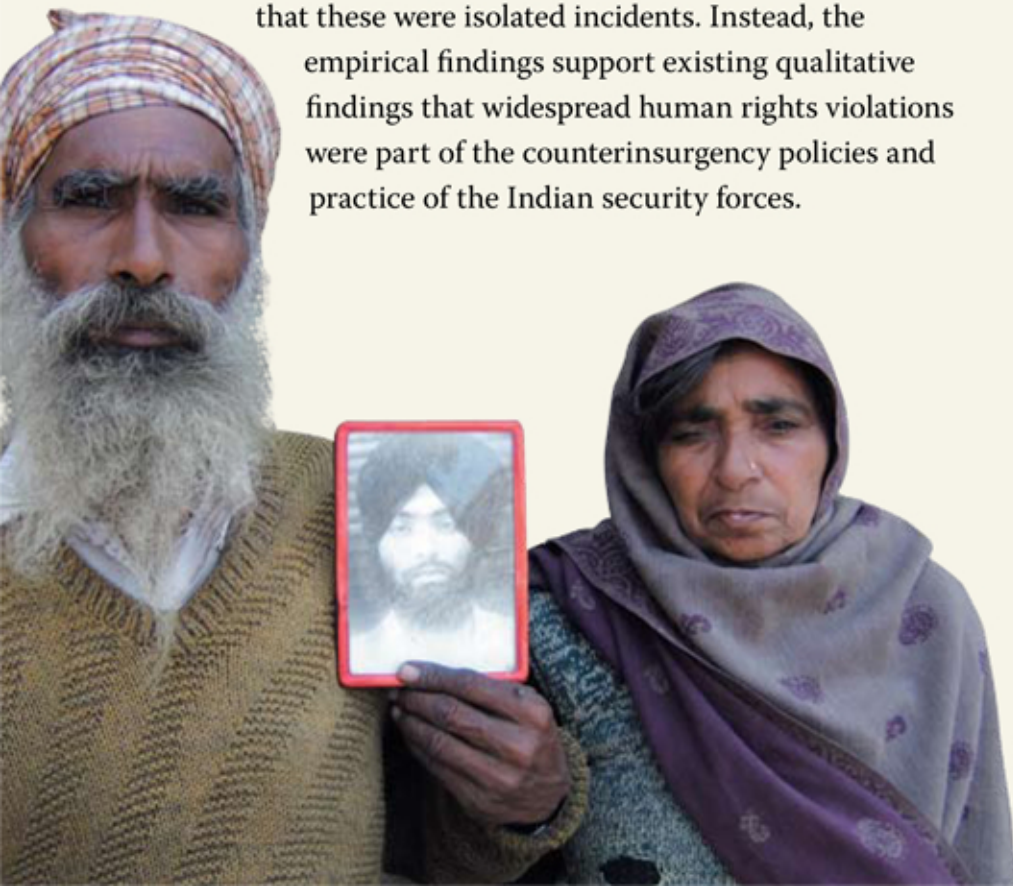
# Violent Deaths and Enforced Disappearances During the Counterinsurgency in Punjab, India

## A Preliminary Quantitative Analysis

AS PART OF THEIR COUNTERINSURGENCY operations in Punjab between 1984 and 1995, Indian security forces disappeared and extrajudicially executed alleged Sikh militants as well as individuals who had no known connection to the militancy. The government of India has dismissed claims that the use of enforced disappearances and extrajudicial executions were widespread, asserting instead that human rights violations were unavoidable “aberrations” in the war on terrorism.

This report presents a preliminary, descriptive statistical analysis about the reported fatal violence across Punjab during the period of conflict from 1984 to 1995. This analysis draws on previous human rights documentation, records from the National Human Rights Commission of India (NHRC), and the *Tribune* newspaper from 1988 to 1995. The statistical analysis reveals a consistent pattern of human rights violations that refutes the claim

that these were isolated incidents. Instead, the empirical findings support existing qualitative findings that widespread human rights violations were part of the counterinsurgency policies and practice of the Indian security forces.



Counts of Lethal Violence Reported in the *Tribune* Newspaper, 1990–1992



“With the methodological reliability of the compilation and analysis of events data, it becomes easier for all involved, irrespective of political dispositions, to see how they become socially responsible when the rule of law is suspended. . . . For being a step in this direction, this study is seminal.”

**Ram Narayan Kumar**  
Program Director,  
*Understanding Impunity*  
South Asia Forum for Human Rights



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