

Evidence submitted by Sally Jones (INR0089)

I write in a personal capacity as a citizen born and raised in the United Kingdom (UK). I am not a member of any political party or campaign organisation. I maintain an interest in domestic and foreign affairs especially human rights and the experience of minorities in India.

Executive Summary & Core Recommendations

1. As a citizen of an established and mature democracy I am fortunate to enjoy its freedoms and protections. I am therefore able to conduct my life with reasonable confidence, ease and in peace. These invaluable dividends of a functioning democracy are evidently not global. At this point in the UK's history and the changing world order, how committed the UK is to pursuing democracy, human rights and the rule of law with other nations is an important question?
2. This becomes a particularly pertinent question in the case of a country such as India - an important trade and strategic partner. Here the UK foreign policy can be found to be conspicuously quiet on human rights, rule of law and democracy. Yet for India to stand tall as democracy on the world stage and for the UK to maintain its moral authority at home and abroad, both must shift to engage with the human rights issues and the rule of law.
3. It is therefore critical that the Government commits to the Foreign Affairs Select Committee analysis and recommendation, in its 2018 report *Global Britain: Human rights and the rule of law*, that *...the prioritisation of human rights is in the UK's long-term commercial, as well as moral interest. The Government should commit to including human rights clauses within future trade agreements.*
4. The wrongful detention of British citizens and instances of their torture, as well as atrocities committed against minorities is a significant problem area. As a democratic nation the UK must exercise its freedom of speech to raise questions and seek answers of India. By the same token as a sovereign and democratic nation India also has international obligations and is bound by international laws and must be encouraged to demonstrate accountability and transparency.
5. The UK must insist that India ratify the UN Convention on Torture. It is the only major democracy that has not done so for nearly a quarter of a century. Custodial torture, rape, enforced disappearances and extra-judicial killings are common practice and not befitting a democracy aspiring to global leadership.

6. The first week of September marks 'Khalra week'. It commemorates Jaswant Singh Khalra, the human rights advocate who was abducted, tortured and murdered in India by Punjab Police. His work uncovered up to 25,000 enforced disappearances in Punjab of Sikhs and mass illegal cremations in the years between 1984 – 1995. The UK very badly let down the Sikh minority community in 1984. The UK must now muster the courage to discharge the debt to the Sikh community (aptly put by Sir Winston Churchill), for their support in two world wars. The Government must support the Sikh community to obtain redress for the atrocities of 1984, and the root of their grievances.
7. In line with the above the Foreign Secretary must meet with the family and secure the release of British citizen Jagtar Singh Johal who is wrongfully detained without charge in India and has been subject to torture. A Sikh, who peacefully and legitimately documented human rights violations
8. This submission is made in honour of murdered human rights advocate Jaswant Singh Khalra. It focuses on the priorities for the UK foreign policy strategy and the relationship of this review with other foreign policy reviews.

India & Human Rights

9. In its report Building Bridges – Reawakening UK-India ties, June 2019, the Foreign Affairs Select Committee recognises the problem in reference to India and the Commonwealth Organisation "*it is important to acknowledge that there may be challenges around diverging goals and ideas for the organisation's future between the UK and India, particularly on the topic of human rights.*"
10. The conflict with human rights priorities is clear, but also the potential opportunity, as the report illustrates: *There is a growing mismatch between India's global importance and its place in the multilateral system. It is in the UK's interest to help India gain the status it seeks—if China wants to change the rules of the game, India is seeking a seat at the table. In a world threatened by autocratic states with contempt for the rules-based international system, it is more important than ever before that the UK and India support each other—and our mutual allies.*
11. Therefore if India seeks prominence in global affairs and a permanent seat at the UN Security Council it must grow up and stand tall as a democracy. This means the world's largest democracy must address glaring and continuing human rights violations and atrocities. While India seeks to challenge western definitions of human rights, surely the world's largest democracy knows that bloodshed is bloodshed and has the same meaning everywhere. Unless as appears to be the situation in India, that some lives matter less than others.

12. The long established political strategy of communalism and the ensuing conflicts in places like Kashmir, Punjab and Assam has to end in order to build peace and prosperity. Hindu nationalism has always coalesced much of the majority Hindu community with a belief that their survival as a Hindu nation depends on keeping minorities in their place. In everyday reality this means their oppression and humiliation. The experience of Muslims and Sikhs is brutal and desperate.

United Kingdom

13. The challenge to stand tall as a democracy applies equally to the UK in its relations with India. The UK must change its tired policy of neutrality and opportunism. A simple internet search will reveal that currently the right to dissent is considered anti-national and risks a very high price. Citizens, journalists, media organisations, lawyers, academics and civil society organisations are slapped with charges of criminal defamation and even terrorism through extensive use of Seditious Libel Laws and the Unlawful Activities Prevention Act (UAPA).

14. The UK shockingly let down the Sikh minority in 1984 and continues to do so by choosing not to support their right to justice for their genocide. Sikhs have contributed hugely to the UK from troops in both World Wars to supporting the needy in times of crisis. Up and down the UK, Sikhs have prepared and distributed countless meals to people during this Corona Virus and across the world. And they continue to do so every day. Even Sir Winston Churchill well known for his less than favourable views of Indians, felt compelled to praise the Sikhs:

“The British people are highly indebted to the Sikhs for a long time. I know within this century we needed their help twice, and they did help us very well. As a result of this timely help, we are today able to live with honour dignity and independence.”

<https://www.northjersey.com/story/news/2018/07/27/sikhs-defenders-western-civilizations/841737002/>

15. It is high time the UK discharged its debt to this brave, noble and humanitarian community.

Trade & Human Rights

16. It was with interest that I noted the third pillar of the Global Britain strategy, articulated in the statement given by the Secretary of State for Foreign and Commonwealth Affairs And First Secretary of State (Dominic Raab) on 3rd February 2020

... the third pillar of our global Britain will be the UK as an even stronger force for good in the world. Our guiding lights will remain the values of democracy, human rights and the international rule of law ... We will defend journalists from attack, stand up for freedom of

religion and conscience, and develop our own independent sanctions regime to tackle human rights abusers head on. Together, united, we can show that this country is so much bigger than the sum of its parts

17. The reality is that the noble intentions of the Government's third pillar are certainly not pursued consistently or evenly across the globe. And while a tailored approach to each country is understandable, nevertheless some nations are treated more benignly than others. This point has been made repeatedly by Lord Indarjit Singh OBE over the years in numerous debates on the issue of human rights. In the case of India, trade before human rights is a clear theme that runs through the relationship with the UK. On the 9th January 2018, Martin Docherty-Hughes MP *commented that the Government's approach to large Commonwealth states is nothing short of a Faustian pact in which we sacrifice our defence of due process to arbitrary detention, on the altar of free-marketism.*
18. Mr Docherty-Hughes made this point in the context of his constituent being held without charge in India. This constituent Jagtar Singh Johal has been in prison for 1,032 days, with 134 pre-trial preliminary hearings, no evidence brought forth and no charges to date. He has been subjected to torture, his own hand written account of his torture can be found here: <https://www.sikh24.com/2018/06/10/breaking-letter-by-uk-citizen-jagtar-singh-johal-shares-details-of-brutal-torture-by-punjab-police/>.
19. The United Nations rapporteurs have expressed "grave concern" at the alleged torture for Mr Johal's "legitimate and peaceful work in documenting human rights violations against members of the Sikh community in Punjab."
<https://www.sikhpa.com/freejagginow/>
20. Rory Stewart the then Minister of State at the Department for International Development responded that *"We take any allegation of torture very seriously, as indeed would the Indian government. It is completely unconstitutional – it is offensive to the British government – and we will work very closely to investigate and of course will take extreme action if a British citizen is being tortured."*
<https://www.bbc.com/news/uk-scotland-glasgow-west-42064802>
21. To date no action has been taken and the allegations of torture have not been investigated. And the Foreign Secretary Dominic Raab has ignored repeated requests to meet with the family and their MP.
22. Prior to this case, there was also the wrongful detention for four years of the Chennai Six in an Indian prison. Upon their release, they were fiercely critical of the Government, believing business and trade interests came first, with little or no commitment to ensure their release at the earliest.

Mass Atrocities

23. The Foreign and Commonwealth Office has been turning a blind eye for decades to India's mass atrocities and persistent human right violations. Report after report can be found at the United Nations critical of India's record - the alarming widespread use of custodial torture, rape along with enforced disappearances and extra judicial killings. Normal practice and a daily occurrence, for almost quarter of a century India is the only major democracy failing to ratify the UN Convention Against Torture. In 2019, 1,731 people are 'known' to have died in police custody- almost five people every day:
24. The 2017 report 'Sacrificing Sikhs' provides a shocking and disturbing read based on evidence emerging from the UK Government's own papers that were 'inadvertently' released under the thirty year rule.
25. The report lays bare Britain's inglorious opportunism in the deeply dark and bloody year of 1984 for India's Sikhs. It clearly details the desperate pursuit of trade for which the rights and lives of a minority community were totally abandoned.
26. The 1919 Jallianwala Bagh massacre to teach a lesson to the natives was replayed by the Indian government in 1984 on a section of its own people – the Sikhs, evidently to teach them a lesson. The military assault on the Sikh holy shrine Sri Harmandir Sahib in Amritsar was out of all proportion to the assumed threat - with 70,000 troops sent ostensibly to oust 200 armed insurgents at the Sri Harmandir Sahib, along with tanks and CS gas. Yet the day chosen for the raid was a significant day in the Sikh calendar with as many as 10,000 Sikh pilgrims thronging the Complex. Thousands of innocent lives were slaughtered; even toddlers and babies were not spared. The water in the drains flowed red and the sacred pool that surrounds the Sri Harmandir Sahib was full with bloated bodies.
27. In a debate in the House of Lords on the 23rd November 2013, Lord Indarjit Singh OBE recalled: *Our Government's response to this attack on a minority faith was total silence. When I raised the matter with a then Cabinet Minister, I received the reply, "Indarjit, we know exactly what's going on, but we are walking on a tightrope. We have already lost one important contract". He was referring to the Westland helicopter contract.*
28. In 2014 the British government was willing to describe the human rights record of Sri Lanka as 'appalling' calling for an international inquiry, but when asked whether the Government would press for an inquiry into the State sponsored massacre of thousands of Sikhs in India, Lord Singh was told it was *"a matter for the Indian Government"*.
<http://nsouk.co.uk/category/1984-sikh-genocide/>

29. The British government has been faithfully towing this line with regard to India for far too long, quietly enabling the continued persecution of minorities. At the present time the UK government is largely silent on the issue of Kashmir – the letter of the Foreign Secretary in August 2019, to the Chair of the Foreign Affairs Select committee is consistent with the Indian Government’s own response to all foreign criticism– *that it is an internal matter*. Typically again numerous reports can be found over the years at the United Nations on the turmoil and extreme human rights violations in Jammu and Kashmir. So when the UK government is willing to parrot the line of its trade partner in the face of clear violations of international law and human rights, it is certainly not democracy that is standing tall.

30. Indeed as the 2017 report ‘Sacrificing Sikhs’ evidences the British Government is more than willing to oblige its trading partners such as India to also clamp down on Sikh members of the diaspora in the UK. Their freedom of movement, speech, right to protest and media coverage of ‘their story’ can be restricted in order to promote the narrative of an important foreign trade partner. Thus helping to demonise and further marginalise a minority community.

31. So it is striking to note that Lord Indarjit Singh OBE himself, received a visit from Scotland Yard a few months after the attack on the Sri Harmandir Sahib in Amritsar to ‘check’ his views:

“They asked me if I was an ‘extremist’ or a ‘moderate’. I replied I was extremely moderate. Then they asked me if I was a ‘fundamentalist’. I paused and replied, ‘I believe in the fundamentals of Sikh teaching such as: the equality and oneness of the human race, a stress on the full equality of women, respect for all religions and a commitment to help the poor and underprivileged. Yes, I am a fundamentalist’. My plea is for clarity in debate so that we can discuss real concerns.” <http://nsouk.co.uk/category/1984-sikh-genocide/>

32. After the assassination of the Indian Prime Minister, again thousands of Sikhs were massacred across India. Over four days approximately 8,000 or more Sikhs were brutally murdered in cold blood by what were first described as ‘enraged Hindu mobs’ and then, later discovered to have been hired squads led by police officers and members of the ruling party in Government -The Congress.

33. Moreover an estimated 25,000 enforced disappearances of Sikhs took place between 1984-1995. This figure was arrived at by Jaswant Singh Khalra a human rights advocate whose steadfast commitment to unearth the truth led to the discovery of mass illegal cremations in Punjab. His work also led to his own abduction, torture and murder by the Punjab Police in 1995. His body was never returned to his family, and a ten year legal

battle ensued to obtain justice. In 2005 six junior police officers were convicted but their seniors escaped punishment.

34. Cynthia Keppley Mahoomood a US academic in anthropology detailed her own rape ordeal in India to intimidate her from studying the Sikh and Punjab experience. http://sikhchic.com/1984/indias_shame_the_personal_ordeal_of_cynthia_mahmood

Conclusion

35. That trade has consistently trumped human rights, rule of law and democracy can no longer be in question. The UK cannot indefinitely sustain a position of silence on stark human rights violations and atrocities with key trade and strategic partners such as India, without coming under sharp scrutiny at home, including from members of the Indian diaspora. It is reasonable to assert that British citizens, including educated, fair minded and secular members of the diaspora if polled for opinion would never prefer trade deals at the cost of human rights violations.

August 2020