

# FUNCTIONING OF REGIONAL HUMAN RIGHTS NGOS IN INDIA: A CASE STUDY OF THE ROLE OF THE 'LAWYERS FOR HUMAN RIGHTS INTERNATIONAL' IN PUNJAB

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## ABSTRACT

*Several Human Rights NGOs have been working in Punjab for the cause of promotion and protection of the rights and liberties of common masses. A few among them have an international and national recognition while the others are regional or local NGOs. The present study has been confined to analyze the role of human rights NGOs working at the regional level. As a case study, the organizational structure, functioning and role of the Lawyers For Human Rights International (LFHRI), a regional human rights NGO working in Punjab, has been taken into consideration. The study reveals that the human rights NGOs have been playing an ordinary role for the promotion and protection of human rights in Punjab. However, the NGOs work as the vigilant watch dogs and active pressure groups for upholding human rights. But primarily, their scope is restricted only to highlight the human rights violations. Furthermore, deficient composition, limited scope, narrow approach, community based narrow objectives, insufficient manual, material and financial resources and lack of expected co-operation from the government and civil society have demonstrated the role of NGOs feeble and unconvincing. The human rights NGOs are required to maintain an inclusive composition, make their scope more extensive, and their functioning more comprehensive.*

*Keywords: Victim, Police, Activities, Investigation, Legal Aid.*

## INTRODUCTION

NGOs have been undertaking development activities for the amelioration and betterment of the deprived sections of the society.<sup>1</sup> The NGOs perform their duties with a broader and holistic approach. They have succeeded in exerting a considerable influence on society through contributing to the socio-economic development of people particularly, the weakened sections.<sup>2</sup> In the area of protecting the civil and political rights, they have also played a significant role.<sup>3</sup> NGOs are essential in providing a detailed, first hand and a factual information regarding the cases of human rights violations which would not be available from government sources. Therefore there is an indisputable dependence on the NGOs to get information from the field.<sup>4</sup>

NGOs are emerging as agents of information, initiators of development and protection in the field of protection of human rights also. They are indispensable for forming public opinion by ensuring actual implementation of proposals and plans for the enhancement of human rights. These NGOs check the arbitrary acts of the security forces and the governmental authorities by keeping a vigilant eye on their activities. Non-governmental organizations are product of social action, history and culture.<sup>5</sup> Human rights NGOs have played a particularly important role in the evolution of the international system for the protection of human rights and in trying to make it work.<sup>6</sup> Governments which violate human rights are always eager to make sure that the applicable international human rights norms, institutions and procedures remain weak and ineffective. Human rights NGOs have practiced a mixture of direct and indirect initiatives to curb the violation. On the one side these NGOs emphasize on trying to directly pressure offending governments through public exposure while simultaneously stress on trying to stimulate influential governments to exert pressure behind the scenes.<sup>7</sup>

Human rights NGOs have been playing a key role for the promotion and protection of human rights in Punjab. Their scope is not restricted only to highlight the human rights violations, but these NGOs work as the vigilant watch dogs and active pressure groups for upholding human rights. The human rights NGOs in Punjab do not work only to measure the intensity and nature of human rights violations, but they adopt a clinical approach to suggest and initiate the measure for alleviation of human rights abuses also.

## **METHODOLOGY OF THE PAPER**

As far as the critical analysis of the functioning and scope of human rights NGOs in the State of Punjab is concerned, the present study has been confined to analyze the role of NGO working at regional level i.e. Lawyers For Human Rights International (LFHRI). The scope of the present study is limited to analyze the functioning of the NGO since post-terrorism period (1992 onwards) in Punjab. The present paper is an historical-analytical study based on both primary as well as secondary sources. Case study method has been applied to observe the nature and forms of cases disposed of by the NGO and to examine empirically and analytically the functioning of the NGO in individual cases of human rights violation in Punjab. Further, information has been supplemented through interview technique. Interviews of the victims of human rights, the relatives of the deceased and the office-bearers of the NGO and human rights activists have been conducted to obtain a first hand, reliable and empirical information and facts relevant to the study.

## **RESULTS OF THE STUDY**

### **Functioning and Scope of LFHRI**

*The Lawyers For Human Rights International' (LFHRI)*, a registered non-governmental human rights organization was formed in 1987 as a loose group by few lawyers to promote and protect

the human rights of common people and to defend the victims of state repression.<sup>8</sup> Later on, the Punjab police and the security agencies that were operating in Punjab had started a campaign to harass and kill the human rights defenders. The group started suffering losses. The members of the group, In 1992, formally organized themselves under the name of and style of '*Lawyers For Human Rights*', which later on came to be known as LFHRI. Thus, the organization which initially was formulated for the protection of lawyers themselves has now proved to be an effective protector of human rights of the common people.<sup>9</sup>

### **Organizational Structure<sup>10</sup>**

The Governing Body of the LFHRI is the core body of the Society which consists of one President, one Senior Vice-President, one Lady Vice-President, one General Secretary, three Organizing Secretaries, one Office Secretary, one Press Secretary and one Cashier. The total number of members of the Governing body shall be ten. The members of Governing Body are elected from amongst the members of General Body. There is provision of the Constitution of District level and Tehsil level units in the constitution of the NGO.

*LFHRI* is filing and defending the cases of human rights violations including, custodial violence by the State agencies, police atrocities, police inaction, and police torture. NGO has highlighted and even investigated at its own several cases of arbitrariness of state agencies including illegal arrest and illegal detention. Campaign against Death penalty, in favour of the rights of the prisoners, legal and moral support to the victims of human rights violations are the other main issues on which *LFHRI* has been continuously and sincerely working since more than a decade. The present study highlights some illustrative cases and reports dealt by *LFHRI* in the above mentioned areas and concerns.

### **Activities of *LFHRI***

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### **Role of *LFHRI* against Police Atrocities**

The NGO has always initiated to campaign against the police atrocities. Custodial violence is indeed a matter of great concern for *LFHRI*. The Organization has highlighted,

investigated and even prosecuted several cases of human rights violations which include the cases of custodial torture and custodial deaths, custodial rapes, police excesses and arbitrariness.

### **Custodial Death of Sarabjeet Singh alias Surjeet Singh<sup>11</sup>**

Sarabjeet Singh alias Surjeet Singh of village Valtoha in Amritsar district was picked up by a police party comprising Sub-Inspector Sita Ram, Head Constable Harjinder Singh, Constable Punjab Singh and Constable Manohar Singh on October 30 1993 from his house. He was badly tortured in the illegal custody and his condition became serious. The policemen thought him dead. They brought him to Civil Hospital Patti, at about 9 P.M. on 30.10.1993 for postmortem examinations. But the doctors found him alive at the postmortem table. He was immediately administered glucose and he gained consciousness. But when the policemen including Sub-Inspector Sita Ram came to know about his well being, they rushed back to hospital. They forcibly took away Surjeet Singh and after few minutes brought him dead for the postmortem. Due to the collective efforts of local advocates, human rights defenders and especially LFHRI, then Additional Sessions Judge, Amritsar, held Sub-Inspector Sita Ram guilty of murder under section 302 IPC and sentenced him to life imprisonment and fine of Rs. 2000. He was sentenced to 10 years of rigorous imprisonment under Section 364 IPC (abduction) with fine of Rs. 2000. His three accomplices were however let off by the court vide his order dated 18.5.1997

### **Custodial Death in Hassanpur Village, District Ropar<sup>12</sup>**

Devinder Singh, alias Bhola, son of S. Gurmukh Singh, aged 21 years was illegally arrested by the police personnel of C.I.A. Staff Ropar along with his elder brother Sapinder Singh. Devinder Singh Bhola was badly tortured by the police and died in police custody. The police made its side clear by saying that Devinder Singh had died due to heart attack.

### ***Findings of LFHRI***

The investigation team of the LFHRI visited the village Hassanpur, on 21<sup>st</sup> September, 1999. During the course of investigations, the team met about hundred villagers and recorded the statements of material witnesses and also talked to the other three victims of of same case, namely Sapinder Singh, Karnail Singh and Inderjit Singh separately. Facts disclosed by the parents of the deceased were also recorded. Joining all the facts and circumstances in the chain, the investigating team found that Devinder Singh, deceased was hale and hearty when he was picked up by the police party and he was subjected to inhuman third degree torture in order to extort confession of possessing an assault rifle and was killed in police custody in the C.I.A. Staff Ropar.

***Recommendations by LFHRI***

- Judicial enquiry must be done in the case to be conducted by a judicial officer not below the rank of Sessions Judge.
- An interim compensation of Rs. 3 lakh should be paid to the next of kin of the deceased Devinder Singh Bhola.
- Departmental action against the doctors of Civil Hospital, Kharar and Civil Hospital, Ropar must be taken for giving false medical report of the postmortem of the deceased Devinder Singh.
- The guilty police officers should be booked for custodial death of Devinder Singh with the procedure established by law.
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***Action Taken by LFHRI***

The copies of the above report were sent to the Punjab State Human Rights Commission and Punjab and Haryana High Court, besides police authorities. The Organisation provided free legal aid to the victims before Punjab and Haryana High Court and PSHRC. The PSHRC awarded an interim compensation to the tune of Rs. 2.5 lakh to the father of victim Devinder Singh. The Sessions Judge, Ropar after trying four police officials for causing the death of Devinder Singh in police custody, sentenced three policemen to life imprisonment and a fine of Rs. 5000/- each.

**Custodial Death of Amanjeet of village Badala, Distt. Ropar<sup>13</sup>**

Amanjeet was a 29 years old RMP doctor with B.E.M.S. and B.A.M.S. degrees. He lived in Chandigarh. As per the version of S.I. Ved Prakash in P.S. Sector 39, Chandigarh, a police control room gypsy brought Amanjeet to the police station at about 6.15 P.M. an F.I.R. No.57 dated 10.8.2000 under Sections 34/5/61(nuisance under the influence of liquor) of Police Act. Amanjeet was allegedly taken to General Hospital, Sector 16, Chandigarh for medical examination. When he was being brought back to the police station, he had a scuffle with Constable Naresh Kumar and in an attempt to escape, jumped from the moving vehicle on the road and suffered severe head injury. He was taken back to General Hospital, Sector 16, Chandigarh where he was declared brought dead.

***Findings by LFHRI***

After examining at least twenty witnesses and collecting all the necessary information from different sources, the team is of the firm belief that Amanjeet had undoubtedly died in police custody and that the police version of accidental death and scuffle while the influence of liquor is nothing but a figment of imagination and an attempt in order to escape themselves.

### ***Recommendations by LFHRI***

Since it is a case where the story of police is suffering from many flaws and there are many circumstances and allegations of gross negligence, pointing a finger of suspicion against the police of P.S. Sector 39, Chandigarh. LFHRI recommended that it was a fit case where an independent probe by some independent agency should be held, preferably by the C.B.I. and in the meantime, a criminal case should be registered against the policemen involved in the case.

### ***Action Taken by LFHRI***

The Organisation sent the copies of the above report to the National Human Rights Commission, Home Secretary, U.T. Chandigarh, besides concerned police authorities of Chandigarh police. Free legal aid was provided to the father of the deceased Amanjeet, Mr. Mulla Singh in filing a Civil Writ Petition in the Punjab and Haryana High Court seeking CBI inquiry into the custodial death of his son and for interim compensation to the tune of Rs. 5 lakh. The said petition is pending at the final argument stage in the High Court. However, no response was received from National Human Rights Commission by the Organisation.

### **Custodial Death of Jaspal Singh of village Saheri, District Ropar<sup>14</sup>**

Jaspal Singh alias Kala, a dalit youth, aged 17 years, resident of village Saheri, P.S. Morinda, Distt. Ropar was booked for apprehension of breach of peace. When he was brought to the police station and was being questioned, his health deteriorated and he became unconscious. When he was taken to Civil Hospital, Morinda, he was declared dead.

### ***Findings by LFHRI***

The investigation team of LFHRI visited Morinda and Civil Hospital, Ropar on 7<sup>th</sup> and 8<sup>th</sup> February, 2001 and during the course of investigation met about witnesses, hundreds of other residents of the area and also saw the dead body of the deceased minutely. Facts disclosed by the eye-witnesses and the relatives of the deceased were also recorded. The still photographs of the entire investigation were prepared. Joining all the facts and circumstances of the case, the team was of the views that direct involvement of SHO of the police station Morinda and his policemen and other criminal elements in the commission of murder of the victim, has also been established beyond the reasonable doubt. It has also established by the medical evidence that the deceased was brutally beaten and subjected to third degree torture and he could not bear the torture and died of serious external and internal injuries inflicted on his person due to beating by police.

### ***Recommendations by LFHRI***

- The investigation into the present case must be handed over to an independent agency like CBI.

- The family of the victim must be compensated by paying an ex-gratia compensation of Rs. 10 lakh from the State exchequer, besides offering a government job in district administration, because the deceased had been killed in police custody.
- Departmental action must be taken against the policemen involved in the case.

#### ***Action Taken by LFHRI***

The Organisation sent the copies of the report to the Punjab State Human Rights Commission, Punjab and Haryana High Court, besides concerned civil and police authorities. Organisation provided free legal aid to the parents of the deceased and filed a Civil Writ Petition in the matter seeking interim compensation to the tune of Rs. 5 lakh for the kin of the deceased.

#### **Custodial Death of Dalit Youth in Khanna<sup>15</sup>**

LFHRI demanded an independent enquiry into the alleged death of Dalit youth in police custody in Khanna. Members of LFHRI investigated the case. They found that Nahar Singh, a 35 years old youth, left his house on March 25, 2001 and did not return. The police gave its view that he was arrested for carrying poppy husk. When he was examined in the police station, his conditioned deteriorated which was due to any disease. But according to the investigation of LFHRI, the deceased was booked under the charge of carrying poppy husk and he was remanded in police custody. The family members were told by an ASI of Punjab police that the deceased died on March 27, 2001. The investigation of LFHRI further concluded that the deceased had not died a natural death and not due to any disease. It was a case of custodial death. LFHRI provided free legal aid to the family of deceased. The members of LFHRI demanded CBI enquiry from Punjab and Haryana High Court. The Organisation filed a petition before the PSHRC for compensation for the family of the deceased.

#### **Custodial Death of a Dalit in Ludhiana<sup>16</sup>**

Rajinderjit Singh, a resident of Phool Khurd village in Ropar district, with two other persons Amarjit Singh and Kala, went on missing on February 2, 2005. They were shown as arrested by the Sunder Nagar police post personnel in Ludhiana on February 5, 2005, under the Arms Act. While Amarjit and Kala were later released, the deceased was tortured in the police custody by giving him electric shocks when he resisted police attempts to implicate him in another false case. As his condition deteriorated, he was admitted to Civil Hospital, Ludhiana, on February 6, 2005. He was firstly shifted to Rajindra Hospital, Patiala and then to PGI Chandigarh, where he died of acute renal failure. LFHRI constituted a team comprising Mr Ravinder Singh Basi, Mr Arvind Thakur and Mr Tejinder Singh Sudan, to follow-up the case, which gave its findings that it was a case of custodial death and sought an impartial and high level enquiry into the case.

LFHRI has shown great concern and has condemned to every incident of custodial death and torture that occurs in the State. In January 2001, there occurred three incidents of custodial deaths in first ten days of the month. Mr Balwant Singh Dhillon, senior vice-president, Bathinda unit, on the behalf of the Organisation condemned the ruling alliance of Punjab that had given cops freedom and a ruling hand to extort and exploit the public. Soon after the incident, three-member committee was proposed to be constituted to investigate the cause of deaths of suspects at Muktsar and Jaito.<sup>17</sup>

The Organisation has published a book-let which depicts the list of the cases of custodial deaths occurred in Punjab since January 1997 till August, 2001. As many as 47 cases of custodial deaths in Punjab are highlighted in that book-let with the names and addresses of both deceased and the accused<sup>18</sup> Besides that, LFHRI filed a petition in the Punjab and Haryana High Court claiming the death of over 100 victims in police custody from 1997 till 2001. Through its then president Amar Singh Chahal, the NGO had also asked for the details of the action taken against the cops in all cases, along with the list of police personnel booked for the offences<sup>19</sup>

### **Killing of a Youth of Ludhiana by Police<sup>20</sup>**

Avtar Singh alias Gola, son of Amrik Singh, resident of H. No. 1651, Krishna Nagar, Ludhiana was killed by police Inspector Gurmeet Singh Pinky, his gunmen and others, known to Gurmeet Singh Pinky . The F.I.R. registered in P.S. Division No. 5, Ludhiana depicted that killing of Avtar Singh was an incident which had happened unintentionally.

### ***Findings by LFHRI***

The investigation team of LFHRI visited Ludhiana on January 9, 2001 and during the course of investigation met with witnesses and other residents of the area. Joining all the facts and circumstances of the case, the team arrived at the findings that the direct involvement of Gurmeet Singh Pinky and his three gunmen and other criminal elements has been established beyond reasonable doubt. It was the bullet fired from the service revolver of Gurmeet Singh Pinky which had caused the fatal wound on the head and face of the deceased Avtar Singh.

### ***Recommendations by LFHRI***

- The investigation into the present case must be handed over to an independent agency like CBI.
- The family of the victim must be compensated by paying an ex-gratia compensation of Rs. 10 lakh from the State exchequer.
- Departmental action must be taken against those policemen of Police Station Division No. 5, who failed to arrest the culprits.

### ***Action taken by LFHRI***

The Organisation sent the copies of its investigation report to Punjab State Human Rights Commission, Director General Police, Punjab and other concerned police and administrative authorities. The Organisation provided free legal aid to the father of the victim by assessing the prosecution in the Trial Court at Chandigarh. Later on, the Organisation provided free legal aid to the father of victim in Punjab and Haryana High Court for opposing the bail pleas of the accused and seeking other relief.

### **Critical Analysis of LFHRI**

LFHRI has been filing the cases of human rights violation, including custodial violence by State agencies, women rights, and prisoners' rights in different courts like the Supreme Court of India, Punjab and Haryana High Court, National Human Rights Commission, Punjab State Human Rights Commission and also in Subordinate Courts.

Contributing in its own way to fight custodial torture, the LFHRI has started a campaign to stamp out torture from every Police Station in Punjab and to agitate to book every police officer responsible for using third degree methods upon any person. It has succeeded to a large extent, in bringing to book many senior and subordinate police officials guilty of human rights violations.

In this ongoing struggle, the Organisation suffered colossal loss with six of its member lawyers, namely Ranbir Singh Manshahia, Jagwinder Singh alias Happy, Sukhwinder Singh Bhatti, Kulwant Singh and his family, Satnam Singh Jammu.<sup>21</sup>

LFHRI conducts investigations into the cases of human rights violations and undertakes periodical study of the overall human rights situation in Punjab. It has investigated into many cases of custodial deaths in Punjab during the last more over a decade and is zealously containing with their efforts.

The Organisation has also established a free legal aid unit in every district headquarters with competent lawyers having good standing in criminal law. They provide free legal aid to the poor and indigent persons in the Subordinate Courts as well as High Court.

LFHRI has also undertaken educational campaigns to educate the people. It also organizes seminars, rallies and processions to mark World Human Rights Day and other events related to human rights situation in India.

After studying and analyzing the activities, efforts and initiatives of LFHRI, it is beyond the doubt that LFHRI is an NGO which has been working as a vigilant watchdog over more than a decade to safeguard the human rights of the people in Punjab. But still the Organisation has to make a lot more efforts to achieve the aims and objectives mentioned in its own constitution.

The scope and activities of the NGO are still mostly limited to areas surrounding its main headquarter of Chandigarh. No doubt, LFHRI has inquired, highlighted and provided every possible legal and moral support to all severe and gross violations of human rights, in all regions

of Punjab, but still it has not been able to cover and counter the human rights violations occurring in the rural and slum areas of Punjab.

The reason behind this is that the NGO is not able to establish its units in all Districts and *Tehsils* as it has assumed in its Constitution. Secondly, the NGO is the mainly the body of the lawyers only who are practicing at Punjab and Haryana High Court and the Subordinate Courts in Punjab. The NGO has not attached the people belonging to other fields of social, political, economic and medical fields which can really make its vision, activities and role more broad and wider.

LFHRI has not been able to make itself the NGO of the masses. The seminars, rallies and other community awakening programmes initiated by the NGO are restricted only up to Chandigarh or the major cities of Punjab. The NGO still has to do a lot to establish its faith among the people living in the smaller towns and villages of Punjab.

It has been also found that the NGO is a pro- Sikh and pro-extremism organization, which always pays a prior attention to the alleged violation of the human rights of Sikh extremists arrested or detained by the police, under the allegations of committing violence and reviving terrorism in the region. It is a huge disadvantage which exposes out a narrow and a community-centered approach of the NGO.

LFHRI is usually condemned by the Governmental authorities as the NGO, favouring, advocating and shielding dangerous terrorists and other anti-social elements. They have enough examples to prove their argument. The NGO has been providing legal aid to Jagtar Singh Hawara, alleged Chief of the Babbar Khalsa International and main accused in the former Chief Minister Beant Singh's assassination case.<sup>22</sup> The NGO provided the legal counsel to Maninder Pal Singh Kohli, suspect in the rape and murder of British teenager Hannah Foster.<sup>23</sup> But the NGO has its own justifications that every accused is innocent until or unless the law proves him guilty.

## CONCLUSION

The study of the role of human rights NGOs shows that the NGOs are just at the rudimentary stage, as far as their mission to curb, control and restrain the violation of human rights is concerned. There are numerous grounds behind their unproductive performance. The paramount reason is that the NGOs in Punjab have not emerged as the representatives of a vigilant and vibrant civil society. Unfortunately, the civil society in the region has not yet developed up to the level to take initiatives to protect the human rights. Hence, the human rights NGOs active in Punjab are not the mass movements representing the common masses, but these are the agencies formed by a few lawyers or political activists as the interest groups or pressure groups, with a narrow scope and self-centered objectives. The above mentioned shortcomings are the limitations which will hopefully be overcome by the NGO soon or later. If it does so, no doubt LFHRI will be able to achieve aims and objectives of its own, meet with the challenges

which hamper the protection of human rights and obtain the international standards of shielding the human rights of the people.

## SUGGESTIONS AND RECOMMENDATIONS

- ❖ The LFHRI should establish their local and regional units in all districts and tehsils of Punjab.
- ❖ The NGOs should connect a web of its volunteers, members and the office-bearers, so that they can deal fairly with every single incident of human rights violations which is occurring in Punjab.
- ❖ The NGOs should regularly publish their routine proceedings, relevant texts and the annual reports disclosing their own functioning as well as the status of human rights in the region.
- ❖ The NGOs should launch more programmes of community awareness, in form of conferences, seminars etc. in the rural and the slum areas of Punjab, so that the illiterate and the backward communities can become conscious about their rights.
- ❖ The NGOs working in the region should work with more sincerity and faithfulness. The NGOs should not work for the selfish or personal interest of a particular community or a group, but they should work as the missionaries for the wellbeing of all.

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