

Voice for the victims

With a special court delivering its judgment in the Naroda Patiya case, **PARIMAL DABHI** meets some of the lawyers who fought for the victims of the 2002 Gujarat riots cases. These are men who lent their time and expertise to support their clients on the long road to justice

PHOTOGRAPHS: JAVED RAJA

NARODA PATIYA, AHMEDABAD

Ninety-seven Muslims were killed and many injured when a mob attacked Naroda Patiya on February 28, 2002 in the worst riots case in the aftermath of the Godhra train fire. While the case was initially investigated by the Ahmedabad Crime Branch, the Supreme Court later handed it over to the SIT.

VERDICT: August 29, 2012
ACQUITTED: 29

CONVICTED: 32

people, including BJP MLA Maya Kodnani and Bajrang Dal leader Babu Bajrangji who have been sentenced to life imprisonment

GOVIND PARMAR

On August 29, minutes after the judgment in the Naroda Patiya case, Govind Parmar stood outside the special court, doing his best to avoid the battery of media crew and their cameras. It didn't matter that he had just won one of the most high-profile cases in recent times—Naroda Patiya, where 97 people were killed on February 28, 2002.

"I can't sit down and do nothing when there are human rights violations against Dalits, Muslims or people from any of the weaker sections. I believe that Naroda Patiya was a genocide where people were killed and raped," says Parmar, a 36-year-old Dalit from a village in Surendranagar district of Gujarat.

Parmar, who is associated with Behavioural Science Centre, a voluntary group in Ahmedabad, started visiting relief camps in the city a couple of months after the riots. "Initially, when I used to visit the camps, people were hostile. They would say Hindus had killed their kin and I was, after all, a Hindu. It took me a lot of effort to win their confidence," says Parmar.

After studying the Naroda case papers, Parmar and his team found many lapses in the police investigation. The National Human Rights Commission and others pointed out these lapses in a petition to the Supreme Court, which then set up a Special Investigation Team (SIT) to probe the case further.

Parmar says the case that moved him most was that of Bibi Bano, an eyewitness in the Naroda case who lost everyone in her family, including her husband, and faced threats and bribes from the accused to retract her statements.

After the Naroda massacre, she got a hefty compensation and moved to Vatva, an area in the eastern part of

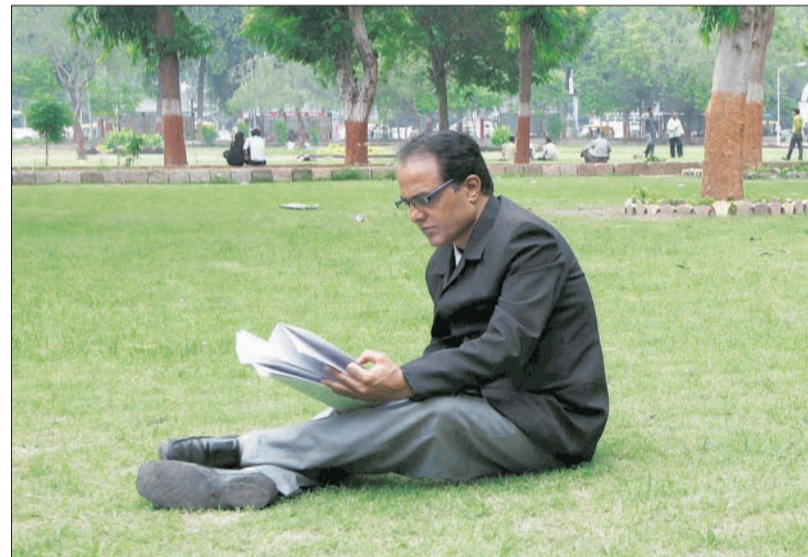


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Ahmedabad. Her sudden wealth attracted a man who would harass her, asking her to marry him. When she refused, he burnt her to death. "I took personal interest in that case and the accused was convicted and sentenced to life imprisonment. I was witness to this woman's pain as she stayed in hospital for a month before her death," says Parmar. "Had Bibi Bano not been widowed in the riots, she would not have had to face all that trouble. Such was the indirect impact of the riots on the victims."

Speaking of the threats and inducements the witnesses were subjected to, he says, "One key witness to the massacre was framed in a false murder case. We fought for him and he was ultimately acquitted by a criminal court. Similarly, one of the accused in the case used to threaten a witness and got a criminal case registered against the witness's brother. We not only got the witness's brother acquitted in the case, but also got the harasser's bail cancelled."

So far, says Parmar, he hasn't faced threats himself. "But after these convictions, who knows? People might hit back at me for what I have done for the victims," he says.



ALTAF JIDRAN

In all his years of legal practice, Altaf Jidran, 47, has never handled a case as high-profile as Naroda Patiya. Jidran, a law graduate from Gujarat University, is associated with Teesta Setalvad's Citizens for Justice and Peace, which is fighting for the victims of the 2002 riots.

Jidran says that he learnt a lot from fighting the case. "I learnt the art of

cross-examining witnesses and about the twists and turns a legal battle can take," he says.

While handling the case, Jidran says, he was moved by the pressure witnesses went through, the dilemma of what to say and what not to say in court. "I told them to say the truth, without fear. I am happy that I could convey this simple but intricate rule of criminal trials," he says.

IMRAN PATHAN

Pathan was 19 when rioters attacked his house behind Saijpur Tower in Naroda. He then moved to a relief camp in the Shahibaug area. Pathan, a commerce graduate from Ahmedabad, had then decided that he would fight his own battle for justice, and that of the other riot victims. For a few months after the riots, he lived in relief camps and then shifted to a house in the Vatva area.

"After the riots, our community was looking for ways to get justice. One day, I met Govindbhai (Parmar) and he said I could join him as a para-legal in the Naroda Patiya case. I joined him immediately," says Pathan, who has since then been associated with the Behavioural Science Centre in Ahmedabad.

"I used to go and tell people in relief camps that we were there to give them legal help, not monetary aid. Since I was

also a victim, it was easy to win their trust," he says.

After getting hold of the chargesheets, Pathan would visit the victims and read out their statements. "If somebody disagreed and said that wasn't what he had told the police, I would bring it to the notice of the authorities," Pathan says.

Pathan would also sit down with them for hours, explaining the nuances of the legal battle. "Most of the people were poor and did not know the way of courts. Since I had been trained as a para-legal at the Behavioural Science Centre, I could explain everything to them," he says.

Since Wednesday's judgment, Pathan, now 29 and the father of a newborn, is busy meeting witnesses in the Naroda Patiya case. "I know almost all of them. Most of them are happy. So am I," he says.

SARDARPURA, MEHSANA DISTRICT

On March 1, 2002, a mob of around 1,500 attacked Shaikh Vaas, the only pucca house in Sardarpura village where 100-odd people had taken refuge. The mob locked the house from outside and set it on fire, killing 33 people.

VERDICT: November 9, 2011
ACQUITTED: 42

CONVICTED: 31

sentenced to life imprisonment

YUSUF B SHAIKH

After 48 years as a criminal lawyer, Yusuf B Shaikh had stopped appearing in courts, except for select cases. The Sardarpura case—where 33 people were burnt to death in a building—was one of them.

And when he did take up the case, the 71-year-old did much more than what his brief demanded of him.

"The witnesses were very poor and had no knowledge about court proceedings. My colleagues and I ex-



DIPDA DARWAZA, VISNAGAR, MEHSANA DISTRICT

A mob killed 11 people, including four children and five women, at the Chudi Vas locality of Visnagar town near Dipda Darwaza on February 28, 2002. The bodies of the victims could not be recovered and they were identified only from the pieces of flesh and ornaments found at the massacre site.

VERDICT: July 30, 2012 **ACQUITTED:** 61

CONVICTED: 21

sentenced to life, a policeman to simple imprisonment

AYAZ SHAIKH

Though Ayaz Shaikh belongs to Ahmedabad, he represented victims of the massacre at the Dipda Darwaza in Mehsana district because they would not trust a local lawyer. "They wanted a lawyer from Ahmedabad. They made inquiries and then approached me. As the case was of great significance and offered immense scope for learning, I agreed to appear for them," says Shaikh.

Shaikh, an arts-and-commerce graduate from Gujarat University, says that when he first took up the case, he

decided he would do so as a professional and take fees from the victims. "But after accepting the brief, when I went to inspect the scene of crime, I got emotional. I then decided that I would charge only as much as I spend would on the case," he says.

Shaikh worked hard on arraigning two senior BJP leaders—then BJP MLA from Visnagar, Prahlad Gosa, and then president of Visnagar municipality, Dahya Patel. But he is disappointed that the trial court acquitted them. After the judgment, Shaikh says he got two threatening letters.

ODE, ANAND DISTRICT

PIRAWALI BHAGOL

23 Muslims were killed at Pirawali Bhagol on March 1, 2002. The trigger was the death of a boy who was shot when police opened fire to control a mob. When Muslims fleeing the mob took shelter in a three-storied building, the mob locked the doors from outside and set the building on fire. A few people managed to escape and turned eye witnesses.

VERDICT: April 9, 2012
ACQUITTED: 23

CONVICTED: 23

sentenced to life imprisonment

MALAV BHAGOL

Three members of a Muslim family were burnt to death in their house in the Malav Bhagol area of Ode on March 1, 2002.

VERDICT: May 4, 2012
ACQUITTED: 30

CONVICTED: 9

sentenced to life imprisonment

IRSHAD MANSURI

When Irshad Mansuri, an Ahmedabad-based lawyer, took up the Ode massacre cases, his biggest fear was that the accused, who were from the influential Patel community, would intimidate the victims, all of them poor labourers. "My biggest challenge was to safeguard the witnesses from bribes offered by the accused," says Mansuri, who is a member of Citizens for Justice and Peace. But his fears were soon proved wrong. "I soon realised that though they were poor, most of the witnesses were firm on getting justice for themselves."

Mansuri, a commerce-and-law graduate from Gujarat University, represented victims of both the massacres at Ode town in Anand district. In both the cases, the trial court upheld the conspiracy theory for the first time in the post-Godhra riots cases investigated by the SIT. Mansuri, 42, says it has been a tough fight for justice. In the Pirawali Bhagol case, many of the victims were living away from the town, some even in fields in nearby villages, too scared to return home.

"This created a lot of practical hurdles. I helped some of them get electricity and water in their temporary homes," he says. The other challenge in the case was that only two bodies had been recovered while 21 missing had been presumed dead. "Since 21 bodies could not be traced, the accused



said they were 'presumed dead', which did not necessarily mean they were murdered. Many of the relatives of the dead did not have death certificates. So we produced documents showing relatives getting compensation from the Collector," he says. Mansuri got so drawn into the lives of the victims that he represented them in other cases as well. Azharuddin Malek was hardly 10 when he lost all his relatives in the Pirawali Bhagol massacre. The family land which Malek inherited had been encroached upon. "After losing his family in the massacre, the boy can at least make a beginning with this land," says Mansuri, who is now fighting a criminal case in an Anand court on Malek's behalf.

