

Date:28-08-2009

Statement of Mr. Justice Hosbet Suresh, Retd. Judge, Bombay High Court, aged 80 years, r/o, 103 Prachi Co-Operative Housing Society, off Juhu- Versova link road, Andheri(w), Mumbai-53.

I retired as a Judge of Hon'ble Bombay High Court in the year 1991.

Concerned Citizens Tribunal – Gujarat 2002 was conceived in response to the carnage that followed the burning of a train incident at Godhra on 27th February 2002. The Tribunal had eight Members namely Mr. Justice V. R. Krishna Iyer, Mr. Justice P. B. Savant, both retired Judges of Supreme Court of India, Mr. Justice Hosbet Suresh, retired Judge of Bombay High Court, Shri K. G. Kannabiran, President PUCL, Ms. Aruna Roy of Mazdoor Kissan Shakthi Sanghatan, Dr. K. S. Subramanian, IPS (retired) former DGP Tripura, Prof. Ghanshyam Shah, Professor of Social Sciences in Community Health, JNU and Prof. Tanika Sarkar, Professor of History, JNU. Smt. Teesta Setalvad was the Convener of the said Tribunal. This eight Members Tribunal was constituted in consultation with large number of groups from within Gujarat and rest of the country. The terms of reference included investigation into the cause of violence from 27.02.2002 in Gujarat including detailed investigation through examination of evidence of some of the worst massacres that took place in Gujarat in 2002, role played by media, pattern of mobilisations and arms training by groups, the role of State executives, government administration in following the law of land, role of law and order machinery, State police in controlling damage to life and property and ensuring the maintenance of law and order, the extent of damage to lives and dignity of persons and the extent of destruction of culture symbols and places of worship. Further an investigation was to be conducted whether the events after 27.02.2002 to till date were evidence of grave and complete break down in constitutional machinery.

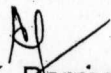
The Tribunal recorded oral and written testimonies of 2094 persons, both individual and collective from the victim-survivors, independent Human Rights groups, women groups, NGOs and academics. The Tribunal also collected photographs, copies of FIRs, audio and video tapes as evidence. Many senior government officials and police officers agreed to meet the Tribunal responded to its queries, shared insightful observations and presented some valuable evidence to the Tribunal. The Tribunal visited Gujarat between 02-05-2002 to 13-05-2002 and held sittings at Karnavati Club, Ahmedabad, Godhra, Vadodara, Bharuch and

Valsad. One Minister namely Late Haren Pandya appeared and deposed before the Tribunal on 13-05-2002 and was assured that his anonymity would be protected. In view of this assurance his valuable evidence was reflected in the findings of the report but he had not been identified. Shri Haren Pandya deposed before the Tribunal comprising of me, Mr. Justice P.B. Sawant, Shri Kannabiran and Smt. Teesta Setalvad at another place. He deposed that he had attended a meeting on 27-2-2002 night at the residence of Shri Narendra Modi, Chief Minister which was attended to by various bureaucrats and police officers. Shri Haren Pandya further deposed that in the two hours meeting Shri Narendra Modi, CM made it clear that there would a backlash from the Hindus on the next day and that the police should not come in their way. Shri Modi also instructed the police officers and civil servants that a Hindu reaction was expected and this must not be curtailed or controlled. His deposition was not recorded anywhere. Several IPS officers who were in service namely Shri Vinod Mal, Shri Himanshu Bhatt and Shri Samiullah Ansari had also met us and made oral depositions but their names were not mentioned in our report because of the fear of reprisal from political bosses if their names became known. All of them confirmed that the instructions were given to the police by the political bosses not to stop the Hindus who would retaliate to the Godhra incident. They also confirmed that two ministers namely Shri I.K. Jadeja and Shri Ashok Bhatt sat in the police control rooms at Ahmedabad and Gandhinagar and gave instructions to the police. Their depositions had not been recorded anywhere.

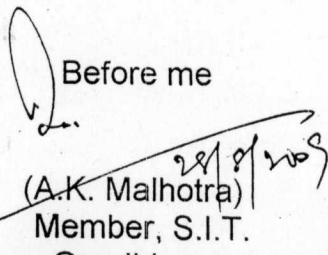
After recording evidence visiting sites and collecting other relevant material, the Tribunal arrived at some prime-facie conclusion. These conclusions were forwarded along with the Tribunals recommendations to both Central and State governments but it is regretted that neither the State government nor the Central government or individual Ministers responded. The report of the Tribunal was published in two volumes in which short term and long term recommendations were made.

Read over and admitted to be correct.

Typed by me


(A.K. Parmar)
P.S.I. S.I.T
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Before me


(A.K. Malhotra)
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