

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Via electronic delivery

02 May 2024

Re: Steps for Immediate Accountability in the Face of Indian Transnational Repression

Dear Mr. President:

We write to you once again from the Sikh Coalition, the largest Sikh civil rights organization in the United States, regarding efforts to protect the lives and civil rights of U.S.-based Sikhs from transnational repression by the government of India (GOI). Specifically, recent reporting by the Washington Post (“the Post”) has provided new details related to the 2023 plot to assassinate a Sikh activist in New York—and raised new details about what response the U.S. government must take to prevent further such plots.¹

According to the Post, the attempt to murder a Sikh American was approved by high-ranking GOI officials, likely including individuals within Prime Minister Modi’s inner circle. Such actions by a purported ally to the United States are outrageous, and necessitate an immediate, fundamental reassessment of the U.S.-India relationship. While we understand that your administration is trying to find “ways to respond without risking a wider rupture with India,” it is our belief that the safety of U.S.-based Sikhs must take precedence in this matter, and that our community remains at risk until meaningful action is taken.

As you will recall, in November of last year, the U.S. Department of Justice (DOJ) unsealed its superseding indictment of Nikhil Gupta, which alleged that an unnamed employee of the GOI recruited a weapons and narcotics trafficker to coordinate the assassination of a Sikh American activist in New York City.² Per the Post’s reporting, we now know the identity of that GOI employee: Vikram Yadav, an officer in India’s Research and Analysis Wing (RAW). Moreover, through “interviews with more than three dozen current and former senior officials in the United States, India, Canada, Britain, Germany and Australia,” the Post discovered that “[h]igher-ranking RAW officials have also been implicated” in the plot. For instance:

¹ Greg Miller, Ellen Nakashima, and Gerry Shih, “An assassination plot on American soil reveals a darker side of Modi’s India,” The Washington Post, Apr. 29, 2024.

<https://www.washingtonpost.com/world/2024/04/29/india-assassination-raw-sikhs-modi/>.

² United States v. Nikhil Gupta, Sealed Superseding Indictment, S1 23 Cr. 289 (VM), <https://www.justice.gov/media/1326501/dl?inline>.



“In reports that have been closely held within the American government, U.S. intelligence agencies have assessed that the operation targeting Pannun was approved by the RAW chief at the time, Samant Goel. That finding is consistent with accounts provided to The Washington Post by former senior Indian security officials who had knowledge of the operation and said Goel was under extreme pressure to eliminate the alleged threat of Sikh extremists overseas. U.S. spy agencies have more tentatively assessed that Modi’s national security adviser, Ajit Doval, was probably aware of RAW’s plans to kill Sikh activists, but officials emphasized that no smoking gun proof has emerged.”

The Post explores these connections in detail, in the context of the growing reach and changing philosophy (shifting to a strategy of “offensive defense”) of the RAW and other elements within Prime Minister Modi’s government, including Indian national security adviser Ajit Doval. The Post’s inclusion of former RAW chief Samant Goel is particularly relevant given his documented role in the Indian state’s historic genocidal violence against Sikhs in Punjab and India more broadly. Per human rights organization Ensaaf, which studies and documents the Sikh Genocide of 1984 and subsequent decade of violent repression against the Sikh community, “at least 128 enforced enforced disappearances and extrajudicial executions were committed under [Goel’s] command during his tenure as Senior Superintendent of Police in various jurisdictions of Punjab in the 1990s.”³ It seems beyond coincidence that Goel allegedly was given his retirement memo on the same day that Hardeep Singh Nijjar, a Sikh Canadian activist, was assassinated in Canada.⁴

In general, the Post’s analysis undermines India’s assertion, conveyed publicly at the completion of their self-investigation, that “rogue elements” were behind the New York assassination plot.⁵ This general assertion that the GOI is increasingly willing to use transnational repression to accomplish policy goals is corroborated by the alleged leaked memo from India’s Ministry of External Affairs, which “instructed its consulates in North America to launch a ‘sophisticated crackdown scheme’ against Sikh diaspora organizations,” including

³ “Samant Kumar Goel,” Ensaaf, <https://data.ensaaf.org/official/S0024/detail/>.

⁴ [@BaazNewsOrg]. “Samant Kumar Goel, the now former RAW chief behind India’s assassination program targeting Sikhs in the West, was given his retirement memo on June 19 (IST), 2023, the same day the Indian Intelligence-Criminal Gangs nexus assassinated Hardeep Singh Nijjar in Surrey, a copy of the memo shared with Baaz shows. Goel would officially leave his post on June 30, 2023. ‘In reports that have been closely held within the American government, U.S. intelligence agencies have assessed that the operation targeting Pannun was approved by the RAW chief at the time, Samant Goel. That finding is consistent with accounts provided to The Washington Post by former senior Indian security officials who had knowledge of the operation and said Goel was under extreme pressure to eliminate the alleged threat of Sikh extremists overseas,’ the @washingtonpost found.” Twitter/X, April 30, 2024, <https://twitter.com/BaazNewsOrg/status/1785347350476554363>

⁵ Sudhi Ranjan Sen and Anto Antony, “India Probe Finds Rogue Officials Involved in US Murder Plot,” Bloomberg, Mar. 20, 2024, <https://www.bloomberg.com/news/articles/2024-03-20/india-s-probe-finds-rogue-officials-involved-in-us-murder-plot>.



organizations in the United States.⁶ Similarly, the U.S. State Department recently asserted in its 2023 country report that India engaged in transnational repression “against diaspora activists working to advance human rights and religious freedom.”⁷

Finally, the Post’s reporting identifies how the RAW’s activities have brought it into conflict with U.S. allies like Australia, Germany, Britain, and Canada. Australia and Canada in particular have been cited as having taken stronger approaches in the face of Indian transnational repression. Per the Post’s reporting, Australia expelled a “nest” of Indian spies for their efforts to “steal defense secrets and monitor expatriate communities in 2020;”⁸ Canada, of course, has responded to the Nijjar assassination by suspending trade with India⁹ and expelling the head of the RAW’s Canadian branch from the country.¹⁰ Instances of these countries holding the GOI or its agents accountable stand in stark contrast to the actions of the United States government, which has not expelled or sanctioned any individuals—RAW, GOI, or otherwise—for the assassination plot, and in fact chose to warn Mr. Modi’s government that the Post’s story was being published.

Two points are equally clear from both this recent reporting and all accumulated evidence to date. First, Sikhs and others continue to remain under threat from emboldened and expanding Indian transnational repression—a threat equally pertinent in the minds of both the Sikh diasporic community and the governments of other liberal democracies. And second, the U.S. government has taken comparatively fewer steps to hold India accountable for its threats and attacks on the Sikh community. We urge your administration to address these points specifically by taking the following actions:

- **Bring criminal charges and other relevant sanctions against Vikram Yadav for his role in the 2023 assassination plot.** Holding offenders of transnational repression

⁶ Murtaza Hussain and Ryan Grim, “Secret Indian Memo Ordered ‘Concrete Measures’ Against Hardeep Singh Nijjar Two Months Before His Assassination in Canada,” The Intercept, Dec. 10, 2023, <https://theintercept.com/2023/12/10/india-sikhs-leaked-memo-us-canada/>.

⁷ “2023 Country Reports on Human Rights Practices: India,” U.S. State Department Bureau of Democracy, Human Rights, and Labor, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/india/>.

⁸ “Indian spies linked to killings, tracking dissidents abroad: What we know,” Al Jazeera, May 1, 2024, <https://www.aljazeera.com/news/2024/5/1/indian-spies-linked-to-killings-tracking-dissidents-abroad-what-we-know>.

⁹ Janyce McGregor, “Canada-India trade talks won’t resume until India co-operates with Nijjar investigation, minister suggests,” CBC, Nov. 15, 2023, <https://www.cbc.ca/news/politics/canada-india-trade-talks-ng-1.7029872>.

¹⁰ Kyle Duggan, “Canada expels diplomat amid allegations India involved in killing Canadian,” Politico, Sept. 18, 2023, [https://www.politico.com/news/2023/09/18/canada-expels-diplomat-amid-allegations-india-involved-in-killing-canadian-00116602#:~:text=Canada%20is%20expelling%20a%20top,in%20Canada%2C%20Pavan%20Kumar%20Rai](https://www.politico.com/news/2023/09/18/canada-expels-diplomat-amid-allegations-india-involved-in-killing-canadian-00116602#:~:text=Canada%20is%20expelling%20a%20top,in%20Canada%2C%20Pavan%20Kumar%20Rai;); Uday Rana, “Canada has expelled a ‘top’ Indian diplomat. Who is Pavan Kumar Rai?” Global News, Sept. 19, 2023, <https://globalnews.ca/news/9971043/canada-has-expelled-a-top-indian-diplomat-who-is-pavan-kumar-rai/>.



directly accountable is essential, as the United States has chosen to do before in cases of transnational repression and foreign interference orchestrated by Russian¹¹ and Iranian¹² intelligence officers. Moreover, the Khashoggi Ban, 212(a)(3)(C) of the Immigration and Nationality Act, and the Global Magnitsky Human Rights Accountability Act (GMHRA) both allow for Yadav to be prohibited from entering the United States and conducting property transactions.

- **Fully investigate the allegations that other, more senior RAW officials may have been involved in the 2023 assassination plot—and charge, sanction, or expel individuals accordingly.** Even if criminal charges are not relevant, the Khashoggi Ban and GMHRA can be used to send a strong message to more senior GOI officials that the United States will join other liberal democracies in not tolerating transnational repression. Similarly, Canadian authorities took the strong step of expelling “the head of India’s foreign intelligence agency operations” as they conducted their investigation into the Nijjar assassination; the United States government should consider sending a similar signal.
- **Implement serious and public economic consequences for India’s indulgence in transnational repression.** Similar to actions already taken by Canada, the United States must suspend trade pending the U.S. government’s own thorough and complete investigation into India’s alleged covert activities against Sikhs. The United States should also halt further weapons deals with India: The temporary hold on the sale of 31 drones to India earlier this year was a brief step in the direction of accountability, but allowing such transactions to move forward sends a contradictory message concerning the RAW and GOI’s increasingly unacceptable foreign policy choices.¹³
- **Enhance collaboration with international partners to combat Indian transnational repression.** As mentioned above, it is increasingly clear that other liberal democracies are unwilling to stand for the GOI’s encroachment of the civil rights of Sikh diasporic communities, and some partners have a head start of years on the United States in terms of effectively countering this behavior. We recommend at minimum coordination and cooperation with Five Eyes allies specific to India’s efforts to target Sikhs and other diaspora communities.
- **Designate India as a Country of Particular Concern (CPC).** Recommended by the United States Commission on International Religious Freedom for at least four years, designating India as a CPC on the basis of its worsening treatment of religious minorities

¹¹ “Treasury Sanctions Russian Intelligence Officers Supervising Election Influence Operations in the United States and Around the World,” U.S. Department of the Treasury, June 23, 2023, <https://home.treasury.gov/news/press-releases/jy1572>.

¹² “Treasury Sanctions Iranian Intelligence Network Targeting Iranian-American Activist in the United States,” U.S. Department of the Treasury, Sept. 3, 2021, <https://home.treasury.gov/news/press-releases/jy0343>.

¹³ Ismail Shakil and Mike Stone, “US State Dept approves nearly \$4 billion sale of 31 armed drones to India,” Reuters, Feb. 1, 2024, <https://www.reuters.com/business/aerospace-defense/us-state-dept-oks-possible-sale-31-armed-drones-india-pentagon-2024-02-01/>.



will encourage the U.S. government to adhere to more stringent sanctioning requirements regardless of political circumstances in either the United States or India.¹⁴

- **Enhance other efforts to counter transnational repression.** As we have previously written, the Sikh Coalition endorses the recommendations of the Government Accountability Office to this end.¹⁵ We also call on the White House to support the Transnational Repression Policy Act (H.R.3654/S.831) and the Strengthening State and Local Efforts to Combat Transnational Repression Act (H.R.7439), as well as to carefully consider other proposed legislation aimed at addressing transnational repression, including the Law Enforcement Support and Transnational Repression Hotline Act (H.R.7433) and the Combating Transnational Repression Act (H.R. 7443).

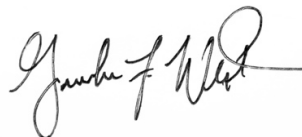
Concrete actions including but not limited to the above must be undertaken now to send an unequivocal message to the GOI and reassure the U.S.-based Sikh community. In the course of the Post's reporting, a Western security official was "[a]sked why India would risk attempting an assassination on U.S. soil;" the individual replied "Because they knew they could get away with it." We are sure you agree that such reasoning is unacceptable, as well as a detriment to the leadership of the United States on the world stage: No foreign government, whether ally or adversary, should misunderstand our conviction when it comes to protecting the civil rights and lives of those within our borders.

We look forward to your principled leadership on these issues and welcome the opportunity to engage further should you have questions.

Respectfully,



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¹⁴ 22 USC §6442.

¹⁵ "Human Rights: Agency Actions Needed to Address Harassment of Dissidents and Other Tactics of Transnational Repression in the U.S.," U.S. Government Accountability Office, Oct. 3, 2023, [https://www.gao.gov/products/gao-24-106183#:~:text=What%20GAO%20Found,as%20transnational%20repression%20\(TNR\).](https://www.gao.gov/products/gao-24-106183#:~:text=What%20GAO%20Found,as%20transnational%20repression%20(TNR).)

