

## Actions from the Sikh Parliamentary lobby on human rights

APPG for British Sikhs | The Sikh Network | The Sikh Federation (UK) | FreeJaggiNow

### 1) FARMERS PROTEST

**Urgent debate in Parliament about the farmers protest in India and human rights violations taking place**



1. MPs should ensure pressure is maintained on the Leader of the House to ensure a debate urgently takes place about the peaceful farmers protest and the human rights violations taking place as nearly 115,000 have signed the Parliamentary petition.

Despite the pandemic restrictions impacting on Parliament three debates with petitions over 100,000 had already taken place in February 2021 before the lobby on 9 February 2021.

The debate is urgent as there is a live and deadly situation that is taking place in and around Delhi with tens of thousands of UK citizens fearful of family members taking part in the protest to protect their families, livelihoods and very existence.

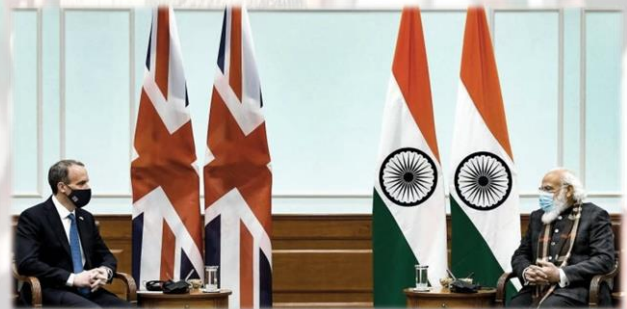


**Letters to the Foreign Secretary to make strong representations with India on the human rights violations taking place against farmers protesting and journalists reporting on police atrocities**

2. MPs should continue to write to and pressure the Foreign Secretary to make strong representations directly with his Indian counterpart on the human rights violations taking place.

Amnesty International, Human Rights Watch, the International Commission of Jurists and the UN Human Rights Council have issued public statements strongly condemning the actions of the Indian authorities.

They have expressed concerns with regards to the treatment, abuse, arrest and disappearance of peaceful farmers protesting, restrictions on the internet and harassment, arrest and imprisonment of journalists.



**UN Security Council action, including the possibility of sanctions against India**

3. With the UK holding the Chair of the UN Security Council for the month of February followed by the United States in March the UK should strongly push for the application of Article 39 of the United Nations Charter to the farmers protest. This states that the Security Council can in country-specific



situations determine the existence of a threat to the peace.

Under Article 41 of the Charter of the United Nations it gives the Security Council the authority to impose sanctions. The use of mandatory sanctions is intended to apply pressure on a State or entity in this case India to comply with the objectives set by the Security Council without resorting to the use of force. Sanctions thus offer the Security Council an important instrument to enforce its decisions. The universal character of the United Nations makes it an especially appropriate body to establish and monitor such measures.

The Council has resorted to mandatory sanctions as an enforcement tool when peace has been threatened and diplomatic efforts have failed. This applies to the farmers protest that has been described as the world's largest ever protest, has been taking place over many months with no sign of a resolution and has escalated in the last two weeks with a serious increase in human rights violations.

There have been over 200 deaths of peaceful protesters and hundreds of protesters have been imprisoned or disappeared. The human rights violations by the Indian authorities now extend to cutting off water and electricity to the protests camps outside Delhi, physical attacks on the camps by supporters of the ruling BJP aided by the police and unprecedented use of barricades to prevent

protesters entering Delhi to peacefully protest.

The range of sanctions to consider against India should include comprehensive economic and trade sanctions and/or more targeted measures such as arms embargoes, travel bans, financial or diplomatic restrictions.



#### Raising the farmers protest and human rights violations against farmer protesters and journalists at the 46th regular session of the UN Human Rights Council commencing on 22 February 2021

4. The UK Government working with other member states and NGOs like Amnesty International. Human Rights Watch and the International Commission of Jurists should ensure the farmers protest are discussed and actions agreed at the 46th regular session of the UN Human Rights Council from 22 February to 23 March 2021.





## 2) JAGTAR SINGH JOHAL

**Sign joint letter produced by Reprieve to the Foreign Secretary pressing him to take urgent action demanding India to immediately release Jagtar from prison and returning him to his family in the UK**

1. MPs should sign the joint letter produced by Reprieve to the Foreign Secretary regarding the arbitrary detention of Jagtar Singh Johal in India under charges based on a 'confession' extracted through torture. There is an increased risk that Jagtar will be charged with offences in three cases where he could be sentenced to death. The recent deeply concerning developments require the Foreign Secretary to take urgent action calling on Jagtar to be released from prison and returned to his family in the UK.

# REPRIEVE

**Send individual letters to the Foreign Secretary pressing him to take urgent action demanding India immediately release Jagtar from prison and returning him to his family in the UK**

2. MPs unable to sign the joint letter mentioned above due to Parliamentary protocol should send their own letter to the Foreign Secretary based on the contents of the joint letter.

## 3) POSSIBLE EXTRADITION TO INDIA OF THREE UK BORN SIKHS Write to the Home Secretary raising concerns with commencement of extradition procedures against the three UK born Sikhs

1. MPs should write to Priti Patel, the Home Secretary to raise concerns with her controversial and astonishing decision to certify the extradition request from India resulting in a warrant being issued for the arrest of three UK born citizens who are all practising Sikhs.

**Write to the Crown Prosecution Service (CPS) and the Director of Public Prosecutions (DPP) raising concerns with their role in the extradition against the three UK born Sikhs**

2. MPs should write to Rebecca Lawrence, the Chief Executive of the CPS and Max Hill QC, the DPP raising concerns with their role in the extradition against the three UK born Sikhs.

The CPS must make decisions independent of government influence.

In this case it appears the Extradition Unit of the CPS acting on behalf of India were rushed into action following the Foreign Secretary's visit to India and the Home Secretary's decision to certify the extradition request. The CPS were poorly prepared with little or no new evidence presented at the bail hearing against those who were questioned and released ten years earlier for the same offence. The CPS should not be progressing the case.

The information below will be of relevance in writing the above letters as these should have been considered by the Home Secretary before certifying the extradition request and the CPS and DPP should have considered them before progressing with the case through the courts.

## Statutory bars to extradition

There are several statutory bars to extradition that clearly apply in this case, including:

- The prosecution case against the three accused is not sufficiently advanced. The evidence presented by the Indian authorities in court was described in the bail hearing by one of the most senior District Court Judge's with extensive experience of extradition cases as unconvincing. Bail was still granted, for what would normally be deemed very serious offences, for which extradition is being sought.
- The request for extradition is improperly motivated and there is a risk of prejudice. There is little doubt this request for extradition is politically motivated and the risk of prejudice is very high.
- Extradition would be unjust or oppressive considering the amount of time that has passed since the offence. There has been an inexplicable delay in bringing extradition procedures against the three Sikhs. It has now been more than a decade after the alleged crime in India when others living in India have been arrested, tried and released. All three men are now married and have children.
- The three could be sentenced to death if sent to India for the extradition offence.

## Human rights considerations

In all extradition cases, the judge must consider whether extradition would be compatible with the requested person's human rights. If the judge finds that extradition would not be compatible with the requested person's human rights, he cannot order that person's extradition and must discharge them. Common challenges include

claims regarding family or private life in the UK and prison conditions in the requesting state.

The EU-UK Trade and Cooperation Agreement contains several provisions 'locking-in' the UK's continued commitment to the European Convention on Human Rights (ECHR). The articles of the ECHR that will apply to these extraditions are:

- Article 3, prohibition of torture, or inhuman or degrading treatment.
- Article 5, right to liberty and security.
- Article 6, right to a fair trial.
- Article 8, right to respect for private and family life.
- Article 14, prohibition of discrimination.

There is a high likelihood if the three UK Sikhs are extradited, they would be subject to ill treatment given the current treatment of Sikhs in India and the possible links to Jagtar Singh Johal his torture and arbitrary detention.

---

## 4) JUSTICE FOR SAKA NAKODAR AFTER 35 YEARS

### Meeting of MPs and constituents who are relatives and friends of those killed in Saka Nakodar

1. A meeting will be organised by the APPG for British Sikhs with MPs who have constituents who are relatives and friends of those killed by Indian police 35 years ago on 4 February 1986 in Nakodar. At the meeting MPs will agree on what actions can be taken with regards to the Foreign, Commonwealth and Development Office and the Indian authorities.

4th February 2021  
**SAKA NAKODAR**  
**35 YEAR ANNIVERSARY**  
Remembering 4 Sikh students killed whilst peacefully protesting.