

MEMORANDUM
United Nations High Commissioner for Human Rights

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland

13 October 2023

Dear Volker Türk

Deteriorating human rights situation in India and targeting Sikh activists abroad

Hundreds of Sikhs from across the globe have gathered today in Geneva to raise awareness of the deteriorating human rights situation in India and developments in the last few weeks exposing massive Indian government interference abroad and taking extreme actions to target and silence Sikh activists campaigning for the re-establishment of a Sikh homeland.

Justin Trudeau's explosive statement in the Canadian Parliament on 18 September 2023 on Indian government involvement in the assassination of Sikh leader, Hardeep Singh Nijjar on Canadian soil has highlighted the Indian authorities are worryingly challenging the rule of law and sovereignty of other nations.

We have submitted a complaint to special procedures with respect to the extrajudicial killing of Hardeep Singh Nijjar in Canada and met your staff earlier in the day to discuss several other similar cases in the UK, Pakistan and the US. We are hopeful of an urgent communication by Special Procedures to the Indian government regarding its extrajudicial killings and interference abroad. The submission of a complaint to special procedures with respect to the mysterious death of Avtar Singh Khanda in the UK was discussed and is being considered.

We also discussed India's worrying shift from a democracy to an autocracy. The global rise of the extreme right wing Hindutva ideology of the Indian government and move to a Hindu Rashtra with escalating violence and discrimination across the country against religious minorities, women and Dalits has reached alarming levels. The weak or non-existent response from the Indian government against the perpetrators has created an atmosphere of widespread impunity and evidence of regime complicity.

The independence of key institutions like the judiciary, media and progressive civil society associations has been increasingly undermined. The relentless attacks using state machinery and a captive media against critical voices, whether in opposition parties or in civil society including journalists, lawyers and activists has not gone unnoticed, despite the massive lobbying machine of the Hindutva regime.

The draconian response to the BBC documentary - India: The Modi question is a case in point. The closure in India of Amnesty International and Oxfam and the attack on Greenpeace on what appear to be political grounds has caused shock waves internationally. Trust in the regulatory institutions governing the market and the economy has also been shaken after the Adani scandal.

India has slipped precipitously on every index of democracy and freedoms. There is no month without reportage (including op-eds in the most prestigious newspapers in the US, UK and France) triggering alarm over India's rapid democratic backsliding. Governments across the globe are increasingly worried the democratic credentials of India have been systematically destroyed leading to genuine fears about the security and stability of India as it approaches the 2024 general elections.

We have also written to the Office on Genocide Prevention and the Responsibility to Protect to request a meeting and to gather information on the 1984 Sikh Genocide as we approach the 40th anniversary. Our suggestion is the Special Advisers verify the facts surrounding the 1984 Sikh Genocide in India that has been recognised by the current Indian government and its highest courts and make an assessment whether there is risk of a reoccurrence.

India has not signed or ratified the Rome Statute of the International Criminal Court (ICC), but the current Indian government and courts have gone on record to refer to the 1984 Sikh Genocide since 2014 and will do so again in the elections in 2024.

We have suggested the Special Advisers liaise with the ICC to get the 1984 Sikh Genocide acknowledged by members states of the UN using statements made by the Indian government and courts in the last decade. The Central Bureau of Investigations (CBI), Supreme Court of India and Indian Ministers have referred to killings of Sikhs in November 1984 as "crimes against humanity" and a genocide.

The Delhi High Court in its December 2018 judgement, while convicting former Congress MP Sajjan Kumar had held that the massacre of Sikhs in November 1984 amounted to "crimes against humanity". Union Finance Minister Arun Jaitley said this was a "vindication of justice" and the Delhi High Court's judgment is an "extremely welcome development". "For many of us who are witnesses, it was perhaps the worst kind of genocide that we ever saw. Congress governments in that period repeatedly indulged in cover-up exercises."

The Central Bureau of Investigation (CBI) equated the 1984 Sikh massacre with the Genocide of Jews by Nazis in evidence it filed in the Supreme Court in March 2019 in the same case. In May 2019 Prime Minister Narendra Modi referring to the killing of Sikhs in November 1984 stated that it was a "big, horrendous genocide". He continued: "Congress has several blemishes, but one blemish which would not go even after 50 generations is of the 1984 massacre."

We have also submitted a complaint to special procedures with respect to the disappearance of Jaswant Singh Khalra , a human rights activist who was working on the abduction, elimination, and cremation of unclaimed human bodies between June 1984 and December 1994. He discovered files from the municipal corporation of Amritsar which contained the names, ages, and addresses of those who had been killed and later burnt by the police.

Further research revealed cases in three other districts in Punjab, increasing the list by thousands. Jaswant Singh Khalra asserted there could have been over 25,000 Sikhs illegally killed and cremated by the state. To date, families of those who "disappeared" are awaiting confirmation of the fate of their missing loved ones. On 11 April 2011, the Supreme Court of India dismissed the appeal filed against the sentence to life imprisonment for some of the police officers accused of kidnapping and murdering Jaswant Singh Khalra. The Court was scathing and criticised the atrocities committed by Punjab Police and provides further evidence of the Sikh Genocide.

We suggest the deteriorating human rights situation in India urgently requires a Special Rapporteur on the situation of human rights in India. The regime in India is dismissive of criticism or pressure from outside, but it is very sensitive when it comes to criticism from leading members of the United Nations. Greater public awareness by a dedicated Special Rapporteur of Indian's widening democratic deficit will encourage governments raise their voices and defend human rights in India and the universal ideals of liberty, equality and fraternity.

Submitted by Sikhs living in 40 countries:

Afghanistan	Fiji	Italy	Norway	Spain
Australia	Finland	Kenya	Pakistan	Sweden
Austria	France	Kuwait	Philippines	Switzerland
Belgium	Germany	Malaysia	Poland	Tanzania
Canada	Greece	Mexico	Portugal	Thailand
China	India	Nepal	Russia	United Arab Emirates
Cyprus	Indonesia	Netherlands	Singapore	United Kingdom
Denmark	Ireland	New Zealand	South Africa	United States of America