

INDIA

REPORT 2010

For the COMMITTEE FOR THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN (CEDAW)

Survivors Citizens for Justice and Peace Report 2010



SUBMITTED BY THE CITIZENS FOR JUSTICE AND PEACE, AHMEDABAD-MUMBAI

Recognizing the Urgent Need for Monitoring and Intervention in the Ongoing
Justice Process that Involves 97 Women Eye-Witnesses and Survivors in Nine
Critical Trials

Appeal to the International Community to Intervene

Introduction

The genocidal Carnage in the western Indian State of Gujarat that involved State Complicity at the highest level claimed 2,500 lives.1) A report headed by senior member's of India's judiciary as also the National Human Rights Commission laid the blame on Political Heads of government, senior members of the State Administration as also Policemen2)3)4)9).

Eight years down, after historic judicial verdicts recognizing the need for witness protection and careful monitoring of the ongoing trials, given the fact that despite being indicted for criminal acts, the same individuals and political parties have been re-elected through elections to high office13)the criminal trials began under supervision of India's Apex Court, the Supreme Court of India in 2009, within the state where the massacre had taken place14)15)16)

Since 2009, therefore in the critical carnage cases namely

Naroda Patiya Massacre Case

(Over 110 persons massacred, major cases of Gender Violence)

Gulberg Society Massacre Case

(70 persons killed, major cases of Gender Violence)

Naroda Gaam Massacre Case

(12 persons killed major cases of Gender Violence)

Odh Massacre Case (s) (two)

(27 persons killed)

Sardarpura Massacre Case

(33 Persons massacred)

are underway. In these criminal trials there are as many as 97 Women Eye Witnesses who are also Victim Survivors of these Massacres.

The only citizens rights groups providing Legal Advice and Guidance to the Victims is Citizens for Justice and Peace who have hired a team of Twelve Lawyers to protect Victims Representation during the Trials.

Rights of Victims During a Criminal Trial

Crimes in India are prosecuted by the state and it is some limited amendments in recent years that grant the victim or any complainant powers to enjoy locus and representation during criminal trial. These amendments followed developments in some of the recent historic cases Best Bakery Case and Jessica Lal Case that exposed the ineptitude and bias of the public prosecutor. Despite these amendments however, victims have still to approach the courts for enforcement of this right, courts still taking a view that the amendment did not grant a right but was simply a discretionary power for the concerned court. Most questionable of all has been the fact that in the famed Gujarat 2002 carnage cases, currently monitored by the Supreme Court, two of the Trial Courts have refused locus to witness and survivors. These two are the worst of the carnage cases of 2002 and the Supreme Court of India despite claiming to monitor these cases has not stepped in to ensure independent legal representation of the victims and eye-witnesses.

Despite the fact that the Indian Parliament passed an Amendment to its Code of Criminal Procedure (CRPC)—Section 24(8)(2), the victims' *locus standi* in the courts is more often than not acknowledged. This leaves the victim entirely at the mercy of the Public Prosecutor who in several instances have been found to be acting in a biased manner, which has resulted in a large number deficient prosecutions. Even where the public prosecutors are not biased they face tremendous pressure in the face of allegation of state complicity in individual or mass crimes and the natural drive of the accused and his attorney to influence the public prosecutor. In these infamous Gujarat 2002 public prosecutors were found by the supreme court of India to be acting more like defence counsel and their close allegiance to the political parties in power was acknowledged and criticized. On many an occasion, the need for a creating an Independent Directorate of Prosecution has been expressed.

For the 97 Women Eye Witnesses who are Also Victim Survivors of independent India's worst ever state sponsored carnage this denial of legal representation represents a Violation of Article 2 a) to d) of the CEDAW principles.

(See Attached Tables at end of the report)

Denying victim representation

In both the Naroda Patiya and Naroda Gaam cases women victims (and other victims) and eye-witnesses have been expressly denied legal representation. A woman eyewitness assisted by the Citizens for Justice and Peace (CJP) has now filed a Special Criminal Application Number 1081/2010 (Fatimabibi Mohd. Yusuf Shaikh & Ors) before the Gujarat High Court.

In the Gulberg Society Massacre case, victims/witnesses were in the first instance allowed representation. As the Trial progressed and eyewitnesses deposed without fear or favour, the attitude of the Trial Court Judge BU Joshi hearing the case underwent a sharp change, turning openly hostile and aggressive towards the witnesses.

Witnesses and Survivor group CJP had challenged the failure of the Supreme Court appointed Special Investigation Team (SIT) to interrogate documentary evidence that pointed a finger at the powerfully placed accused and those politicians currently holding reigns of power. On the eve of the Apex court deferring/staying the Gulberg Massacre Trials Judge U Joshi (against whom a Transfer Petition is pending in the Gujarat High Court being Special Criminal Application No. 387/2010 Imtiazkhan S Pathan & Ors Vs State of Gujarat severely curtailing the powers of the Advocate Appearing for the Witnesses (April 2010).

The Transfer Petition pending before the Gujarat High Court (Special Criminal Application No. 387/2010 Imtiazkhan S Pathan & Ors Vs State of Gujarat) raises critical issues:

- Not taking on record medical documents brought by a government medical witness, pages 6-8, CrI.M.P. in TP 194)
- Failure to record complete statements of the witnesses despite prosecutor requesting for the same. (Page 3, Annexure-A (colly), 22-28, CrI.M.P. in T.P. 194)
- Refusal to provide copies of charge sheets (page 10-11 in CrI.M.P. in TP 194)
- Hostile behaviour of the Judge to Women Witnesses and Others while Depositions are in progress
- Humiliation Faced by Women Eye Witnesses WITH Judge's remarks on their Physical Appearance in Court
- Significant change in the manner in Court attitude and behaviour after fearless deposition of eyewitnesses and survivors
- Refusal to record Complete Evidence (16.11.2009) , This was challenged by witnesses through their advocates, rejected by Trial Court and Witness Rights Upheld by Gujarat High Court
- No dock-eyed investigation of Accused allowed

(Note: Strangely this practice was suddenly begun by the sitting Judge (not allowing eye-witnesses to step out of the witness box, walk to the accused's enclosure and identify the accused) after eyewitnesses in the Gulberg Massacre Case started identifying key accused and deposing without fear or favour.

Inexplicably during the evidence of Rafiq Abu Bakr Pathan in the Gulberg Case the Judge suddenly curtailed this Right of Witnesses. The very next day in far away Mehsana uthe Judge hearing the Sardarpura Case did the same suggesting collusion among the lower judiciary to protect the powerful accused that enjoys political patronage in Gujarat.15)

High powered officials appointed by the Supreme Court to the the SIT officials did not intervene to protect the Rights of Witnesses. Finally when the CJP and Victim Survivors pointed this out to the Supreme Court Gujarat cadre officers in the SIT were removed from the Team15)

Blotting the Narrative of 2002

The case of Kauserbano (who's womb was slit open and nine month old foetus swirled on a sword and killed:

On February 28, 2002, the day and scene of the worst massacre, at Naroda Patia on the outskirts of Ahmedabad city, Kauserbano, a nine month old pregnant woman had been the victim of one of the most brutalized killings that had come to typify the barbarity of what transpired in 2002. Her womb had been slit open and her nine month old foetus swirled on a sword before being dashed to the ground and killed. This, more than any other incident had come to chillingly represent the depth of depravity behind the gender violence in the state of Gujarat in 2002.1)2)3)4)5)8)9)12)16)10)

Eight years down, senior and highly paid counsel for the State in New Delhi and Gujarat have made all out bids to claim not only that this vile incident had not taken place but worse still, discredit human rights defenders and groups like Citizens for Justice and Peace for "cooking up stories like Kauserbano's killing." The Advocates for the state of Gujarat, attempted to suggest before the Supreme Court and on television interviews that the alleged tragic and inhuman incident of Kauserbano, a nine month pregnant woman who's womb was allegedly slit open by some of the powerful accused who enjoy state protection and her nine month old live foetus was swirled on a sword before being killed was a story concocted by HR defenders. Such irresponsible allegations by those persons who are supposed to defend the rights of the victims are detrimental to the process of justice. This claim by the state of Gujarat was made after one government witness in March 2010), the doctor who did the post mortem denied that anything except burns were responsible for her death. Ironically there are at least 51 missing bodies from the Naroda Patia massacre on whom no post mortems have been completed. Moreover in those where such examination and documentary evidence is available, all of them relate the cause of death to be simply 'Burns'.

Specifically however, the fact is that five eye-witnesses have given their statements before the Special Investigation Team and testified to the ghastly incident of Kauserbano's womb being slit open and her male foetus being pulled out on a sword. The five witnesses are Javed Ismail, Jannatbi, Reshma Saiyed, Khalique Noor and Raziyanano one of whom has already deposed before the Trial Court. Just last week

(June 17, 18, 23, 2010), a woman witness, Jannatbi Kallubhai Shaikh deposed bravely before the Trial Court and testified to this ghastly evidence that she was an eye witness to.

Table Indicating Five Witness Statements that detail the account of Kausarbanos slaughter and killing (CJP before the Special Investigative Team on May 29, 2008)

No	Witness No	Witness Name	Accuse Name	Remarks
1	427	Javed Ismailbhai	Babu Bajrangi	<p>Accused no. 18, 22, 28, Bhavani and Guddu attacked the Muslim and injured them. They also set victims on fire by pouring kerosene and throwing children in into the fire.</p> <p>The Offence was committed at about 7.30 p.m.</p> <p>At that time Accused no. 18 had a sword. He slit the stomach of Kausarbanu.</p> <p>He threw out the child from Kausarbanu's womb and pulled the child out on the sword.</p>
2	133	Reshmabanu Nadim Sharfuddin Saiyed	<p>Suresh Langda - Sword</p> <p>Guddu Chara - Sword</p> <p>Bhawani Singh - Trishul</p>	Kausarbanu was pregnant, Guddu Chara brought out the unborn child and thrown the child in fire.
3	135	Jannatbibi Kallubhai Shaikh	<p>Suresh Langda - Sword</p> <p>Bipin Auto - Pistol</p> <p>Sehzad Chara- Sword</p> <p>Guddu Chara - Sword</p>	Guddu Chara cut the stomach of Kausarbanu and brought out the unborn child and pulled the child on sword and burnt her and the child alive.
4	123	Khaliq Noor Moh. Shaikh	Mob	My daughter Kausarbanu was pregnant. A man cut the stomach of Kausarbanu and brought out the unborn child and had thrown the baby in fire
5	119	Raziyabanu Anwarhussain Shaikh	Mob	Kausarbanu was surrounded by the mob and her stomach was cut open and they brought out her unborn child and pulled the child out on sword. They

				burnt them alive.
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(Source: Annexure filed by CJP before the SIT on May 29, 2008 which contains details of the discrepancies in investigation into the Naroda investigations since 2002)

Photographic Evidence

Moreover, the photographs of the brutally dismembered bodies of unnamed victims of the Gulberg and Naroda massacres available with CJP are clear evidence of the unspeakable violence that had been committed on innocent children, women and men. Official Photographers of the Gujarat Police are bound under Law and Circulars of the Gujarat Government related to Communal Violence to ensure that the Scene of the Crimes, Overall Destruction, Ravaged Bodies are Photographed to use as Evidence. Witness Survivors and CJP have demanded that the Government of Gujarat and its Police Release these Official Photographs and Videos to the Special Courts Appointed by the Supreme Court to Adjudicate on the Major Carnages. To date, no Photographic Evidence of the Bodily Remains of the Dead has been Submitted to the Courts.

Photographs of Dismembered Bodies of Victims of Naroda Patiya, Gaam and Gulberg Society Ahmedabad taken by Private Photographer attached to the Daria Khan Gumbat Relief Camp that will be Verified with Photograph taken by Official Police Photographer during Trial These Bodies were buried in a Mass Grave on March 3, 2002 at Kalandari Kabrastan, Ahmedabad. Witnesses have demanded that official Photography and Videography of bodies of those dead, the scene of the crimes etc, mandatory under the law are produced before the Court²⁶)

Narrative of Sexual Violence Vanished from the Criminal Justice Delivery Process

The Media, Rights Groups and Mass Crimes

One of the interesting fallouts of the battle for justice and reparation for the victim survivors of the Gujarat carnage of 2002 has been the blatant attempts by stooges for the state government like its counsel in the Supreme Court and others to deliberately defame those human rights defenders and organizations who have stuck it out for the past eight years and assisted eye-witnesses to depose, without fear or favour to ensure that justice is done.

Woefully, unmindful of the kind of articles carried by their own publications during the traumatic period of 2002, mainstream Indian newspapers and even the hysterical news anchors of our “national” television channels have echoed the vilification drive launched by the Gujarat state, never once looking back, over their shoulder into their own archives where correspondent after correspondent have used space telling these very horror stories.

A prime example of this abdication of media responsibility is the case of Kauserbano, a victim of murder at Naroda Patia, accounts of eye witnesses at the time describing how a bloodthirsty mob slit open her womb (carrying a foetus almost nine months old), swirled it on a sword before burning mother and child alive. Not only did *The Times of India* and *The Indian Express* apart from the *Statesman* and *The Deccan Herald* extensively report the narrative in print, but Women's Visiting teams including one headed by former chairperson of the National Commission of Women spoke, and wrote of it extensively. Feminists from Mumbai assisted women record their affidavits before the official Nanavati Shah Commission and Kauserbano's sad tale was a significant part of the narrative.

Similar has been the fate of the facticity and legal establishment of the narrative of Gender Violence a unique and horrific feature of the Gujarat Genocidal Carnage. With only one citizen's survivor group now supporting witnesses and victims legally, the instances of ghastly violence against women and girls have been reduced to a historical documentary narrative. None of the high powered women's groups that raised this issue are visible on the ground supporting the women survivors of the carnage.

Details of attacks on women and children (numbers) from 27-2-2002 (information in Numbers)

Sr. No.	Name of District	No. of Women attacked	No. of Children attacked	Total	Total No. of attacks/offences registered	No of cognizable offences in cities/ No. of cognizable offences registered
1.	Ahmedabad city	100	33	133	30	567
2.	Ahmedabad village	1	-	1	1	67
3.	Banaskantha	18	4	22	1	59
4.	Anand	2	-	2	2	184
5.	Bhavnagar	1	-	1	1	286
6.	Dahod	4	-	4	1	86
7.	Gandhinagar	2	-	2	1	62
8.	Godhra	10	5	15	4	160
9.	Kheda	4	-	4	3	157
10.	Kutch Bhuj	1	-	1	1	15
11.	Rajkot city	2	-	2	2	199

12.	Valsad	1	-	1	1	1
13.	Vadodara city	3	4	7	1	465
14.	Patan	2	-	2	2	35
15.	Mehsana	25	11	36	6	144
16.	Sabarkantha	8	-	8	5	334
17.	Surat city	1	-		1	103
	TOTAL	149	44	193	63	2924

Discrepancy

(Source: Gujarat State Intelligence Bureau)

Plight of Women Victims without Legal Representation

Despite the relative spotlight on the Gujarat carnage cases, victims of gender violence have been reduced to appear in the Trial Courts without the protection of a counsel, let alone a woman legal counsel. This violates Indian criminal law apart from international standards.

One such victim who bravely testified was subject to humiliating questions from the defence counsel (Farzanabano Ayub Khan Pathan, PW No 106 deposed April 1, 2010). The Special Public Prosecutor did nothing to ensure that a woman advocate is present during this victim's testimony in the Trial Court.

Woman Survivor Takes on Complicity at the Highest level

In a case that has made judicial history, it is a woman victim and survivor of the Gujarat Genocidal massacre of 2002 who has through grit and courage ensured investigation into high levels of criminal conspiracy by the chief minister and 61 others. Zakia Ahsan Jafri the widow of late parliamentarian Ahsan Jafri has demanded the registration of an offence of mass murder criminal conspiracy and destruction of evidence against the chief executive of the state of Gujarat and 61 others. She is backed by the Citizens for Justice and Peace. Over 2,000 pages in hard, documentary evidence have been submitted before India's Courts. The matter comes up for deliberation before the Supreme Court in August 2010.

This Woman Victim Survivors has through a first ever Legal Initiative provided overwhelming evidence of the direct involvement of the Gujarat government in the violence that engulfed the state from February 2002 onwards. 13)16)17)18)20) 23)

The Petition that contains a Criminal Complaint running into 119 Pages has detailed evidence against the

- Chief Minister
- State Cabinet Ministers
- State Bureaucracy -Civil Servants
- Policemen

Collusion and Complicity

February 27, 2002

It was the tragic killings in the fire in coach S-6 of the Sabarmati Express train at Godhra were used in order to justify the pre-orchestrated communal massacre which effulged the state thereafter. State Intelligence Reports also show that arms and arsenal were gathered prior to the tragic burning of the coach in preparation for the massacre.

Secret Illegal Meetings

Late in the evening of February 27, Modi called a secret meeting in Gandhinagar, which was attended by certain members of his cabinet and top bureaucrats. At this meeting illegal instructions were issued, where policemen and bureaucrats were in fact instructed to perform illegal acts. The minutes or records of the meeting held at Chief Minister Modi's office on February 27, 2002 were not documented.

Evidence of these Meetings:

According to the report of the Concerned Citizens Tribunal - Gujarat 2002 by a panel including Justices VR Krishna Iyer and PB Sawant:

"The chief minister, Narendra Modi, took an active role along with at least three cabinet colleagues to instruct senior police personnel and civil administrators that a 'Hindu reaction was to be expected and this must not be curtailed or controlled'."

"What is worse or as bad as the occurrences themselves is the now almost incontrovertible pointers/evidence, including statements made by a former cabinet minister of the state of Gujarat, that a high-level meeting was convened by the chief minister at which then chief secretary, Subbarao, and then [additional chief secretary (home)] Ashok Narayan, and senior policemen were summoned, at which clear instructions were given 'not to deal with the Hindu rioting mobs'. Thereby clear sanction and sponsorship was given by the state to brute violence that included sexual violence of girls and women" (Crime Against Humanity, report of the Concerned Citizens Tribunal - Gujarat 2002).

A minister from Modi's cabinet had testified about these details before the tribunal in May 2002. His identity was kept anonymous. Soon after the report was released in November 2002 however, one of the panel members revealed Haren Pandya's identity to *Outlook* magazine. Pandya was killed within a few months.

There is further evidence of this in paragraph 84 of the Fourth Affidavit sworn by former DGP, Gujarat, RB Sreekumar, states in paragraph 84 of his fourth affidavit before the Nanavati-Shah Commission

Two members of Modi's cabinet, Ashok Bhatt and Indravijaysinh K. Jadeja, were present in the Police control rooms at Gandhinagar and Shahibag and actually subverted police rules and protocol by instructing policemen not to function and manipulating instructions in many cases to aid crimes and the destruction of evidence.

Modi's role can once again, apparent from the sting operation conducted by Tehelka's 'Operation Kalank' which was made public in October 2007. Some excerpts from these tapes have been provided below. The tapes provide incriminating evidence of Modi's involvement, encouragement to the persons who committed these atrocities and subsequent attempts to thwart the investigations and stifle the justice system.

The Chief Minister willfully ignored intelligence reports of the Gujarat SIB

These reports were sent to the state home department, Modi was Home Minister at the time. There were no follow ups to these reports dated April 24, June 15, August 20 and August 28, 2002. Copies of these reports were appended to Sreekumar's second affidavit dated October 6, 2004 before the Nanavati-Shah Commission.

The Chief Minister misled the Election Commission:

The Gujarat state home department gave the CEC misleading reports about the 'normalcy' in the state in a bid to push for early assembly elections, riding high on a massacre. SIB chief, Sreekumar's opinion was contrary to the "official version" in early August 2002. The assessment of the Gujarat state home department was adjudged to be false by the EC in its order dated August 16, 2002. Modi, as home minister, headed this department.

Detailed Evidence Against the Chief Minister, Narendra Modi and Political Bigwigs

A detailed analysis of the phone records accessed by Citizens for Justice and submitted to the Nanavti-Shah-Mehta Commission on March 14, 2010 reveals the following:

Chief Minister's Office (CMO) makes 15 calls to Commissioner of Police Ahmedabad - P.C.Pande while the city was aflame and the CP did not move out of his office after 11 am at all.

Conclusion: Calls were directly co-Related to Instructions to Top Echelons of the Police not to Act.

CMO's Office is in contact with VHP Gujarat General Secretary Dr. Jaideep Patel (now an accused in both the Naroda Patiya and Naroda Gaam massacres) several times on February 28, 2002. The CM's Office Nos phone Records show such a contact 5 times with Sanjay Bhavsar twice and with Tanmay Mehta once.

Conclusion: For the CMO to be directly in touch with the man entrusted to bring the bodies of the Godhra victims back to Ahmedabad and moreover the man accused of leading and inciting the massacres and rapes in the Naroda Patiya and Gaam areas suggests collusion of the CM in the violence at the highest level. There is more evidence through graphs etc that can be viewed at <http://www.cjponline.org/gujaratTrials/nanavatisub/nanavatisubmission.htm>

A Detailed analysis of the acts and omissions on the part of the chief minister, political chiefs and policemen which further provide credence to the fact of his participation, encouragement and abetment to the communal violence in the State of Gujarat in 2002 can be accessed from www.gujarat-riots.com

Subversion of the Criminal Justice System

Systematically, the government of Gujarat subverted the prosecutions launched in the Gujarat Carnage 2002 cases by appointing Law Officers who were active cardholding members of the Organisations Implicated in the Crimes (the RSS, VHP, BD and BJP) in stead of Lawyers with unimpeachable independence and integrity.

Subverting the Prosecuting Agency

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The Supreme Court severely indicted the Gujarat government and the High Court for the injustices done to the minority community and riot victims in the investigation of riot cases.

The apex court transferred two cases, the Bilkees Bano case and the Best Bakery case, out of Gujarat, to Maharashtra.

Amit Shah, the then minister of State for Home, along with Madhu Srivastava, a sitting MLA (formerly BJP) from Vadodara, influenced the key witness, Zahira Shaikh, and her immediate family while the Best Bakery trial was underway in Gujarat.

After she fled to Gujarat in October-November 2004 (while the retrial was on in Mumbai) Shaikh was given commando protection and secretly housed at the Silver Oak

club in Gandhinagar, which was closed to all other guests. A number of allegations were hurled at Teesta Setalvad, Secretary, CJP. On August 25, 2005 a report by the registrar general exonerated Teesta Setalvad completely and instead accused Zahira Shaikh of being bribed by Madhu Srivastava. However, the Gujarat government under Narendra Modi initiated no action against Srivastava who was found guilty by the Supreme Court's registrar general of intimidating and bribing witnesses. 39

Punishing Law Abiding Officers

The policy followed by the state government to punish those officers who performed their duties according to the law and to reward those who promoted killings, rape and arson by going along with the unlawful plans of the chief minister and his party during and after the 2002 genocide is evident from the subsequent postings and appointments of these officers. For details refer to detailed analysis on the question available at www.cjponline.org

The Policy of Punishment to Honest Officers who acted in Accordance with the Law and the Indian Constitution and Rewarding those who did not aide by illegal and unconstitutional directives of the political leadership—for example, RB Sreekumar ADGP denied Promotion. This Officer was finally promoted following the Central Administrative Tribunal (CAT) upholding his contentions as against the Government of Gujarat's. He was promoted to DGP Gujarat the day before he retired on 28.2.2007.

Rewarding Illegal Acts

Ensuring Subservience and Obedience from Policemen and Bureaucrats

Those officers who toe the line and behave illegally and unconstitutionally have been rewarded by the Gujarat Government.

Continuing Subversion by the Government of Gujarat

Police Control Room Records, Station Diary Entries and Other Vital Documents are claimed to have been "destroyed" by the State of Gujarat even while the Supreme Court was monitoring the cases. Even former parliamentarian Ahsan Jafri's phone records have been "destroyed." 3536363939

The Gujarat Government's latest attempt to subvert the Judicial Process

A significant number of defence counsels in eight post-Godhra riots cases have been appointed as Special Public Prosecutors by the Gujarat State in other unrelated cases.

In these other cases they have been given "special rates" of Rs 12,000-15,000 per day as per a Specially Amended Rule of the Gujarat Government's Legal Department saying that even on days of adjournment fees will be paid.

The advocates who have benefited from the Gujarat government's largesse are:

Defence Advocates in the Naroda Gaam Case: Rohit H. Verma, Rajesh N. Modi (Ex.PP), M.R. Khandar, Nilesh Lodha, H.C. Patel, P.O. Sharma

Defence counsel Mitesh Amin in the Gulberg case

Defence advocates in Sardarura: H.M. Dhruv, B.C. Barot, J.G. Rajput (Retired)

Threats to Women Victims and Other Victims

Eye witnesses and Victim Survivors have been threatened in the course of the trial. Special provisions for protection have been made for them given the interventions on their behalf before the Supreme Court of India. One witness has received threats in the Gulberg Society massacre case (Imtiyaz Saeed Khan Pathan), in the Patiya Case four eye witnesses (Mohammedbhai Abdul Hamid Shaikh, Ishrat Jahan Pervez Hussain Sayed (woman witness), Dildar Umrao Saiyed and Abdul Majeed Mohammed Usman Shaikh.²⁸

Mothers, Widows Grieve State Inaction on Illegal Mass Graves

Missing Persons Gujarat 2002

Sr. No.	City / District	No. of missing persons after Godhra Carnage	No. of missing persons yet not found
1	2	3	4
1	Ahmedabad City	200	99
2	Vadodara City	5	5
3	Surat City	1	1
4	Anand	29	2
5	Dahod	19	17
6	Ahmedabad Rural	9	9
7	Panchmahals	112	76
8	Sabarkantha	16	9
9	Bharuch	1	1
10	W. Rly. Vadodara	21	9
	Total	413	228

Source: Gujarat State Police

Illegal Mass Graves Found:

Mass graves were unearthed in north Gujarat by survivors after repeated applications to the authorities were refused. Thereafter on a plea to the Gujarat high court and after blood sampling, Women Survivor Claims were proven correct. The remains had been illegally dumped in forest wasteland near the Paanam river outside Lunawada town. Overnight a vindictive Gujarat government lodged a criminal complaint against victim survivors and human rights defenders on a technicality of illegal digging and they had to give their blood samples under threat of arrest.

In late 2007 CJP approached the Supreme Court for a directive that would enable quick access to the remains, which are still lying in Hyderabad, in order to ensure speedy burial. Two years later in a shocking verdict, the Supreme Court of India rejected women victim pleas to re open the investigation into who had ordered the illegal dumping of victim's bodies. The victims are now preparing to go in a Curative Petition before the Supreme Court. To date the identified remains have not been returned to the victim survivors for a dignified burial. Ameenabi Rasool is the brave woman victim who has gone to court.

Ineffective Relief and Rehabilitation (Official and Independent Studies)

The Government of Gujarat's partisan approach was towards the victims of the communal violence was reflected in the declaration of *two distinct and discriminatory compensation packages for the families of victims who had died in the Godhra fire and those who had been massacred thereafter*. Under the Gujarat government's original plan, the families of victims of the Godhra train fire were to receive Rs two lakh each while the families of those who had died in the post-Godhra violence would receive Rs one lakh - half the amount. Sustained protests and numerous efforts by civil society organisations and CJP finally corrected this patent discrimination. The Gujarat government's indifference to the plight of the internally displaced persons in relief and rehabilitation efforts in the aftermath of the communal riots has received criticism from a number of national and international NGOs, social activist, civil society organisations and the NHRC.

New Delhi, Mar 12, 2002 (PTI): *Gujarat Govt indifferent to riot-affected people: NHRC*. In a severe criticism of the Gujarat Government on relief and rehabilitation of the victims of the post-Godhra riots, the NHRC has said the state has been "indifferent" in tackling the issue and the compensation paid to the people displaced by the riots was "grossly inadequate". The Commission, in its annual report for 2003-04 tabled recently in Parliament, states that it has continued to be concerned about the relief, rehabilitation and resettlement of the victims of the communal violence in Gujarat.

The NHRC said it had proposed several measures for relief and rehabilitation of riot victims but the experience of the Commission has been that the state Government has been less than forthcoming or cooperative in responding to the recommendations that included setting up a Grievance Redressal Authority (GRA).²⁸

Pathetic Living conditions of the Refugees

(Food Commissioner's Report to the Supreme Court, 2007):

A report on the pitiable living conditions of Gujarat's refugees was submitted to the Supreme Court by Supreme Court Commissioner, NC Saxena, in the PUCL's Right to Food petition. The highlights and appalling facts of the Report are as under:

(www.cjponline.org)

Internally Displaced Persons (IDPS) caused due to the targeted violence of 2002 in the western Indian State of Gujarat are forced to live on un-regularised land and temporary/transit structures in Relief Camps across the State. There is a constant fear and threat of further eviction and displacement because of overnight demolitions by Corporations, Municipal Bodies and Rural panchayats. Only last week such a demolition drive was prevented by the timely intervention of Survivors backed by Rights Groups.

Latest Figures submitted to the Gujarat High Court in Special Civil Application No 3217 of 2003 on 10.6.2010 reveal that 21,448 IDPs in 2,681 dwellings in 45 Camps in 11 Districts across the State live in this temporal fashion, unsure of when the axe from the authorities may fall on their head. Civil Amenities are poor; there is virtually no sanitation and poor drainage.

In early June 2010 moves were afoot to demolition some of the dwellings of IDPs in the Vatwa area of Ahmedabad and this action was stopped after a timely protest. Citizens for Justice and Peace v/s State of Gujarat & Ors. In this seven year long litigation, six monthly updates are provided to the Court on not just the numbers of IDPs and conditions in which they live, but also on the Payment of Reparation and Compensation by the State to all categories of Victim Survivors Affected and Traumatized by the State Sponsored Violence of 2002.

Inadequate Compensation (Official and Independent Studies)

Between 2002 and 2006, CJP had been pursuing the matter legally and through advocacy with the political class. CJP and its team worked out a reasoned basis for the actual amount that should be paid as compensation for death given judicial precedents set after the 1984 anti-Sikh carnage. They argued that the amount declared by the state of Gujarat was inadequate and arbitrary, and amounted to a failure on the part of the state to fulfill its constitutional obligations.

Arguments Before the Court

With regards to compensation for victims of rape and other sexual offences, the actual number of rape cases far exceeds the official figures. Many victims were killed

and burnt beyond recognition. Others were too terrified to record complaints. At the Shah Alam relief camp in Ahmedabad, where many refugees of the violence took shelter, accounts of victim survivors indicated that a much larger number of rapes in fact took place. The same is true of other areas in Gujarat.

To date, no compensation has been paid to the victims of such heinous attacks. In the PIL before the Gujarat High Court, CJP has argued that constitutional obligations require the state to make full and appropriate compensation, of an amount not less than that made available in the case of death (i.e. Rs four lakh), to such helpless women and children.

In March 2003, Citizens for Justice and Peace (CJP) and Communalism Combat had filed a petition in the Gujarat High Court challenging several questionable acts by the state of Gujarat with regard to compensation for the victim survivors of the genocide. The total amount earmarked for relief by the government of Gujarat, including compensation for deaths, emergency rations in the relief camps and compensation for destroyed homes, was an abysmally low Rs 205 crore, of which the state received Rs 150 crore from the government of India.

In February 2003, the Gujarat government even announced its decision to return Rs 19.10 crore to the central exchequer, stating that adequate compensation had been made. The petition has queried the arbitrary disbursal of compensation, the returning of central funds unused when, in fact, paltry amounts had been paid to victims, and also demanded an enhancement of the compensation scheme. CJP and its team was then authorised by the court to inspect records in all state districts and city collectorates since there were gross discrepancies between amounts claimed by victims and those actually disbursed by the state. In the course of this inspection as many as 8,358 survey forms were collected from 12 districts of Gujarat between 2003 and 2006.

The position as regards compensation for houses that were damaged or destroyed is equally adverse. The Gujarat government fixed an arbitrary ceiling of Rs 50,000 as compensation for the destruction of homes and in most cases has paid only a pittance of this inadequate amount. In its August 2002 report, the Women's Parliamentary Committee on Empowerment of Women (WPC) noted that the Gujarat government had informed the committee that 4,954 houses (2,023 urban and 2,931 rural) had been "completely destroyed" and that the amount of compensation disbursed for the same was Rs 7.62 crore.

This would mean that an average of around Rs 15,000 was paid for each completely destroyed house. The construction of a house costs approximately Rs one lakh in rural areas and approximately Rs two to three lakh in the urban areas. As a result, nearly 5,000 families have been unable to rebuild their houses or make alternative provisions for their shelter or accommodation. The committee recorded that it had been informed by the Gujarat government that 18,294 houses had been partially damaged (11,199 urban and 7,095 rural), for which Rs 15.55 crore had been paid as compensation. This works out to an average of a mere Rs 8,500 per house. The committee in fact noted that a number of recipients had shown them cheques made out by the state for as little as Rs 40 to Rs 200. The detailed survey conducted by CJP now corroborates this pathetic reality.

In the PIL before the Gujarat High Court, CJP has argued that the ceiling of Rs 50,000 is entirely illegal, arbitrary and unconstitutional and the amount should, in consonance with the state's obligations under Articles 14 and 21 of the Constitution, be fixed at Rs 1.5 lakh in rural areas and Rs three lakh in the urban areas. Compensation as per losses indicated in the official *panchnamas* (subject to the above ceilings) should also be paid. By the state's own admissions to various national bodies, it is evident that the Gujarat government has spent a total of Rs 55 crore for compensation. The balance of funds came from a central government grant of Rs 150 crore, of which the sum of Rs 19.10 crore was returned unused. Apart from the obvious lacunae in compensation awarded to victims of the genocide, which have been detailed above, the aggregate figures themselves illustrate a glaring discrepancy.

The government estimated that the total loss to property alone was well over Rs 600 crore

The total amount awarded as compensation, including compensation for deaths, rations to relief camps, etc, was in fact only Rs 185.90 crore (including Rs 119 crore spent on providing rations at refugee camps and Rs 17.90 crore awarded as compensation for those killed)

There is a pattern of behaviour that establishes that the government of Gujarat intends *to deny dignified compensation* to the victims of the mass carnage of 2002. What is required is an independent comparison between the discrepancies in the official records, the losses recorded in the FIRs, police statements and *panchnamas*, and thereafter by the technical survey team. Significantly, the government informed the WPC in August 2002 that almost 5,000 houses had been *completely* destroyed. In the same breath, the Gujarat government defends the ceiling of Rs 50,000 per home when far greater losses have been suffered. In effect, the compensation paid is pitiful even where FIRs and *panchnamas* were dutifully recorded.

Whereas ration in the relief camps was given to 1,60,753 persons as per the Gujarat government's own records, relief money and money for rehabilitation were given to a far reduced number. This is a gross discrepancy that appears to victimise the inmates of relief camps who were and in some cases still are internally displaced persons or refugees. And given their refugee status, it would be reasonable to assume that each one of them should have been entitled to rehabilitation or compensation.

The following method of dispensation of compensation must be adopted by the government in order to effectively rehabilitate victims of the communal carnage:

- Constitutional obligations require that compensation of at least Rs three lakh *plus* interest from 2002 be paid to the relatives of those killed.
- Proportional amounts should be paid as compensation for disabilities and serious injuries.
- Women who were raped or sexually abused must be given compensation equal to that awarded for persons who were killed.
- The ceiling amount for house compensation must be raised to Rs 1.5 lakh in the rural areas and Rs three lakh in the urban areas.

- Compensation based on a fair assessment of data and records, including the *panchnamas* contemporaneously recorded, must be paid along with the interest amount accruing from 2002.

Police Atrocities Against Minority Women Godhra Gujarat

On December 19-20 2009, the Godhra police (B Division) on the pretext of arresting an accused in the case of cow stealing (nagarpalika case) attacked and molested innocent women in Godhra at around 10 p.m. that night (Hathila Plot, Godhra B division, Police Station). Through the past week residents have tried to democratically protest and express their anguish through holding a press conference in the town but the district collectorate and police have so far managed to stifle these attempts. Victims have named the PI, PSI AV Parmar, Constable Suresh, Constable Prabhatsinh and Constable Parvatsinh among others.

A complaint filed by women victims on the police's criminal behaviour resulted in the Magistrate at Godhra has initiated an inquiry under section 202 of the CrPC. A visit by the National Commission of Women in February 2010 leant some succour to the victims but the delay in publication of the report has been unfortunate.

Lacunae in the Initiatives taken by Government of India

1. Though there have been two subsequent governments following the Gujarat Carnage of 2002, and the Supreme Court has given certain important directives, the situations within the State of Gujarat remain unsafe and insecure for the Muslim Minorities. Even today threat to those of the witnesses who depose without fear is alive and it is only due to the international and national spotlight on the cases that some degree of restraint is being observed. Only last week an advocate appointed to represent victims was threatened on the premises of the Trial Court by one of the accused Babu Bajrangji.
2. The Reluctance of the High Powered Special Investigation Team (SIT) to interrogate the documentary evidence especially police control room records and data suggests that even now there is pressure on local teams to allow the influential to escape.
3. **Compensation and Reparation** An ongoing class action for Compensation and Reparation has received some attention but not revived complete relief.

A. Right to Secure and Dignified Life

Violation/ Disparity faced and the impact on Muslim Women for being Muslim Minorities:

The perpetrated gender violence against girls and women of the minority community (Muslims) by right wing, exclusivist groups belonging to the majority Hindu community were documented before national and international for a. However this narrative is

not only being consciously erased from the legal struggle rigorously afoot but there are conscious efforts to belittle the massacre and the efforts of rights groups and HR defenders. Ironically those very groups that had documented this trend between 2002-2005 are silent as over 97 women witnesses bravely testify in Gujarat's courts and identify perpetrators.

The sense of fear and high Human Insecurity has led to restricting the mobility of Muslim Community in general and Women and young girls in particular. The Restriction of mobility for women being part of Muslim Community has led to restriction of available options and opportunities in fields of education, training, public and political participation, health, employment.

1. The Women belonging to Muslim Minority Community live under constant threat and in insecurity about her own self and her family due : -

- a. Sporadic Violent incidents of violence against Muslim Minorities used as a tool to create threat and insecure environment for the Muslim Minorities by Right Wing Communal Forced supported by police.
- b. The tension and fear accompanied by sporadic incidents of violence during festivals and public processions and the intensive combing operations of the State police during these festivals.
- c. There is an effort afoot to detain and arrest members of the Muslim minority, without sufficient proof. This has a double edged effect - the Muslim Minorities alleged are taken in to custody and tortured in the police custody and in general civil society these acts deepens Anti Muslim feelings thus further alienating the Muslim Minorities from the mainstream and forcing them to be defensive about their religion and nationalism.
- d. The threats to life of her own self and her family members are very high in cases of survivor families who have been involved in process for Justice.
- e. Muslim Women who are forced in to single women status - since their husbands have been killed in violence/ since their husbands have been detained under POTA by the State agencies face increased vulnerability due to lack of any sustained livelihood options, threats for being witnesses and survivors, lack of support in procuring necessary compensations, and due to their status as single women in the society.

Contributing Factors to the Disparity/ Violation

Gujarat 2010

1. Continuing acts of sporadic violence across the state by the Right Wing Communal Parties.
2. Continuing Partisan and Right Wing Ideological Attitude of the State Government

3. Continuing Hindu Majority Communalism within the general civil society with no efforts by the State Government to promote the inter religious tolerance and Cultural Integration.

Initiative by the Government of Gujarat to address the violation/ Disparity

1. The State Police Force of the Government of Gujarat conducts intensive Combing Operations during the festivals and the public processions. As per the Government of Gujarat these Combing Operations are preventive measures to stop violence.
2. In 2002, The Government of Gujarat had constituted the Women's Cell under State Home Department to listen to the grievances of the affected women victims.

Effectiveness/ Gaps of the Initiative taken by the Government of Gujarat

1. The Combing Operations undertaken during the festivals and public processions in name of security and preventive measures to stop violence are used as sites of intimidations and detentions of Muslim Minorities. Of the total Hindu and Muslim persons detained, as of today - only 8% of detained Hindus are still in Jail while 30% of Muslims are still in custody in Jails.
2. The Terms of Reference of Women's Cell constituted by the Government of Gujarat privileges the incident of February 27, 2002 but has little acknowledgement or empathy for the post Godhra violence. The impact is one of alienation and also deep mental stress.

Proposed Law on Targeted Mass Crimes

This overall situation of the failure of Indian law enforcement agencies, the Executive and Judiciary to adequately protect the life, security and dignity of religious minorities has - specifically after the Gujarat pogrom of 2002 - raised the demand for a new jurisprudence to tackle mass crimes. India is a signatory to the Genocide Convention but has not enacted a Law that defines the crimes of genocide and crimes against humanity and also traces the chain of command responsibility. The proposed law, as yet in a draft stage seeks to address these lacunae. Two previous official drafts have not adequately addressed the flaws in existing jurisprudence and there is a current process underway, with the active intervention of civil society groups that needs to be supported and strengthened.

Conclusion

1. It is the sustained struggle for justice by survivor groups that has kept the matter alive in the Supreme Court of India. The Government of India has failed to intervene decisively for the victims of the minority community.
2. The Supreme Court of India was forced to re-constitute a high powered Special Investigation Team (SIT) appointed by it when failures of Investigation were brought to its notice.
3. Despite repeated pleas by witnesses, mainly women, and survivors (mainly women) to the Supreme Court of India to establish an Institutional mechanism to Monitor the Criminal Trials, the Supreme Court has not done so. Moreover a plea from survivor groups to install CCTVs in the courtrooms hearing the Trials to ensure good practices from Judges and Prosecutors has been pending hearing for over 10 months now.
4. The National Human Rights Commission that first intervened in 2002 and thereafter in 2003 when justice failed in the Best Bakery case has however failed to monitor the progress of the Criminal Trials and moreover the threats to Victims.
5. A critical investigation into mass murder and criminal conspiracy will be deliberated upon by the Supreme Court of India in August 2010.

Appeal

Unless an International effort is made to Monitor the Ongoing Trials that are at critical stage there is every chance that Punishment will elude the Perpetrators

Violation of CEDAW for Minority Women in Gujarat

Sr. No	Article Violated under CEDAW	Description of Article
1	Article 1	Defining Discrimination against women by means of distinction, exclusion or restriction on basis of sex; which has the effect/ purpose of impairing/ nullifying the recognition/enjoyment/ exercise of human rights and fundamental freedoms irrespective of their marital status in political, economic, social, cultural or any other field.
2	Article 2	State Parties to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women
3	Article 2 (a)	Ensure through law and appropriate means the practical realization of the principle of equality of men and women
4	Article 2 (b)	Adopt appropriate legislative and other measures including sanctions when appropriate to prohibit discrimination against women
5	Article 2 (c)	To establish legal protection of the rights of women and to ensure through competent national tribunals and other public institutions provide effective protection of women against any act of discrimination
6	Article 2 (d)	To refrain from any act or practice of Discrimination Against Women and to ensure that public authorities and institutions shall act in conformity of this obligation
7	Article 2 (e)	To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise
8	Article 2 (f)	To take all appropriate measures including legislation to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power that was adopted by the General Assembly through a resolution 40/34 of 29 November 1985 in Articles 4 and 5 of the above mentioned United Nations Declaration categorically emphasizes the criticality of independent legal representation.

1985 UN Declaration:

"4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms."

**List of Women Witnesses and Victim Survivors
Naroda Patiya Massacre (CR. No. 100/2002 Session Case No. 235/2009)**

Women Witnesses Survivors

Description of Massacre, Over 110 persons massacred February 28, 2002, Ahmedabad, Gujarat

No.	Name Of Witness	Wit No. as per Char.	P.W. No.	Exhibit No.	Date of Deposition
1	Amina Abbasbhai Belif *	409	52	425	20/1/2010
2	Afzalbanu W/o Liyakathussain Zalori	5	53	434	20/1/2010
3	Zubedabibi Rashidbhai Shaikh	11	54	442	25/1/2010
4	Kamrunisha Muradali Shaikh	12	56	448	25/1/2010
5	Sayrabanu Mehmudbhai Shaikh	17	57	452	27/1/2010
6	Bizani Begum Usmanbhai Shaikh	482	62	464	1/2/2010
7	Nasimbanu Mo. Kalid Saiyed	226	68	496	8/2/2010
8	Zubedakhatun Rahimbhai Shaikh	219	70	499	8/2/2010
9	Shakilabanu Firozbhai *	425	72	510	15/2/2010
10	Fatmabibi Makbulbhai Shaikh	273	83	542	24/2/2010
11	Raziyabanu Yakubbhai Shaikh	271	86	554	2/3/2010
12	Tamizenbanu Taufikmiya	298	87	555	2/3/2010

	Sumara				
13	Zamilabanu Mehboobhussain Shaikh	281	88	556	2/3/2010
14	Gauriben Mohmedmashaq Qureshi	292 and 132	90	559	3/3/2010
15	Zahedabanu Iqbalahmed Shaikh	275	93	567	3/3/2010
16	Farzanabanu Aiyubkhan Pathan *	129	106	687	1/4/2010
17	Fatmabibi Moh. Yusuf Shaikh *	136	112	717	15/4/2010
18	Hussainabanu Azgarkhan Pathan	27	135	879	19/5/2010
19	Rafikan Rehmanbhai Saiyed (Affi) *	406	137	915	27/5/2010

***Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others**

Gulberg Society Massacre (CR No. 67/2002 Session Case No. 152/2008)

Women Witnesses Survivors

Description of Massacre: 70 persons massacred in cold blood, February 28,2002, Ahmedabad, Gujarat

No	Name	Char. Wit. No.	Deposition		Date of Deposition	Not Yet Deposed
			Exhibit No.	PW No.		
1	Rupaben Dara Modi *	169/1	548	107	10/11/2009	
2	Sayraben Salimbhai Sandhi *	138	711	177	15/12/2009	
3	Mariyambibi Noor Mohammed Shaikh	169/3	721	180	16/12/2009	
4	Noorjahan Mohammedkhan Pathan	465	724	182	16/12/2009	
5	Hussenabibi Gulabbhai	435	725	183	16/12/2009	
6	Afsanabanu Rafikahmed Malek	437	726	184	16/12/2009	
7	Rashidabanu Rafikbhai Shaikh	450	727	185	16/12/2009	
8	Nooriben Abdulbhai Mansuri	419	773	217	5/1/2010	
9	Banobibi Hussainkhan Maniyar	372	776	219	5/1/2010	
10	Ayeshabibi Shakurbhai Ghanchi	339	801	230	11/1/2010	
11	Anisha Tasaddukhusain Surori	165	813	234	11/1/2010	

12	Abedabanu Munnabhai Shaikh	374	814	235	11/1/2010	
13	Mubina Yusufbhai Rangwala	303	827	238	12/1/2010	
14	Khatijaben Yusufbhai Khambhati	300	828	239	12/1/2010	
15	Karimabanu Mohammedbhai Shaikh	396 & 474	919	265	8/2/2010	
16	Zakiya Nasim Ahsan Jafri *	139				Not deposited
17	Rasidabibi Dilawarbhai Shaikh *	169/3				Not deposited

*Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others

Naroda Gaam Massacre (CR No. 99/2002 Session Case No. 203/2009)

Women Witnesses Survivors

Description of Massacre: One dozen persons massacred in cold blood, February 28,2002, Ahmedabad, Gujarat

No	Name	Char. W No.	Deposition		Date of Deposition	Not Yet Deposed
			Exhibit No.	PW No.		
1	Sayrabanu Allauddin @ Bhurabhai Mo, Hussain	43	315	59	7/1/2010	
2	Sakinaben Aiyubbhai Abdulbhai Pathan	53	303	54	31/12/2009	
3	Jaitunbibi Mohammedmiya	54	304	55	31/12/2009	

	Oureshi					
4	Umravbibi Ahmedmiya Chotumiya Malek	55	305	56	31/12/2009	
5	Zarinabanu Mo. Shafi Ismail Shaikh	35				Not deposed
6	Madinabanu Rafikkhan Chandkhan Pathan	37				Not deposed
7	Mehrajbibi Mehmodbhai Chandbhai	64				Not deposed
8	Zohrabibi Usmanmiya Imammiya	86				Not deposed
9	Mumtazbibi Habibmiya Umravmiya Mirza *	105				Not deposed
10	Shamimbanu Raiskhan Pathan *	106				Not deposed
11	Jamilabanu Rahimbhai Ajmeri	204				Not deposed

***Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others**

Ode Massacre (CR. No. 27/2002 Session Case No. 44/2008)

Women Witnesses Survivors

Description of Massacre

27 persons massacred in cold blood, March 1,2002, Anand, Gujarat

No	Name	PW No.	Deposition		Date of Deposition	Not Yet Deposited
			Exhibit No.	Depo. No.		
1	Rehanaben Yusufbhai Vohra *	1	244	23	8/4/2010	
2	Rashidaben Yunisbhai Ismailbhai Vohra	51	265	33	13/5/2010	
3	Suraiyaben Karimbhai Rasulbhai Vohra	52	264	32	13/5/2010	
4	Hanifaben Sattarbhai R Vohra	53	263	31	31/5/2010	
5	Shehnazben Noor Moh. Rasulbhai Vohra	55	266	34	13/5/2010	
6	Jubedaben Yusufbhai Vohra	39				Not deposited

*Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others

Ode Massacre (CR. No. 23/2002 Session No. 45/2008)

No	Name	Ch. No.	Deposition		Date of Deposition	Not Yet Deposed
			Exhibit No.	Depo. No.		
1	Mehmudabibi W/o Majidmiya Muradmiya Malek *	27	252	110	15/4/2010	
2	Mehrajibi W/o Rasulkhan Umrvakhan Pathan *	Add.	251	109	13/4/2010	
3	Nasimbanu W/o Ahmedkhan Hasankhan Pathan	74	194	84	25/1/2010	
4	Kulsumbibi W/O Maulana Ab.Gani Saiyed	103	195	85	25/1/2010	
5	Jainabibi W/o Badrumiya Bhikhan Pathan	119	196	86	25/1/2010	
6	Hazrabibi Widow/o Hasumiya Ahmedmiya	128	197	87	25/1/2010	
7	Sakinabibi W/o Iliyasmiya Peerumiya Rathod	139	280	120	17/5/2010	
8	Hazrabibi W/o Mehmudkhan Sitabkhan Pathan	146	279	119	17/5/2010	
9	Hamidabibi W/o Usmanmiya Umarmiya Malek	149	278	118	17/5/2010	
10	Saidabibi W/o Fakir Mohammed Rasulmiya Malek	162	281	121	17/5/2010	
11	Hussainabibi W/o Firozkhan@ Habibkhan Yusufkhan Pathan	165	198	88	25/1/2010	
12	Ameenabibi W/o Rasulbhai	171	199	99	25/1/2010	

	Bhulbhai Malek					
13	Ruksanabanu W/o Iliyas Nabimiya Malek	172	200	100	25/1/2010	
14	Ameenabibi W/o Hasanbbhai Jamalbhai Vohra	116				Dead
15	Salmabibi W/o Usmanmiya Bhulamiya	138				Dead
16	Sitazbanu D/o Majidmiya Muradmiya Malek	175				Dropped
17	Sufiyabanu W/o Safi Mohamed Abdulbhai Khalifa	179				Not deposed
18	Faridabanu W/o Isabbhai Abdulbhai Khalifa	180				Not deposed
19	Salmabanu W/o Usmanmiya Bhulamiya Malek	182				Dead
20	Anifabanu D/o Isabbhai Abdulbhai Khalifa	185				Not deposed
21	Jamilaben W/o Rafik Mohammed Abdulbhai Khalifa	187				Not deposed
22	Rizwanbanu W/o Rafik Mohammed Abdulbhai Khalifa	189				Not deposed
23	Wahidabanu D/o. Safi Mohammed Abdulbhai Khalifa	193				Not deposed

*Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others

Sardarpura Massacre (CR. No. 46/2002 Session Case No. 275/2002, 120/2008, 7/2009)

Women Witnesses Survivors

Description of Massacre

33 persons massacred in cold blood, March 1,2002, Mehsana, Gujarat

No	Name	PW No.	Deposition		Not Yet Deposed
			Exhibit No.	Date of Deposition	
1	Kulsumbibi Kadarmiy Shaikh	53	524	5/1/2010	
2	Faridabibi W/o Ashiqhussain *	73	631	31/3/2010	
3	Firozabanu D/o Bachumiya Imamiya *	75	637	1/4/2010	
4	Hamidabibi W/o Akbarmiya Rasulmiya Shaikh	76	638	1/4/2010	
5	Badrunisha W/o Akbarmiya Nathumiya Shaikh *	77	639	1/4/2010	
6	Basirabibi Widow/ o Bachumiya Nathumiya Shaikh **	78	642	6/4/2010	
7	Samimbanu D/o Mehmudmiya Shaikh *	79	647	7/4/2010	
8	Ruksanabanu D/o Ibrahimmiya Shaikh *	80	650	13/4/2010	
9	Saberabibi W/o Sabir Hussain Fakir *	82	655	22/4/2010	
10	Sarifabanu D/o Sabir Hussain	83	656	22/4/2010	

	Fakir *				
11	Ameenabibi Widow/o Acchumiya Ismailmiya Shaikh (Age-62)				Drop
12	Sayrabanu D/o Sabir Hussain Fakir				Drop
13	Memon Hanifabibi W/o Vallibhai Dawoodbhai				Drop
14	Ameenabibi W/o Sarifkhan Bhikhumiya Shaikh				Not deposed
15	Sahinabanu W/o Aiyubmiya Rasoolmiya Shaikh				Not deposed
16	Sharifabibi W/o Bachumiya Imammiya Shaikh				Not Deposed
17	Farzanabanu D/o Bachumiya Imammiya Shaikh				Not Deposed
18	Faridabanu W/o Shafikmiya Babumiya Shaikh				Not Deposed
19	Saidabibi D/o Hizbulmiya Hussinmiya Shaikh				Not Deposed
20	Shahinabanu D/o Ashiq Hussain Bachumiya Shaikh				Not deposed
21	Khatizabibi Widow /o Dosumiya Shaikh				Not deposed

*Key witnesses who have stood brave and firm and named powerful perpetrators among local politicians, policemen and others

Reference Documents

- 1) Concerned Citizens Tribunal –Crimes Against Humanity Gujarat 2002 Report headed by Supreme Court Justices VR Krishna Iyer and PB Sawant
- 2) National Human Rights Commission REPORT ON GUJARAT, GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, LOK SABHA STARRED QUESTION NO. 23, TO BE ANSWERED ON 16.07.2002.. The National Human Rights Commission later found that the “facts speak for themselves” and that “there was a comprehensive failure on the part of the State Government to protect the constitutional rights of the people of Gujarat.” See NHRC REPORT ON GUJARAT, *supra* note 2.
- 3) Communalism Combat, “Genocide: Gujarat 2002,” 77-78 COMMUNALISM COMBAT 98 (2002)
- 4) “Rights and Wrongs” Ordeal by Fire in the Killing Fields of Gujarat: Editors Guild Fact Finding Mission Report- New Delhi, May 3, 2002)
- 5) Report of the Parliamentary Committee on the Empowerment of Women (August 2002); available on www.cjponline.org -Evidence of State Complicity
- 6) Report of the Central Election Commission 2002 Postponing the Gujarat Elections, 2002
- 7) Gujarat State Government Response to the NHRC ON Relief and Rehabilitation (31.1.2005)
- 8) See CEDAW Committee, Concluding Observations before Indian State Party (2007), CEDAW/C/IND/CO/3, at ¶¶ 67-68, where the CEDAW Committee recognized that the Massacre contributed to the legacy of denying Muslim women their human rights.
- 9) See Human Rights Watch, “We Have No orders to Save You,” 14 HUMAN RIGHTS WATCH 1 (April 2002), available at <http://www.hrw.org/reports/2002/india/> [hereinafter “We Have No Orders to Save You”].
- 10) Threatened Existence - A Feminist Analysis of the Genocide in Gujarat, December 2003, International Initiative for Justice in Gujarat
- 11) Report of the UN Special Raporteur for Religious Freedom, Asma Jahangir, 2008-2009
- 12) 2007 : “India: Five years on - the bitter and uphill struggle for Justice in Gujarat” Report by Amnesty International
- 13) Full Texts of the Five Affidavits Submitted by a serving senior policeman from the state, former Additional Director General of Police Intelligence, State of Gujarat, R. B. Sreekumar, who retired after a stiff legal battle as Director General of Police in 2008 The dates of Affidavits: 15.7.2002, 6.10.2004, 9.4.2005, 27.10.2005, 3.5.2010
- 14) Judgement in the National Human Rights Commission v.s State of Gujarat Transfer Petition 109/2003 dated May 1, 2009
- 15) Judicial Orders in the Petition for Transfer of Investigation spearheaded by the Citizens for Justice and Peace WP (criminal) No 37-52/2002 wherein the Supreme Court of India appointed a Special Investigation Team (SIT) headed by a former director of CBI on

March 26, 2008. Survivor Group CJP moved the Supreme Court against the failure by the Team appointed by the Court; Orders were passed on March 15, 2010, April 6, 2010 and May 6, 2010.

16) For more information on State Complicity and Collusion in Gujarat, see: "*Villain of the Piece*" by Teesta Setalvad: Combat Communalism: June, 2009 available at <http://www.sabrang.com/cc/archive/2009/may09/cover3.html>

17) Proven State Collusion: One of the most serious exposes on the Gujarat genocidal Carnage was the string Operation Kalank conducted by the newsmagazine *Tehelka*, in October 2007 that tracked the major accused involved in the rapes, murders and killings testifying on camera on the same. Legally they amount to extra judicial confessions. Despite specific applications by the CJP to the Gujarat High Court and the Supreme Court by the CJP in November 2007, no investigation was undertaken into these tapes until March 2008 when the National Human Rights Commission ordered their authentication. This has been done.

The entire transcripts can be viewed at http://www.tehelka.com/story_main35.asp?filename=Ne031107We_Were.asp

They directly point to the active involvement of chief minister Narendra Modi. http://www.tehelka.com/story_main35.asp?filename=Ne031107To_Get.asp

http://www.tehelka.com/story_main35.asp?filename=Ne031107His_Rage.asp

http://www.tehelka.com/story_main35.asp?filename=Ne031107He_Has.asp

http://www.tehelka.com/story_main35.asp?filename=Ne031107Were_Modi.asp

Chief Minister Ignores the Reports of the State Intelligence Bureau (SIB)

Excerpts:

April 24, 2002: This candid five-page appraisal speaks of the strong resentment felt by the Muslim minority, given the disproportionate destruction of Muslim life and property as also the connivance of the state government through its police and law and judiciary department to protect the accused. The report details that "as on April 23, 2002, 636 Muslims were killed in the riots (of these, 91 were killed in police firing) as against 181 Hindus killed (76 in police firing). Nearly 329 Muslims had sustained injuries in arson as against 74 Hindus... Significantly, this trend of loss of life and damage to property is heavily weighted against Muslims in Ahmedabad city where 278 Muslims were killed in riots (including 57 in police firing) as against 91 Hindus (30 in police action). The persons injured in stabbing and arson, etc comes to 408 in Muslims as against 329 Hindu victims of stabbing and arson."

The report details the victim community's deep animosity towards the police and the state for doctoring FIRs (not registering actual names of the accused) and clubbing together FIRs in order to reduce the magnitude of the crimes, for not seizing the property of Hindu accused arrested for serious non-bailable offences and for the appointment of partisan public prosecutors who belonged to the ruling party and extremist Hindu organisations.

On May 7, 2002 Modi summoned Sreekumar to his office and, on the pretext of asking for his assessment of the continuing violence in Ahmedabad, criticised the intelligence chief's note of April 24, saying that it had drawn the wrong conclusions based "on partial data and defective presumptions". Modi told Sreekumar that the violence unleashed by Hindu mobs after the Godhra incident on February 27, was a natural, uncontrollable reaction that no police force could control. Sreekumar argued with the chief minister, saying that the authorities could not take such an attitude, especially not the police department whose primary duty was to maintain public order. Modi then became defensive, laying the blame on the DGP and CP, Ahmedabad, who had been

given powers, he said, to control the violence. He then asked Sreekumar to concentrate on Muslim militants. Sreekumar urged the chief minister to take steps to restore the confidence of the minority community as outlined by him in his note. This included immediate and concrete steps to arrest the subversion of the criminal justice system, arrest the guilty criminals and initiate confidence building measures between the two communities. Instead of doing this, the police watched silently as VHP and Bajrang Dal criminals openly extorted monies, promoted the economic boycott of Muslim establishments and so on.

Modi was now visibly annoyed at Sreekumar's suggestions and argued that it was Muslims who were on the offensive. Quoting statistics on high casualties among Muslims due to police firing during the riots, Sreekumar appealed to him to see reason and acknowledge that it was Hindus who were on the offensive. The chief minister instructed him not to concentrate on the sangh parivar, as they were not doing anything illegal. Sreekumar replied that it was his duty to report accurately on any developing situation and provide advance, actionable, preventive, real time intelligence that may have a bearing on public order and the unity and integrity of India even if that meant keeping tabs on the sangh. Understanding the significance of the response, the chief minister tried one last time to throw his weight around. Modi asserted that he (Modi) should be the intelligence chief's "source" in tracking the sangh parivar and that Sreekumar need not look for sources elsewhere. (It was a clear hint that Sreekumar should not bother to collect data on the sangh parivar.)

June 25, 2002:

The chief minister convened a conference of senior officers of and above the rank of SPs from all over the state. Sreekumar records how Modi asked the "police not to be influenced by the JNU brand of secularism." The chief minister's tacit message was that police officers should function as committed ideologues of the ruling party and not soldiers of the Indian Constitution.

August 20, 2002:

Following a telephonic request from PS Shah, additional secretary (law and order), on August 20, 2002, the SIB submitted its own independent review of the law and order situation in the state. It is obvious that the state government was seeking acquiescence to enable it to justify its decision on July 19, 2002 to dissolve the state assembly and call for immediate elections.

The SIB observed that:

a) Incidents were reported from "993 villages and 151 towns covering 284 police stations (out of 464 police stations) spread over 54 assembly constituencies out of 182 assembly constituencies."

b) The communal divide between the Hindus and Muslims had widened to an unprecedented degree. The interaction between the two communities was practically negligible in social, commercial, financial and cultural fields. Large sections of the minorities, being the major victims in the recent riots, were still to develop adequate faith in the administration, police department and criminal justice system. The minorities also continued to complain that many rioters belonging to the Hindu community had not been arrested, as they held important positions in Hindu organisations.

c) The minorities were also dejected about non-implementation of most of the recommendations of the National Human Rights Commission (NHRC) and National Commission for Minorities. They were also upset about the fact that of the 302 dargahs, 209 mosques and 30 madrassas damaged during the riots, only a handful had been repaired and restored to their original condition.

d) In many places, riots victims belonging to the minority community could not restart their commercial activities, or the small businesses they ran before the riots, due to a constant feeling of insecurity. In one incident that took place as late as July 4, 2002, a (Muslim) man and his son were murdered upon their return to their hometown in Vadodara district.

- e) An estimated 75,500 persons from 13 districts had been shifted to other places and had yet to return home. If elections were to be held in this heightened atmosphere of insecurity, these persons would remain practically disenfranchised in the event of an election being held before their return to their hometowns. According to information that was received, interested political parties would in all probability collect such persons in large numbers and insist upon their voting rights on polling day. This would lead to confrontations between rival political groups and a resultant disruption of public order.
- f) During the communal riots 10,472 houses, 12,588 shops and 2,724 *larri/gallas* were damaged or destroyed due to arson while 1,333 shops were ransacked. In this process thousands of people have lost all their documents of identity. Unless prompt remedial measures were taken, they would also pose a problem with regard to their re-enumeration as electors and subsequently, in exercising their franchise.
- g) With so many persons having fled, it was unlikely that the elections would be free or fair.

August 28, 2002:

In another report on the law and order scenario, the SIB once again details the atmosphere of mistrust and suspicion between communities and the danger posed by the propagation of fundamentalist literature on both sides that could widen the gulf. Hence it advises that the state home department issue specific instructions to district collectors/district magistrates ordering them to take strict action against the projection of communal issues in the campaign and to rigorously observe the law and guidelines on assembly of persons so as to avoid any clashes.

Additional chief secretary (home), Ashok Narayan, took exception to the SIB's assessment, as reflected in deputy inspector general of police (DIG) E. Radhakrishna's report of August 28, 2002 where he questions Sreekumar on this.

Sreekumar replies on August 30, 2002. He states that the Election Commission of India has observed that SIB appraisal of the communal situation was in consonance with the inputs received by the commission as evident from its order dated August 16, 2002. In response to Narayan's query on "whether the SIB's assessment was based only on the input from some of your field officers or the input from other government officials and others connected with the administration of the state were taken into consideration", Sreekumar replies that the SIB assessment was "based on the intelligence gathered by SIB functionaries, including senior officers, and also data received from jurisdictional police officers. We did not collect any data from any non-police departmental sources."

- 18) The Best Bakery Verdict, Supreme Court, April 12, 2004
<http://www.cjponline.org/best/bakeryjudgement.pdf>, 2004 SOL Case No. 295, Zahira Habibullah Shaikh & Anr v/s State of Gujarat & Ors
- 19) The Best Bakery Verdict after case was Transferred to Mumbai. Trial Court, 26.2.2006,
<http://www.cjponline.org/best/Best%20Bakery%20Judgement.pdf>
 The Bilkees Bano Verdict (Trial Court, Mumbai , January 21, 2008
- 20) Report of the Registrar General of the Supreme Court of India, August 27, 2005
<http://www.cjponline.org/SCreport.pdf>
- 21) Judgement in Transfer Petition 219-220/2009 decided by the Supreme Court of India, May 3, 2010 (CBI v/s Hopesen Nigshen & Ors)
- 22) The Supreme Court of India had in the case of S.B Shahane and Others V. State of Maharashtra and Another, 1995 Supp (3) SCC 37 had stressed the need for an Independent Directorate of Prosecution

- 23) Zakia Ahsan Jafri & Citizens for Justice and Peace v/s State of Gujarat & Ors, SLP 1088/2009 in which the Special Investigation Team was asked to probe allegations of high level complicity.
- 24) CRMP No 22112-22120 of 2009 filed in TP 194-202 of 2003 at pages 2-4; Special Criminal Application No. 387/2010 Imtiazkhan S Pathan & Ors Vs State of Gujarat (TRANSFER PETITION)
- 25) *Source: NDTV India a television channel expose, March 29, .2010*
- 26) Special Criminal Application Number 1081/2010 (Fatimabibi Mohd. Yusuf Shaikh & Ors) before the Gujarat High Court.
- 27) During the proceedings led by survivor and legal right group, Citizens for Justice and Peace in the Supreme Court of India, a list of Public Prosecutors who's integrity had been compromised had been provided to the Court: a) Chetan Shah: He was appointed as the public prosecutor in the Gulberg Society massacre case in 2003; he had previously appeared *for the accused* in this and the Naroda massacre cases. Witnesses made an application to the then state law minister, Ashok Bhatt, in September 2003, which was also produced before the apex court. He was replaced by his junior, V.P. Atre; b) V. P. Atre: A junior to Chetan Shah, whose conduct has also been suspect; c) Vinod Gajjar: He was appointed to appear on behalf of the Gujarat government in 2006 behalf before Judge M.L. Mehta, Additional Sessions Judge, Delhi, who was appointed by the Supreme Court to scrutinise the voluminous case records in the NHRC case. Gajjar had previously appeared for some of those accused in the Gulberg Society massacre case; d) Dilip Trivedi: He was and is the general secretary of the state VHP and heads the organisation's 12-member lawyers' panel. He appeared for the state in matters relating to the Sardarpura carnage, in which 33 persons were burnt alive on March 1, 2002, where all 46 accused were released on bail. (A day after they were released some of them allegedly attacked a mosque); When the witness complainants filed an application in the Gujarat high court objecting to Trivedi's role, additional public prosecutor, SJ Dave said the government would consider the appointment of a special public prosecutor but it would not make a firm commitment. Trivedi was removed from the Deepda Darwaja case (one of the two major incidents in Mehsana district) and replaced with Rajendra Darji. There is no order on record removing him from the other trial; e) Bharat Bhatt: He was the public prosecutor in 2002 and VHP's district president. He is on record as saying that he has been doing his best to help the accused in 2002 riot-related cases (in the *Tehelka* exposé following its sting 'Operation Kalank'); f) Avadhoot Sumant, Vadodara: In early August 2003 he had demanded that the Gujarat high court initiate contempt proceedings against the NHRC for calling the Best Bakery case verdict of July 2003 a miscarriage of justice. Three days after his public declaration to this effect, Sumant was appointed Assistant Public Prosecutor in the case; g) Sanjay Bhatt Vyas: He is Vadodara's Assistant public Prosecutor and the nephew of Ajay Joshi, VHP's city unit president in 2003. Ajay Joshi was a defence counsel in the Best Bakery case h) PS Dhora, Anand: He is allegedly an RSS sympathizer; i) Piyush Gandhi, Panchmahal: The President of Panchmahal's district VHP unit in 2002-03 and a member of the VHP's lawyers' panel appeared as public prosecutor in the district's carnage cases and obtained acquittals in three trials between July and November 2002; j) Raghuvir Pandya: As prosecutor for the Vadodara city police in

1996, he contested elections to the Manjalpur Corporation from Ward 20, Kesariya (south), Vadodara, on a BJP ticket. During the Best Bakery trial in April-May 2003, before the fast track court of Judge HU Mahida, all matters were handled by the then public prosecutor, Mr Gupta. But at the time of interrogation of witnesses (who had turned hostile) Raghuvir Pandya was suddenly appointed public prosecutor; k) H. M. Dhruva: A sudden and recent appointment to the SIT panel of prosecutors in April 2009, as reported in *The Indian Express*, Ahmedabad. Dhruva previously appeared as public prosecutor when the Godhra train fire case was being tried under the Prevention of Terrorism Act (POTA) and where, during proceedings, he demonstrated a clear bias against the accused. According to information received through a Right to Information (RTI) application filed in 2006-07, Dhruva, as special public prosecutor in one of the Godhra cases, officially received fees amounting to more than Rs 92 lakh, eight or nine times what was earned by prosecutors in other 2002 trials; l) Arvind Pandya: Ahmedabad The state government's counsel before the Nanavati-Shah Commission, who cast aspersions on the judges. According to him, Nanavati is after money and Shah is sympathetic to "them" (*Tehelka*, 'Operation Kalank'). Surprisingly, no contempt of court proceedings have been initiated against Pandya for this insult to the Gujarat judiciary; m) M.S. Pathak, Anand: In 2002 he was public prosecutor in the Odh massacre case where hasty anticipatory bail was granted to the accused; n) J. M. Panchal, Ahmedabad: He has been appointed public prosecutor in the past when major lapses were found in investigation; o) Sudhir Brahmhatt, Ahmedabad: He has been appointed public prosecutor in the past when major lapses were found in investigation; p) S.C. Shah, Anand: He has been appointed public prosecutor in the past when major lapses were found in investigation; Note: During the Supreme Court proceedings, Harish Salve, amicus curiae, had, in his written submissions dated March 22, 2007 filed in the Supreme Court, stated that "the state of Gujarat does not have a significant reply to the allegations (made by victim survivors and CJP) that the appointment of public prosecutors was done in a manner inconsistent with the rights of the victims under Article 21 (right to life) and in breach of the duty cast upon the state under the Code of Criminal Procedure. For more information see: "Wheels of Injustice" by Teesta Setalvad, Communalism Combat; June, 2009 <http://www.sabrang.com/cc/archive/2009/may09/cover6.html>

- 28) Food Commissionerr's Report in Supreme Court related to IDPS resulting out of the Carnage of 2002 in Gujarat In the 81 relief camps: 4,545 families comprising around 30,000 persons still living in very difficult conditions.
- The study found that none of the colonies had been set up or assisted by the state government.
 - Only five of the 81 colonies had government or government recognised schools and only four served midday meals to the children.
 - Only five had ICDS centres, of which four served supplementary nutrition to the children, and one to nursing and expectant mothers.
 - Only three had PDS shops and only 725 out of 4,545 families were recognised as BPL although their intense poverty as internally displaced persons facing economic boycott was acute.
 - People who had APL cards are reluctant to apply for a transfer of the card because they fear that this may be cancelled.
 - The Commissioner proposed a number of steps that had to be undertaken immediately to ensure state accountability for the food and livelihood rights

of its citizens who remain internally displaced nearly five years after the 2002 incidents.

Report by the National Commission for Minorities after its visit to Gujarat, October 13-17, 2006

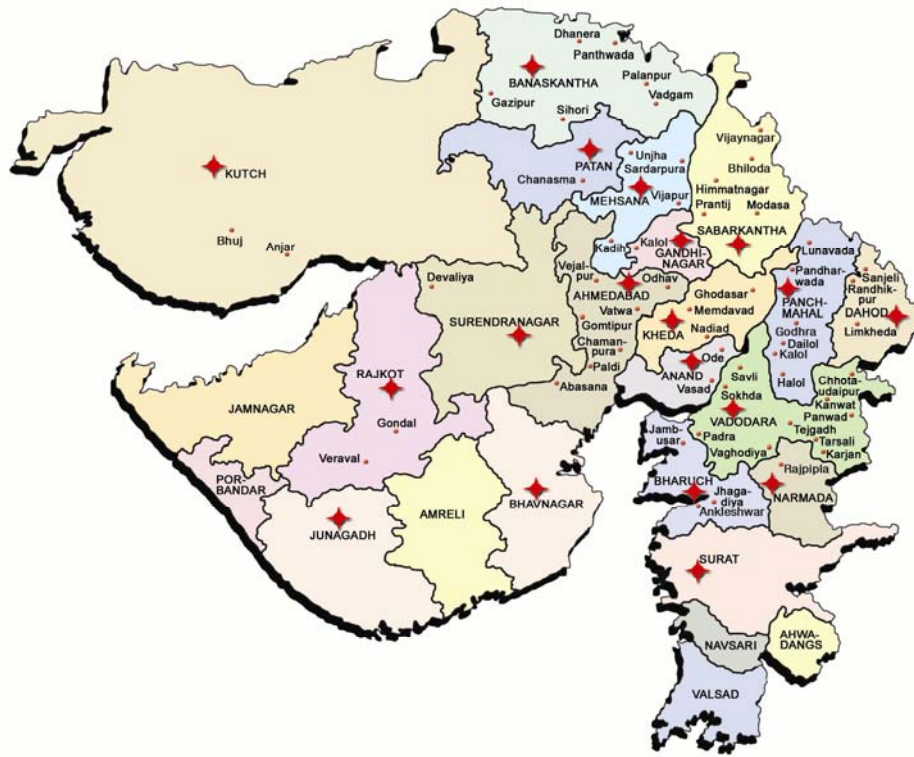
A team from NCM visited a large number of camps including those in the districts of Panchmahal, Dahod, Sabarkantha and the city of Ahmedabad.

The findings of the NCM are a sign of the apathy and indifference of the state government towards its own people and its unwillingness to help these internally displaced persons return to their homes and livelihood. The main observations of the committee were:

- There was overwhelming evidence that there continue to be large numbers of internally displaced Muslim families in Gujarat who are living in sub human conditions in colonies constructed entirely by NGOs.
- They are not there by choice but because they are unable to return to their original place of habitation.
- There has been no support from the state to compensate them for their loss of habitual place of residence and normal livelihood or provide basic services and livelihood options to allow them to live with dignity in their present location.
- There has been no attempt to secure a safe environment or facilitate their return to their homes.
- Local Muslim organisers who have tried to procure some rights and entitlements for these displaced survivors have found themselves the targets of threat and harassment by the local police.
- Far from admitting that the inmates were in fact 'internally displaced persons', the authorities argued that they have chosen to willingly remain in the camps even after some of their family members had returned to their original habitation where they continued to live and ply their trades in absolute security. The NCM team found such reasoning to be erroneous.
- The persons staying in homes in these relief camps lived in abject poverty. With some exceptions, the houses contained little except for bedding and kitchen utensils. Further, the NCM found that many residents did not have ration cards.
- The residents of these colonies fear to return to the places they had fled from partly because they have nothing left back home to return to and partly because many of them had been eyewitnesses to murders, arson and looting during the communal violence.

29) CrMP 19816/2009 in WP(criminal) 37-52/2002

Gujarat Violence 2002-2007



KEYS

- ★ District badly affected by violence
- Some of the worst affected areas

Widespread Violence in 2002

- ➔ 153 out of 182 Assembly Constituencies were Affected in Widespread Violence that occurred in
 - ➔ 993 villages and 151 towns covering
 - ➔ 284 police stations
- (State SIB Report to the Election Commission)*

Relief and Rehabilitation figures

Official Number of Deaths—1037 (including Godhra 822)
 — State of Gujarat's response to the NHRC
 Unofficial Estimates of Deaths—2,500
 Official Figures of Missing Persons—413
 Women & Children Killed - 225
(Report of the Women's Parliamentary Committee)
 Nos of Missing Persons Not Yet Found- 228
 Attacks on Women - 185 (100 in Ahmedabad City)
 Attacks on Children- 57 (33 in Ahmedabad City)
 Rape Cases -11. Three in Dahod, 1 in Anand,
 4 in Panchmahals and 3 in Ahmedabad

Statistics on Relief Camps

Number of People officially declared taking shelter until March 2002
103 Relief Camps: Number of Persons—1,13,697.
(These were figures given to the then Gujarat governor, Sundersinh Bhandari) by the Governor-headed All-Party Committee on Relief Camps. District-wise break-up:
Ahmedabad — 66,292 in 44 camps, Vadodara —12,753, Sabarkantha—8,547, Panchmahal—8,271, Anand- 5,200, Dahod—4,536, in Mehsana —2,637, Kheda—1,267

Displaced Persons 2007

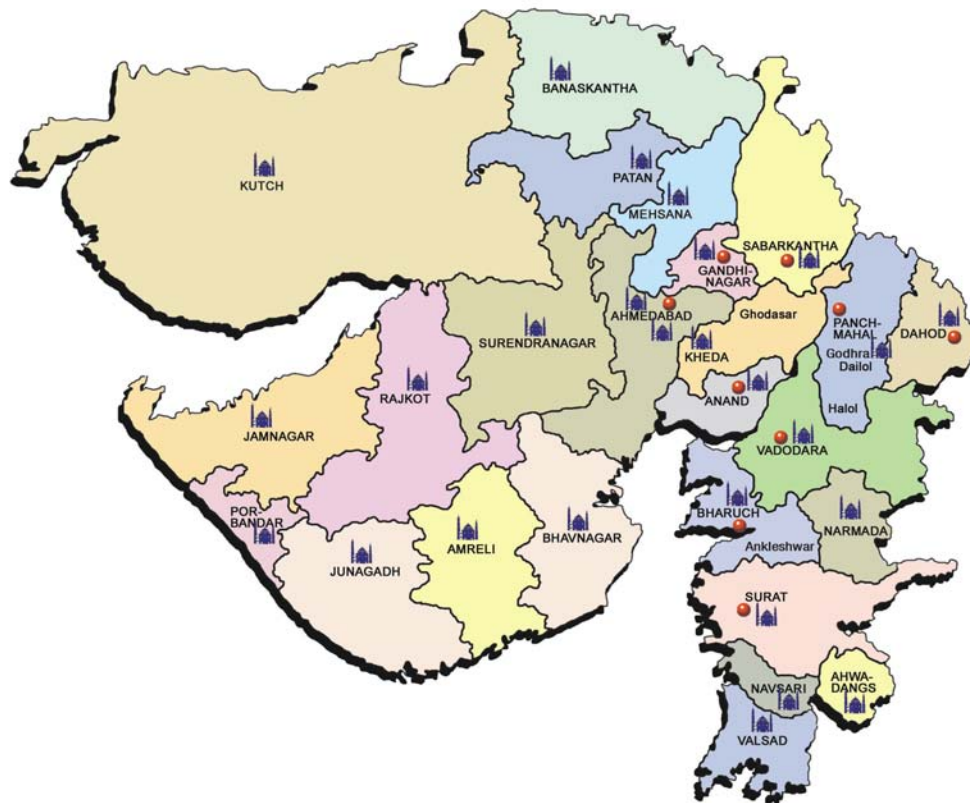
Five Years Later as many 8,700 persons live as Internally Displaced Persons within Gujarat.
 They do not have legal claims to the housing they now reside in
 They do not have Ration Cards
 They do not have BPL cards and Other Documents basic to a Citizen's Right
 They are Refugees in their own State

Nos of Displaced Persons 2002-132,532

Homes Fully Destroyed—4,954
Homes Seriously Damaged-18,924
 (11,199 urban and 7095 Rural)
Shops Burnt—10,429
Shops Ransacked—1,278
 (Few if any have recd. compensation)
Larri-galas lost due to arson—2,623
 Rs 10,000 paid to start livelihood—1,022
(Report of the Women's Parliamentary Committee)

 Discrepancy in State's Claims to NHRC
 Residential homes of 18,037 Homes of Urban
 Families (as against 13,222 till June 2002) & 11,204
 families in rural areas had been destroyed or damaged
(Report of the State of Gujarat to NHRC)

Gujarat Violence 2002 - 2007



KEYS

● Missing Persons

Damage of Religious Places

Details of missing persons in connection with Godhra Carnage in 2002

Sr. No.	City / District	No. of missing persons after Godhra Carnage	No. of missing persons yet not found
1	2	3	4
1	Ahmedabad City	200	99
2	Vadodara City	5	5
3	Surat City	1	1
4	Anand	29	2
5	Dahod	19	17
6	Ahmedabad Rural	9	9
7	Panchmahals	112	76
8	Sabarkantha	16	9
9	Bharuch	1	1
10	W. Rly, Vadodara	21	9
	Total	413	228

Details of damage to religious places during communal riots after Godhra carnage

Sr. No	District	Damaged religious places						Repaired / Restructured	Not Repaired / Not Restructured
		Dargah	Masjid	Temple	Church	Total	Madrasa		
1	2	3	4	5	6	7	8	12	13
1	A'bad City	38	40	8	-	86	1	53	34
2	Vadodara City	8	13	1	-	22	-	21	1
3	Surat City	3	9	1	-	13	1	11	2
4	Rajkot City	6	1	-	-	7	-	6	1
5	Anand	25	45	4	-	74	4	47	28
6	Godhra	14	30	-	-	44	4	19	26
7	Sabarkantha	51	17	-	-	68	14	58	23
8	Kheda	43	20	1	-	64	2	53	11
9	Mehsana	19	10	-	-	29	1	17	13
10	Banaskantha	-	-	-	-	-	-	-	-
11	Bharuch	2	5	-	-	7	-	7	-
12	Gandhinagar	19	4	2	-	25	-	18	7
13	Amreli	-	-	-	-	-	-	-	-
14	Junagadh	11	2	-	-	13	1	6	5
15	A'bad Rural	14	10	1	-	25	1	24	1
16	Dahod	6	13	-	3	22	1	22	1
17	Narmada	-	-	-	-	-	1	1	-
18	Patan	8	4	-	-	12	-	12	-
19	Vadodara Rural	8	7	-	-	15	4	18	1
20	Ahwa-Dang	-	-	-	-	-	-	-	-
21	Jamnagar	-	-	-	-	-	-	-	-
22	Navsari	-	-	-	-	-	-	-	-
23	Porbandar	4	-	-	-	4	-	4	-
24	Surat Rural	-	-	-	-	-	-	-	-
25	Valsad	-	1	-	-	1	-	1	-
26	SurenDRanagar	-	1	-	-	1	-	1	-
27	Bhavnagar	1	3	1	-	5	1	6	-
28	Rajkot Rural	3	1	-	-	4	-	1	3
29	Kutch-Bhuj	2	2	2	-	6	-	5	-
30	Westpol Vadodara	-	2	-	-	2	-	2	-
	Total	285	240	21	3	649	36	413	167

Estimate of Total Losses

Rs 600 crores (Mid 2002) Rs 687 crores (Sept 2002)
 Additional DG Report dated 24th Feb 2002 and August 2002
 Unofficial and Business Estimates estimate Losses @ Rs 3,000 crores

Funds Spent on Compensation

State of Gujarat Rs 55 crores

Central Government Rs.150 crores

Compensation for Lives Lost

Rs.1.5 lakh/victim

Total Spent-17.90 crores

Rations to 1,13,697 Inmates of Relief Camps

Total Spent 119 crores

Compensation for Homes Damaged/Destroyed

18924 houses (been partially damaged)

(11,199 urban & 7095 rural) Rs. 15.55 crores paid

(Note : Average : Only Rs. 870 per house !!

Women's Parliamentary Committee had said they had seen cheques for payments made out as little as Rs 40 to Rs 200 per home!)