



SIKH HUMAN RIGHTS GROUP
NGO with special consultative status at UN ECOSOC
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04 February 2021

FAO: The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

c/o Office of the High Commissioner for Human Rights,

United Nations Office at Geneva,

CH-1211 Geneva 10,

Switzerland

URGENT APPEAL

Sikh Human Rights Group has this morning received highly credible evidence from Dr Darshanpal Singh, located on the Singhu boarder, that him and thousands of other small farmer protestors situated in and around Delhi (India) have been surrounded by the Indian authorities (army and police) and have subsequently had their water supplies, toilet facilities, phone and internet facilities blocked off. Which is wholly unacceptable in light of international humanitarian law and well-established human rights norms but also owing to the fact that there are 500+ children and elderly people currently situated amongst the protestors.

Dr Darshanpal Singh is a leader of the Krantikari Kisan Union who has been on the forefront of the struggle against the farm laws. The 70-year-old Dr Darshanpal, a doctor by profession, has worked consistently to organize the farmers and therefore has always been a consistent and reliable source of information.

Therefore, the actions taken today by the Indian authorities clearly fall within the definition of torture as defined by **Article 1** of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984** (hereafter referred to as the **Convention**);

'The term torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as... punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...'

Further or alternatively, Prime Minister Narendra Modi and his majority Government are evidently failing to uphold their obligations under **Article 2(1)** of the **Convention** and/or are failing to take 'effective legislative, administrative, judicial or other measures to prevents acts of torture [within their] jurisdiction.'

Which is particularly concerning as **Article 2(2)** of the **Convention** specifically provides that 'no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.'; and

Article 2(3) of the **Convention** provides that 'an order from a superior officer or a public authority may not be invoked as a justification for torture.'

Therefore, as it can clearly be said with an exceptionally high degree of certainty that the Indian authorities are attempting to:



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Inflict physical and mental suffering upon the protestors in order to punish them for their involvement in the nationwide protests, held on 26 January 2021, against PM Narendra Modi and his majority governments enactment of the following primary legislation into India's domestic law (September 2020):

- (i) ***The Farming Produce Trade and Commerce (Promotion and Facilitation) Bill 2020;***
- (ii) ***The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill 2020;*** and
- (iii) ***The Essential Commodities (Amendment) Bill.***

It is respectfully submitted that the authorities are acting in contravention of the ***Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984*** and **Article 9** of the ***Universal Declaration of Human Rights 1948***. Which provides that '*no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment*' such as having their most basic human right to water and clean sanitation purposefully curtailed by their national authorities.

Furthermore, as any form of torture is not permitted even during war time it is of particular concern that the Indian authorities are inflicting physical and psychological torture upon a civilian population engaged in protest. In other words, it is wholly unacceptable that the authorities are depriving the civilian protestors of water and toilet facilities when they are not permitted under international law to deprive prisoners of war of such basic human necessities.

Therefore, it is for but not limited to the reasons outlined direct above that the Sikh Human Rights Group urges you to act upon the credible evidence received from Dr Darshanpal Singh and/or to send a letter to the Indian Minister of Foreign Affairs urging PM Modi and his majority Government to ensure the physical and mental integrity of the protestors.

Submitted by:

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AND

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Date:

04/02/2021