

The Honorable Nicole M. Argentieri
Criminal Division
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530
Via Electronic Delivery

Re: Recent potential act of violent transnational repression against the Sikh community

August 27, 2024

Dear Principal Deputy Assistant Attorney General Argentieri,

I write to you on behalf of the Sikh Coalition, the largest Sikh civil rights organization in the United States, to call your attention to the drive-by shooting of a Sikh activist in California that occurred on August 11,¹ and to express our concern that this attack may have been an act of transnational repression by the government of India (GOI). While the motive behind the shooting has not been publicly reported, this incident comes scarcely one year after the drive-by shooting of Sikh activist Hardeep Singh Nijjar in Canada, which the Canadian government is investigating for potential links to the GOI,² and the attempted assassination of a Sikh American activist in New York City,³ which was allegedly coordinated by the GOI.⁴ While we do not wish to speculate prematurely and we understand that local and federal law enforcement are investigating this crime, we do hope to draw your attention to the Sikh community's continued demonstrable vulnerability to transnational repression and targeted hate, and to ask that your office consider this context when assessing the shooting that occurred on August 11.

As you are no doubt aware, on November 29, 2023, the United States 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

¹ Jaweed Kaleem and Jessica Garrison, "Shooting attempt on 'Khalistan' activist raises fears among Northern California Sikhs," Aug. 24, 2024, <https://www.latimes.com/california/story/2024-08-24/khalistan-shooting-sikh-northern-california>.

² Paula Newton and Rhea Mogul, "India expels Canadian diplomat in tit-for-tat move as spat over assassinated Sikh activist deepens." CNN, Sep. 19, 2023, <https://www.cnn.com/2023/09/18/americas/canada-hardeep-singh-nijjar-india-intl/index.html>.

³ United States v. Nikhil Gupta, Sealed Superseding Indictment, S1 23 Cr. 289 (VM), <https://www.justice.gov/media/1326501/dl?inline>.

⁴ Miller, Greg, et al. India's Intelligence Service Takes a Deadly Turn and Stuns Washington, The Washington Post, April 29, 2024, <http://www.washingtonpost.com/world/2024/04/29/india-assassination-raw-sikhs-modi/>.

coordinate the assassination of a Sikh American activist in New York City.⁵ On March 20 of this year, Bloomberg reported that New Delhi informed U.S. authorities that its investigation into this matter found that at least one person involved in the attempted assassination worked for India's main spy agency, the Research and Analysis Wing (RAW).⁶ Per reporting, that person no longer works for RAW, but is still employed by the GOI and is not facing any criminal action. On April 29, the Washington Post then reported that, according to former U.S. and Indian security officials, it was a RAW officer who sent instructions to "hire a hit team" to carry out the assassination in New York.⁷ The Post's reporting also states that senior members of the RAW, and potentially even part of Prime Minister Modi's innermost circle, approved of and were aware of this assassination plot.⁸ Concerningly, the unsealed indictment is only one part of a larger pattern of several recent events in which diaspora Sikhs from all walks of life have faced threatened or actual violence because their religious identity or political beliefs:

- As previously mentioned, Hardeep Singh Nijjar was assassinated outside of his gurdwara, or Sikh house of worship, in Canada last June, and the Canadian government is investigating credible allegations of a potential link between his murder and the GOI.
- Following the murder of Mr. Nijjar, local law enforcement and/or the FBI warned several Sikh Americans of threats against them.⁹
- Last September, a man claiming to represent the GOI visited a gurdwara in Stockton, California and threatened "immigration and other consequences" if congregants did not cease their political activism.¹⁰
- Since last September, Sikh American elected officials have spoken publicly about receiving threats after criticizing the GOI.¹¹
- Last December, the Intercept reported that a leaked memo originally issued by India's Ministry of External Affairs (MEA) indicated that the MEA "instructed its

⁵ See footnote 3.

⁶ 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>.

⁷ See footnote 4.

⁸ Id.

⁹ Murtaza Hussain, "FBI Warned Sikhs in the U.S. About Death Threats After Killing of Canadian Activist," The Intercept, Sept. 23, 2023, <https://theintercept.com/2023/09/23/sikhs-fbi-canada-india-nijjar/>.

¹⁰ Joe Rubin, "California Sikhs report threats, troubling incidents to FBI following assassination in Canada," The Sacramento Bee, Oct. 19, 2023, <https://www.sacbee.com/news/local/article280306154.html>.

¹¹ Sarah N. Lynch, Wa Lone, and Jorge Garcia, "Sikh activists in US, Canada face threats a year after Trudeau linked leader's killing to India," Reuters, Aug. 13, 2024, <https://www.reuters.com/world/some-us-sikhs-fear-modi-government-is-threatening-surveilling-doxxing-them-2024-08-12/>; Jenny Huh, "Sikh lawmakers, threatened over ethnicity in recent weeks, highlight nationwide safety concerns," KGET, Oct. 19, 2023, <https://www.kget.com/news/local-news/local-sikh-lawmakers-threatened-over-ethnicity-in-recent-weeks-highlight-nationwide-safety-concerns/>.

consulates in North America to launch a ‘sophisticated crackdown scheme’ against Sikh diaspora organizations,” including organizations in the United States.¹² The MEA memo listed the names of several members of the Sikh diaspora, including Mr. Nijjar, who was assassinated two months after the memo was issued.

- In April, it was revealed during a Canadian foreign interference inquiry that the Canadian government warned Jagmeet Singh MP, the leader of Canada’s New Democratic Party, of a threat against his life shortly after the assassination of Hardeep Singh Nijjar.¹³ Singh was one of several Canadian Sikhs who received such warnings, and is a prominent Sikh elected official who was previously denied a visa to visit India due to his criticism of India’s human rights record.¹⁴

In light of these events, we are concerned that this month’s shooting in California, apparently targeting a Sikh activist and associate of Hardeep Singh Nijjar, may be the GOI’s latest attempt to violently silence a member of the Sikh community in the United States: Like Mr. Nijjar and the Sikh American targeted in New York City, the targeted individual in California is an advocate for Khalistan and¹⁵ was involved in organizing a non-binding referendum to measure international support for the Khalistan movement; he was also, like Mr. Nijjar, targeted in a drive-by shooting.¹⁶

We believe this context is important to consider when assessing the events of August 11, and to determine whether it is yet another example of the GOI attempting to assassinate a Sikh on American soil for engaging in protected political speech. We also believe that the GOI’s continued acts of transnational repression—potentially including this shooting, if it was indeed ordered by the GOI—necessitate a strong response from the U.S. government. This could include recommendations from the DOJ that our government name, sanction, and charge individuals within the RAW and other GOI entities as appropriate for their misdeeds related to the targeting of the U.S.-based Sikh Community.

¹² 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/>.

¹³ Stephanie Levitz and Alex Ballingall, “Jagmeet Singh was warned about potential threat against his life, inquiry hears,” Toronto Star, April 2, 2024, https://www.thestar.com/politics/federal/jagmeet-singh-was-warned-about-potential-threat-against-his-life-inquiry-hears/article_b5f44184-f0fe-11ee-af4e-a798ec39fd18.html.

¹⁴ Richard J. Brennan, “India blocks visit by NDP MPP Jagmeet Singh,” Toronto Star, Dec. 30, 2013, https://www.thestar.com/news/canada/india-blocks-visit-by-ndp-mpp-jagmeet-singh/article_f759c5ae-3dd2-527f-b36b-befafd851b0a.html.

¹⁵ Some members of the Sikh community advocate for the creation of a separate Sikh state called Khalistan. The Sikh Coalition does not take an institutional position on Khalistan, but firmly believes that all people have a right to free speech and a right to lawfully advocate for their beliefs.

¹⁶ See footnote 1.

We appreciate your attention to this critical matter. Please do not hesitate to contact us if we can help answer any additional questions or provide further information.

Sincerely,

Harman Singh

Harman Singh
Executive Director
The Sikh Coalition