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Title: Regarding reported refusal by the Italian Government to repatriate two marines who were responsible for killing of two Indian fishermen.

SHRI JASWANT SINGH (DARJEELING): Thank you, Madam, it gives me no great joy to be referring to, what I call, a very curious Italian job. Why do I call it 'Italian' and why do I call it 'curious'? The sequence of events that we have witnessed in the last year plus, makes me wonder as to where the country is now headed. I do not wish to take the time of the House by narrating the entire sequence of events but certain facts are of overriding concern. A crime is committed, Madam, against Indian citizens in Indian waters, and it is indisputable that the Supreme Court of the country having clearly enunciated that the waters were not international, they were Indian waters, in which Italian marines killed Kerala fishermen on grounds of suspicion that they might be pirates. I am sure and it also certain to affirm that Indian waters, particularly our coastal waters, are not infested by piracy. Therefore, for these Italian marines, who were not on any Italian flagship, they were on a freighter, to have killed our fishermen, is a matter that should really have concerned the entire nation. They were arrested. For a year, they were here.

In a very strange and curious fashion again, Madam, they are granted a kind of a parole because it was Christmas and the New Year. And that parole was to permit them to home to observe celebrations of Christmas at home. This is a very unusual and strange clemency because those Italian marines are prisoners for a crime of killing two Indian nationals. Why is this treatment given to the Italian marines? Would Indian citizens similarly imprisoned be permitted to go home and celebrate Diwali or Holi or Ramzan? They would not be so permitted. Why then was this done in this case? Was it done simply because they are Italian marines? This is not acceptable.

Thereafter, they had given an assurance to our Supreme Court. The Kerala High Court had demands that they must confirm and the Government must ensure that there is sufficient surety of these marines returning to India to face the rest of the trial. They came back and thereafter in, what I can only term as, a rather strange judgement, the Supreme Court says, 'Okay, you can go home and vote in Italian elections'.

Madam, I am impressed by the desire of these marines to go and vote in Italian elections. Do they permit a similar treatment to criminals of Indian origin? So, a question does naturally arise. Why was this special treatment given to these marines?

Thereafter, of course, the rest of the events are now well known. The Government of Italy has gone back on an assurance given here by their Ambassador, that the prisoners will come back. The Supreme Court had said that they should, for this entire duration, be under the custody of the Government of Italy, therefore, it is their responsibility. The Ambassador is bound by what he has given as a commitment to the court.

Madam, I am constrained to point out that, as India, we seem to be making a habit of letting criminals go out of the country. There is, of course, the infamous example of Bhopal and Anderson. ...(*Interruptions*)

MADAM SPEAKER: Nothing will go on record.

(*Interruptions*) â€¦\*

SHRI JASWANT SINGH : Thereafter, we have the Purulia arms drop case. This Purulia case did suffer the same consequence. After that, of course, the infamous matter of an Italian called Quattrocchi in whose escape from Delhi the CBI is complicit. ...(*Interruptions*) Now, suddenly when we find these two marines who are refusing to return to India, yet another fisherman is shot on the coast of Somalia by America.

I would submit India is not a country that should tolerate this kind of treatment to the citizens of India. These fishermen are the citizens of India. May I remind my friends and colleagues and esteemed gentlemen on the Treasury Benches that their oath is to the Constitution of India, their oath is to protect and serve the Constitution of India, not to serve and protect anybody else?

Madam, I would like to make one more point. It is, of course, our right to ask of the Government as to what they intend doing and how do they intend correcting the situation? I am grateful that the Prime Minister is present here. May I leave it for his consideration that the Vienna Convention actually does not override the Constitution of a country? Simply to say that the Ambassador is covered by the protection of Vienna Convention and, therefore, he can violate the Constitution of India would not, at least to me, be a convincing argument.

I do appeal to the Government that this is not simply a question of the Government being tested; we are all being tested, the country is being tested here and we have been tested in the eyes of the international community as to where India stands on the issues of protection to its own citizens. Let the Government rise to the occasion. Thank you, Madam.

MADAM SPEAKER:

Shri P.K. Biju,

Shri Devji Patel,

Dr. Virendra Kumar,

Shri Shripad Naik,

Shri Arjun Meghwal,

Shrimati Poonam V. Jat,

Shrimati Darshana Jardosh,

Dr. Kirit P. Solanki,

Shri Dhananjay Singh,

Shri A. Sampath,

Shri Rajendra Agrawal,

Prof. Ramshankar,

Shri Anurag Singh Thakur,

Shri Jitendra Singh and

Shri P.L. Punia associate themselves with the matter raised by Shri Jaswant Singh.

SHRI BASU DEB ACHARIA (BANKURA): Madam, it is quite strange that two fishermen from India, from the State of Kerala,

...(Interruptions)

श्री शैलेन्द्र कुमार (कौशाम्बी): दादा, आप हिन्दी में बोलिए। ...(व्यवधान)

श्री बसुदेव आचार्य : हमारे देश के दो गरीब मछुआरे, जिन्हें दो इटालियन मॅरिन्स, अब मॅरिन्स की क्या हिन्दी होगी? ...(व्यवधान) आप नहीं जानते। ...(व्यवधान) दो नौसैनिकों ने गोली चलाकर मार डाला। उसके बाद उन लोगों को पकड़ा गया। केरल सरकार की पुलिस ने दोनों को गिरफ्तार करके जेल में डाल दिया। उनका ट्रयाल चल रहा था, लेकिन बाद में सुप्रीम कोर्ट ने बताया कि यह मामला केरल हाई कोर्ट का न होकर सुप्रीम कोर्ट का है। वह मामला सुप्रीम कोर्ट में आया। इस बीच क्रिसमस के समय एम्बेसडर ने कोर्ट से कहा कि उन्हें अपने देश में जाने की इजाजत दी जाये। सुप्रीम कोर्ट ने इजाजत दे दी। उस समय अंडरटैकिंग भी दी गयी कि they would be brought back.

एक महीने के बाद वे वापिस आये। फिर चुनाव के समय मांग की गयी कि वोट डालने के लिए उन्हें फिर जाने की इजाजत दी जाये। इटली में पोस्टल बैलेट का सिस्टम है। सरकार ने यह क्यों नहीं पता किया कि जब वहां पोस्टल बैलेट का सिस्टम है, तो उन्हें यहां से वोट क्यों नहीं डालने दिया गया। एम्बेसडर ने अंडर टैकिंग दी है। The Ambassador has given an undertaking that after casting vote they would be brought back. आज यह बोल रहे हैं कि उन लोगों को यहां नहीं भेजेंगे। भारत सरकार को यह पता चला।

The Government of India came to know the stand taken by the Government of Italy. हम प्रधान मंत्री जी से जानना चाहते हैं कि उन्होंने इस संबंध में क्या कार्रवाई की है? What steps the Government of India has taken against the Ambassador who had given an undertaking that these two Marines would be brought back to our country? Whether the Government of India has taken up the matter with the Government of Italy? तीन दिन गुजर गये हैं। देश भर में इसकी मांग हो रही है। The entire country is agitating. लेकिन सरकार चुप बैठी है। हम एक सॉवरन कंट्री हैं। India is a sovereign country. हमारा देश एक सॉवरन देश है। हमारा अपना कानून है। वे उस कानून को मानेंगे नहीं। ...(व्यवधान)

अध्यक्ष महोदया : ठीक है, आपकी बात पूरी हो गयी।

...(व्यवधान)

SHRI BASU DEB ACHARIA : Madam, we have seen in the case of arms dropping. Peter Bleach, who was the main accused, made a statement inside the jail why they brought arms, for what purpose they brought those arms. In spite of that, Peter Bleach, who was the main accused, was released. Till today, the Government of India has not been successful to bring another accused, Kim Davy to our country. We have seen what happened to Quattrocchi and to Headley also. ...(Interruptions)

MADAM SPEAKER: All right. Thank you so much.

...(Interruptions)

अध्यक्ष महोदया : बैठ जाइए, हो गया।

SHRI BASU DEB ACHARIA : The Chief Executive Officer of Union Carbide, Anderson came to our country and he was taken back to America. He was accompanied by a responsible officer....(Interruptions)

MADAM SPEAKER: Please conclude now. Don't make it so long. We are in 'Zero Hour' please.

...(Interruptions)

MADAM SPEAKER: Nothing will go in record.

(Interruptions) \* \* \*

MADAM SPEAKER: It is not going in record, now.

(Interruptions) \* \* \*

MADAM SPEAKER: Nothing is going in record.

(Interruptions) \* \* \*

MADAM SPEAKER: Please take your seat.

...(Interruptions)

MADAM SPEAKER: You may associate. Please associate yourselves with this matter.

...(Interruptions)

MADAM SPEAKER: Do not disrupt all the time. Please sit down.

...(Interruptions)

MADAM SPEAKER:

Dr. Tarun Mandal,

Sk. Saidul Haque,

Shri Nama Nageswara Rao,

Shri Dhananjay Singh,

Shri Shivarama Gouda,

Shri Rakesh Sachan, and

Shri Neeraj Shekhar are allowed to associate themselves with the matter raised by Shri Basu Deb Acharia.

THE PRIME MINISTER (DR. MANMOHAN SINGH): Madam Speaker, there can be no two opinions about the actions that have been taken by the Italian Government on the matter raised by the hon. Members. Our Government has already made it clear that these actions of the Government of Italy are not acceptable. They violate every rule of diplomatic discourse and call into question solemn commitment given by accredited representatives of a sovereign Government to our Supreme Court. This cannot, by any standards, be in the interest of any bilateral relationship that has to function on the basis of trust.

Our Government has, therefore, insisted that the Italian authorities respect the undertaking they have given to the hon. Supreme Court of India and return the two accused persons to stand trial in India. If they do not keep their word, there will be consequences for our relations with Italy.

Madam, I would also urge all Members of the House to treat this matter with the seriousness that it deserves, acting and speaking together, as the Government moves forward on this issue.

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