

April 16, 2013

Assistant Secretary for South and Central Asia, Robert O. Blake
Assistant Secretary for Democracy, Human Rights, and Labor, Uzra Zeya
U.S. Department of State
2201 C Street, NW
Washington DC 20037

Dear Assistant Secretaries:

We, the undersigned organizations, are writing to request your immediate assistance in halting the imminent (within the next 48 hours) execution of Mr. Devender Pal Singh Bhullar, a death row inmate in India.

At the peak of the brutal suppression of a Sikh self-determination movement¹ in Punjab (India), Mr. Bhullar, a Mechanical Engineer and Lecturer at the Guru Nanak Engineering College (GNE) Ludhiana, Punjab, found himself wanted by the police, like thousands of other young Sikh men at the time.² In 1991, police first came searching for him, ostensibly for information regarding another Sikh engineer who was Bhullar's friend. Subsequently, Bhullar's father, uncle, and this friend were all killed by Punjab Police while Bhullar was accused of being a co-conspirator in a 1993 bomb blast in New Delhi. To escape the fate of his relatives and friend, Bhullar fled to Germany, but was extradited to India in 1995 (Germany subsequently deemed the extradition illegal because of fears that Bhullar would face torture and execution).³ In 1995, he was arrested under the Terrorist and Disruptive Activities (Prevention) Act (TADA) which, according to Amnesty India, "contained provisions incompatible with international fair trial standards."⁴ The Indian Supreme Court did not sentence him until 2001, and the Indian President denied his mercy petition in 2011. For eighteen years, Bhullar has been behind bars, mostly in solitary confinement, and is reportedly suffering from mental illness, as most recently noted by former Indian Supreme Court Justice Katju.⁵ Although we unequivocally condemn terrorism, we believe that governments must comply with international human rights norms and guarantee due process and fair trials. According to Amnesty India:

Devender Pal Singh Bhullar had no access to a lawyer during his initial detention and trial. He was found guilty on the basis of an unsubstantiated "confession" that he made to the police. He later retracted his statement claiming it was made under police pressure. In

¹ Ensaaf and Human Rights Watch, *Protecting the Killers: A Policy of Impunity in Punjab, India* (2009), available at <http://www.ensaaf.org/publications/reports/protectingthekillers/reportwcover.pdf>.

² See, e.g. HUMAN RIGHTS WATCH AND PHYSICIANS FOR HUMAN RIGHTS, DEAD SILENCE: THE LEGACY OF HUMAN RIGHTS ABUSES IN PUNJAB (1994); HRW and Ensaaf, <http://www.hrw.org/reports/2007/10/17/protecting-killers-0>

³ Deportation of Bhullar illegal, German court had ruled, Times of India (Apr. 13, 2013), available at http://articles.timesofindia.indiatimes.com/2013-04-13/india/38511168_1_death-sentence-capital-punishment-president-pratibha-patil.

⁴ Amnesty India, *Devender Pal Bhullar at risk of imminent execution* (Apr. 12, 2013), available at <http://amnestyindia.tumblr.com/post/47785059636/devender-pal-bhullar-at-risk-of-imminent-execution>.

⁵ http://articles.timesofindia.indiatimes.com/2013-04-13/india/38510951_1_katju-devender-pal-singh-bhullar-justice-shah

March 2002, the Supreme Court upheld Bhullar's death sentence, though one of the three judges on the bench had found him not guilty, saying there was no evidence to convict him. A review petition was dismissed by the same Supreme Court judges, again by a 2 to 1 majority, in December 2002. Bhullar has been receiving treatment at a psychiatric facility in New Delhi and in 2011 his lawyer requested that the Supreme Court consider his mental condition as grounds for commuting his death sentence.⁶

According to the U.S. Department of State, India has failed to resolve significant human rights deficiencies relating to "police and security force abuses, including extrajudicial killings, torture, and rape[.]"⁷ Bhullar's is a case in point.

Further, there is serious concern the execution will occur clandestinely, without informing Mr. Bhullar's family or returning his body, as happened in the recent February 9, 2013 hanging of Afzal Guru.⁸

In light of the foregoing concerns, especially given the presence of reasonable doubt and India's failure to respect international due process norms, which calls into question the legality of his prolonged detention and death sentence, we respectfully request that you call upon the Government of India to revisit this case and release Mr. Bhullar. For additional information, please contact Mr. Sukhman Singh Dhami at Ensaaf at sdhami@ensaaf.org or (646) 299-2083. Thank you for your consideration of this urgent matter.

Respectfully submitted,

Ensaaf
Jakara Movement
Sikh American Legal Defense and Education Fund (SALDEF)
Sikh Coalition
Sikh Research Institute
UNITED SIKHS
Voices For Freedom

⁶ Amnesty India, *Devender Pal Bhullar at risk of imminent execution* (Apr. 12, 2013), available at <http://amnestyindia.tumblr.com/post/47785059636/devender-pal-bhullar-at-risk-of-imminent-execution>.

⁷ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2011, India (2012), available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186463>.

⁸ <http://www.thehindu.com/news/national/afzal-guru-hanged-in-secrecy-buried-in-tihar-jail/article4396289.ece>