



PUNJABDISAPPEARED.ORG

disappeared, denied but not forgotten

INDEPENDENT PEOPLE'S TRIBUNAL (IPT)

On

Punjab Disappeared: Extra-Judicial Executions & Enforced Disappearances

Venue: Indian Academy of Fine Arts, MM Malviya Road, Amritsar, Punjab 14300,
(Opposite Ram Bagh Gardens)

Date: 1st and 2nd April 2017

The Punjab Documentation & Advocacy Project (PDAP)

IN COLLABORATION WITH

The Punjab Human Rights Organisation,
Lawyers for Human Rights International,
Committee for Co-ordination on
Disappearances in Punjab,
Khalra Mission Organisation

Human Rights Law Network,
Khalra Centre for Human Rights
Defenders,
Sikhs for Human Rights,
And Other Lawyers, NGOs & Human Right
Organisations

TRIBUNAL JURY PANEL

Justice Suresh

Retired Judge Bombay High Court

Justice A K Ganguly

Former Chairman of the West Bengal Human Rights and Retired Judge Supreme Court of India

Colin Gonsalves

Senior Supreme Court Lawyer and Director of Human Rights Law Network

Bibi Paramjit Kaur Khalra

KMO, Wife of Jaswant Singh Khalra

Parveena Ahanger

Chairperson of Association of Parents of Disappeared Persons, Kashmir

Babloo Loitongbam

Director Human Rights Alert, Manipur

Soni Sori

Tribal Activist & Human Rights Defender, Chattisgarh

Tapan Bose

Secretary General of South Asia Forum for Human Rights and documentary film maker.

Kavita Srivastava

President, People's Union for Civil Liberties

EXPERT WITNESSES PANEL

Amar Singh Chahal

Advocate, Punjab & Haryana High Court
Lawyers For Human Rights International, Chandigarh

Navkiran Singh

Advocate, Punjab & Haryana High Court
Lawyers for Human Rights International

Harshinder Singh

Advocate, Committee for Co-ordination on Disappearances in Punjab

Balbir Saini

Advocate, Ambala

Mohinder Singh

PDAP

Rajwinder Singh Bains

Advocate, Punjab & Haryana High Court
Punjab Human Rights Organisation

Gurtej Singh

Committee for Co-ordination on Disappearances in Punjab

Jagjit Singh

Advocate, Batala

Satnam Singh Bains

Barrister and Advocate

Jagjit Singh

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Baljinder Singh

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And other Punjab Lawyers, Activists and NGOs

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PUNJAB DISAPPEARED - INDEPENDENT PEOPLE'S TRIBUNAL

1995 to 2017: The 22 Year Struggle for Justice and Accountability in Punjab

DISAPPEARED, DENIED BUT NOT FORGOTTEN

The Punjab Documentation and Advocacy Project (PDAP) in collaboration with Human Rights Law Network, Committee for Co-ordination on Disappearances in Punjab, Lawyers for Human Rights International, the Punjab Human Rights Organisation, Khalra Mission Organisation, Sikhs for Human Rights and many other NGO's and activists are holding a two-day Independent People's Tribunal (IPT) on the issues of enforced disappearances, fake encounters and two decades of the denial of justice and accountability in Punjab.

The IPT will hear testimonies of hundreds of forgotten victims whose loved ones were disappeared and many of whom were cremated as "unclaimed and unidentified" by the Punjab Police in 22 of Punjab's districts. The Tribunal will provide a unique insight into

the practice of disappearances and extra-judicial killings by taking a victim based approach, offering a platform for the victims to depose before the panel their experiences.

The IPT will hear experiences of lawyers, activists and NGO's who have pursued cases and struggled for justice and accountability in Punjab.

The Punjab mass disappearances during the Punjab conflict have not received the importance and attention they deserve. An overwhelming number of victim's voices have never been heard in the public domain. The majority have been awaiting basic acknowledgement, accountability and redress. In a tiny minority of cases, which could be pursued through the Courts, the victims have been grounded down by the endless facades of litigation.

*"the contention... that the commission should undertake an investigation of all alleged police killings in Punjab, apart from being extremely expansive in nature, does not seem to... be reconcilable with the express terms of the court's remit" – **The NHRC's restricted mandate***

In the 22 years of these proceedings not a single witness has deposed or given evidence before the Commission. Not a single police officer, nor government official, has ever been cross-examined or given evidence despite 3 Sub-commissions of enquiry (Bains Committee, Bhalla Committee and Kang Committee). Over two decades of litigation, 525 persons are still classified and remain unclaimed/unidentified. Not a single case outside of the three cremations grounds was considered for compensation, which ignores over 25,000 other unclaimed/unidentified cases throughout Punjab.

Our distinguished panel will critically examine the present state of affairs; examine the findings of the PDAP report of large scale human rights

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violations, hear direct testimony

from affected victims (including those who have had no judicial recourse and those whose cases have been protracted or stayed for a period of over twenty years); the State's responsibility under domestic and International law and finally, the enforceable right to justice; effective and adequate remedies including immediate compensatory relief.

Twenty-two years since the disappearance, abduction and killing of Sardar Jaswant Singh Khalra, a human rights activist who uncovered mass cremations of 2097 individuals, we return to Amritsar. The IPT will revisit and examine the fate of those 2097 "*unclaimed and unidentified*" disappeared in Amritsar's three cremation grounds and other disappearances across Punjab share their expertise. Instead of learning the lessons of Punjab's bitter experience similar patterns of gross human rights violations have been mirrored in other conflict states in India.

The IPT will hear Expert evidence from the leading human rights lawyers in Punjab of their own bitter experiences and long struggles for justice

and accountability in Punjab

The IPT seeks to lay bare the endemic failures of the judicial process to investigate, prosecute, and hold to account those responsible for mass state violence. It will critically analyse the apathy and indifference of the Indian judiciary in perhaps the worst cases of mass state killings ever litigated in independent India. The "Punjab Mass Cremations Case" before the NHRC (National Human Rights Commission), remains one of the most protracted and unresolved cases in Indian legal history. The IPT will analyse why none of the miniscule number (around 30 cases out of 1513), investigated by the CBI have resulted in a single conviction and are themselves currently subject to judicial stays.

The IPT will consider why the NHRC has made no comment in a single case concerning the 1513 identified cases, as to whether they were genuine encounter killings using legally sanctioned lethal force or whether they were extra-judicial killings (fake encounters). Whilst the NHRC has conducted high profile "fact findings" in other

states in India, there has never been an NHRC led enquiry that has ever visited Punjab to investigate and consider the accuracy of thousands of police killings in so-called encounters.

The PDAP builds upon the considerable and ground breaking work done by the Committee for Co-ordination on Disappearances in Punjab, Human Rights Law Network, Sikhs for Human Rights, Khalra Mission Organisation the Punjab Human Rights Organisation, Lawyers for Human Rights International, Committee for Information and Initiative on Punjab, as well as many committed and tenacious Advocates, NGO's and Activists.

The PDAP travelled to over 1400 villages in Punjab investigating thousands of cases and draws on seven years of documentation through corroboration with victim's testimony, eyewitness accounts, records, data and evidence. It examines the patterns, which emerge in the litigation undertaken by human rights advocates and organisations in identifying what

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happened to thousands of victims, who ended up with the ignominious title "lawaris" and "unpechathi" (unclaimed and unidentified).

The PDAP has investigated and re-examined thousands of enforced disappearances and extrajudicial killings in Gurdaspur, Amritsar, Ferozepur and other affected areas.

A report will set out the preliminary findings in a number of these cases. A detailed set of findings will be presented, that the overwhelming majority of the NHRC 1513 cases in which the unidentified were identified, were the result of an enforced disappearances and extra-judicial killing. The report concludes by arguing that there remains a cogent and compelling case for on-going effective investigation in cases from all districts in Punjab.

In 2013, the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Christof Heyns in his report presented to the UN Human Rights Council (UN HRC), noted that, '*delay in judicial proceedings constitutes*

one of India's most serious challenges and has clear implications for accountability.'

With a specific reference to Punjab, he pointed out

"lengthy and ineffective proceedings exist in Punjab where large-scale enforced disappearances and mass cremations occurred between the mid-1980s and 1990s. The lack of political will to address these disappearances is evident in a context where steps to ensure accountability have been reportedly inconclusive."

The IPT will examine the disparate, inconsistent and flawed approach towards mass state crimes, when the Punjab experience is compared to similar conflicts in India. How the failure to provide justice or any meaningful post conflict resolution to this dark chapter in Punjab's history is inextricably linked to Punjab's present problems, and future.

The IPT aims to dispel the fear psychosis which shroud such discussions through critical analysis, meaningful discussion and a constructive approach

as to what can be done through a distinguished panel of retired judges, human rights activists, lawyers, media and others who have advanced the cause of truth, justice and accountability.

The IPT is the latest step in a concerted effort to uncover the truth and for truth, justice, reconciliation and rehabilitation for the affected people of Punjab.

"I am a member of the human rights movement in Punjab. I have no fear! I have been enticed, beaten, threatened and jailed by police for too long to fear them. Last time was just six months ago that they came to coax me.... It's not that I had fought. I am fighting. I will keep fighting. I will die fighting."

Chaman Lal, father of Gulshan Kumar, who was 20 years old when he was abducted from his home on June 22, 1993 and killed. He lived for 100 years but died waiting for justice.

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