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**Follow-up and implementation of the Vienna Declaration
and Programme of Action**

Written statement* submitted by Sikh Human Rights Group, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2021]

* Issued as received, in the language(s) of submission only.



Impunity, Arbitrary Executions and Rays of Hope for a Better Year

Following the Vienna Declaration, there have been many efforts to improve human rights across the world. This statement is made in reference to Paragraphs 19, 30 and 60 of the Vienna Declaration. It particularly draws attention to Paragraph 60, 'States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law'.

It also emphasises paragraph 60 which expresses concern for arbitrary executions and paragraph 19 on racism. Since the Vienna Declaration, there has been recognition of institutional racism that exists in some countries.

Much has happened in the last two years. Apart from the global pandemic, extrajudicial executions, deaths in custody and racially motivated executions took on a considerable new turn in some countries, including democracies such as the United States of America.

The killing, murder or deaths whether wilfully or by negligence by police officers in the United States of America (USA), over the last two years of African-Americans has shocked the world.

Of greater concern has been the impunity with which endemic structural and institutional racism has prevented some of the officers being convicted. The punitive steps taken by authorities against the concerned officers have only encouraged such behaviour among others in their rank. Some of the deaths have occurred in full view of the public, yet there has been a lack of concern for any investigation by officers concerned.

The change of administration and the Presidency of Mr Joe Biden is not only a welcome relief for African-Americans and other minorities in the USA, but to the rest of the world who once saw USA as a beacon of rule of law and democracy. We hope the new administration will restore that.

The new United States of America administration must revisit these cases and provide justice to the families and revisit the institutional and legal barriers to justice.

It is also appropriate to highlight some positive developments. In 2012, the then Special Rapporteur on extrajudicial, summary or arbitrary executions Mr Christof Heyns made a historic visit to India. In his subsequent 2013 report, A/HRC/23/47/Add.1¹, he noted his considerable concern, the immunity and impunity enjoyed by some senior police officers in India. The then Director General of Police, Mr Sumedh Singh Saini was specifically named by the Special Rapporteur, as an example. He noted:

The situation is aggravated by the fact that security officers who committed human rights violations are frequently promoted rather than brought to justice. The Special Rapporteur has heard of the case of Mr. Sumedh Singh Saini, accused of human rights violations committed in Punjab in the 1990s, who was promoted in March 2012 to Director General of Police in Punjab.

He enjoyed a status and patronage, above the law, under the previous Congress Party of India led Governments.

There have been other high profile politicians and police officers who have been named in various human rights reports and various Indian Government appointed Commissions of enquiry as being complicit, and actively involved in the genocidal pogroms of Sikhs that took place in Delhi in November 1984. These high ranking politicians were institutionally protected by the Congress Party of India.

It is encouraging to note that the present Government has allowed the courts to function in these particular cases, without political interference. In allowing due process and the rule of law to function, the Indian Courts have convicted a number of people implicated in the 1984 genocide against Sikhs, and convicted them. Of particular note was Mr Sajjan Kumar, a

¹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, Addendum, Mission to India 2012, A/HRC/23/47/Add.1.

senior politician who was General Secretary, Pradesh Congress Committee (PCC), Delhi, and occupied senior positions in the Ministry of Works and Housing.

Similarly, it is encouraging that ex Director General of Police Sumedh Saini is now facing new charges in a 29-year-old case of abduction and murder of a Sikh youth during the period of unrest in Punjab. The victim, Balwant Singh Multani, an Indian Administrative Service officer's son, had been enforced disappeared in 1991. A specially constituted Special Investigation Team (SIT), which followed an earlier Central Bureau of Investigation investigation into Mr Saini, found that he was directly responsible for the abduction, torture and murder of Mr Multani.

Such prosecutions are a much-needed step towards restoration of faith in Indian justice. There are concerns that Mr Saini will attempt to use his previous position and contacts to influence proceedings. It is hoped that proceedings will continue without political interference or intrusion by ex-patrons of Mr Saini.

This will demonstrate that progress has been made since the Special Rapporteur's visit over 8 years ago. Whilst there are still considerable challenges to overcome, it is believed that many more victims will be willing to come forward if the trial is fair and free from improper influence.

We encourage the Indian Government to continue redressing these gross human rights violations and the deep rooted sense of injustice that impunity has brought. It is hoped that the Government will continue with removing the impunity hurdles with which many politicians, police officers and other law enforcement have carried out crimes against humanity in the past.

Sikh Human Rights Group hopes that this year may be better in both countries for an improvement in human rights.
