

September 29, 1991

ENCOUNTER IN PILIBHIT:

Summary Executions of Sikhs in Uttar Pradesh, India

On July 13, ten Sikh bus passengers traveling in Uttar Pradesh state were taken into custody and shot dead in what authorities have claimed was an armed "encounter" with police. An eleventh detainee has subsequently disappeared. Eyewitnesses to the detention interviewed by Asia Watch reported that none of the detainees was armed, and Asia Watch believes that the detainees may have been summarily executed. A number of eyewitnesses who have filed affidavits in the courts have subsequently been threatened by the police. Police routinely engage in extrajudicial executions and disappearances of civilians and suspected Sikh militants in Punjab. The Pilibhit incident indicates that the police in Uttar Pradesh are engaging in similar human rights violations against alleged militants in that state.

Background

Pilibhit, a town in northern Uttar Pradesh (Uttar Pradesh), is located in Pilibhit District in the Terai region, a marshy plane south of the Himalaya mountains on the Nepal border. Pilibhit District is home to a large Sikh community, including many migrants from Punjab.¹ The town of Pilibhit also has a significant Sikh minority.

The Terai's proximity to Punjab and its large Sikh population have given rise to fears of separatist violence from Punjab spreading to the region. The jungle areas of the Terai have gained a reputation for arms and drugs smuggling from Punjab and across the Nepal border, with both militants from Punjab and criminal gangs profiting in the trade.² Tensions between migrants from Punjab and local inhabitants who see the newcomers as rivals for land and jobs have also led to violent clashes.³

To combat rising militant and criminal violence, the state police have launched extensive search operations and detained scores of Sikh men.⁴ Many of those detained have been held under the Terrorist

¹ The Terai has been described as a "mini-Punjab" because of its large Sikh population. Nalital District, which lies west of Pilibhit, has the largest Sikh population in the region, with some 125,000 Sikh inhabitants. Other districts with large Sikh populations include Rampur, Lakhimpur, Shahjahanpur, Bijnor, Saharanpur and Dehradun. Pilibhit district is home to some 50,000 Sikhs. See S.K. Tripathi, "Closing Ranks in the Terai," *Indian Express*, August 26, 1991.

² The militants operating in the Terai are reportedly associated with at least one militant organization based in Punjab. See S. K. Pande, "Blood in the Terai," *Frontline*, August 3-16, 1991. As in Punjab, there are also a number of criminal gangs operating in the region, some apparently with the support of local party bosses or politicians. According to one observer, "It has become difficult to distinguish between the activities of local criminals and those of militants ... At present there are estimated to be 100 militants in the region. Many police are accused of being in league with the militants and other criminals." S. K. Tripathi, "Closing Ranks in the Terai," *Indian Express*, August 26, 1991. See also Sajeda Momin, "A Fake Encounter in Pilibhit," *Telegraph*, June 28, 1991; "One Man's Law," *Economist*, August 10, 1991, pp. 23-24.

³ Ibid.

⁴ According to one report, efforts to crush militant activity in the region increased after the appointment of Director-

and Disruptive Activities Act (TADA) on charges of "harboring terrorists."⁵ As in Punjab, these efforts have resulted in serious human rights violations, including arbitrary arrests and extrajudicial executions of Sikh civilians and suspected militants.⁶

The Pilibhit Encounter

Between June 29 and July 13, 1991, a bus carrying 25 Sikh pilgrims on a tour of Sikh shrines in the states of Uttar Pradesh, Madhya Pradesh and Maharashtra stopped for the night in the town of Etawah, Uttar Pradesh.⁷ The passengers included 13 men (two of whom were elderly), nine women and three children -- two girls aged ten and fifteen, and a twelve-year-old boy. Asia Watch interviewed six of the passengers, who related the following account.

After departing Etawah on the morning on July 12, the bus reached a police barrier at Kachla Ghat in Badaun district about 125 kilometers from Pilibhit about 11:00 a.m., where it was ordered to stop. A police van pulled up alongside the bus and directed it to a nearby police check post. The bus was then surrounded by three police vehicles -- the van, a police truck and a jeep. The passengers estimated that some 60-70 uniformed, armed policemen surrounded the bus.

The police then ordered all thirteen men off the bus. They tied the men's hands behind their backs with

General of Police Prakash Singh, who had served with the police in counter-insurgency operations in Assam. See S.K. Tripathi, "Closing Ranks in the Terai," *Indian Express*, August 26, 1991.

⁵ TADA was first enacted in 1985. It permits administrative detention without formal charge or trial for up to one year, and has been used widely against persons suspected of being militants or militant sympathizers. In addition, TADA defines "disruptive activity" to include even the peaceful expression of political views and has been used to crush legitimate political dissent throughout India. TADA suspends ordinary safeguards against torture by permitting a detainee to be held for interrogation in police custody for sixty days; ordinary law allows for only 15 days detention in police custody. During this period of detention, detainees are at a substantially greater risk of being tortured. TADA also severely restricts detainees' right to bail. Trial procedures under TADA violate international standards of due process by permitting the identities of witnesses to be kept secret, reversing the presumption of innocence and placing the burden on the accused to prove he is not guilty and permitting the introduction into evidence of confessions which may have been coerced. TADA also eliminates the right of appeal to the High Court, restricting such appeals to the Supreme Court. The cost of such appeals are prohibitive for many detainees. Finally, TADA cases are heard before special courts; detainees may languish in custody waiting for the establishment of such courts and the appointment of judges or for a backlog of cases to be cleared before they get a hearing.

⁶ For more on human rights violations by government forces and Sikh militants in Punjab, see Asia Watch, *Punjab in Crisis* (August 1991).

⁷ The bus was driven by Musaraf Hussain and had one other crew member on board. The pilgrimage departed from the town of Sitar Ganj in Nalital district on June 29. The pilgrimage visited Patna Sahib and Hajur Sahib, Nanded, Maharashtra on July 2 and Gurdwara Sachkhand Hazur Sahib, Nanded on July 7. On July 8 the bus stopped at Gurdwara Banki-Chhor in Gwalior in Madhya Pradesh. The bus was due to return to Pilibhit on July 13. See Sajeda Momin, "A Fake Encounter in Pilibhit," *Telegraph*, July 28, 1991. See also Dumpy et al., *Inquiry Report on the Killing of Sikh Pilgrims at Pilibhit in Fake Encounter by the Police*. (Hereafter cited as *Inquiry Report*.) The report was the result of a mission appointed by the president of the Congress Party. It included four members of parliament, Manoranjan Bhakta, Suresh Pachouri, S.S. Ahluwalia and Dr. Abrar Ahmed, and former MLA Akbar Ahmed Dumpy. The team conducted its investigation on July 22, 1991, in Pilibhit and the villages of Jagat and Pastaur.

⁸ The interviews were conducted on August 21, 1991, in the Gurdwara Rakab Ganj Sahib in Delhi. The women interviewed were Joginder Kaur, Jagir Kaur, Parkash Kaur, and Lakhbir Kaur (Kaur is a name taken by Sikh women, just as Sikh men take the name Singh as a sign of their faith). The two elderly men interviewed were Kartar Singh (65) and Pal Singh (in his 60s). Joginder Kaur, Jagir Kaur, Parkash Kaur and Kartar Singh have all filed affidavits in the Supreme Court.

their turbans. The police slapped the men and insulted them. The two elderly men were then ordered to get back on the bus with their hands still tied while the police led the remaining eleven men into the police van. Twelve to fifteen policemen then entered the bus. They pointed their guns at the back of the passengers' necks and ordered them to keep their heads down and not to look around.

At approximately 11:30 a.m. the bus was permitted to continue towards Pilibhit, accompanied by the three police vehicles. The twelve to fifteen police remained standing in the aisles of the bus, directing the driver to follow the police convoy and ordering the passengers to keep their heads down.⁹ They drove for six hours, passing Pilibhit and continuing until they crossed the Madhotanda canal and reached a fork in the road where the Pilibhit Guest House is located. A number of police were standing in front of the guest house when the vehicles approached. At the fork, the police van, truck and jeep turned left, away from Pilibhit. The police on the bus ordered it to turn right toward Pilibhit.

Ten to fifteen minutes later, the police ordered the bus to stop on the banks of a canal. They untied the hands of the two elderly men and allowed the passengers to raise their heads. The police searched the passengers' belongings for about 30-40 minutes, after which the police confiscated two cameras and all the belongings of the eleven men who had been taken into custody. According to the passengers, no arms were found. During the search the police told one of the passengers that they had been looking for the bus for four days. The police also asked one passenger, Joginder Kaur, if she was the mother of Lokhinder Singh, who has been detained since December 1990. Her older son, Talvinder Singh, was among the eleven passengers taken into custody. Joginder Kaur told Asia Watch that she did not know how the police identified her, as she had never seen any of them before.

The bus then continued on for 30 to 40 minutes until it stopped at a petrol pump at Sakria. From Sakria, the bus drove on for another 15-20 minutes until it stopped at a hotel near the Kotwali police station. There, the police took turns getting off the bus and entering the police station. After twenty minutes all of the policemen were back on board and the bus continued on. At about 10:30 p.m. the bus finally reached its original destination, the *gurdwara* (temple) on Pakria Mohalla street in Pilibhit. The passengers were told to take their belongings and return to their villages while the police departed with the bus and crew. This was the first time the passengers had been allowed to leave the bus. Despite repeated requests, none of them, including the children, had been permitted to eat, or to get off the bus to go to the toilet during the entire twelve-hour journey.

On July 14 ten of the eleven men who had been taken into custody were reported as having been killed in three separate "encounters"¹⁰ with the police in forest areas near the Nepal border. The men were:

Baljit Singh ("Pappu"), son of Vasant Singh of Arjunder, Dhariwal, Gurdaspur, Punjab;
Jaswant Singh ("Jassa"), of Gurdaspur;
Harbinder Singh ("Minta") of Gurdaspur;
Sujan Singh ("Bittu") of Gurdaspur;
Jaswant Singh Fauji of Gurdaspur;
Bichchettar Singh, son of Atma Singh of Gurdaspur;
Kartar Singh, son of Raunaq Singh of Gurdaspur;

⁹ The vehicles traveled in the following order: the jeep, the van carrying the eleven male passengers, the police truck and the bus.

¹⁰ Because the police frequently claim that alleged militants are killed in such encounters, the term "encounter killing" has been adopted by Indian human rights groups to refer to the summary executions of detainees.

Lakhvinder Singh, son of Surmej Singh of Jagat, Amaria, Pilibhit;
Tarsem Singh, son of Darshan Singh of Gurdspur;
Narender Singh, son of Darshan Singh of Partura, Amaria, Pilibhit.¹¹

The newspaper reports made no mention of the eleventh detainee, fifteen-year-old Talvinder Singh ("Billu"), the son of Malkiat Singh of Nawadia, who had organized the pilgrimage. In a letter to the director-general of police in Uttar Pradesh, dated July 21, Malkiat Singh stated,

I asked [the] whereabouts of my son from police but they have not informed me anything. Since that day I am running from pillar to post to find out the whereabouts of my son. The police have not informed me whether my son is still in their custody or has been released.

Ashok Kumar Panda, counsel for the People's Union for Civil Liberties, a human rights organization, has filed a habeas corpus petition in the Supreme Court to have Talvinder produced in court. The court has ordered the state government to produce Talvinder or inform the court of his whereabouts. Proceedings have been adjourned until September 25, 1991.¹²

In interviews with journalists, Superintendent of Police R.D. Tripathi claimed that the men killed were "terrorists." According to Tripathi, the Punjab Police had offered a reward of Rs. 50,000 (about \$2,000) for Baljit Singh and Jasvinder Singh Fauji, whom they claimed were militants belonging to the Khalistan Liberation Army and the Khalistan Commando Force, respectively. Tripathi also claimed that the Amaria police station had registered a case against Lakhvinder Singh for allegedly killing a man in Peeta Daam and for attacking the police in Bhainmal. Tripathi also alleged that Narender Singh was a member of a gang associated with the Khalistan Commando Force and was wanted in connection with an attack on the Majhola police.¹³ According to the *Times of India*, however, only Baljit Singh and Jasvinder Singh Fauji had police records.¹⁴

Several Indian political organizations have conducted investigations into the events following the detention of the eleven passengers.¹⁵ According to these and press reports, two or three of the men

¹¹ See Ajay Singh, "Pilibhit Victims were Pilgrims," *Times of India*, July 18, 1991. The names of those killed were provided to a commission of members of Parliament by the Divisional Commissioner at Bareilly. See Dumpy et al, *Inquiry Report*.

¹² See "SC Directive on Pilibhit Killings: Pay 50,000 Each to Victims' Kin," *Times of India*, August 22, 1991.

¹³ See *Amar Ujala*, July 15, 1991.

¹⁴ See Ajay Singh, "Pilibhit Victims were Pilgrims," *Times of India*, July 18, 1991.

¹⁵ In addition to the report published by Dumpy et al. (see footnote 7), three other groups published reports on the incident. One mission was conducted by representatives of the India's communist parties, including Asim Bala, a Communist Party of India (Marxist) (CPI(M) member of Parliament (MP); Vishanath Sastri, a Communist Party of India (CPI) MP; Kali Shankar Shukla, a member of the Kendriya Parishad (Central Committee) of the CPI; Vijay Shant, Secretariat member of the Uttar Pradesh State Committee of the CPI (M); Shambu Datt Belwal, district secretary of the Bareilly CPI (M); Jagdish Saran, parliament office secretary of the CPI (M); and J.P. Sharma, president of the Bareilly district Kisan Sabha (CPI). The mission was conducted in and around Pilibhit on July 27-28, 1991. The findings are contained in a report, *Visit to Pilibhit of Left Parties* (hereafter cited as "*Left Parties Report*").

A third investigation was carried out by prominent Sikh leaders Harcharan Singh Dilli and Wing Commander R. S. Chatwal, secretary of the Sikh Forum. The men visited Pilibhit and adjoining areas from July 19 to July 21, 1991. Their report is entitled *Report Regarding Pilibhit Killings*.

Finally, the Indian People's Front, headed by Chittaranjan Singh, issued a report entitled *Investigation Report of the*

attempted to escape from the Pilibhit Guest House. After they were captured by local villagers and turned over to the police, the police divided the men into three groups of four, four and two. One group was taken to the Mela jungle of Dhamela Kuan, about 20 kilometers from Pilibhit between 4:00 and 5:00 a.m. on July 13, according to local villagers.¹⁶ Another group of four was taken to Phagunai forest, about 70 kilometers from Pilibhit. According to a press report, the priest of a nearby *gurdwara*, along with other residents, saw the men being taken in a police jeep. The men were then taken to the Phagunai Ghat, along the Khannaut River where according to a press report,

One of the men screamed "*Baachao, baachao*" (save me, save me). The rattle of a gun, however, silenced the voice. A Sikh farmer who owns a farmhouse adjacent to the site of the encounter said the firing continued for two minutes. ... He said that he locked his house in sheer panic.¹⁷

The remaining group of two was taken to Pattabouji, about 20 kilometers from Pilibhit. In Pattabouji, the police confiscated the rifle of a local farmer and later claimed that it had been used by the men killed in the encounter.¹⁸ According to a journalist who investigated the encounter, other guns "were procured by the police from different localities, often using coercive methods."¹⁹ Apart from these claims, police officials have not explained how the detainees engaged them in combat when, according to testimony given by the other bus passengers and the driver, no arms were found on the men when they were taken into custody.

The police then photographed the bodies and reportedly cremated them in the early morning of July 13. The photographs appeared in the newspapers on July 14. Superintendent Tripathi told reporters that the police had killed the ten "militants" in "fierce encounters" in the forest. He claimed that the first took place Phagunai Ghat at 8:00 p.m. on July 12, the second near the Panabaghi forest in Pooranpur at 11:30 p.m. and the third on July 13 at 3:00 a.m.²⁰ The families were never informed by the police about the killings, nor were they given any opportunity to claim the bodies. The following police officials have been identified as among those who took the eleven men in custody: Superintendent R. D. Tripathi, Superintendent Brijender Sharma of the Pilibhit police station, Station House Officer (SHO) Harpal Singh of the Gajraula police station; SHO C. P. Singh Yadav of Nuria; and SHO Rajesh Sharma of the Tanda police station.

In an affidavit filed before the Supreme Court, the bus driver, Musaraf Hussain, stated that after the remaining passengers disembarked at the *gurdwara* in Pilibhit, he was ordered to return to the police station where he was warned by police officers not to talk about the incident, and if he was asked about it to state that he had dropped all of the passengers in Pilibhit. On July 17, Hussain was questioned about the incident by an intelligence officer from New Delhi. Afterwards, he was again called to the police station. State police officers asked him if he had "met anyone from Delhi." When he denied having done so, the officers warned him not to meet with "anyone from Delhi", but that if he was forced to give a statement he should say only that "he had dropped the pilgrimage party at the same place from where he had taken

'Encounter' Between Pilibhit Police and Alleged Terrorists. The report is based on investigations conducted on July 25 in Pattabouji and Mahoba (Mela) where the police allege the ten men were killed in encounters.

¹⁶ See Ajay Singh, "Pilibhit Victims were Pilgrims," *Times of India*, July 18, 1991.

¹⁷ Ibid.

¹⁸ See *Left Parties Report*, p. 4.

¹⁹ S.K. Pande, "Blood in the Terai," *Frontline*, August 3-16, 1991.

²⁰ Ajay Singh, "Pilibhit Victims were Pilgrims," *Times of India*, July 18, 1991.

them," that "nothing untoward happened on the way," and that "his bus was not stopped by the police" nor was anyone taken into custody on the way. Hussain was then ordered to sign a number of papers and released.

Two days later, Hussain was again called to the police station and ordered to sign another set of papers upon which something had been written that he was not allowed to read. After leaving the police station, Musaraf Hussain did not return home out of fear of the police but stayed with friends in Pilibhit. Later that night the police came to his home where his family told them that Hussain had left for the town of Bareilly. Other bus drivers later told Hussain's family that the police had stopped all the buses going towards Bareilly to search for Hussain. Since July 19, the police have frequently visited his family to question them about Hussain's whereabouts.²¹

The police have also harassed some of the witnesses attempting to file affidavits in the Supreme Court. In one instance, a police van followed the witnesses through the streets to the Supreme Court and entered the *gurdwara* where the witnesses were staying before being chased away.

Since the killings, the Pilibhit police have issued notices to Sikh men stating, "We have information that you have contacts with the militants and you are helping them."²² The notices also warned them that "helping or harboring terrorists" is a violation of the Indian Penal Code and the Terrorist and Disruptive Activities Act (TADA). Since the incident, the detention of Sikh men in the region on charges of "harboring terrorists" has increased.

Public criticism of the police action resulted in the transfer of Superintendent R. D. Tripathi on July 23. The transfer prompted protests by the Pilibhit police.²³ On August 21, the Supreme Court directed the Uttar Pradesh government to compensate each of the dependents of the ten men Rs. 50,000 (\$2,000). During the hearing, the state government continued to claim that because those killed were all "hard-core terrorists" the government's action was "in accordance with law."²⁴

Conclusions and Recommendations

The killings in Pilibhit were not an isolated incident. Such examples of summary executions of civilians and suspected militants have become endemic in Punjab, where countless Sikh men have been killed in staged "encounters." The security forces in Punjab, under the authority of the central government,²⁵ routinely engage in gross human rights abuses in the name of fighting "terrorism." The Uttar

²¹ In the affidavit, Hussain has requested the Supreme Court to order protection for him, and to permit Justice K.P. Singh, the head the commission of inquiry, to hear his testimony in Delhi, as he is afraid to return to Uttar Pradesh. Supreme Court of India, *Writ Petition No. 804 of 1991: Syed Musaraf Hussain vs. State of U.P. and Ors.*

²² While some of these notices had been sent before the Pilibhit incident, there has been a marked increase in the appearance of these notices since July 12. See "SGPC Protest on Notices to Terai Sikhs," *Tribune*, August 28, 1991.

²³ "Blood in the Terai," *Frontline*, August 3-16, 1991.

²⁴ "SC Directive on Pilibhit Killings: Pay 50,000 Each to Victims' Kin," *Times of India*, August 22, 1991.

²⁵ The security forces in Punjab include the federal paramilitary forces of the Central Reserve Police Force and the Border Security Force, in addition to the Punjab police. Punjab has been governed directly from New Delhi since its state assembly was dissolved in May 1987. Proposed elections for the assembly, and for national parliamentary seats, were scheduled to be held in June 1991 but were postponed.

Pradesh police operate under the authority of the state government, but it is clear that the same tolerance for lawlessness governs police practices in the state.

A judicial inquiry into the incident has been ordered to submit its report by October 31. Unless that inquiry results in action against the police officials responsible for the murders, it will be meaningless. Indeed, the history of such inquiries is not encouraging. In Punjab, no such investigation has resulted in the prosecution of members of the security forces for human rights violations.²⁶ The failure to take such measures has contributed to the tendency of the police force in Punjab to engage in such abuses and has added to escalating violence in the state.

If Uttar Pradesh state is to avoid similar bloodshed, measures to protect human rights must be taken immediately. Asia Watch calls on the state government to ensure that the Pilibhit incident is fully investigated by an impartial commission empowered to summon witnesses and compel testimony from members of the police. Police officers identified as being responsible for the detention or deaths of the detainees should be removed from active duty for the duration of the investigation and prosecution. Witnesses testifying before this body should be protected from intimidation and reprisals. The results of the inquiry should be made public and police officials responsible for the summary executions of the Sikh bus passengers should be prosecuted.

Asia Watch further urges the state government to appoint an independent team of doctors to conduct autopsies on all unnatural deaths of persons in police custody. The state government should immediately issue orders prohibiting the cremation of bodies of persons killed in encounters until such autopsies can be performed, and requiring that the families of those killed be notified promptly and permitted to claim the bodies.

Finally, Asia Watch calls on the state government to establish an inquiry into the disappearance of Talvinder Singh. Officials appointed to carry out the investigation should be given the power to search police facilities and subpoena police records. Talvinder Singh's family should be protected from intimidation and reprisals.

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News From Asia Watch is a publication of Asia Watch, an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg, the Vice Chairs are Orville Schell and Harriet Rabb, and the Executive Director is Sidney Jones.

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²⁶ In U.P., the results of the commission of inquiry into the murders of at least eighty Muslims by the police, also under the authority of Superintendent R. D. Tripathi, and members of the Provincial Armed Constabulary (PAC), in Meerut in May 1987 were never made public and no member of the police or PAC was prosecuted for the murders.

Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.