

## 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-

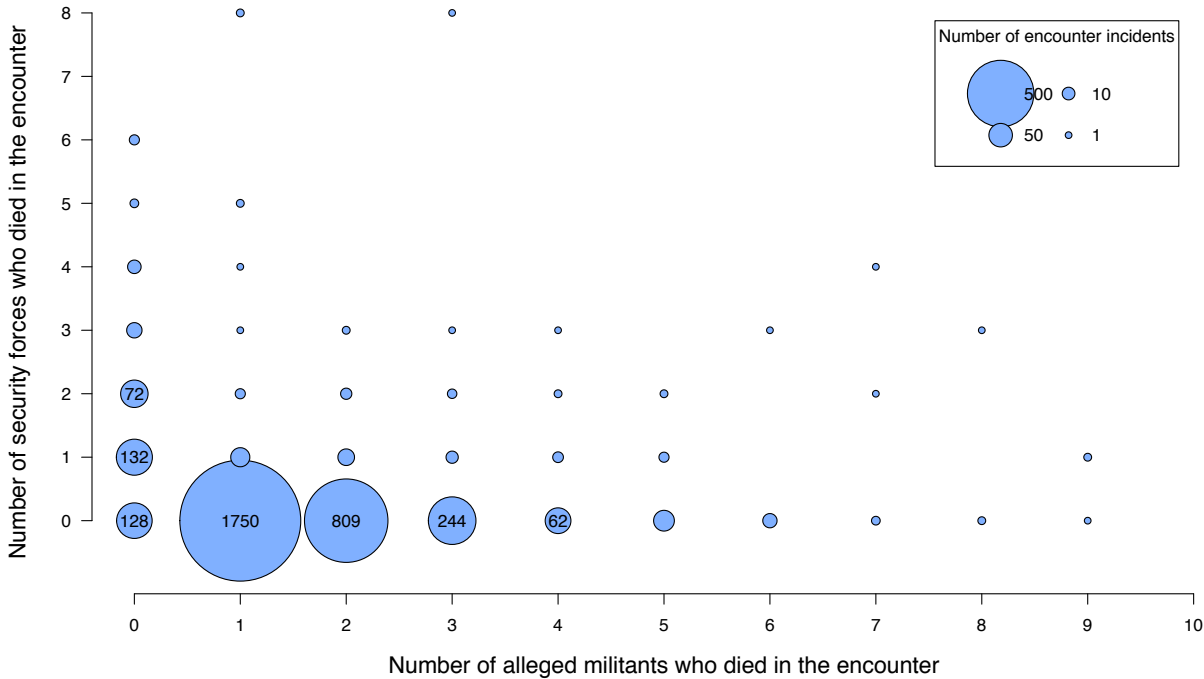
<sup>110</sup>KPS Gill, “Endgame in Punjab: 1988–1993,” South Asia Terrorism Portal, 2001, <http://www.satp.org/satporgtp/publication/faultlines/volume1/Fault1-kpstext.htm> (accessed December 11, 2008).

<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.



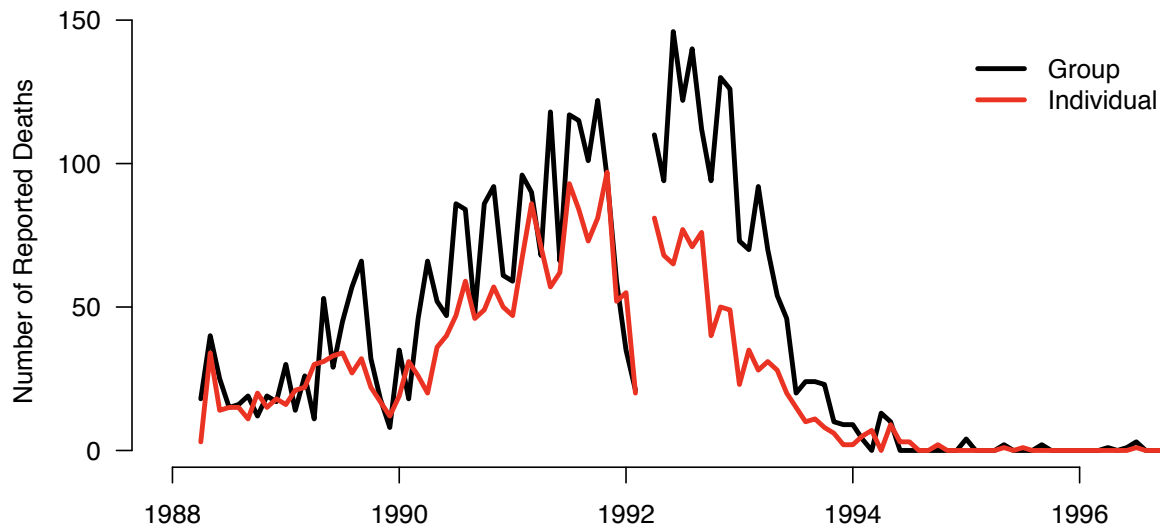
tion would motivate additional questions regarding the manner in which encounters were carried out.

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.

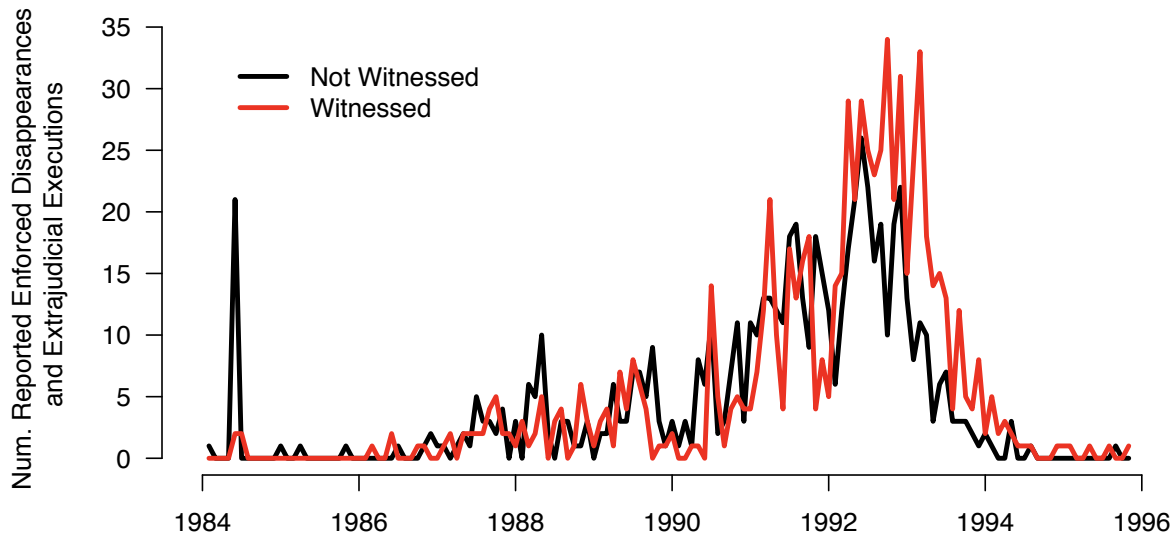
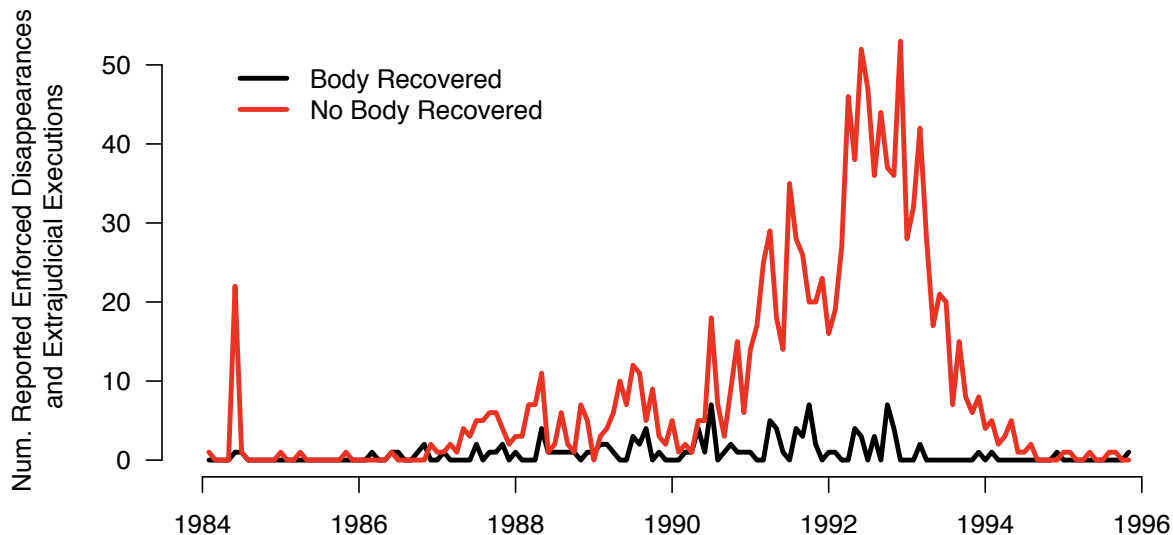


Figure 10: Monthly Number of Enforced Disappearances and Extrajudicial Executions Reported to the CCDP Over Time, by whether or not the Deceased's Body was Recovered. Not all reported enforced disappearances are graphed: 3% (51/1,691) of records do not contain information about whether the deceased's 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).

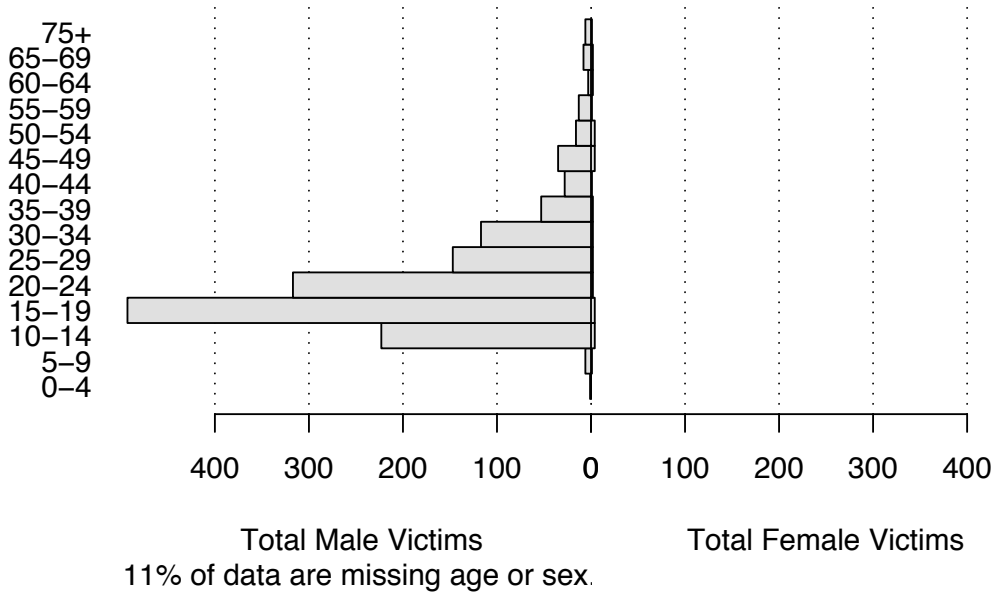
<sup>115</sup>Ball, et al., *State Violence in Guatemala*, p. 71.

<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.