

POLICE TORTURE IN PUNJAB, INDIA: An Extended Survey

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Sikhs make up just 2% of India's population, but 60% of the population of Punjab. In the last two decades, a Sikh separatist movement has developed in India, spawned by perceived political and economic abuses by the government of India.¹⁻⁶ Since religious figures led the Sikh separatist movement, some understanding of this faith is relevant to the current discussion.

Sikhism was founded by Guru Nanak, who was born in 1469, in what is now Pakistani Punjab. In renunciation of the Hindu caste system, Guru Nanak promoted egalitarianism. Thus, Sikh temples, called *gurudwaras*, have four doors facing in the four directions to signify that anyone who chooses may enter. Each gurudwara also contains a kitchen that serves a charitable function: All persons seeking food and shelter can find them here.⁷

In 1699, Guru Gobind Singh, the tenth and last Sikh Guru, established the military brotherhood of the Sikhs, called the *Khalsa*, at Anandpur. He gave the name *Singh* (meaning "lion") to all male members of the Khalsa, and to the women, he gave the name *Kaur* (meaning "princess"). Each member of the Khalsa was to wear five symbols of the Sikh faith: *kesh*, uncut hair; *kanga*, a special comb in the hair; *kachera*, special breeches; *kara*, a steel bracelet; and *kirpan*, a sword. Khalsa Sikhs today refer to themselves as "baptized," or *amritdhari*, Sikhs.⁸ Because militant, *Khalistani* Sikhs (those advocating an independent home-

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land) largely come from this group, those having uncut hair and the other accoutrements of a baptized Sikh were at risk for police suspicion and harassment during the period of unrest in Punjab following the Indian Army invasion of the Golden Temple in Amritsar in 1984.^{9,10}

The percent of the Sikh population of Punjab who are amritdhari is unknown, as is the proportion of the entire Sikh community who supported the Sikh militancy and its fight for *Khalistan* (literally, "Land of the Pure"). This fight was spawned during the "green revolution" in the 1970s and 1980s when Sikhs became dissatisfied with the Indian government's distribution and prices of water and fertilizer as well as its grain-pricing policy.¹¹

The International Community and the Proscription of Torture

From its beginnings, the United Nations (UN) has taken a leading role in the movement to ban torture. On 10 December 1948, the UN adopted the Universal Declaration of Human Rights as a statement of its goals and aspirations regarding human rights and fundamental freedoms. Article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment."¹²

Over the next decades, the UN continued to work on the adaption of universally applicable standards to prevent abuses of individuals. This work culminated in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted on 10 December 1984 and entered into force on 26 June 1987. As of August 2002, 130 states have ratified the Convention, including India, which finally did so in 1997.¹³

The Convention explicitly states that no exceptional circumstances, whether state of war, internal political instability, or any other public emergency, may be invoked as a justification for torture. It obligates states to make torture a crime and to prosecute and punish those guilty of it. Under the Convention, no state party may expel, return, or extradite a person to another state where there are substan-

tial grounds for believing that he or she would be in danger of being subject to torture.¹⁴ This tenet of the Convention is in line with current asylum law in the United States.

On 26 June 2000, the third International Day in Support of Victims of Torture, the UN High Commissioner for Refugees, the Committee Against Torture, the Special Rapporteur on Torture, and the Board of Trustees of the Voluntary Fund for the Victims of Torture adopted a joint declaration, urging all states to ratify the Convention Against Torture without reservations. They also encouraged states to include a provision in their domestic laws that would give victims of torture compensation and rehabilitation, as mandated by Article 14 of the Convention.

Human Rights Abuses in India: Torture in Punjab

Despite the growing consensus against torture by the international community, Amnesty International, Human Rights Watch, and the U.S. Department of State have repeatedly cited India, among others, in their annual reports for a host of human rights abuses, including torture carried out by police and state security forces.¹⁵ Current attention is focused on Jammu and Kashmir, but unrest in Punjab in the 1980s and 1990s resulted in innumerable cases of illegal detention and torture of Sikhs and others.¹⁶⁻²²

Political unrest in Punjab came to world attention in 1984 with the Indian army's raid on the Golden Temple in Amritsar. For much of the next decade, various groups of advocates for a Sikh independent state of Khalistan engaged in political activities ranging from peaceful rallies to terrorist acts. Sikh militants killed hundreds of people in shootings and bombings.^{23,24} Punjab police retaliated with systematic torture and summary executions.²⁵ In addition, police arrested, detained without charges, systematically tortured and killed thousands of Sikhs who were perceived to be sympathetic to the militant movement.²⁶⁻²⁸ One recent report documented that more than 2,000 persons killed in police custody were cremated illegally in one district of Punjab alone.²⁹

Documentation of Torture and Political Asylum

Many Sikh survivors of police torture in Punjab have applied for political asylum in the United States, and most face an uphill battle. According to data provided by the Asylum Division of the U.S. Immigration and Naturalization Service (INS), only 26% of 4,926 Indian nationals (the majority were Sikhs) who applied affirmatively for political asylum in 1997 were approved.³⁰ In many cases, denial is due to insufficient evidence of torture.

Torture methods used in Punjab, similar to those in many other regions of the world, inflict excruciating physical and emotional pain but, by intention, infrequently leave lasting physical scars.³¹ This makes it difficult for victims to substantiate their claims of torture and possible for states to deny that it is being carried out. Thus, many who apply for asylum in the United States are denied because they lack specific physical evidence of having been tortured. Documentation by physicians of physical findings that are consistent with asylum applicants' allegations of torture is therefore important. To date, however, detailed information on torture practices in Punjab that may corroborate individual claims of torture has been unavailable.

Gaining political asylum in the United States also depends on individual applicant's ability to demonstrate well-founded fear of persecution. For asylum applicants from Punjab who are claiming recent torture—even for those with clear medical evidence of torture—an additional obstacle exists: lack of information about the practice of police torture in the region after 1992, when Human Rights Watch/Asia and Physicians for Human Rights had most recently documented cases. Evidence of subsequent instances of police torture has not been systematically gathered.

The survey discussed here was conducted in 1997 to document recent cases of police torture of Sikhs and to document a sufficient number of cases during the period of unrest to establish patterns of torture practices and related physical findings. The information gathered from the survey was intended to aid clinicians in assessing claims of torture by Sikh asylum applicants from Punjab who now reside in the United States. It may also provide a basis for evaluating

patterns of torture in other areas of India, for example, in Jammu and Kashmir, and may assist torture victims in Punjab who claim restitution.

Conducting the Survey

In April 1997, one of the authors (A.L.) traveled to India to interview 202 men and women who reported being tortured in Punjab. H.S. served as interpreter. Respondents were recruited throughout Punjab by human rights workers associated with Human Rights and Democracy Forum (HRDF), a nongovernmental organization (NGO) that provided legal assistance to individuals who alleged human rights abuses. Approximately two weeks prior to the April visit, HRDF liaisons in cities and villages throughout Punjab were contacted about helping with the survey. These liaisons in turn spread information, primarily through word-of-mouth, that an American doctor was coming to obtain testimonies about police torture.

The investigators held interview sessions in eight districts: Amritsar, Bathinda, Fategarh, Jalandhar, Ludhiana, Moga, Ropar, and Sangrur. Interviews were conducted in community meeting rooms, gurudwaras, and private houses. Of the 202 Sikhs interviewed, 10 cases were excluded because of missing data, primarily dates of torture.

Interviews were semistructured and included demographic variables, dates of detention, methods of torture suffered, reported injuries, reasons given by police for arrest and/or torture, and current, self-reported medical problems. Each respondent who had been tortured received a focused physical examination of injuries. Verbal, witnessed informed consent was obtained, and respondents did not receive any compensation for participating.

Demographics of the Respondents

Complete data was compiled for a total of 192 respondents—168 men and 24 women. At the time of the interviews, respondents' average age was 45 years (ranging from 17 to 82); respondents' average age at the time of the torture was 37 years (ranging from 12 to 78). As indicated by the following two cases, victims' gender or age did not deter police from torture.

Case 1

A.S. (78 years old at the time of torture) an Indian-British army veteran of World War II, was picked up and severely beaten by police who interrogated him about his grandson, a militant. His left arm showed a deformity as a result of a through and through break of his humerus by police.

Case 2

S.K. (29 at the time of torture) was arrested and was tortured with her mother during an interrogation about her husband, a militant. Her two daughters, then ages 1 and 3, were also detained and witnessed their mother's torture.

Survey respondents came from 126 different villages or cities located in 8 of the 17 districts of Punjab: Amritsar, Bathinda, Fategarh, Jalandhar, Ludhiana, Moga, Ropar, and Sangrur. Eighty-four police stations or detention centers in Punjab were named as torture sites. Those most frequently mentioned were in Faridkot (16 cases), Bhagapurana (15), Jagraon (14), Bathinda (12), Khanna (9), Jhabbal (8), Ropar (8), Amritsar (8), Handiya (7), Jhabbal (6), and Moga (5).

Respondents' occupations represented a cross-section of Punjabi society. Farmers made up the largest group (86 people or 47% of the total), which reflects the major occupation of Punjab. There were 25 (13%) members or officers of political parties: the Akali Dal (Mann) or the All India Sikh Student Federation (AISSF). Fifteen (9%) were homemakers, 17 (10%) skilled laborers, 7 (4%) students, 6 (3%) ex-army officers, 5 (3%) drivers, 4 (2%) government employees, 4 (2%) professionals, and businesspeople (2%). Three (2%) were self-described militants, and 6 (3%) reported working in other occupations.

Incidents of Torture

The number of times respondents reported being detained and tortured ranged from one to nine occasions. Numbers of self-reported torture incidents per year are shown in Figure 1.

Reasons for Arrest and Torture

Reasons cited for arrest and torture were mostly because police wanted information about militants, or to

punish persons who had allegedly supported militants (see Table 1). Specifically, 72 (40%) reported that police tortured them to find out identities or locations of militants; 39 (22%) were tortured for allegedly providing food and shelter to militants; 23 (13%) were either suspected or acknowledged militants. Nineteen (10%) were arrested and tortured because of alleged possession of illegal weapons. Others were arrested and tortured for presumed political activities with either the Akali Dal party (11 or 6%) or the All-India Sikh Student Federation (3 or 2%). Five persons (3%) said they were tortured to discourage them from pursuing a wrongful death claim for a relative who died in police custody. One person was tortured after witnessing police committing murder, a so-called encounter killing, and one person believed he was tortured for his work as a human rights lawyer. Notably, only four persons reported receiving detention and torture for reasons unrelated to militant or political activities, namely, for police extortion or as a result of interpersonal conflict.

Details of Police Torture and Acute Injuries

Given the purpose of the survey, what was most impor-

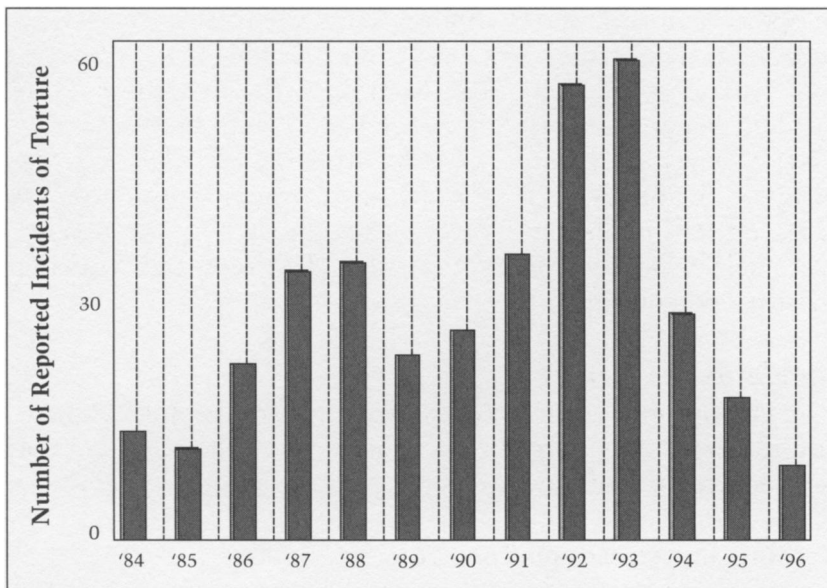


Figure 1. *Number of Reported Incidents of Torture: 1984 to 1996. (N=192)*

tant was to obtain detailed information about methods of torture and their resulting injuries (see Table 2). The descriptions of torture were highly similar. In virtually all cases, detainees were forced to disrobe and were then beaten with leather straps and/or wooden sticks. These acts were so common that most respondents did not even consider them acts of torture, but rather the expected consequences of being detained at a police station.

After beatings, the most common form of torture, reported by 144 (75%) of the respondents, was leg stretching. For this torture, detainees were forced to sit on the ground with their hands tied behind their backs. One police officer stood behind the detainee, pulling his or her head back by the hair, inserting his foot between the detainee's tied hands and low back while forcing his knee into the mid-back. Two other policemen, one on each side, stretched the legs as far apart as possible. Descriptions of this torture

Reasons for Torture (181 respondents)*	Respondents
	No (%)
Interrogated for information about militants	72 (40)
Accused of providing food, shelter, or transportation to militants	39 (22)
Accused of being or suspected of being a militant	23 (13)
Accused of illegal arms possession	19 (10)
Akali Dal member/officer/politically active	11 (6)
Prevent family from pursuing wrongful death of relative in custody	5 (3)
Extortion or personal conflict (not politically motivated)	4 (2)
Interrogated, no reason given	3 (2)
AISSF member/supporter/officer	3 (2)
Witness to police murder or "encounter killing"	1 (<1)
Involved with human rights work (lawyer)	1 (<1)

* Because of missing data, percentages were calculated using a denominator of 181.

Table 1. *Reported Reasons for Detention and/or Interrogation and Torture.*

were highly consistent. Seven respondents additionally reported that while their legs were stretched they were kicked in the groin and thighs by officers wearing heavy boots. Only a few, however, described sustaining an acute injury, other than pain and swelling: Nine reported dislocated hips; five reported dislocated knees; four reported torn muscles or skin; and one reported an ankle fracture. One young man said that his hip had been fractured by police forcefully rotating his leg by his foot while it was maximally abducted. He was permanently disabled.

Suspension was reported by 120 (63%) respondents. Detainees' hands were tied behind their backs, and the tied wrists were attached to a rope strung over a pulley or bar in the ceiling (or, in 4 cases, a tree branch). Detainees were either pulled up or made to stand on a table or chair that was pulled out from under them. With this torture, the head and upper body tilt forward and down causing excruciating pain in the shoulders. Seven respondents described having weights attached to their feet or persons pulling down on their feet to increase pressure on the shoulders. Three respondents reported having both of their shoulders dislocated during this torture, three reported suffering one shoulder

Torture Method	Respondents (N=192) *	
	No	(%)
Beating	182	(95)
Leg stretching	144	(75)
Suspension	120	(63)
Roller torture (over the thighs)	119	(62)
Electric shock	52	(27)
Falanga (beating the soles of the feet)	28	(15)
Burning	11	(6)
Knees flexed against a bar placed behind the knees	7	(4)
Other	85	(44)

* Percent adds to >100 because respondents could choose >1 answer.

Table 2. *Types and Frequency of Self-Reported Torture.*

dislocation, and one reported that his arm was broken. One person reported being suspended by the hair, two by a rope through the upper arms, and one by the ankles. Two respondents reported being beaten while suspended, one was subjected to electric shocks, one to petrol being poured on the skin, and one to having motor oil being pushed up his anus.

One hundred and nineteen (62%) reported being tortured with rollers that were applied to the thighs. For this method, the detainee was seated on the ground in the position described for leg stretching. A large, usually wooden, roller (iron rollers were used in five incidents and a smaller stick was used once) was rolled back and forth over the thighs by two police officers, one pushing down on each end. Variations were described: One person reported having the roller rolled on the back from the shoulders to the feet; one person had the roller rolled over the back of the thighs and calves, and another reported each thigh was rolled separately. Nineteen respondents described one or more persons standing on the roller to increase the pressure. One suffered an acute femur fracture from this torture that required surgical repair.

Several other forms of torture were less frequently described. Electric shocks, reported by 52 (27%), were administered using wires that touched their earlobes, genitals, toes, and fingers. A motor-scooter battery or small generator produced the current. Twenty-eight (15%) were beaten on the soles of their feet, 11 (6%) were burned, usually with hot metal rods, and 7 (4%) had a bar placed behind their knees with their heels forced up toward their buttocks.

Eighty-five respondents (44%) described various other forms of torture, including being subjected to mock executions at canal banks; being forced into positions (e.g., with legs in wooden clamps); being pulled by the hair with the head smashing against a wall; being submerged under water to near asphyxiation; having water hosed up the nose; having chili peppers forced into the anus; placing a large, heavy log behind the neck while the hands are tied together overhead; pulling out fingernails and toenails; being poked with thick needles; having acid or gasoline poured on the body; being raped; and having to watch while relatives are tortured.

Injuries, Scars and Other Long-Term Consequences of Torture

Despite the severity of the torture described, on medical examination, only 61 (32%) respondents had scars or other physical findings such as broken bones, thigh indentations, and joint abnormalities. Sequelae of specific torture methods were as follows: Of the 144 subjected to leg stretching, 7 had knee abnormalities, 3 had chronically dislocated or fractured hips, and 1 had an ankle deformity. Of the 120 who reported being suspended with their hands tied behind their back, 3 had visible wrist deformities, 1 had a shoulder dislocation, and 1 had a broken humerus. One person who had been suspended by the hair had a healed scalp lesion. Of the 119 reporting roller torture, 14 had indentations of the thighs from muscle atrophy (degeneration), 5 had bilateral, symmetric, oval-shaped healed abrasions on their mid-anterior thighs, and 1 had a fractured femur. Thus, the most commonly reported, methodically applied methods of torture left few objective physical findings.

An additional 15 respondents had evidence of healed fractures of the humerus, clavicle, teeth, wrist, finger, ribs, pelvis, or fibula, all of which were caused by beatings with sticks or rifle butts. Eight had healed burn scars from candles, hot irons, cigarettes, or electric shock.

Regarding long-term symptoms, 55 (29%) reported chronic pain or weakness as a result of torture; 31 (16%) had disabilities and were unable to work due to the alleged torture; and 25 (13%) reported mental-health problems (primarily symptoms of depression). Also, 27 (14%) reported profound fear of being arrested and tortured again. Only 37 (19%) reported no current problems from torture. The investigators deemed all long-term sequelae to be consistent with the abuses alleged by participants.

Summary and Discussion

The survey was conducted during mid-April 1997, gathered reports of 192 participants who alleged police torture at some time between 1984 to 1997. Participants ranged widely in age, and police purportedly arrested and tortured them primarily to get information about Sikh mil-

itant activity. The respondents resided in 126 villages and cities in eight different districts throughout Punjab. The survey revealed that acts of torture were carried out at 84 different police stations. Thus, occurrences of abuse were apparently widespread. According to one police officer, in his police station alone, between 4,000 and 5,000 acts of torture were committed each year from 1985 to 1990.³²

In this study, incidents of torture were greatest between 1992 and 1993; however, that may be because the investigators specified their interest in recent cases. Therefore people who had been tortured earlier may have been less likely to come forward. On the other hand, persons who had been tortured very recently may not have come forward for fear of reprisal. Although this study recorded no reports of police torture during the first three months of 1997, 12 cases were reported in 1996, including one death in police custody. Thus, this study extends previous findings and indicates torture continued after the unrest of 1992 to 1994.³³

Reported reasons for torture were largely related to militant or political activity. Villagers faced the dilemma of being threatened by militants if they refused to provide assistance or of being tortured by police if they provided it. In this way, many persons not directly responsible for militant activities also suffered.

Methods of torture reported included beating, leg stretching, suspensions, roller torture, electric shocks, and a number of less common abuses. These types of torture caused acute pain and soft-tissue damage but were less likely to cause lasting physical scars. Only a third of respondents who reported being tortured had visible scars or other physical evidence of abuse that was apparent on medical examination. Thus, the absence of physical findings did not exclude the possibility of torture in this group.

Knowledge of regional practices of torture is important because such information may corroborate allegations of torture by individuals seeking asylum in the United States and elsewhere.³⁴ In this study, descriptions of torture methods were remarkably similar throughout the sample, despite the dispersion of incidents and the large number of police stations implicated. Thus, the degree of consistency between a person's description of torture and an examiner's

knowledge of regional torture practices may be important evidence in medical evaluations for asylum applicants.

One limitation of this study is that it was based on self-reporting. The constraints of time and resources made it impossible to corroborate objectively each claim of torture. Unlike those seeking asylum, these men and women had little to gain and much to lose by coming forward. Many spoke of continued, profound fear of police and further torture. One respondent reported knowing of an informer in his village and that police were certain to question him about the visit by the study's investigators. Despite their fear, respondents repeatedly expressed the desire to have their individual stories heard by those outside Punjab. One former athlete who had been severely tortured pleaded, "Make it known internationally that the families . . . of militants are suffering . . . [though] they were not responsible [for the violence]. . . . All the justice-loving people should come to know the facts of the actual conditions."

A report from Physicians for Human Rights (PHR) Denmark indicated that, as recently as 2000, Punjab police were still using torture techniques on detainees, albeit for reasons different from those given by this study's respondents.³⁵ Reasons for recent arrests and torture documented by PHR Denmark focused on alleged thefts and business disputes. Even so, this is evidence that detainees are still being subjected to beatings, roller torture, electric shock, sexual assault, and suspension, even for nonviolent charges.

Human Rights Developments in India

The Indian government has made substantive steps to address human rights abuses. In 1993, it appointed a National Human Rights Commission (NHRC) with powers to investigate and recommend policy changes, punishment, and compensation in cases of police abuse.³⁶ Among other things, the NHRC has supported training programs for police, military and paramilitary forces. Unfortunately, the commission is reportedly understaffed.³⁷ Between April 1998 and March 1999 (the most recent reporting year), the NHRC received 40,724 new complaints of human rights violations.³⁸ In response to the massive volume of complaints to the NHRC, State Commissions have been set up

in nine states, including Punjab.

In addition, retired Justice Kuldip Singh of the Supreme Court of India established a People's Commission in 1998 that has documented the "disappearance" of more than 2,000 persons during the period of unrest in Punjab. Even so, according to the U.S. State Department, the People's Commission has reportedly received little cooperation from government authorities.³⁹

Despite these developments, the U.S. State Department's report on India for 2001 stated the following: "Numerous serious problems remain in many significant areas. Serious human rights abuses included: Extrajudicial killings, including faked encounter killings, deaths of suspects in police custody throughout the country and excessive use of force by security forces combating active insurgencies in Jammu and Kashmir and several northeastern states; torture and rape by police and other agents of the Government. . . ." Furthermore, in Punjab, "Hundreds of police and security officials were not held accountable for serious human rights abuses committed during the counterinsurgency of 1984–1994."⁴⁰

Clearly the government of India and her states have a long way to go toward ensuring that the human rights of its citizens are promoted and protected. Needless to say, a first step should be to ban the widespread use of torture by agents of government.

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