

Sikh Human Rights Group (SHRG) and the 59th Session of the United Nations Commission on Human Rights

Davinderpal Singh Bhullar Case

Individual SHRG members who are affiliated to the organisation Liberation attended the meetings of the UN Commission on Human Rights. As part of the SHRG's ongoing campaign on the Professor Davinderpal Singh Bhullar case, which commenced in 2001, and following a number of meetings with relevant UN officials such as the Special Reporters on Torture and Extrajudicial, Summary or Arbitrary Executions, we wish to announce that the case is referred to in two UN documents and a statement was made at the Commission:

625. Professor Davinderpal Singh Bhullar was reportedly sentenced to death on 25 August 2001, after having been tried by a designated court created under provisions of the Terrorist and Disruptive Activities (Prevention) Act (TADA). The death sentence was said to have been solely based on a confession extracted under duress. It was reported that he was kept in police custody until the end of March 1995 and that he had been assaulted by officers of the Punjab police, and forced to sign blank pieces of paper, under the threat that the police would otherwise kill him in a false encounter. Apart from this statement, no other corroborated evidence was said to have been presented by the prosecution. Of the 133 prosecution witnesses, none was said to have identified Professor Bhullar.

(UN Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted pursuant to Commission resolution 2002/38)

289. Professor Davinderpal Singh Bhullar was reportedly sentenced to death on 25 August 2001, after having been tried by a designated court created under provisions of the Terrorist and Disruptive Activities (Prevention) Act (TADA). The death sentence is said to have been based solely on a confession extracted under duress. He was reportedly handed over to the Indian police at Indira Gandhi airport in New Delhi on 17 January 1995 after having been refused asylum in Germany. He was reportedly arrested and charged with carrying false documents. He was remanded in police custody allegedly for 10 days. However, he was reportedly kept in police custody until the end of March 1995. In custody, he is said to have been assaulted by officers of the Punjab police and forced to sign blank pieces of paper, under the threat that the police would otherwise kill him in a faked encounter. (In January 1991, his father is said to have become victim of enforced disappearance.) As a result, he was reportedly charged with involvement in an assassination attempt against Maninderpal Singh Bhullar on 11 September 1993. Apart from this statement, no other corroborative evidence is said to have been presented by the prosecution. Of the 133 prosecution witnesses, none is said to have identified Professor Bhullar. His co-accused is said to have been acquitted as Professor Bhullar's statement was held to be unreliable.

(UN Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Asma Jahhanir, submitted pursuant to Commission resolution 2002/36)

Furthermore, SHRG's Jaswant Kaur, as an individual member of the organization Liberation, made an intervention to the UN Commission on Human Rights on the Professor Davinderpal Singh Bhuller case as;

We are concerned at the incidents of torture, fabricated charges, independence of judiciary and administration of justice in India. We give the example of Professor Davinderpal Singh Bhuller (E/CN.4/003/68/Add.1, para 625 and E/CN.4/2003/3/Add.1, para 289), a political refugee who was deported from Germany in what Germany regrets was an administrative error. On reaching Delhi he was tortured and threatened with extra-judicial execution and forced to sign blank document as confession to an assassination plot.. Procedures to ensure authenticity of this confession were all violated. At a special court hearing, none of the 133 prosecution witnesses identified Mr Bhuller. He was sentenced to death. At an appeal in the Indian Supreme Court, the presiding judge dismissed the charge, finding the confession highly unsafe but the other two judges upheld the death penalty, saying that proof beyond reasonable doubt and evidence are not fundamental principles.

We invite the German government delegate here to show diplomatic courage and ask the Indian delegation and the Indian Attorney General for a response. We also ask the Commission to request the Indian president to not only grant clemency but also acquit him in this case.

(For the full text of the intervention please refer to our website www.shrg.net or to listen to the statement go to <http://www.unhcr.ch/html/menu2/2/59chr/59audio.htm> click on 9th April, the statement at 3hrs 15 min from start)

The Professor Davinderpal Singh Bhuller case was also highlighted to the Indian and German delegations to the UN Commission on Human Rights.

Sikhs to be Deported From Geneva

Karan Singh Khalsa, Jasbir Singh, Dalip Singh Khalsa and Harminder Singh Khalsa served life sentences in Pakistan for hijacking an airplane and have been living in Switzerland for the last 8 years. In 1998 the Central Refugee Department in Switzerland rejected their applications for political asylum based on its decision that they will be safe in India and not subjected to any harsh treatment for their political activism against India. Recently their appeal was rejected and they were ordered to leave Switzerland.

SHRG Director approached and discussed the case with the Swiss Federal Department of Foreign Affairs and in particular with the Human Rights policy Asia-Pacific department in order to postpone the deportation so that a complete case in their defence can be submitted.