

mechanisms to adjudicate these cases to capture the full scope of human rights violations.

In almost nine years, the Commission has not heard testimony in a single case, or held a single security official or agency responsible for human rights violations. Further, at hearings in recent months, the Commission has indicated its intention to dispense with investigations into the violations altogether, and only determine whether the cremations occurred according to police procedure. This is an odd decision for a human rights body.

Human Rights Watch strongly urges the Commission to commit itself to detailed investigations into the rights violations suffered by all victims of illegal cremations and their family members, including whether individual deaths were unlawful, the role of state security forces or their agents in planning or carrying out illegal killings, identifying individual perpetrators, and determining proper compensation. It is critical that those cases not addressed by the NHRC's order of November 2004 are also investigated. Until the facts are determined, "disappearances" remain an ongoing crime and the NHRC ruling does not close the case.

Such investigations are required by international human rights law. The International Covenant on Civil and Political Rights, which India ratified in 1979, provides in article 2 that a victim of a rights violation shall have an effective remedy and that the right to such a remedy be determined by a competent authority and be enforced when granted. A victim's right to an effective remedy imposes an obligation on the state to undertake investigations to identify the perpetrators of human rights violations. Indeed, the Commission's August 1997 order concluded that the Commission must lay the factual foundations of the case in order to establish liability, but for reasons that are not clear the Commission has never implemented its own order. Anything less than proper investigations will be a betrayal of victims and their families.

We note that in the nine years since the Commission took cognizance of the Punjab mass cremations matter, it has investigated and resolved numerous other complaints of human rights violations throughout India. Moreover, the Commission has pursued cases *suo motu*, without even receiving a complaint, after violations came to its attention through media reports. The NHRC has earned a well-deserved reputation for taking on powerful forces in India, which makes the Commission's decisions in the Punjab cases even more puzzling.

In this upcoming order, we also urge the Commission to clarify that the November 2004 order of compensation is interim. This order announced a total award of 2.5 lakhs rupees (around U.S. \$5,500) to 109 families in whose cases police admitted custody of next of kin, without determining individual responsibility, providing other reparatory measures, or engaging in an inquiry into the facts as directed by the Supreme Court. This grant of compensation is not only paltry, but it does not fulfill the Commission's responsibilities under international human rights law to make an individual determination.

Developing a compensation policy requires extensive investigation to clarify the extent of human rights violations, the potential beneficiaries, and the nature of injuries suffered, among other issues. The expert report submitted at the hearing on October 24, 2005 by Physicians for Human Rights (PHR) and the Bellevue/NYU Program for Survivors of Torture (Bellevue), demonstrates that the deprivation of life occurred within a pattern of violations that included intentional abuse among multiple family members of the "dis-

appeared." The CIIP further called on the Commission to summon the authors of the report to testify. This report should compel the Commission to investigate the deprivation of the right to life of the victim, and the physical and psychological trauma inflicted upon surviving family members. In addition, our brief, submitted to the Commission in December 2003 in conjunction with Harvard Law Student Advocates for Human Rights, demonstrates that human rights bodies have considered evidence from numerous sources to adjudicate "disappearances" and extrajudicial executions, including evidence from international human rights experts. In its upcoming order, we urge the Commission to admit and fully weigh all evidence available, including the PHR/Bellevue report.

To demonstrate its intention to fulfill the mandate of the Supreme Court, the Commission must act to redress the violations of the rights to life and liberty suffered by thousands of families in Punjab. Its failure to do so is contributing to impunity, sending the message that perpetrators of mass crimes are more powerful than the Supreme Court and National Human Rights Commission. The Commission, no doubt, is aware that the prosecution of the officials who "disappeared" Jaswant Singh Khaira, the human rights defender who exposed the mass cremations in Punjab, has not concluded in nine years. The Commission should not allow the Punjab mass cremations case to also stand as an example of the triumph of impunity over the right to justice.

Thank you for your consideration. We look forward to a fruitful dialogue with you and other members of the Commission on this case.

Sincerely,

BRAD ADAMS,
*Executive Director, Asia Division,
Human Rights Watch.*

A TRIBUTE TO MRS. JANET WILKINSON—37 YEARS OF OUTSTANDING SERVICE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today and ask my colleagues to join me in offering a well deserved tribute to an exemplary citizen, Mrs. Janet Wilkinson, who has dedicated 37 years of her adult life as an employee with the United States Department of Agriculture's Farm Service Agency. I am particularly proud that Mrs. Wilkinson was born in my home town, Wilson, NC.

As if to forecast her future with the United States Department of Agriculture's Farm Service Agency, Mrs. Wilkinson started out at a very young age working on a tenant farm where she experienced first hand the lifestyle and the many ups and downs farmers endure from day to day.

After graduating from Rock Ridge High School in 1969, Mrs. Wilkinson learned of a job opportunity at the Agriculture Stabilization and Conservation Service. She applied for the position and was hired. The story that Mrs. Wilkinson tells is all too familiar in public servant circles. She indicated that she "came in with the intentions of working and going to school part time." She added, "but the work

was so involved that I just kept on working, and I enjoyed it." And here we are 37 years later.

Mr. Speaker, Mrs. Wilkinson has worked under five directors of the Farm Service Agency and has taken the helm three times as interim director. In 2003, for her outstanding service and loyalty to the Farm Service Agency and the agriculture industry, she was presented with the North Carolina Distinguished Service Award. After 37 dedicated years, Mr. Speaker, Mrs. Wilkinson deserves to retire with many other ovations and well wishes from those whose lives she touched in a very special way.

Mr. Speaker, I offer congratulations on behalf of the Committee on Agriculture of the United States House of Representatives, my congressional colleagues and the more than 660,000 constituents whom I represent. It is my wish that Mrs. Wilkinson will continue to find much challenge and reward in all of her future endeavors.

Mr. Speaker, I thank Mrs. Wilkinson for her service to the State of North Carolina.

TRIBUTE TO AMY BURKS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 3, 2005

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to Mrs. Amy Burks for receiving the 2005 Newton B. Powell Award. This award is given by the Morgan County Democratic Party for dedication and leadership within the party.

Mrs. Burks is the Alabama representative to the Democratic National Committee Executive Committee and has been active in Alabama Democratic Party politics for more than 40 years. Additionally, Mrs. Burks has served as vice chair for the Alabama State Democratic Party since 1991, and is also the senior Vice President of the Association of State Democratic Chairs. She also serves on the Morgan County Executive Committee.

In addition to her work with the Democratic Party, Mrs. Burks has had 19 years of experience as a teacher, working with students at Madison Cross Roads and Hazel Green and was the assistant principal at Madison Elementary. She is also a member of the Board of Trustees for the Alabama Institute for Deaf and Blind, where she is responsible for overseeing the institute's comprehensive education and rehabilitation system that serves children and adults who are deaf, blind, and multidisabled.

Mr. Speaker, Mrs. Burks has done a great deal to help strengthen and grow the Democratic Party throughout our State, our Nation, and our community. She has been a helping hand and an integral part of many of our democratic colleagues' campaigns in Alabama.

Mr. Speaker, I rise today to join her husband Larry, daughters Lisa and JoLynn, and the entire North Alabama community in congratulating Amy on this much deserved award and to thank her for all that she continues to do on behalf of Morgan County and the State of Alabama.