

July 27, 2015

**Rebuttal Recent Round of Allegations**  
**"Embezzlement" and "FCRA Violations"**

**Gujarat Police, Crime Branch**

An FIR, in our view, malicious and motivated was lodged in January 2014 at the Crime Branch, Ahmedabad police (CR I 4/2014), against us that simply speaks of funds collected for the Gulberg Memorial. This amount of a princely sum of Rs. 4.6 lakhs is still lying unutilised due to our inability to take this dream project forward. To date, despite over 24,000 pages of documentary evidence being filed, there is no charge sheet. All that the state of Gujarat appears to be interested in is humiliation and vilification in the public domain and custodial detention (a euphemism for torture). This was patently obvious when the Crime Branch IO landed up at our home in a full blown *tamasha* on February 12, 2015 when the Gujarat High Court refused to grant stay of their arrest after protecting us for nearly a year!!!

**Ministry of Home Affairs (MHA-FCRA)**

In mid-March 2015 *the Gujarat government's Home department* (till yesterday headed by India's current prime minister) writes to the MHA to initiate an Inquiry. The Organisations, Sabrang Trust, Citizens for Justice and Peace (CJP) and Sabrang Communications and Publications Pvt. Ltd. (SCPPL) with which Teesta and Javed are associated have fully cooperated in the investigations by the Gujarat police, inspections by FCRA team and more recently the CBI. The organizations believe that there have been no violations by them. The motive is clearly to keep them embroiled in these legal tangles, to paralyse our efforts that uphold India's Constitution and challenge the very ideological frame of this government.

The MHA which began with inspecting the records of CJP and Sabrang Trust (April 6-11, 2015) is now training its guns on Sabrang Communications. It is a typical, classic case of the State and its organs being used as an outlet for motivated vendetta of the vilest kind. Now that our Bail Application (in the case filed by CBI against SCPPL, Teesta, Javed and Gulam M. Peshimam, the 3 directors) is due to be heard on August 10, 2015 all sorts of diversionary tactics are being used. It would seem that this government has a clear-cut agenda which it is following.

None of the allegations made by the Gujarat police Crime Branch (some of whom have been recently brought by the powers that be to the CBI!!) headed by those very police officers who's professional conduct is under scrutiny in the ongoing Zakia Jafri Case (Gujarat High Court) of embezzlement and misusing Trust funds for personal aggrandizement have stood the test of documentary evidence (running into 24,000 pages) supplied by us. There is no charge sheet; just intimidation, harassment and vilification in the public domain.

The original complaint by some of the Gulberg victims was limited to the Gulberg Memorial details of which are given below. This entire chain of vindictive actions began and was aggressively pressed by the Ahmedabad police Crime Branch (many of whose officers have recently been let off in the 'extra judicial killings' post-2002 by the CBI court in Mumbai!!) began in 2013 (January) when the bank accounts of CJP and Sabrang Trust (both domestic and FCRA) as also the personal accounts of Teesta Setalvad and Javed Anand were illegally frozen. In February 2015, a desperate attempt to get them into custody failed when nearly a dozen cops from the Gujarat police Crime Branch miraculously arrived at their home in Juhu, Mumbai within minutes of a Gujarat High Court order refusing them anticipatory bail. When this ploy did not work, the Gujarat Home department wrote to the Ministry of Home Affairs and a spate of

inspections ensued were carried out by its FCRA Wing in April 2015 (Sabrang Trust and CJP) and in June (SCPPL).

Detailed below are our responses to the latest appeal filed by the Gujarat police in the Supreme Court and the facts relating to the criminal case filed by the CBI against SCPPL

### **Rebuttal to IO KN Patel's Affidavit filed in the Gujarat High Court on July 23, 2015**

#### **CJP and Sabrang Trust Rebut Gujarat Police's False Claims in latest Affidavit:**

To begin with, the aims and objectives of both CJP and Sabrang Trust as contained in their founding documents are broad enough to allow for a wide range of activities. However, since its inception in 2002, CJP's core concern has been to provide legal aid to the victims of mass crimes. Sabrang Trust's main focus has been on: one, Khoj (education for a plural India) programme run in schools; two, Conflict Resolution and Peace Building.

In certain emergency situations, both Trusts have engaged in relief and rehabilitation efforts but that never was, or claimed by us to be, their main purpose. In short, the fund-raising efforts of both Trusts have been to support its core activities and not providing financial aid to victims of the 2002 carnage.

#### ***1. Gulberg Memorial: What the Trusts Raised Funds For:***

As the Survivors of the carnage in Gulberg Society were unable to sell their individual properties at a fair price, it was collectively decided to try and raise funds to build a memorial at Gulberg Society. Since we, Sabrang Trust (CJP never had anything to do with the Memorial), only managed to raise Rs 4.6 lakhs, we had to inform the Society (members) that the Memorial project was not feasible. No contract was ever signed, no property or deed ever changed hands, no rent was promised nor monies changed hands. The Rs 4.6 lakhs donated by individuals (all Indians, including one PIO) is still unutilised.

#### ***2. On Funds Raised and Activities Conducted for Legal Aid:***

CJP raised money for providing legal aid to victims of the 2002 Gujarat carnage and its record in this respect is unprecedented in India. Witness protection and probity during trial despite hostile regimes have ensured the convictions of 120 persons. It is these gains that the regime in power in Delhi wants to snatch away. In each of these cases, CJP argued against the death penalty as our commitment to lasting human rights jurisprudence. An amendment in the CRPC in 2009 was a recognition of these efforts (Section 24(8)(2)) whereby victims have for the first time been given statutory rights of legal presence during trial. It was and is CJP's perseverance that has rendered meaning to the Supreme Court's monitoring of key trials. Each time there was a breach, it was our legal team that brought serious lapses to the notice of the Supreme Court.

Meanwhile, Sabrang Trust raised money for its Khoj programme in schools and for Conflict Resolution and Peace Building.

#### ***3. On Salaries to Teesta and Javed:***

All payments to Teesta or Javed were strictly in accordance with the budgets proposed to and accepted by Ford Foundation, UNVFVT, CRY, etc.

**Over a period of 10 years (2004-2014), the monthly payments from all projects put together was Rs 39,000 per month for Teesta and Rs 23,500 per month for Javed.**

**4. On alleged siphoning of Trust Monies by Teesta and Javed through Sabrang Communications (page 16 of the Affidavit):**

On requests from Sabrang Trust and CJP, Sabrang Communications (the oldest entity, a private limited company founded in 1993) agreed to share its office space, office equipment and staff on an expenses sharing basis. No rent was ever paid by ST or CJP to Sabrang Communications. The premises, which are owned by Teesta's parents, were given rent-free to SC. All payments by CJP and ST towards reimbursements for shared expenses were as per resolutions passed from time to time by their respective trustees. Teesta and Javed recused themselves from the decisions taken in all such instances. SC made no profit from this expenses sharing arrangement and Teesta and Javed were not paid even a rupee out of such reimbursements.

**5. Allegation that Teesta/Javed bought from the Remunerations Received by them (page 19 of the affidavit):**

This allegation is too ridiculous to merit comment.

**6. Funds Raised through Art Auction by Sabrang Trust (page 21 of the Affidavit):**

The funds raised through the Art Auction were intended to support the core activities that have been spelt out at the very beginning. It was never claimed by the Trusts that the funds so raised were for financial help for Victims. India's leading artists gave generously of their works to support these endeavours due to the high regard for our work.

**7. No Accounts for Legal Aid work by CJP (page 24 of the Affidavit):**

Everyone in India and abroad, except for the Gujarat police, recognises the legal aid work undertaken by CJP, and its unprecedented outcome. It is evident from the annual audited accounts of CJP submitted to the authorities (Income Tax, Charity Commissioner, Ministry of Home Affairs-FCRA) that 80-90 per cent of CJP's annual expenses are incurred on legal aid (including expenses on CJP's field office in Gujarat) to coordinate the legal work.

**Since its inception, CJP has fought 68 legal cases from trial court to Supreme Court - a historic endeavour.**

**8. Allegations on Funds Raised for Ambulances (page 26 of Affidavit):**

Donations to CJP were meant not only for purchase but also for the operating costs over the years (running) of two Ambulances. No donation received for this purpose was diverted to any other activity of CJP: the unspent amount of the funds earmarked for Ambulances at the end of each year is accurately reflected in the balance sheet of CJP.

**9. Funds Raised through CJP's Art Exhibition (page 27 of the Affidavit).**

Funds raised through the Art Exhibition were for the core activity of CJP which is legal aid. Top artists contributed generously of their work to support the cause of justice for the Survivors of mass crimes.

**CJP - Trustees:**

**Anil Dharker, Nandan Maluste, Alyque Padamsee, I.M. Kadri, Cyrus Guzder, Anil Dharker, Ghulam Pesh Imam, Cedric Prakash, Shakuntala Kulkarni, Javed Anand, Teesta Setalvad (Secretary)**

**Sabrang Trust - Trustees:**

**Ravi Kulkarni, Nakul Mehta, Amili Setalvad, Javed Anand, Teesta Setalvad**

