



Mathurin Hybrid Initiative

Global Advisory
Report

**Diplomatic Tensions:
Assassination Plots and
Sikh Activism in North
America**

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The recent diplomatic tensions between the United States, Canada, and India are linked to two assassination plots involving Sikh activists: Gurpatwant Singh Pannun in the U.S. and Hardeep Singh Nijjar in Canada. Allegations of potential involvement by the Indian government present complex, sensitive issues in international relations, straining diplomatic ties and profoundly affecting the significant Sikh communities of these nations. It emphasizes how international politics can infringe upon individual rights to express their beliefs and the potential for government narratives to be manipulated for political gain, often leading to tragic consequences. In responding to these incidents, the United States and Canada need to carefully balance legal justice and public safety with their own strategic interests concerning India.

Diplomatic Rift: The Hardeep Singh Nijjar Assassination in Canada

In the mid-1990s, amidst a violent crackdown on an armed insurgency in Punjab, Hardeep Singh Nijjar left his native village in Jalandhar for Canada. His journey, however, was fraught with challenges. In 1997, Nijjar entered Canada using a falsified passport under the alias 'Ravi Sharma.' Upon his arrival, he applied for refugee status, citing reasons of police torture and the arrest of family members back in India. This move was an attempt to find refuge from the violence and persecution he claimed to have faced in his homeland. Despite initial rejection by Canadian officials, Nijjar's persistence paid off; he was granted Canadian citizenship in 2007, a decade after his arrival. This marked a significant turning point in his life, offering him a safe, fresh start in a new country, far from the conflicts of his native Punjab.

Living in Surrey, British Columbia, with his wife and two sons, Nijjar owned a plumbing business. He was a respected figure in the Sikh community, notably serving as president of the Guru Nanak Sikh Gurdwara since 2018. His activism, primarily centered around Sikh issues, included leading peaceful protests against human rights violations in India and being at the forefront of the Sikh independence movement. He was heavily involved in 'Sikhs for Justice' in Canada, traveling to international forums like the U.N. Human Rights Council to voice concerns about anti-Sikh violence and calling for recognition of the 1984 anti-Sikh riots in India as genocide. Nijjar's activism extended beyond Sikh issues: he also engaged in worldwide human rights initiatives. Recently, this included commemorating the Christchurch Mosque shooting victims, honoring Canadian Indigenous children interred in unmarked graves, and campaigning for Indian activist G. N. Saibaba's release.

Nijjar's life drew significant attention and controversy. He was labeled a militant, accused of links to the Khalistan Tiger Force (KTF), masterminding the 2007 Shingaar cinema bombing and the 2009 murder of politician Rulda Singh. In 2015, India accused him of running a terrorist training camp in British Columbia, and in 2018, of involvement in multiple killings. That same year, he was listed as a "most wanted person" by Punjab's Chief Minister Amarinder Singh and briefly detained by the Royal Canadian Mounted Police, although released without charges. In 2020, during the Indian farmer protests, he was designated a terrorist by Indian authorities and accused of conspiring to assassinate a Hindu priest in Punjab in 2022, with a reward for information leading to his capture. Despite repeated accusations, the Indian government provided no evidence when questioned. Nijjar consistently maintained his innocence, attributing the charges to political motives from the Indian government, and continued to actively engage in Surrey's community and cultural events.

The narrative took a tragic turn on June 18, 2023, when Nijjar was fatally shot in the parking lot of the Guru Nanak Sikh Gurdwara. Months later, Canadian Prime Minister Justin Trudeau revealed intelligence investigations into possible connections between Indian government agents and Nijjar's assassination. This incident escalated into diplomatic tensions, with Canada expelling Indian diplomats and India responding in kind. In an interview with the Vancouver Sun, Hardeep's son disclosed that his father had been receiving warnings about threats to his life and was in weekly communication with Canadian Security Intelligence officers during the months leading up to his death. As of January 2024, Canadian authorities continue to investigate Nijjar's murder, focusing on three suspects. Although no direct evidence links the Indian government to the crime, a U.S. indictment suggests a possible connection. The indictment reports that an Indian official sent a video of Nijjar's bloodied body to Gupta. Following this, the same official provided a U.S. target's New York address and daily routine, suggesting U.S. authorities have electronic evidence that directly connects the Indian official to Nijjar's murder in the U.S. indictment.

Hardeep Singh Nijjar's life, from his migration from Punjab to Canada to his eventual citizenship, underscores the multifaceted challenges faced by immigrants amidst political upheaval. His active participation in Sikh activism and human rights campaigns exemplifies the ongoing engagement with his homeland's issues. However, his life was also marked by serious allegations, which raises broader questions about activism, the distinction between advocacy and extremism, and governmental responses to dissent. Nijjar's steadfast presence in the community, even in the face of controversy, highlights the complex dynamics of leadership, loyalty, and politics within the local Sikh population. Nijjar's untimely death, amidst suggestions of international political involvement, adds complexity to this narrative, highlighting the interplay between personal safety, government actions, and international relations. His story invites reflection on justice, the role of intelligence and law enforcement, and the balance between national security and civil liberties, thereby encapsulating some of the critical issues in contemporary global society.

Indictment and Controversy: The Case of Nikhil Gupta and Gurpatwant Singh Pannun

On November 29, 2023, the U.S. Department of Justice issued a 15-page indictment against Indian national Nikhil Gupta. Charged in the Southern District of New York, Gupta is accused of plotting to assassinate Gurpatwant Singh Pannun, a vocal critic of the Indian government. Most significantly, the indictment against Gupta implicates an Indian government official, identified as CC-1, in orchestrating Gupta's involvement. Allegedly connected to India's intelligence sector, CC-1 reportedly recruited Gupta in May 2023 with promises of dismissing a criminal case in exchange for Pannun's assassination. Gupta, with known links to narcotics and weapons trafficking, was instructed to hire a hitman. Unaware that his contact was a confidential source cooperating with the U.S. DEA, Gupta's plot was exposed when he advanced \$15,000 to an undercover officer in Manhattan. On June 30, 2023, while traveling, Czech authorities apprehended Gupta, under the U.S.-Czech Republic extradite treaty. More recently, the Indian Supreme Court rejected Gupta's family's request for consular access and legal aid, citing the case's sensitivity and foreign court jurisdiction. Gupta's family alleged denial of consular access, communication, and legal representation. Justices Khanna and Dutta declined to intervene, referencing Delhi High Court orders. Justice Khanna emphasized the Vienna Convention's role and directed the central government to act. On December 22, the Czech justice ministry confirmed Indian authorities lacked jurisdiction. Gupta faces serious charges of murder-for-hire *and* conspiracy to commit murder-for-hire, each carrying up to 10 years in prison.

Gurpatwant Singh Pannun, a dual U.S.-Canada citizen born in Amritsar, Punjab, is a key organizer of global events and legal actions addressing alleged abuses of Sikh rights by Indian officials. Pannun, a close associate of Nijjar and leader of the 'Sikhs for Justice' NGO in the U.S., has been controversial for his perceived inflammatory remarks and actions. For example, he has claimed responsibility for violent incidents in India, released videos criticizing the Indian government, and offered rewards for anti-India activities. In 2020, Gurpatwant Singh Pannun was designated a terrorist by the Indian government, and his agricultural property was seized under Section 51A of the Unlawful Activities (Prevention) Act. Pannun is currently involved in 22 criminal cases in Punjab, India, including three charges of sedition. Despite India's efforts, Interpol declined a second request in October 2022 to issue a Red Corner Notice against Pannun, citing insufficient information related to terrorism allegations.

In September 2023, Pannun's statements became more provocative, including calls for the 'political death' of Indian diplomats and Prime Minister Modi, which he later clarified were not meant as threats. Furthermore, he controversially urged Indo-Canadian Hindus to leave Canada, accusing them of loyalty to the Indian government, and advocated for a boycott of Air India and other Indian government-supporting businesses. In a November 2023 interview with CBC, he stated that he is often misrepresented in the media and clarified that his comments were not meant as a threat, but as advocacy against Sikh's supporting any Indian business, including Air India, citing perceived threats to the Sikh community's existence and future generations. Later he announced a \$100,000 reward for the citizen's arrest of the Indian High Commissioner, Sanjay Verma, accusing him of misrepresenting his statements. Despite all the accusations and rhetoric, he continues to remain a vocal critic of the Indian government.

The case of Nikhil Gupta raises complex questions about international jurisdiction, diplomacy, and individual rights, shedding light on espionage's covert world. Meanwhile, Pannun's provocative advocacy challenges free speech boundaries, impacting Sikh communities and international relations. Nonetheless, his messaging seems to be less about a direct threat and more a political statement about loyalty and the Sikh community's grievances with the Indian government's actions. His terrorist designation and legal battles further complicate this global issue, reflecting the nuanced realities of international relations and political activism in today's globalized world.

Khalistan Movement: Diaspora Dynamics and International Relations

The Khalistan movement, seeking an independent Sikh state in Punjab traces its roots to the 1930s British India. It gained significant momentum in the 1980s, as evidenced by scholarly works like those of Iqbal, Samina, et al. (2018), Jhinjar, Harpreet, et al. (2023), and Kataria, Shyamal (2020). Named 'Khalistan' (meaning 'land of the Khalsa'), the movement arose from the Sikh community's perceived political and religious discrimination by the Indian government. A pivotal moment in this movement was Operation Blue Star in June 1984. This military operation, ordered by the Indian government, aimed to remove armed insurgents from the Golden Temple in Amritsar, a revered Sikh site. However, it resulted in significant casualties and extensive damage to the temple, exacerbating the conflict and deepening the sense of grievance among Sikhs.

The movement's influence transcends Indian borders, largely due to the active engagement of the Sikh diaspora, particularly in Canada, the UK, and the U.S. These international communities have been instrumental in sustaining the movement through various means. Political lobbying, financial

contributions, and public awareness campaigns are some ways they have continued to advocate for Khalistan. This support highlights the complex interplay between national identity, diaspora politics, and international relations, as the Khalistan movement remains a topic of both historical and contemporary significance.

The Indian government has historically regarded the Khalistan movement as a threat to the country's unity and integrity, leading to stringent measures against those perceived as supporters, domestically and internationally. Critics have often pointed out that such policies could alienate the Sikh diaspora and fail to address the root political and social issues. While India strives to engage with its diaspora and foster a unified national identity, the key challenge lies in harmonizing these initiatives with the necessity of acknowledging and addressing the diverse perspectives and grievances within the Sikh community, both in India and overseas. For further reading, refer to works by Shani, Giorgio (2008) and Chima, Jugdep S (2010).

Reflecting on the Khalistan movement, one cannot help but ponder the intricate dynamics of identity, diaspora, and international politics. It raises questions about how governments navigate the delicate balance between national unity and addressing the concerns of marginalized communities, especially when they span across borders. The Khalistan movement serves as a powerful case study in understanding the enduring impact of historical grievances and the role of global diasporas in shaping the course of a nation's history and its place in the world.

India's Diplomatic Balancing Act

India's different approaches to the diplomatic tensions surrounding the assassination accusations can be understood in the context of its distinct foreign policy dynamics with each country. India has developed a comprehensive relationship with the United States, spanning defense, trade, space exploration, and technology. In defense, India acquires advanced U.S. military equipment and joins exercises like the Malabar naval drills, emphasizing regional security. Economically, the U.S. is a major investor in India's digital sector, with significant contributions in AI, 5G, and infrastructure. Additionally, robust trade between the two nations has positioned the U.S. as one of India's top trading partners, with bilateral trade exceeding \$150 billion. This alliance necessitates nuanced diplomacy in India's relationship with the U.S. Therefore, in dealing with issues like the plot against Gurpatwant Singh Pannun, India is likely to adopt a more cautious and strategically calculated approach. This careful strategy would aim to address the issue while maintaining the crucial strategic and economic ties that underpin India's regional security interests and economic growth. Additionally, this approach considers the broader geopolitical context and the potential impact on India's international reputation. Particularly, it emphasizes maintaining democratic values and upholding human rights standards, which are crucial for sustaining positive relations with major global powers like the United States.

Contrastingly, India's relationship with Canada, though strong in terms of trade and cultural exchange, is heavily influenced by the significant Sikh diaspora and the historical context of the Khalistan movement. The assassination accusations against Hardeep Singh Nijjar must be viewed through this lens. The presence of a large Sikh population in Canada, often linked to Khalistan-related activities, has historically strained relations between the two countries,

particularly since the 1985 Air India bombing. Consequently, India's approach towards Canada in such matters tends to be more defensive. The dynamics here are less about strategic defense or economic interdependence and more about managing diaspora politics and historical narratives.

Despite these challenges India and Canada continue to uphold strong bilateral relations. Canada's status as a key trade partner and favored destination for Indian immigrants fosters cultural exchanges and underscores the enduring, albeit complex, bilateral relationship.

India's foreign policy blends contrasting strategies in its relationships, emphasizing a strategic partnership with the United States while adopting a cautious approach with Canada, shaped by diaspora politics and historical issues. These diplomatic choices underscore India's nuanced handling of diverse international relationships, reflecting factors from strategic alliances to historical narratives, offering insights into contemporary international relations.

Global Concerns: India's Diplomatic Maneuvers and Human Rights Implications

These attacks against Nijjar and Pannun are not isolated but reflect broader concerns about India's alleged actions against critics abroad. In April 2023, a secret memo from India's Ministry of External Affairs, titled "Action Points on Khalistan Extremism," revealed a crackdown on Sikh diaspora organizations in Western countries. This document directed North American consulates to closely monitor Sikh diaspora organizations, accusing them of anti-India activities and specifically mentioning individuals like Hardeep Singh Nijjar. However, it did not explicitly order killings. After its publication, India denied the memo's existence, dismissing it as fake news. The controversy led to the removal of several officials from India's Research and Analysis Wing (RAW) from the U.S., Canada, and the UK, underscoring the gravity of the situation.

The Indian government's supposed memo and actions by agents demonstrate the complex balance between national security and adherence to international norms, particularly regarding human rights and free speech. It also emphasizes the ongoing debate over the limits of state action in counter-extremism. This balance is not unique to India but represents a challenge faced by many nations. Within this global context, the international legal framework becomes particularly relevant. It provides structure pathways to address serious violations, such as extrajudicial killings.

In international law state sovereignty principles typically forbid extrajudicial killings on foreign soil (Ramsden, 2011). Although self-defense has occasionally been used as a justification, such actions are generally seen as serious violations. These actions violate customary international law, including obligations from established practices and treaties, if executed without the host government's consent. A notable example is the International Covenant for Civil and Political Rights (ICCPR), protecting fundamental rights like the right to life, to which both acting and host states might be signatories. The United Nations Charter underscores this, prohibiting member states from using force that undermines another state's territorial integrity or political independence. However, its effectiveness hinges on state compliance.

The International Court of Justice, responsible for resolving state disputes, faces challenges due to its limited jurisdiction based on states' consent. Human rights tribunals also rely on domestic legal remedies and state compliance. Seeking justice for extrajudicial killings highlights the

tension between legal principles and diplomatic realities. States may be reluctant to engage in legal proceedings that could strain diplomatic ties or reveal sensitive information. This often leads to a situation where political considerations can overshadow legal imperatives, further complicating

the enforcement of international law. International justice thus becomes a test of diplomatic resolve and cooperation.

Concluding Thoughts

The incidents surrounding Gurpatwant Singh Pannun and Hardeep Singh Nijjar exemplify the intricate interplay between international law, state sovereignty, and human rights in our globalized world. The allegations against India, in particular, shed light on the delicate task of managing diaspora politics and highlight the tensions inherent in upholding democratic values while pursuing national interests.

As the world becomes increasingly interconnected, the actions of one nation inevitably ripple across borders, affecting not just diplomatic relations but also the lives of individuals and communities. The cases of Nijjar and Pannun, therefore, are not just isolated incidents but a microcosm of the broader dynamics at play in international politics. They illustrate the need for a nuanced approach to foreign policy, one that respects the diversity of global communities while adhering to the principles of justice and international law.

This paper has highlighted the multifaceted nature of these issues and the importance of dialogue, empathy, and cooperation in resolving such conflicts. As investigations continue and diplomatic negotiations unfold, these cases remind us of the ongoing struggle to find a balance between the pursuit of justice and the maintenance of international peace and order. The path forward requires a concerted effort from all nations to navigate these complex waters with a sense of responsibility and a commitment to the greater good.

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