

Attorney General Blocks Sikh Group's Attempt to Prosecute Modi

Toronto, Ontario (April 15, 2015) –

In a landmark case today involving the attempted private prosecution of Indian Prime Minister Narendra Modi on charges of torture and counseling torture during a massacre of Muslims in the state of Gujarat in 2002, while Modi was the Chief Minister of the state, a seven-hour pre-enquete hearing was held before the Ontario Court of Justice in Toronto.

An informant, Jatinder Singh Grewal, Director, International Policy, "Sikhs for Justice" (SFJ), swore information as a private individual before a Justice of the Peace, which set out the particulars of the charges against Modi under section 269.1 of the Canadian Criminal Code. Section 269.1 allows for the prosecution of public officials who commit acts of torture abroad if they are later present in Canada.

After the information was sworn, the case was referred to a pre-enquete hearing to determine whether there was sufficient evidence of the charges to issue process, i.e. to issue a summons or an arrest warrant requiring Modi to stand trial. After a seven-hour in camera hearing, the Justice of the Peace decided that process should be issued. In other words, he found that there was a prima facie case the Modi committed or counseled torture, and that he should stand trial before a Canadian court.

The Crown then immediately invoked its right to withdraw the information, which ended the process and blocked the private prosecution of Modi. The endorsement of the information, which is public, sets out the decision by the Ontario Court of Justice: first, "process to issue", then, "withdrawn by request of the crown".

The endorsement means that the Justice of the Peace, after hearing the evidence, determined that Modi should stand trial, and that the charges alleged by the informant were not frivolous, vexatious, or an abuse of process.

The information sworn by the informant set out the following charges against Modi, which were the subject of the pre-enquete hearing:

"COUNT#1: being an official to wit: the Chief Minister of the State of Gujarat, India did inflict torture on Asifbhai V. and members of his family and on other Muslims in the state of Gujarat, India by engaging in acts and omissions that intentionally caused severe pain and suffering, including death, for reasons based upon religious discrimination. Contrary to the Criminal Code s. 269.1

AND FURTHERMORE THE SAID NARENDRA MODI,

COUNT#2: between the 27th day of February 2002 to March 25, 2002 at Ahmedabad, Gujarat, India and elsewhere in the state of Gujarat, India, being an official to wit: the Chief Minister of the state of Gujarat, India did counsel the commission of offence of inflicting torture on Asifbhai V. and members and his family and on other Muslims in the state of Gujarat, India, by engaging in acts and omissions that deliberately encouraged the infliction of severe pain and suffering, including death, on the aforementioned individuals and other Muslims in the state of Gujarat, India for reasons based upon religious discrimination. Contrary to Criminal Code s. 269.1 & s.22"



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“April 15 will go down in the history as "victims of torture day" as after over a decade, a court of law has finally recognized evidence of Narendra Modi's involvement in the massacre of Muslims in 2002, and found that this evidence is sufficient for Modi to stand trial,” stated attorney Gurpatwant Singh Pannun, legal advisor to SFJ. “Today, Modi escaped trial on the charges of torture under Canadian law only because of the Attorney General's last-minute intervention" added Pannun.

Veteran constitutional and human rights lawyer Marlys Edwardh and her associate Louis Century represented SFJ in the proceedings to hold Modi accountable for the crimes he committed against the Muslim community in Gujarat during 2002.

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