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June 25, 2019

The Honorable Michael Pompeo
Secretary of State
The Honorable Kenneth Juster
American Ambassador
United States Department of State
Washington, DC.

Sub: **Report On Torture of "Khalistan Referendum 2020" Campaigners and Criminalization of Pro-Khalistan Political Opinion by Government of India.**

The Honorable Mr. Pompeo Secretary of State:

We are writing to apprise you of the increasing persecution of Khalistan Referendum2020 Campaigners by the Indian government through intimidation, filing of false charges, illegal detentions, torture and malicious propaganda of labelling the referendum campaign as "terrorism" and "revival of insurgency"¹.

"Sikhs For Justice" (SFJ) www.sikhsforjustice.org an international human rights advocacy SFJ working on the issues concerning the Sikh community. SFJ believes in and is committed to advancing the Universal Declaration of Human Rights ("UDHR") and creating an environment in which minorities - regardless of race, religion, language, gender, or ethnicity - can freely exercise their rights guaranteed in UDHR including their right to self-determination as enshrined in the UN Charter and the International Covenant on Civil and Political Rights. SFJ is also spearheading the Sikh community's campaign for the right of self-determination. Guaranteed under the UN Charter and the International Covenant on Civil and Political Rights, the right to self-determination would allow Sikhs to determine their own political, economic and cultural destiny in the Punjab region of India. To this end, SFJ is holding an unofficial referendum among the global Sikh community in the year 2020 throughout the world on the issue of Sikhs' right of self-determination and for the independence of Punjab - the historical homeland Sikhism. (See www.referendum2020.org)

It is an irrefutable fact that Punjab was an independent and sovereign country till 1849 when the British took it over, however, during decolonization in August 1947, instead of returning and restoring its sovereignty, Punjab was left under the governance of India. In November 2020, in a non-binding Referendum, Sikhs around the globe will be asked to vote for or against secession and re-establishment of Indian held Punjab as a sovereign country.

Firmly rooted in the international law of the right of self-determination of all peoples, SFJ's Referendum2020 campaign is a legitimate political movement employing a democratic *modus operandi*.

It is indisputable that holding secessionist views and peacefully campaigning for independence is not a crime. A 'peoples' right to self-determination is a fundamental principle of international law, guaranteed under the UN Charter and the Bill of Rights². Self-determination may be sought and exercised internally (within a parent state) or, in certain circumstances, externally, through

¹ <https://www.dailypioneer.com/2018/state-editions/indian-army-chief-reiterates-warning-on-revival-of-insurgency-in-punjab.html>

² See, Article 1 of the UN Charter; Article 1 of the International Covenant on Civil and Political Rights; and Article 1 of the International Covenant on Economic, Social and Cultural Rights.



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secession and independence. According to the International Court of Justice, a sub-group (in this case Sikhs) may lawfully conduct a referendum on independence and declare independence without the agreement of the parent state (in this case India).³

Persecution of Referendum2020 Campaigners

Despite the peaceful, democratic nature of Referendum 2020, Indian authorities appear determined to crush the movement by unleashing a reign of terror through filing false charges labelling⁴ the campaign as “terrorism” and its supporters as “terrorists” and detention and torture of Sikh activists supporting Referendum 2020.

The Indian authorities are also “exaggerating stories” and “fabricating evidence” to implicate the Referendum 2020 supporters in terrorism cases.

Although there is a repetitive and compulsive pattern of abuses, the following are the most recent and egregious cases of terror and intimidation against the Referendum 2020 campaigners in Punjab, India.

- On February 18, 2019, eight Referendum 2020 campaigners were re-arrested⁵.
- On November 03 and 04, 2018, General Rawat⁶, Chief of Indian Army⁷ publicly alleged that SFJ's Referendum 2020 is revival of insurgency in Punjab.
- On November 02, 2018 four Sikh Referendum2020 campaigners Jaswinder Singh, Manjit Singh, Gurwinder Singh and Harpreet Singh were taken into custody for being in possession of Referendum2020 posters and charged with sedition and are being tortured.
- On November 01, 2018, Shabnamdeep Singh, a Patiala based Sikh youth who was actively engaged in propagating Referendum 2020 on Facebook was arrested and charged with the possession of grenade, pistol, links with Pakistan's ISI, terrorism, and sedition (promoting referendum 2020). As per the information received from the family members of Shabnamdeep Singh, the detainee is being continuously tortured.
- On October 19, 2018, Sukhraj Singh, Malkit Singh, Bikram Singh were arrested from the Amritsar, Punjab and have been charged with “propagating the 'Referendum 2020' campaign by affixing banners and posters in public places in Amritsar.”⁸

³ See, *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion, 22 July 2010, ICJ Reports 2010, p 403

⁴ <https://www.thestatesman.com/cities/punjab-police-bust-isi-backed-terror-module-sfj-link-1502703614.html>

⁵ <https://www.tribuneindia.com/news/punjab/du-to-release-sfj-activists-rearrested/723330.html>

⁶ <https://www.dailypioneer.com/2018/state-editions/indian-army-chief-reiterates-warning-on-revival-of-insurgency-in-punjab.html>

⁷ <https://economictimes.indiatimes.com/news/defence/stop-bid-to-revive-punjab-terror-now-or-itll-be-too-late-general-rawat/articleshow/66494478.cms>



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- On October 10, 2018, three Kashmiri⁹ Muslim students of Engineering College in Jalandhar, Punjab were arrested with Referendum 2020 material and falsely charged with possession of AK47s.
- In June 2018¹⁰, Dharminder Singh, Kirpal Singh, who were campaigning for Referendum 2020 by printing and posting banners, were arrested, implicated in false, baseless and fabricated terror charges and tortured in police custody.
- In April 2018¹¹, four Sikh youths, Randhir, Sukhwinder Singh, Manveer Singh and Jaspreet Singh, who were planning to post Referendum 2020 banners during IPL Cricket Match in Mohali were arrested and charged with arson and terrorism.
- In July 2017, Gurpreet Singh and Harpunit Singh who printed and affixed Referendum 2020 banners throughout Punjab were arrested and charged with sedition and terrorism¹².
- In August 2016, Jaspreet Singh, Kuldeep Singh, Hardeep Singh and Bikramjeet Singh, the four *Referendum 2020* campaigners were arrested while gathering signatures for an SFJ sponsored 'White House Petition' relating to Sikh separatism.¹³ Seemingly arrested for 'distributing referendum related material and T-Shirts', they were later charged with planning to carry out terror activity, a charge which observers claim to be false.¹⁴ The India-based *Lawyers for Human Rights International* visited the four detainees in prison and found that they were not only illegally detained, but also had been "brutally tortured."¹⁵

Overseas Efforts of India to Malign the Referendum2020 Campaign

The Indian efforts to undermine and smear the campaign have also spread overseas. When SFJ organised a Referendum 2020 event in London on 12 August 2018, India issued a *demarche*¹⁶, urging the UK to ban the event. India falsely claimed and shamelessly lied in its stance against the SFJ's London event claiming

⁸ https://www.business-standard.com/article/pti-stories/two-members-of-khalistani-module-arrested-in-amritsar-118101900929_1.html

⁹ <https://www.mynation.com/news/zakir-musa-punjab-2020-referendum-arrested-kashmiri-students-terrorist-pgogwb>

¹⁰ <https://leagueofindia.com/internal-challenges/punjab-police-arrest-two-khalistani-radicals-one-arms-supplier/>

¹¹ <https://www.indiatoday.in/india/story/punjab-police-arrests-4-isi-trained-khalistani-terrorists-1205283-2018-04-05>

¹² <https://www.indiatoday.in/india/story/pro-khalistan-sikhs-for-punjab-amarinder-singh-government-2020-referendum-1023168-2017-07-08>

¹³ <https://petitions.whitehouse.gov/petition/august-15th-not-independence-day-sikhs-support-liberation-indian-occupied-punjab-create-khalistan>

¹⁴ See *Urgent Appeal to UN Special Rapportuer on Torture* filed by SFJ on 30 August 2016. Annex 9

¹⁵ See *Lawyers for Human Rights International* 29 August 2016. Annex 10

¹⁶ <https://www.hindustantimes.com/india-news/india-issues-demarche-to-britain-over-proposed-pro-khalistan-event/story-QcfHYEfQGTH1CSsM3za9JL.html>



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that the purpose of the event was to spread hatred and communal disharmony. The UK did not act on the *demarche* and the SFJ's event "London Declaration on Punjab Independence Referendum" took place in Trafalgar Square, attended by thousands, in peace and without incident.

History of India's Persecution of Sikhs on account of Political Opinion - Khalistan

The Civil society has documented the long history of human rights abuses committed by Indian authorities against pro-Khalistan Sikh activists during 1990s, premised on false labelling, encouraged by politicians and perpetrated by prosecutors and police. Unfortunately, the culture continues to this day.

Unlike the *Referendum 2020* campaign, the separatist movement of the 1980s and 1990s had a militant edge. However, the brutal counter-insurgency operations were, in the words of Human Rights Watch, "the most extreme example of a policy in which the end appeared to justify any and all means, including torture and murder."¹⁷

During the 1990s India's state violence against Sikhs was accompanied by the misuse of the criminal justice system by prosecutors and police. The US Department of State described the Punjab police practice of faked encounter killings in 1993:

"In the typical scenario, police take into custody a suspected militant or militant supporter without filing an arrest report. If the detainee dies during interrogation or is executed, officials deny he was ever in custody and claim he died during an armed encounter with police or security forces. Alternatively, police may claim to have been ambushed by militants while escorting a suspect. Although the detainee invariably dies in "crossfire," police casualties in these "incidents" are rare."¹⁸

Although the militancy associated with Sikh separatism evaporated in the 1990s, the Indian authorities still employ the illegal, violent and abusive methods associated with that period.

Building the Narrative - Systematic Negative Propaganda About Referendum2020

In addition to physical abuse and persecution of Referendum2020 campaigners, India has also launched a full scale propaganda war against the Referendum2020 campaign with stories based on preposterous factual predicate. The ostensible purpose of India's propaganda campaign is to spread fear among the civilian population and to build a negative opinion against Referendum2020 among the audience at home and abroad.

As is evident from the India's so called counter insurgency operations of 1990s, building such an ill-founded negative opinion prior to unleashing violence upon a section of the civilian population serves to desensitizes the readership and facilitates India in taking brutal and violent action against Sikhs without much of an outcry from the international community.

¹⁷ *Protecting the Killers – A Policy of Impunity In Punjab, India*, Human Rights Watch, Volume 19, No. 14(C), p. 2. available at: <https://www.hrw.org/reports/2007/india1007/>

¹⁸ US State Department, Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices – 1993: India," January 31, 1994



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In July 2017, Indian government charged the SFJ's legal advisor attorney Gurpatwant Singh Pannun and SFJ's campaigners Jagdeep Singh and Jagjeet Singh with "sedition" for peacefully running the pro Khalistan secessionist campaign Referendum 2020. (See News Reports <https://www.tribuneindia.com/news/punjab/sedition-case-against-5-for-referendum-hoardings-in-punjab/432655.html> & <https://www.indiatoday.in/india/story/pro-khalistan-sikhs-for-punjab-amarinder-singh-government-2020-referendum-1023168-2017-07-08>)

In December 2018, Indian government has reportedly issued an RCN request to INTERPOL¹⁹ against SFJ's legal advisor attorney Gurpatwant Singh Pannun and SFJ's campaigners Jagdeep Singh and Jagjeet Singh. According to reports the RCN has been requested on the basis of a case registered in 2017 against Pannun and four others, including US-based Sikh activists Jagdeep Singh and Jagjeet Singh, at the Sohana police station in Mohali "for carrying out seditious activities to disturb public tranquility in Punjab" i.e. Referendum 2020 campaign by putting up posters and banners. (See December 19, 2018 News Report of Hindustan Times at: <https://www.pressreader.com/india/hindustan-times-bathinda/20181219/281505047322548>)

In March 2019, Interpol confirmed that it has not issued RCN against attorney Pannun and fellow Referendum Campaigners as per India's request²⁰.

Previously India had abused INTERPOL's RCN against Sikh political activists Hardeep Singh Nijjar a Canadian Citizen and Paramjeet Singh Pamma a resident of UK, merely for their political activism. India's RCNs against Pamma and Nijjar were ultimately turned down by the INTERPOL and other countries for not being complaint to INTERPOL's constitution and for being in violation of UDHR and UN Torture Convention.

Conclusion:

Sikhs are a religious minority in India who have been persecuted ever since India obtained independence from Britain in 1947. Most noted persecution of Sikhs under India's rule since 1947 consists of:

- a. Suppression of separate religious identity by labelling Sikhs as "Hindus" in Explanation II to Article 25 of the Constitution of India;
- b. Military attack, invasion, desecration and massacre at the holiest Sikh Shrine The Golden Temple in June 1984 killing more than 10,000 pilgrims including women and children.
- c. November 1984 anti-Sikh genocidal violence across India killing more than 30,000 Sikhs;
- d. Decade long extra judicial killing of Sikhs in 1980s and 1990s by the security forces in the name of counter insurgency to crush the movement for Khalistan;

¹⁹ <https://www.hindustantimes.com/punjab/referendum-2020-hoardings-police-plan-interpol-move-on-us-based-sfj-men-fail-to-get-printer-s-custody/story-cypYnohJRyvOzXOkezMPYP.html>

²⁰ <https://www.tribuneindia.com/news/punjab/interpol-no-to-red-corner-notice-against-pannun/753867.html>



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- e. Plundering of River waters of Punjab and giving it to other States of India, without compensation to Punjab, and thus forcing economic suicide upon 80,000 Sikh farmers.
- f. Spreading drug epidemic in Punjab through the active connivance of government and administration.

Even since Sikhs have been demanding the right of self-determination i.e. Khalistan, India has criminalized the political opinion of Sikh nationalists and separatists and labels the peaceful propagation of their political opinion as crime, militancy, insurgency and terrorism.

Like the independence movements relating to Kosovo (from Serbia), Catalan (from Spain), Quebec (from Canada) or Scotland (from the United Kingdom), *Referendum 2020* is a political movement grounded in fundamental human rights. On information and belief, neither Serbia, nor Spain, nor Canada, nor the UK, have reacted to such movements by labelling the supporters as 'terrorists' and seeking Red Notices for activists living abroad. India, on the other hand, has misused all the powers of the State to crush the political and human rights aspirations of Sikhs.

India's tyrannical treatment of Referendum 2020 supporters is not merely based on falsehood but also stems out of India's understanding, perception and lack of commitment to democratic value of freedom of speech and expression i.e. labelling a peaceful political dissent as "crime", "terrorism" and "hate".

India's recent terrain of persecution of Referendum 2020 campaigners and labelling of the campaign as illegal and violent insurgency is also a repetition of its broader and well established practice of forcefully silencing such peaceful political opinions which either seek justice for victims of state violence; expose the hollowness of India's claim of equality towards religious minorities; or demand right of self-determination for peoples as guaranteed by ICCPR.

The purpose of this letter is to inform you about the persecution of Sikhs in Punjab on account of political opinion and criminalization of peaceful and democratic pro-Khalistan expressions. There is a strong and growing apprehension that India's persecution of Khalistan Referendum Campaigners and unfounded negative propaganda against the Referendum2020 based on concocted factual predicates, is prelude to India's preparation to justify violently crushing the peaceful and democratic movement seeking right of self-determination and independence of Indian governed Punjab through referendum.

Sincerely yours,

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