

mountains of Peru this year, ought not be forgotten by the American people. We do not fully appreciate the sacrifices and dangers our people face each and every day in this serious struggle against illicit narcotics.

In this particular case, we also learned that the local U.S. attorney in the death of this dedicated Federal U.S. Customs Service inspector, did not bring Federal charges against the defendant under section 1114 of title 18, United States Code. That particular section of our Federal criminal law involves protection of officers and employees of the United States, and provides for the possibility of the death penalty, if they are killed in the line of duty, and the circumstances warrant its application.

The defendant in this case was arrested and charged under State law, not Federal law. This should not have to be the case in the killing of a Federal Customs Service inspector. The Federal Government's authority must be clear and unequivocal. We cannot tolerate any such conduct or action that threatens or takes the lives of any of our dedicated U.S. Customs Service employees along the border, or anywhere else, when they are engaged in their official duties.

There is a possible loophole today in Federal law that does not clearly cover U.S. Customs Service inspectors and some other Customs employees under section 1114 of title 18, United States Code of our Criminal Code. Today, legislation I introduce, along with fellow International Relations Committee member, STEVE CHABOT of Ohio, closes any loophole that might exist. Our bill tightens Federal law and makes the death penalty clearly applicable under this section in the case of those who would take the life of any U.S. Customs Service inspector, agent, canine officer, or other employee, or any person assisting them in the execution of their duties.

We owe all these dedicated men and women, nothing less than the clearest maximum protection and deterrent we can provide under Federal law against these port runners or any others, who would jeopardize, threaten, or take the life of these dedicated Customs Service employees performing their job. We must make sure that the full weight, resources, and all the tools available to the U.S. Government, can and will be applied in such cases, and never face any ambiguity as to the intent of our law and obligation to these men and women.

I urge that the House Judiciary Committee move expeditiously to close this loophole in our Federal criminal law. We must send a clear message that such conduct will not be tolerated, and when appropriate, those who engage in the taking of human life of these dedicated Customs Service employees as part of the dirty drug trade or other illegal activity, may also possibly face loss of their own life as well.

I request that the full text of H.R. 2737 be printed at this point in the RECORD.

H.R. 2737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Customs Service Employees Protection Act of 1995".

#### SEC. 2. PROTECTION FOR UNITED STATES CUSTOMS SERVICE EMPLOYEES.

Section 1114 of title 18, United States Code, is amended—

(1) by striking "of the customs or"; and

(2) by inserting "any Inspector, Agent, Canine Enforcement Officer, or other employee of the United States Customs Service or any person assisting any employee of such Service in the execution of that employee's duties," before "any immigration officer".

#### CHARITABLE GIFT ANNUITY ANTITRUST RELIEF ACT OF 1995

#### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HYDE. Mr. Speaker, on December 5, 1995, the Congressional Budget Office transmitted to me a revised letter regarding the budgetary impact of H.R. 2525, the "Charitable Gift Annuity Antitrust Relief Act of 1995." The report of the Judiciary Committee on this bill, which contains the text of the original CBO letter, has already been filed and printed. Therefore, I am inserting the text of the new, corrected letter in the RECORD. To the extent that the CBO letter is part of the legislative history of H.R. 2525, the December 5, 1995 text, rather than the November 8, 1995 text, should be referenced.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, December 5, 1995.

Hon. HENRY J. HYDE,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2525, the Charitable Gift Annuity Antitrust Relief Act of 1995, as ordered reported by the House Committee on the Judiciary on October 31, 1995. This revised estimate supersedes the estimate provided on November 8, 1995. Specifically, this estimate clarifies the description of potential antitrust violations under current law; our estimate of no significant cost for enacting the bill is unchanged from the earlier estimate. Because enactment of H.R. 2525 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the bill.

This bill would provide antitrust protection to certain non-profit organizations which issue charitable gift annuities. Under current law, it is unclear whether it is a violation of the antitrust laws for two or more charitable organizations to use or agree to use the same annuity rate for the purpose of issuing one or more charitable gift annuities. According to the Administrative Office of the United States Courts (AOUSC), only one lawsuit alleging such a violation is currently pending in federal court. Based on information from the AOUSC, CBO estimates that while enacting this bill would preclude certain antitrust cases from being litigated, any reduction in future cases would not be significant. Thus, this bill could result in some savings to the federal government, but the amount of such savings would not be significant.

While enacting H.R. 2525 could reduce the future antitrust caseload in state courts, CBO estimates that any reduction in litigation would not result in any significant savings to states or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman, for federal costs, and Karen McVey, for state and local costs.

Sincerely,

JUNE E. O'NEILL,  
Director.

#### INTERNATIONAL HUMAN RIGHTS DAY

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. LIPINSKI. Mr. Speaker, as International Human Rights Day approaches, Indian repression of the Sikh nation continues. Over 150,000 Sikhs have been killed by the regime since 1984. The State Department reported in its 1994 country report on India that the regime paid more than 41,000 cash bounties to police officers for killing Sikhs. One of those Sikhs, Mr. Harpreet Singh, was reported killed in an encounter with the police 4 years ago. Interestingly enough, the Associated Press reported that he appeared in court last month to sue the Indian authorities for wrongful custody. That is quite an achievement for a dead man.

Unfortunately, cases like Mr. Singh's are typical of the human rights abuses committed by Indian authorities in Khalistan. A similar case is that of Sarabjit Singh, a man twice killed. On October 30, 1993, police brought two bodies to a hospital for an autopsy, claiming that they had been killed in an encounter. However, one of the two men, Sarabjit Singh was indeed alive. While the Doctor called to inform his family that he was not dead, the police took Mr. Singh away, killed him, and cremated the body.

These two incidents, plus the many others which my colleagues and I have placed in the CONGRESSIONAL RECORD are only the tip of the iceberg. These brutal acts of tyranny and terrorism must be stopped.

American support for an end to these atrocities and for the right for the Sikhs to live in peace is crucial. I commend the Council of Khalistan for its tireless work to ensure that the plight of these people is not forgotten. It is time for our Government to join in this effort. With the many human rights causes this great Nation fights for, surely we can raise our voice for the people of Khalistan as well.

India is the third-largest recipient of United States aid. It is time for the United States to tell the Indian Government that there will be no more aid until the repression of minority nations has ended. Not until the repression of the Sikhs and other minorities begins to hurt the regime will the suffering end and the glow of freedom shine throughout the subcontinent.

I am introducing an article from the November 2 issue of the New York Post on the case of Harpreet Singh into the RECORD as reference for this atrocity.

[From the New York Post, Nov. 2, 1995]

#### DEAD MAN RESURRECTED IN COURT

NEW DELHI, INDIA.—A Sikh man who police claimed was killed in a gun battle four years ago appeared in court yesterday to sue authorities for wrongful custody, his lawyer said.

The case of Harpreet Singh highlights irregularities allegedly committed by police in Punjab state during their campaign to crush a decade-long uprising for a separate Sikh homeland.

Human rights groups say thousands of civilians were accused of being militants, illegally detained, and sometimes killed.

## INDIAN HUMAN RIGHTS ABUSES

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. SOLOMON. Mr. Speaker, this coming Monday, Dec. 10, has been declared by the United Nations as International Human Rights Day. It is a day on which we note the basic rights of all people and speak out against the violations of these most basic rights.

We are all aware of the deplorable human rights situation arising from the war in Bosnia. We hope that the Dayton accords will finally put an end to these brutal acts. The ongoing violations of human rights in Haiti continue to draw our attention. We are also aware of the executions of nine political activists in Nigeria, which friends of human rights condemn. Today I would like to address human rights violations in India, the country which bills itself as "the world's largest democracy."

Let me cite just a few examples. On Sept. 6, Sardar Jaswant Singh Khalra, the general secretary of the human rights wing of the Shiromani Akali Dal, a Sikh political party, was kidnapped from his Amritsar home by local police. He had put out a report in which he proved that the Indian regime had kidnapped more than 25,000 young Sikh men, tortured and murdered them, then covered up police responsibility for their deaths by declaring their bodies "unidentified" and cremating them. Unfortunately, this reprehensible practice is just a part of the ongoing Indian oppression of the Sikh. In all, more than 150,000 Sikhs have been killed by the Indian regime since 1984. The Indian regime has also killed over 43,000 Muslims in Kashmir and over 200,000 Christians in Nagaland. Christian Nagaland is a restricted area—no one is allowed to travel there without a special permit. No one is punished for it. In fact, the State Department's 1994 country report on India states that the regime paid out more than 41,000 cash bounties to police officers for killing Sikhs between 1991 and 1993. One of those Sikhs was a man named Harpreet Singh, who came to court last month to sue the regime for illegally imprisoning him. Harpreet Singh was allegedly killed in 1991. Apparently a police officer collected a bonus from the Indian regime for killing an innocent person in Harpreet Singh's place.

Half a million Indian troops currently occupy Punjab, with another 500,000 in neighboring Kashmir. At no time during their rule did the British station 500,000 troops in all of the subcontinent. Recently, the government called off scheduled elections in Kashmir after attacking its most venerated mosque last year in an incident strongly reminiscent of the June 1984 attack on the Golden Temple in Amritsar, the Sikhs' holiest shrine. The regime has denied passports to Dalit ("black touchable") leader V.T. Rajshekar and Sikh political leader Simranjit Singh Mann. Earlier this year, a 5-year-old Dalit girl named Dhanam was blinded by her teacher for the social sin of trying to take a drink of water from the community pitcher. Does this look like the face of a democracy which respects human rights?

The Indian rulers cannot escape the simple truth that human rights apply in their country too, whether they like it or not. It is time for India to begin respecting human rights. To observe International Human Rights Day, I call

on the Indian regime to release Jaswant Singh Khalra immediately, to respect the political rights of the Sikhs of Khalistan, the Muslims of Kashmir, the Assamese, Nagas, Dalits, and others living under the boot of Indian oppression; to drop all charges against Mr. Mann and allow him and Mr. Rajshekar to have their passports; and to release over 70,000 Sikh political prisoners held without charges under the brutal so-called Terrorist and Disruptive Activities Act [TADA] despite the fact that this act expired months ago. These measures would begin to re-establish India's reputation as a democratic nation. Until then, all U.S. aid to India should be cut off and our Government should place trade sanctions on India. These steps would make it clear to the Indian regime that the United States takes human rights seriously and it is time that India did so as well.

I am introducing Iqbal Masud's article from *The Pioneer* entitled "The Bogus Peace of Beant and Gill" which shows that India's claim of peace in Khalistan is a fraud.

[From the *Pioneer*, Nov. 4, 1995]

## THE BOGUS PEACE OF BEANT AND GILL

(By Iqbal Masud)

Amnesty International believes that the Punjab Police have been allowed to commit human rights violations with impunity in the State. While the organisation recognises that the Indian Government has had to face ruthless and violent opposition in Punjab, it is totally unacceptable for Government agents to resort to human rights violations themselves in their fight against these groups. The UN Declaration on the Protection of All Persons from Enforced Disappearance makes clear that "no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify enforced disappearances". (Conclusion to Amnesty Report, "Determining the fate of the 'disappeared in Punjab'", October 1995.)

The fate of Amnesty reports in India is over-familiar. Either hostile tearing apart by Subhash Kirpekar in *The Times* of India or contemptuous dismissal in *The Economic Times*. The second has happened but not the first up to the moment of writing (October 25) with regard to this report. But I would find it difficult to dismiss this report because it is effectively factual. It gives dates, it names the victims and perpetrators and, most important, it quotes Supreme Court and High Court judgements in specific cases—judgements which have been ignored by the police. The only result has been a complaint by Mr. KPS Gill to the Punjab Government that such judgements are demoralising.

I will analyse this report presently. But in its totality I find it a damning indictment whose importance goes beyond human rights. It has become a political document without remotely intending to be. It shows how the Pax Beant-Gilliana was "purchased" during 1993-95. Tacitup said of the Roman conquests: "They make a desert and call it peace." The Beant-Gill duo committed mass incarceration and disappearance and called it "normalcy".

The question arises: Why was this nightmare charted by current reportage and Supreme Court and High Court judgements not apparent to the rest of the nation? Why did Khushwant Singh and other eminent columnists make Mr. Gill into an all-time hero and Beant Singh into a saviour of the nation? True, disquieting hints that all was not well in Mr. Gill's raj were all the time appearing in the Press. But actually Mr. Gill's night attacks against the militants over-

shadowed everything else. Mr. Gill was proposed to be sent to North-East, to J&K and every place which troubled the Indian middle class law and order ethos. One development of the 1990s is that the middle class has become brutalised. Witness the joy with which Amnesty reports are pilloried for the least discrepancy.

## THE COURTS' COMMENTS

Let us look into some of the specifics of the current report. The first is the phenomenon of "unclaimed bodies" cremated by the police. A particularly horrible instance is that of Sarabjit Singh. On October 30, 1993, the police from Valhotra brought two unclaimed bodies to the hospital for autopsy. One of them was still found to be alive—Sarabjit Singh. The doctor called his family but meanwhile the police took Sarabjit away. A few hours later his body was brought back and cremated without his family being allowed to see it. When I read that I said, Welcome to Super Nazi State.

A former Black Cat Commando filed a petition in the Punjab HC alleging the police had killed people in fake encounters and cremated their bodies without due procedure.

The most important sector of the report concerns SC's and HC's critiques of the Punjab Police. It will be difficult for our media to reject this portion of the report. Of course, one has read about critical judgements of the courts, but this is the first time they have been brought together in this damning fashion. In May 1995 the SC commented about a habeas corpus petition filed in 1991 about the disappearance of seven members of a family. "It is a serious matter, people are being killed, their whereabouts and their dead bodies are not known. No doubt we will ensure that the law is maintained and its majesty upheld. But what about the people who are being eliminated . . . and who will be accountable for that?"

In another case the SC recommended prosecution of senior police officers on charges of murder on the basis of a CBI report that an entire family had been killed in custody. They rejected Mr. Gill's plea that he had not been informed of the murders. They chided the solicitor-general who defended the officers on the ground that no judge in Punjab had the guts to refuse bail to the accused: "You are asking for commendation to eliminate persons. It's a most blatant thing I have heard from you."

## A SERIOUS DOCUMENT

The cases in which action was taken by the HC reveals an equally alarming picture. Three instances will serve as illustrations.

In May 1995, three persons—all in their 70s—Ranjit Kaur, Niranjan Singh and Mohinder Singh, found in police custody, were ordered to be released by the HC. They had been detained since 1992 to procure surrender of suspects. In July 1994 and enquiry ordered by the HC found the police guilty of murdering Maninder Singh Dalli in a fake encounter. The HC ordered proceedings for murder under IPC against the police and ordered compensation to be paid to parents of Dalli.

In September 1995, the HC passed orders in a particularly awful case. One Vinod Kumar, his brother-in-law, and driver, had "disappeared" in March 1994, when accompanied by a DSP. Vinod Kumar had gone to collect the ashes of his father. The CBI suggested four officers were involved. The HC ordered pursuance of criminal proceedings and payment of substantial compensation.

The response of the police to this barrage of judicial censors is fascinating and throws light on future police tactics all over India to meet "human rights" criticism. It is a mix of administrative trickery and the familiar to middle class insecurity vis-a-vis

terrorism. The HC premises are riddled with police spies. The moment an order is issued to release a detenu, the police agent sends an advance police official to shift the detenu elsewhere. Mr. SB Chavan and the Human Rights Commission have repeatedly asked the Punjab Government to check allegations of "disappearances". The only police response has been to ask the Government that the flow of judicial criticism is checked as it

is demoralizing the police. There is a proposal to enact an "extraordinary law" to bar judicial "interference" with anti-terrorist tactics of the police for a limited period of time.

The Amnesty has made recommendations for correcting all this. Of course, this is just ignorable counsel for the Brar Government and Mr. KPS Gill. But the report is a serious

document for the Government to ponder over.

Basically the report is a political document which contains a dire warning though Amnesty did not intend it to be so. The Government can ignore the implications of this report only at great cost to the people of Punjab and to human rights situation in the rest of India.