

Statement by Teesta Setalvad, Secretary *Citizens for Justice and Peace* before the Special Investigation Team (SIT) appointed by the Hon'ble Supreme Court through its Order dated 26.3.2008

Date of Statement at the SIT Office Gandhinagar: Friday May 9, 2008

**Part I**

Before the appointment of the SIT into these cases by the Hon'ble Supreme Court, four and a half years of hotly contested factual issues had marked the case in the Hon'ble Supreme Court. In the process several issues were brought on record which need to be brought to the attention of the SIT.

Matters were brought to the cognizance of the apex court through a Transfer petition filed by the National Human Rights Commission (NHRC) in September 2003 to which the *Citizens for Justice and Peace* was impleaded. Affidavits of victim survivors were filed. By order dated 21.11.2003 in W.P. (Crl.) No.109 of 2003: National Human Rights Commission v. State of Gujarat & Others, batch – including T.P. (Crl.) Nos.194-202 of 2003 – the Hon'ble Supreme Court had stayed the trial of the cases in question.

This statement will be in four parts:

- I. **Summary of Facts and Documents Related to Gulberg, Naroda, Sardarpura and Odh and Deepla Darwaza cases as found by the deponent in the Hon'ble Supreme Court that have a bearing on the ongoing re-investigation by the Special Investigation Team (SIT) Appointed by the Hon'ble Supreme Court (26-3-2008)**
- II. **Summary of Facts and Documents Related to the Godhra Train Burning that have a bearing on the Re-Investigation by the SIT**
- III. **Suggested Investigation of Wider Conspiracy behind the Incidents being Re-Investigated and Facts Thereof that also have a bearing on the Ongoing Re-Investigations being carried out by SIT.**
- IV. **List of Documents and Annexures to this four part statement**

**The substantive issues raised that warrant re-investigation By SIT, at this stage are as under:**

- Faulty Investigation from the Recording of the Crime, ie the Deliberate Wrongful recording of FIRs/Panchnamas/Post-Mortem Reports and Subsequent Chargesheets etc
- Subversion of the investigation agencies and process and of the trials including hasty and unwarranted bail, including anticipatory bail granted to those accused alleged to be guilty of mass crimes in the post-Godhra Cases relevant here (ie. Gulberg Society, Naroda Patiya, Naroda Gaon, Sardarpur, Odh and Deepla Darwaza Massacres)
- Compromising of Public Prosecutors.
- Threats to and intimidation of witnesses (continuing).
- State's complicity in such subversion, compromising and intimidation.

Cumulative effect and consequences of factors (1) to (4) mentioned above.

Subversion of the investigation agencies and process and of the trials. This subversion was resorted to in various ways.

FIRs are not registered in the manner required by Sec.154 Cr.P.C. Initially, the various complaints received at a given Police Station were registered as separate FIRs. However, these FIRs themselves were not faithfully recorded, i.e., whether the complaints were given orally or in writing (some times with the assistance of para-legals working in the Relief Camps for the victims), instead of hearing to the complainants version as given, the concerned police officers took liberties and made material changes in the text and content of the complaint, e.g., by leaving out specific and material names of the offenders.

Specifically, the FIRs as registered deliberately left out the names of politicians, policemen and other accused persons who were named and inculpated in the complaints.

**(see Annexure A Colly of Gulberg Accused Table Analysis, and Naroda, Sardarpur, Ode also)**

Further, to paper over the FIRs registered on the complaints lodged by the victims, witnesses or other concerned persons, the police themselves lodged complaints in respect of the very same incidents, registered FIRs thereon and in those FIRs willfully omitted and glossed over various material facts and details given in the private complaints. Thereafter, it was only the FIRs registered by the police on their own self-serving complaints which were made the basis of the charge sheets on which the accused were sent for trial (e.g. the Naroda, and Kidiyad incidents). By this stratagem, the investigating agency surreptitiously

removed from the array of accused all those offenders who held official or political positions of influence and whose being implicated would reveal the deep rooted and wide spread involvement of the State's political and executive machinery as prime movers of the riots.

In the course of investigation and even after the filing of charge sheets, the police sedulously avoided arresting persons who were members of the political party or of a private army owing allegiance to that political party which held the reins of government in the State.

So much so, that the charge sheets conveniently failed to mention those of such persons whose names and roles in the commission of the offences figured in the statements of witnesses recorded under Section 161 Cr.P.C.

The duplicity of the investigating agency really came to light in the ensuing inquiry before the Nanavati Shah Commission wherein the depositions and testimonies of very high ranking police officers (IPS Cadre) revealed the suborning and compromising of the State machinery at every level, from the State's political executive to the District Magistrates and Collectors and the police officers incharge of the police stations where the incidents occurred.

**Hence it becomes relevant for the SIT to examine and investigate the following:**

- A) **Examine and Investigate in detail the affidavits filed by officers of the Gujarat Government before the Nanavati Shah Commission (now the Nanavati-Akshay Mehta Commission after the death of Justice Shah) under its first terms of reference that did not include the examination of the conduct of the chief minister of the state and his cabinet colleagues;**
- B) **Examine and Investigate in detail the second affidavits of the same officers after the second terms of reference revised in 2004 after the change of government at the Centre, if any;**
- C) **Examine and Investigate the depositions of these officers before the said Commission; and an examination of how and why, for instance senior officers directly implicated in the five major mass crimes cases being re-investigated by SIT (Godhra, Gulberg, Naroda Patiya, Naroda Gaon, Odh, Sardarpura and Deepla Darwaza) did not file a first or second affidavit following the expansion of the terms of reference.**
- D) **Conclusions: These averments (affidavits and depositions) including the obvious questions put and not asked in both the examination in chief by the State Government and the cross examination by advocates of the Jamiat e Ulema Hind, NGO Jan Sangharsh Manch counsel, BJP-VHP counsel and Congress Party counsel are both revealing and indicting.**

**(Copies of all these, acquired by us for Petitions in the High Court and Supreme Court can be made available to SIT if required)**

The subversion of the investigative and trial processes is made the more gross and unacceptable by the fact that in the various cases anticipatory bail as well as regular bail were granted to the accused by the Sessions Courts concerned or even by the High Court itself, in many cases, even before the charge sheets had been filed, and that too by non speaking orders in many cases and on concessions made by the Public Prosecutor (who did not raise a voice to object to granting of bail) in some cases.

**(See Annexure Compilation B of All Bail Orders with Summary Bail Tables)**

The SIT could do well to examine and investigate the circumstances of bail being sought, the conditions for granting of bail (and whether these are being violated or not) and consider and act upon actually moving courts for getting bail cancelled as ought to have been done when matters were brought to light.

Especially in the Odh case, where **18 accused were given anticipatory bail and 5 of whom even left the Country despite objections being put in writing by victim survivors to the local Khambolaj Police Station**, surely influential accused responsible for mass murder should at least be jailed first?

The factual matrix encapsulated in the paras above is attested to by the following record:

### **Refusal to register proper FIRs**

FIRS incomplete showing distorted events, police statements not properly recorded

(A) (NHRC in its report dated 31.5.2002 categorically refers to widespread complaints of improper registration of FIRs. (NHRC Transfer Petition and DN Pathak Writ Petition filed on May 1, 2002 a year before the NHRC Transfer Petition in the Hon. Supreme Court **(copies can be made available if required)**)

(B) Supreme Court Petitions and Impleadments and Pg 4 to 9 of the Additional Documents filed by the Petitioners. **(copies can be made available if required)**

### **IA. Gulberg (Chamanpura) Massacre :**

Details of Incident & Trial

Summary & List of Dates

<b>Date and Time of Massacre</b>	7.30 a.m. – 7.30 p.m. 28-02-2002
<b>Date of FIR</b>	28.02.2002
<b>Numbers of lives lost:</b>	70 lives (39 officially admitted dead; 31 missing)

**(Gulberg Chargesheet does not mention there are 31 missing bodies only alludes to some; this is finally admitted by the state of Gujarat in the SC rejoinders in 2007 four years after the stay and aversions making this out by the CJP over four years in court that have been provided with this statement as annexures)**

Further defects in Chargesheet include:

- Statements of Witnesses are Recorded with Scant Regard to Thoroughness and Detail and hence are not substantive
- As a possibly Deliberate Ploy, the name of three-four witnesses deliberately appears more than once in the list of witnesses to deliberately lengthen the list – please see attached Comparative Tables of Witnesses annexed as **Annexures C Colly**
- The deliberate changing and shifting of both IOs and agencies within the police, ie from Meghaninagar Police Station to Crime Branch to Addl CP (Control Room) Rahul Sharma further succeeded in not a single line and consistent method of questioning taking place

Seventy persons (39 dead and 31 missing) were massacred in broad daylight in the heart of Ahmedabad city at the Gulberg Society, Chamanpura, Meghaninagar Police Station. Former Parliamentarian Ahsan Jafri was a target being butchered brutally. At least 15 cases of brute sexual violence took place on girls and women belonging to the minority community. **(see annexure of Official List of Missing Persons from All Over Gujarat as Annexure D and Crimes Against Women and Children -Annexure E)**

### **Three Chargesheets**

1. Session Case No. 152/02 -Kailash Dhobhi v/s state of Gujarat dated 01/06/02
2. Session Case No. 167/03 -Sandip & Others (2) v/s State of Gujarat 25/06/02  
Suppl. 18.00 hrs
3. Session Case No. 279/03 -Sankerlal & Others Suppl. Dated 29/08/02

### **Investigation Officers in Gulberg Massacre**

1. K. G. Erda – Police Inspector Meghaniniagar Police Station
2. R. R. Pathak – Sr. Police Sub-Inspector Meghaninagar Police Station
3. P. M. Barot – ACP ‘B’ Division (Crime)
4. S. S. Chudasma ACP Crime Branch

(i) Chargesheet & Police Statements of Witnesses Recorded by Police  
Samples of These at **Page 199-203 of Paper-Book 'A'** March-June 2002

More statements at **Pages 207-216 of Paper Book 'A'**

(ii) Applications made by 11 Witnesses (dated 25-11-2002 Accompanied by Sworn Affidavits dated 14-11-2002) to Police Station, Meghaninagar and Commissioner of Police Ahmedabad for further Investigation and Arraignment of Similar Accused

**Pages 217- 268 of Paperbook 'A'**

(iii) Second Application Filed by Witnesses to the Commissioner of Police with Affidavits dated 16.4.2003

**Page 144 of Paperbook 'A'**

**(Copy of Paperbooks A-G submitted to SIT with markings made)**

(iv) Complaint Made to Police, Home Sec Regarding Arrest of Accused which had not taken place Dated 18-7-2003

**Page 250-254 of Paperbook 'A'**

**(Copy being submitted to SIT)**

(v) Application Made Under section 173(8) of the CrPC before Sessions Court dated 4-11-2003 Relating to Gulberg incident

**Page 142 of Paper Book 'A'**

**(Copy being submitted to SIT)**

(vi) Details of Witness Complaints On Affidavit

Affidavit of Salimbhai Sandhi states that in police statements recorded on 6.3.2002, 11.3.2002 & 13.3.2002 wherein applicant (victim survivor) states that he had named accused viz. Krishna, Naran Channelwala, Atul Vaidya, Meghsingh Choudhary (Vakil), Manish Prabhudas Jain, Rajesh Dayaram Jinger, Pradeep Parmar, Bharat Talodiya, Bipin Patel and Arun Bhat. However Investigating Agency had deleted their names (application made under 173(8) of the CrPC)

**Page 160-163 of Paperbook 'A'**

Similar Affidavit of Ashraf Sikandarbai that accompanies application for further investigation (25.11.2002) wherein he mentions that his police statement dated 6.3.2002 is false and that he had mentioned Girish Prabhudas Jain as accused.

**Page 207 of Paperbook 'A'**

Similar Affidavit of Imtiyaz Saudkhan

**Page 214 of Paperbook 'A'**

Similar Affidavit of Salimbhai Noormohammed

**Page 217 of Paperbook 'A'**

Affidavit of Sayrabhen Sandhi

**Page 224 of Paperbook 'A'**

Ashraf Sikandarbai

**Page 226 of Paperbook 'A'**

MohdAli Shahjadali Saiyyed

**Page 250 of Paperbook 'A'**

Fakir Mohammad Saiyyad

**Page 261 of Paperbook 'A'**

Table showing discrepancy

**Page 255 of Paperbook 'A'**

Mohd Rafik Bukhara

**Page 266 of Paperbook 'A'**

Discrepancy in Investigation

**Page 165 and 175 of Paperbook**

(vii) AMICUS NOTE showing Faulty Investigation

**Page 57-61 of Paperbook 'A'**

(viii) Table Filed by AMICUS CURIAE that shows the status of real accused (do not figure in chargesheet though named in witness police statements that have been filed)

**Page 165-166 of Paperbook A**

(ix) AMICUS Summary of Evidence (this includes summary of affidavits)

**Pages 171-174 of Paperbook 'A'**

(x) Judge Mehta Summarises Gulberg Massacre

**Pages 19-pages 23 of the Report**

(xi) Subsequent Affidavit of Impleaders/Intervenor following Mehta Report dated 20.9.2006

Relevant portions that point out hostile attitude of the State of Gujarat and failure to refute allegations of faulty investigation are at paras 6-9 at pages 2,3,4 and pages 6-7 (paras 17-18) and pages 9-10 (para 22), pages 10-14 at paras 23-24, paras 30-33 and page 15-16 at paras 37-39) that shows another advocate who had appeared for the accused appearing for the State of Gujarat Annexure B Colly of the affidavit contains portions of relevant affidavits/depositions etc of serving officers of the Gujarat police fled before the Shah-Nanavati Commission that point to the involvement of powerful political personages and policemen in the commitment of mass murder and ape. These persons continue in power today and hence are more than likely to adversely impact the administration of justice in this case.

***Annexure G Colly (Annexure B colly to affidavit***

***(Internal numbering pages 50-53)***

**(xii) Annexure J (Amicus Note Dated 22-3-2007)**

**(Copy being submitted to SIT)**

The Gulberg Trial had been dealt with at length by the Amicus Curiae in his note at paras 20-33.

**(States's Response dated 14-3-2007 and April 2007 in response to Teesta**

**Setalvad/Citizens for Justice and Peace Affidavit and Amicus Curiae's Note**

**(Copy being submitted to SIT)**

At paras 5-9 of the note dated 14.3.2007 the state of Gujarat admits that 173(8) applications were filed by the witnesses/victims asking for rectification of evidence and admits that no such rectification has taken place. Their response that phone calls to witnesses summoning them to depose before the Crime Branch in 2004 –that is almost four years ago— is unconvincing. These facts and aspects need to be examined by SIT, why were the accused named therein not investigated and charged? Why was there no rectification of FIR or chargesheets?

**xiii) Note: The State of Gujarat admits that as many as 25 persons named by witnesses and victims in affidavits before the Supreme Court, in 173(8) applications and in police statements have been left out of the chargesheet and not arrested (14-3-2007 and April 2007)**

Following the appointment of Judge Mehta by the Apex Court in July 2006, and Judge Mehta's Report, Teesta Setalvad had filed an affidavit in the Hon'ble Supreme Court dated 20/09/2006. Related to Gulberg the following points had been made that are relevant here

**(Copy of the entire affidavit is submitted to SIT-Annexure G)**

- (1) One Advocate Vinod Gajjar's Vakalatnama was filed in the SC as appearing for the state. We pointed out that he had appeared both for the State of Gujarat and for the accused indicating that not much has changed in the mind of the state government (This has been admitted by the State)
- (2) Discrepancies (Godhra trial v/s post Godhra trial cases) – bail in post Godhra cases, no bail for accused in Godhra; properties of Godhra accused attached; not only are the properties of post-Godhra carnage accused not attached, they roam free, commit further crimes (Babu Bajrangi accused No 1 in Naroda Patiya indicted for kidnapping of Patel Girls and by *Tehelka*) and even go abroad; rigorous investigation and further investigation in Godhra trial even after the SC stay; nothing in post Godhra carnage cases.
- (3) Police Statements / Dying Declaration Missing from records of the cases including Gulberg, Naroda, Sardarpura, Ode and Deepla Darwaza. Reasons for this glaring lapses in the records need to be examined by SIT
- (4) The deposition of former SP Rahul Sharma before the Nanavati Shah Commission and his affidavit accompanied by a CD that contained recordings of several thousand phone calls between February 27 and March 4, 2002 are extremely relevant and critical. SIT needs to independently investigate these and interrogate which politically influential person was calling which accused and which policemen when,

where and whether this affected prompt action in the cases under re-investigation **(Annexure G and its annexures on internally numbered page 22 and 36)**

- (5) *Indian Express* Articles on Rahul Sharma CD dated 24/11/04 – 28/11/04
- (6) Shreekumar Personal Diary/Register submitted before the Nanavati-Shah Commission and also filed in the Supreme Court. This Diary/Register is a Contemporaneous Record Maintained by a senior serving officer of the Gujarat police who was Additional DGP (Intelligence) at the time. The diary/register was maintained between 16/04/02 and 19/09/02. It has been signed by his boss OP Mathur, IPS then IGP, (Administration & Security), that proves it was contemporaneous. **(Annexure G and its annexures on internally numbered page 66)**
- (7) List (Official) of Missing Persons.  
**(Annexure G and its annexures on internally numbered page 93)**
- (8) Gulberg list of Missing Persons prepared by Victims (April 2002) (All these have been annexed in Annexure  
**(Annexure G and its annexures on internally numbered page 108)**
- (9) Chargesheets filed that Reveal a Discrepancy in Investigation:
  - a) Discrepancy in Naming Accused.
  - b) Applications Made by Victims before the Trial Sessions Court dated 25/11/2002 & 4/11/2003 for Re-Investigation under 173(8) supported by 11 affidavits -Unanswered by the State
  - c) Police statements falsely recorded & names of accused omitted  
Details of accused (Page 7-8)
- (10) No attempt by State for Rectification of Evidence since Trials were stayed on 21-11-2003
- (11) Complicity of State in Appointment of Public Prosecutor Chetan Shah & Atre (Page -8)
- (12) Coercion by Investigating Officer KG Erda (Page 9)
- (13) Lack of Protection to witnesses.
- (14) Discrepancies in Investigation (Page 164 of Paperbook A) (Page 9)
- (15) Discrepancies Bail Table (page 269 of Paperbook A)
- (16) Perpetrators Room Free (page 165 / 166 of Paperbook A)
- (17) Motive behind clubbing of FIRs (Page 10)
- (18) Underplaying Number of Persons Killed (Page 10/11)
- (19) State silent on Discrepancies (Page 12)

- (20) State silent on motive in appointing Vinod Gajjar who appeared for accused (Page 12) (Point 12 state of Gujarats Note before Judge Mehta admits to his being appointed with no comment)
- (21) State of Gujarats motive in misleading court on bail (Page 13)
- (22) State of Gujarats concealing information ' on 'dead' and missing (Page 13 paras 31 & 33)
- (23) State dismissive on Re-investigation pleas by witnesses.(Page 14/ Point 23 & written note of State of Gujarat State silent on why no Re-investigation or further investigation on 173 (8) applications has taken place in five years since the stay on trials. (The 23/11/2003 order of Supreme Court *stayed* the trials but did not *stay* the Re-Investigation.

### I.A Ode Massacre

Incident took place at Ode village, Taluka:- Umreth, Khambolaj police station, Anand district

#### Summary

Twenty-seven persons were killed over **three separate incidents, one in which 23 + 2 + 1 were burnt alive on 1-3-2002 and one more was torched on the street the next day, i.e. 2-3-2002.** The First FIR 23/2002 and the second FIR 27/2002 relates to the incidents of the first day. In between a police officer also filed an FIR 25/2002.

**No FIR has been lodged related to the offence of torching alive of Ghulam Rasool Miya on 2-3-2002 the next day *despite repeated complaints to police and the Trial Court.***

No Investigation Therefore At all into the Murder by Torching alive of Ghulam Rasool Saiyed despite repeated requests by the Victim Survivors in 2002 itself **(see Annexure Gi and its annexures on internally numbered pages 20 onwards)**

As a result accused have been accused only once when they have been guilty of two crimes

**(see Note on Odh Chargesheet-Annexure N)**

The complainants say that only four deaths are confirmed and the bodies of the other victims have been disposed of at some unknown location. Two FIRs have been lodged at the Khambolaj police station. The first is C.R.No.23/2002. U/s. 302, 148, 149 etc. and the name of the complainant is Rafiq Mohammed Abdulbhai Khalifa. The second FIR lodged with the Khambolaj police station is C.R.No.27/2002. The complainant's name is Rehanaben Yusufbhai Vohra. 22 accused were arrested in both cases.

Both the complainants of FIR 23/2002 (Rafik Khalifa) and FIR 27/2002 (Rehanabehn Vora) have filed affidavits before this Court.

**FIR No. 23/2002**

Relates to the incident of 1-3-2002 and the FIR 27/2002 relates to the incidents of persons being torched alive in a house. In between a police officer also filed an FIR 25/2002.

**Under IPC sections 302, 307, 201, 395, 397, 435, 436, 147, 148, 149, 332, 325, 295, 297, 323, 120(B), 506 (2), Bombay Police Act 135**

The police continued the FIR dated 1-3-2002 and clubbed the two offences into one. Investigating Officer (23/2002) P.I. K.R. Bhuwa, Khambholaj P. St. Assistant Investigating Officer P.S.I. R.G. Patel Khambholaj P. St.

**FIR 27/2002** FIR dated 5-3-2002. Khambholaj Police Station, District Anand, Complainant Rehanabehn Yusuf Vora.

Criminal Offences Offences under IPC Sections 302, 307, 395, 397, 143, 147, 148, 149, 324, 323, 295, 297, 201, 120(b), Bombay Police Act 135

Chargesheet Details Chargesheet A filed on 31/05/2002 against 33 accused.

Charge sheet B filed on 31/05/2002

Name of Complainant:- Rafik Mohammad Abdulbhai Khalifa

Section u/s 302, 307, 201, 395, 397, 435, 436, 143, 147, 148, 149, 332, 324, 325, 323, 295, 297, 120 B, 506(2), and 34, Indian Penal Code and 135 of the Bombay Police Act

(i) FIR(s) of Ode Massacre

**(please see Para 6, Int. numbered page 4 and 5 Annexure Gi ( Citizen for Justice and Peace's affidavit post Judge Mehta's Report dated 21-9-2006) related to Odh.)**

(ii) Complaints regarding Clubbing of FIRs

Victims' Complaints about registration of FIR for the incident of 2-3-2002. These include a) On 5-3-2002 Complaint to DSP; b) on 9-7-2002 Complaint to S.P.

Anand; c) On 24-7-2002 Complaint to P.I., Police Station, MDSP, Anand, Home Minister, Chairman of Minorities Commission; d) Response of SP Anand District to Victim/survivors complaints about clubbing SP, Anand sent letters dated 9-9-2002 and 26-9-2002 acknowledging the complaints made; e) witness/survivor complaint to Nadiad Court about clubbing of FIR

Witness No. 26 Rafik Mohammad Gulam Rasool Syeed dated 25-9-2002 about FIR being clubbed and records not rectified.

**(Please see Para 6, Int. numbered page 4 and 5 Annexure A and B Colly to Annexure Gi. Related to complaints filed by witnesses about Investigation Para 7, Int Numbered page 5 with Annexure C Colly to Teesta Setalvad's affidavit post Judge Mehta's Report dated 21-9-2006.)**

(iii) Missing Persons Complaint lodged by victims was back on 14.03.2002 onwards that show that victims have been diligently following up with the police about factual errors vis a vis the missing persons related to the Ode Massacre Missing Persons report was also filed by then DYSP Bavang Zamir who was thereafter transferred. He is now posted at Patan

**(Please See Annexure Gi--Details of Annexure C Colly Internally numbered pages 25- 54 Internally numbered Pages 51-52 to Teesta Setalvad's affidavit post Judge Mehta's Report dated 21-9-2006.\_**

(iv) Victims Missing Persons Complaint From 14-03-2002 onwards, victim survivors have been diligently following up with the police about the factual errors in recording of MISSING PERSONS by the local police. The contention of the witness survivors is that even today bodies are buried in mass graves. This Missing persons Complaint along with statements of victim survivors is dated 14-03-2002.

**(Annexed to Teesta Setalvad's affidavit post Judge Mehta's Report dated 21-9-2006 from pages 20 onwards.)**

(v) Affidavits Filed by Witnesses/Victims

**Annexure F Colly Volume 'B'; pages 270-337**

Majeed Miya Murad Malek

**Annexure F Colly Page 279-283, Paperback 'B'**

Rafik Mohd Abdullah Khalifa who is Complainant in FIR 23/2002.

**Annexure F Colly Page 304/305, Paperback 'B'**

Rehana Yusuf Vohra, Complainant, names accused

**Annexure F Colly Page 301, Paperback 'B'**

Mehmoodabibi Majeed Malek Victim Survivor

**Annexure F Colly Pages 306-310, Paperback 'B'.**

Rashid Khan Malbar Khan Pathan a Victim survivor

**Annexure F Colly Page 311-314, Paperback 'B'**

Hasan Khan Hassukhan Pathan, Witness and Victim Survivor o the incident

**Annexure F Colly Page 315- 317, Paperback 'B'**

Mohammad Khan Akbar Khan Pathan a Victim survivor who lost seven family members

**Annexure F Colly Page 318- 322, Paperback 'B'**

Rafik Mohd Ghulam Rasool Syed, a Victim survivor who's father was torched alive on 2-3-2002. For this offence an FIR has still not been registered despite repeated pleas by this witness

**Annexure F Colly** Page 323- 329 of Paperbook 'B', see pages 324 & 326

Anwarmiya Akbarmiya Malek describes the preplanning behind Ode attack

**Annexure F Colly** Page 330-333, Paperbook 'B', see pages 331 & 332

Shafi Miya Mohd Miya Malek, Victim Survivor

**Annexure F Colly** Page 334-337, Paperbook 'B'

Police Not Recording FIR

**Annexure F Colly** Page 323 at 324, paras 1-2, Paperbook 'B'

Amicus Note dated 6-9-2004 pointing out Discrepancies in Investigation related to Ode Massacre

**Annexure F Colly** Paperbook 'B'; Pages 271-274

Rejoinder Affidavit of Teesta Setalvad, Citizens for Justice and Peace

Points out that substantive allegations made by eyewitnesses and victim survivors on affidavit are not effectively countered including those related to direct state complicity and the fact that names of influential persons were *deliberately* left out as accused by the police. Allegations of sexual violence and rape have also been deliberately obscured by the police according to eyewitnesses

**Annexure F Colly -Paperbook 'C'; pages 612-622, see table at pgs 612-619.**

Amicus Note 7 dated 6<sup>th</sup> September 2004 pointing out discrepancies in relation to the Ode Massacre

**Annexure F Colly** Pages 271-274 of Paperbook 'B'

Influential persons not allowing recording of FIR

**Annexure F Colly** Pages 325-326 at para 6, Paperbook 'B'

### **Mehta (ASJ) Report:**

Judge Mehta summarizes contentions of malafide investigation, intimidation of witnesses, complicity of police etc. Contentions of witness survivors through affidavits are summarized along with state response. No conclusions are drawn

**Annexure I- Page 42-51 of Mehta Report**

Shocking contention by state of Gujarat recorded by Mehta wherein they say *that protection was never demanded by witnesses*. The whole order on witness protection –individual and cluster – was obtained only after intimidation had been the order of the day.

**Annexure I - Page 42 of Mehta Report**

State shockingly admits survivor complaints about remains being sent to FSL for DNA testing *but is silent completely about what was the outcome of these investigations.*

**Annexure I Page 46 and Page 49 of Mehta Report**

False statement by the state that witnesses will be protected and that they were sent to safe places.

**Annexure I Page 51 of Mehta Report**

Only 4 deaths out of 27 in this massacre have been confirmed; bodies of other victims disposed off in undisclosed places.

**Annexure Gi- Affidavit of Teesta Setalvad dated 21-9-2006 at Para 2, Internally numbered page 2 summarises these facts:**

- (1) Only 4 bodies found
- (2) Missing persons. Refusal of Umreth Court in order dated February 27, 2008 to order the exhuming/digging of bodies (**Annexure Gi** Annexed here)
- (3) Bail Pattern. Accused are wealthy NRIs 18 of whom were given Anticipatory Bail. (Details of Bail) (39 Accused arrested and released on bail, 18 on Anticipatory Bail) Pages 2-3-4
- (4) Application by witnesses complaining of clubbing of FIRs 5/03/2002 to DSP Anand, 9/07/2002 Department Police Office, Anand, 24/07/2002 PI Anand  
No Re-investigation on any of these Complaints.
- (5) Missing Persons Complaint dated 14/03/2002 (annexed)
- (6) No Firefighters came in time to Ode Village. (**Annexure K Colly-Discrepancies in States Stand at Page 7**)
- (7) Affidavit details of Witnesses and Victim Survivors filed Before the Supreme Court (Page 9-14)
- (8) State callous on missing persons / DNA sampling (( **Annexure K Colly-Page 8**)

**Both the Panchnamas and Other Police Statements Including DNA Sampling Reports mention three/four different loacles where bone remains were found. (Akbar Moyan Malek's house, the heap of vehicles on which Shulam Rasool's remains were found and the spot at M Bhagaol where Rehana states that remains were found? How Come the Chargesheet does not reflect this at all? (Annexure L)**

- (9) State of Gujarat makes irresponsible statements that there are *no* missing persons.

(10) State of Gujarat admits that PP did not oppose Anticipatory Bail

**(Annexure K Colly)**

(11) Photos of Ode Village (**Annexure H Colly**) where Victim Survivors and Witnesses are unable, due to fear and intimidation from powerful accused, not to return

### **I.C. Sardarpur Massacre**

#### **Sardarpur Massacre, Vijapur Police Station Area, Mehsana District**

##### Incident Details

Date Night of March 1-2, 2002

Time 9 p.m. to 4 a.m.

##### Summary

Thirty-Three Persons including women and Children were roasted alive by a mob that had made Shaikh Mohalla, Sardarpur Village a target of attack. Witnesses from nearby Pathan Mohalla and others watched. Police has been accused of utter complicity in failing to protect lives and thereafter subverting investigation.

**Sardarpura** Criminal Case No.275/2002 arising out of F.I.R. No. 46/2002 dated 28.2.2002 of Police Station Bijaypur, pending in the Court of Sessions Judge, Mehsana, Gujarat (titled State v Patel Rameshbhai Kanjibhai & Ors)

Translated Copy of CR 45/2002 and 46/2002 lodged by one PSI Rathod

**Annexure Gi and Annexures(C) to Setalvad/CJP affidavit dated 21-9-2006 at Internally numbered pages 104**

Affidavits of the victims of Sardarpura On Police Complicity and Failure to Investigate Fairly

**Annexure Gi** Page 11 at 17, paras 22-24, page 22 at 23, para 4, page 22 at 24, para 6, page 30 at 31-32, paras 4, 9 Page 105, paras 5-6 of Paperbook 'A'

CrI.M.P. 10538-46/2003 in TP 194-202/2003

Affidavits of the victims of Sardarpura On Police Complicity

**Annexure Gi** Page 11 at 17, paras 22-24, page 22 at 23, para 4, page 22 at 24, para 6, page 30 at 31-32, paras 4, 9 Page 105, paras 5-6 of Paperbook 'A'

Affidavit of Ibrahim Miya Rasool Miya Shaikh in Criminal Miscellaneous No. 10538-10546 of 2003

**Annexure Gi** Pages 7, 13, 14 of Paperbook 'A'

Jamalbhai Doshubhai Shaikh Eye-Witness & Victim

## **Annexure Gi Witness to PSI Parmar's complicity in attack**

Amicus Note 5 dated 06.09.04 related to Faulty investigation in relation to Sardarpura Massacres

### **Annexure Gi Page 1 - 2 of Paperbook 'A'**

#### **Annexure Gi-Sardarpur Affidavit (Teesta Setalvad) Post - Mehta Report dated 21/09/2006**

- (1) Photos show Fear and intimidation suffered by Witnesses and Victim Survivors who are unable to go back (Page 84)
- (2) Failure of judiciary in Gujarat in Cancelling of Bail of Accused in Heinous Crimes & Transferring of investigation to CBI (**Annexure Gi** Page 84-85)
- (3) First PP appointed was General Secretary VHP of the Mehsana District (**Annexure Gi** Page 85)
- (4) No efforts to get so called absconding accused arrested (**Annexure Gi** Page 85)
- (5) False claims of State before ASJ, Mehta (**Annexure Gi** Page 85)
- (6) Lack of protection for Witnesses (**Annexure Gi** Page 86)
- (7) Complicity between Local police & politically influential accused (**Annexure Gi** Page 86)
- (8) Defects in Chargesheets
  - a) Large nos. of Witness Statements not recorded
  - b) No statements from Pathan Mohalla, no reference in panchnama to Pathan Mohalla
  - c) No Departmental Inquiry Against either PSI Parmar (in 2006 this officer was posted to Kalupur Police Station) and PSI Rathod (in 2006 posted to Karanj Police Station, Ahmedabad)
- (9) Recovery Panchas on Recovery Panchnama are Relatives of Accused no. 10, 23 & 31 (Page 88)
- (10) False statements in this Panchnama related to scene of offence.
  - a) Witnesses Manubhai Painter and Bachumiyan Nathumiyan shown as 'not present' (**Annexure Gi** Page 88; Please also see **Annexure N**)
  - b) False addresses (**Annexure Gi** Page 88)
  - c) Accused not named (**Annexure Gi** Page 89)
- (11) PP did not oppose Bail (**Annexure Gi** Page 89)
- (12) Manner & Pattern of Rescue of Victims of Sardarpur massacre by DSP HR Gahlot not recorded in Police Investigation. Statements of Persons not recorded. (Gahlot among the officers being sidelined by the Gujarat Political Leadership; he is due for appointment to Director General of Police but is being denied due Promotion)

- (13) Statements of neighbours not recorded (affidavit of victims) (Page 90)
- (14) Victims have alleged in affidavits before the Supreme Court that several important facts were concealed from Panchnama (Page 90)
- (15) Victims / Eyewitnesses security can't return to village inadequate protect of witnesses (Page 91) complaint about inadequate Protection (Page 91)
- (16) 2004- Harassment to Victim Survivors and Complaint about forced recovery of tax from victims survivors (**Annexure Gi -Annex B) (Page 99)**)
- (17) PP appointed didn't opposite bail state silent / tacit admission by the State who mentions simply that the new PP is Suresh Shah
- (18) Police statement of Munsaf Khan Pathan (6/03/2002) (Page 92) CR 45/2002 lodged by PSI Rathod. Still the State of Gujarat before ASJ Mehta and this Honourable Court says that Rathod was not present in Sardarpur the day of the Crime. Why is the state protecting Rathod? (**Annexure Gi -Annex B) (Page 99)**)
- (19) Distribution of Arms in Mehsana District Weeks Prior to the Godhra Sabarmati Train Burning. Evidence in Tehelka's *Operation Kalank* interviews with Haresh Bhatt (then BJP MLA from Godhra) and Anil Patel ( VHP leader from Sabarkantha ) are revealing .(Details in Teesta Setalvad's Third Part of her statement related to **Annexure VI to Part III of Statement -Suggested Investigation of Wider Conspiracy behind the Incidents being Re-Investigated and Facts Thereof)**)

### **I.D. Naroda Gaon & Patiya**

#### **Summary**

Date	February 28, 2002
Time	9 a.m.-2 a.m. (March 1)

Over 110 persons were brutally massacred, girls and women gangraped in this area on the outskirts of Ahmedabad, Naroda Goan and Patiya. Not only were policemen accused of abject complicity with powerful politicians who had planned and perpetrated the carnage but subsequent investigations have also revealed this complicity.

Arising out of F.I.R. No. 100/2002 date 28.2.2002 of Police Station Naroda, Ahmedabad;

Criminal Case No. 982/2002 pending in the Metropolitan Magistrate Court

No. XI, Ahmedabad (titled State Vs. Naresh Amarshingh Chhara & Ors); and Criminal Case No. 1662/2002 pending in the Metropolitan Magistrate Court No. XI, Ahmedabad (titled State Vs. Padmendra Singh & Ors.)

### **Chargesheet Submission Dates**

Chargesheets have been Filed 1924/2002 & 1662/2002

Chargesheet No 1 39/04 filed by Naroda Poice in Ahmedabad City on 2/2/04

**Annexure P Pages 1-7 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Chargesheet No 1 94/02 filed by Naroda Police Ahmedabad City on 19/8/2002

**Annexure P -Pages 8-14 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Statement of Dilawar Quresihi, Affidavit of Yunismiya Kureshi before the Crime Branch

**Annexure P Pages 27 and 30-34 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Affidavit of Maqsudmiya Quresihi on 12/4/2003

**Annexure P Pages 64-68 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Affidavit of Nanumiya Kureishi dated 13/4/2003

**Annexure P Pages 89-93 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Copy of FIR CR No 98/2002

**Pages 94-101 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Statement of Kamruddin Qureishi

**Annexure P Pages 102-108 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

Statement of Sakinabehn Ayubkhan Abdulkhan made before Assistant Police Commissioner on 21/4/2002

**Annexure P Pages 109-112 of Volume II of Criminal Application No. 9934-9939 in Writ Petition Criminal No. 37-52 of 2002 (Devendrabhai Pathak and Others v/s State of Gujarat)**

An analysis of these documents shows that original complaints/FIRs filed by witness complainants have been dropped. These include powerful accused including the ruling party MLA and general secretary of the Vishwa Hindu Parishad

**Annexure P Pages 61-83 (Internally Numbered Pages) of Setalvad/Citizens for Justice and Peace's Affidavit dated 21-9/2006**

**Further Discrepancies Related to the Naroda Patiya and Gaon CRs/FIRS Noted by Deponent Before the Hon'ble Supreme Court that have a bearing on the Ongoing Re-Investigation:**

**Discrepancies in Investigation & Records**

Two FIR'S of the main incident happened in the Naroda area are registered in Naroda police station 1) 100/2002, 2) 98/2002, which have happened in Naroda Patiya and Naroda Gaon area. There is almost a deliberate mixing up of records related to both chargesheets. Madinaben Arifbhai Malek's injury certificate has been included wrongly in the chargesheet related to 100/2002 incident.

Madinaben has no relation with 100/2002 incident. She is resident of Naroda Gaon that is covered in 98/2002.

**Her details is as under:**

1. Madinaben's statement recorded in connection of FIR No. 98/2002.
2. Injury Certification given by Doctor treating Madinaben
3. This injury certificate is attached with FIR No. 98/2002 Chargesheet No. 19402----- Backside of Page No. 8 next to witness No. 98 Dr. Shri Aman ----- on

date 19/3/02 -----has been given is mentioned.

The same injury certificate has been attached with FIR No. 100/02 chargesheet No. 10602 on page no. on the reverse side with witness no. 338 Dr. Shri Aman --- on Date : 19/3/02 on day 3990 ----- has been given is mentioned.

Twenty injury certificates have been given by Doctor who was treating injured and have been attached with Naroda Patiya FIR No. 100/2002. Out of these 20 injured 9 injured are eye witness. Despite that, to date the police has not recorded their statements in connection with this event.

- Witness Mohammed Maruf Rauf Khan Pathan's statement recorded by the police on 17-3-2002 does not contain the name of the accused. Thereafter another statement was recorded on 23-5-2002 by Crime Branch discloses name of accused **but the second statement was not produced in the chargesheet.**
- **Murder of Sugrabi Shaikh (P.M. Report 59)** has taken place at **Naroda Gaon i.e. in CR No 98/2002.** However in a gross discrepancy in investigations, the PM Report 59 is produced in **CR No 100/2002** without any application of mind and the statements in this regard are produced in **CR No 98/2002** and not produced in **CR No 100/2002.**
- **Madinabanu A Malek** had her police statements recorded on 1-3-2002, 6-6-2002 and **on 4-3-2002** – statements recorded by PSI Naroda police station and RC Pathack, PI DCB Crime Branch. This victim was grievously injured and her injury certificate is dated 19-3-2002. Though she is named as witness of the Naroda Gaon offence at CR No. 98/2002, her Injury Certificate is included in CR No 100/2002.
- **Sufiyabano Abdul Majid Shaikh, aged 17,** residing at Jawannagar, Naroda Patiya has been admitted to the hospital on 28-2-2002 after severe burn injuries. Her father Abdul Majid stated in his police statement dated 15-4-2002 that he met his daughter Sufiyabano on 4-3-2002 in the hospital and that she had told him that she had been raped by Bhawani Chara and his son who is a Vakil (lawyer). According to her father's statement dated 22-4-2002 Sufiya died on 7-3-2002 and the PM report no.641/2002 of Sufiya Majid was given to her father.

Sufiya's **Dying Declaration and statement were recorded on 3-3-2002** in which there is conspicuously no mention of **rape.**

**The particulars shown in the two Inquest Panchnamas and two PM Reports which are produced in the Chargesheets No 106/2002 of ICR No 100/2002 are given below:**

### Inquest Panchnama

	1	2
Name	Sofiyabano Majidbhai Shaikh	Supriya Marjid
Age	19 years	35 years
Residence	Hussein Nagar,	Naroda Patiya
Admitted On	28-2-2002, 23.45 o'clock	28-2-2002
Ward No	E/7	E/7
EPR No	1925/5/2002	2017/6/2002
Death Date	1-3-2002, 00 clock	7-3-2002, 3.30 o clock

### **P.M. Report**

Name	Sufiyabano Mamudbhai Sheikh	Supriya Marjid
Age	19 years	35 years
PM No.	417/2002	641/2002

**If Abdul Majid's daughter died on 1-3-2002, how can the police record her statement and Dying Declaration on 3-3-2002?**

The Following Eight Deceased Persons survived for more than 24 hours in the hospital but the **Dying Declaration** was not recorded **nor efforts made to do so:**

Name	Date & Time of Admission In Hospital	Date & of Death	Time Place of Death
------	---	--------------------	------------------------

Hamid Raza	28-2-2002-	11-03-2002	Civil
Mohd Maruf		12.50 p.m.	(Hospital)
Supriya Marjid	28-2-2002-	7-03-2002	Civil
(35 years)		3.30 p.m.	(Hospital)
Kudratbibi	28-2-2002/-23.30 hrs	1-03-2002	Civil
Khurshidbhai		5.30 p.m.	(Hospital)
Armuddin	1-03-2002/2.40 p.m.	5-03-2002	Civil
Khalid Noor		6.30 p.m.	(Hospital)
Md			
Ashif	1-3-2002/2.30 p.m.	4-03-2002	Civil
Shabbirbhai		13.55 hrs	(Hospital)
Shakina	1-03-2002/1.45 p.m.	4-03-2002	VS
Mehboobbbhai		13.45 hrs	Hospital
Saeedabanu	28-02-2002/22.50 hrs	2-3-2002	Civil
Ibrahim Shaikh		2.50 p.m.	Hospital
Zubedabanu	28-2-2002/22.55 hrs	1-3-2002	Civil
Shabbir Ahmed		00.15 hrs	Hospital
Shaikh			

Zubedabano: Though Inquest Report of the Dead Bodies of Zubeda bano is in the Chargesheet **but the P.M. report is not produced**

**Four-Five Victims Injuries are described in F.I.R. No 176/2002 by Sub-Witnesses. But Injured Persons Statements or Injury Certificates are not Included in the Chargesheet.**

Sr No	Sub-Witness No	Name of Sub-Witness	Type of Injury
1	9	Mayuddin Immamuddin Sheikh	Tear Gas shell Injury
2	21	Khillubuhi Abdul Gafoor Maniar	His son is Injured
3	26	Gulabkhan Babukhan Pathan	Injury on Right Hand by sword
4.	37	Kaiyumbhai Mohammedbhai Shaikh	His son is Injured on Hand by bullet
5	38	Rehana Ibrahimbhai Mansuri	Her hand was Cut and her 10 year old daughter burnt

- **Police has not produced any evidence in any Chargesheet related to Naroda Gaon or Patiya Regarding Identification of Most of the Bodies. For example deceased Kauser Bano who's abdomen was slit open by sword and Foetus thrown in the Fire. There is no Evidence Produced Regarding Identification of the Body.**

- Details and status of the persons injured

1. Bashir Ahmed Dhobi - injury certificate
2. Shabana Abdul Rahim - injury certificate
3. Jaitunbanu Aslammiya Shaikh - injury certificate

The injury certificate given to these three people by the witness doctor is at Sr. No. 343 (certificate 1 and 2 )(reverse of page no. 11) and witness Sr. no. 344-certificate 2 (on page no. 12)

In the Naroda Patiya FIR No. 100/02 the chargesheet no. 101/02 was framed. A perusal of the inquest panchnamas shows that 8 individuals who were admitted for treatment in hospital, died during the treatment after 24 hours. Despite the fact that they were in hospital for over 24 hours, the delivery of dead body has not been taken. (as per the records)

**The Dying Declaration of 14 victims has been recorded. The people whose names are mentioned below there DD has not been taken.**

Sr. No.	Name	Admission Date	Admission Time	Dt. of Death	Time of Death	Place
1.	Hamidraza Mohmmad Maru	28/2/2002		11/3/2002	12.50	Civil
2.	Supriya Marjid (35 yrs)	28/2/2002		7/3/2002	3.30	Civil
3.	Kudratbibi Khurshidbhai	28/2/2002	11.30	1/3/2002	5.30	Civil
4.	Sarmuddin Khalid Noor Mohmmad	1/3/2002	2.40	5/3/2002	6.30	Civil
5.	Asif Shabbirbhai	1/3/2002	2.30	4/3/2002	1.55	Civil

6.	Shakina Mehboobhai	1/3/2002	1.45	4/3/2002	1.45	V.S. Hos.
7.	Saeedabanu Ibrahim Shaikh	28/2/2002	10.50	2/3/2002	2.50	Civil
8.	Zubedabanu S. Ahmed Shaikh	28/2/2002	10.55	1/3/2002	12.15	Civil

This inquest panchnama of these eight deceased (page 1-8) is included above. Zubedabanu S. Ahmed had died in the hospital but her postmortem report is not mentioned in the chargesheet (page No. 3)

6. According to Naroda Patiya FIR 100/02 that is mentioned in Chargesheet No. 106/2002 which has total 26 inquest Panchnamas mentions **that a total 97 dead bodies have been taken Charge of and whose post-mortem is necessary. But out of this 97 dead bodies only 59 dead bodies post-mortem report has been included in the chargesheet. The rest 38 post- mortem reports have not been included in the Chargesheet:-**

- A total of a list of 26 inquest panchnamas is included. In every panchnama, the number of dead bodies taken charge of is mentioned.
- Included in chargesheet are a total --1 to 26 inquest panchnamas.
- Chargesheet no. 100/02 on page no. 12-14 witness no. 345 to 374 (Doctor who conducted post-mortem – total post-mortem – 59) list.
- Sugrabibi Abdul ----- Shaikh is resident of Naroda Gaon. Naroda Gaon -----(FIR No. 98/02 Chargesheet No. 194/02) has been dead Sugrabi Abdul Sattar Shaikhs inquest panchnama has been done (page no. 1)  
This panchnama witness in this chargesheet.
- Panch no. 18 and 19 have been shown (page no. 4) This post-mortem report of Sugrabibi is attached in FIR 100/2002 and chargesheet no. 106/02 on the reverse side of page no. 12 Witness no. 352 who has performed the post-mortem no. 2 has been shown (page no. 5)
- In the Chargesheet related to the Naroda Patiya’s Incident, which includes Sugrabibi’s report shows a total of 97 dead bodies. However in a scandalous lapse of investigation, the Post Mortem has been conducted only on 58 dead bodies. On the rest of the 38 dead bodies **NO** post-mortem report is contained **NOR** and the reason for this lapse is not even explored

so far.

- In the FIR related to Naroda Patiya, FIR No. 100/2002 is mentioned in Chargesheet No. 106/02 on page No. 7. In the chargesheet, witness no. 162 Mohd. Maroof Raufwali Khan Pathan's name is mentioned (page no. 1)
- This witness has another statement which he has given dtd. 23/5/2002 at the Crime branch **in which he has clearly mentioned the roles played by accused during communal violence.** However this indicting statement is omitted by the police in the Chargesheets clearly pointing to the fact that **the police wishes to shelter the accused.** (page - 3)
- In Naroda Gaon's FIR No. 100/02 other 27 FIR's have been clubbed. In which 11 complainants special statements have been recorded and rest 16 complainants special statements are not recorded. Above these out of 11 FIR, 3 FIR's has name of other 69 people who have made complaint including in complaint (FIR 176/02 has 49, 187/02 has 8 and 188/02 has 12) is included. Out of all these complainants included only 7 people's special statements are recorded.
- **Table 1. persons whose special statements are recorded**

FIR	Complainant No. & Name	Witness No. in Chargesheet	Statement Date	Person who recorded statement.
111/02	Mehboobbhai Abbasbhai Baghdadi	---	7/3/2002	P.S.I. Madhupura Po. St.
115/02	Sumarmiya Mohammadmiya Makrani	---	7/3/2002	“”
117/02	Umed Hasan Kallubbhai Qureshi	---	7/3/2002	“”
127/02	Afzalbanu Liyakat Hussain Jhalori	---	8/3/2002	“”
129/02	Taufikmiya Akbarmiya Sumra	---	8/3/2002	“”
130/02	Akbarmiya Jammedmiya	---	8/3/2002	“”

161/02	Sumra Sufiyabanu Yakubhai Shiakh	---	20/3/2002	P.S.I. Naroda Po. St.
182/02	Basubhai Mayuddin Sayyed	192	12/5/2002	P.S.I. B.C.B.
185/02	Sarmuddin Khawaja Hussain Shaikh		17/3/2002	P.S.I. Naroda Po. St.
238/02	Hussainbanu Azgarkhan Pathan	---	14/4/2002	Asst. Po. Comm. G. Div.
267/02	Anisha Kasambhai Mansoori	---	15/5/2002	Asst. Po. Comm. Crime Branch

Table 2 ----- witness whose statements have been recorded

**FIR No. 176/02**

2 <sup>nd</sup> Witness No. (Peta)	Name	Witness No. In chargesheet	Statement Date	Person who recorded Statement
	Sattarbhai Mohammad Hussain Shaikh	242	13/5/2002	P.I. D.C.B.
	Mohmmadbhai Kalubhai Khalifa	246	13/5/2002	“”
	Mohmmbad Murtuza Khawajabhai Shaikh	235	13/5/2002	“”
	Usmanbhai Walibhai Mansoori	171	3/3/2002	P.S.I. Naroda
	Zubeda Khatoon Rahimmiya	216	12/5/2002	P.S.I. D.C.B.



14. Abdul Aziz Shaikh
15. Ansar Allahbaksh Shaikh
16. Hasanbhai Ismailbhai Mansoori
17. Ismailbhai Hazibhai Mansoori
18. Jalaluddin Alibaksh Rangrej
19. Ghasi Usufbhai Adambhai Bhatti
20. Burekhan Gulabkhan Pathan
21. Khillubhai Abdul Gaffur Maniar ;  
son injured
23. Saeedkhan Ramzankhan
24. Raeesha Salimkhan Ramzankhan Pathan
25. Hajsadkhan Abhekhan Pathan
26. Gulabkhan Babukhan Pathan  
Complainant injured in right hand by sword
27. Rangrej Bashiruddin Shekhawatbhai
28. Shabuddin Mubarak Mansoori
29. Abdul Rasid Ahmed Hussain Shaikh
30. Salim Kasammiya Shaikh
31. Jamilabibi Babubhai Mansoori
32. Gabubhai Bismillahbhai Mansoori
33. Ismailbhai Moonbhai Shaikh
34. Salimbhai Shaikh
36. Yunusbhai Jinamiya Kazi
37. Qayumbhai Mohmmadbhai Shaikh  
son injured by bullet
38. Rehana Ibrahimbhai Mansoori  
complainants hand has been cut and  
complainants ten years girl child has been burn to  
death by pouring petrol on her
39. Saeedabanu Jafar Hussain Lohar
40. Umerbhai Ismailbhai Shaikh
41. Abdul Rahim Abdul Razak
43. Kasambhai Jamalbhai Mansoori
44. Allahuddin Adambhai Mansoori
45. Yusufbhai Dawoodbhai Mansoori
46. Iqbal Ahmed Nooruddinbhai
47. Mumtaz Begum Anwar Hussain Shaikh
48. Samsuddin Gafur Mansoori
49. Ashrafbhai Kalubhai Shaikh
- 14 Hasanbhai Abubakar Sayyed FIR 177/02
- 15 Allahrakha Gulammohammad Malek FIR 179/02
- Mehmoodbhai Mohmmad Hussain Bundeli FIR 180/02

	(Shaikh)	
17	Sairabanu Mehboobhai Shaikh	FIR 181/02
	Munirshah Sarmuddin Shaikh	FIR 183/02
20	Munirkhan Jahangirkhan Pathan	FIR 184/02
22	Abdul Karim Sayyed Rasul Shaikh	FIR 187/02
	FIR No. 181/02 (Peta) witness	
	2. Ahmed Sarmuddin Chaudhari	
	4. Jakir Hussain Takkaljudin Khatib	
	(Shaikh)	
	5. Ayubhai Ismailbhai Shaikh	
	6. Ahmed Ibrahimbhai ----- Shaikh	
	7. Imtiyaz Hussain Gulam Maiyuddin	
	Momin	
	8. Mohmmad Yunus Basir Ahmed	
23	Usmanbhai Dawoodbhai	FIR 188/02
	FIR No. 188/02 (Peta) Witness	
	2. Ahambibi Tadal Hasan	
	3. Sairabanu Khawaja Hussain Shaikh	
	4. Abdul Ghani Sarmuddin Qureshi	
	5. Abdul Majid Munir shah	
	8. Allarakha Bashirbhai Shaikh	
	9. Ismailbhai Mohmmad Yusufbhai Shaikh	
	10. Mohmmad Iqbal Najir Ahmed	
	11. Mehboobhai Khawaja Hussain	
	Dalal	
	12. Abdul Majid Abdul Salaam	
24	Mohmmad Salim Abdul Rahim Shaikh	FIR 204/02
25	Rashidbhai Bashirbhai Shaikh	FIR 208/02
26	Ibrahimbhai Dawoodbhai Mansoori	FIR 210/02

**Annexure Gi- To Sum Up (Naroda Gaon & Naroda Patiya) pointed out in Affidavit dated 21-09-2006 following Judge Mehta's Report**

- (1) Merging of F.I.Rs amounts to the biggest scandal in Naroda Gaon Naroda Patiya. Massacres. Here, 106 FIRs were merged into Three FIRs  
Details of FIRs (61-62) (63-64)
- (2) Impact of clubbing of FIRS (Page 64)

- (3) Powerful & Politically Influential Accused Dropped in the Process of Clubbing (Page 64-67)
- (4) Discrepancies in Chargesheets:  
Names of Accused Dropped (Page 67)
- (5) Deliberate Mix-up of records related to both chargesheets. In final two clubbed FIRs related to Naroda Gaon & Naroda Patiya (100/02 & 98/02) (Page 68-72 These Discrepancies include
  - a) Out of 20 injured persons who have been given injury certificates, *nine* are eyewitnesses but still the police has not recorded their statements. (Page 68-69)
  - b) Witness statements where accused are named are not produced in the chargesheet (Mohd. Mahruf) (Page 69)
  - c) Discrepancies in Investigation Panchnamas (Page 70)
  - d) No Dying Declaration of eight deceased who survived for more than 24 hours in hospital. (Page 70-71)
  - e) Absence of injured persons statements & inquiry certificates from chargesheet (Page 72-73)
  - f) Great discrepancy between Police Statements & Chargesheet (Page 72-74)
  - g) Naroda Patiya FIR 100/02. Chargesheet No. 106/02 a total of 26 Inquest panchnamas are included which mention 97 bodies taken charge of on which bodies the post-mortem would be necessary. Of these, PM reports of only 59 are included in the chargesheet. (Page 74-75)
  - h) Witnesses statements & Special Statements not recorded (Pages 75-80)
  - i) Issues unanswered by State. (Page 80-83)

**End of Part 1 of Statement**