

OTHER SCREAMS OF TERROR

The screams of terror, the pervading stench of burning flesh, distant lights as shops and homes burn down, the triumphant shouts of looters.

People who lived through 1984 in Delhi are unlikely to forget the horrors. After years of inquiries, commissions, accusations and denials, Prime Minister Manmohan Singh has, last month, expressed regret for the horrifying anti-Sikh riots that followed the assassination of Indira Gandhi, saying that, "I have no hesitation in apologising not only to the Sikh community but the whole Indian nation because what took place in 1984 is the negation of the concept of nationhood and what is enshrined in our Constitution."

After 20 years, it is the first time that an Indian Prime Minister has taken responsibility for these appalling acts of state-sponsored violence. This is all the more remarkable since the Congress Party is deeply implicated in

FACING UP TO THE ANTI-SIKH RIOTS IN DELHI IS A STEP FORWARD, BUT DON'T FORGET PUNJAB, SAYS **MEENAKSHI GANGULY**

Instead of responding within the law, the Punjab police were given free rein to contain the militancy. Thousands of alleged militants, human rights activists, and ordinary Sikhs in Punjab were summarily executed by security forces, based on the merest suspicion or, perhaps, not even that. Most were young men, 'disappeared,' never to be seen again

thousands of lives. Unspeakable horrors were perpetrated as bombs went off in crowded bazaars and movie halls, killing and maiming civilians. There were numerous political assassinations. Hindu passengers were dragged off public buses, lined up and shot down.

Instead of responding within the law, the Punjab police were given free rein to contain the militancy. Thousands of alleged militants, human rights activists, and ordinary Sikhs in Punjab were summarily executed by security forces, based on the merest suspicion or, perhaps,

from since. Investigations indicate that he was murdered soon after his arrest. In February, one witness testified that Khalra was killed in custody and named former Punjab director-general of police K.P.S. Gill among those responsible.

Khalra's crime? He had undertaken an investigation into the "disappearance" of other Sikhs. His investigation led him to enquire into the purchase of firewood by security forces. He found that thousands of so-called unidentified or unclaimed bodies were being secretly cremated by the police with

sible for these murders.

Thus far, the Supreme Court and the National Human Rights Commission (NHRC) have failed the victims. At one point, the Supreme Court referred the matter to the NHRC, which initially attempted to investigate all cases of "disappearances." But after the NHRC was challenged by the government, it chose to limit its investigations to only three cremation grounds in Amritsar district. In November 2004, the NHRC, finding the state of Punjab "accountable and vicariously responsible for

take pride in how the "Punjab problem was solved." But the methods included murder. And these kinds of extrajudicial executions continue in numerous other states in India where there are internal conflicts.

Many in the security forces speak scathingly of human rights defenders, calling them pestilence that point fingers while the troops bravely face bullets for their security. But it is people like Jaswant Singh Khalra that show that the security personnel, in the name of protecting citizens, systematically commit crimes in places like Kashmir and Manipur.

This is where the willpower of the Prime Minister and the Indian government will be tested most acutely. This government has addressed some human rights problems, such as repealing the Prevention of Terrorism Act or promising recently during talks with Kashmiri leaders that

the violence. Congress leaders, including Jagdish Tytler and Sajjan Kumar, who were blamed for organising the pogrom have resigned from their posts. The Prime Minister says that his government will try and take action against police officials named in the Nanavati inquiry commission that was placed before Parliament last month and led to his apology. "The past is with us," the Prime Minister said. "But as human beings, we have the willpower and we have the ability to write a better future for all of us."

These are hopeful and welcome words. But it is important to remember that soothing words about a better future will not be enough to make it come true. There is also a need for justice, for those responsible to be held accountable for an accurate account of events to be established, and for compensation to be paid to victims or their families. Only when those responsible for wrongdoing have accepted responsibility or been dealt with by the law, will those who have suffered be able to find peace.

The 1984 riots have been discussed in movies, in books and public debates. The statement of the Prime Minister will lead to even more discussion. But there are other screams of terror and, once again, that pervading stench of burning flesh, which are not being discussed. These come from Punjab.

The Sikh separatist movement in Punjab claimed

not even that. Most were young men, "disappeared," never to be seen again. Their bodies were then cremated to destroy the evidence.

These were extrajudicial executions, state-sponsored terror. These acts, too, were the negation of the concept of nationhood and what is enshrined in India's Constitution.

The pain of family members in cases of "disappearance" cannot be overstated. The United Nation's Office of the High Commissioner For Human Rights has described "enforced disappearance" as a particularly grave crime because it puts a person outside the protection of the law and has "a doubly paralysing form of suffering: for the victims, frequently tortured and in constant fear for their lives, and for their family members, ignorant of the fate of their loved ones, their emotions alternating between hope and despair, wondering and waiting, sometimes for years, for news that may never come."

Paramjit Khalra is still waiting for news. Ten years ago, in September 1995, her husband, Jaswant Singh Khalra, was abducted. The government initially claimed that men masquerading as police officials had kidnapped him, but it was later established that he was taken into custody by government agents. The Central Bureau of Investigation has charged six police officials for his illegal arrest.

He has not been heard

this firewood. Many of these bodies belonged to those that had "disappeared."

In reality, these bodies were not unidentified: their killers knew their identities. They were not unclaimed: their families simply did not know that they were dead. Many, sadly, are still hoping for their return.

The killing of Jaswant Singh Khalra cannot, and should not, be forgotten. For Jaswant Singh Khalra took on an indispensable job in a democracy: he dared to ask questions. In January 1995, he had filed a petition asking the courts to investigate the mass cremations. Yet, because he began to talk about the illegal cremations, in a sad irony he, too, was abducted, in broad daylight from outside his house, and then murdered, just like those whose deaths he had been investigating. No one has apologised for his death. No one has even accepted responsibility. While six men have been charged with kidnapping, no murder charges have been filed. Khalra's family is still waiting for justice.

And it is not just the Khalra family that is waiting. According to a December 1996 report of the CBI, at least 2,098 illegal cremations took place in Amritsar district alone. No investigation took place into the thousands of other bodies that were secretly cremated in other parts of Punjab. The government of Punjab and the government of India have failed to identify and prosecute those respon-

sible for the infringement of the indefeasible right to life," ordered compensation of Rs 250,000 for each of more than 100 victims. Other cases are still being evaluated.

But many relatives of those that were killed or are still missing say they do not want compensation if it is not matched by justice. After awarding compensation, the NHRC has indicated that the terms of future investigations will be limited to the legality or illegality of cremations and that it will not take up the central question of responsibility for the unlawful arrests and murders that preceded the cremations.

This is absurd. Unless a credible body like the NHRC is allowed to freely conduct a full investigation, it will be difficult to hold the government accountable and force it into providing justice by prosecuting those found responsible. The slow pace of the NHRC's work also plays into the hands of the perpetrators of these crimes, who hope that the "investigations" will drag on until the families of victims are exhausted and accept compensation as part of a final settlement, or simply give in to hopelessness.

In evaluating what happened in Punjab, the NHRC warned that the state should not "go overboard in its war against terrorism by chilling civil liberties." Yet, that is exactly what was done in Punjab. Officials

human rights abuses will not be allowed, but it still hasn't mustered the political will to address the ubiquitous impunity of the Indian security forces. India is indeed the world's biggest democracy, but it still hasn't established the principle that no one is above the law, even if they are troops who believe they are acting in the national interest.

There can be no better future unless people who are guilty of human rights violations are brought to justice. For Jaswant Singh Khalra, justice has already been delayed for a decade. The Prime Minister should take the first step. Make this case an example of a new commitment by the state to root out the killers in its midst, even if, as many claim, it upsets troop morale or, in the case of the 1984 riots, leads to important figures within Congress. Khalra wasn't just kidnapped, he was murdered. It is time to order an immediate and independent criminal investigation into and prosecution of his killers. And on the Khalra case and all others, the NHRC should be encouraged and empowered to do its job, not pressured to keep silent. Every case of "disappearance" and every unexplained cremation in Punjab should be investigated. Only then will survivors like Paramjit Khalra, who has tirelessly campaigned for justice, be able to rest.

■ **MEENAKSHI GANGULY**
is a researcher for Human Rights Watch