

**FORMAL SUBMISSION TO THE U.S. DEPARTMENT OF STATE AND U.S.
DEPARTMENT OF THE TREASURY RECOMMENDING SANCTIONS FOR
INVOLVEMENT IN HUMAN RIGHTS ABUSES AND/OR CORRUPTION**

THIS SUBMISSION IS MADE UNDER:

**THE GLOBAL MAGNITSKY HUMAN RIGHTS ACCOUNTABILITY ACT
AS IMPLEMENTED BY EXECUTIVE ORDER 13818**

AND

§7031(C) OF THE FY 2022 FURTHER CONSOLIDATED APPROPRIATIONS ACT

RECOMMENDATION SUBMITTED BY

Frontiers of Freedom

PREPARED BY

Gibson, Dunn & Crutcher

IN COOPERATION WITH

Ramachandran Viswanathan

ON BEHALF OF

Ramachandran Viswanathan & Devas Multimedia America Inc.

POINT OF CONTACT REGARDING SUBMISSION

George Landrith

GL@ff.org

(703) 246-0110

Matthew McGill

MMcGill@gibsondunn.com

(202) 887-3680

Anne Champion

AChampion@gibsondunn.com

(212) 979-0825

DATE OF SUBMISSION

AUGUST 3, 2022

INFORMATION ABOUT SUBMITTING ORGANIZATIONS

Frontiers of Freedom is an educational NGO whose mission is to promote the principles of individual freedom, peace through strength, limited government, free enterprise, free markets, and traditional American values as found in the Constitution and the Declaration of Independence.

Gibson, Dunn & Crutcher LLP is an international law firm that advises clients on significant transactions and disputes around the world. Gibson Dunn has 20 offices and employs more than 1,600 lawyers.

Table of Contents

Section I.	Case Summary	3
Section II.	Perpetrators' Biographical Information	10
Section III.	List of Known Assets and Facilitators Controlled by Perpetrators	13
Section IV.	Protecting U.S. Investors Abroad is in the National Interest	13
Section V.	Case Type.....	20
Section VI.	Summary of Evidence	20
VI.1.	Mr. Viswanathan's Background and Path to Investment in India	20
VI.2.	India Unlawfully Terminates the Devas-Antrix Agreement	22
VI.3.	Three Separate International Arbitration Panels Award Devas And Its Investors More Than \$1 Billion In Damages And Interest	24
VI.3.A.	First Arbitration: Devas's Arbitration Against Antrix.....	25
VI.3.B.	Second Arbitration: Deutsche Telekom's Arbitration Against India	25
VI.3.C.	Third Arbitration: Devas Shareholders' Arbitration Against India	26
VI.4.	India Retaliates In Response To Arbitration Proceedings	26
VI.5.	Failure of Settlement Talks and Adverse Decisions Prompt India To Force Devas Into Liquidation	32
VI.6.	New Threats to Mr. Viswanathan's Liberty	41
Section VII.	Application of Legal Standards.....	44
VII.1.	Serious Human Rights Abuse under EO 13818	44
VII.2.	Roles of the Individual Perpetrators	58
Section VIII.	List of Supporting Documents	60

Section I. Case Summary

1. Country: Republic of India (“India”)
2. Perpetrators (11):
 - **Nirmala Sitharaman**, Finance Minister (May 2019 – Present);
 - **Rakesh Sasibhushan**, Chairman of Antrix Corporation Limited (“Antrix”) (June 2016 – Present);
 - **Tushar Mehta**, Solicitor General (October 2018 – Present);
 - **Hemant Gupta**, Judge, Supreme Court of India (November 2018 – Present);
 - **V. Ramasubramanian**, Judge, Supreme Court of India (September 2019 – Present);
 - **Judge Chandra Shekhar**, Special Judge (PC Act), New Delhi;
 - **Ashish Pareek**, Deputy Superintendent of Police, CBI, New Delhi;
 - **Sanjay Kumar Mishra**, Director of Enforcement, Enforcement Directorate;
 - **R. Rajesh**, Assistant Director, Enforcement Directorate;
 - **N. Venkatraman**, Additional Solicitor General of India;
 - **A. Sadiq Mohamed Naijnar**, Deputy Director of the Enforcement Directorate;(together, the “Perpetrators”).
3. This application seeks redress for blatant abuses of authority by Indian officials who have wrongfully used India’s criminal investigative agencies and courts in a campaign to circumvent liability over a contract dispute in which three separate arbitral tribunals have unanimously found India and Antrix Corporation Limited, a wholly-owned instrumentality of India, liable for damages of over a billion U.S. dollars and counting. This abusive

campaign has already included arbitrary detentions of individuals to extract coerced statements, improper seizures of assets and records, and corruption and manipulation of India's investigative agencies and courts. Most recently, the Enforcement Directorate ("ED"), of India's Ministry of Finance, has announced its intent to seek "extradition" of a U.S. citizen on bogus charges of money laundering, and to "confiscate" his property in "India and abroad," all as a ploy to inhibit enforcement of a set of arbitral awards. The Magnitsky Act is intended to provide redress for just such corruption and gross violations of human rights, and the Indian officials involved in these abuses have demonstrated that they merit the sanctions contemplated in the Magnitsky Act.

4. The Perpetrators in this case include Indian public officials—in particular the Finance Minister—**Nirmala Sitharaman**—and the Director of the ED—**Sanjay Kumar Mishra**—who are directing imminent retaliatory actions against Mr. Ramachandran Viswanathan, a U.S. citizen; the Indian company he formerly ran, Devas Multimedia Private Limited ("Devas"); as well as other individuals associated with Devas. Mr. Viswanathan has an MBA from the Massachusetts Institute of Technology Sloan School of Management and extensive professional experience in the digital radio and satellite telecommunications industries. Mr. Viswanathan was the President and CEO of Devas, which was created pursuant to a contract with Antrix—the commercial arm of India's space program—to deliver broadband Internet and multimedia services to customers across India.
5. As will be shown in this application, pursuant to that contract, Devas committed to lease transmission capacity on satellites to be launched by Antrix for the purpose of providing multimedia services within India using a portion of India's entitlement to the "S-band spectrum" (which, because it is limited, is allocated by an international authority). The contract obligated Devas to develop the necessary technology and make millions of dollars in lease payments to Antrix, while Antrix was to build and launch the satellites enabling the provision of services. Devas would obtain no revenue or profit under the contract until services were actually operational. Devas attracted significant foreign investment, including from Columbia Capital in the U.S. and Deutsche Telekom, one of the largest telecommunications companies in the world, and built a world-class team of engineers and

experts in satellite communications to develop the necessary technology. Devas conducted multiple tests in cooperation with various Indian officials and agencies, in which it successfully demonstrated its technology. Devas also made millions of dollars of advance lease payments to India for the S-band spectrum, and met its other milestones under the agreement.

6. Antrix, on the other hand, repeatedly missed its milestones, and failed to complete or launch a single satellite under the agreement. Between the 2005 and 2011 the importance of spectrum had dramatically increased, and India began to look for ways to void the agreement so that it could use the spectrum for other purposes. After Indian officials advised Antrix it had no valid basis to terminate the agreement, Antrix and India manufactured a government policy change purporting to restrict the use of S-band spectrum to “military purposes.” They then used this policy change to argue that a “force majeure” event had occurred, entitling Antrix to terminate the Agreement with Devas. Antrix did not cite fraud or corruption as a reason to terminate the agreement. This occurred on 25 February 2011, after six years of effort and investment by Devas. Devas and its investors therefore sought relief under applicable arbitration agreements and obtained three separate international arbitral awards from three separate arbitration panels between 2015 and 2020, each of which unanimously concluded that India and Antrix were liable for unilateral cancelation of the contract. To this day India and Antrix have not paid a dime of these awards, and India has yet to utilize the S-band spectrum that had been pledged to Devas.¹
7. As soon as the arbitrations were filed, India began to explore ways to use its investigative agencies and courts to retaliate against Devas and its executives, employees, and investors, ultimately implemented by the Perpetrators. These efforts escalated after the Hindu-

¹ Devas brought an arbitration against Antrix under the arbitration clause in the contract, and an arbitration tribunal established under the rules of the International Chamber of Commerce found in favor of Devas (“Final ICC Award”) in 2015 and awarded it USD 562.5 million in damages, plus costs and interest. **Exhibit 18**, Final ICC Award at ¶ 401. Devas’s Mauritius-based shareholders obtained a separate award against India directly under the Mauritius-India Bilateral Investment Treaty, with that tribunal awarding over \$121 million (“BIT Award”). **Exhibit 38**, *CC/Devas (Mauritius) Ltd., Devas Employees Mauritius Private Limited, and Telcom Devas Mauritius Limited v. The Republic of India*, Case No. 2013-09, Award of Quantum (Perm. Ct. Arb. 2020) (“Quantum Award”) at ¶ 663. And Deutsche Telekom obtained yet a third award against India under the Germany-India BIT, for over \$100 million (“2020 DT Award”). **Exhibit 24**, 2020 DT Award at ¶ 357.

nationalist Bharatiya Janata Party (“BJP”) took power in 2014 and began to use the Devas-Antrix dispute as a cudgel against the party it replaced in power, the Congress Party. As is widely recognized, India has become increasingly authoritarian under the leadership of the BJP and Prime Minister Narendra Modi, and BJP officials have looked for ways to scapegoat their Congress Party predecessors for the large arbitral losses.

8. The ED, currently under the leadership of **Sitharaman** and **Mishra**, has investigated Devas, its officers, shareholders, and employees. It has frozen Devas’s assets, and has repeatedly raided Devas’s offices, seized its documents, and held Devas employees overnight without access to counsel, refusing to release them until they signed statements that they were not even allowed to read. After release, these employees retracted the coerced statements, but the ED has nonetheless relied on them in its allegations of wrongdoing.
9. The Central Bureau of Investigation (“CBI”), India’s paramount investigative agency under the jurisdiction of the Ministry of Personnel, Public Grievances and Pensions (a ministry headed by Prime Minister Modi himself)² and currently directed by Subodh Kumar Jaiswal, has engaged in its own campaign against Devas. These efforts resulted in a “charge sheet” dated August 11, 2016, in which the CBI manufactured criminal charges against Mr. Viswanathan and others, alleging corruption (based on a statute that was repealed as a result of widespread misuse to harass honest officials) and money laundering. Indian officials who actually participated in negotiating and executing the contract with Devas have denounced the charge sheet, stating “[i]t is the cancellation of the deal that is problematic and not the signing.”
10. These ED and CBI investigations are a complete sham. Indian officials searched for—and could not find—any legitimate cause to terminate the Devas-Antrix agreement—much less any fraud or corruption.³ They terminated it anyway, and when called to account before three separate arbitration tribunals, India and Antrix never raised fraud or corruption as a

² See **Exhibit 76**, Screenshot of Department of Pension & Pensioner’s Welfare website, Government of India, taken 11 July 2022 (showing Prime Minister Modi as Cabinet Minister for the Ministry).

³ **Exhibit 17**, Press Release, *CCS Decides to Annul Antrix-Devas Deal*, 17 February 2011.

defense. Indeed, in an enforcement action in federal court in the U.S., Antrix’s attorneys told the federal court that they were not opposing confirmation of the arbitral award in favor of Devas on the grounds of fraud, and indeed that “none of [its] argument is based on an allegation of misconduct on the part of Devas,” and described allegations of wrongful conduct by Devas as a “red herring.”⁴

11. No court or tribunal outside India has given credence to these allegations against Devas and its management. Indeed, high-ranking representatives of the Indian government effectively *admitted* that these proceedings are only meant as leverage to avoid enforcement of the awards or drive down the price of settlement.⁵ In 2018, Indian officials offered to drop all tax, criminal, and other prosecutions in exchange for Devas and its investors abandoning the international arbitration proceedings; Devas refused. In 2020, Indian officials again approached Devas about settlement, and the parties reached an agreement in principle to pay \$390 million to Devas and to drop all charges if Devas and its shareholders would abandon efforts to enforce their awards.
12. After that handshake agreement fell apart, and once the initial and largest award against Antrix was confirmed by a U.S. court, India redoubled its efforts to apply coercive pressure to the claimants. **Sitharaman** authorized the creation of an “Interministerial Monitoring Committee,” which declared India on a “war footing” against Devas and the awards, and issued orders to various government agencies to “expedite” proceedings against Devas.⁶
13. Though no one has yet been prosecuted pursuant to the CBI’s “charge sheet,” Antrix, led by **Rakesh Sasibushan**, together with the Solicitor General and Additional Solicitor General of India, **Tushar Mehta** and **N. Venkatraman**, and Supreme Court Judges **Hemant Gupta** and **V. Ramasubramaniam**, have since used it to force Devas—to which Antrix owes over \$1 billion—into liquidation, and to fire all of Devas’s attorneys

⁴ **Exhibit 33**, Official Hearing Transcript, 32, *Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.*, Case No. 2:18-cv-01360 (W.D. Wash.), 14 October 2020.

⁵ See below sections VI.4. **India Retaliates In Response To Arbitration Proceedings- VI.6. New Threats to Mr. Viswanathan’s Liberty**

⁶ **Exhibit 34**, Inter-Ministerial Monitoring Committee Directive, F. No. 276/CCIT/BNG-1/2020-21 (Issued on Nov. 4, 2020).

worldwide. Incredibly, the Indian courts have openly admitted that the fact that Devas holds the large ICC Award against Antrix, a state-owned enterprise, is motivation enough for forcing its liquidation. The Supreme Court asked: what if Devas “is allowed to continue to exist and also enforce the arbitration awards,” but then later an Indian court finds the Devas shareholders guilty of fraud? “The answer to this question would be abhorring.”⁷ And in lauding the Indian Supreme Court’s refusal to stop the liquidation of Devas, **Sitharaman** nakedly admitted that “[t]he company probably wasn’t fraudulent”—*the sole justification for liquidation*—but applauded the Supreme Court for its supposed finding of fraud nonetheless.⁸ In fact, the Supreme Court cited no evidence and made no explicit finding of fraud, but merely cited as *dicta* the purported findings of two quasi-judicial corporate bankruptcy tribunals that took no evidence and are exempt from due process requirements.

14. Indian authorities have announced their intent to seek extradition of Mr. Viswanathan and to confiscate his property in India and around the world. The CBI has sought to utilize the India-U.S. Mutual Legal Assistance Treaty (“MLAT”) to summon Mr. Viswanathan to appear before an Indian court to answer criminal charges that could entail years of imprisonment in India. The MLAT request is based on a filing by **Ashish Pareek**, Deputy Superintendent of Police, CBI, alleging as purportedly “criminal” conduct mundane commercial acts such as preparing “a joint venture proposal,” giving “a presentation of executive summary of key aspects of the joint venture proposal,” and “incorporat[ing] M/s Devas Multimedia Private Limited” in Bangalore.⁹ Based on these flimsy allegations, without any evidence actually demonstrating fraud or corruption by Devas or its officers, an Indian judge in New Delhi—**Judge Chandra Shekhar**—rubber-stamped this request. Indian authorities then failed to properly serve these summonses on Mr. Viswanathan.
15. Now the ED is reportedly seeking to designate Mr. Viswanathan as a “fugitive economic offender” under a money laundering law often utilized by the Modi regime against political

⁷ **Exhibit 61**, Judgment of the Indian Supreme Court, 17 January 2022, ¶¶ 13.3.

⁸ Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=uJBjvZNa_5M.

⁹ **Exhibit 60**, MLAT Letter from DOJ to R. Viswanathan, Jan. 7, 2022, ¶¶ 4, 6.

opponents, and seeking his extradition to India. Additionally, it has been reported that the ED has asked Interpol to issue a “Red Notice” against Mr. Viswanathan, the equivalent of “international wanted persons notice”—a “request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.”¹⁰ This effectively means that Mr. Viswanathan cannot leave the U.S. for fear of being detained at an airport, sent to India, and summarily prosecuted in a proceeding where his due process rights would not be respected.

16. The efforts of the Perpetrators against Mr. Viswanathan constitute serious human rights abuses. Perpetrators at the ED and CBI, acting under express instructions of Perpetrators within the Central Indian Government to adopt a “war footing” with Devas, with support from Perpetrators within India’s judiciary, are attempting to deprive Mr. Viswanathan of his right to liberty and security of person. By seeking his extradition, these Perpetrators intend to arbitrarily arrest or detain him, just as the Modi regime has detained other political opponents.
17. These acts by the Perpetrators follow the same script recently employed against another international businessman, a British citizen recently extradited to India “handcuffed and blindfolded,” after which he was interrogated for 14-21 hours daily, subjected to threats of violence and deprived of food and sleep.¹¹ This businessman remains in *de facto* solitary confinement in a high security prison in India to this day even though a UN working group has found his detention arbitrary. The Perpetrators’ prior conduct indicates a high probability that Mr. Viswanathan would be subject to inhuman and degrading treatment in India.
18. The Perpetrators would also likely deprive Mr. Viswanathan of the right to a fair trial, given that the outcome of any trial appears to have been predetermined in light of the conduct of Devas’s liquidation proceedings and the so-called “findings” of fraud. The Perpetrators have also attacked Mr. Viswanathan’s honor and reputation, all to relieve India of its


¹⁰ **Exhibit 64**, Red Notices, Interpol, <https://www.interpol.int/en/How-we-work/Notices/Red-Notices>.


¹¹ See paragraph 32 below for additional information.


substantial debt under the Awards. Finally, the Perpetrators have violated Mr. Viswanathan's right to property by initially confiscating Devas's assets, then liquidating Devas, and now setting the stage to take Mr. Viswanathan's personal property in India and abroad.


19. The Perpetrators' serious human rights abuses should not be condoned. Sanctioning the Perpetrators now—before it is too late—will send a message that the U.S. will not tolerate government officials who abuse the power of the state to intimidate and harass foreign investors who simply seek to do honest business in India.

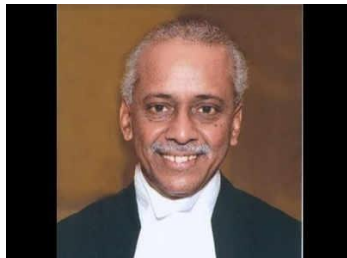
Section II. Perpetrators' Biographical Information

Full Legal Name:	Nirmala Sitharaman
Country:	India
Date of Birth:	August 18, 1959
Title or Position:	Finance Minister (May 2019 – Present)
Photograph:	

Full Legal Name:	Rakesh Sasibhushan
Country:	India
Title or Position:	Chairman of Antrix (June 2016 – Present)
Photograph:	

Full Legal Name:	Tushar Mehta
Country:	India
Title or Position:	Additional Solicitor General of India (June 2014 – October 2018) Solicitor General (October 2018 – Present)
Photograph:	 A color portrait photograph of Tushar Mehta, a middle-aged man with grey hair and a mustache, wearing a dark suit, white shirt, and a patterned tie. He is looking directly at the camera with a neutral expression.


Full Legal Name:	Hemant Gupta
Country:	India
Date of Birth:	October 17, 1954
Title or Position:	Judge, Supreme Court of India (November 2018 – Present)
Photograph:	 A black and white portrait photograph of Hemant Gupta, an older man with a mustache and glasses, wearing a dark judicial robe over a white shirt. He is looking slightly to the left of the camera.

Full Legal Name:	V. Ramasubramanian
Country:	India
Date of Birth:	June 30, 1958
Title or Position:	Judge, Supreme Court of India (September 2019 – Present)
Photograph:	

Full Legal Name:	R. Rajesh
Country:	India
Title or Position:	Assistant Director, Enforcement Directorate

Full Legal Name:	N. Venkatraman
Country:	India
Title or Position:	Additional Solicitor General of India

Full Legal Name:	Chandra Shekhar
Country:	India
Title or Position:	District Judge, Karnakata Judiciary

Full Legal Name:	Ashish Pareek
Country:	India
Title or Position:	Deputy Superintendent of Police, CBI
Photograph:	

Full Legal Name:	A. Sadiq Mohamed Naijnar
Country:	India
Title or Position:	Deputy Director of the Enforcement Directorate

Full Legal Name:	Sanjay Kumar Mishra
Country:	India
Title or Position:	Director of Enforcement, Enforcement Directorate

Section III. List of Known Assets and Facilitators Controlled by Perpetrators

20. Gibson Dunn is not aware of any known assets or facilitators of the Perpetrators.

Section IV. Protecting U.S. Investors Abroad is in the National Interest

21. The U.S. International Trade Administration recognizes that “India offers significant opportunities for U.S. companies, and the potential to increase bilateral trade is

enormous.”¹² In 2020, the United States was India’s largest trading partner.¹³ Given the size and importance of this relationship, it is essential that the U.S. Government protect its citizens investing in India from arbitrary conduct and human rights abuses.

22. This protection is even more important as India backslides as a democracy. Multiple nongovernmental and human rights organizations are documenting India’s shift from democracy to authoritarianism. The V-Dem Institute, an independent research institute whose data is used the World Bank, USAID and others, labeled India a “major autocratizer[.]” in its 2022 Democracy Report.¹⁴
23. This shift is driven by Prime Minister Narendra Modi and his BJP. Modi, since his election, has been reshaping India into a Hindu nationalist state.¹⁵ And “Modi and his allies have squeezed, bullied, and smothered the press into endorsing what they call the ‘New India’.”¹⁶ As part of his strategy, Modi and his allies frequently use the Indian National Congress Party (“Congress Party”), which had held power in India in the previous decades, as a scapegoat.¹⁷ As discussed later, Modi’s ministers have cited the Congress Party’s incumbency as a reason to doubt the provenance of the Devas-Antrix Agreement.
24. The actions of Indian officials in recent years underscore its transition from a pluralist democracy to an authoritarian, Hindu nationalist state.¹⁸ The Indian Government has

¹² **Exhibit 57**, UNITED STATES INTERNATIONAL TRADE ADMINISTRATION, *Market Overview, India – Country Commercial Guide* (Oct. 22, 2021), available at <https://www.trade.gov/knowledge-product/exporting-india-market-overview>.

¹³ *Id.*

¹⁴ **Exhibit 59**, V-Dem Institute, *Democracy Report 2022: Autocratization Changing Nature?*, at 7, 15.

¹⁵ **Exhibit 68**, THE NEW YORKER, *Blood and Soil in Narendra Modi’s India* (Dec. 2, 2019) (“Ever since Modi was first elected Prime Minister, in 2014, he has been recasting the story of India, from that of a secular democracy accommodating a uniquely diverse population to that of a Hindu nation that dominates its minorities[.]”).

¹⁶ *Id.*

¹⁷ *See also id.* (“Modi was helped by an overwhelming public perception that the Congress Party, which had been in power for most of the past half century, had grown arrogant and corrupt.”).

¹⁸ *See Exhibit 41*, Freedom House, *Democracy under Siege*, 2021, <https://freedomhouse.org/report/freedom-world/2021/democracy-under-siege> (“Under Modi, India appears to have abandoned its potential to serve as a global democratic leader, elevating narrow Hindu nationalist interests at the expense of its founding values of inclusion and equal rights for all.”).

established a pattern of fabricating retaliatory criminal charges against and carrying out arbitrary arrests and detentions of those who oppose its agenda.¹⁹ Examples include:

- Authorities prevented a Muslim journalist and outspoken BJP critic from leaving the country because of a pretextual “ongoing investigation” of him for “money laundering and tax evasion.”²⁰ “Independent United Nations human rights experts” claim the investigations are part of a years-long campaign of harassment that includes abuse and threats on social media by “[g]overnment supporters and Hindu nationalist trolls.”²¹
- Indian authorities in Uttar Pradesh state, led by BJP, have “repeatedly filed false charges against journalists for publishing content and social media posts critical of the government.”²²
- Since 2019, at least 35 journalists in Kashmir “have faced police interrogation, raids, threats, physical assault, restrictions on freedom of movement, or fabricated criminal cases for their reporting.”²³
- Arresting an indigenous human rights activist for highlighting sexual violence against women by state security forces and then refusing to share the legal basis for her arrest.²⁴
- After a Hindi-language news daily reported on the mass dumping of bodies of COVID-19 victims along the Ganges River due to high cremation costs, the Indian

¹⁹ See **Exhibit 40**, Amnesty International, India 2021, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

²⁰ **Exhibit 62**, Human Rights Watch, India: Media Freedom Under Threat, 3 May 2022, <https://www.hrw.org/news/2022/05/03/india-media-freedom-under-threat>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ **Exhibit 40**, Amnesty International, India 2021, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

government responded with a raid by the tax authorities; in September 2021, several other news outlets and activists' homes were raided for purported tax evasion.²⁵

- Indian authorities opened a criminal investigation against a journalist attacked while covering an event organized by Hindu nationalist groups in Delhi, accusing him of inciting hatred through a tweet.²⁶
- Amnesty International reported the arrest of a climate change activist for “sedition” and “spreading disharmony between communities” after she shared a social media toolkit to help farmers protest contentious farming laws.²⁷

25. The U.S. Department of State Country Report on Human Rights Practices for India notes that Indian police have “used torture, mistreatment, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly held suspects without registering their arrests and denied detainees sufficient food and water.”²⁸ Indeed, Indian officials have held Devas employees and coerced false confessions in this very case.²⁹
26. India has increasingly sought to exercise this authoritarian conduct even beyond its borders, engaging in “transnational repression,” including the use of “[i]nternational bodies like Interpol” “to issue Red Notices against dissidents and exiles.”³⁰ A “Red Notice” is a request for assistance to law enforcement worldwide to arrest and hold a person pending

²⁵ *Id.*

²⁶ **Exhibit 62**, Human Rights Watch, India: Media Freedom Under Threat, 3 May 2022, <https://www.hrw.org/news/2022/05/03/india-media-freedom-under-threat>.

²⁷ **Exhibit 40**, Amnesty International, India 2021, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/india/report-india/>.

²⁸ **Exhibit 29**, U.S. State Department, Country Report on Human Rights Practices, India, 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/india/>.

²⁹ See paragraphs 62-63.

³⁰ **Exhibit 64**, Adam Taylor, *Foreign governments are aggressively targeting dissidents on U.S. soil*, THE WASHINGTON POST (2 June 2022) <https://www.washingtonpost.com/world/2022/06/02/transnational-repression-report-china-russia/>.

extradition or some other legal action.³¹ Individuals who are the subject of Red Notices risk arrest, detention, and extradition any time they travel internationally.

27. These problems are beginning to gain recognition at the highest levels of the United State Government. Senator Charles Grassley recently wrote a letter to Attorney General Merrick Garland asking for answers about India’s abuse of MLATs,³² in particular through the use of Red Notices.³³ Senator Grassley’s letter cites a news article referring to the Red Notice request against Mr. Viswanathan in particular.³⁴
28. These problems also extend to India’s judiciary. *The Atlantic* reported in 2019 that journalists in India are “cowed” by contempt laws and hesitant to report on problems in India’s judiciary, in particular, problems with the Supreme Court. “Senior lawyers . . . are still not willing to see, hear, or speak of the evil,” such that “the scale of the problem has become staggering.”³⁵ In 2010, an Indian law minister submitted a sealed document to the Supreme Court identifying eight of the last sixteen chief justices he claimed were “definitely corrupt.”³⁶
29. This deterioration of the judiciary is directly tied to the BJP government’s authoritarian bent. Cowed by an “all-powerful executive” that “has[] come to dominate nominally coequal branches of government, namely parliament and the judiciary,”³⁷ “many judges have simply chosen to avoid confronting the government of the day—either for careerist

³¹ **Exhibit 58**, Interpol, Red Notices, <https://www.interpol.int/en/How-we-work/Notices/Red-Notices>.

³² Last year, the Office of the Inspector General found that MLAT requests frequently do not meet minimum evidentiary standards required by United States law, and that the purpose of the requests is frequently to improperly obtain information or harass its target. Office of the Inspector Gen., *Audit of the Criminal Division’s Process for Incoming Mutual Legal Assistance Requests*, 21-097 U.S. Dep’t of Just., 24 July 2021, <https://oig.justice.gov/sites/default/files/reports/21-097.pdf>.

³³ **Exhibit 77**, Letter from Hon. Charles E. Grassley to Hon. Merrick Garland, July 19, 2022.

³⁴ Micaela Burrow, ‘Thuggish Behavior’: Countries Are Using An International Policing Body To Target Americans. Here’s The Latest Example, DAILY CALLER (June 26, 2022) <https://dailycaller.com/2022/06/26/india-interpol-authoritarian-red-notice-americans/> (suggesting that India has improperly requested that Interpol issue a Red Notice against Mr. Viswanathan).

³⁵ **Exhibit 28**, THE ATLANTIC, *India’s Supreme Court Is Teetering on the Edge* (April 29, 2019).

³⁶ *Id.*

³⁷ **Exhibit 42**, Milan Vaishnav, *The Challenge of India’s Democratic Backsliding*, 62 DEMOCRACY (Fall 2021).

motivations, ideological solidarity, or a desire for self-preservation.”³⁸ Unfortunately, this breakdown in judicial independence has led to India “increasingly weaponizing its political and judicial system against American and British companies.”³⁹

30. The U.S. Department of State Country Report on Human Rights Practices for India notes that while Indian law provides for an independent judiciary, in practice, “the judicial system was plagued by delays, capacity challenges, and corruption.”⁴⁰ The Indian judiciary has proven that it is not up to the challenge of restraining an authoritarian executive branch. Indeed, the opposite is true—the judiciary has become a tool to whitewash abuse by the authoritarian executive.

31. The weakening independence and oversight function of the judiciary is particularly concerning given that India’s security forces are known for their frequent torture and maltreatment of prisoners. The United Nations Committee Against Torture has noted that “ill-treatment and torture of individuals held in detention, as well as deaths in custody or following detention continue to be a problem in India.”⁴¹ The U.S. Department of State has also recognized the ongoing risk of arbitrary deprivation of life and politically motivated maltreatment of prisoners. The 2021 Country Report on Human Rights Practices in India noted that 82 deaths in police custody were due to “alleged torture or foul play.”⁴² Non-Governmental Organizations alleged that authorities used torture to coerce confessions, extort money, or as summary punishment.⁴³ Prison conditions in India are similarly recognized as maltreatment: the U.S. Department of State describes these as “frequently life threatening, most notably due to inadequate sanitary conditions, lack of

³⁸ *Id.*

³⁹ **Exhibit 51**, REALCLEARWORLD, *India Shouldn’t Weaponize Its Judiciary*, 22 March 2021, https://www.realclearworld.com/2021/03/22/india_shouldnt_weaponize_its_judiciary_769336.html.

⁴⁰ **Exhibit 29**, U.S. State Department, Country Report on Human Rights Practices, India, 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/india/>.

⁴¹ *Singh Khalsa v. Switzerland*, Human Rights Committee Communication No. 336/2008, U.N. Doc. C/46/D at 9 (2011).

⁴² **Exhibit 29**, U.S. State Department, Country Report on Human Rights Practices, India, 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/india/>.

⁴³ *Id.*

medical care, and extreme overcrowding.”⁴⁴ And India is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As such, once an individual is extradited or deported to India, they have no legal possibility of applying to the Committee Against Torture for protection.⁴⁵

32. A recent case involving a foreign businessman extradited by India for political purposes is instructive. In 2018, the newly elected BJP government extradited a British businessman, Christian Michel, from the United Arab Emirates after accusing him of paying bribes to conclude a contract with officials from the prior government. India secured Mr. Michel’s extradition by using an Emirati princess seeking asylum in India as a bargaining chip. After Mr. Michel was taken into custody, Indian authorities “handcuffed, blindfolded and transported [Mr. Michel] by private jet to India, in a hurried and unlawful manner” without allowing him to properly challenge the UAE’s courts’ decision to allow his extradition.⁴⁶ Once in India, Mr. Michel was interrogated for 14-21 hours daily, threatened with violence, and deprived of food and sleep. His access to his attorneys and consular services was restricted and he was forced to sign documents under physical and psychological pressure. To this day, Mr. Michel remains in de facto solitary confinement in a high security prison in India and his petitions for bail have been repeatedly denied by the Indian courts even though no trial date is in sight. The UN Human Rights Council’s Working Group on Arbitrary Detention found that India had arbitrarily deprived Mr. Michel of liberty, thereby violating his rights under the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (the “Covenant”). Notwithstanding this decision, Mr. Michel’s situation remains unchanged.

33. As detailed below, Indian officials, including **Mr. Pareek, Mr. Mishra, Mr. Rajesh,** and **Mr. Naijnar**, are attempting to set up Mr. Viswanathan for a similar fate. The United States has an interest in protecting its citizens and its investors from arbitrary, harassing, and intimidating conduct. As explained below, Mr. Viswanathan and his partners have

⁴⁴ *Id.*

⁴⁵ *Singh Khalsa v. Switzerland*, Human Rights Committee Communication No. 336/2008, U.N. Doc. C/46/D (2011).

⁴⁶ **Exhibit 37**, United Nations Working Group on Arbitrary Detention, 89th Session, (Nov. 23-27, 2020).

committed no wrongdoing, and the Perpetrators' conduct against them is unconscionable. The United States should accordingly use all of the foreign policy tools at its disposal to protect and preserve the fundamental human rights of its citizens.

Section V. Case Type

34. Gibson Dunn and Mr. Viswanathan submit that these Perpetrators should be subject to Global Magnitsky sanctions under E.O. 13818, section 1(a)(ii)(A), as they are "responsible for [or] have directly or indirectly engaged in, serious human rights abuse."

Section VI. Summary of Evidence

35. This section summarizes and presents evidence of the Perpetrators' responsibility for serious human rights abuses and corruption, setting out the role of each perpetrator from a range of credible sources. As the evidence below demonstrates, Perpetrators' conduct has ultimately resulted in the imminent unfounded criminal charges and threatened deprivation of Mr. Ramachandran Viswanathan's liberty.

VI.1. Mr. Viswanathan's Background and Path to Investment in India

36. Mr. Viswanathan, an American citizen, was the President and CEO of Devas Multimedia Private Limited, an Indian company created to deliver broadband internet and multimedia services to customers across India. Mr. Viswanathan earned a Master's in Business Administration from the Massachusetts Institute of Technology Sloan School of Management. After seven years at McKinsey & Company, he held a series of positions at pioneering companies in the digital radio and satellite telecommunications industry, including WorldSpace, Inc. and Cidera.⁴⁷

⁴⁷ Witness Statement of Ramachandran Viswanathan ("Viswanathan WS") (Feb. 20, 2012), ¶¶ 3-7, submitted as evidence in a successful arbitration before the International Court of Arbitration of the International Chamber of Commerce.

37. In 2002, Mr. Viswanathan, along with several business partners, launched a boutique consultancy firm, Forge Advisors LLC (“Forge Advisors”).⁴⁸ Mr. Viswanathan learned that India’s Department of Space (“DOS”) was seeking private business partners to help make use of radio spectrum allocated to it by the International Telecommunication Union, a UN body responsible for allocating radio spectrum worldwide. After a number of meetings and discussions, Forge Advisors entered into a non-binding Memorandum of Understanding with Antrix, DOS’ commercial arm, expressing their mutual desire to “build a strategic partnership that leverages Antrix’s satellite & space capabilities to enable new social & commercial applications.”⁴⁹
38. Over the next two years, the parties explored strategic options in a series of meetings with dozens of high-level representatives of DOS and its subsidiary, the Indian Space Research Organization (“ISRO”), and Antrix.⁵⁰ The Chairman of ISRO constituted a “High Power Committee” to review the “technical feasibility, risk mitigation, time schedule, financial and organisation aspects.”⁵¹ The Committee concluded that the project was not only “technically sound and reliable” but also “quite attractive.”⁵²
39. By 2005, Antrix and Forge had negotiated the terms of an agreement pursuant to which Forge would create a company to lease S-band spectrum from the Indian Government and develop satellite and ground-based technology to provide multimedia services in India, and

⁴⁸ **Exhibit 21**, Viswanathan WS, ¶¶ 3-7.

⁴⁹ **Exhibit 1**, Memorandum of Understanding Between Forge Advisors, LLC and Antrix Corp Ltd (July 28, 2003) at 1.

⁵⁰ These included: (i) Dr. G. Madhavan Nair, who succeeded Dr. Kasturirangan as the Chairman of the Space Commission, Secretary of DOS, and Chairman of Antrix; (ii) Mr. S. K. Das, Additional Secretary and Secretary (Finance) for DOS, and then-Member (Finance) of the Space Commission; (iii) Mr. S. V. Ranganath, Joint Secretary, DOS, then Additional Secretary, DOS; (iv) Mr. R. G. Nadadur, Joint Secretary, DOS, then Additional Secretary, DOS; (v) Mr. K. R. Sridhara Murthi, Antrix Executive Director; (vi) Dr. K. N. Shankara, Director of the Space Applications Centre of ISRO, then-Director of ISRO Satellite Centre and then-Member of the Space Commission; (vii) Mr. Appanna Bhaskarnaryana, Director SCP/FMO of ISRO and then-Scientific Secretary of ISRO; (viii) Mr. V. R. Katti, Program Director of GEOSTAT of ISRO; (ix) Mr. M. Y. S. Prasad, Director of the Master Control Facility of ISRO; (x) Mr. M. N. Sathyanarayana, Executive Director of Space Industry Development of ISRO; and (xi) Mr. P. S. Datta, Antrix’s Business Development Manager. *See Exhibit 2*, Meeting Minutes and Next Steps ISRO/Antrix and Forge Advisors Discussions, Bangalore, May 2004.

⁵¹ **Exhibit 16**, BN SURESH, Report on GSAT-6, 6 (May 2010) (“Suresh Report”).

⁵² *Id.*

Antrix would build and launch the satellites needed for provision of the services. The terms of the agreement were approved by the High Power Committee, which required that Forge create an Indian company to perform the agreement, hence Devas.⁵³ On 28 January 28, 2005, Antrix and Devas executed the Agreement for the Lease of Space Segment Capacity on ISRO/Antrix S-Band Spacecraft by Devas Multimedia Pvt. Ltd. (the “Devas-Antrix Agreement”).⁵⁴

40. Notwithstanding India’s later attempts to characterize as “fraud” the fact that Devas had not yet developed the necessary technology before entering into the agreement, the agreement is clear that one of Devas’s obligations under the contract was to develop the technology. It provides that Devas “**is developing** a platform capable of delivering multimedia and information services via satellite,” and that it “has the ability to design” Digital Multimedia Receivers and Commercial Information Devices.⁵⁵ Devas began doing just that, assembling a world class team of experts in the satellite-terrestrial communications industry, and validating its system architecture through experimental trials conducted in India, Germany and China, all with the backing and encouragement of Antrix and the Indian government. Devas attracted significant investment from outside investors, including Deutsche Telekom, Columbia Capital, and other prominent investors in the telecommunications industry, such as Lawrence Babbio, Jr., formerly the Vice Chairman and President of Verizon, and Gary Parsons, the founder of XM Satellite Radio.⁵⁶

VI.2. India Unlawfully Terminates the Devas-Antrix Agreement

41. Devas met all of its obligations under the Devas-Antrix Agreement; Antrix did not. Devas paid its licensing fees as required, procured all necessary licenses, and conducted multiple,

⁵³ *Id.* at 7 ¶ 4; **Exhibit 3**, Articles of Association of Devas Multimedia Private Limited, Dec. 10, 2004; **Exhibit 4**, Memorandum of Association of Devas Multimedia Private Limited, 10 December 2004, at 1 (main object of company is to “create, provide and operate infrastructure that includes satellite capacity and transmission, terrestrial transmission and augmentation, satellite control and uplink [and so on]”).

⁵⁴ **Exhibit 5**, Devas-Antrix Agreement, Jan. 28, 2005, at 1.

⁵⁵ *Id.* at 1, 10 (emphasis added).

⁵⁶ *See Exhibit 18*, Final ICC Award ¶ 7 (“The agreement was executed on 28 January 2005. From then until 2010 the parties’ relationship progressed smoothly. Among other things, necessary licenses and approvals were obtained, work on the satellite progressed, Devas obtained funding from investors, and trials relating to Devas’ operating system were conducted successfully.”).

successful experimental trials of its technology.⁵⁷ In contrast, Antrix’s delivery of the satellites was delayed multiple times.⁵⁸

42. But by 2009, political pressure began mounting against the Devas-Antrix Agreement, in part due to media scrutiny in the aftermath of an unrelated incident known as the “2G scandal,” in which certain Indian Government officials were accused of undervaluing the 2G spectrum and selling it to favored companies.⁵⁹ At the direction of high-level officials, Antrix began looking for a way out of the Devas-Antrix agreement.
43. The government ordered Dr. B. N. Suresh, Director of the Indian Institute of Space and Technology, to “conduct a review of the agreement” (“Suresh Report”).⁶⁰ Dr. Suresh and his team found no wrongdoing and did not recommend termination. To the contrary, the Suresh Report concluded that the Devas-Antrix Agreement was executed only after “technical feasibility, financial and market aspects, time schedule, risk mitigation, and pricing” had been thoroughly scrutinized by the High Power Committee,⁶¹ and Antrix entered into the agreement “in close coordination & participation” with the concerned agencies.⁶² Moreover, the Suresh Report concluded that Antrix had followed all “guidelines for leasing the transponder services to private service providers as per the

⁵⁷ See **Exhibit 6**, License Agreement for Provision of Internet Services between the Government of India and Devas Multimedia Pvt. Ltd., May 2, 2008; **Exhibit 10**, License to Import Wireless Transmitting and/or Receiving Apparatus into India, Mar. 26, 2009; **Exhibit 11**, License to Establish, Work and Maintain an Experimental Wireless Telegraph Station in India for Devas Multimedia Pvt. Ltd. from the Department of Telecommunications, Ministry of Communications & IT, Government of India, May 7, 2009; **Exhibit 19**, Merits Award, ¶ 109; **Exhibit 24**, DT Award, ¶ 87; **Exhibit 18**, Final ICC Award, ¶ 87 (noting that successful experimental trials took place in Bangalore in the presence of high-level Government of India officials, one of whom called the Devas-Antrix partnership “great” and said that he was “looking forward to the launch” of the first to planned satellites).

⁵⁸ See, e.g., **Exhibit 5**, Devas-Antrix Agreement, p. 1, art. 3; **Exhibit 19**, Merits Award, ¶ 110.

⁵⁹ **Exhibit 69**, “Chronology of Developments Related to 2G Spectrum Case,” THE HINDU TIMES (Feb. 2, 2011) (noting 2009 government investigations opened into 2G spectrum licenses granted to certain telecom firms in 2008).

⁶⁰ **Exhibit 14**, Order For Constitution Of A Committee To Look Into Devas Multimedia Contract And Terms Of Reference, Dec. 8, 2009.

⁶¹ **Exhibit 16**, BN SURESH, Report on GSAT-6, 6 (May 2010).

⁶² *Id.* at 15.

Satcom policy.”⁶³ There was “absolutely no doubt on the technical soundness of the digital multimedia services” proposed by Devas.⁶⁴

44. But, as political pressure increased, the Indian Government annulled the agreement, invoking the force majeure provision.⁶⁵
45. On February 8, 2011, the then-chairman of Antrix, Dr. Radhakrishnan, convened a press conference where he announced that the Space Commission had decided to annul the Devas-Antrix Agreement.⁶⁶ The Cabinet Committee on Security issued a press release stating that “having regard to the needs of the country’s strategic requirements, the Government will not be able to provide orbit slot in S band to Antrix for commercial activities, including for those which are the subject matter of existing contractual obligations for S band.”
46. A few days later, Antrix officially terminated the Devas-Antrix Agreement. Reflecting just how pretextual this was, to date India has not made use of the S-band spectrum. Crucially, neither Antrix nor any other Indian government official raised any allegation of fraud or corruption in the execution or implementation of the Agreement.

VI.3 Three Separate International Arbitration Panels Award Devas And Its Investors More Than \$1 Billion In Damages And Interest

47. Following India’s illegal annulment of the Devas-Antrix Agreement, Devas, certain Devas shareholders incorporated in Mauritius and separately, Deutsche Telekom (“DT”), a significant Devas investor, initiated, and won, arbitration proceedings against Antrix or India. These included (i) an arbitration initiated by Devas against Antrix under the arbitration clause of the Devas-Antrix Agreement (the “ICC Arbitration”); (ii) an arbitration commenced by three Devas shareholders incorporated in Mauritius against India pursuant to an India-Mauritius bilateral investment treaty (the “BIT Arbitration”);

⁶³ *Id.* at 15.

⁶⁴ *Id.* at 15.

⁶⁵ **Exhibit 19**, Merits Award ¶ 134.

⁶⁶ *Id.* ¶ 142.

and (iii) an arbitration brought by DT, under the bilateral investment treaty between Germany and India (the “DT Arbitration”).

VI.3.A. First Arbitration: Devas’s Arbitration Against Antrix

48. On July 1, 2011, Devas commenced arbitration against Antrix before the International Court of Arbitration (“ICC”). On September 14, 2015, the ICC ruled in Devas’s favor, ruling that “Antrix is to pay USD 562.5 million” plus interest “to Devas for damages caused by Antrix’s wrongful repudiation of the Devas Agreement.”⁶⁷
49. The United States District Court for the Western District of Washington confirmed the ICC award in October 2020.⁶⁸ During the confirmation hearing, India’s counsel admitted that “none of [its] argument is based on an allegation of misconduct on the part of Devas.”⁶⁹ The Court specifically noted that Antrix “does not argue, let alone cite any facts showing, that the [Devas-Antrix] Agreement was the product of corruption or that [India] annulled the Agreement on that basis.”⁷⁰ The Court entered judgment of nearly \$1.3 billion (including damages and interest) in favor of Devas on November 4, 2020.

VI.3.B. Second Arbitration: Deutsche Telekom’s Arbitration Against India

50. On May 15, 2012, Deutsche Telekom, a Devas investor, commenced arbitration against India under the rules of the United Nations Commission on International Trade Law (“UNCITRAL”), alleging that India’s unlawful repudiation of the Antrix-Devas Agreement violated India’s obligation to accord fair and equitable treatment, constituted an unlawful expropriation, and failed to provide full protection and security under the bilateral investment treaty between Germany and India.

⁶⁷ **Exhibit 18**, Final ICC Award, ¶ 401.

⁶⁸ **Exhibit 70**, Order at 17, *Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.*, Case No. 2:18-cv-01360 (W.D. Wash. Oct. 27, 2020).

⁶⁹ **Exhibit 33**, Official Hearing Transcript, 32, *Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.*, Case No. 2:18-cv-01360 (W.D. Wash. Oct. 14, 2020).

⁷⁰ **Exhibit 70**, Order at 16, *Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.*, Case No. 2:18-cv-01360 (W.D. Wash. Oct. 27, 2020).

51. On May 27, 2020, the Tribunal issued a unanimous Final Award ordering India to pay \$93.3 million in damages, plus interest and certain costs.⁷¹ The Swiss courts confirmed the 2020 DT Award, making it fully enforceable later that year.

VI.3.C. Third Arbitration: Devas Shareholders' Arbitration Against India

52. On July 3, 2012, Devas's Mauritius-based shareholders commenced arbitration against India under UNCITRAL rules, seated in the Hague.
53. On July 25, 2016, the Tribunal issued a "Merits Award," finding India liable for breaches of the Treaty in connection with the annulment of the Antrix-Devas Agreement.⁷² The Tribunal found, among other things, that India's conduct was a "clear breach of the simple good faith required under international law."⁷³ On October 13, 2020, the Tribunal issued a "Quantum Award," requiring India to pay \$110 million plus interest and certain costs.⁷⁴
54. India's efforts to set-aside the Quantum Award have thus far been rejected by the Dutch judiciary. In addition, the Dutch Advocate General has issued an opinion recommending enforcement of the award. Recently, India filed a revocation proceeding there in an attempt to inject the fraud issues into the Netherlands proceeding, and a full hearing on these allegations will likely take place in fall 2022.

VI.4. India Retaliates In Response To Arbitration Proceedings

55. India and Antrix did not allege as a defense in any of these arbitrations that the Devas-Antrix Agreement was obtained through fraud, corruption, or allege any other illicit conduct by Devas, its investors, or its officers. Nor did any arbitral tribunal find any indication of misconduct. Instead, India has turned to its own politicized agencies and courts to manufacture and then rubber stamp baseless allegations of fraud and corruption in connection with the Devas-Antrix Agreement. The Perpetrators and other Indian

⁷¹ **Exhibit 24**, DT Award, ¶ 357.

⁷² **Exhibit 19**, 2016 UNCITRAL Merits Award, ¶ 501.

⁷³ *Id.* ¶ 470.

⁷⁴ **Exhibit 32**, Quantum Award, ¶ 663.

officials have harassed and retaliated against Devas and its shareholders and executives, in particular, Mr. Viswanathan, through baseless criminal proceedings and other coercive action.

56. The Enforcement Directorate (“ED”) of the Ministry of Finance of India commenced an investigation into Devas. India, and in particular the BJP government, has increasingly sought to use the ED as a “tool of harassment” against political opponents.⁷⁵ Groups like Amnesty International and Greenpeace have ceased operating or dramatically reduced their presence in India as a result of an ED-led “campaign of harassment” in which “critics of government policies increasingly face probes by authorities or even arrest.”⁷⁶ A recent article in Scroll India described “[h]ow the Modi government has weaponized the ED to go after India’s Opposition” by fabricating charges “to discredit those who refused to toe its line.”⁷⁷ In particular, the Prevention of Money Laundering Act (“PMLA”) “has become the hatchet law of the Modi government,” which has “indisputab[ly] . . . turbocharged the use of the money laundering law” to target “a range of companies, rights groups, activists[,] journalists . . . [and] political leaders.”⁷⁸ Though the ED’s cases have mushroomed (it has filed over 2,000 cases in the just the last five years) its conviction rate is “dismal” (it has secured only 23 PMLA convictions in the last 17 years).⁷⁹ The ED has recently turned this “campaign of harassment” on Amnesty International itself, issuing a show-cause notice on both Amnesty India International and its CEO.⁸⁰

⁷⁵ **Exhibit 27**, Anaya Chardwaj, *ED Seen as ‘Tool of Harassment’ Work to Restore its Credibility: New Chief Tells Officers*, THE PRINT (November 29, 2018) available at <https://theprint.in/india/governance/ed-seen-as-tool-of-harassment-work-to-restore-its-credibility-new-chief-tells-officers/156521/>.

⁷⁶ **Exhibit 31**, Niha Masih, *Amnesty International to cease work in India, citing government harassment*, THE WASHINGTON POST (Sep. 29, 2020), available at https://www.washingtonpost.com/world/asia_pacific/india-amnesty-international-harassment/2020/09/29/62ad452c-01bd-11eb-b92e-029676f9ebec_story.html.

⁷⁷ Supriya Sharma & Arunabh Saikia, *How The Modi Government Has Weaponised The ED To Go After India’s Opposition*, SCROLL (July 5, 2022) available at <https://scroll.in/article/1027571/how-the-modi-government-has-weaponised-the-ed-to-go-afterindias-opposition>.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ **Exhibit 66**, Aakar Patel, *India’s ED Goes After Amnesty International*, INDIA WEST JOURNAL (July 11, 2022).

57. Unsurprisingly, India's retaliatory efforts against Devas and its shareholders became more aggressive due to political shifts in India. In 2014, the BJP took power in India, and has been using the Devas-Antrix Agreement as a political cudgel to argue that the Congress Party it succeeded was not a responsible guardian of national resources such as S-band spectrum.
58. Soon after the BJP came into power in 2014, India's Central Bureau of Investigation ("CBI") also began investigating Devas and two of its officers, including Mr. Viswanathan, just months before the ICC Award was issued. On March 16, 2015, the CBI registered a case against Devas, Mr. Viswanathan, two other Devas officers, and other officials at Antrix and DOS.⁸¹ The complaint alleged that the accused engaged in a "criminal conspiracy" with civil servants to give the S-band rights "to ineligible company [Devas]" and that they "cheated Government of India [sic]."⁸² And in 2016, the CBI issued a "charge-sheet" outlining possible charges against Mr. Viswanathan, several Indian officials involved in the Devas-Antrix agreement, and certain of Devas's other officers and former employees. The "charge sheet" relied on Section 13(1)(d) of the Indian Prevention of Corruption Act, which prohibited any public servant from entering into a contract that did not obtain full value for a national resource.⁸³ That section of the Act has since been repealed as a result of widespread criticism that India has used the law to harass honest officials, especially after changes in government administrations.⁸⁴ Nevertheless, the CBI charges remain pending.

⁸¹ **Exhibit 71**, CBI First Information Report, March 16, 2015.

⁸² *Id.* at 4 ¶ 1.

⁸³ **Exhibit 72**, Charge Sheet Excerpt; Prevention of Corruption Act Section 13(1)(d) (Ind.) ("A public servant is said to commit the offense of criminal misconduct . . . (d) if he (i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or (ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or (iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest.")

⁸⁴ **Exhibit 26**, *Changes in anti-corruption law to prevent harassment of honest officers: Arun Jaitley*, THE ECONOMIC TIMES (27 July 2018) ("The wide definition of corruption and loose language of the old act prompted the investigators to shed their professionalism and follow the 'golden rule' of 'when in doubt, file a chargesheet.'"), available at <https://economictimes.indiatimes.com/news/politics-and-nation/changes-in-anti-corruption-law-to-prevent-harassment-of-honest-officers-arun-jaitley/articleshow/65164299.cms>.

59. The CBI alleged that former Indian officials had not obtained full value for the spectrum that India leased to Devas. So poorly supported and obviously manufactured are India's charges that India never asserted them as defenses in the ongoing arbitrations. Indeed, former officials of ISRO and Antrix who were also accused in the charge sheet have denounced the CBI's actions. The former chairman of ISRO, G. Madhavan Nair, told the press, "[t]here was nothing wrong in the deal and I do not know how the chargesheet has come,"⁸⁵ and noted that "[t]hree inquiries have found nothing wrong in signing of the deal. Each one of them has said that there was no loss to the exchequer. Competent technical people were present in these [sic] team. I don't understand on what basis has the CBI been making these claims."⁸⁶ He went on to state: "[i]t is the cancellation of the deal that is problematic and not the signing."⁸⁷ Nair and others have also maintained that the deal conformed with government policy at the time: "The entire deal was in conformity with the existing SatCom policy. You cannot retrospectively apply rules. We would have got the assured 13.8% returns over the project period of 12 years, one of the highest so far."⁸⁸ Antrix's former Executive Director, K. R. Sidhara Murthi, who signed the deal on behalf of Antrix, also defended it: "By allocating S-band spectrum for satellite mobile communication we were following the policy that already existed — how can you find fault with us for that."⁸⁹
60. India has not actually prosecuted these former officials despite the charge sheet. Rather, India's sole use of the charge sheet has been to attempt to nullify the arbitrations and arbitral awards. For example, on October 27, 2016, India requested an adjournment of the

⁸⁵ **Exhibit 79**, Tanima Biswas, NDTV, *Ex-ISRO Chairman G Madhavan Nair Named in Antrix-Devas Case Chargesheet* (Aug. 11, 2016), available at <https://www.ndtv.com/india-news/ex-isro-chairman-g-madhavan-nair-named-in-antrix-devas-case-chargesheet-1443061>.

⁸⁶ **Exhibit 80**, *Antrix-Devas case: Former ISRO Chairman G Madhavan Nair named in CBI Chargesheet*, THE INDIAN EXPRESS (Aug. 12, 2016), available at <https://indianexpress.com/article/india/india-news-india/antrix-devas-case-former-isro-chief-madhavan-nair-named-in-cbi-chargesheet-2968893/>.

⁸⁷ *Id.*

⁸⁸ **Exhibit 81**, *Interview—G Madhavan Nair, former chief of ISRO*, HINDUSTAN TIMES (Feb. 11, 2012) available at <https://www.hindustantimes.com/india/interview-g-madhavan-nair-former-chief-of-isro/story-me3Uo9Yv13ByhARG7shYNM.html>.

⁸⁹ **Exhibit 82**, Indulekha Aravind, *Troubled space*, BUSINESS STANDARD (Jan. 21, 2013), available at https://www.business-standard.com/article/beyond-business/troubled-space-112020400047_1.html.

quantum phase of the Devas-India UNCITRAL Arbitration, arguing that a “stay of arbitral proceedings” was warranted because the alleged “illegalities” discovered from these “recent developments” would render the Agreement “void ab initio.”⁹⁰ The Tribunal denied India’s stay application, noting that “the CBI investigation was initiated in 2014” and that India “was therefore aware of its contents when it agreed to the timetable” for the arbitration.⁹¹ The Tribunal further held that several of the implicated officers of Devas were witnesses in the Arbitration, two of whom had already been subject to cross-examination by India, yet “no evidence of wrongdoing on their part or on the part of Devas Multimedia Private Ltd. was adduced.”⁹²

61. On June 6, 2016, the ED issued a “*show cause*” notice against Devas and twenty of its current and former directors and foreign investors, including Mr. Viswanathan, claiming penalties running into tens of millions of dollars, on the theory that the foreign investments violated India’s foreign exchange laws (“First FEMA Action”). The ED brought these charges despite the fact that the Indian agency responsible for approving foreign investments, the Foreign Investment Promotion Board, had duly authorized every single investment made in Devas.⁹³
62. In January 2017, the ED raided Devas’s Bangalore offices and detained Devas employees, three of whom were questioned for over 15 hours with no communication with the outside world and without access to counsel. The ED seized their cell phones and refused to let them communicate with anyone outside—including with counsel and family members. Before being permitted to leave, each individual was pressured, under threat of arrest, to sign a statement prepared by the ED. The ED officers refused to allow the Devas officials

⁹⁰ **Exhibit 32**, Quantum Award, ¶ 41–42.

⁹¹ **Exhibit 32**, Quantum Award, ¶ 43.

⁹² **Exhibit 30**, UNCITRAL Procedural Order No. 7.

⁹³ See **Exhibit 13**, Submission for Issuance and Allotment of Shares (June 11, 2009), at 3 (chart setting forth FIPB approval history) (attachment to Letter from Ministry of Finance, FIPB Unit (Saxena) to Devas (Sept. 29, 2009)). See also **Exhibit 12**, Letter from Devas to FIPB, Sept. 14, 2009; **Exhibit 9**, Amendment No. 3 to FIPB Approval (Oct. 21, 2008); **Exhibit 8**, FIPB Approval of DT Investment (Aug. 7, 2008); **Exhibit 7**, FIPB Approval of Devas Capital Structure (May 19, 2008); and **Exhibit 67**, FIPB Approval for Setting Up ISP Services, (Feb. 2, 2006).

to make changes to the statements and refused to provide them with a copy.⁹⁴ A fourth individual was released but ordered to return the next day, when he was then interrogated for over 11 hours.⁹⁵

63. Shortly after the Devas personnel were released, they retracted their coerced statements and detailed the coercion that was applied to them.⁹⁶ On July 10, 2018, the ED filed another criminal complaint after extracting these coerced statements under the Indian Prevention of Money Laundering Act (“PMLA”), signed by **R. Rajesh**, ED Assistant Director, accusing Devas of diverting funds to foreign accounts.⁹⁷
64. In December 2018, the ED commenced yet another legal action (the “Second FEMA Action”) against Mr. Viswanathan and two other officers of Devas, Mr. M. G. Chandrasekhar and Mr. Desaraju Venugopal, who had testified against Antrix and India in the arbitrations, for alleged violations of India’s foreign exchange laws.⁹⁸ In January 2019, the ED then assessed a \$220 million penalty against Devas, its investors, and present and former officers, including Mr. Viswanathan.
65. Indian officials have admitted these investigations are retaliatory. A “top source” in the Indian Government leaked to the press that the “idea” behind the ED investigations and penalties was “to recover from Devas the amount it hopes to earn through international arbitration. The possible course of action may include imposition of penalty on Devas, and prosecution of the company and all its directors[.]”⁹⁹

⁹⁴ Letter from Nandish Patel to Enforcement Directorate, Jan. 28, 2017, ¶¶ 6-7.

⁹⁵ *Id.* ¶ 6.

⁹⁶ **Exhibit 21**, Letter from D. Venugopal to Karnal Singh, Feb. 11, 2017; **Exhibit 20**, Letter from Nataraj Dakshinamurthy to Karnal Singh, Feb. 7, 2017; **Exhibit 22**, Letter from Ranganathan Mohan to Karnal Singh, Feb. 21, 2017.

⁹⁷ **Exhibit 25**, Complaint Filed Under Section 45(1) r/w 3, 4 and 8(5) of the Prevention of Money Laundering Act, 2002 (Ind.), July 10, 2018.

⁹⁸ **Exhibit 75**, Second FEMA Complaint, Dec. 24, 2018. *See also* **Exhibit 19**, Merits Award, ¶ 45 (listing testifying witnesses).

⁹⁹ **Exhibit 23**, Pradeep Thakur, *ED Moves to Prosecute Devas Under PMLA for FEMA Violation*, TIMES OF INDIA (July 27, 2016), available at <http://timesofindia.indiatimes.com/india/ED-moves-to-prosecute-Devas-underPMLA-for-Fema-violation/articleshow/53407579.cms>.

66. Indian officials have also repeatedly used the investigations as a bargaining chip in settlement negotiations. Officials involved in those discussions have assured Devas's representatives that they have authority directly from the Prime Minister to negotiate with Devas to reach a global resolution of all issues, including the pending criminal matters. In 2018, those officials offered to drop all tax, criminal, and other prosecution in exchange for Devas and its investors abandoning the international arbitration proceedings. The settlement offer came after the ICC award, but before the UNCITRAL decisions. Devas declined.
67. In February 2020, Mr. Viswanathan and other Devas representatives met with representatives of India, including Ajit Doval, National Security Advisor, in Paris. The Indian officials again represented that they had settlement authority from the Prime Minister, including authority over all criminal and regulatory matters brought against the company and its officers. The parties eventually agreed that India would pay Devas \$390 million and dismiss all criminal actions to resolve both arbitral awards.
68. In connection with these discussions, the parties traded drafts of a comprehensive settlement agreement, wherein India agreed to terminate with prejudice all criminal, civil, regulatory, and tax proceedings against Devas and all of its investors, directors, shareholders, officers, and employees. Shortly after reaching an agreement in principle, India terminated the negotiations and increased its pressure in the criminal proceedings in order to obtain greater leverage going forward.

VI.5. Failure of Settlement Talks and Adverse Decisions Prompt India To Force Devas Into Liquidation

69. In the fall of 2020, after Devas and its investors secured important victories in the arbitration proceedings, Indian officials shut down settlement discussions and instead escalated retaliatory tactics against Mr. Viswanathan and other Devas officials. On October 13, 2020, the tribunal in the Third Arbitration rendered the Quantum Award, worth over \$120 million,¹⁰⁰ and on November 4, 2020, the federal court in the Western District of

¹⁰⁰ Exhibit 32, Quantum Award.

Washington recognized the First Arbitration and entered judgment for Devas against Antrix for almost \$1.3 billion.¹⁰¹

70. Promptly thereafter, Antrix turned to the courts of India, where it knew manufactured fraud claims would receive a friendly hearing. At the same time, India amended its arbitration laws to make sure this scheme would pay off.
71. On the very same day as the U.S. judgment, November 4, 2020, the Indian President, Ram Nath Kovind, enacted a special amendment to the Indian Arbitration and Conciliation Act to allow parties to indefinitely stay enforcement of an arbitration award without posting security when there is a *prima facie* case of fraud or corruption in the underlying agreement.¹⁰² The new ordinance was tailor-made to stave off enforcement of the First Arbitration award based upon the newfound allegations of fraud being manufactured by **Sasibhushan, Mishra, Rajesh, and Naijnar**. The provision provides that if “the Court is satisfied that a prima facie case is made out,--(a) that the arbitration agreement or contract which is the basis of the award; or (b) the making of the award, was induced or effected by fraud or corruption, it shall stay the award unconditionally pending disposal of the challenge under section 34 to the award.”
72. A former Indian attorney general in comments to the media noted that the ordinance came “at a time when the Delhi High Court will start the enforcement hearings” in the Devas case. Indeed, the timing was “very suspicious.”¹⁰³
73. Following the enactment of this provision, on January 12, 2021, Antrix, through its “Junior Legal Officer,” Chinmoy Roy, promptly amended its set aside petition pending before the High Court of Delhi to allege fraud and seek a stay of enforcement, citing only to purported facts that had come to light well before judgment was issued by the U.S. federal court.

¹⁰¹ **Exhibit 35**, Judgment, *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, Case No. C18-1360 TSZ (W.D. Wash.) (Nov. 4, 2020).

¹⁰² **Exhibit 36**, The Arbitration and Conciliation (Amendment) Ordinance 2020, Nov. 4, 2020.

¹⁰³ **Exhibit 39**, A Change To The Arbitration Law Whose Purpose Is Unclear, Nov. 24, 2020.

Antrix's allegations of fraud were based on the CBI charge sheet issued nearly five years prior and the ED's various actions.¹⁰⁴

74. Also on November 4, 2020, **Sitharaman**, authorized the creation of a "Inter-Ministerial Monitoring Committee" ("IMCC") "to expedite the statutory proceedings" against Devas and its investors, and place them "on a war footing so as to reach conclusion and finality in such cases at the earliest." The IMCC would "monitor[] the progress on a daily basis" and conduct "virtual meetings on a weekly basis."¹⁰⁵
75. Though the Delhi High Court had previously rejected multiple attempts to dismantle Devas on the basis of specious fraud allegations,¹⁰⁶ after the ICC award was confirmed by a U.S. court, **Sasibhushan, Mishra, Rajesh**, and **Naijnar** colluded to take advantage of a loophole in India's companies law permitting anyone **authorized by the Government** to seek liquidation of a company on the basis that "the affairs of the company have been conducted in a fraudulent manner, the company was formed for fraudulent and unlawful purpose, and the persons concerned in the formation/management of its affairs have been guilty of fraud."¹⁰⁷
76. On January 14, 2021, with no notice to Devas, **Sashibushan** sent a confidential letter to the Secretary of the Ministry of Corporate Affairs seeking permission to file a "wind up" (liquidation) proceeding against Devas. In the letter, **Sashibushan** falsely claimed that Antrix had terminated its agreement with Devas in 2011 "on account of a multi-faceted fraud committed by Devas in collusion with the then officers of Antrix," a claim Antrix never made in the arbitrations, and which it knew to be false because at the time of the termination, Antrix had searched for grounds on which to terminate the agreement, and found none.

¹⁰⁴ **Exhibit 78**, Application for Amendment under Order VI Rule 17 of the Civil Procedure Code, 1908, Jan. 12, 2021, pp. 4-5.

¹⁰⁵ **Exhibit 34**, Inter-Ministerial Monitoring Committee Directive, issued Nov. 4, 2020.

¹⁰⁶ **Exhibit 38**, Order, High Court of Delhi, Nov. 18, 2020.

¹⁰⁷ **Exhibit 43**, Request for Sanction, Jan. 14, 2021.

77. The Ministry of Corporate Affairs approved the resolution within days.¹⁰⁸ Antrix served the petition on Devas only a day before it was argued before the National Company Law Tribunal (“NCLT”), a “quasi-judicial” body created in 2013 to expedite the wind up of insolvent companies. At the argument, Antrix was represented by none other than the Solicitor General of India, **Tushar Mehta**—who reports directly to the Attorney General, a direct presidential appointee—and the Additional Solicitor General, **N. Venkatraman**. India’s Ministry of Corporate Affairs “support[ed]” Antrix’s case.¹⁰⁹
78. In its wind-up petition, **Sashibushan** recycled allegations from the CBI charge sheet issued nearly five years earlier, including:
- That Devas “misrepresented that [it was] the owner[] and [intellectual property rights] holder[] of the [requisite] technology” in 2005 when it entered the Devas-Antrix Agreement,¹¹⁰ when in fact the Agreement provided that the technology would be developed after the Agreement was executed.
 - That members of Antrix’s board “arbitrarily fixed the price for the leased spectrum and allowed all the transponders in two satellites to be arbitrarily leased to a single party” in violation of policy.¹¹¹ In fact, Antrix’s officials had rejected a joint venture proposal and instead opted for a lease, and there was no official policy at the time prohibiting the lease arrangement. The Devas-Antrix Agreement was the result of 18-month, arms-length negotiations between sophisticated parties that obtained the input and approval of multiple stakeholders, including G. Madhavan Nair, Chairman of the Space Commission, Secretary of DOS, and Chairman of Antrix; Mr. S. K. Das, Additional Secretary and Secretary (Finance) for DOS; and Mr. S. V. Ranganath, Additional Secretary, DOS.

¹⁰⁸ **Exhibit 44**, Sanction By Indian Government, Jan. 18, 2021.

¹⁰⁹ **Exhibit 46**, NCLT Wind-up Order, Jan. 19, 2021, ¶ 6.

¹¹⁰ *Id.* ¶ 13(h).

¹¹¹ *Id.* ¶ 13(p).

- That Devas was incorporated just before the Devas-Antrix Agreement was formed and that it “sold its shares at exorbitant rates . . . to foreign investors” without any “satisfactory justification” for the pricing.¹¹² Devas was incorporated in India at Antrix’s demand because an Indian company was required to sign the contract. The foreign investors bought their shares after extensive diligence of Devas, its founders, and the business plan. Indeed, no investor has ever complained about the prices of Devas’s shares, which at that time reflected the company’s promising business potential.
- That Antrix’s previous chairman had “concealed the existence of the [Devas-Antrix Agreement] before the Space Commission” and obtained budgetary approvals for satellites “from the Cabinet [by] suppressing the existence of the [Devas-Antrix Agreement],” and that Devas’s license to conduct experimental trials was granted because “of manipulation of [meeting] minutes” in which the license application was considered.¹¹³ Whether or not the Antrix chairman made the Space Commission aware of the deal, Devas never concealed nor sought to conceal the existence and terms of the Agreement. Indeed, Mr. Viswanathan and other Devas officials met with numerous Indian officials up to and including Cabinet members [check] to promote the Devas-Antrix Agreement. Moreover, Devas applied for, and obtained, all proper licenses and conducted successful experimental trials of its technology.
- That Devas “concealed” the Devas-Antrix Agreement from the Foreign Investment Promotion Board authorities, “knowing fully that the hybrid technology did not exist at the relevant time, and that it did not possess the required technical expertise to render the same.”¹¹⁴ Again, Devas did not conceal or seek to conceal the Agreement from any Indian authorities, nor did Devas ever represented that its technology was fully developed at the time the Devas-Antrix Agreement was

¹¹² *Id.* ¶ 13(v).

¹¹³ *Id.* ¶ 13(s), 13(t).

¹¹⁴ *Id.* ¶ 13(y).

signed. Rather, as the Agreement expressly states, Devas stipulated that it was “developing a platform capable of delivering multimedia and information services.”¹¹⁵ The charge is based upon a false allegation that unrelated European technology was essential but had not been licensed.

- That Devas’s investment funds were not used to “render internet services” and instead were used for “Money Laundering,” including to an American subsidiary that supposedly provided “business support services” but did not.¹¹⁶ This is not correct. Devas’s American subsidiary enabled Devas to enter into agreements with foreign vendors and employees, who were instrumental in developing the technology, evaluating progress, constructing infrastructure, procuring supplies, conducting successful trials, etc.¹¹⁷ but were unwilling to contract with an Indian entity for reasons obvious from this case. After Antrix canceled the Agreement, Devas’s American subsidiary paid legal expenses necessary for bringing the arbitrations.

79. Within hours of the hearing, the NCLT appointed a provisional liquidator (M. Jayakumar, or the “Liquidator”)—an Indian Government employee—to “initiate appropriate action . . . to take control of Management [of Devas] and to take custody or control of all the property, effects and actionable claims to which [Devas] is or appears to be entitled to”—namely, the First Arbitration award itself.¹¹⁸
80. The Liquidator proceeded to act in accordance with the interests and desires of Antrix and India at every turn. The Liquidator immediately fired Devas’s global arbitration and enforcement counsel, which had been pursuing confirmation and enforcement proceedings

¹¹⁵ **Exhibit 5**, Devas-Antrix Agreement, Jan. 28, 2005, at 1.

¹¹⁶ **Exhibit 45**, Wind up petition, Jan. 18, 2021, ¶ 13(ee).

¹¹⁷ **Exhibit 15**, Minutes of Devas Meeting, Mar. 31, 2010, at 3 (summarizing relationships with various third-party vendors and services rendered, including “core infrastructure evaluation,” “DVB-SH soft-launch deployment” and “TD-LTE/DVB-SH co-existence study and associated technical analysis”).

¹¹⁸ **Exhibit 46**, NCLT Wind-up Order, Jan. 19, 2021, ¶ 14(4).

in multiple jurisdictions, including the United States, France, and the United Kingdom.¹¹⁹ Fully intending to obstruct the enforcement campaigns, the Liquidator has:

- a) Abandoned defending Devas in the CBI cases, and stated that he deferred to the CBI's investigation.¹²⁰
- b) Failed to resist the ED's efforts to attach Devas's assets.
- c) Appeared before the Western District of Washington and Court of Appeals for the Ninth Circuit to **oppose** the efforts of Devas's shareholders to enforce Devas's award against Antrix (including moving to stay enforcement of the First Arbitration award),¹²¹ even though under Indian law, the shareholders have an interest in the company's assets.¹²²

81. After the Liquidator left Devas unrepresented for five months in the U.S. court proceedings, upon a U.S. court's orders to appoint counsel, the Liquidator finally appointed counsel for Devas.¹²³ However, the Liquidator's counsel has served the Liquidator's interest, rather than Devas's, and further sought to impede enforcement proceedings. For example, the first action of the Liquidator's new counsel was to seek yet another stay of enforcement of the First Arbitration award. The U.S. court denied this request noting, "[the Liquidator's] motion to stay . . . lacks merit under these circumstances and is intended to

¹¹⁹ **Exhibit 47**, Emails Firing Devas Counsel, Jan. 22, 2021; *see also* **Exhibit 49**, Email from Official Liquidator to Roseann Wecera, Jan. 30, 2021 ("We hereby inform that you may refrain yourself from representing Devas Multi Media pvt ltd (in prov liqn) as a consequence of the NCLT provisional winding up order dated 19.01.2021.")

¹²⁰ **Exhibit 48**, CBI Order and Deferment Application of Devas, Jan. 30, 2021, at 2.

¹²¹ *See* **Exhibit 50**, Liquidator Motion to Stay, *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, Case No. C18-1360 TSZ (W.D. Wash. Feb. 24, 2021), ECF No. 71; **Exhibit 54**, Second Liquidator Motion to Stay, *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, Case No. C18-1360 TSZ (W.D. Wash. Jul. 16, 2021), ECF No. 126.

¹²² Devas's shareholders are "contributories" under the 2013 Indian Companies Act and are entitled to the proceeds of Devas after it is wound up because Devas has no creditors. *See* Section 2(26) of the 2013 Indian Companies Act (defining "contributory"); **Exhibit 53**, Fourth Declaration of Anuradha Dutt, *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, Case No. C18-1360 TSZ (W.D. Wash. Feb. 24, 2021) July 6, 2021, at 2-3 (explaining how the 2013 Indian Companies Act applies in this case and citing supporting documents).

¹²³ **Exhibit 55**, Order Denying the Liquidator's Motion to Stay, *Devas Multimedia Private Ltd. V. Antrix Corp. Ltd.*, Case No. C18-1360 TSZ (W.D. Wash. Aug. 9, 2021), at 1.

further delay these proceedings, as well as [Devas and its shareholders'] right to recover on the [ICC Award].”¹²⁴

82. In the meantime, **Venkatraman** vigorously pursued the bogus fraud charges against Devas to seek to liquidate it before the NCLT. The NCLT, a quasi-judicial tribunal with no obligation to act according to law or due process, exercised little to no scrutiny of **Sashibushan’s** allegations, and without even holding an evidentiary hearing, proceeded to convert the provisional liquidation of Devas into a final liquidation order on May 25, 2021.¹²⁵ In that final liquidation order the NCLT flatly admitted that the basis of the liquidation was to stop enforcement of the First Arbitration award, noting, “Antrix and Union of India have suffered [the] huge ICC Award and are facing its enforcement proceedings” and that, in its view, Devas was “misusing the legal status conferred on it by virtue of its incorporation by filing various proceedings on untenable grounds in India and abroad to enforce ICC Award.”¹²⁶
83. Devas shareholders appealed to the National Companies Law Appellate Tribunal (“NCLAT”), but it rubber stamped the NCLT’s liquidation order on 8 September 8, 2021.¹²⁷ The NCLAT is also quasi-judicial and not bound by law or due process.
84. On 17 January 17, 2022, two (out of 34) Indian Supreme Court judges **Gupta** and **Ramasubramanian** dismissed the appeals of the liquidation order, after summary proceedings, again with no evidentiary hearings or cross-examination.¹²⁸ Even though the NCLAT had itself characterized its factual findings as “prima facie,” and reached them with no evidentiary process whatsoever, the Supreme Court treated them as “final.” The judges acknowledged that Devas and its shareholders had not been convicted of any wrongdoing,¹²⁹ but nonetheless held that the NCLAT’s “prima facie” findings regarding

¹²⁴ *Id.* at 1-2.

¹²⁵ **Exhibit 52**, NCLT Final Liquidation Order, May 25, 2021.

¹²⁶ *Id.* at 78.

¹²⁷ *See* **Exhibit 56**, NCLAT Final Order, Sept. 8, 2021, ¶ 323.

¹²⁸ **Exhibit 61**, Judgment of the Indian Supreme Court, January 17, 2022, ¶ 14.

¹²⁹ *Id.* ¶¶ 13.5-13.6 (the court wrote: “**If** as a matter of fact, fraud as projected by Antrix, stands established . . . **If** the seeds of the commercial relationship between Antrix and Devas were a product of fraud . . . every part of the

Devas’s alleged “fraudulent and unlawful purpose” were “final.”¹³⁰ The judges came to this conclusion even though, according to India, the NCLT and NCLAT decisions are on the basis of their own judgment instead of the rules of law. The Supreme Court decision is rife with glaring errors and inconsistencies, such as:

- a) The Supreme Court characterizes a number of facts as “*undisputed*,” which are, in fact, in dispute, including that “the formation of the company . . . was for a fraudulent and unlawful purpose.”¹³¹
- b) The Supreme Court determined that no evidentiary process was necessary to determine whether Devas had or could develop the necessary technology because Antrix could not be expected to prove a negative.¹³² The Supreme Court claimed that “Devas never produced before the Tribunals any device nor did they demonstrate the availability to Devas services” despite the fact that the lower courts declined to hold a hearing on the evidence or allow expert evidence that would have proved the viability of Devas’s technology, and despite the multiple successful demonstrations of Devas’s technology attended by Indian government officials.¹³³
- c) The Supreme Court adopted the fraud allegations wholesale without allowing cross-examination of the people bringing the allegations.¹³⁴

85. On cue, on January 18, 2022, **Sitharaman**—creator of the “Interministerial Monitoring Committee”—hailed the Supreme Court decision as a victory for the BJP. Ms. Sitharaman

plant that grew out of these seeds, such as the Agreement, the disputes, arbitral awards etc., are all infected with the poison of fraud . . . **We do not know if the action of Antrix in seeking the winding up of Devas may send a wrong message** . . . But allowing Devas and its shareholders to reap the benefits of their fraudulent action may [also] send a[] wrong message.” (emphases added)).

¹³⁰ *Id.* ¶¶ 12.8(viii)-12.8(ix); 12.10. The Supreme Court accepted that the NCLAT’s “detailed findings” were “final and not prima facie,” even though the NCLAT’s expressly noted that its findings were prima facie. *Id.* ¶ 12.10.

¹³¹ **Exhibit 61**, Judgment of the Indian Supreme Court, 17 January 2022, ¶¶ 12.8(viii)-12.8(ix).

¹³² *Id.* ¶ 10.9 (“Antrix cannot lead evidence to show the non-existence or non-availability of [Devas services], either by oral evidence or by subjecting their officials to cross-examination by Devas.”).

¹³³ *Id.* .

¹³⁴ *See id.* (“Antrix cannot lead evidence to show the non-existence or non-availability of [Devas services], either by oral evidence or by subjecting their officials to cross-examination by Devas.”).

nakedly **admitted that the fraud allegations against Devas were false**, stating that “[t]he company probably wasn’t fraudulent.”¹³⁵ She nonetheless lauded the Supreme Court’s decision because “[t]he government cannot afford to grant the S-band spectrum to anyone, including Antrix, for strategic reasons.” She derided Devas and its officers as “petty cronies of the Congress Party,” the party in power when the agreement was entered into, stating that “after nearly 10 or 11 years of struggle, we’ve had the Supreme Court come out with a comprehensive order,” supposedly “[j]ust a proof of how repeatedly the Congress Party, when in power, misuses its position” by “[a]llowing blatant selling of resources of the government, resources of the people of India for pittance.”¹³⁶

VI.6. New Threats to Mr. Viswanathan’s Liberty

86. As Devas’s shareholders gain traction in enforcement proceedings around the world, the Perpetrators’ retaliatory efforts have honed in on Mr. Viswanathan. Since the Fall of 2021, Indian officials, specifically **Mishra, Rajesh, Shekhar, Pareek**, and **Sitharaman**, have sought to deprive Mr. Viswanathan of his liberty, property, the right to a fair trial before an impartial tribunal, and the right to be free from arbitrary deprivation of property by forcing him to appear before demonstrably partisan Indian courts on the basis of facially concocted charges.
87. In September 2021, U.S. counsel for Mr. Viswanathan learned that India had submitted a request through U.S. authorities that he be served with a summons issued by the City Civil Court in Bengaluru on April 22, 2021, to answer charges under the Indian Prevention of Money Laundering Act 2002. The MLAT application specifies that the charges for which Mr. Viswanathan is being summoned—including repealed Section 13(1)(d) of the Corruption Act, 1988—carry potential penalties of up to seven years in prison and fines. The summons commands Mr. Viswanathan to appear before Judge **Shekhar** in New Delhi, on August 19, 2021. The accompanying MLAT request lists **Pareek**, Deputy Superintendent of Police, CBI, New Delhi, as the contact person. Remarkably, the request

¹³⁵ Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=uJBjvZNa_5M.

¹³⁶ *Id.*

alleges a series of ordinary commercial acts as part of a criminal conspiracy, in which Mr. Viswanathan allegedly submitted a Joint Venture Proposal to Antrix, traveled to India in May 2004 and gave a presentation summarizing key aspects of the Joint Venture proposal to Mr. K R Sridhara Murthi and others, and incorporated Devas in India.

88. The only allegation specifically alleging any wrongdoing is that Mr. Viswanathan misrepresented his company's ownership of intellectual property. Setting aside whether this could ever constitute criminal conduct under any cognizable standard, it is simply not true. Devas never claimed to already have built the necessary technology to provide the contemplated multi-media services when it entered into the Devas-Antrix Agreement, simply that it would be capable of developing it. And indeed it was. Before the Devas-Antrix Agreement was signed, various technical committees of the Indian government examined the technical feasibility of Devas's proposed technology and found it to be sound.¹³⁷ As required by the Devas-Antrix Agreement, Devas promptly began developing the platform, assembled a team of experts, brought in Deutsche Telekom as a key shareholder with vast experience in terrestrial transmission, conducted successful trials and attracted investment, but was not able to deliver services unless Antrix launched its satellites. Antrix never did so. Thus, it is entirely misleading to assert that Devas did not "possess" the technology in 2011 when Antrix terminated the Agreement, and it is obvious prosecutorial abuse to allege criminality based upon such falsehood.
89. On December 2, 2021, counsel for Mr. Viswanathan wrote to U.S. authorities who had transmitted the summons, noting that it had not been served in accordance with U.S. law and indeed was mailed more than a month after the relevant hearing date. Noting that India's criminal prosecution of Mr. Viswanathan is a sham, manufactured by the Perpetrators in a transparent maneuver to avoid paying billions of dollars to Devas and its investors, Mr. Viswanathan's counsel requested that the U.S. authorities forward the correspondence to the Government of India to so that it could correct the factual record in

¹³⁷ **Exhibit 18**, Final ICC Award, ¶ 96.

Indian courts and cease abusing MLAT procedures in such a manner. Mr. Viswanathan has received no response to this letter to date.

90. Instead, the Perpetrators have escalated their efforts against Mr. Viswanathan. In May 2022, Indian officials, including **Sitharaman**, reportedly held a meeting to “consider[] multiple legal options to get round challenges” to wind up Devas.¹³⁸ Even though she had previously publicly acknowledged that “the company probably wasn’t fraudulent,” the meeting now contemplated a series of criminal proceedings against Devas’s “promoters,” including Mr. Viswanathan, through the MLAT and “the fugitive economic offenders’ Ordinance against the Devas promoters to recover dues.”¹³⁹
91. On June 6, 2022, the Hindu Businessline reported that India has asked Interpol to issue a “red notice” regarding Mr. Viswanathan’s alleged failure to respond to court summons arising from a Prevention of Money Laundering Act case being pursued by the ED.¹⁴⁰ However, Mr. Viswanathan has not been properly served with any such summons. The article also announced that the ED had “recently” sought permission from a court in India to declare Mr. Viswanathan a “fugitive economic offender,” for “not responding to court summons by the ED in relation to the PMLA [Prevention of Money Laundering Act] case.”¹⁴¹
92. The Perpetrators’ request for a red notice, beyond being an abuse of Interpol procedures, has already affected Mr. Viswanathan’s liberty and security. That is because the notice acts as an “international wanted persons notice”—a “request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.”¹⁴² Although they are not arrest warrants, they are generally “issued for fugitives

¹³⁸ **Exhibit 63**, Shrimi Choudhary, *Centre in talks to address legal hurdles in liquidating Devas*, BUSINESS STANDARD (May 26, 2022).

¹³⁹ Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=ujBJvZNa_5M; **Exhibit 63**, Shrimi Choudhary, *Centre in talks to address legal hurdles in liquidating Devas*, BUSINESS STANDARD (May 26, 2022).

¹⁴⁰ **Exhibit 65**, Ayushi Kar, *India seeks economic fugitive status from Interpol for Devas’ top executive*, The Hindustan Businessline (Jul. 7, 2022).

¹⁴¹ *Id.*

¹⁴² **Exhibit 58**, Interpol, Red Notices, <https://www.interpol.int/en/How-we-work/Notices/Red-Notices>.

wanted either for prosecution or to serve a sentence.”¹⁴³ The Perpetrators’ request for this measure demonstrates their intent to extradite and charge Mr. Viswanathan, and it underscores the serious threat to his liberty. He cannot leave the United States for fear of being detained at an airport, sent to India, and summarily prosecuted in a proceeding where his due process rights are seriously in doubt.

93. The Perpetrators have used MLATs with other countries, too, to harass Devas shareholders. In September 2021, the ED filed an application for a letter of request for information and documents from Devas shareholders to Singapore and Mauritius.¹⁴⁴ These requests, signed by **Naijnar**, Deputy Director of the ED, asked for a letter requesting Singapore and Mauritian authorities to seize documents and freeze property of Devas shareholders.¹⁴⁵ Just eight days later, an Indian judge granted the request.¹⁴⁶

Section VII. Application of Legal Standards

VII.1. Serious Human Rights Abuse under EO 13818

94. In 2016, Congress adopted the Magnitsky Act as Public Law 114-328 to authorize the use of sanctions including visa sanctions under Section 7031(c) for “gross violations of internationally recognized human rights.” The Foreign Assistance Act of 1961 defined such violations to include “torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other flagrant denial of the right to life, liberty, or the security of person.”¹⁴⁷ E.O. 13818 supplemented this statutory definition to authorize sanctions against current or former “officials” of

¹⁴³ *Id.*

¹⁴⁴ **Exhibit 73**, Applications Seeking Investigation in Singapore and Mauritius, 1 Sept. 1, 2021, at 1, 12.

¹⁴⁵ *See, e.g., id.* at 11 (requesting an order for Singaporean authorities to “take such steps as are necessary for obtaining . . . documents from the banks authority, registration authority and tax authority” and to “freeze those properties so that the same cannot be transferred, disposed off [sic], alienated or parted with or otherwise dealt with in any manner and also ordered to take such steps as are necessary to extract information required by the Directorate of Enforcement.”).

¹⁴⁶ **Exhibit 74**, Order granting Singapore and Mauritius MLAT Request, Sept. 9, 2021, at 12-13.

¹⁴⁷ 22 U.S.C. § 2340(d)(1).

foreign governmental entities who are “responsible for or complicit in, or [who] have directly or indirectly engaged in, serious human rights abuse.”¹⁴⁸

95. E.O. 13818 does not define “serious human rights abuse,” and the term is not elsewhere defined in United States law. Nonetheless, it is uncontroversial that this covers serious violations of:

- the “right to liberty and security of person” and the freedom from “arbitrary arrest or detention;”¹⁴⁹
- the right “to a fair and public hearing by a competent, independent and impartial tribunal established by law;”¹⁵⁰
- the right to be free from “attacks upon . . . honour and reputation” and protection from such attacks;¹⁵¹
- the right to “own property” and protection from “arbitrar[y] depriv[ation]” of property;¹⁵² and
- the right to be free from “torture” and “cruel, inhuman or degrading treatment or punishment.”¹⁵³

96. The Perpetrators’ actions constitute serious abuses of these rights, as detailed below.

¹⁴⁸ Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption, Exec. Order 13,818, Section 1(a)(ii)(A), 82 Fed. Reg. 60,839 (Dec. 26, 2017).

¹⁴⁹ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 9(1); Universal Declaration of Human Rights, arts. 3, 9

¹⁵⁰ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 14(1); Universal Declaration of Human Rights, arts. 10, 11.

¹⁵¹ Universal Declaration of Human Rights, art. 12.

¹⁵² *Id.* at art. 17.

¹⁵³ *Id.* at art. 5; United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1983; International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 7.

VII.1.A. The “right to liberty and security of person” and the freedom from “arbitrary arrest or detention”

97. The Perpetrators, **Pareek, Mishra, Shekhar, and Rajesh** seek to violate Mr. Viswanathan’s “right to liberty and security of person” by summoning him to appear before Indian courts, where he would almost certainly be subjected to “arbitrary arrest or detention.” The Perpetrators have since amplified their efforts to deprive Mr. Viswanathan of his liberty and security by reportedly requesting a Red Notice from Interpol and declaring Mr. Viswanathan a “fugitive economic offender” likely in order to secure his forced extradition to India.
98. The right to liberty and security of person is one of the most fundamental and universally recognized human rights. It is enshrined in the International Convention on Civil and Political Rights, to which the U.S. is party. Arbitrary arrests and detentions violate this right.
99. An arrest is “arbitrary” not only if it is “against the law,” but also if it “include[s] elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.”¹⁵⁴ The United Nations Working Group on Arbitrary Detention has defined five categories of detention as “arbitrary.”¹⁵⁵ These include:
- Category I: Detention is arbitrary when “it is clearly impossible to invoke any legal basis justifying the deprivation of liberty.”¹⁵⁶ There is no legal basis when the government fails to invoke “enough factual specifics to indicate the substance of the complaint, such as the wrongful act.”¹⁵⁷

¹⁵⁴ U.N. Human Rights Committee General Comment No. 35, ¶ 12; *see also Sotnik v. Russian Federation*, Human Rights Committee Communication No. 2478/2014, U.N. Doc. C/129/D (2020) at 7.3.

¹⁵⁵ U.N. General Assembly, Human Rights Council, Methods of work of the Working Group on Arbitrary Detention, U.N. Doc A/HRC/36/38 (2017), ¶ 8.

¹⁵⁶ *Id.*

¹⁵⁷ *Hoang Duc Binh v. Vietnam*, UN Working Group on Arbitrary Detention, Opinion No. 45/2018, ¶¶ 42–43 (2018).

- Category II: Detention is arbitrary when “the deprivation of liberty results from the exercise of the rights or freedoms” protected under international law.¹⁵⁸ Among these liberties is freedom of expression, enshrined in Article 19 of the ICCPR, which “protects all forms of expression and the means of their dissemination.”¹⁵⁹
- Category III: Detention is arbitrary when “total or partial non-observance of the international norms relating to the right to a fair trial . . . is of such gravity as to give the deprivation of liberty an arbitrary character.”¹⁶⁰ Such norms include the respect of due process and the presumption of innocence.¹⁶¹

100. All these categories apply to the Perpetrators’ efforts to extradite Mr. Viswanathan.

- With respect to Category I, **Shekhar**, in approving the summons and **Pareek**, in overseeing it, have provided barely any “factual specifics” in their complaint in relation to Mr. Viswanathan’s alleged wrongdoing. Indeed, the summons do not provide any details as to what precisely Mr. Viswanathan’s wrongful conduct is, and instead accuses him of engaging in mundane business activities such as proposing a joint venture and traveling to India to make a presentation. As discussed above, at its highest, the summons accuses Mr. Viswanathan of misrepresenting Devas’s technical capabilities. This is wrong, as a matter of fact, but it cannot, in any event, be construed a “wrongdoing,” much less a criminal one, as the Devas-Antrix Agreement expressly contemplated that Devas would develop this technology following the Agreement’s execution.

¹⁵⁸ These are the freedoms “guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights.” U.N. General Assembly, Human Rights Council, Methods of work of the Working Group on Arbitrary Detention, U.N. Doc A/HRC/36/38 (2017), ¶ 8.

¹⁵⁹ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 19.

¹⁶⁰ U.N. General Assembly, Human Rights Council, Methods of work of the Working Group on Arbitrary Detention, U.N. Doc A/HRC/36/38 (2017), ¶ 8.

¹⁶¹ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 14(2); Universal Declaration of Human Rights, art. 11(1). In addition to those listed, there are two more categories of “arbitrary” conduct that are not applicable here.

- Category II applies because it is clear that **Sitharaman, Shekhar, and Pareek**, among other Perpetrators, are seeking to extradite Mr. Viswanathan in retaliation for his participation in lawsuits against Antrix and India. **Sitharaman** has acknowledged that Devas “probably wasn’t fraudulent” yet she and other Indian officials have crafted criminal charges against Mr. Viswanathan and other former Devas officials to block enforcement of the arbitration awards.¹⁶² Mr. Viswanathan has an internationally protected right to property and to participate in litigation to vindicate his rights. The Perpetrators’ attempts to suppress Mr. Viswanathan’s rights by threatening him with criminal penalties in India are accordingly “arbitrary” attempts to deprive Mr. Viswanathan of his freedom.
- With respect to Category III, **Pareek, Mishra, Rajesh, and Naijnar** have eschewed all presumptions of innocence in their campaign against Mr. Viswanathan and his colleagues. **Sitharaman**’s stunning admission that the fraud allegations against Devas are concocted and her Interministerial Committee’s instruction to put India on a “war footing” against Devas demonstrate that the Perpetrators do not intend to afford any presumptions of innocence to Mr. Viswanathan.

101. Accordingly the Perpetrators’ attempts to extradite and detain Mr. Viswanathan are arbitrary under international law.
102. Furthermore, an “[a]rrest within the meaning of article 9 need not involve a formal arrest as defined under domestic law.”¹⁶³ Efforts to extradite via a Red Notice and designation as “fugitive economic offender” may constitute “arrest” or “detention” under international law. For instance, the European Parliament has recognized that abuses of the Red Notice system “in order to seek the arrest, detention, and extradition of those facing politically motivated prosecutions” can be unlawful deprivations of the right to liberty and freedom

¹⁶² Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=ujBJvZNa_5M; **Exhibit 63**, Shrimi Choudhary, *Centre in talks to address legal hurdles in liquidating Devas*, BUSINESS STANDARD (May 26, 2022).

¹⁶³ U.N. Human Rights Committee General Comment No. 35, ¶ 13.

from arbitrary detentions, and has urged Member States to apply the principle of non-refoulement¹⁶⁴ in these circumstances.¹⁶⁵

103. Accordingly, attempts by the Perpetrators to extradite Mr. Viswanathan to India, including through a reportedly requested Red Notice, constitute serious threats to his “right to liberty and security of person.”

VII.1.B. The right to be free from “torture” and “cruel, inhuman or degrading treatment or punishment”

104. **Sitharaman, Shekhar, Pareek, Mishra, Rajesh, and Naijnar** have violated Mr. Viswanathan’s rights to be free from cruel or degrading treatment or punishment through their attempts to summon him to India for the purpose of unlawfully detaining him, which carries with it a high risk of him being subject to torture, cruel, inhuman, or degrading treatment.
105. The right to be free from torture, cruel, inhuman, or degrading treatment or punishment entails “non-refoulement” protections, which prohibit states from removing people to places “where there are substantial grounds for believing that [they] would be in danger of being subjected to torture,” including through extradition.¹⁶⁶ To obtain non-refoulement protections, “the risk of torture[, cruel, inhuman, or degrading treatment or punishment] does not have to meet the test of being highly probable,” and instead showing that there are substantial risks of facing such treatment is sufficient.¹⁶⁷

¹⁶⁴ Non refoulement generally provides protection from removal to countries where individuals face a risk of torture, but has also been applied more broadly to protect individuals from persecution.

¹⁶⁵ European Parliament resolution of April 13, 2016, on implementation and review of the EU-Central Asia Strategy, No. 2015/2220, ¶ 31 (“Condemns the targeting of exiled opposition representatives by some of the Central Asian regimes . . . urges Member States to provide better protection and to avoid deporting them in line with the principle of non-refoulement . . .”).

¹⁶⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted Dec. 10, 1983, art. 13.

¹⁶⁷ U.N. Committee Against Torture General Comment No. 1, ¶ 6.

106. In determining whether there are substantial risks of torture, the following criteria are frequently considered:

- Whether the state in question has demonstrated a “consistent pattern of gross, flagrant or mass violations of human rights.”¹⁶⁸ Indian police forces have been found by numerous international tribunals to use torture and coercive treatment to extract false confessions.¹⁶⁹ As noted above, the U.S. Department of State Country Report on Human Rights Practices for India notes that Indian police have “used torture, mistreatment, and arbitrary detention to obtain forced or false confessions. In some cases police reportedly held suspects without registering their arrests and denied detainees sufficient food and water.”¹⁷⁰ The 2021 Country Report on Human Rights Practices in India noted that 92 deaths in police custody were due to “alleged torture or foul play.”¹⁷¹
- Whether the state in question is a party to international agreements against torture. The Committee Against Torture has found that when a State is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, there is greater danger “not only of being subjected to torture but of no longer having the legal possibility of applying to the Committee for protection.”¹⁷² India is not a party to this Convention.

107. In addition to the risks above that predispose India as being a destination with substantial risks of facing torture, inhuman and degrading treatment in police custody, the ED, where several of the Perpetrators work, including **Mishra, Rajesh**, and **Naijnar**, has shown its willingness **in this very case** to subject Devas officials to such human rights abuses. As discussed above, ED officers have already raided Devas’s offices and held several

¹⁶⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 Dec. 10, 1983, art. 13.

¹⁶⁹ *Sogi v. Canada*, Committee Against Torture Communication No. 297/2006, U.N. Doc. C/39/D (2007).

¹⁷⁰ **Exhibit 29**, U.S. State Department, Country Report on Human Rights Practices, India, 2020, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/india/>.

¹⁷¹ *Id.*

¹⁷² *Mutombo v. Switzerland*, Communication No. 13/1993, U.N. Doc. A/49/44 (1994).

employees overnight, without access to counsel, threatened them and their families, and refused to release them until they signed coerced statements they were not allowed to read. These actions highlight the grave risks Mr. Viswanathan faces if he is allowed to fall into Indian custody.

108. Indeed, Mr. Viswanathan's fate, should he be extradited, may be similar to Mr. Michel's. Indian authorities have demonstrated that they have no scruples about using extrajudicial punishment and torture against foreign businessmen: Mr. Michel was interrogated for 14-21 hours daily, threatened with violence, deprived of food and sleep, held for prolonged periods of time in solitary confinement for no justifiable reason, and forced to sign coerced statements. This of course resembles the ED's treatment of Devas employees, who were also detained overnight after the ED's raid of their office and coerced into signing false statements.
109. Accordingly, the Perpetrators' actions seriously threaten Mr. Viswanathan's right to be free from torture and cruel or degrading treatment or punishment.

VII.1.C. The "right to a fair and public hearing by a competent, independent, and impartial tribunal established by law."

110. The Perpetrators **Gupta, Ramasubramanian, Shekhar, Mishra, Rajesh, and Sitharaman** seek to violate Mr. Viswanathan's right to "a fair and public hearing by a competent, independent and impartial tribunal established by law."¹⁷³ If extradited, there is little chance that Mr. Viswanathan will have access to a fair hearing given the manner in which the Perpetrators have manufactured charges against Devas and its officers, and adopted flimsy allegations as fact without an evidentiary hearing.
111. A fair trial requires an independent and impartial judiciary. Impartiality requires judges not "be influenced by personal bias or prejudice" or "harbour preconceptions about the particular case before them," or "act in ways that improperly promote the interests of one

¹⁷³ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 14(1).

of the parties to the detriment of the other.”¹⁷⁴ For example, in *Akhmedyarov v. Kazakhstan*, the Human Rights Committee found that a Kazakh court made findings based on cherry-picked expert testimony and deliberately ignored evidence; this was a violation of the right to a fair trial.¹⁷⁵ The right to a fair trial is seriously compromised when a court acts in a biased or accusatory manner, and when courts credit statements procured through coercion, especially when the improperly obtained statements are later retracted.¹⁷⁶

112. Moreover, impartiality must be evident “to a reasonable observer.”¹⁷⁷ Accordingly, the right to a fair trial is compromised when members of a State’s executive or judiciary make public statements about a case prior to trial.¹⁷⁸
113. Mr. Viswanathan is highly unlikely to receive a fair trial in India as the Perpetrators have concocted fraud allegations to release India from its obligation to pay the arbitration awards. Soon after a U.S. court issued a judgment of almost \$1.3 billion, an Interministerial Committee headed by **Sitharaman** declared that India needed to go “on a war footing” against Devas and its officers. To implement this Government policy, the Perpetrators manufactured fraud allegations to liquidate Devas. Rather than wait for the CBI’s investigation to conclude, Antrix, led by **Sasibhushan**, and represented by **Mehta** and **Venkatraman**, repackaged allegations from a five year-old CBI chargesheet as grounds to seek approval from the Government of India (now liable to pay over \$1 billion to Devas) to liquidate its own creditor, Devas. Within a matter of days the Government of India authorized this request, the NCLT provisionally liquidated Devas, and the Liquidator fired Devas’s global counsel. The NCLT later accepted Antrix’s allegations wholesale without so much as allowing Devas to cross-examine its accusers or present expert evidence. The

¹⁷⁴ *Akhmedyarov v. Kazakhstan*, Human Rights Committee Communication No. 2535/2015, U.N. Doc. C/129/D (2020).

¹⁷⁵ *Id.*

¹⁷⁶ *Toshev v. Tajikistan*, Human Rights Committee Communication No. 1499/2006, U.N. Doc. C/101/D (2011).

¹⁷⁷ *Akhmedyarov v. Kazakhstan*, Human Rights Committee Communication No. 2535/2015, U.N. Doc. C/129/D (2020).

¹⁷⁸ *Mirzayanov v. Belarus*, Human Rights Committee Communication No. 2434/2014, U.N. Doc. C/126/D (2019).

NCLAT then rubber stamped the liquidation despite acknowledging that the factual findings of fraud were merely “*prima facie*.”

114. Despite the patently unsubstantiated basis for liquidation, **Gupta** and **Ramasubramanian** rubber stamped the lower tribunals’ fraud findings in a remarkable show of partiality and with the clear intent to reach a predetermined conclusion designed to support the Indian state. For instance, **Gupta** and **Ramasubramanian**:

- Wrongly claimed that Devas did not dispute that it was formed “for a fraudulent and unlawful purpose,” even though Devas strongly contested this allegation, for which Antrix offered not a single piece of evidence.¹⁷⁹
- Found that there was no need for Antrix to defend its allegations in court by providing witnesses for cross examination because Antrix should not have to “prove a negative,” even though Antrix made several affirmative allegations of fraud and collusion that the Judges adopted without scrutiny.¹⁸⁰
- Indicated that they had prejudged Antrix’s fraud allegations in order to obstruct enforcement of the Awards against India and Antrix: “[t]his is a case of fraud and all stakeholders are fully aware of the proceedings and they have even shown extreme urgency in enforcing” the Awards.¹⁸¹ They go on to acknowledge that should Devas be “allowed to continue to exist and also enforce the arbitration awards for amounts totaling to tens of thousands of crores of Indian Rupees,” this would be “abhorrent,” and accordingly uphold liquidation.¹⁸²

115. In light of the predetermined nature of the liquidation proceedings, and continued instructions from **Sitharaman** to be on a “war footing” with Devas, Mr. Viswanathan cannot be guaranteed a fair trial. The liquidation proceedings confirm the U.S. Department

¹⁷⁹ **Exhibit 61**, Judgment of the Indian Supreme Court, Jan. 17, 2022, ¶ 11.3.

¹⁸⁰ *Id.* ¶ 10.7.

¹⁸¹ *Id.* ¶ 7.30.

¹⁸² *Id.* ¶ 13.3.

of State's observation that the Indian judiciary's independence has deteriorated, that it has been "cowed" by the executive and is "teetering on the edge." Here, it is all but certain that the judges would prioritize the interests of the Indian state, and thus their own career advancement and personal comfort, over their obligation to presume Mr. Viswanathan's innocence.

116. This is particularly the case where **Sitharaman** all but congratulated **Gupta** and **Ramasubramanian** for their decision. Despite admitting that "[t]he company probably wasn't fraudulent," she proclaimed how she was "glad that the Supreme Court has called [fraud] out."¹⁸³ She then proclaimed that even though during the Arbitrations "[t]he fraud had not been established," she was "very grateful that the Supreme Court of India brought this matter in a comprehensive order."¹⁸⁴ She remarked how the decision would allow the Government to fight enforcement of the Awards, announcing that "post this order of the Supreme Court, I will be holding a meeting with all those departments [involved in the Arbitration enforcement proceedings] and also the law enforcement agencies [such as the ED and CBI] to see how best we can proceed."¹⁸⁵ **Sitharaman's** comments indicate that she intends to use a decision that upholds *prima facie* findings of fraud to fuel the ED and CBI's criminal investigations. Such an alarming abuse of judicial and executive power to relieve the State of its debt, and to advance **Sitharaman's** own career and personal standing, confirm that allegations against Mr. Viswanathan's are prejudged by the Perpetrators, the State and its agents. Accordingly, "no reasonable observer" could surmise that Mr. Viswanathan's rights to a fair and impartial hearing will be respected in India.
117. **Sitharaman, Gupta, Ramasubramanian, Mehta, Venkatraman** and **Sasibushan** thus seek to violate Mr. Viswanathan's right to a fair trial by a competent, impartial tribunal established by law.

¹⁸³ Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=ujBJvZNa_5M. .

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

VII.1.D. The right to be free from “attacks upon . . . honor and reputation.”

118. The Perpetrators **Sitharaman, Sasibhushan, Mehta, Shekhar, Pareek, Mishra, Rajesh, and Naijnar**, have violated and seek to violate Mr. Viswanathan’s right to be free from “attacks upon his honor and reputation.”¹⁸⁶
119. Through their unfounded and unjust campaign against Devas and Mr. Viswanathan, **Sasibhushan, Mehta, Shekhar, Pareek, Mishra, Rajesh, and Naijnar** have maligned Mr. Viswanathan’s reputation personally and as a businessperson, have cast aspersions on his integrity in order to confiscate his personal property and deprive him of liberty on the basis of fabricated evidence and false charges. Indeed, this is consistent with the Modi government’s weaponization of the ED to “discredit those who . . . refused to toe its line.”¹⁸⁷ **Pareek, Mishra, Rajesh, and Naijnar** are using the “hatchet law of the Modi government,” the PMLA, to attempt to discredit Mr. Viswanathan to achieve **Sitharaman**’s stated goal of going on a “war footing” against Devas.¹⁸⁸ The stream of new charges and escalation of current charges, brought to relieve India of its debt and to benefit the careers of each Perpetrator, constitute arbitrary and unreasonable attacks on Mr. Viswanathan’s “honor and reputation.”
120. Moreover, **Sitharaman**’s public comments amount to an attack on Mr. Viswanathan’s honor and reputation. Admitting that the “company probably wasn’t fraudulent,” she nevertheless pushes the false allegations against Devas and announces her intention to pursue further attacks on Devas and Mr. Viswanathan, including through the ED and CBI.¹⁸⁹

¹⁸⁶ International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, art. 17(1).

¹⁸⁷ Supriya Sharma and Arunabh Sikia, *How the Modi government has weaponized the ED to go after India’s opposition*, SCROLL.IN (Jul. 21, 2022), <https://scroll.in/article/1027571/how-the-modi-government-has-weaponised-the-ed-to-go-afterindias-opposition>.

¹⁸⁸ *Id.*

¹⁸⁹ Press Conference of Nirmala Sitharaman, Jan. 18, 2022, available at https://www.youtube.com/watch?v=ujBJvZNa_5M.

121. Accordingly, the Perpetrators have violated Mr. Viswanathan’s right to be free from attacks on his honor and reputation.

VII.1.E. The right to “own property” and protection from arbitrary deprivation of property

122. The Perpetrators **Shekhar, Mehta, Naijnar, and Venkatraman** have violated and seek to violate Mr. Viswanathan’s right to property as they are attempting to arbitrarily confiscate his property in India and abroad.
123. Mr. Viswanathan is entitled “to the peaceful enjoyment of his possessions” and cannot be deprived of them “except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”¹⁹⁰ Possessions are not merely physical: they can be “rights and interest” in assets or the “legitimate expectation” of an asset.¹⁹¹ A legitimate expectation can be created by a judicial decision bearing on the property interest.¹⁹² Judgment debt “sufficiently established to be enforceable constitutes a ‘possession,’”¹⁹³ and the deprivation of a validly rendered arbitral award violates the right to peaceful enjoyment of possessions.¹⁹⁴
124. Perpetrators **Mishra, Naijnar, Sasibhushan, Mehta, Venkatraman, Gupta, and Ramasubramaniam** have undertaken multiple efforts to deprive Mr. Viswanathan of his property rights. The ED, led by **Mishra**, has already frozen Devas’s assets, in which Mr. Viswanathan has an ownership interest. Likewise **Nainjar**, Deputy Director of the ED, has petitioned Indian courts to allow the ED to seek assistance under the MLAT with Mauritius to freeze assets of Devas’s Mauritian shareholders, in which Mr. Viswanathan

¹⁹⁰ European Convention on Human Rights, Article 1 of Protocol No. 1.

¹⁹¹ European Court of Human Rights Guide on Article 1 of Protocol No. 1 to the European Convention on Human Rights (2021), ¶¶ 1, 5.

¹⁹² *Id.* ¶ 18.

¹⁹³ *Id.* ¶ 30; *see also* European Court of Human Rights, *Case of Stran Greek Refineries and Stratis Andreadis v. Greece*, Application No. 13427/87 (1994)(pecuniary arbitral award that had the force of law under domestic legislation was a possession).

¹⁹⁴ European Court of Human Rights, *Case of BTS Holding A.S. v. Slovakia*, Application No. 55617/17) (2022) (deprivation of ICC Award containing “an order for payment which was binding on the parties” and that “by submitting their dispute to the ICC Tribunal the parties had taken to abide by the award without delay.”).

also has an indirect ownership interest. Finally, Antrix, led by **Sasibhushan**, together with **Mehta, Venkatraman, Gupta**, and **Ramasubramaniam** have acted together to further the Indian Government's stated goals by liquidating Devas, in which Mr. Viswanathan had an indirect ownership interest, and by placing it under the control of an Indian Government employee.

125. The Perpetrators' seizures of Mr. Viswanathan's property are arbitrary and lacking due process, as they have been motivated by the desire to relieve India of its obligation to pay the arbitration awards and thereby further the Perpetrators' own stature and personal interests. Indian officials have brazenly admitted as much. They have discussed with reporters and openly admitted that they have "plans to use the fugitive economic offenders' Ordinance against the Devas promoters to recover dues."¹⁹⁵ **Sitharaman**, too, betrayed her true motives when she acknowledged that though Devas was not fraudulent, the Supreme Court's decision in the liquidation proceedings could be used to halt global enforcement of the arbitration awards, a coup for any finance minister.¹⁹⁶ The Perpetrators' seizures are not the product of legitimate criminal investigations designed to further the State's penal interests; rather, they are a cash grab and a political power play. **Sitharaman, Mehta**, and **Venkatraman**, with **Shekhar's** rubber stamp of approval, seek to confiscate Mr. Viswanathan's assets and property, even though they know he is guilty of no wrongdoing, for the purpose of making themselves heroes.
126. For these reasons, the Perpetrators have violated Mr. Viswanathan's right to peaceful enjoyment of his property.

127. In sum, the nature and extent of the Perpetrators' efforts to prosecute Mr. Viswanathan merely for attempting to recover the value of expropriated investments and for succeeding in such legal efforts constitutes multiple serious human rights abuses. As described, the

¹⁹⁵ **Exhibit 63**, Shrimi Choudhary, *Centre in talks to address legal hurdles in liquidating Devas*, BUSINESS STANDARD (May 26, 2022).

¹⁹⁶ The S-band spectrum was, of course, leased and not sold.

Perpetrators have conspired to bring baseless criminal charges against Mr. Viswanathan, to confiscate his assets, and to extradite him to stand trial in a jurisdiction where his guilt is already predetermined. It is not only very unlikely that Mr. Viswanathan would receive a fair trial, he would be at high risk of being subject to cruel and degrading punishment, all to relieve India of a substantial debt and thereby further the Perpetrators' own stature and personal interests. Such conduct should not be tolerated, especially in the victimization of a distinguished U.S. citizen, and accordingly Petitioners respectfully request the President of the United States to impose sanctions on the Perpetrators under the Magnitsky Act.

VII.2. Roles of the Individual Perpetrators

128. **Ms. Sitharaman**, the Indian Finance Minister, has led the effort to undermine Devas's legitimate claims upon India through a campaign of personal destruction against Mr. Viswanathan. Her press conference following the ruling of Judges Gupta and Ramasubramanian exemplifies this: she forcefully repeated allegations she knew to be false, with the result that Mr. Viswanathan's security and liberty are now under serious threat.
129. **Mr. Sasibhushan**, Chairman of debtor company Antrix, initiated the liquidation of Devas and violation of Mr. Viswanathan's human rights by contriving false allegations of fraud.
130. **Mr. Mehta**, Solicitor General, violated Mr. Viswanathan's rights by orchestrating and arguing for the liquidation of Devas. By pressing the fabricated fraud allegations that he knew to be false, Mr. Mehta provided his co-perpetrators cover to pursue their unjust campaign of harassment against Mr. Viswanathan.
131. **Judge Gupta**, of the Supreme Court of India, violated Mr. Viswanathan's rights by authoring and signing an opinion containing patent falsehoods and by depriving Devas a fair hearing. Judge Gupta provided the other Perpetrators with valuable support in their campaign of harassment against Mr. Viswanathan and Devas. By adopting the fraud allegations without scrutiny, Judge Gupta has abdicated his duties as an impartial jurist.
132. **Judge Ramasubramanian**, of the Supreme Court of India, like Judge Gupta, violated Mr. Viswanathan's rights by authoring and signing an opinion containing patent falsehoods and

by depriving Devas a fair hearing. Like Judge Gupta, Judge Ramasubramanian provided the other Perpetrators with valuable support in their campaign of harassment against Mr. Viswanathan and Devas. Judge Ramasubramanian, too, has abdicated his duty to act ethically and impartially.

133. **Mr. Rajesh**, Assistant Director of the Enforcement Division, violated Mr. Viswanathan's human rights by filing a complaint against him containing fabricated evidence and known falsehoods.
134. **Mr. Venkatraman**, Additional Solicitor General of India, violated Mr. Viswanathan's rights by orchestrating and arguing for the liquidation of Devas. By pressing the fabricated fraud allegations that he knew to be false, Mr. Venkatraman provided his co-perpetrators cover to pursue their unjust campaign of harassment against Mr. Viswanathan.
135. **Judge Shekhar**, a judge in New Delhi, violated Mr. Viswanathan's human rights through his abuse of the India-U.S. MLAT to summon Mr. Viswanathan to appear before an Indian court to answer false criminal charges that could entail years of imprisonment in India.
136. **Mr. Pareek**, Deputy Superintendent of Police, CBI, violated Mr. Viswanathan's human rights by leading a baseless and harassing investigation against him.
137. **Mr. Mishra**, Director of Enforcement of the ED, violated Mr. Viswanathan's human rights by initiating baseless and harassing investigations against Mr. Viswanathan, advocating abuse of India's MLAT treaty with Mauritius and freezing Devas's assets.
138. **Mr. Mohamed Naijnar**, Deputy Director of the ED, violated Mr. Viswanathan's human rights by advocating abuse of India's MLAT treaty with Mauritius to freeze Devas's assets and by furthering baseless and harassing investigations against Mr. Viswanathan and other Devas employees.

Section VIII. List of Supporting Documents

Exhibit No.	Description	Date
1	Memorandum of Understanding Between Forge Advisors, LLC and Antrix Corp Ltd,	July 28, 2003
2	Meeting Minutes and Next Steps ISRO/Antrix and Forge Advisors Discussions, Bangalore	May 2004
3	Articles of Association of Devas Multimedia Private Limited	December 10, 2004
4	Memorandum of Association of Devas Multimedia Private Limited	December 10, 2004
5	Devas-Antrix Agreement	January 28, 2005
6	License Agreement for Provision of Internet Services between the Government of India and Devas Multimedia Pvt. Ltd	May 2, 2008
7	FIPB Approval of Devas Capital Structure	May 19, 2008
8	FIPB Approval of DT Investment	August 7, 2008
9	Amendment No. 3 to FIPB Approval	October 21, 2008
10	License to Import Wireless Transmitting and/or Receiving Apparatus into India	March 26, 2009
11	License to Establish, Work and Maintain an Experimental Wireless Telegraph Station in India for Devas Multimedia Pvt. Ltd. from the Department of Telecommunications, Ministry of Communications & IT, Government of India	May 7, 2009
12	Letter from Devas to FIPB	September 14, 2009
13	Submission for Issuance and Allotment of Shares	September 29, 2009
14	Order For Constitution Of A Committee To Look Into Devas Multimedia Contract And Terms Of Reference	December 8, 2009
15	Minutes of Devas Meeting	March 31, 2010
16	B.N. Suresh, Report on GSAT-6	June 7, 2010

Exhibit No.	Description	Date
17	Press Release, <i>CCS Decides to Annul Antrix-Devas Deal</i>	February 17, 2011
18	Final ICC Award	September 14, 2015
19	Merits Award	July 25, 2016
20	Letter from Nataraj Dakshinamurthy to Karnal Singh	February 7, 2017
21	Letter from D. Venugopal to Karnal Singh	February 11, 2017
22	Letter from Ranganathan Mohan to Karnal Singh	February 21, 2017
23	Pradeep Thakur, <i>ED Moves to Prosecute Devas Under PMLA for FEMA Violation</i> , TIMES OF INDIA	July 27, 2017
24	DT Award	May 27, 2020
25	Complaint Filed Under Section 45(1) r/w 3, 4 and 8(5) of the Prevention of Money Laundering Act	July 10, 2018
26	<i>Changes in anti-corruption law to prevent harassment of honest officers: Arun Jaitley</i> , THE ECONOMIC TIMES	July 27, 2018
27	Anaya Chardwaj, <i>ED Seen as 'Tool of Harassment' Work to Restore its Credibility: New Chief Tells Officers</i> , THE PRINT	November 29, 2018
28	THE ATLANTIC, <i>India's Supreme Court Is Teetering on the Edge</i>	April 29, 2019
29	U.S. State Department, Country Report on Human Rights Practices, India	2020
30	UNCITRAL Procedural Order No. 7	December 21, 2016
31	Niha Masih, <i>Amnesty International to cease work in India, citing government harassment</i> , THE WASHINGTON POST	September 29, 2020
32	Quantum Award	October 13, 2020
33	Official Hearing Transcript, 32, <i>Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.</i> , Case No. 2:18-cv-01360 (W.D. Wash.)	October 14, 2020
34	Inter-Ministerial Monitoring Committee Directive, F. No. 276/CCIT/BNG-1/2020-21	November 4, 2020

Exhibit No.	Description	Date
35	Judgment, <i>Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.</i> , Case No. C18-1360 TSZ (W.D. Wash.)	November 4, 2020
36	The Arbitration and Conciliation (Amendment) Ordinance 2020	November 4, 2020
37	United Nations Working Group on Arbitrary Detention, 89th Session	November 23-27, 2020
38	Order, High Court of Delhi	November 18, 2020
39	A Change To The Arbitration Law Whose Purpose Is Unclear	November 24, 2020
40	Amnesty International, India	2021
41	Freedom House, Democracy under Siege	2021
42	Milan Vaishnav, <i>The Challenge of India's Democratic Backsliding</i> , 62 DEMOCRACY	Fall 2021
43	Request for Sanction	January 14, 2021
44	Sanction By Indian Government	January 18, 2021
45	Wind up petition	January 18, 2021
46	NCLT Wind-up Order	January 19, 2021
47	Emails Firing Devas Counsel	January 22, 2021
48	CBI Order and Deferment Application of Devas	January 30, 2021
49	Email from Official Liquidator to Roseann Wecera	January 30, 2021
50	Liquidator Motion to Stay, <i>Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.</i> , Case No. C18-1360 TSZ (W.D. Wash. Feb. 24, 2021), ECF No. 71	February 24, 2021
51	REALCLEARWORLD, <i>India Shouldn't Weaponize Its Judiciary</i>	March 22, 2021
52	NCLT Final Liquidation Order	May 25, 2021

Exhibit No.	Description	Date
53	Fourth Declaration of Anuradha Dutt, <i>Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.</i> , Case No. C18-1360 TSZ (W.D. Wash. Feb. 24, 2021)	July 6, 2021
54	Second Liquidator Motion to Stay, <i>Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.</i> , Case No. C18-1360 TSZ (W.D. Wash. Jul. 16, 2021), ECF No. 126	July 16, 2021
55	Order Denying the Liquidator's Motion to Stay, <i>Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.</i> , Case No. C18-1360 TSZ (W.D. Wash. Aug. 9, 2021)	August 9, 2021
56	NCLAT Final Order	September 8, 2021
57	UNITED STATES INTERNATIONAL TRADE ADMINISTRATION, <i>Market Overview, India – Country Commercial Guide</i> , (Oct. 22, 2021)	October 21, 2021
58	Interpol, Red Notices	2022
59	V-Dem Institute, Democracy Report 2022: Autocratization Changing Nature?	2022
60	MLAT Letter from DOJ to R. Viswanathan	January 7, 2022
61	Judgment of the Indian Supreme Court	January 17, 2022
62	Human Rights Watch, India: Media Freedom Under Threat	May 3, 2022
63	Shrimi Choudhary, <i>Centre in talks to address legal hurdles in liquidating Devas</i> , BUSINESS STANDARD	May 26, 2022
64	Adam Taylor, <i>Foreign governments are aggressively targeting dissidents on U.S. soil</i> , THE WASHINGTON POST	June 2, 2022
65	Ayushi Kar, <i>India seeks economic fugitive status from Interpol for Devas' top executive</i> , THE HINDUSTAN BUSINESSLINE	July 7, 2022
66	Aakar Patel, <i>India's ED Goes After Amnesty International</i> , INDIA WEST JOURNAL	July 11, 2022
67	FIPB Approval for Setting Up ISP Services	February 2, 2022

Exhibit No.	Description	Date
68	THE NEW YORKER, <i>Blood and Soil in Narendra Modi's India</i>	December 2, 2019
69	"Chronology of Developments Related to 2G Spectrum Case," THE HINDU TIMES	February 2, 2011
70	<i>Devas Multimedia Pvt. Ltd v. Antrix Corp. Ltd.</i> , Case No. 2:18-cv-01360, Order (W.D. Wash. Oct. 27, 2020)	October 27, 2020
71	CBI First Information Report	March 16, 2016
72	Charge Sheet Excerpt	
73	Applications Seeking Investigation in Singapore and Mauritius	September 1, 2021
74	Order granting Singapore and Mauritius MLAT Request	September 9, 2021
75	Second FEMA Complaint	December 24, 2018
76	Screenshot of Department of Pension & Pensioner's Welfare website, Government of India	July 11, 2022
77	Letter from Hon. Charles E. Grassley to Hon. Merrick Garland	July 19, 2022
78	Application for Amendment under Order VI Rule 17 of the Civil Procedure Code, 1908	January 12, 2021
79	Tanima Biswas, NDTV, <i>Ex-ISRO Chairman G Madhavan Nair Named in Antrix-Devas Case Chargesheet</i>	August 11, 2016
80	<i>Antrix-Devas case: Former ISRO Chairman G Madhavan Nair named in CBI Chargesheet</i> , THE INDIAN EXPRESS	August 12, 2016
81	<i>Interview—G Madhavan Nair, former chief of ISRO</i> , HINDUSTAN TIMES	February 11, 2012
82	Indulekha Aravind, <i>Troubled space</i> , BUSINESS STANDARD	January 21, 2013