

CRIMINAL COMPLAINT

**AGAINST “AMITABH BACHAN” A CITIZEN OF INDIA
(Under Sections 268.8, 268.9, 268.117, 15.4 and 16.1
Of The Criminal Code Act of 1995)**

To: Honorable Christopher Craigie SC
Commonwealth Director of Public Prosecutions
4 Marcus Clarke St., Canberra City ACT 2601
Phone: (02) 6206 5666 Fax: (02) 6257 5709
Email: inquiries@cdpp.gov.au

From: Gurpatwant Singh Pannun,
Legal advisor to Sikhs for Justice (SFJ)

Babu Singh Dukhiya
President, National 1984 Victims Justice and Welfare Society

Karnail Singh Peermohammad
President, All India Sikh Students Federation

Re: Indian Film Star Amitabh Bachan’s role in inciting the mass killing of
Sikhs in November 1984

Sub: Arrest and Prosecute Amitabh Bachan for committing Crimes Against
Humanity pursuant to Criminal Code Act 1995 & International Criminal
Court Act 2002 who is currently in Australia.

Date: October 17, 2011.

Sikhs for Justice (SFJ) is a US based human rights organization, striving to disseminate true and correct information, statistics, figures and data regarding the Genocide of Sikhs (1984-1998) that took place in India with particular emphasis on the genocidal events of November 1984.

National 1984 Victims Justice and Welfare Society is a group consisting of widows, victims and survivors of November 1984 Sikh Genocide working to achieve justice.

All India Sikh Students Federation (AISSF) is a registered organization committed to work for the betterment of Sikh community, promoting the values of Sikhism and to raise voice on the issues concerning the Sikh community.

We the abovementioned, on behalf of widows, victims, and survivors of November 1984 Sikh Genocide urge you to arrest, indict and prosecute Indian Film Star Amitabh Bachan for inciting, participating, conspiring, aiding, abetting and carrying out organized attacks on Sikh population of India in November 1984 who is currently in Australia.

During first week of November 1984 Sikhs, a religious minority in India, were killed in thousands across the country. Most of the victims were neck-laced to death, thousands of women were gang raped, children maimed, Sikh temples and properties burnt by attackers lead by Indian National Congress leaders and incited by actions of Amitabh Bachan, including others.

On October 31, 1984 Congress Party leader and Prime Minister of India Ms. Indira Gandhi was shot by her two bodyguards who happened to be Sikhs. Ms. Gandhi's son Rajiv Gandhi immediately took over the Congress Party and Prime Minister-ship of India. A Congress party meeting was held on the night between October 31 and November 01 in which plans to kill Sikhs were laid out to avenge the death of Ms. Gandhi.

Soon after Ms. Gandhi was pronounced dead, Amitabh Bachan appeared on the state run national television of India (Door Darshan) and on All India Radio, openly inciting to attack Sikh population of India by giving murderous calls "Blood for Blood" and "Blood Stains of Indira Ji must reach the home of Sikhs". Soon after this call by Amitabh Bachan, widespread, systematic and organized attacks against Sikh population were unleashed across India resulting in the killing of more than 30,000 in a short span of 4 days.

The horrific event of November 1984 Sikh Genocide are a matter of public knowledge and official record (*Justice Nanavati Commission Report-2005*). Despite lapse of 27 years and clear evidence of culpability, Indian government has not only failed to charge and prosecute Amibath Bachan but has also rewarded him with a position in the Parliament of India. Indian Government's failure and refusal to prosecute a human rights violator leaves the victims with the only choice to seek justice outside India.

The Criminal Code Act 1995 provides that Australian courts can have jurisdiction in cases involving crimes against humanity. Jurisdiction of Australian Courts is available whether or not the offense was committed in Australia (Id. §§ 268.117(1) & 15.4). Under this Act the mere presence of a foreigner in Australia is a sufficient basis for jurisdiction over acts of genocide, war crimes, and crimes against humanity committed abroad, thus it adopts a mode of jurisdiction equivalent to universal jurisdiction (see sections 268.117, 15.4 and 16.1 of the Criminal Code).

Bachan's actions and his role in the killing of Sikhs in November 1984 clearly violate Australia's Criminal Code Act of 1995, specifically sections 268.8 & 9 which provide:

268.8 Crime against humanity—"murder"

A person (the perpetrator) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

268.9 Crime against humanity—"extermination"

(1) A person (the perpetrator) commits an offence if:

- (a) the perpetrator causes the death of one or more persons; and
- (b) the perpetrator's conduct constitutes, or takes place as part of, a mass killing of members of a civilian population; and
- (c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

We urge the Commonwealth Director of Public Prosecution to arrest, indict and prosecute Indian Film Star Amitabh Bachan for inciting, participating, conspiring, aiding, abetting and carrying out organized attacks on Sikh population of India in November 1984 who is currently in Australia.